



Department of Energy
Carlsbad Field Office
P.O. Box 3090
Carlsbad, New Mexico 88221

DEC 30 2015

Mr. John E. Kieling, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505

Subject: Class 1* and Class 1 Permit Modification Notifications to the Waste Isolation Pilot Plant Hazardous Waste Facility Permit Number: NM4890139088-TSDF

Dear Mr. Kieling:

Enclosed is the following:

Class 1* Permit Modification Notification

- Revise Closure Schedule Dates in Attachment G, Section G-1d(1) and Table G-1

Class 1 Permit Modification Notification

- Remove Obsolete References to 40 CFR §264.56(i) and Related Text from Part 1, Section 1.7.13.4., Section 1.13 and Attachment D, RCRA Contingency Plan

We certify under penalty of law that this document and all attachments were prepared under our direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on our inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of our knowledge and belief, true, accurate, and complete. We are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If you have any questions, please contact Mr. George T. Basabilvazo at (575) 234-7488.

Sincerely,

Original Signatures on File

Todd Shrader, Manager
Carlsbad Field Office

Philip J. Breidenbach, Project Manager
Nuclear Waste Partnership LLC

Enclosure

cc: w/enclosure
K. Roberts, NMED * ED
R. Maestas, NMED ED
S. Holmes, NMED ED
C. Smith, NMED ED

CBFO M&RC

*ED denotes electronic distribution

Class 1* Permit Modification Notification

Revise Closure Schedule Dates in Attachment G, Section G-1d(1) and Table G-1

And

Class 1 Permit Modification Notification

Remove Obsolete References to 40 CFR §264.56(i) and Related Text from Part 1, Section 1.7.13.4., Section 1.13 and Attachment D, RCRA Contingency Plan

Waste Isolation Pilot Plant

Carlsbad, New Mexico

WIPP Permit Number - NM4890139088-TSDF

December 2015

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Acronyms and Abbreviations

CFR	Code of Federal Regulations
DOE	U.S. Department of Energy
EPA	U.S. Environmental Protection Agency
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
Permit Permittees	Waste Isolation Pilot Plant Hazardous Waste Facility Permit DOE and Nuclear Waste Partnership LLC
PMN	Permit Modification Notification
RCRA	Resource Conservation and Recovery Act
TSDf	Treatment, Storage and Disposal Facility
WIPP	Waste Isolation Pilot Plant

Overview of the Permit Modification Notifications

This document contains one Class 1* Permit Modification Notification (**PMN**) requiring prior agency approval and one Class 1 PMN for the Waste Isolation Pilot Plant (**WIPP**) Hazardous Waste Facility Permit (**Permit**) Number NM4890139088-TSDF.

These PMNs are being submitted by the U.S. Department of Energy (**DOE**) and Nuclear Waste Partnership LLC, collectively referred to as the Permittees, in accordance with Permit Part 1, Section 1.3.1 (20.4.1.900 New Mexico Administrative Code (**NMAC**) incorporating Title 40 of the Code of Federal Regulations (**CFR**) §270.42(a) and §270.42(a)(2)). The PMNs in this document are necessary to notify the New Mexico Environment Department (**NMED**) of changes which impact the WIPP facility. The Class 1* change requires approval by the NMED prior to implementation. These changes do not reduce the ability of the Permittees to provide continued protection to human health and the environment.

The requested modifications to the Permit and any related supporting documents are provided in these PMNs. The proposed modifications to the text of the Permit have been identified using **red** text and double underline and a ~~strikeout~~ font for deleted information. All direct quotations are indicated by italicized text.

