MODULE I

STANDARD CONDITIONS

I.A. EFFECT OF PERMIT

I.A.1 The Permittee is allowed to store, treat, and dispose of hazardous waste in accordance with the conditions of this Permit. Any treatment, storage or disposal of hazardous waste not authorized in this, or any other hazardous waste permit, is prohibited.

I.A.2. Compliance with this Permit constitutes compliance, for purposes of enforcement, with the Utah Solid and Hazardous Waste Rules except for those requirements not included in this Permit which become effective by statute. Specifically, compliance with this Permit during its term constitutes compliance for purposes of enforcement with Utah Administrative Code (Utah Admin. Code) R315-8 only for those management practices specifically authorized by this Permit. The Permittee shall also comply with Utah Admin. Code R315-1, 2, 3, 4, 5, 6, 9, 12, 13, 14, 16, 50 and 101 as applicable.

I.A.3. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations.

I.A.4. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Section 3008(a), 3013, or 7003 of the Resource Conservation and Recovery Act (RCRA); Sections 106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C.9601 et seq.), or any other law providing for protection of human health or the environment.

I.A.5. Regulations incorporated into this Permit are provided in Attachment I-1, *Regulations Incorporated by Reference*.

I.B. ENFORCEABILITY

I.B.1. Violations documented through the enforcement process to Utah Code Annotated 19-6-112, and upheld through judicial action, may result in penalties assessed in accordance with Utah Admin. Code R315-102.

I.C. NO WAIVER OF AUTHORITY

I.C.1. Other Authority. The Director expressly reserves any right of entry provided by law and any authority to order or perform emergency or other response activities as authorized by law.

I.D. PERMIT ACTIONS

I.D.1. This Permit may be modified, revoked and reissued, or terminated for cause as specified in Utah Admin. Code R315-3-4.2 and Utah Admin. Code R315-3-4.4. If the Director determines that cause exists to modify, revoke and reissue, or terminate this Permit, the action will proceed in accordance with Utah Admin. Code R315-4-1.5.

I.D.2. This Permit may be modified at the request of the Permittee according to the procedures in the Utah Admin. Code R315-3-4.3. All modification requests involving the practice of engineering, including, but not limited to, design drawings, calculations, or sketches, shall be reviewed and stamped by a qualified Utah registered professional engineer and shall be included in the modification request.

I.D.3. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

I.E. SEVERABILITY

I.E.1. The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. Invalidation of any state or federal statutory or regulatory provision that forms the basis for any condition of this Permit does not affect the validity of any other state or federal statutory or regulatory basis for said condition.

I.F. DUTIES AND REQUIREMENTS

I.F.1. Duty to Comply. The Permittee shall comply with all conditions of this Permit, except that the Permittee need not comply with the conditions of this Permit to the extent and for the duration any noncompliance is in an emergency permit issued in accordance with Utah Admin. Code R315-3-6.2. Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the Utah Solid and Hazardous Waste Act (USHWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, modification, or for

denial of a permit renewal application.

I.F.2. Duty to Reapply. If the Permittee wishes to continue any activities allowed by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new permit, subject to Condition 1.F.4.

I.F.3. Review of the Permit. In accordance with the Utah Solid and Hazardous Waste Act Utah Code Annotated 19-6-108(13) and Utah Admin. Code R315-3-5.1(d), the Director shall review this Permit five years from the date of issuance or reissuance and modify it as necessary.

I.F.4. Permit Expiration. This Permit will expire at midnight on April 4, 2013. This Permit and all conditions herein will remain in effect beyond the Permit's expiration date if the Permittee has submitted a timely (at least 180 days prior to permit expiration or by an alternative date if requested by the Director), complete, application and, through no fault of the Permittee, the Director has not issued a new permit with an effective date on or before the expiration date of the previous permit.

I.F.5. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit

I.F.6. Duty to Mitigate. In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize any release to the environment, and shall carry out such measures as are necessary to prevent adverse impacts on human health or the environment.

