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1 **Necessary Information for the WIPP Ten Year Renewal Application, Part B**

2 The New Mexico Hazardous Waste Act requires general and specific information when either applying
3 or reapplying for a hazardous waste permit. General and specific information requirements are
4 addressed in the order they appear in the federal regulations as adopted by the New Mexico Hazardous
5 Waste Management regulations and are identified by the number of the federal hazardous waste
6 management citation.

7 **§270.14 Contents of part B: General requirements**

8 (a) Part B of the permit application consists of the general information requirements of this section,
9 and the specific information requirements in §§270.14 through 270.29 applicable to the facility. The
10 part B information requirements presented in §§270.14 through 270.29 reflect the standards
11 promulgated in 40 CFR part 264. These information requirements are necessary in order for NMED to
12 determine compliance with the part 264 standards, as administered by the NMED.

13 (b) *General information requirements.* The following information is required for all HWM facilities,
14 except as §264.1 provides otherwise:

15 (1) A general description of the facility.

16 There is no proposed change to the basic description of the facility as described in the
17 original Part B Application (DOE/WIPP 91-005, 1996, RCRA Part B Application)
18 Chapter B, *Facility Description* and the *Waste Isolation Pilot Plant Hazardous Waste*
19 *Facility Permit*, Permit # NM489019088-TSDF, as modified in accordance with
20 NMAC 20.4.1.901 incorporating §40 CFR 270.42. (HWFP) There is one physical
21 change proposed in the Renewal Application for the facility as currently permitted. The
22 change is for the authorization of Panel 8 for disposal of TRU-mixed waste. Currently,
23 only the construction and certification of Panel 8 is allowed by the WIPP HWFP. Panel
24 8 will be constructed during the term of this permit and will be certified and operated in
25 the same manner as Panels 1 through 7. See Renewal Application Appendices M2 and
26 M3 for a specific description of the construction of the disposal panels (hazardous waste
27 disposal units [HWDUs]). See Renewal Application Chapter A, Appendices M1, M2,
28 and M3, and Chapter O for a description of the facility.

29 In this Renewal Application, the DOE is seeking authorization for the disposal of TRU
30 mixed waste at the WIPP facility. Waste disposal has occurred in the underground
31 portion of the WIPP facility in areas designated as Panels 1 through 5. Currently, TRU
32 mixed waste disposal is permitted in Panels 1 through 7 and construction of Panel 8 is
33 also permitted. Each panel consists of seven rooms and two access drifts mined in a salt
34 bed 2,150 ft (655 m) below the surface. The legal description of the facility is:

- 35 • Township 22 South, Range 31 East;
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- 1 o Sections 17 to 22
- 2 o Sections 27 to 34
- 3

4 Descriptions of the TRU mixed waste units are given in the Renewal Application Part A
5 information. The underground disposal design capacity is for 6.2 million cubic ft (ft³)
6 (175,600 cubic meters (m³)) of waste. If waste volumes disposed of in the eight panels
7 fail to reach the stated design capacity, the DOE may choose to use the four disposal
8 area access drifts for disposal. A permit modification or future permit would be
9 submitted describing the condition of those drifts and the controls exercised for
10 personnel safety and environmental protection while disposing of waste in these areas.

11
12 The DOE plans to dispose of up to 4,919,769 ft³ (139,312 m³) of contact-handled (CH)
13 waste and 93,050 ft³ (2,635 m³) of remote-handled (RH) TRU mixed waste, in Panels 1
14 to 8. Figure A2-3, *Topographic Map with Underground Facilities*, March 2008,
15 Renewal Application Figure O3-2 shows the hazardous waste disposal units (HWDUs)
16 subject to the Renewal Application.

17 Descriptions of the containers to be used and associated operations during the Disposal
18 Phase are presented in Renewal Application Appendix M1, *Container Storage*. The
19 TRU mixed waste that will be disposed at the WIPP facility results primarily from
20 activities related to the reprocessing of plutonium-bearing reactor fuel and fabrication of
21 plutonium-bearing weapons, as well as from research and development. This TRU
22 mixed waste consists largely of such items as paper, cloth, and other organic material;
23 laboratory glassware and utensils; tools; scrap metal; shielding; and solidified sludges
24 from the treatment of wastewater. Much of this TRU mixed waste is also contaminated
25 with substances that are defined as hazardous under 20.4.1 NMAC.

26 (2) Chemical and physical analyses of the hazardous waste and hazardous debris to be handled
27 at the facility. At a minimum, these analyses shall contain all the information which must be
28 known to treat, store, or dispose of the wastes properly in accordance with part 264 of this
29 chapter.

30 The Permittees are proposing changes to the manner in which they perform the
31 chemical and physical analysis of the hazardous waste. These changes are found in
32 redline/strikeout text in the chapters and appendices of the attached waste analysis plan.
33 Please see Renewal Application Waste Analysis Plan (Chapter B, Appendices B1
34 through B7, and Addendum B1 and B2) for complete information on the chemical and
35 physical analysis of hazardous waste.

36 The Permittees will continue to ensure that there are no incompatible wastes by
37 ensuring that only waste with acceptable HWNs are shipped to WIPP and that there are
38 no prohibited items as specified in the Treatment, Storage, Disposal Facility-Waste
39 Acceptance Criteria (TSDF-WAC), such as liquids in excess of TSDF-WAC limits;
40 compressed gases; or ignitable, corrosive, or reactive waste. The definition of

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1 prohibited liquids has been revised to address inconsistencies in identification of
2 prohibited liquids. Please see Renewal Application Chapter B and Appendix B1 for the
3 new application of the liquid prohibition. Identification of the chemical and physical
4 properties of the waste will be done by use of Acceptable Knowledge, representative
5 chemical sampling, visual examination, and/or radiography. The Permittees will
6 continue to review Waste Stream Profile Forms to ensure that the waste contains no
7 ignitable, corrosive, or reactive waste; and that only allowed EPA hazardous waste
8 numbers are accepted for storage and disposal at the WIPP. The Permittees will
9 continue to monitor airborne volatile organic compounds underground to demonstrate
10 compliance with the environmental performance standards.

