NM1 - ___19___

BLM
COMPLAINT

July 2014

Jones, Brad A., EMNRD

From: Griswold, Jim, EMNRD
Sent: Tuesday, July 01, 2014 8:29 AM
To: Jones, Brad A., EMNRD
Subject: FW: Gandy Marley rolloff bins
Attachments: Gandy Marley documentation-summary 3-063014.pdf

What say ye?

Jim Griswold
Environmental Bureau Chief
EMNRD/Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
505.476.3465
email: jim.griswold@state.nm.us

From: Bratcher, Mike, EMNRD
Sent: Tuesday, July 01, 2014 7:27 AM
To: Griswold, Jim, EMNRD
Subject: FW: Gandy Marley rolloff bins

Jim – For your spare time reading enjoyment. This is just over the county line in Lea County. Not sure when Geoffrey is leaving, or even how much involvement OCD needs to have in this. Gandy Marley is probably in violation of their OCD permit as well as the NMED permit. Terry Gregston is very thorough when she gets on something, but if you need me to do anything, let me know. - MikeB

From: Gregston, Terry [mailto:tgregsto@blm.gov]
Sent: Monday, June 30, 2014 7:41 PM
To: Cobrain, Dave, NMENV; Bratcher, Mike, EMNRD; Meeks, Ralph L., NMDOT; George MacDonell; Jeanette Martinez
Subject: Gandy Marley rolloff bins

Mr. Meeks (NMDOT), Mr. Cobrain (NMED Hazardous Waste Bureau), Mr. Bratcher (NMOCD),

I spoke with Mr. Meeks and Mr. Cobrain today on the phone about the Gandy Marley rolloff bins being parked on the easment of the intersection of the Hobbs Highway and SH 176 and 243. In my conversation with Mr. Cobrain, he believed that the rolloff bins were probably associated with O&G operations, and referred me to the OCD. I tried to reach Mr. Bratcher by phone, but was unable to do so (call would not go through, perhaps a network glitch going on...). So this email serves to brief the OCD on the issue and bring them up to speed on the topic.

I have attached a case summary pdf file, with photos showing the conditions of the bins and documenting some of the contamination being created on federal lands due to the operation of this commercial waste transfer station on the right-of-way. I need to confirm that no state agency has issued a permit for these operations. I don't believe that any state agency would issue such a permit, but we wanted to check before pursuing the case with Gandy Marley.

Since speaking with Mr. Cobrain earlier today, some questions have arisen about whether or not the Gandy Marley operation on the right-of-way in Lea County violates any of the permit conditions for the main Gandy

Marley disposal site. A search on Gandy Marley turned up a permit issued by NMED for the Triassic Park Disposal Facility, Permit No NM0001002484. The permit has many stipulations related to rolloff bin handling and storage...such as secondary containment construction, waste manifests, bin conditions and maintenance, security fencing, and signage. None of those conditions are being met at the satellite waste transfer station being operated on the right-of-way. If this operation is being conducted by Gandy Marley, does doing so violate their state permit conditions?

If none of the state agencies has issued a permit for the right-of-way operations, the BLM will proceed with pursuing a trespass case against Gandy Marley. We'll also try to get them to clean up the mess they have made on the right-of-way. Some of the mess on the right-of-way has been created by other folks, but aerial imagery of the intersection before and after Gandy Marley use as a waste transfer station documents a significant degradation in the pullouts with a lot more spillage. In our region, trash and illegal dumping collects more trash and illegal dumping. With that in mind, we'd like to counsel with NMDOT about narrowing the size of the pullouts at that intersection and rebuilding the fenceline closer to the pavement as part of cleanup operations at the site. Perhaps a smaller sized pullout would discourage such activities from occurring at the same site in the future. If you would, Mr. Meeks, please advise us on that. Would NMDOT be opposed to decreasing the size of the pullouts? If not, what does NMDOT need at that location in the way of a pullout and how much of the pullout can we take out as part of cleanup operations?

Please let me know if any of your agencies have issued a permit for this operation and whether or not this case is of a regulatory concern to your agency.