I.F.7. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, adequate laboratory staff and equipment and adequate controls, including appropriate quality assurance procedures, as specifically outlined in this Permit. This provision requires the operation of back-up or auxiliary equipment or similar systems, only when necessary to achieve compliance with the conditions of this Permit.

I.F.8. Duty to Provide Information. The Permittee shall furnish to the Director, within a reasonable time, any relevant information the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also

furnish to the Director, upon request, copies of records required to be kept by this Permit.

I.F.9. Inspection and Entry. The Permittee shall allow the Director, or authorized representatives, upon the presentation of credentials and other documents as may be required by law to:

I.F.9.a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Permit.

I.F.9.b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this Permit.

I.F.9.c. Inspect at reasonable times any facility, equipment (including monitoring and control equipment), practices, or operations, regulated or required under this Permit.

I.F.9.d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the USHWA, any substances or parameters at any location.

I.F.9.e. Make record of inspections by photographic, electronic, videotape, or any other reasonable medium.

I.F.10. Reporting Planned Changes.
The Permittee shall give oral notice to the Director, in advance, of any planned changes to a permitted hazardous waste management unit or activity that the Permittee does not consider as requiring a permit modification. The Director will notify the Permittee orally that either it is agreed that no permit modification is required or the proposed changes require a permit modification. The Director may determine that the changes require a permit modification if the proposed changes modify the original design or operation that was represented in the application even though those portions of the application (i.e., design specifications, drawings, calculations, etc.) may not have been incorporated into the permit.

I.F.11. Certification of Construction or Modification. The Permittee may not commence storage, treatment, or disposal of hazardous waste in a new hazardous waste management unit or an existing unit being modified at the permitted facility until:

I.F.11.a. The Permittee has submitted to the Director the following:

I.F.11.a.i. A letter signed by the Permittee and a qualified Utah registered professional engineer stating that the unit has been constructed in compliance with this Permit

and is operationally ready.

I.F.11.a.ii. Stamped as-built engineering plans and specifications with any deviations from the approved design noted and justification for each deviation provided.

I.F.11.b. The Director has reviewed and inspected the newly constructed facility and has notified the Permittee in writing that the unit was found in compliance with the conditions of this Permit; or

I.F.11.c. The Director has either waived the inspection, or has not within 15 calendar days of the date of receipt of the above submission, notified the Permittee of the intent to inspect.

I.F.12. Anticipated Noncompliance. The Permittee shall give a minimum of 72 hours advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. Advance notice shall not excuse any noncompliance.

I.F.13. Transfer of Permits. This Permit is not transferrable to any person except after notice to the Director in accordance with Utah Admin. Code R315-3-4.1. Before transferring ownership or operation of the facility, during its operating life and the post-closure care period, the Permittee shall notify the new owner or operator, in writing, of the requirements of this Permit.

I.F.14. Monitoring and Records

I.F.14.a. Samples and measurements taken for the purpose of monitoring to determine compliance with this Permit shall be accurate and representative of the monitored activity. The method used to obtain representative samples shall be the appropriate method as outlined in permit provisions or listed in the Utah Admin. Code R315-2, Utah Admin. Code R315-12, Utah Admin. Code R315-13, or an equivalent, superior, or more appropriate method as approved by the Director. Laboratory methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846,* Third Edition, or the most current edition, *Standard Methods for Examination of Water and Wastewater,* Seventeenth Edition, or the most current edition, or an equivalent, superior, or more appropriate method as approved by the Director. Methods specified in Attachment II-1, *Waste Analysis Plan (WAP),* and other methods approved by the Director are approved for purposes of this requirement.

