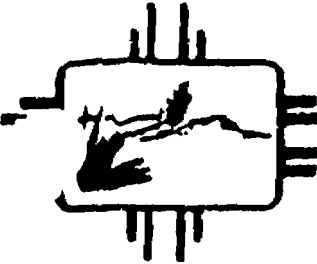


NMEID 1989, 0595

(Listed in FEDERAL REGISTER OF EPA 1990, 0306)

New Mexico Health and Environment Department



CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

GARREY CARRUTHERS  
Governor

DENNIS BOYO  
Secretary

MICHAEL J. BURKHART  
Deputy Secretary

RICHARD MITZELFELT  
Director

November 8, 1989

15

Mr. James R. Anderson  
Acting Area Manager  
DOE Area Office  
Los Alamos, NM 87544

RE: NM 0890010515  
RCRA Operating Permit

Dear Mr. Anderson:

Enclosed is the RCRA operating permit for Los Alamos National Laboratory. The Environmental Improvement Division received numerous comments and suggestions from the public, EPA, DOE and LANL during the review and comment period on the draft permit. For your information a summary of changes made to the draft and a copy of the EID response to comments are enclosed.

You have the right to appeal this decision to the Environmental Improvement Board in accordance with the New Mexico Hazardous Waste Management Regulations (HWMR-5), as amended 1989, section 902.G. Otherwise, the permit will become effective in accordance with HWMR-5, Part IX, sections 902.F. and 902.G. Briefly, the effective date will be 30 days from your receipt of this permit unless the decision is appealed to the Environmental Improvement Board.

If you have any questions on the technical content of the permit, please contact Dr. A. Elizabeth Gordon on the Hazardous Waste Program staff at 827-2934. Questions of a legal nature may be addressed to Ms. Gini Nelson of the Health and Environment Department's Office of General Counsel at 827-2854.

Sincerely,

Richard Mitzelfelt  
Director

Received by ER-RPF  
FEB 05 1993  
YCG

Nov 9 12 31 '89  
TECH. DIV.  
HSH

Encls.

cc: Ms. Lynn Prince, EPA 6H-HS, w/encls.  
Mr. Michael Brown, EID District II, w/out encls.

# Hazardous Waste Facility Permit

PERMITTEE: U.S. Department of Energy      ID NUMBER: NM0890010515  
University of California Regents  
LOCATION: Los Alamos National Laboratory,      PERMIT NUMBER:  
Los Alamos, NM 87545      NM 0890010515-1

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6901, et seq.), and the New Mexico Hazardous Waste Act (§§ 74-4-1 et seq. NMSA 1978), a permit is issued to the U.S. Department of Energy's Los Alamos Area Office and the University of California Regents, doing business as Los Alamos National Laboratory, (hereafter called the Permittee) to operate a hazardous waste incinerator, container storage and tank treatment and storage facility at the location stated above.

The Permittee must comply with all the terms and conditions of this permit. This permit consists of the conditions contained herein including the attachments. Applicable provisions of regulations cited are those which are in effect on the effective date of this permit, New Mexico Hazardous Waste Management Regulations (HWMR-5, as amended 1989). This permit shall become effective in accordance with HWMR-5, Part IX, sections 902.F. and 902.G. and shall run for a period of ten years.

This permit is based on the provisions of HWMR-5. This permit is also based on the assumption that all information contained in the permit application is accurate and that the facility will be operated as specified in the application. The permit application consists of information submitted on March 27, 1986; revised on November 13, 1986 and November 25, 1987; and supplemented on November 8, 1988 and through numerous technical discussions.

Any inaccuracies found in the information may be grounds for the termination or modification of this permit and potential enforcement action.

Signed this 8th day of November, 1989

by Richard Mitzelfelt  
Richard Mitzelfelt, Director, N.M.E.I.D.

New Mexico  
Health and Environment Department  
Environmental Improvement Division

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- A. Waste Analysis Plan & Waste Segregation Procedures
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## MODULE I STANDARD CONDITIONS

