

NEW MEXICO
HEALTH AND ENVIRONMENT
DEPARTMENT

Post Office Box 968
Santa Fe, New Mexico 87504-0968



ENTERED

GARREY CARRUTHERS
Governor

LARRY GORDON
Secretary

CARLA L. MUTH
Deputy Secretary

August 31, 1988

CERTIFIED RETURN RECEIPT REQUESTED

Ms. Lawrie C. Chisholm
Director, Environmental Sciences
Public Service Company of New Mexico
Alvarado Square
Albuquerque, New Mexico 87158-0248

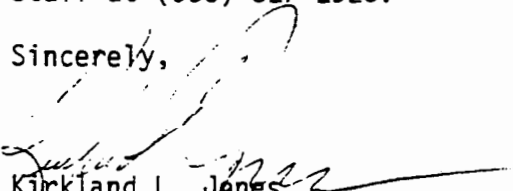
**RE: Post-Closure Care Permit
NMT 360010342**

Dear Ms. Chisholm:

Enclosed is the post-closure care permit for the Person Generating Station. This permit will become effective 30 days after your receipt thereof unless it is appealed in accordance with the Hazardous Waste Management Regulations (HWMR-4), Section 303.G.

If you have any questions please call Mr. C. Kelley Crossman on my staff at (505) 827-2923.

Sincerely,


Kirkland L. Jones
Acting Director

KLJ/CKC/pv

cc: Janie Hernandez, EPA (6H-HS)

Federal Hazardous Waste Permit

P
Pensacola Community St.
NMT360010342



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION VI

HAZARDOUS WASTE PERMIT (HAZARDOUS AND SOLID WASTE AMENDMENTS, 1984)

PERMITTEE: Public Service Company of New Mexico

OWNER: Public Service Company of New Mexico

LOCATION: Person Generating Station

Broadway Boulevard at Rio Bravo Boulevard

Albuquerque, New Mexico

ID NUMBER: NMT 360010342

EFFECTIVE DATE: August 31, 1988

EXPIRATION DATE: August 31, 1993⁰

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 Hazardous and Solid Waste Amendments of 1984 (HSWA), a permit is issued to Public Service Company of New Mexico (hereafter called the Permittee) to conduct a hazardous waste post closure care program 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). Said conditions are needed to insure that the permittee's hazardous waste management activities comply with all applicable, Federal, statutory and regulatory requirements. Applicable requirements are those which are found in, referenced in or incorporated into that version of the RCRA or the regulations promulgated pursuant to the RCRA that are in effect on the date this permit is issued. (See 40 CFR 270.32 (c).)

This permit is issued in part pursuant to the provisions of Sections 201, 202, 203, 206, 207, 212, 215, and 224 of HSWA which modified Sections 3004 and 3005 of RCRA. These require corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage, or disposal facility seeking a permit, regardless of the time at which the waste was placed in such unit and provide the authority to review and modify the permit at any time. The decision to issue this permit is 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 permit application. The permit application consists of information submitted to the New Mexico Environmental Improvement Division (NMEID) on May 5, 1986. This application was revised and resubmitted by the permittee to NMEID on November 3, 1986. Any inaccuracies found in the information may be grounds for termination or modification of this permit (see 40 CFR 270.41, 270.42 and 270.43) and potential enforcement action.

Under Federal Law, this permit is effective on the effective date specified above unless a petition to the Administrator of the U.S. Environmental Protection Agency is filed in accordance with the requirements of 40 CFR 124.19.

Issued this 26th day of August, 1988

by Allyn M. Davis
Allyn M. Davis, Director
Hazardous Waste Management Division

CONTENTS

	Page
A. STANDARD	2
1. Effect of Permit	2
2. Permit Actions	2
3. Duration of Permit	2
4. Severability	2
5. Duty to Comply	3
6. Duty to Reapply	3
7. Permit Expiration	3
8. Need to Halt or Reduce Activity Not a Defense	3
9. Duty to Mitigate	3
10. Proper Operation and Maintenance	4
11. Duty to Provide Information	4
12. Inspection and Entry	4
13. Retention of Records	5
14. Notices of Planned Physical Facility Changes	5
15. Anticipated Noncompliance	5
16. Transfer of Permits	5
17. Twenty-four Hour Reporting of Hazardous Noncompliance	5
18. Follow-up Written Report of Hazardous Noncompliance	6
19. Other Noncompliance	6
20. Other Information	6
21. Signatory Requirement	7
B. SPECIFIC CONDITIONS	8
1. Specific Waste Ban and Waste Analysis	8

2. Waste Minimization	8
3. Dust Suppression	9
4. Solid Waste Management Units (SWMUs)	9
5. Definitions	10
C. CORRECTIVE ACTIONS	11
D. SCHEDULES OF COMPLIANCE	12
E. PERMIT MODIFICATION	13
ATTACHMENT 1 - CORRECTIVE ACTION PLAN (CAP)	

A. STANDARD

A.1 Effect of Permit.