11 (3) A copy of the waste analysis plan required by §264.13(b) and, if applicable §264.13(c).

12 The Permittees provide a copy of their waste analysis plan as required by §264.13 in
13 Renewal Application Chapter B, and Appendices B1 through B7. Addendum B1 to
14 Chapter B is entitled, *Totals Analysis Versus Toxicity Characteristic Leaching*
15 *Procedure*, and Addendum B2 to Chapter B is entitled, *Chemical Compatibility*
16 *Analysis of Waste Forms and Container Material*.

17 (4) A description of the security procedures and equipment required by §264.14, or a
18 justification demonstrating the reasons for requesting a waiver of this requirement.

19 The Permittees propose no modifications to security procedures and equipment as
20 detailed in the Renewal Application Chapter C, *Security*; and Chapter D, *Inspection*
21 *Schedule, Process and Forms, Table D-1, Inspection Schedule/Procedures*.

22 (5) A copy of the general inspection schedule required by §264.15(b) of this part. Include
23 where applicable, as part of the inspection schedule, specific requirements in §§264.174,
24 264.193(i), 264.195, 264.226, 264.254, 264.273, 264.303, 264.602, 264.1033, 264.1052,
25 264.1053, 264.1058, 264.1084, 264.1085, 264.1086, and 264.1088 of this part.

26 The Permittees propose no change in the general inspection schedule. The Permittees
27 inspect the WIPP facility for malfunctions and deterioration, operator errors, and
28 discharges which may cause or lead to a release of hazardous waste constituents to the
29 environment or threaten human health in accordance with 40 CFR §264.602,
30 §264.15(b), and the weekly inspection requirements of §264.174. The general
31 inspection schedule is identified in Renewal Application Chapter D, *Inspection*
32 *Schedule, Process and Forms, Renewal Application Table D-1, Inspection*
33 *Schedule/Procedures; Renewal Application Table D-1A, RH TRU Mixed Waste*
34 *Inspection Schedule/Procedures; Renewal Application Table D-2, Monitoring*
35 *Schedule*.

36 The Permittees do not manage hazardous waste in tanks, surface impoundments, waste
37 piles, by land treatment, landfills, have no process vents, have no equipment that

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1 contains or contacts hazardous waste, and are exempt from Subpart CC standards for
2 containers, therefore the requirements of §§264.193(i), 264.195, 264.226, 264.254,
3 264.273, 264.1033, 264.1052, 264.1053, 264.1058, 264.1084, 264.1085, 264.1086,
4 264.1088 are not applicable.

5 (6) A justification of any request for a waiver(s) of the preparedness and prevention
6 requirements of part 264, subpart C.

7 No waivers of the preparedness and prevention requirements of part 264, subpart C are
8 being sought by the Permittees.

9 (7) A copy of the contingency plan required by part 264, subpart D. Note: Include, where
10 applicable, as part of the contingency plan, specific requirements in §§264.227, 264.255, and
11 264.200.

12 A copy of Renewal Application Chapter F, *RCRA Contingency Plan*, is included. The
13 WIPP does not manage hazardous waste in surface impoundments, therefore the
14 requirements of §264.227 are not applicable. The WIPP does not manage waste in
15 waste piles, therefore the requirements of §264.255 are not applicable. The WIPP does
16 not manage waste in tanks, therefore the requirements of §264.200 are not applicable.

17 (8) A description of procedures, structures, or equipment used at the facility to:

18 (i) Prevent hazards in unloading operations (for example, ramps, special forklifts);

19 The Permittees propose no change in the manner in which they prevent hazards in
20 unloading operations as detailed in the original Part B Application (DOE/WIPP 91-005,
21 1996, RCRA Part B Application) Chapter D, *Facility and Process Information*, Section
22 D-10, *Facility Design and Process Description*; Chapter F, *Procedures to Prevent
23 Hazards*, Section F-4, *Preventive Procedures, Structures, and Equipment*; and in
24 Renewal Application Chapter E, *Preparedness and Prevention*, Section E-2a,
25 *Unloading Operations*; Renewal Appendix M1, *Container Storage*; and Renewal
26 Application Appendix M2, *Geologic Repository*.

27 (ii) Prevent runoff from hazardous waste handling areas to other areas of the facility or
28 environment, or to prevent flooding (for example, berms, dikes, trenches);

29 The Permittees propose no change in the manner in which they prevent runoff from
30 hazardous waste handling areas to other areas of the facility or environment or to
31 prevent flooding as detailed in the original Part B Application (DOE/WIPP 91-005,
32 1996, RCRA Part B Application) Chapter F, *Procedures to Prevent Hazards*, Section F-
33 4b, *Runoff*; and as described in Renewal Application Chapter E, *Preparedness and
34 Prevention*, Section E-2b, *Runoff*.

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1 (iii) Prevent contamination of water supplies;

2 The Permittees propose no change in the manner in which they prevent contamination
3 of water supplies as detailed in Renewal Application Chapter E, *Preparedness and*
4 *Prevention, Section E-2c, Water Supplies.*

5 (iv) Mitigate effects of equipment failure and power outages;

6 The Permittees propose no change in the manner in which they mitigate effects of
7 equipment failure and power outages as detailed in Renewal Application Chapter E,
8 *Preparedness and Prevention, Section E-2d, Equipment and Power Failure.*

9 (v) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing);

10 The Permittees propose no change in the manner in which they prevent undue exposure
11 of personnel to hazardous waste as detailed in Renewal Application Chapter E,
12 *Preparedness and Prevention, Section E-2e, Personnel Protection.*

13 (vi) Prevent releases to atmosphere.

14 The Permittees propose no change in the manner in which they prevent releases to the
15 atmosphere as detailed in Renewal Application Chapter E, *Preparedness and*
16 *Prevention, Section-2f, Releases to the Atmosphere.*

17 (9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive,
18 or incompatible wastes as required to demonstrate compliance with §264.17 including
19 documentation demonstrating compliance with §264.17(c).