As always, I thank you for your assistance on this matter,

Terry Gregston
HazMat EPS
Bureau of Land Management
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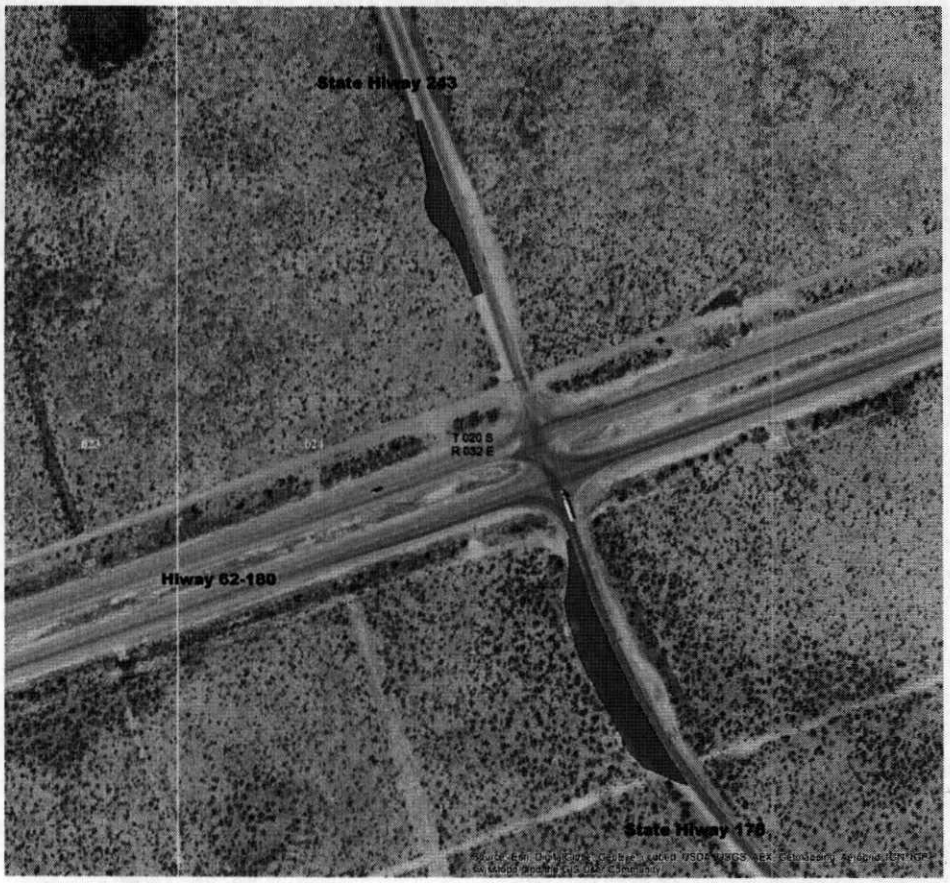
Gandy Marley, Inc.
Trespass and Illegal Dumping Case

Event Date:	Earliest Aerial with documentation of illegal dumping/trespass: 07/2013. Trespass and dumping continuous since that date.
Event Type:	Illegal dumping; trespass; unauthorized use of federal surface for commercial purposes, possible violation of NMED permit conditions
Location:	Intersection of Highway 62/180 with both SH 176 and SH 243
Legals:	**T20S, R32E, section 24**
Responsible Party:	Gandy Marley, Inc.
Type of Work:	Investigation of illegal dumping and trespass; pursuit of PRP to cleanup contaminated soils created by trespass use of federal lands
Reported by:	BLM employee
Report/Requester phone	Steve Caffey 575-631-5800
Report Date:	
Other Agencies Contacted:	NMDOT, NMED, NMOCD



Site Map showing right-of-way pullouts being used for commercial purposes as a satellite waste disposal transfer station.

General Description of Site and Related Issues:

Gandy Marley rolloff dumpsters are being parked in the right-of-way (ROW) pullouts at the intersection of Highway 62/180 and State Highways 176 and 243 on federal surface. Dumpsters appear at the intersection and then disappear, presumably being picked up and/or dropped off by Gandy Marley. In essence, the federal ROW is being used as a satellite waste material and waste container storage depot for commercial purposes without proper authorization, permit, site construction, or maintenance.