Attachment A
Description of the Class 1* and Class 1 Permit Modification Notifications

Table 1. Class 1* and Class 1 Hazardous Waste Facility Permit Modification Notifications

Affected Permit Section	Change Description	Category
Attachment G, Section G-1(d)1 and Table G-1	<p>This modification revises Permit Attachment G, Section G-1d(1), <i>Schedule for Panel Closure</i> and Table G-1, <i>Anticipated Earliest Closure Dates for the Underground HWDUs</i>. The Permittees are revising the text in Attachment G, Section G-1d(1); deleting Note 6 and revising Note 5 to Permit Attachment G, Table G-1, to reflect a new closure end date of no later than June 30, 2018 for Panels 1 through 6 and to indicate that explosion isolation walls have been installed in Panels 1, 2, and 5; and changing the asterisked note to Table G-1 to indicate that the "Actual date" notates the "month and year."</p> <p>The Permittees are revising the anticipated operations end, closure start, and closure end dates for Panel 7; and the anticipated operations start, operations end, closure start, and closure end dates for Panels 8 and 9 to reflect the most current information. Note that the Panel 7 operations start date is not changing.</p>	D.1.b
Part 1, Sections 1.7.13.4., Section 1.13, Attachment D, Sections D-4h, D-8 and Table D-8	<p>Permit Attachment D, Sections D-4h, Post-Emergency Facility and Equipment Maintenance and Reporting; and D-8, Required Reports; Table D-8, Hazardous Release Reporting, Federal, and Table D-9, Hazardous Release Reporting, State of New Mexico, are being revised to remove obsolete reporting requirements. In addition, Permit Part 1, Section 1.7.13.4., Section 1.13, Attachment D, Section D-8 and Table D-8 are being revised to update the references to 40 CFR §264/265.56(i) from the obsolete reference to 40 CFR §264/265.56(j). The regulations in 40 CFR §264/265.56(j) no longer exists.</p>	O.3

Item 1

Description

This modification revises Permit Attachment G, Section G-1d(1), *Schedule for Panel Closure* and Table G-1, *Anticipated Earliest Closure Dates for the Underground HWDUs*. The Permittees are revising the text in Attachment G, Section G-1d(1); deleting Note 6 and revising Note 5 to Permit Attachment G, Table G-1, to reflect a new closure end date of no later than June 30, 2018 for Panels 1 through 6 and to indicate that explosion isolation walls have been installed in Panels 1, 2, and 5; and changing the asterisked note to Table G-1 to indicate that the "Actual date" notates the "month and year."

The Permittees are revising the anticipated operations end, closure start, and closure end dates for Panel 7; and the anticipated operations start, operations end, closure start, and closure end dates for Panels 8 and 9 to reflect the most current information. Note that the Panel 7 operations start date is not changing.

Basis for Class 1*

This PMN is being submitted as a Class 1* as required in 20.4.1.900 NMAC (incorporating 40 CFR 270.42, Appendix I, Item D.1.b) which states that "*changes in the closure schedule for any unit, changes in the final closure schedule or extension of the closure period, with prior approval of the Director...*".

Discussion

The closure end dates need to be revised to address delays in closure activities. On February 14, 2014 a radiological release in the underground at the WIPP facility resulted in radiological contamination in the underground. The WIPP facility is in the process of recovering from this event. The effect of the event and recovery activities has caused a delay of approximately 30 months in normal operations. Therefore, the closure end date for Panels 1 through 6 is anticipated to be no sooner than June 30, 2018. This is approximately 30 months after the current closure end date of January 31, 2016.

It is anticipated that normal waste handling activities will resume no sooner than June 2016. Therefore, the applicable operations start and end dates in Attachment G, Table G-1, are updated based on this start date. This change is necessary to correct the operations dates in Attachment G, Table G-1.

The deletion of Note 6 and the revision of Note 5 in Table G-1 reflects the installation of explosion isolation walls in Panel 1, 2, and 5. The asterisked note to Table G-1 needs to be changed to clarify that the "Actual date" notates only the actual "month and year" and does not include the day.

Proposed Revised Permit Text:

G-1d(1) Schedule for Panel Closure

The anticipated schedule for the closure of the underground HWDUs known as Panels 3 through 8 is shown in Figure G-2. This schedule assumes there will be little contamination within the exhaust drift of the panel. Underground HWDUs should be ready for closure according to the schedule in Table G-1. These dates are estimates for planning and permitting purposes. Actual dates may vary depending on the availability of waste from the generator sites.

