

MODULE I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. The Permittee is allowed to store hazardous waste in containers, at the Hazardous Waste Storage Facility (HWSF) located at Hill Air Force Base, Utah in accordance with the conditions of this Permit. Any storage of hazardous waste not authorized in this Permit is prohibited.
- I.A.2. Pursuant to Utah Administrative Code (UAC) R315-3-1.4, compliance with this permit constitutes compliance, for purposes of enforcement, with the Utah Hazardous Waste Management Rules. The Permittee is also required to comply with R315-1, 2, 3, 4, 5, 6, 8, 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.B. ENFORCEABILITY

- I.B.1. Violations duly documented through the enforcement process pursuant to Utah Code Annotated (UCA) 19-6-113, may result in penalties in accordance with R315-102.

I.C. NO WAIVER OF AUTHORITY

- I.C.1. The Executive Secretary 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 R315-3-4.2 through 4.4 or R315-4-1.5. All modification requests involving design drawings and design calculations, , shall be reviewed and stamped by a independent qualified Utah-licensed professional engineer practicing within the scope of his/her education and training. All relevant design drawings and design calculations shall be included with the modification request.
- I.D.4. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes requiring prior agency

approval, or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

I.D.5. All permit conditions within the modules of this permit supersede conflicting statements, requirements or procedures found within the Attachments of the Permit.

I.D.6. If a conflict exists between conditions within modules of this permit the most stringent condition as determined by the Executive Secretary, shall be met.

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 which 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. DUTY TO COMPLY

I.F.1. The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit issued in accordance with R315-3-6.2. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the Utah Solid and Hazardous Waste Act, and is grounds for enforcement action, permit modification, revocation and reissuance, or termination; modification or denial of a permit renewal application; or a combination of enforcement action and any of the other listed remedies.

I.F.2. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 3007, 3008, 3013, or 7003 of RCRA (42 U.S.C. Sections 6927, 6928, 6934 and 6973), Section 106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606(a), 9604, and 9607, commonly known as CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), or any other State or federal law providing for protection of human health or the environment from any imminent and substantial endangerment to human health or the environment.

I.G. DUTY TO REAPPLY

- I.G.1. In accordance with R315-3-3(b), if the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, at a minimum of one hundred eighty (180) calendar days prior to the expiration date, the Permittee shall submit an application for a new permit.
- I.H. **PERMIT EXPIRATION**
- I.H.1. This permit shall be effective for ten years from the effective date.
- I.I. **CONTINUATION OF EXPIRING PERMIT**
- I.I.1. This permit and all conditions herein shall continue in force until the effective date of a new permit, if the Permittee has submitted a timely and complete application (in accordance with R315-3 and R315-4), and through no fault of the Permittee, the Executive Secretary has neither issued nor denied a new permit under R315-3-5.2 on or before the expiration date of this permit.
- I.J. **REVIEW OF PERMIT**
- I.J.1. In accordance with the 19-6-108(13), this permit shall be reviewed five years after the effective date.
- I.K. **NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**
- I.K.1. 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.L. **DUTY TO MITIGATE**
- I.L.1. In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment resulting from the noncompliance, and shall carry out such measures as are reasonable to prevent adverse impacts on human health and the environment.
- I.M. **PROPER OPERATION AND MAINTENANCE**
- I.M1. The Permittee shall, at all times, properly operate and maintain all facilities and devices 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 procedures. 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.N. **DUTY TO PROVIDE INFORMATION**

I.N.1. The Permittee shall furnish to the Executive Secretary, within a reasonable time, any relevant information which the Executive Secretary 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 Executive Secretary upon request, copies of records required to be kept by this permit.