20 The Permittees propose no change in the manner in which they take precautions to
21 prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as
22 required to demonstrate compliance with §264.17 including documentation
23 demonstrating compliance with §264.17(c) as detailed in Renewal Application
24 Chapter E, *Preparedness and Prevention, Section E-2g, Flammable Gas Concentration*
25 *Control, and Section E-2f, Prevention of Reaction of Ignitable, Reactive, and*
26 *Incompatible Waste.*

27 (10) Traffic pattern, estimated volume (number, types of vehicles) and control (for example,
28 show turns across traffic lanes, and stacking lanes (if appropriate); describe access road
29 surfacing and load bearing capacity; show traffic control signals).

30 The Permittees propose no change in traffic patterns as detailed in DOE/WIPP 91-005,
31 1996, RCRA Part B Application, Chapter B, Section B-4, *Traffic Information*
32 estimating the number and types of vehicles and their control. There is no change

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1 proposed in access road surfacing and load bearing capacity or traffic control signals as
2 detailed in Renewal Application Chapter G, *Traffic Pattern*.

3 (11) Facility location information;

4 (i) In order to determine the applicability of the seismic standard [§264.18(a)] the owner or
5 operator of a new facility must identify the political jurisdiction (e.g., county, township, or
6 election district) in which the facility is proposed to be located.

7 [*Comment*: If the county or election district is not listed in appendix VI of part 264, no further information is
8 required to demonstrate compliance with §264.18(a).]

9 There is no change in the facility location information in order to determine the
10 applicability of the seismic standard. The Waste Isolation Pilot Plant is located in Eddy
11 County, New Mexico. Eddy County, New Mexico is not listed in part 264, appendix
12 VI; therefore, no further information is required to demonstrate compliance with §
13 264.18(a).

14 (ii) If the facility is proposed to be located in an area listed in appendix VI of part 264, the
15 owner or operator shall demonstrate compliance with the seismic standard. This demonstration
16 may be made using either published geologic data or data obtained from field investigations
17 carried out by the applicant. The information provided must be of such quality to be acceptable
18 to geologists experienced in identifying and evaluating seismic activity. The information
19 submitted must show that either:

20 (A) No faults which have had displacement in Holocene time are present, or no lineations
21 which suggest the presence of a fault (which have displacement in Holocene time) within 3,000
22 feet of a facility are present, based on data from:

23 (1) Published geologic studies,

24 (2) Aerial reconnaissance of the area within a five-mile radius from the facility.

25 (3) An analysis of aerial photographs covering a 3,000 foot radius of the facility, and

26 (4) If needed to clarify the above data, a reconnaissance based on walking portions of
27 the area within 3,000 feet of the facility, or

28 The Waste Isolation Pilot Plant is located in Eddy County, New Mexico. Eddy County
29 New Mexico is not listed in part 264, appendix VI; therefore, no further information is
30 required to demonstrate compliance with § 264.18(a).

31 (B) If faults (to include lineations) which have had displacement in Holocene time are present
32 within 3,000 feet of a facility, no faults pass within 200 feet of the portions of the facility where

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1 treatment, storage, or disposal of hazardous waste will be conducted, based on data from a
2 comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive
3 concerning the absence of faults within 200 feet of such portions of the facility data shall be
4 obtained from a subsurface exploration (trenching) of the area within a distance no less than
5 200 feet from portions of the facility where treatment, storage, or disposal of hazardous waste
6 will be conducted. Such trenching shall be performed in a direction that is perpendicular to
7 known faults (which have had displacement in Holocene time) passing within 3,000 feet of the
8 portions of the facility where treatment, storage, or disposal of hazardous waste will be
9 conducted. Such investigation shall document with supporting maps and other analyses, the
10 location of faults found.

11 [*Comment:* The Guidance Manual for the Location Standards provides greater detail on the content of each type
12 of seismic investigation and the appropriate conditions under which each approach or a combination of approaches
13 would be used.]

14 The Waste Isolation Pilot Plant is located in Eddy County, New Mexico. Eddy County
15 New Mexico is not listed in part 264, Appendix VI; therefore, no further information is
16 required to demonstrate compliance with § 264.18(a).

17 (iii) Owners and operators of all facilities shall provide an identification of whether the facility
18 is located within a 100-year floodplain. This identification must indicate the source of data for
19 such determination and include a copy of the relevant Federal Insurance Administration (FIA)
20 flood map, if used, or the calculations and maps used where an FIA map is not available.
21 Information shall also be provided identifying the 100-year flood level and any other special
22 flooding factors (e.g., wave action) which must be considered in designing, constructing,
23 operating, or maintaining the facility to withstand washout from a 100-year flood.

24 [*Comment:* Where maps for the National Flood Insurance Program produced by the Federal Insurance Administration
25 (FIA) of the Federal Emergency Management Agency are available, they will normally be determinative of whether a
26 facility is located within or outside of the 100-year floodplain. However, where the FIA map excludes an area (usually areas
27 of the floodplain less than 200 feet in width), these areas must be considered and a determination made as to whether they
28 are in the 100-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator
29 must use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so
30 located, what the 100-year flood elevation would be.]

31 The WIPP facility does not lie within a 100-year floodplain as defined in 20.4.1 NMAC,
32 Subpart V [incorporating 40 CFR 264.18(b)(2)(i)] and as regulated under 20.4.1 NMAC,
33 [incorporating 40 CFR 264.18(b)(1)]. Floodplain information is detailed in Renewal
34 Application Chapter E, *Preparedness and Prevention*, Section E-2b, *Runoff*.

35 (iv) Owners and operators of facilities located in the 100-year floodplain must provide the
36 following information:

37 (A) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected
38 to result at the site as consequence of a 100-year flood.

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1 (B) Structural or other engineering studies showing the design of operational units (e.g., tanks,
2 incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these
3 will prevent washout.

4 (C) If applicable, and in lieu of paragraphs (b)(11)(iv) (A) and (B) of this section, a detailed
5 description of procedures to be followed to remove hazardous waste to safety before the facility
6 is flooded, including:

7 (1) Timing of such movement relative to flood levels, including estimated time to move
8 the waste, to show that such movement can be completed before floodwaters reach the
9 facility.