In the schedule in Figure G-2, notification of intent to close occurs 30 days before placing the final waste in a panel. Once a panel is full, the Permittees will initially block ventilation through the panel as described in Permit Attachment A2 and then will assess the closure area for ground conditions and contamination so that a definitive schedule and closure design can be determined. If as the result of this assessment the Permittees determine that a panel closure cannot be emplaced in accordance with the schedule in this Closure Plan, a modification will be submitted requesting an extension to the time for closure.

The Permittees will initially block ventilation through Panel 5 as described in Permit Attachment A2, Section A2-2a(3), "Subsurface Structures," once Panel 5 is full. The Permittees will then install the explosion-isolation wall portion of the panel closure system that is described in Permit Attachment G1, Section 3.3.2, "Explosion- and Construction-Isolation Walls." Construction of the explosion-isolation wall shall be completed within 180 days after the last receipt of waste in Panel 5. Final closure of Panels 1, ~~2, and 5~~ through 6 will be completed as specified in this Permit no later than ~~January June 31, 2016~~ 2018.

To ensure continued protection of human health and the environment, the Permittees will initially block ventilation through Panels 3 through 7 as described in Permit Attachment A2, Section A2-2a(3), after waste disposal in each panel has been completed. The Permittees shall continue VOC monitoring in such panels until final panel closure. If the measured concentration, as confirmed by a second sample, of any VOC in a panel exceeds the "95% Action Level" in Permit Part 4, Table 4.6.3.2, the Permittees will initiate closure of that panel by installing the 12-foot explosion-isolation wall as described in Section G-1e(1) and submit a Class 1* permit modification request to extend closure of that panel, if necessary. Regardless of the outcome of disposal room VOC monitoring, final closure of Panels 3 and 4 ~~through 7~~ will be completed as specified in this Permit no later than ~~January June 31, 2016~~ 2018.

**Table G-1
Anticipated Earliest Closure Dates for the Underground HWDUs**

HWDU	OPERATIONS START	OPERATIONS END	CLOSURE START	CLOSURE END
PANEL 1	3/99*	3/03*	3/03*	7/03* SEE NOTE 5
PANEL 2	3/03*	10/05*	10/05*	3/06* SEE NOTE 5
PANEL 3	4/05*	2/07*	2/07*	2/07* SEE NOTE 6 <u>5</u>
PANEL 4	1/07*	5/09*	5/09*	8/09* SEE NOTE 6 <u>5</u>
PANEL 5	3/09*	7/11*	7/11*	11/11* SEE NOTE 5
PANEL 6	3/11*	1/14*	1/14*	7/14 <u>6/18*</u> SEE NOTE 6 <u>5</u>
PANEL 7	9/13*	4/15 <u>6/18</u>	2/15 <u>7/18</u>	8/15 <u>3/19</u>
PANEL 8	4/15 <u>6/18</u>	4/17 <u>6/20</u>	2/17 <u>7/20</u>	8/17 <u>3/21</u>
PANEL 9	4/17 <u>6/20</u>	1/28	2/28	SEE NOTE 4
PANEL 10	1/28	9/30	10/30	SEE NOTE 4

* Actual month and yeardate

NOTE 1: Only Panels 1 to 4 will be closed under the initial term of this permit. Closure schedules for Panels 5 through 10 are projected assuming new permits will be issued in 2009 and 2019.

NOTE 2: The point of closure start is defined as 60 days following notification to the NMED of closure.

NOTE 3: The point of closure end is defined as 180 days following placement of final waste in the panel.

NOTE 4: The time to close these areas may be extended depending on the nature and extent of the disturbed rock zone. The excavations that constitute these panels will have been opened for as many as 40 years so that the preparation for closure may take longer than the time allotted in Figure G-2. If this extension is needed, it will be requested as an amendment to the Closure Plan.