Contaminants on the exterior of the rolloff containers and leakage from the interior of containers have contaminated federal surface in the ROW pullouts and have subsequently migrated off the pullouts onto adjoining federal pasture lands. Dumpsters are often covered in contaminants, do not have displayed manifests as to contents and/or prior contents, are not in secured containment areas, are not on lined and bermed secondary containment areas, are not flagged with warning signs, are in a place where public exposure can occur, are covered with contaminants that break off/wash off in rains even if containers remain sealed, are sometimes broken open with exposed interiors/contaminants (unsealed, unsecured), and are a physical and chemical hazard public safety concern. The condition of rolloff containers as well as the site storage conditions may be in violation of the NMED Final RCRA Permit No NM0001002484 issued to Triassic Park Waste Disposal Facility, March 2002 (see Attachment 1 for Permit excerpts) for proper rolloff container storage, storage containment construction specifications, proper container handling/maintenance/condition, required manifest tracking/posting, required site security, required daily storage site inspections, and required posted warning signs (among others).

No BLM permits or authorization for this commercial use of federal lands has been authorized. Repeated trespass use of the ROW pullouts by Gandy Marley has contaminated federal soils and creates a threat to the environment, wildlife, livestock, and to the general public (who frequently utilize the same pullouts for driving breaks and/or field meeting sites).

Gandy Marley container busted open with transfer of dry contaminants to surface, 04/04/14.

Contamination transferred from rolloff dumpsters to federal surface, 06/17/14.

Rolloff container covered in contaminants that had been washed off of container and onto federal surface by recent rain event, 06/25/14.

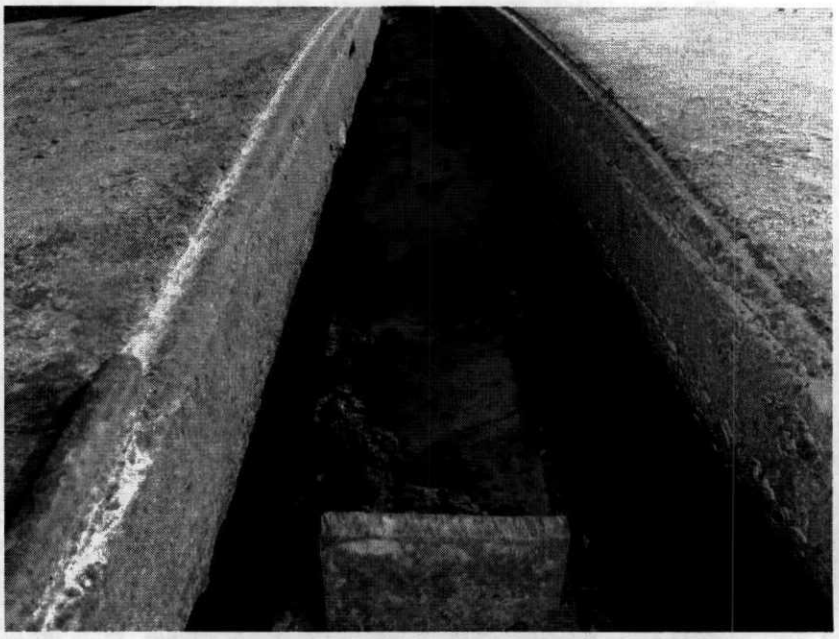
Rolloff container leaking fluids, 06/25/14.

A second rolloff container leaking gray colored contaminants onto federal surface, 06/25/14.

Google earth image with "Imagery Date" stamp at bottom of 07/2013.

Google aerial image of bins located off of SH243, north of the 82/160 intersection.

Google images of bins located off of SH176, south of the 82/160 intersection.



Lids on top of rolloff bins are often not secure or sealed. Rain and small animals can enter the bins. 06/26/14.

Damaged rear gate on bin; gate left open. Bin was "empty" but encrusted with contaminated soils/materials. Even if the gate was closed and "sealed", the gate has been breached and would not form a sufficient seal for transport of materials. During a recent rain event,

rainfall had washed off contaminants on the exterior of the bin, but had also entered and washed through the bin via open hatches on the top of the bin. 06/26/14.

Close up of rolloff container leakage and soil contamination under the bin, 06/26/14. Container was dripping during the onsite.