I.O. INSPECTION AND ENTRY

I.O.1. Pursuant to the Federal Facilities Compliance Act of 1992, UCA 19-6-109, R315-2-12, and R315-3-3.1, the Permittee shall allow any duly authorized officer, employee or representative of the Department or the Board, upon the presentation of credentials and other documents, as may be required by law, to:

I.O.1.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 as required by the conditions of this permit;

I.O.1.b. Have access to and copy, at reasonable times, any records that are kept as required by the conditions of this permit;

I.O.1.c. Inspect at reasonable times any portion of the HWSF, equipment (including monitoring and control equipment), practices, or operations regulated or required under conditions of this permit;

I.O.1.d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized, any substances or parameters at any location; and

I.O.1.e. Make record of inspection by photographic, electronic, videotape, or any other reasonable medium.

I.P. MONITORING AND RECORDS

I.P.1. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings (or equivalent recordings) for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by R315-8-5.3, and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, certification, or recording, unless a longer retention period for certain information is required by other conditions of this permit. These periods may be extended by request of the Executive Secretary at any time by written notification to the Permittee. The retention times are automatically extended

during the course of any unresolved enforcement action regarding the HWSF to three years beyond the conclusion of the enforcement action.

- I.P.2. Records of monitoring information shall specify at a minimum:
 - I.P.2.a. The date(s), exact place, and times of sampling or measurements;
 - I.P.2.b. The name(s), title(s), and affiliation of individual(s) who performed the sampling or measurements;
 - I.P.2.c. The date(s) analyses were performed;
 - I.P.2.d. The individual(s) who performed the analyses;
 - I.P.2.e. The analytical techniques or methods used; and
 - I.P.2.f. The results of such analyses, including any accompanying quality assurance/quality control summaries if provided.
- I.P.3. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed shall be the appropriate method from R315-50-6 or the Waste Analysis Plan (Attachment 2), or an equivalent method approved by the Executive Secretary. Laboratory methods shall be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846 (current edition) (hereafter, referred to as SW-846), or other alternate methods approved in this Permit, or an equivalent method in accordance with Condition I.P.4. of this permit.
- I.P.4. The Permittee may substitute or add analytical methods in accordance with the R315-3-4.3. The request shall provide information demonstrating that the proposed method(s) requested to be substituted is equivalent or superior in terms of sensitivity, accuracy, and precision (i.e., reproducibility). The Executive Secretary may request additional information or require performance test samples to be analyzed at the Permittee's expense.

I.Q. REPORTING PLANNED CHANGES

- I.Q.1. The Permittee shall give written notice to the Executive Secretary at least five days in advance of any planned physical alterations or additions to the HWSF other than routine maintenance that does not require a permit modification.

I.R. REPORTING ANTICIPATED NONCOMPLIANCE

I.R.1. The Permittee shall give advance notice to the Executive Secretary of any planned changes to the HWSF or activity that may result in noncompliance with requirements of this permit. This notification shall not constitute a defense for any noncompliance.

I.S. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

I.S.1. The Permittee shall not commence storage of hazardous waste in a new hazardous waste management unit or in a modified portion of an existing permitted hazardous waste management unit at the HWSF until:

I.S.1.a. The Permittee has submitted to the Executive Secretary a letter signed by the Permittee and an independent qualified Utah-licensed professional engineer practicing within the scope of his/her education and training, certifying that the hazardous waste management unit(s) have been constructed or modified in compliance with this permit; and

I.S.1.b. The Executive Secretary has reviewed and inspected the modified or newly constructed hazardous waste management unit(s) and has notified the Permittee in writing that the hazardous waste management unit(s) is in compliance with the conditions of this permit; or

I.S.1.c. If within 15 calendar days of the date of receipt of the letter in permit condition I.S.1., the Permittee has not received notice from the Executive Secretary, of the intent to inspect, prior inspection is waived and the Permittee may commence storage of hazardous waste in the permitted hazardous waste management unit certified in accordance with permit condition I.S.1.

I.T. TRANSFER OF PERMIT

I.T.1. This permit may only be transferred to a new owner or operator if it is modified or revoked and reissued pursuant to R315-3-4.1 and R315-3-4.2. Prior to transferring ownership or operation of the HWSF during its operating life, the Permittee shall notify the new owner or operator, in writing, of the requirements of R315-3, R315-8, and this permit.