NOTE 5: Installation of the 12-foot explosion-isolation wall for Panels 1, 2, and 5 has been ~~must be~~ completed by the closure end date. Final closure of Panels 1, 2, and 5 ~~through 6~~ will be completed as specified in this Permit no later than ~~January 31, 2016~~ June 30, 2018.

NOTE 6: Final closure of Panels 3, 4 and 6 will be completed as specified in this Permit no later than January 31, 2016.

Item 2

Description

Permit Attachment D, Sections D-4h, Post-Emergency Facility and Equipment Maintenance and Reporting; and D-8, Required Reports; Table D-8, Hazardous Release Reporting, Federal, and Table D-9, Hazardous Release Reporting, State of New Mexico, are being revised to remove obsolete reporting requirements. In addition, Permit Part 1, Section 1.7.13.4., Section 1.13, Attachment D, Section D-8 and Table D-8 are being revised to update the references to 40 CFR §264/265.56(i) from the obsolete reference to 40 CFR §264/265.56(j). The regulations in 40 CFR §264/265.56(j) no longer exists.

Basis for Class 1

This change is classified as “Changes to recordkeeping and reporting requirements pursuant to: §§264.56(i), 264.343(a)(2), 264.1061 (b)(1), (d), 264.1062(a)(2), 264.196(f), 264.100(g), and 264.113(e)(5)” and is, therefore, a Class 1 modification notification pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42, Appendix I, O.3).

Discussion

In 2006 (April 4, 2006, Federal Register notice (71 FR 16903)), the U. S. Environmental Protection Agency (EPA) made some changes to the RCRA regulations, including deletion of the notification required by 40 CFR 264.56(i) in force at the time. The EPA deleted the content of 40 CFR 264.56 (i) and changed the content of 40 CFR 264.56 (j) to 40 CFR 264.56 (i) to maintain alpha numeric order. Specifically, the EPA stated: “§264.56 [Amended] 10. Section 264.56 is amended by removing paragraph (i) and re-designating paragraph (j) as paragraph (i).” These notifications are reflected in the paragraphs that are being deleted from Permit Sections D-4h and D-8 as shown on the attached redline strikeout. The EPA decided to delete this notification requirement because they recognized that the Regional Administrator and appropriate state and local authorities will be getting a report 15 days after the emergency incident that will specify the details of the incident that required implementation of the contingency plan. The EPA acknowledged that:

“[I]n most cases, the incident is likely to be relatively minor, and operations may even be ready for resumption within the 15 days. The actions to be taken (i.e., not handling incompatible waste and cleaning emergency equipment) are straightforward and it is not clear what value a simple notification would add.”

The EPA also pointed out that if the incident was a major incident, the state would likely be involved in a manner that would:

“[E]nsure that an appropriate response was taken before operations resumed.”

Therefore, the EPA decided to eliminate this notification requirement.

When the Permit was issued in 1999, this notification requirement was included in two paragraphs in the RCRA Contingency Plan, in Permit Attachment D, Sections D-4h and D-8. Both paragraphs are being deleted by this modification.

In addition, Permit Part 1, Section 1.7.13.4., Section 1.13 and the first paragraph in Section D-8 are being revised to reflect the current regulatory citation; 20.4.1.500 NMAC (incorporating 40 CFR §264.56(i)) and Table D-8 and Table D-9 are being revised to delete the obsolete reporting requirement to be consistent with the deletion of the paragraphs in Section D-4h and D-8 described above.

These changes are needed to update the Permit with current regulations that apply to the facility.

Proposed Revised Permit Text:

1.7.13.4. Contingency Plan Implementation

If the Contingency Plan is implemented, the Permittees shall comply with the reporting requirements specified in Permit Attachment D (RCRA Contingency Plan). [20.4.1.500 NMAC (incorporating 40 CFR §264.56(j))]

1.13. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittees shall comply with the recordkeeping and reporting requirements specified in 20.4.1.500 NMAC (incorporating 40 CFR §264.73(a)) and elsewhere in this Permit.