Attachment 1:
Potential Areas of Permit Violation Excerpted From:
New Mexico Environment Department Triassic Park Waste Disposal Facility
March 2002
Final RCRA Permit No NM0001002484

1.5 DUTIES AND REQUIREMENTS

1.5.1 Duty to Comply

The Permittee shall comply with all conditions in this Permit, except to the extent and for the duration such noncompliance is authorized in an Emergency Permit, as specified at 20.4.1.900 NMAC (incorporating 40 CFR 270.61). Any Permit noncompliance, except under the terms of an Emergency Permit, constitutes a violation of the HWA and/or RCRA and may subject the Permittee, its successors and assigns, officers, directors, employees, parents, or subsidiaries, to an administrative or civil enforcement action, including civil penalties and injunctive relief under Sections 74-4-10 or 74-4-10.1 of the HWA, or Sections 3008(a) and (g) or 7002(a)(1)(A) of RCRA; to Permit modification, suspension, or revocation, or denial of a Permit application or modification request under Section 74-4-4.2 of the HWA; to citizen suit under Section 7002(a) of RCRA; to criminal fines or imprisonment under Section 74-4-11 of the HWA, or Sections 3008(d), (e), or (f) of RCRA; or to a combination of the foregoing. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(a))]

1.5.5 Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all units and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(e))] This provision requires the operation of back-up or auxiliary units or similar systems only when necessary to achieve compliance with the conditions of this Permit.

1.5.3.a.i Waste Profile Form

...The Permittee shall evaluate information provided by the generator as specified at Permit Attachment F, Sections 4.3, and 4.3.2, *Paperwork Evaluation*. If acceptable knowledge information is used, the information provided must be traceable (e.g., the information provided for a selected drum must be traceable back to the process which produced it) and auditable (i.e., "auditable" records mean those records that are readily available, that can be correlated to specific waste shipments or specific containers of waste, and that verify the characterization of such wastes).

1.5.3.b Incoming Waste Acceptance
Incoming waste shipments shall be evaluated in accordance with Permit Attachment F, Section 4.4. If manifest discrepancies or discrepancies noted during visual examination are not resolved within 90 days of identifying the discrepancy, waste will not be accepted for storage or disposal, and the waste will either be returned to the sender or disposed at an appropriate permitted Facility by the Permittee.
The Permittee shall ensure that a generator shipping hazardous debris or contaminated soil to the Facility has first complied with the certification requirements identified in the Table contained at 20.4.1.800 NMAC (incorporating 40 CFR 268.7).

1.6 SECURITY
The Permittee shall comply with the security provisions specified at Permit Attachment B, *Procedures to Prevent Hazards*, Section 5.1, *Security Provisions to Prevent Hazards.* [20.4.1.500 NMAC (incorporating 40 CFR 264.14)]

1.6.2 Barriers
In order to prevent unknowing entry and minimize the possibility for unauthorized entry of persons, livestock or wildlife, the Facility shall have the following barrier as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.14(b)(2)(i)). The active portion of the Facility shall be bounded by a six-foot chain link fence topped with a three strand barbed wire access barrier with two access gates located in the northern portion of the Facility. The fence shall have metal flashing around its base constructed to protrude a minimum of 18-inches above ground and a minimum of 10-inches below ground. The fence shall be regularly maintained to ensure proper barriers..

1.6.3 Warning Signs
Warning signs in English and Spanish, e.g., "DANGER, NO UNAUTHORIZED PERSONNEL, KEEP OUT", and "PELIGRO, NO PERMITIDA LA ENTRADA SIN AUTORIZACION", shall be posted at the road entry point to the Facility and every 50 feet along the perimeter fence, as specified at Permit Attachment B, Section 5.1.2, *Warning Signs*. These bilingual signs shall be legible from a distance of 25 feet and shall also be visible from any approach to the Facility. In addition, the warning signs shall be posted at each entrance to an active portion of the Facility, and in sufficient numbers to be seen from any approach to each active portion, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.14(c)).

1.7.1.b Additional Inspection Requirements
The Permittee shall inspect areas subject to spills, such as loading and unloading areas, daily when in use, as required by 20.1.500 NMAC (incorporating 40 CFR 264.15(b)(4)).

1.7.1.c Testing and Maintenance of Emergency Equipment
The Permittee shall inspect the monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment identified at Permit Attachment C1, New

Emergency Equipment, to detect any malfunctions and deterioration, operator errors, and discharges, as specified at Permit Attachment D, Inspection Procedures, Section 5.2.8, Safety and Emergency Response Equipment Inspection Procedures; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.33); in order to assure proper operation in time of emergency.