10 (2) A description of the location(s) to which the waste will be moved and
11 demonstration that those facilities will be eligible to receive hazardous waste in
12 accordance with the regulations under parts 270, 271, 124, and 264 through 266 of this
13 chapter.

14 (3) The planned procedures, equipment, and personnel to be used and the means to
15 ensure that such resources will be available in time for use.

16 (4) The potential for accidental discharges of the waste during movement.

17 The WIPP facility does not lie within a 100-year floodplain as defined in 20.4.1
18 NMAC, Subpart V [incorporating 40 CFR 264.18(b)(2)(i)] and as regulated under
19 20.4.1 NMAC, [incorporating 40 CFR 264.18(b)(1)]. Floodplain information is
20 detailed in Renewal Application Chapter E, *Preparedness and Prevention*, Section
21 E-2b, *Runoff*. Therefore, no response to 11.(iv)(A) through 11.(iv)(C)(4) is required.

22 (v) Existing facilities NOT in compliance with §264.18(b) shall provide a plan showing how
23 the facility will be brought into compliance and a schedule for compliance.

24 (12) An outline of both the introductory and continuing training programs by owners or
25 operators to prepare persons to operate or maintain the HWM facility in a safe manner as
26 required to demonstrate compliance with §264.16. A brief description of how training will be
27 designed to meet actual job tasks in accordance with requirements in §264.16(a)(3).

28 The Permittees propose some changes to the training program as detailed in Renewal
29 Application Appendix H1, *RCRA Hazardous Waste Management Job Titles and*
30 *Descriptions*, and Renewal Application Appendix H2, *Training Course and*
31 *Qualification/Certification Card Outlines* to correspond with some changes made in the
32 Renewal Application Appendix B7, *Permittee Level TRU Waste Confirmation Process*.

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1 (13) A copy of the closure plan and, where applicable, the post-closure plan required by
2 §§264.112, 264.118, and 264.197. Include, where applicable, as part of the plans, specific
3 requirements in §§264.178, 264.197, 264.228, 264.258, 264.280, 264.310, 264.351, 264.601,
4 and 264.603.

5 A copy of the closure plan, Renewal Application Chapter I, and Appendix I1 through
6 I3, and the post closure plan, Renewal Application Chapter J and Appendix J1 are
7 included as part of the Renewal Application.

8 (14) For hazardous waste disposal units that have been closed, documentation that notices
9 required under §264.119 have been filed.

10 At the time of submittal of this Renewal Application, no HWDUs have been closed and
11 no notices required under §264.119 have been filed.

12 (15) The most recent closure cost estimate for the facility prepared in accordance with
13 §264.142 and a copy of the documentation required to demonstrate financial assurance under
14 §264.143. For a new facility, a copy of the required documentation may be submitted 60 days
15 prior to the initial receipt of hazardous wastes, if that is later than the submission of the part B.

16 Pursuant to 40 CFR 264.140(c), the Federal government is exempt from §264
17 Subpart H, *Financial Requirements*. Additionally, and in accordance with the Military
18 Construction Appropriations Act, 2001, Pub. L. No.106-246, 114 Stat. 511 (2000),
19 Washington TRU Solutions LLC (the co-operators) are not required to post bond or
20 fulfill any other financial responsibility requirement relating to closure or post-closure
21 care and monitoring of the WIPP. Therefore, this provision is not applicable.

22 (16) Where applicable, the most recent post-closure cost estimate for the facility prepared in
23 accordance with §264.144 plus a copy of the documentation required to demonstrate financial
24 assurance under §264.145. For a new facility, a copy of the required documentation may be
25 submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the
26 submission of the part B.

27 Pursuant to 40 CFR 264.140(c), the Federal government is exempt from §264
28 Subpart H, *Financial Requirements*. Additionally, and in accordance with the Military
29 Construction Appropriations Act, 2001, Pub. L. No.106-246, 114 Stat. 511 (2000),
30 Washington TRU Solutions LLC (the co-operators) are not required to post bond or
31 fulfill any other financial responsibility requirement relating to closure or post-closure
32 care and monitoring of the WIPP. Therefore, this provision is not applicable.

33 (17) Where applicable, a copy of the insurance policy or other documentation which comprises
34 compliance with the requirements of §264.147. For a new facility, documentation showing the
35 amount of insurance meeting the specification of §264.147(a) and, if applicable, §264.147(b),
36 that the owner or operator plans to have in effect before initial receipt of hazardous waste for

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1 treatment, storage, or disposal. A request for a variance in the amount of required coverage, for
2 a new or existing facility, may be submitted as specified in §264.147(c).

3 Pursuant to 40 CFR 264.140(c), the Federal government is exempt from §264
4 Subpart H, *Financial Requirements*. Additionally, and in accordance with the Military
5 Construction Appropriations Act, 2001, Pub. L. No.106-246, 114 Stat. 511 (2000),
6 Washington TRU Solutions LLC (the co-operators) are not required to post bond or
7 fulfill any other financial responsibility requirement relating to closure or post-closure
8 care and monitoring of the WIPP. Therefore, this provision is not applicable.

9 (18) Where appropriate, proof of coverage by a State financial mechanism in compliance with
10 §264.149 or §264.150.

11 Pursuant to 40 CFR 264.140(c), the Federal government is exempt from §264
12 Subpart H, *Financial Requirements*. Additionally, and in accordance with the Military
13 Construction Appropriations Act, 2001, Pub. L. No.106-246, 114 Stat. 511 (2000),
14 Washington TRU Solutions LLC (the co-operators) are not required to post bond or
15 fulfill any other financial responsibility requirement relating to closure or post-closure
16 care and monitoring of the WIPP. Therefore, this provision is not applicable.

17 (19) A topographic map showing a distance of 1,000 feet around the facility at a scale of 2.5
18 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on
19 the map. The contour interval must be sufficient to clearly show the pattern of surface water
20 flow in the vicinity of and from each operational unit of the facility. For example, contours with
21 an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of
22 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM
23 facilities located in mountainous areas should use large contour intervals to adequately show
24 topographic profiles of facilities. The map shall clearly show the following:

25 (i) Map scale and date.