The Permittees shall maintain at the facility, until closed as specified in Part 6, the following documents and all amendments, revisions and modifications to these documents:

1. Waste Analysis Plan, as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.13(b)) and this Permit, and records and results of waste analyses performed as specified in 20.4.1.500 NMAC (incorporating 40 CFR §264.13).
2. Inspection schedules, as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.15(b)(2)) and this Permit, and records and results of inspections as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.15(d)).
3. Personnel training documents and records, as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.16(d)) and this Permit.
4. Contingency Plan, as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.53(a)) and this Permit, including summary reports and details of all incidents that require implementation of the contingency plan as specified in 20.4.1.500 NMAC (incorporating 40 CFR §264.56(j)).
5. Operating record, as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.73) and this Permit.
6. Closure Plan, as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.112(a)) and this Permit.
7. Post-Closure Plan as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.118(a)) and this Permit.
8. Procedures for limiting air emissions, as required by 20.4.1.500 and .900 NMAC (incorporating 40 CFR §§264.601(c) and 270.23(a)(2)) and this Permit.
9. All other documents required by Part 1, Permit Section 1.7.10, and Part 2.

D-4h Post-Emergency Facility and Equipment Maintenance and Reporting

The RCRA Emergency Coordinator will ensure that emergency equipment that is located or used in the affected area(s) of the facility and listed in the Contingency Plan is cleaned and ready for its intended use before operations are resumed, as specified in 20.4.1.500 NMAC (incorporating 40 CFR §264.56(h)(2)). Any equipment that cannot be decontaminated will be discarded as waste (e.g., hazardous, mixed, solid), as appropriate. The WIPP facility is committed to replacing any needed equipment or supplies that cannot be reused following an emergency. After the equipment has been cleaned, repaired, or replaced, a post-emergency facility and equipment inspection will be performed, and the results will be documented.

Cleaning and decontaminating equipment will be accomplished by physically removing gross or solid residue; rinsing with water or another suitable liquid, if required; and/or washing with detergent and water. Decontamination and cleaning will be conducted in a confined area, such as a wash pad or building equipped with a floor drain and sump isolated from the environment. Care will be taken to prevent wind dispersion of particles and spray. Liquid or particulate resulting from cleaning and decontamination of equipment will be placed in clean, compatible containers. Waste produced in an emergency cleanup in the TRU mixed waste handling areas is derived waste and will be emplaced in the underground derived waste emplacement area. Waste resulting from decontamination operations elsewhere in the WIPP facility will be analyzed for hazardous waste constituents and/or hazardous waste characteristics to ensure proper management.

~~When the WIPP facility has completed post-emergency cleanup of waste and hazardous residues from areas where waste management operations are ready to resume and the RCRA Emergency Coordinator has ensured that emergency equipment used in managing the emergency has been cleaned or replaced and is fit for service, the notifications will be made by the Permittees to the following: the EPA Region VI Administrator; the Secretary of the NMED; and any relevant local authorities. This post-emergency notification complies with 20.4.1.500 NMAC (incorporating 40 CFR §264.56(i)), and is the responsibility of the RCRA Emergency Coordinator.~~

D-8 Required Reports

The RCRA Emergency Coordinator, on behalf of the Permittees, will note in the operating record the time, date, and details of any incident that requires implementing this Contingency Plan. This notation will be in the facility log maintained by the CMRO. In compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.56(j)), within 15 days after the incident, the Permittees will ensure that a written report on the incident will be submitted to the EPA Region VI Administrator and to the Secretary of the NMED. The report will include:

- The name, address, and telephone number of the Owner/Operator
- The name, address, and telephone number of the facility
- The date, time, and type of incident (e.g., fire, explosion or release)
- The name and quantity of material(s) involved
- The extent of injuries, if any
- An assessment of actual or potential hazards to human health or the environment, where this is applicable
- The estimated quantity and disposition of recovered material that resulted from the incident

In addition to the above report, the Permittees will ensure that the ES&H Manager, or designee, submits reports to the appropriate agencies as listed in Tables D-8 and D-9.