1.7.1.d Inspection Logs and Checklists
The Permittee shall use the inspection logs or checklists contained at Permit Attachment D1. The Permittee shall ensure that inspectors record the date and time of the inspection, the status of items inspected (items not inspected shall be marked "NI"), the date and nature of any repairs or other remedial actions needed, and sign the checklist, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(d)).

1.7.2 Remedial Action
The Permittee shall remedy any deterioration or malfunction of equipment or structures which an inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard, as specified at Permit Attachment D, Section 5.2.1.2, *Remedial Action*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(c)). When the hazard is imminent or has already occurred, the Permittee shall take remedial action immediately.

1.10.4 Arrangements with Local Authorities
The Permittee shall maintain preparedness and prevention arrangements with State and local authorities, contractors, and other governmental agencies, at a minimum as specified at Permit Attachment C, *Contingency Plan*, Sections 6.3.1.1, *Life-Threatening Situations*, and 6.3.4, *Off Site Notification and Evacuation Criteria*, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.37(a) and 264.52(c)). The Permittee shall maintain these documents at appropriate locations at the Facility.

If a local authority with which the Permittee has an agreement terminates the agreement, Permittee shall document the termination in the Operating Record and shall provide a copy of this documentation and alternative emergency response arrangements to the Secretary within 15 days.

1.12.2.d Reporting - Noncompliance with the 40 CFR 264, CC Exemption
The Permittee shall report to the Secretary each occurrence, within 15 calendar days of the time the Permittee becomes aware of the occurrence, whenever hazardous waste is placed in a waste management unit in noncompliance with the exemption from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC) provided at Permit Condition 2.15.2.a; as specified at Permit Attachment G, *Air Quality*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1090(a)).

1.14 TRANSPORTATION OF HAZARDOUS WASTE

1.14.1 Transportation of Hazardous Waste to the Facility

1.14.1.a Manifest Requirements

The Permittee shall comply with the manifest requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.71).

1.14.1.b Manifest Discrepancies

Upon discovering a significant discrepancy, as identified at Permit Attachment F, Section 4.4, and at 20.4.1.500 NMAC (incorporating 40 CFR 264.72(a)), between the quantity or type of waste designated on the manifest and the quantity or type of waste actually received at the Facility, the Permittee shall attempt to reconcile the discrepancy with the generator or transporter. If the discrepancy is not resolved within 90 days after receiving the waste, the Permittee shall immediately submit to the Secretary a letter describing the discrepancy and attempts to resolve it, and a copy of the manifest, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.72(b)).

1.14.3 Decontamination of Equipment and Vehicles

The Permittee shall ensure that any vehicles or equipment which have come in contact with hazardous waste in any storage or treatment area and/or which have been in contact with hazardous waste in the Landfill are sufficiently decontaminated prior to their further movement to prevent contamination of uncontaminated areas of the Facility as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.31)). Wash water generated from truck or equipment decontamination shall be collected, tested, and treated, and disposed as specified at Permit Attachment F, Section 4.5.6.

1.18 LIABILITY COVERAGE

1.18.1 Sudden Accidental Occurrences

1.18.1.a Liability Coverage Requirements for Sudden Accidental Occurrences

The Permittee shall have and maintain liability coverage for sudden accidental occurrences in the amount of one million dollars ($1,000,000) per occurrence, with an annual aggregate of at least two million dollars ($2,000,000), exclusive of legal defense costs, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.147(a)).

PERMIT PART 3 HAZARDOUS WASTE STORAGE IN CONTAINERS HIGHLIGHTS

This Part contains conditions for storage of hazardous waste in containers at the Triassic Park Waste Disposal Facility (the Facility). Conditions are included for the maximum volumes and kinds of waste that can be stored in containers and for management and closure of the container storage units. Standards for construction and for operation and maintenance of the storage units are also included.

Container storage consists of two permitted areas: the Drum Handling Unit and the Roll-Off Container Storage Area. The location of the container storage units within the Facility is provided at Permit Attachment L1, *Engineering Drawings*, Drawing No. 4. Information on construction and management of hazardous waste in the container storage areas is provided at Permit Attachments A, *General Facility Description and Information*, Section 2.2, *Container Storage Areas*; and L, *Engineering Report*, Sections 5.0, *Truck Roll-Off Area*, and 7.0, *Drum Handling Facility*.