The Permittee is allowed to manage hazardous waste in accordance with the conditions of this permit. Any treatment, storage, or disposal of any hazardous waste not authorized in this permit is prohibited. A full RCRA permit consists of this permit which addresses the provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) and the State of New Mexico permit which addresses the portion of the RCRA program for which the State is authorized. Compliance with a full RCRA permit during its term of effectiveness will be considered compliance, for purposes of enforcement, with Subtitle C of the Resource Conservation and Recovery Act (RCRA), except for those requirements not included in the permit which become effective by statute, or which are promulgated under 40 CFR 268 restricting the placement of hazardous waste in or on the land. 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 Section 7003 of RCRA (42 U.S.C. 6973), Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA), or any other law governing protection of public health or the environment.

A.2 Permit Actions.

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR Parts 270.41, 270.42, 270.43, and in HSWA Section 212. 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.

A.3 Duration of Permit.

This permit is effective until the expiration date unless terminated, revoked, or reissued. This permit will be reviewed by EPA five (5) years after the effective date. At that time, this permit will be modified as necessary to ensure compliance with then current requirements.

A.4 Severability.

The provisions of this permit are severable. If any provision

of this permit is held invalid, the remainder of this permit shall not be affected thereby. If the application of any provision of this permit is held invalid, the application of such provision to other circumstances shall not be affected thereby.

A.5 Duty to Comply.

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance constitutes a violation of RCRA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application.

A.6 Duty to Reapply.

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must submit a new application for a new permit at least one hundred eighty (180) days before this permit expires. In addition, the Permittee must submit, one hundred eighty (180) days prior to five (5) years from the effective date, any additional information and proposed process changes to modify this permit to ensure compliance with the current requirements and to consider improvements in the state of control and measurement technology.

A.7 Permit Expiration.

This permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittee has complied with Permit Condition A.6 and through no fault of the Permittee, the Regional Administrator has not issued a new permit as set forth in 40 CFR Part 124.15.

A.8 Need To Halt Or Reduce Activity Not A Defense.

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.

A.9 Duty to Mitigate.

In the event of noncompliance with this permit, the Permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment and shall carry out such

measures as are reasonable to prevent significant adverse impacts on human health or the environment.

A.10 Proper Operation and Maintenance.

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 includes effective performance, adequate funding, adequate operator staffing and training, adequate spare parts inventory, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of a back-up or auxiliary facility or similar systems only when necessary to achieve compliance with the conditions of the permit.

A.11 Duty to Provide Information.

The Permittee shall furnish to the Regional Administrator, within a reasonable time, any relevant information which the Regional Administrator 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 Regional Administrator, upon request, copies of records required to be kept by this permit.

A.12 Inspection and Entry.

The Permittee shall allow the Regional Administrator, or an 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 facility or 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 records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, 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 purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

A.13 Retention of Records.

The Permittee shall maintain records to show compliance with this permit for three (3) years after this permit is terminated or reissued. This time period is automatically extended during the course of any unresolved enforcement action. This time period may be extended at the request of the Regional Administrator at any time.

A.14 Notices of Planned Physical Facility Changes.

The Permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions of solid waste management units at the permitted facility. Physical alterations or additions shall include all hazardous and solid waste activities and underground tanks. Construction of new units may not begin until a permit or permit modification has been issued.

A.15 Anticipated Noncompliance.

The Permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with HSWA permit requirements.

A.16 Transfer of Permits.

This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to 40 CFR Part 270.41(b)(2) or 270.42(d). Before transferring ownership or operation of the facility, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Part 264 and 40 CFR Part 270.

A.17 Twenty-four Hour Reporting of Hazardous Noncompliance.

The Permittee shall report to the Regional Administrator any noncompliance with this HSWA permit which may endanger human health or the environment. Any information shall be provided orally within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. The following shall be included as information which must be reported orally within twenty-four (24) hours:

- (a) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies; and
- (b) Any information of a release or discharge of hazardous waste,

or of a fire or explosion from the facility, which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

- (i) Name, address, and telephone number of the owner or operator;
- (ii) Name, address, and telephone number of the facility;
- (iii) Date, time, and type of incident;
- (iv) Name and quantity of material(s) involved;
- (v) The extent of injuries, if any;
- (vi) An assessment of actual or potential hazard to the environment and human health outside the facility, where this is applicable; and
- (vii) Estimated quantity and disposition of recovered material that resulted from the incident.