~~In accordance with 20.4.1.500 NMAC (incorporating 40 CFR §264.56(i)), the Permittees will notify the Secretary of the NMED and EPA Region VI Administrator that the WIPP facility is in compliance with requirements for the cleanup of areas affected by the emergency and that emergency equipment used in the emergency response has been cleaned, repaired, or replaced and is fit for its intended use prior to the resumption of waste management operations in affected areas. The means the WIPP facility will use to meet these requirements are described in Sections D-4e, D-4f, D-4g, and D-4h.~~

The WIPP requires the EST/FPT to initiate the "WIPP Hazardous Materials Incident Report" if the Contingency Plan is implemented. A form is attached as Figure D-12. The form is initiated by the EST/FPT. The RCRA Emergency Coordinator, CMRO, and Environmental Compliance representatives complete their respective sections.

**Table D-8
Hazardous Release Reporting, Federal**

Statute	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)/Superfund Amendments and Reauthorization Act (SARA) (40 CFR Part 302)	"Reportable quantities" of CERCLA/SARA "hazardous substances."	National Response Center: (800) 424-8802, State Emergency Response Commission (SERC): and the State of New Mexico Homeland Security and Emergency Management via the District 3, DPS Dispatch Center (575) 622-7200 Eddy County Emergency Manager via the Eddy County Regional Dispatch Authority (575) 616-7155 Lea County Emergency Manager via the Lea County Emergency Communications Authority (575) 397-9265	1) Chemical identification; 2) what hazardous substance; 3) quantity released; 4) time, location and duration of release; 5) media of release; 6) health risks and medical advice; 7) proper precautions (e.g., evacuation); and 8) name and phone number of reporter and facility.	As soon as practicable, update of oral notice and response action taken. Send report to: New Mexico State Emergency Response Commission, Department of Homeland Security and Emergency Management, P.O. Box 2711, Santa Fe, New Mexico, 87502, and Eddy County Emergency Manager, 324 S. Canyon Street, Suite B, Carlsbad, New Mexico 88220 and Lea County Emergency Manager, 1923 Dal Paso, Suite A, Hobbs New Mexico, 88240. National Response Center will contact the U.S. Environmental Protection Agency (EPA). EPA may request a written report.
Emergency Planning and Community Right-to-Know Act (SARA Title III) (40 CFR Parts 302 and 355)	SARA Title III "extremely hazardous substances."	National Response Center: (800) 424-8802, State Emergency Response Commission: and the State of New Mexico Homeland Security and Emergency Management via the District 3, DPS Dispatch Center (575) 622-7200 Eddy County Emergency Manager via the Eddy County Regional Dispatch Authority (575) 616-7155 Lea County Emergency Manager via the Lea County Emergency Communications Authority (575) 397-9265	1) Chemical identification; 2) what extremely hazardous substance; 3) quantity released; 4) time, location and duration of release; 5) media of release; 6) health risks and medical advice; 7) proper precautions (e.g. evacuation); and 8) name and phone number of reporter and facility.	As soon as practicable, update of oral notice and response action taken. Send report to: New Mexico State Emergency Response Commission, Department of Homeland Security and Emergency Management, P.O. Box 27111, Santa Fe, New Mexico, 87502, and Eddy County Emergency Manager, 324 S. Canyon Street, Suite B, Carlsbad, New Mexico 88220 and Lea County Emergency Manager, 1923 Dal Paso, Suite A, Hobbs New Mexico, 88240. National Response Center will contact the U.S. Environmental Protection Agency (EPA) for an address if a written report is requested by EPA.