The Roll-Off Container Storage Area is an uncovered, single-lined system consisting of a prepared subgrade, a geomembrane underliner, a geonet drainage layer, a geotextile filter layer, a soil subbase layer, and a surface gravel layer. The Area is surrounded by a berm with a height ranging from two to eight feet. This berm diverts run-on surface water around the perimeter of the truck roll-off area. The storage areas are accessed by 20-foot-wide compacted soil ramps at the center of each cell. Culverts under each of the access ramps allow surface water flow to the west toward the run-off Stormwater Detention Basin. The Area consists of two cells that are separated by a berm with a minimum interior height of two feet. Each cell is approximately 310 feet long by 180 feet wide and can stage 66 40-cubic yards roll-off containers.

The west cell (the Incoming Waste Cell), approximately one-half of the area, holds tarped, U.S. Department of Transportation (DOT)-approved, lined roll-off containers holding non-stabilized hazardous waste prior to treatment. Each container and its plastic bed liner comprise a double-lined system.

Secondary containment consists of a berm surrounding the Incoming Waste Cell, sloping floor, and sump incorporated into the drainage layer for leak detection and removal. The sump system has a total fluid capacity of 1,406 gallons, which exceeds the required ten percent of allowable container volume. The Roll-Off Storage Area drainage sump is monitored visually to determine whether pumping is required. Precipitation collected in the sump is removed by vacuum truck.

Waste is characterized and screened as part of the waste acceptance procedures. Roll-off containers are inspected for free liquids prior to acceptance at the Incoming Waste Cell. Free liquids detected are removed and stabilized. Roll-Offs containing free liquids are not stored in the Truck Roll-Off Area.

The east cell (the Stabilized Waste Cell) serves as a staging area for roll-off bins containing post-treatment stabilized waste awaiting landfill disposal approval. Construction is identical for the west and east cells.

Waste is transferred to both cells by generator or Facility trucks. After delivery, the trucks are decontaminated, if necessary, at the Truck Wash Area, which is operated as a RCRA 90-day storage area.

1.1.2 Permitted Storage in Roll-Off Containers

Permittee shall store hazardous waste in roll-off containers or roll-off container equivalents only in the Roll-Off Container Storage Unit, as identified at Table 3-2, Permitted Roll-Off Container Storage Unit, and as specified at Permit Attachment A, Section 2.2.2.3, Storage Limits. The volume of hazardous waste that may be stored in the Roll-Off Container Storage Unit is limited to the maximum capacity identified at Table 3-2, and as specified at Permit Attachment A, Section 2.2.2.3.

The Roll-Off Container Storage Unit, as identified in Table 3-2, is one permitted unit.

1.1.4.a General Waste Prohibition

The Permittee is prohibited from storing in containers those wastes identified at Permit Condition 2.4.2 and Permit Attachment F, *Waste Analysis Plan,* Section 4.1.2, *Prohibited Waste.*

1.2 CONTAINER STORAGE AREAS CONSTRUCTION

1.2.1 Construction Requirements

The Permittee shall construct the Drum Handling Unit and loading dock area, and the Roll-Off Container Storage Area, as specified at Permit Attachments A, Sections 2.2.1, *Drum Handling Unit*, and 2.2.2, *Roll-Off Storage Area*; L, Sections 5.0 and 7.0; L1, Drawings Nos. 37 through 39 and 41 through 43; and L2, *Specifications for Landfill, Surface Impoundment and Associated Facilities Liner and Cover System Construction.*

1.2.2 Secondary Containment

The Permittee shall construct and operate the secondary containment systems for each cell in the Drum Handling Unit, including the LDRSs and LCRSs, and the secondary containment system, including the LDRS, for the Roll-Off Container Storage Unit, as specified at Permit Attachments A, Sections 2.2.1.1, *Containment and Detection of Releases [Drums]*, and 2.2.2.1, *Containment and Detection of Releases [Roll-Off Containers]*; L, Sections 5.0 and 7.0; L1, Drawings Nos. 39 and 43; and L2; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.175)

1.2.3 Berms

The Permittee shall construct and maintain the earthen berms surrounding the Truck Roll-Off Storage Area so that there are no cracks or gaps that could adversely impact the integrity of the secondary containment system, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.175). The Permittee shall construct the perimeter berm so that the berm is from 2 to 10 feet high and slopes at 3H:1V to the floor of the Roll-Off Storage Area, as specified at Permit Attachments L, Sections 5.1.1, General, and 5.1.2, Truck Roll-Off Area Layout; and L1, Drawing No. 41. The Permittee shall construct this berm and the separator berm between the two storage cells as shown at Permit Attachment L1, Drawing No. 41 (1 and 2 of 2), and using the appropriate construction specifications contained at Permit Attachment L2.