### I.A. EFFECT OF PERMIT

The Permittee is allowed to incinerate, treat and store on site hazardous waste in accordance with the conditions of this permit. Any incineration, treatment or storage of hazardous waste not authorized in this permit or conducted under interim status, as defined by the Resource Conservation and Recovery Act (RCRA), is prohibited. Compliance with this permit constitutes compliance, for purposes of enforcement, with the New Mexico Hazardous Waste Act (Section 74-4-1 *et seq.* NMSA 1978) and the New Mexico Hazardous Waste Management Regulations (HWMR-5, as amended 1989), Parts V, VII and IX only for those management practices specifically authorized by this permit. The Permittee is also required to comply with HWMR-5, Parts I, II, III and IV to the extent the requirements of those Parts are applicable. The Permittee must also comply with all applicable self-implementing provisions imposed by the Resource Conservation and Recovery Act statute and/or the HWMR-5, Part VIII. A complete RCRA permit consists of this permit and a US EPA permit issued under the provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) which addresses the portion of the RCRA program for which the State is not authorized. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any action brought under Sections 3008(a), 3008(h), 3013 or 7003 of RCRA; Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*, commonly known as CERCLA); Sections 74-4-1 *et seq.* NMSA 1978, or any other law governing protection of public health or the environment.

### I.B. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause as specified in HWMR-5, as amended 1989, Part IX, Subpart D, included herein by reference. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the permittee, does not stay the applicability or enforceability of any permit condition. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations and laws.

### I.C. SEVERABILITY

The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid,

the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

#### I.D. DUTIES AND REQUIREMENTS

1. Duty to Comply. The Permittee shall comply, in accordance with HWMR-5, as amended 1989, Part IX, 40 CFR section 270.30(a), with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit issued in accordance with HWMR-5, as amended 1989, Part IX, 40 CFR section 270.61. Any permit noncompliance by any Permittee employee or contractor, other than noncompliance authorized by an emergency permit, constitutes a violation of the New Mexico Hazardous Waste Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.
2. Duty to Reapply. In accordance with HWMR-5, as amended 1989, Part IX, 40 CFR section 270.30(b), if the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the Permittee shall submit an administratively complete application for a new permit at least 180 calendar days before this permit expires. [HWMR-5, as amended 1989, Part V, 40 CFR section 270.10(h)]
3. Permit Expiration. Pursuant to HWMR-5 Part IX, 40 CFR 270.50, this permit shall be effective for the fixed term of ten years. As long as the state is the permit-issuing authority, this permit and all conditions herein will remain in effect beyond the permit's expiration date, if the Permittee has submitted a timely, complete application (see HWMR-5, Part IX, 40 CFR 270.10, 270.13 through 270.29) and, through no fault of the Permittee, the Director has not issued a new permit, as set forth in HWMR-5, Part IX, 40 CFR 270.51.
4. Need to Halt or Reduce Activity Not a Defense. In accordance with HWMR-5, as amended 1989, Part IX, 40 CFR section 270.30(c), it shall not be a defense for the Permittee, in an enforcement action, that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
5. Duty to Mitigate. In accordance with HWMR-5, as amended 1989, Part IX, 40 CFR section 270.30(d), the Permittee shall take all reasonable steps to minimize or correct any adverse impact on human health or the environment resulting from noncompliance with this permit.
6. Proper Operation and Maintenance. In accordance with HWMR-5, as amended 1989, Part IX, 40 CFR section 270.30(e), the Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facility or similar systems only when necessary to achieve compliance with the conditions of this permit.

7. Duty to Provide Information. In accordance with HWMR-5, as amended 1989, Part IX, 40 CFR section 270.30(h), the Permittee shall furnish to the Director, within a reasonable time, any relevant information which he may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit. (HWMR-5, as amended 1989, Part V, 40 CFR section 264.74(a))
8. Inspection and Entry. In accordance with HWMR-5, as amended 1989, Part IX, 40 CFR section 270.30(i), the Permittee shall allow the Director or any authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
  - a. Enter at reasonable times upon the Permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
  - b. Have access to and copy, at reasonable times, any unclassified records that must be kept under the conditions of this permit;
  - c. Inspect at reasonable times any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
  - d. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the New Mexico Hazardous Waste Act, any substances or parameters at any location.
  - e. The Director recognizes that the Permittee operates in some cases under security restrictions imposed by the Atomic Energy Act (42 USC 2011 et seq.) and the regulations promulgated thereunder, and by other federal laws and regulations. Should conflict arise under this permit section, the Director and the Permittee shall cooperate in working with the appropriate Federal agency to obtain access approval. Nothing in this permit section shall be construed to deny access authorized by the Resource Conservation and Recovery Act.
9. Monitoring.
  - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be an accepted and appropriate method such as described in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, 1986, as revised, or an equivalent method. Laboratory analytical methods must be those specified in SW-846, 1986 as revised; Standard Methods for the Examination of Water and Wastewater, Fifteenth Edition, 1980 and 1981 Supplement, or current edition; or an equivalent method, as specified in the Waste Analysis Plan, Permit Attachment A.
  - b. 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, copies of all