Statute	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
Resource Conservation and Recovery Act (RCRA), 40 CFR §§264.56(a) and 265.56(a)	Any imminent or actual emergency situation.	State or local agencies with designated response roles, if their help is needed: State of New Mexico Homeland Security and Emergency Management via the District 3, DPS Dispatch Center (575) 622-7200 Eddy County Regional Dispatch Authority (575) 616-7155 City of Carlsbad Emergency Dispatch Center (575) 885-2111 Lea County Emergency Communications Authority (575) 397-9265	What assistance is required.	Not Applicable (NA)
RCRA, 40 CFR §§264.56(d), 264.56(i) , 265.56(d) , and 265.56(i)	RCRA "hazardous waste" release, fire, or explosion, which could threaten human health or environment outside the facility.	National Response Center: (800) 424-8802. State Emergency Response Commission and the State of New Mexico Homeland Security and Emergency Management via the District 3, DPS Dispatch Center (575) 622-7200	(1) Name and telephone number of reporter; (2) name and telephone number of facility; (3) time and type of incident; (4) name and quantity of materials involved; (5) extent of injuries, if any; and (6) possible health or environmental hazards outside the facility.	NA Prior to resumption of operations, notify that: (1) no waste that may be incompatible with released material is treated, stored, or disposed of until cleanup is complete, and (2) all emergency equipment listed in the Contingency Plan is cleaned and fit for its intended use. Send to Secretary, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico, 87502.

Statute	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
RCRA, 40 CFR §§264.56(i) and 264.56(j), 265.56(i), and 265.56(j)	Any incident which triggers implementation of Contingency Plan.	New Mexico Environment Department, Emergency Response Office, 24-hour telephone: (505) 827-9329 (emergencies); for non-emergencies contact (866) 428-6535 (24 hour voice mail) or Monday to Friday, 8 am to 5 pm: (505) 476-6000.	NA	Within 15 days: 1) name, address and telephone number of owner/operator; 2) name, address and telephone number of facility; 3) date, time and type of incident (e.g. fire, explosion); 4) name and quantity of materials involved; 5) extent of injuries, if any; 6) possible hazards to human health or the environment; 7) estimated quantity of material that resulted from the incident. Prior to resumption of operations, notify that: 1) no waste that may be incompatible with released material is treated, stored, or disposed of until cleanup is complete, and 2) all emergency equipment listed in the Contingency Plan is cleaned and fit for its intended use. Send to Secretary, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico, 87502.

**Table D-9
Hazardous Release Reporting, State of New Mexico**

Regulations	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
20.4.1.500 and 600 NMAC	RCRA "hazardous waste" releases, fire, or explosion, which could threaten human health or environment outside the facility.	National Response Center: (800) 424-8802, State Emergency Response Commission; and the State of New Mexico Homeland Security and Emergency Management via the District 3, DPS Dispatch Center (575) 622-7200	1) Name and telephone number of reporter; 2) name and telephone number of facility; 3) time and type of incident; 4) name and quantity of material involved; 5) extent of injuries, if any; and 6) possible health or environmental hazards outside the facility.	NA Prior to resumption of operations, notify that: 1) no waste that may be incompatible with released material is treated, stored, or disposed of until cleanup is complete, and 2) all emergency equipment listed in the Contingency Plan is cleaned and fit for its intended use. Send to Secretary, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico, 87502.
20.4.1.500 and .600 NMAC	Any incident which triggers implementation of Contingency Plan.	New Mexico Environment Department, Emergency Response Office, 24-hour telephone: (505) 827-9329 (emergencies); for non-emergencies contact (866) 428-6535 (24 hour voice mail) or Monday to Friday, 8 am to 5 pm: (505) 476-6000.	1) Name and telephone number of reporter; 2) name and address of facility; 3) name and quantity of materials involved, to extent known; 4) extent of injuries, if any; and 5) possible hazards to human health or the environment, outside the facility.	Within 15 days: 1) name, address and telephone number of owner/operator; 2) name, address and telephone number of facility; 3) date, time and type of incident (e.g., fire, explosion); 4) name and quantity of materials involved; 5) extent of injuries, if any; 6) possible hazards to human health or the environment; and 7) estimated quantity of material that resulted from the incident. Prior to resumption of operations, notify that: 1) no waste that may be incompatible with released material is treated, stored or disposed of until cleanup is complete, and 2) all emergency equipment listed in the Contingency Plan is cleaned and fit for its intended use. Send to Secretary, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico, 87502.