26 Map scale and map date and contour intervals (as appropriate) are identified on
27 individual maps. A table has been provided to direct the reviewer to the specific map
28 where the required information is located.

29 (ii) 100-year floodplain area.

30 WIPP is not in the 100 year flood plain.

31 (iii) Surface waters including intermittent streams.

32 There are no major surface waters or intermittent streams within 10 miles of the site.

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1 (iv) Surrounding land uses (residential, commercial, agricultural, recreational).

2 See Figures B1 through B5 for the following surrounding land uses:

- 3 • Demographic Figure B1: Mines and Ranches
- 4 • Demographic Figure B2: Annual Average Cattle Density
- 5 • Demographic Figure B3: Natural Gas Pipelines
- 6 • Demographic Figure B4: Population
- 7 • Demographic Figure B5: Edible Agriculture and Commercial Crops

8 (v) A wind rose (i.e., prevailing wind-speed and direction).

9 Shown on Figure B-6 in Maps and Illustrations

10 (vi) Orientation of the map (north arrow).

11 All maps and appropriate figures contain a northern orientation compass. A table
12 entitled, *Maps and Illustrations*, is provided to direct the reviewer to the drawings,
13 maps, and illustration providing the information required by § 40 CFR 270.14(b)(19).
14 The table directs the reader to other new or revised illustrated information.

15 (vii) Legal boundaries of the HWM facility site.

16 Shown on Map A2-3.

17 (viii) Access control (fences, gates).

18 Shown on Drawing 24-C-022-W.

19 (ix) Injection and withdrawal wells both on-site and off-site.

20 Shown on Figure A2-3.

21 (x) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas,
22 runoff control systems, access and internal roads, storm, sanitary, and process sewerage
23 systems, loading and unloading areas, fire control facilities, etc.)

24 The map for buildings, storage, or disposal operations; or other structures is located on
25 drawings 24-C-022-W and 22-V-001-W.

26 (xi) Barriers for drainage or flood control.

27 The map of barriers for drainage or flood control is included on drawing 23-C-011-W1.

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1 (xii) Location of operational units within the HWM facility site, where hazardous waste is (or
2 will be) treated, stored, or disposed (include equipment cleanup areas).

3 The map for location of operational units within the HWM facility site, where
4 hazardous waste is stored or disposed, is located on Figure A2-3, *Topographic Map*
5 *with Underground Facilities*, March 2008.

6 (20) Applicants may be required to submit such information as may be necessary to enable the
7 Regional Administrator to carry out his duties under other Federal laws as required in §270.3 of
8 this part.

9 The Permittees will submit information necessary to enable the Secretary to carry out
10 his duties under other Federal laws as required in § 40 CFR 270.3, as requested.

11 (21) For land disposal facilities, if a case-by-case extension has been approved under §268.5 or
12 a petition has been approved under §268.6, a copy of the notice of approval for the extension or
13 petition is required.

14 The WIPP Land Withdrawal Act Amendment of 1996 exempts waste designated for
15 disposal at WIPP from the Land Disposal Restrictions 40 CFR 268.

16 (22) A summary of the pre-application meeting, along with a list of attendees and their
17 addresses, and copies of any written comments or materials submitted at the meeting, as
18 required under §124.31(c).

19 Information to satisfy the requirements of §124.31(c) is submitted with this Renewal
20 Application. Two sets of pre-application meeting were held. The first set of pre-
21 application meetings was held on February 10 and 12, 2009, in Carlsbad, NM, and
22 Santa Fe, NM, respectively. The second set of pre-application meetings was held on
23 May 5, 2009, and May 7, 2009, in Carlsbad, NM, and Santa Fe, NM, respectively.
24 Summaries of the meetings, lists of attendees, written comments, and material
25 submitted at the meetings have been included with this Renewal Application.

26 (c) *Additional information requirements.* The following additional information regarding protection of
27 groundwater is required from owners or operators of hazardous waste facilities containing a regulated
28 unit except as provided in §264.90(b) of this chapter:

29 (1) A summary of the ground-water monitoring data obtained during the interim status period
30 under §§265.90 through 265.94, where applicable.

31 The WIPP is not an interim status facility.

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1 (2) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath
2 the facility property, including ground-water flow direction and rate, and the basis for such
3 identification (*i.e.*, the information obtained from hydrogeologic investigations of the facility
4 area).

5 There has been no change in the identification of the uppermost aquifer or aquifers
6 hydraulically connected beneath the WIPP facility property as detailed in Renewal
7 Application Chapter L, *WIPP Groundwater Detection Monitoring Program Plan*.

8 (3) On the topographic map required under paragraph (b)(19) of this section, a delineation of
9 the waste management area, the property boundary, the proposed "point of compliance" as
10 defined under §264.95, the proposed location of groundwater monitoring wells as required
11 under §264.97, and, to the extent possible, the information required in paragraph (c)(2) of this
12 section.

13 There is no change to the topographic map depicting the delineation of the waste
14 management area, the property boundary, the point of compliance as defined under
15 §264.95, the location of groundwater monitoring wells as required under §264.97, and,
16 to the extent possible, the information required in paragraph (c)(2) of this section (*i.e.*,
17 identification of the uppermost aquifer and aquifers hydraulically interconnected
18 beneath the facility property, including groundwater flow direction and rate).

19 (4) A description of any plume of contamination that has entered the groundwater from a
20 regulated unit at the time that the application was submitted that:

21 (i) Delineates the extent of the plume on the topographic map required under paragraph (b)(19)
22 of this section;

23 No plume of contamination has entered the groundwater from a regulated unit.

24 (ii) Identifies the concentration of each appendix IX, of part 264 of this chapter, constituent
25 throughout the plume or identifies the maximum concentrations of each appendix IX
26 constituent in the plume.

27 No plume of contamination has entered the groundwater from a regulated unit.

28 (5) Detailed plans and an engineering report describing the proposed groundwater monitoring
29 program to be implemented to meet the requirements of §264.97.