A.18 Follow-up Written Report of Hazardous Noncompliance.

A written submission shall also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the periods of noncompliance (including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee need not comply with the five day written notice requirement if the Regional Administrator waives that requirement and the Permittee submits a written report within fifteen (15) days of the time the Permittee becomes aware of the circumstances.

A.19 Other Noncompliance.

At the time monitoring reports are submitted, the Permittee shall report all other instances of noncompliance with HSWA permit conditions not otherwise required to be reported. The reports shall contain the information listed in Permit Condition A.17.

A.20 Other Information.

Where the Permittee becomes aware that he or she failed to

submit any relevant facts on solid waste management units in the permit application, or submitted incorrect information required by HSWA, or in any report to the Regional Administrator, the Permittee shall promptly submit such facts or information.

A.21 Signatory Requirement.

All reports or other information requested by the Regional Administrator shall be signed and certified according to 40 CFR Part 270.11.

B. SPECIFIC CONDITIONS

B.1 Specific Waste Ban and Waste Analysis

The permittee shall not land dispose any hazardous wastes restricted by 40 CFR 268 unless:

- (a) the waste meets treatment standards specified in 40 CFR 268.40, 41.42, or 43 (51 Federal Register 40642, 11/7/86);
- (b) a variance from the treatment standards has been granted pursuant to 40 CFR 268.44;
- (c) a petition has been granted for a case-by-case extension to the effective date, pursuant to 40 CFR 268.5 (51 Federal Register 40639, 11/7/86);
- (d) a "no-migration" petition has been granted pursuant to 40 CFR 268.6 (51 Federal Register 40640, 11/7/86); or
- (e) the land treatment unit is exempt under 40 CFR 268.4 (51 Federal Register 40639, 11/7/86).

The Permittee shall modify the Waste Analysis Plan as appropriate to comply with the additional requirements of 40 CFR 268.7 (51 Fed. Reg. 40641 (November 7, 1986) as amended by 52 Fed. Reg. 21016 (June 4, 1987)). Changes to the Waste Analysis Plan will be processed as minor modifications, pursuant to 40 CFR 270.42.

B.2 Waste Minimization.

The permittee shall certify annually by October 1 for the previous year ending August 31:

- (a) That the permittee has a program in place to reduce the volume and toxicity of all hazardous wastes which are generated by the permittee's facility's operation to the degree determined to be economically practicable; and
- (b) That 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.

The Permittee shall include this certification in the operating record.

B.3 Dust Suppression.

As stated in 40 CFR 266.23(b), the permittee shall not use waste or used oil, or other material which is contaminated with dioxin or other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment.

B.4 Solid Waste Management Units (SWMUs)

- (a) The permittee shall immediately notify the Regional Administrator of any release of hazardous waste or hazardous constituents that may have occurred from any Solid Waste Management Unit (SWMU) at the facility regardless of when the release occurred or may have occurred, and regardless of when the waste was placed in any unit. A release occurring from any SWMU will constitute grounds for a major permit modification as necessary to incorporate into the permit appropriate corrective action, or other actions as deemed necessary by the Regional Administrator. Pursuant to such amendment, the permittee shall then take timely corrective action for such releases. Also, if the permittee becomes aware of any SWMU not identified in B.4.(b) the permittee must:
- (i) immediately notify the Regional Administrator in accordance with condition A.19, and
 - (ii) Within forty-five (45) days of becoming aware of a Solid Waste Management Unit, submit a preliminary assessment of information regarding the SWMU(s) to determine if there has been or is currently is a release from the unit(s). Information to be submitted shall be in accordance with 40 CFR 270.14(d), (52 FR 45799, December 1, 1987). The permittee is to contact the Regional Administrator for guidance regarding the required information to be submitted. Based upon this information, the Regional Administrator will modify this permit accordingly.
- (b) The Regional Administrator has determined that the following solid waste management unit(s) exist at the facility which receive, have received, or have had the potential for receiving, hazardous waste and/or hazardous constituents:
- (i) Four (4) Leach Fields
 - (ii) Bone Yard Area
 - (iii) Spin-off-Filter
 - (iv) Natural Pit Area
 - (v) Waste Oil Tank

B.5 Definitions

- (a) Release -
any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous waste.

- (b) Solid waste management unit -
"any unit at the facility from which hazardous constituents might migrate, irrespective of whether the unit was intended for the management of solid and/or hazardous wastes"
(50 FR 278702, July 15, 1985). The SWMUs definition includes container storage units; tanks; surface impoundments; waste piles; land treatment units; landfills; incinerators; underground injection wells; physical, chemical and biological treatment units; recycling units; and areas contaminated by routine and systematic discharges from process areas.