1.3 GENERAL OPERATING REQUIREMENTS FOR CONTAINERS

The Permittee shall manage containers as specified at Permit Attachment A, Section 2.2; and as required by 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart I).

1.3.2 Acceptable Storage Containers
The Permittee is prohibited from storing hazardous waste in any container other than the following, as specified at Permit Attachment A, Section 2.2.8, *Types of Containers*.
1.3.2.a Drums
The Permittee shall use standard 55-gallon drums with a gross internal volume of 7.3 cubic feet, 35-gallon (4.64 cubic feet) drums, or 10-gallon (1.23 cubic feet) drums. Overpack drums may be used as necessary.
1.3.2.b Roll-Off Boxes
The Permittee shall use only 40 cubic yards or similar roll-off boxes.

1.3.3 Condition of Containers
The Permittee shall manage containers as specified at Permit Attachment A, Section 2.2.10, Condition of Containers; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.171). If a container holding hazardous waste is not in good condition (e.g., has severe rusting or apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such a container to a container that is in good condition.

1.3.4 Compatibility of Wastes with Containers
The Permittee shall use containers made of, or lined with, materials that shall not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain waste is not impaired, as specified at Permit Attachment A, Section 2.2.11, *Compatibility with the Container*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.172).

1.3.5 Management of Containers
The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste. The Permittee shall not open, handle, or store containers in a manner that may rupture the container or cause it to leak, as specified at Permit Attachment A, Section 2.2.10; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.173).

1.3.6.b Placement Limitations
The Permittee shall ensure that containers are not placed in the Roll-Off Container Storage Area within the limits potentially inundated by the 25-year, 24-hour storm event, or within four feet of the edge of the berm, as specified at Permit Attachment A, Section 2.2.2; and as shown at Permit Attachment L1, Drawing No. 41.
The Permittee shall remove any accumulated water from the Roll-Off Container Storage Area after each rainfall event, as specified at Permit Attachment L, Section 5.1.1.

1.3.8 Labeling of Containers
The Permittee shall label each storage container with a hazardous waste label identifying the contents, as specified at Permit Attachment A, Section 2.2.9, *Labels*. The label shall be clearly marked to indicate the date of receipt or accumulation. The label shall not be obscured from view during storage.

1.3.12.a Repair - Containers Using Container Level 1 Standards
If a defect is detected in a container using Container Level 1 standards in accordance with Permit Condition 3.11.2.c, then the Permittee shall repair the defect as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)(4)(iii)).

1.3.12.b Repair - Containers Using Container Level 2 Standards
If a defect is detected in a container that is being managed using Container Level 2 standards in accordance with Permit Condition 3.11.2.d, then the Permittee shall repair the defect as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(d)(4)(iii)).

1.5 MANAGEMENT OF LEAKS OR SPILLS
Upon detection of a spill or release at the Container Storage Units to either the surface environment or a leak detection system, the Permittee shall respond as specified at Permit Attachment C, *Contingency Plan*, Section 6.3.5.2, *Spills, Leaks, or Other Releases Control Procedure*, and shall make a determination in accordance with Permit Attachment F, *Waste Analysis Plan*, Sections 4.6, *Sampling Plan*, and 4.5.6, *Waste Analysis Requirements for Waste Generated On-Site*, to identify the nature and concentration of all waste constituents. The Permittee shall select an appropriate method of treatment and/or disposal, and shall initiate procedures for removal in a timely manner, as specified at Permit Attachment A, Sections 2.2.1.1 and 2.2.2.1.

1.9.2 Unwashed Containers
The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material, as specified at Permit Attachment A, Section 2.2.11; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.177(b)).

1.2.2 Construction Quality Assurance Plan
The Permittee shall implement Permit Attachment M under the direction of a Construction Quality Assurance (CQA) officer who is a professional engineer registered in New Mexico to ensure that all construction required under Permit Condition 5.2.1 meets or exceeds all design criteria and specifications of this Permit, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.19(a) through 264.19(d)).