I.F.14.b. The Permittee may substitute analytical methods (i.e., methods for on-site incoming waste analysis and field-parameter groundwater analyses) which are equivalent, more appropriate, or superior to those specifically approved for use in this Permit in accordance with the following:

I.F.14.b.i. The Permittee shall submit to the Director, at least 30 days prior to any sampling event or use of the method, a request meeting the requirements of Utah Admin. CodeR315-2-15 for a substitution of an analytical method. The request shall provide information demonstrating that the proposed method(s), requested to be substituted, is equivalent, more appropriate, or superior in terms of sensitivity, accuracy, and precision (i.e., reproducibility). The Permittee shall receive written approval, from the Director, for the substitution of the analytical method(s). Modifications of analytical methods shall be done in accordance with Condition I.D.1.

I.F.14.c. The Permittee shall retain, at the EnergySolutions, Tooele County, Clive Utah Site (Site), Mixed Waste Facility (Facility), records of all monitoring, waste analysis, and groundwater monitoring information, including calibration and maintenance records as outlined in Attachment II-1, *Waste Analysis Plan*, Attachment VI-1, *Groundwater Field Sampling Plan*, and Module VI, *Groundwater Monitoring* and elsewhere in this Permit. Where applicable, strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, and records of all data used to complete the application for this Permit shall be kept. All of the above-referenced material shall be retained for three years from the date of measurement. This period may be extended, by request of the Director, at any time and is automatically extended during the course of any unresolved enforcement action regarding this Facility. Recordkeeping may be accomplished using original paper documents, xerographic copies, document replicas, electronic facsimiles, electronic disk, DVD, CD-ROM, computer drive files, microfilm, microfiche, photograph, magnetic tape, or any other reasonable medium or similar recordkeeping technique. Any recordkeeping system shall be capable of reproducing complete, accurate, and legible records. Recordkeeping activities that involve temporary transfer of operating records to an off-site location for such purposes as microfilming may be conducted following oral or written approval by the Director.

I.F.14.d. Records of on-site incoming waste analysis and field-parameter groundwater analyses shall include:

I.F.14.d.i. The dates, places, and times of sampling or measurements.

I.F.14.d.ii. The individuals who performed the sampling or measurements.

I.F.14.d.iii. The dates that analyses were performed.

I.F.14.d.iv. The individuals who performed the analyses.

I.F.14.d.v. The analytical techniques or methods used.

I.F.14.d.vi. The results of such analyses.

I.F.15. Twenty-four Hour Reporting. The Permittee shall report to the Director any incident at the Facility that may endanger human health or the environment. Any such information shall be reported orally as soon as possible, but not later than 24 hours from the time the Permittee becomes aware of the circumstances. This report shall include the following:

I.F.15.a. Information concerning the release of any hazardous waste that may endanger public drinking water supplies.

I.F.15.b. Information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility that could threaten the environment or human health. The description of the occurrence and its cause shall include:

I.F.15.b.i. Name, address, and telephone number of the person reporting the incident;

I.F.15.b.ii. Name, address, and telephone number of the facility;

I.F.15.b.iii. Date, time and type of incident;

I.F.15.b.iv. Name and quantity of materials involved;

I.F.15.b.v. The extent of injuries, if any;

I.F.15.b.vi. An assessment of actual or potential hazards to the environment and human health outside the Facility, where this is applicable; and

I.F.15.b.vii. Estimated quantity and disposition of recovered material that resulted from the incident.

I.F.16. A written submission shall also be provided within seven calendar days of the time the Permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance (including exact dates and times); disposition of cleanup material; whether the noncompliance has been corrected; and if not, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee need not comply with the written notice requirement if the Director waives the requirement and the Permittee submits a written report within 15 calendar days of the time the Permittee becomes aware of the circumstances.

I.F.17. For actual releases of hazardous waste, the Permittee shall follow the

requirements of, Attachment II-6, *Contingency Plan.*

I.F.18. The Permittee shall comply with the reporting requirements of Utah Admin. Code R315-9 in effect at the time of the incident. The Permittee shall also notify the Tooele County Health Department, Environmental Health, of any incident applicable to Condition I.F.15.a and I.F.15.b.

I.F.19. Monitoring Reports. Monitoring reports shall be reported at the intervals specified elsewhere in this Permit.