30 The Permittees propose no change to the existing approved groundwater monitoring
31 program. Because the Permittees are not proposing a new groundwater monitoring
32 program, detailed plans and engineering reports are not needed to meeting the
33 requirements of §264.97. The Permittees' met the requirement for detailed plans and

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1 engineering reports describing the groundwater monitoring program in the original Part
2 B Application (DOE/WIPP 91-005, 1996, RCRA Part B Application) located at:

- 3
 - Chapter E, *Groundwater Monitoring*
 - *RCRA Groundwater Protection Information* (Appendix E-1)

5 and as described in the Renewal Application Chapter L, *WIPP Groundwater Detection*
6 *Monitoring Program Plan*.

7 (6) If the presence of hazardous constituents has *not* been detected in the groundwater at the
8 time of permit application, the owner or operator must submit sufficient information,
9 supporting data, and analyses to establish a detection monitoring program which meets the
10 requirements of §264.98. This submission must address the following items specified under
11 §264.98:

12 No hazardous constituents have been detected in groundwater in the vicinity of the
13 facility. The results of groundwater background measurements taken over a five year
14 period have been included in the Permit in order to establish a statistical baseline. This
15 baseline documents that no hazardous constituents have been detected in groundwater
16 within the Detection Monitoring Program network. Renewal Application Chapter L
17 includes the Detection Monitoring Program that has been established to meet the
18 requirements of §264.98.

19 (i) A proposed list of indicator parameters, waste constituents, or reaction products that can
20 provide a reliable indication of the presence of hazardous constituents in the ground water;

21 There are no changes to the indicator parameters, waste constituents, or reaction
22 products that can provide a reliable indication of the presence of hazardous constituents
23 in the groundwater as listed in the original Part B Application (DOE/WIPP 91-005,
24 1996, RCRA Part B Application) Chapter E, *Groundwater Monitoring*.

25 (ii) A proposed ground-water monitoring system;

26 The Permittees propose no change in their groundwater monitoring program as detailed
27 in Renewal Application Chapter L, *WIPP Groundwater Detection Monitoring Program*
28 *Plan*.

29 (iii) Background values for each proposed monitoring parameter or constituent, or procedures
30 to calculate such values; and

31 There has been no change to the background values for each proposed monitoring
32 parameter or constituent. The results of groundwater background measurements taken
33 over a five year period have been reported by the Permittees to establish a statistical

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1 baseline. Furthermore, if the Permittees identify additional constituents to be
2 monitored, the first four semi-annual samples are used to establish background values
3 for that constituent.

4 (iv) A description of proposed sampling, analysis and statistical comparison procedures to be
5 utilized in evaluating ground-water monitoring data.

6 The Permittees propose no changes to sampling, analysis and statistical comparison
7 procedures to be utilized in evaluating groundwater monitoring data as detailed in
8 Renewal Application Chapter L, *WIPP Groundwater Detection Monitoring Program*
9 *Plan*.

10 (7) If the presence of hazardous constituents has been detected in the groundwater at the point
11 of compliance at the time of the permit application, the owner or operator must submit
12 sufficient information, supporting data, and analyses to establish a compliance monitoring
13 program which meets the requirements of §264.99. Except as provided in §264.98(h)(5), the
14 owner or operator must also submit an engineering feasibility plan for a corrective action
15 program necessary to meet the requirements of §264.100, unless the owner or operator obtains
16 written authorization in advance from the Regional Administrator to submit a proposed permit
17 schedule for submittal of such a plan. To demonstrate compliance with §264.99, the owner or
18 operator must address the following items:

19 (i) A description of the wastes previously handled at the facility;

20 (ii) A characterization of the contaminated groundwater, including concentrations of hazardous
21 constituents;

22 (iii) A list of hazardous constituents for which compliance monitoring will be undertaken in
23 accordance with §§264.97 and 264.99;

24 (iv) Proposed concentration limits for each hazardous constituent, based on the criteria set
25 forth in §264.94(a), including a justification for establishing any alternate concentration limits;

26 (v) Detailed plans and an engineering report describing the proposed groundwater monitoring
27 system, in accordance with the requirements of §264.97; and

28 (vi) A description of proposed sampling, analysis and statistical comparison procedures to be
29 utilized in evaluating groundwater monitoring data.

30 No hazardous constituents have been detected in the groundwater at the point of
31 compliance at the time of the Renewal Application. Therefore, the informational
32 requirements to items (i) through (vi) do not apply.

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1 (8) If hazardous constituents have been measured in the ground water which exceed the
2 concentration limits established under §264.94 Table 1, or if ground water monitoring
3 conducted at the time of permit application under §§265.90 through 265.94 at the waste
4 boundary indicates the presence of hazardous constituents from the facility in ground water
5 over background concentrations, the owner or operator must submit sufficient information,
6 supporting data, and analyses to establish a corrective action program which meets the
7 requirements of §264.100. However, an owner or operator is not required to submit information
8 to establish a corrective action program if he demonstrates to the Regional Administrator that
9 alternate concentration limits will protect human health and the environment after considering
10 the criteria listed in §264.94(b). An owner or operator who is not required to establish a
11 corrective action program for this reason must instead submit sufficient information to establish
12 a compliance monitoring program which meets the requirements of §264.99 and paragraph
13 (c)(6) of this section. To demonstrate compliance with §264.100, the owner or operator must
14 address, at a minimum, the following items:

15 (i) A characterization of the contaminated ground water, including concentrations of hazardous
16 constituents;

17 (ii) The concentration limit for each hazardous constituent found in the ground water as set
18 forth in §264.94;

19 (iii) Detailed plans and an engineering report describing the corrective action to be taken; and

20 (iv) A description of how the ground-water monitoring program will demonstrate the adequacy
21 of the corrective action.

22 (v) The permit may contain a schedule for submittal of the information required in paragraphs
23 (c)(8) (iii) and (iv) provided the owner or operator obtains written authorization from the
24 Regional Administrator prior to submittal of the complete permit application.

25 No hazardous constituents have been measured in the groundwater which exceed the
26 concentration limits established under §264.94 Table 1. Therefore, this requirement
27 does not apply.