C. CORRECTIVE ACTIONS

1. This permit implements Section 3004(U) of RCRA (Section 206 of the Hazardous and Solid Waste Amendments of 1984) and Federal regulations promulgated as 40 CFR 264.101, requiring corrective action as necessary to protect human health and the environment from all releases of hazardous waste or hazardous constituents from any SWMU, regardless of when the waste was placed in the unit.
2. The Permittee shall undertake and complete each of the actions to the satisfaction of the Regional Administrator (RA) in accordance with the terms, procedures, and schedules which are set forth in permit condition C.4 (Corrective Action for Continuing Releases), and Attachment 1, Corrective Action Plan (CAP).
3. The Permittee shall submit to the RA for review and approval the draft workplans and draft reports required by permit condition C.4 and by Task V and Task IX of the CAP. Upon the RA approval of such plans and reports, the plans and reports will become final and be incorporated into this permit. If the RA disapproves any portion of the plans or reports that portion disapproved shall be modified according to EPA comment. If the RA determines that any plans or reports are grossly deficient, the Permittee will be so notified and deemed to be in violation of this permit.
4. Failure to submit the required information or falsification of any submitted information is grounds for termination of this permit (40 CFR 270.43). The permittee shall certify all information submitted as required by 40 CFR 270.11(d).

C.4 Corrective Action for Continuing Releases

This section of the permit requires the Permittee to perform a RFI and CMS to address releases from SWMUs to specified media (i.e., soil, groundwater, surface water, and air). The Permittee shall propose corrective measures as warranted by the results of the approved RFI Report and the approved CMS Report.

(a) Scope of Work for a RFI

- (1) The Scope of Work for a RFI at Person Generating Station, detailed on pages 1 through 11 in Attachment 1, attached to this permit, is hereby incorporated into this permit as though fully set forth herein. The scope of the RFI shall include the following unit in the specified media:

Natural Pit Area - Release Verification to Soil

*RCRA Facility Investigation
Corrective Measures Study*

- (2) The Permittee shall submit all plans and reports required by the RFI to the Director of the New Mexico Environmental Improvement Division (Director) under the schedule detailed as Facility Submission Summary, page A-9 of Attachment 1, under the Scope of Work for a RCRA Facility Investigation.
- (3) The Permittee shall prepare the RFI Work Plan and undertake the facility investigations in accordance with the following:
 - (i) Development of the RFI Work Plan and reporting of data shall be in accordance with EPA 530/SW-87-001, RFI Guidance;
 - (ii) EPA and the Director reserve the right to split samples. The Permittee shall notify the RA and the Director at least 10 days prior to any sampling activity;
 - (iii) Any deviations from the approved RFI Work Plan which are necessary during the facility investigation shall be fully documented and described in the quarterly reports and in the draft RFI report.

(b) Scope of Work for a CMS

- (1) The Scope of Work for a CMS at Person Generating Station, detailed in pages A-10 through A-20 in Attachment 1, attached to this permit is hereby incorporated into this permit as though fully set forth herein.
- (2) The Permittee shall submit all plans and reports required by the CMS to the RA and the Director under the schedule detailed as Facility Submission Summary, page A-21 of Attachment 1, under Scope of Work for a Corrective Measures Study.

D. SCHEDULES OF COMPLIANCE

1. All plans and reports required in permit condition C., CORRECTIVE ACTIONS, shall contain time schedules for including interim milestones for completing specified activities. The time between interim milestones shall not exceed one year.

2. Extensions of the due date for submittals may be granted by the RA based on the permittee's written request demonstrating that sufficient justification for the extension exists.
3. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) calendar days following each schedule date as required by 40 CFR 270.30 (1) (5)
4. Any failure by the permittee to adhere to the milestones established in the approved RFI Work Plan, RFI Schedule, or the CMS Schedule shall constitute a violation of this permit.
5. The Permittee shall submit a copy of all draft and final plans and draft and final reports to the Director at the time such plans and reports are submitted to the RA.

E. PERMIT MODIFICATION

If the RA finds that corrective measures are warranted after the approval of the RFI Report and CMS Report, the RA will propose a permit modification to this permit to incorporate corrective measures designed to protect human health and the environment from releases of hazardous waste or constituents released from SWMU(s) at the facility. The permit will be modified pursuant to 40 CFR 270.41 and will include financial assurance for corrective measures implementation as required by 40 CFR 264.101.

Letter - RE: Post-closure Care Permit