Regulations	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
New Mexico Emergency Management Act, Section 74-4B-5	Any accident (spill) involving hazardous materials (including hazardous substances, radioactive substances, or a combination thereof) which may endanger human health or the environment.	New Mexico Environment Department, Monday to Friday 8 am to 5 pm: (505) 476-6000, after business hours call: (505) 827-9329, State Emergency Response Commission: and the State of New Mexico Homeland Security and Emergency Management via the District 3, DPS Dispatch Center (575) 622-7200 Eddy County Emergency Manager via the Eddy County Regional Dispatch Authority (575) 616-7155 Lea County Emergency Manager: (575) 605-6561, and New Mexico Department of Public Safety (505) 554-7565.	1) Name, address and telephone number of owner or operator; 2) name, address and telephone number of facility; 3) date, time and type of incident; 4) name and quantity of material(s) involved; 5) extent of any injuries; 6) assessment of actual or potential threat to environment or human health; and 7) estimated quantity and disposition of recovered material.	Written submission within one week of time permittees become aware of discharge. Same as oral and description of noncompliance and its cause, the period 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 reoccurrence. Send reports to New Mexico Environment Department, Chief, Ground Water Quality Bureau, P.O. Box 26110, Santa Fe, New Mexico, 87502, New Mexico State Emergency Response Commission, Homeland Security and Emergency Management, P.O. Box 27111, Santa Fe, New Mexico, 87502, and Eddy County Emergency Manager, 324 S. Canyon Street, Suite B, Carlsbad, New Mexico 88220 and Lea County Emergency Manager, 1923 Dal Paso, Suite A, Hobbs New Mexico, 88240.
New Mexico Water Quality Control Commission, Part 1, Section 203	Any discharge from any facility of oil or any other water contaminant in such quantities as may, with reasonable probability, injure or be detrimental to human health, animal or plant life, or property.	Chief, Ground Water Quality Bureau, New Mexico Environment Department, or his counterpart in any constituent agency delegated responsibility for enforcement of the rules as to any facility subject to such delegation (505) 827-2919.	Within 24 hours: 1) the name, address, and telephone number of the person or persons in charge of the facility; 2) the name, address, and telephone number of the owner/operator of the facility; 3) the date, time, location, and duration of the discharge; 4) the source and cause of the discharge; 5) a description of the discharge, including its chemical composition; and 6) the estimated volume of discharge, and immediate damage from the discharge.	Submit within seven days: verification of the prior oral notification, also provide any appropriate additions or corrections to the information contained in the prior oral notification. Within 15 days: submit a written report describing any corrective actions taken and/or to be taken relative to the discharge. Send reports to Chief, Ground Water Quality Bureau, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico, 87502.

Regulations	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
New Mexico Underground Storage Tank Regulations-2	Any known or suspected release from an Underground Storage Tank (UST) system, any spill or any other emergency situation.	New Mexico Environment Department Petroleum Storage Tank Bureau (505) 476-4397.	Within 24 hours: 1) the name, address, and telephone number of the agent in charge of the site at which the UST system is located, as well as the owner/operator of the system; 2) the name and address of the site and the location of the UST system on that site; 3) the date, time, location, and duration of the spill, release, or suspected release; 4) the source and cause of the spill, release, or suspected release; 5) a description of the spill, release, or suspected release, including its chemical composition; 6) the estimated volume of the spill, release, or suspected release; and 7) action taken to mitigate immediate damage from the spill, release, or suspected release.	Mail or deliver within seven days of the incident, a written notice describing the spill, release, or suspected release and any investigation or follow-up action taken or to be taken. Send reports to Petroleum Storage Tank Bureau, New Mexico Environment Department, 2044 Galisteo Street, Santa Fe, New Mexico, 87504.