I.F.20. Compliance Schedules. For any requirements with time periods in this Permit, the Permittee may request additional time from the Director, and with prior approval from the Director, may extend the required time period.

I.F.21. Manifest Discrepancy Report. If a significant discrepancy (e.g., 10% difference in weight in a bulk shipment, one item of a case load, or different waste type) in a manifest is discovered, the Permittee shall attempt to reconcile the discrepancy. If not resolved within 14 calendar days, the Permittee shall submit to the Director a written report describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

I.F.22. Unmanifested Hazardous Waste Report. This report shall be submitted to the Director within 15 calendar days of acceptance of unmanifested hazardous waste, and shall include the following information: the EPA identification number, name, and address of the facility; the date of receipt of the waste; the word "Unmanifested" under the comments section or check appropriate box of the report form; the EPA identification number, name, and address of the generator and the transporter, if available; a description of the quantity of each unmanifested hazardous waste received by the facility; the method of treatment, storage, or disposal for each hazardous waste; a certification signed by the Permittee; and, a brief explanation of why the shipment was unmanifested, in the comments section of the report form. If the Permittee accepts unmanifested hazardous waste, believing it to be excluded under Utah Admin. Code R315-2, the Permittee shall, if possible, obtain from the generator a certification that the waste qualifies for exclusion as part of the unmanifested waste report. This requirement does not apply to shipments that do not require a manifest (e.g., from conditionally exempt small-quantity generators).

I.F.23. Biennial Report. A biennial report shall be submitted covering facility activities during odd numbered calendar years. This report shall be submitted by March 1 of the following even numbered year, unless the Director approves an alternative deadline. This biennial report should be completed using EPA Form 8700-13B unless another form is approved by the Director.

I.F.24. Other Noncompliance. The Permittee shall report, within 14 calendar days of discovery, all other instances of noncompliance, not otherwise required to be reported above. This report shall include, at a minimum, a description of the noncompliance, the date and time of occurrence, current status, and corrective actions to prevent recurrence. Reporting shall not excuse any noncompliance.

I.F.25. Other Information. Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application, or in any report to the Director, the Permittee shall submit such facts or corrected information within seven calendar days.

I.F.26. Forms and Documents in Permit. This Permit may contain or refer to documents and forms on which information and data is gathered and recorded. The Permittee may reformat documents and forms as necessary to carry out administrative duties. The Permittee may use alternative forms or add language to the permitted documents or forms so long as the alternative forms or additions do not eliminate or change information this Permit requires the Permittee to record. Changes pertaining to a document or form that change the required information shall only be changed in accordance with the provisions of Condition I.D.

I.G. SIGNATORY REQUIREMENT

I.G.1. All applications, reports or other information requested by the Director shall be submitted to the Director as follows: Permit applications and letters outlining those who are duly authorized representatives shall be signed by a principal executive officer of at least the level of vice president. All reports, letters and information requested by or formally submitted to the Director shall be signed by a principal executive officer of at least the level of vice president or a duly authorized representative of the Permittee. Duly authorized representatives may be designated by name of individual or by named position. Any person signing such documents shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my 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 my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I.H. CONFIDENTIAL INFORMATION

I.H.1. The Permittee may claim the confidentiality of any information submitted to the

Director in accordance with Government Records Access Management Act, Utah Code Annotated 63-2-101. The Director will evaluate claims of confidentiality in accordance with applicable statutes and regulations and will administer those documents accordingly.

I.I. DOCUMENTS TO BE MAINTAINED AT FACILITY SITE

I.I.1. Unless otherwise specified in this Permit, the Permittee shall maintain at the Facility, until closure is completed and certified by an independent qualified Utah registered professional engineer, current versions of the following documents:

I.I.1.a. Attachment II-1, *Waste Analysis Plan.*

I.I.1.b. Attachment II-4, *Personnel Training Plan* and personnel training documents and records for current employees. Records for former personnel shall be kept for at least three years from the date the employee last worked at the facility.