28 (d) *Information requirements for solid waste management units.* (1) The following information is
29 required for each solid waste management unit at a facility seeking a permit:

30 (i) The location of the unit on the topographic map required under paragraph (b)(19) of this
31 section.

32 (ii) Designation of type of unit.

33 (iii) General dimensions and structural description (supply any available drawings).

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1 (iv) When the unit was operated.

2 (v) Specification of all wastes that have been managed at the unit, to the extent available.

3 A Class 3 permit modification request for No Further Action was approved by the
4 NMED on October 23, 2008. The NMED has determined that no further action is
5 necessary to investigate fifteen Solid Waste Management Units (SWMUs) and eight
6 Areas of Concern (AOCs) at WIPP. The WIPP has no solid waste management units.

7 (2) The owner or operator of any facility containing one or more solid waste management units
8 must submit all available information pertaining to any release of hazardous wastes or
9 hazardous constituents from such unit or units.

10 A Class 3 permit modification request for No Further Action was approved by the
11 NMED on October 23, 2008. The NMED has determined that no further action is
12 necessary to investigate fifteen Solid Waste Management Units (SWMUs) and eight
13 Areas of Concern (AOCs) at WIPP. The WIPP has no solid waste management units.

14 (3) The owner/operator must conduct and provide the results of sampling and analysis of
15 groundwater, land surface, and subsurface strata, surface water, or air, which may include the
16 installation of wells, where the Director ascertains it is necessary to complete a RCRA Facility
17 Assessment that will determine if a more complete investigation is necessary.

18 A Class 3 permit modification request for No Further Action was approved by the
19 NMED on October 23, 2008. The NMED has determined that no further action is
20 necessary to investigate fifteen Solid Waste Management Units (SWMUs) and eight
21 Areas of Concern (AOCs) at WIPP. The WIPP has no solid waste management units.

22 **§270.15 Specific part B information requirements for containers**

23 Except as otherwise provided in §264.170, owners or operators of facilities that store containers of
24 hazardous waste must provide the following additional information:

25 (a) A description of the containment system to demonstrate compliance with §264.175. Show at least
26 the following:

27 (1) Basic design parameters, dimensions, and materials of construction.

28 The Permittees proposed no changes to the basic design parameters, dimensions, and
29 materials of construction of the approved containers as described in the original Part B
30 Application (DOE/WIPP 91-005, 1996, RCRA Part B Application) Chapter D, *Facility*
31 *and Process Information*, Section D-1a(1) *Description of Containers*; and Renewal
32 Application Appendix M1, Section M1-1b, *Description of Containers*.

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1 (2) How the design promotes drainage or how containers are kept from contact with standing
2 liquids in the containment system.

3 The Permittees propose no changes in the manner in which the containers are kept from
4 contacting standing liquids as detailed in the original Part B Application (DOE/WIPP
5 91-005, 1996, RCRA Part B Application) Chapter D, *Facility and Process Information*
6 and Renewal Application Appendix M1, *Container Storage*, Section M1-1f,
7 *Containment*.

8 (3) Capacity of the containment system relative to the number and volume of containers to be
9 stored.

10 The Permittees propose no changes in the manner in which the containers are kept from
11 contacting standing liquids as detailed in the original Part B Application (DOE 1996,
12 RCRA Part B Application), Chapter D, *Facility and Process Information*, and Renewal
13 Application Appendix M1, *Container Storage*, Section M1-1f, *Containment*.

14 (4) Provisions for preventing or managing run-on.

15 The Permittees propose no change in the manner in which they manage run-on as
16 detailed in Renewal Application Appendix M1, *Container Storage*, Section M1-1i,
17 *Control of Run On*.

18 (5) How accumulated liquids can be analyzed and removed to prevent overflow.

19 The Permittees propose no change to the manner in which accumulated liquids can be
20 analyzed and removed to prevent overflow as described in the original Part B
21 Application (DOE/WIPP 91-005, 1996, RCRA Part B Application) Chapter G, Section
22 G-4b, *Identification of Hazardous Materials*, Chapter D, Section D-1a(4), *Containment*,
23 and as described in Renewal Application Chapter F-4b, *Identification of Hazardous*
24 *Materials*, and Renewal Application Appendix M1, *Container Storage*

25 (b) For storage areas that store containers holding wastes that do not contain free liquids, a
26 demonstration of compliance with §264.175(c), including:

27 (1) Test procedures and results or other documentation or information to show that the wastes
28 do not contain free liquids; and

29 The Permittees propose no change. Waste stored at the WIPP contains no liquid in
30 excess of TSDF-WAC limits as demonstrated by visual examination, radiography, or
31 acceptable knowledge in accordance with the *Waste Analysis Plan*, Renewal
32 Application Chapter B and Appendices B1 through B5; and is confirmed not to have

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1 liquids in excess of TSDF-WAC limits by the process described in Renewal Application
2 Appendix B7, *Permittee Level TRU Waste Confirmation Process*.

3 (2) A description of how the storage area is designed or operated to drain and remove liquids or
4 how containers are kept from contact with standing liquids.

5 The Permittees propose no change. Waste stored at the WIPP contains no liquid in
6 excess of TSDF-WAC limits as demonstrated by visual examination, radiography, or
7 acceptable knowledge in accordance with the Waste Analysis Plan, Renewal
8 Application Chapter B and Appendices B1 through B5; and is confirmed not to have
9 liquids in excess of TSDF-WAC limits by the process described in Renewal Application
10 Appendix B7, *Permittee Level TRU Waste Confirmation Process*.

11 (c) Sketches, drawings, or data demonstrating compliance with §264.176 (location of buffer
12 zone and containers holding ignitable or reactive wastes) and §264.177(c) (location of
13 incompatible wastes), where applicable.

14 All waste received at the WIPP will be determined to be compatible prior to being
15 shipped to the WIPP. Ignitable, reactive, or corrosive waste (i.e., compressed gases and
16 liquids in excess of the TSDF-WAC) are prohibited in accordance with the
17 TSDF-WAC. Therefore, this requirement is not applicable.