I.I.1.c. Attachment II-6, *Contingency Plan.*

I.I.1.d. Attachment II-7, *Closure Plan.*

I.I.1.e. Attachment II-7-1, *Closure Cost Estimate Calculations* (for Facility closure and post-closure).

I.I.1.f. Documents in the Operating Record.

I.I.1.g. Inspection schedules.

I.I.1.h. Manifest copies as required.

I.I.1.i. A copy of the Permittee's waste minimization statement, kept in the Operating Record.

I.J. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

I.J.1. Pursuant to Section 3005(c)(3) of RCRA (Section 212 of HSWA), codified as 40 CFR 270.32(b)(2), and Utah Admin. CodeR315-3-3.3, this Permit contains those terms and conditions determined necessary to protect human health and the environment.

I.K. CONFLICTS

I.K.1. All conditions within the modules of this Permit supersede conflicting statements, requirements, or procedures found within the attachments of each module.

I.K.2. If a conflict exists between a requirement of this Permit and a requirement of the Permittee's Radioactive Material License (UT 2300249), the most stringent requirement, as determined by the Director, shall be met.

I.K.3. If a conflict exists between conditions within this Permit, the most appropriate condition, as determined by the Director, shall be met.

I.K.4. Upon discovery of a conflict, a modification to this Permit shall be made by the Permittee.

I.L. DEFINITIONS

Regulatory terms used in this Permit have the same meaning as those in Utah Admin. Code R315- 3, 4, 8, and 13, or as outlined below, unless this Permit specifically provides otherwise. Where terms are not defined in the regulations or this Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term. (Note: When words which are also regulatory terms are not used as regulatory terms in this Permit, they have the standard-dictionary-reference meaning or the generally accepted meaning as described above, *e.g.*, "debris" or "sump.")

Act or RCRA means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. section 6901 et seq., or the Utah Solid and Hazardous Waste Act, 19-6, as context indicates.

Active life of a facility means the period from the initial receipt of hazardous waste at the facility until the Director accepts certification of final closure.

Active portion means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after the effective date of this Permit and which is not a closed portion. (See also "closed portion" and "inactive portion".)

Ancillary equipment means any device (including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps) in which hazardous waste is handled and which is used to distribute, meter, or control the flow of hazardous waste within a permitted unit or from the point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal on site, or to a point of shipment for disposal off site

Annual or Annually means each 365 consecutive days.

Approved means written approval from the Director of the Division of Solid and Hazardous Waste unless a provision for an oral approval is specified in this Permit.

Aquifer means a geologic formation, group of formations, or part of a formation capable of yielding groundwater to wells.

Arrival means the date a shipment of waste arrives at the Facility. If the shipment arrives after operating hours, the arrival date shall be considered the next working day.

Certification means a statement of professional opinion based upon knowledge and belief.

Closed portion means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also active portion and inactive portion.)

Compactible Debris. For purposes of waste disposal, debris, as defined in the Permittee's Radioactive Material License (UT 2300249), is defined as either compactible debris or non-compactible debris. Compactible debris is defined in the license as: 1) having a gradation that will pass through a four inch grizzly, and 2) having a density greater than seventy pounds per cubic foot dry weight, in accordance with ASTM D-698, as determined by application of the Permittee's CQA/QC Manual requirements. Non-compactible debris is defined as materials, other than soils, not meeting the criteria for compactible debris.

Component means either the tank or ancillary equipment of a tank system, when used in reference to a tank system.

Confined aquifer means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

Container means any portable device in which waste is stored, transported, treated, or otherwise handled.

Containment building means a hazardous waste management unit that is used to store or treat hazardous waste under specific provisions of this Permit.

Corrosion expert means a person who, by reason of his knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and

metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

Day means calendar day unless specified otherwise.

Director means the Director of the Division of Solid and Hazardous Waste, or a designee.

Discharge or hazardous waste discharge means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Disposal facility means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land, and at which waste will remain after closure.

Disposed means a waste has been placed in its final location within the Mixed Waste Landfill Cell and no further management will be done with the waste.

EPA hazardous waste number means the number assigned by EPA or the Director to each hazardous waste listed in 40 CFR 261, Subpart D and to each characteristic identified in 40 CFR 261, Subpart C.

EPA identification number means the number assigned by the Director to each generator, transporter, and treatment, storage, or disposal facility.

Equivalent method means any testing or analytical method approved by the Director.

Existing portion means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of this Permit.

Existing tank system or existing component means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation

as of May 1, 1997.

Facility means all contiguous land, structures, other appurtenances, or improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

Facility Plan Approval means a written approval (referred to as a permit) to operate a hazardous waste treatment, storage, or disposal facility within the State of Utah.

Federal agency means any department, agency, or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation, and the Government Printing Office.

Federal, State and local approvals or permits necessary to begin physical construction means permits and approvals required under Federal, State or local hazardous waste control statutes, regulations or ordinances.

Final closure means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities in this Permit are no longer conducted at the facility.

Freeboard means the distance between the top edge of a tank and the surface of the waste contained therein.

Generator means any person, by site, whose act or process produces hazardous waste identified or listed in Utah Admin. Code R315-5 or whose act first causes a hazardous waste to become subject to regulation.

Groundwater means water below the land surface in a zone of saturation.

Hazardous waste means a hazardous waste as defined in UAC R315-2-3.

Hazardous waste constituent means a constituent as defined in 40 CFR 260.10.

Hazardous waste management unit is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

Immediately means within 24 hours unless otherwise specified.

Inactive portion means that portion of a facility that is not operated after the effective date of this Permit. (See also "active portion" and "closed portion".)

Inner liner means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

Installation inspector means a person who, by reason of personal knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

International shipment means the transportation of hazardous waste into or out of the jurisdiction of the United States.

Landfill cell means a discrete volume of a hazardous waste landfill that uses a liner to provide isolation of wastes from adjacent cells or wastes.

Leachate means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste or water generated from naturally occurring storm events that has been in contact with waste listed in 40 CFR 261 Subpart D.

Leak detection system means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system shall employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of above ground tanks) or consist of an interstitial monitoring device designed to detect, continuously and automatically, the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

Liner means a continuous layer of natural or man-made materials, beneath or on the sides of a surface impoundment, landfill, or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

Liquid or Liquid waste means a material that fails the Paint Filter Liquids Test (PFLT) using EPA Method 9095 as described in *Test Methods for Evaluation of Solid Wastes, Physical/Chemical Methods (EPA Publication No. SW-846).*

Low-Level Radioactive Waste (LLRW) is defined by the Low-Level Radioactive

Waste Policy Act, Public Law 96-573 as radioactive waste not classified as high-level radioactive waste, transuranic waste spent nuclear fuel, or byproduct material, as defined in section 11.e.(2) of the "Atomic Energy Act."

LLRW facility means the disposal facility adjacent to the Mixed Waste Facility owned and operated by the Permittee. The LLRW facility may not store, treat, or dispose of hazardous waste.

Management or hazardous waste management means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

Manifest means the shipping document EPA form 8700-22 and, if necessary, EPA form 8700-22A, originated and signed by the generator in accordance with the instructions included in the appendix to 40 CFR 262.

Miscellaneous unit means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection, containment building, or unit eligible for a research, development, and demonstration permit.

Mixed Waste means waste, defined by the Low-Level Radioactive Waste Policy Act, Public Law 96-573; that is radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in section 11.e.(2) of the "Atomic Energy Act," and contains hazardous waste that is either listed as a hazardous waste in Subpart D of 40 CFR 261 or exhibits any of the hazardous waste characteristics identified in Subpart C of 40 CFR 261 Subpart C; or hazardous waste that contains naturally occurring radioactive materials.

Mixed Waste Landfill Cell means the disposal cell as described in Module V, including all sumps listed in Table V-1. The Mixed Waste Landfill Cell, in its entirety, is a hazardous waste management unit. Individual sumps are subsections of this hazardous waste management unit.