18 (d) Where incompatible wastes are stored or otherwise managed in containers, a description of
19 the procedures used to ensure compliance with §§264.177 (a) and (b), and 264.17 (b) and (c).

20 The Permittees propose no change to the compatibility determination as identified in the
21 original DOE/WIPP 91-005, 1996, RCRA Part B Application, Chapter C, Section C-1b,
22 *Identification of TRU Mixed Waste Managed at the WIPP Facility* (including Part B
23 Appendix C1, *Chemical Compatibility Analysis of Waste Forms and Container*
24 *Material*); and Renewal Application Chapter B, Section B-5a(2) *Examination of the*
25 *Waste Stream Profile Form and Container Data Checks*, Appendix B7, *Permittee Level*
26 *TRU Waste Confirmation Processes*; Chapter F, Section F-4h, *Post-Emergency Facility*
27 *and Equipment Maintenance and Reporting*.

28 (e) Information on air emission control equipment as required in §270.27.

29 Pursuant to 40 CFR 264.1080(a)(6), air emission controls for containers do not apply to
30 radioactive mixed waste. Therefore, this requirement is not applicable.

31 **§270.23 Specific part B information requirements for miscellaneous units**

32 Except as otherwise provided in §264.600, owners and operators of facilities that treat, store, or
33 dispose of hazardous waste in miscellaneous units must provide the following additional information:

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1 (a) A detailed description of the unit being used or proposed for use, including the following:

2 (1) Physical characteristics, materials of construction, and dimensions of the unit;

3 There are no changes in the physical characteristics, materials of construction, and
4 dimensions of the units. Through this Renewal Application, the Permittees are
5 proposing the authorization to dispose of TRU-mixed waste of both CH and RH
6 TRU-mixed waste in Panel 8. In a previously approved Class 3 permit modification
7 request (May 2003), the New Mexico Environment Department approved the
8 construction and use of Panels (i.e., Hazardous Waste Disposal Units) 4 through 7 and
9 the construction of Panel 8. The use of Panel 8 for disposal of TRU mixed waste was
10 not authorized at that time. Prior to using Panel 8 for TRU mixed waste disposal, the
11 Permittees will submit to the Secretary, by certified mail or hand delivery, a letter
12 signed by the Permittees and a New Mexico registered professional engineer stating
13 Panel 8 has been constructed in compliance with the Permit, and the Permittees will not
14 manage any hazardous waste in Panel 8 until the Secretary has either inspected the
15 modified portion of the facility and finds it is in compliance with the conditions of this
16 Permit; or waived the inspection or, within fifteen calendar days of the date of
17 submission of the letter required above, has not notified the Permittees of his intent to
18 inspect.

19 (2) Detailed plans and engineering reports describing how the unit will be located, designed,
20 constructed, operated, maintained, monitored, inspected, and closed to comply with the
21 requirements of §§264.601 and 264.602; and

22 The Permittees are not proposing any changes (with the exception of disposal in Panel
23 8) to detailed plans and engineering reports describing how the unit will be located,
24 designed, constructed, operated, maintained, monitored, inspected, and closed to
25 comply with the requirements of 264.601 and 264.602. as described in the original
26 DOE/WIPP 91-005, 1996, RCRA Part B Application,

27 (3) For disposal units, a detailed description of the plans to comply with the post-closure
28 requirements of §264.603.

29 There are no changes to the plans to comply with the post-closure requirements of
30 §264.603 as detailed in Renewal Application Chapter J.

31 (b) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region
32 surrounding the site that address and ensure compliance of the unit with each factor in the
33 environmental performance standards of §264.601. If the applicant can demonstrate that he does not
34 violate the environmental performance standards of §264.601 and the Director agrees with such
35 demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice.

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1 There is no change to the detailed hydrologic, geologic, and meteorologic assessments
2 and land-use maps for the region surrounding the site that address and ensures
3 compliance of the unit with each factor in the environmental performance standards of
4 §264.601. However, an updated wind-rose is provided along with updated land use
5 information. Please see supplemental figures.

6 (c) Information on the potential pathways of exposure of humans or environmental receptors to
7 hazardous waste or hazardous constituents and on the potential magnitude and nature of such
8 exposures.

9 Since the original permit application was submitted, there have been changes to the
10 conceptual models that predict repository behavior. The Permittees have reevaluated the
11 performance demonstration information submitted with the original Part B Application
12 (DOE/WIPP 91-005, 1996, RCRA Part B Application) Chapter D, *Facility and Process*
13 *Information*. Accordingly, Figures D-17B through Figure D-17F from the original Part B
14 Application regarding the 300-year performance demonstration have been updated. The
15 updated figures are provided in Supplement 1. The figures illustrate the following
16 information:

- 17 • Predicted Change in Disposal Region Pressure Following Shaft Sealing
- 18 • Predicted Cumulative Volume of Gas Generated Per Drum of Waste
- 19 • Predicted Cumulative Brine Flow Into a Closed Waste Panel
- 20 • Predicted Change in Panel Pore Volume Due to Creep Closure
- 21 • Predicted Average Brine Saturation Within the Repository
- 22 • Predicted Average Brine Saturation Within the Repository

23 There is no change to the conclusions reached in the original permit application (DOE/WIPP
24 91-005, 1996, RCRA Part B Application, Chapter D, Section D-9b(1)(c)(d)); i.e., that the only
25 viable mechanism for a release from the repository is the air emissions pathway. This pathway
26 exists prior to final closure. No viable releases along soil or water pathways were identified.
27 There is no change to the potential exposure of humans or environmental receptors to
28 hazardous waste or hazardous constituents or to the magnitude and nature of such exposures.
29

30 (d) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on
31 laboratory or field data.

32 The Waste Isolation Pilot Plant dos not have any treatment units.

33 (e) Any additional information determined by the Director to be necessary for evaluation of
34 compliance of the unit with the environmental performance standards of §264.601.

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1 Any additional information determined by the Director to be necessary for evaluation of
2 compliance of the unit with the environmental performance standards of §264.601 will be
3 provided as requested.

4