New tank system or new tank component means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after May 1, 1997. A new tank system also means a tank system or component for which construction commences after May 1, 1997.

On-site means the same or geographically contiguous property, which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed

to going along, the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that he controls and to which the public does not have access, is also considered on-site property.

Partial closure means the closure of one or more hazardous waste management units in accordance with this Permit while other units continue to operate.

Person means an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

Personnel or facility personnel means all persons who work, at, or oversee the operations of, a hazardous waste facility, and whose actions or failure to act may result in noncompliance with this Permit.

Precipitation run-off means water generated from naturally occurring storm events. If water generated from naturally occurring storm events has been in contact with waste listed in 40 CFR 261 Subpart D, then it is considered to be leachate.

Pyrophoric waste means a waste that can ignite within five minutes after coming in contact with air when tested in accordance with SW-846 1050.

Qualified Utah Registered Professional Engineer means any individual who is qualified by experience and educated in the appropriate field and is licensed as a Professional Engineer by the Utah Department of Commerce.

Release means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, or dumping into the environment.

Restricted Area means an area with limited access for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials.

Run-off means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

Run-on means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

Saturated zone or zone of saturation means that part of the earth's crust in which all voids are filled with water.

Soil protective cover means material that affords protection to a landfill cell liner

as defined in Attachment II-9, *Construction QA/QC Manual.*

Solid Waste Management Unit (SWMU) means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at the Facility at which solid wastes have been routinely and systematically released.

Solidify or Solidification means to treat a liquid waste by changing the liquid into a solid form by the use of solidification agents, thereby reducing the hazard potential of the waste by decreasing its mobility. Solidification does not necessarily involve a chemical reaction or interaction between the waste constituent(s) and the solidification agent(s).

Stabilize or Stabilization means to treat, or the process of treating, a waste by adding stabilization reagents that will react with the contaminants to produce a less soluble, toxic or mobile form of the contaminants. The physical form of the waste may or may not change. For purposes of this Permit, stabilization will include reactions or processes that neutralize, deactivate, chemically oxidize or chemically reduce, waste contaminants, when they are accomplished in accordance with the applicable provisions herein.

Storage means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

Submit or Submission means to be received and logged in at the offices of the Division of Solid and Hazardous Waste, having been hand delivered or delivered by certified mail, mail, express mail, facsimile, email, or electronic media. The postmark or equivalent evidence shall be used as the date of submission. When a submission due date falls on a Saturday, Sunday or a Utah or federal holiday, the submission or report is due on the next business day.

Sump means any pit or reservoir that meets the Utah Admin. Code R315 definition of a tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal units or facilities.

Surface Impoundment means a lined topographic depression, excavation, or diked area, formed from earthen materials and designed to hold accumulated liquid wastes, wastes containing free liquids, or sludges.

Tank means a stationary device designed to contain an accumulation of hazardous waste that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

Tank system means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

Transfer facility means any transportation related facility, including loading docks, parking areas, and other similar areas, where shipments of hazardous waste are held during the normal course of transportation.

Transport vehicle means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

Transportation means the movement of hazardous waste by air, rail, highway, or water.

Transporter means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

Treatability Study means a study in which a hazardous waste is subjected to a treatment process to determine: (1) Whether the waste is amenable to the treatment process, (2) what pretreatment (if any) is required, (3) the optimal process conditions needed to achieve the desired treatment, (4) the efficiency of a treatment process for a specific waste or wastes, or (5) the characteristics and volumes of residuals from a particular treatment process. Also included in this definition for the purpose of the 40 CFR 261.4 (e) and (f) exemptions are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

Treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

Unsaturated zone means the zone between the land surface and the water table.

Uppermost aquifer means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

Waste means hazardous waste or waste to be managed as hazardous waste in accordance with this Permit unless otherwise specified.

Year or Yearly means each 365 consecutive days.

END OF MODULE I