I.U. TWENTY-FOUR HOUR REPORTING

I.U.1. In accordance with R315-3-3.1(1)(6), the Permittee shall orally report to the Executive Secretary any noncompliance with this permit which may endanger human health or the environment. Any such information shall be reported within 24 hours, from the time the Permittee becomes aware of the circumstances.

I.V. OTHER NONCOMPLIANCE

I.V.1. The Permittee shall report all other instances of noncompliance within five days of the time the Permittee becomes aware of the circumstances. This report shall include the information required under R315-3-3.1(l)(6). Reporting shall not constitute a defense for any noncompliance.

I.W. SPILL REPORTING

I.W.1. In accordance with R315-9; and in the event of a spill of hazardous waste or material which, when spilled, becomes hazardous waste, the Permittee shall immediately:

I.W.1.a. Take appropriate action to minimize the threat to human health and the environment.

I.W.1.b. Notify the Utah State Department of Environmental Quality, 24-hour Answering Service, 801-536- 4123 if the following spill quantities are exceeded:

I.W.1.b.1. One kilogram of material listed in paragraph R315-2-10(e), which incorporates by reference 40 CFR 261.31, and which is an acute hazardous waste identified with a hazard code of (H), or in R315-2-11(e), which incorporates by reference 40 CFR 261.33(e). Notify for a spill of a lesser quantity if there is a potential threat to human health or the environment; or

I.W.1.b.2. One hundred kilograms of hazardous waste or material which, when spilled, becomes hazardous waste, other than that listed in R315-2-11(e), which incorporates by reference 40 CFR 261.33(e). Notify for a spill of a lesser quantity if there is a potential threat to human health or the environment.

I.W.1.c. Provide the following information when reporting the spill:

I.W.1.c.1. Name, phone number, and address of person responsible for the spill.

I.W.1.c.2. Name, title, and phone number of individual reporting.

I.W.1.c.3. Time and date of spill.

I.W.1.c.4. Location of spill - as specific as possible including nearest town, city, highway or waterway.

I.W.1.c.5. Description contained on the manifest and the amount of material spilled.

I.W.1.c.6. Cause of spill.

- I.W.1.c.7. Emergency action taken to minimize the threat to human health and the environment.
- I.W.1.d. An air, rail, highway, or water transporter who has discharged hazardous waste shall:
 - I.W.1.d.1. Give notice, if required by 49 CFR 171.15 to the National Response Center, 800-424-8802 or 202- 426-2675; and
 - I.W.1.d.2 Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

I.X. MANIFEST DISCREPANCY REPORT

- I.X.1. Manifest discrepancies shall be defined as differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of waste the Permittee receives. Significant discrepancies in quantity are any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper. If a significant discrepancy is discovered in a manifest, the Permittee shall attempt to reconcile the discrepancy. If not resolved within 15 days, the Permittee shall submit a written report, including a copy of the manifest, and efforts to reconcile the discrepancy, to the Executive Secretary in accordance with R315-8-5.4.

I.Y. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

- I.Y.1. Pursuant to Section 3005(C)(3) of RCRA (Section 212 of HSWA), codified as 40 CFR 270.32(b)(2), and UAC R315-3-3.3(b)(2), this permit contains those terms and conditions determined necessary to protect human health and the environment.

I.Z. CORRECTIVE ACTION

- I.Z.1. The Permittee shall comply with all provisions of UAC R315-8-6.12, Section 3004(u) of RCRA, as amended by HSWA and 40 CFR 264.101 which require that permits issued after November 8, 1984, address corrective action for releases of hazardous waste including hazardous constituents from any Solid Waste Management Unit (SWMU) at the HWSF, regardless of when the waste was placed in the unit.
- I.Z.2. If corrective action becomes necessary at a future SWMU the Permittee shall follow the corrective action procedures in Module IV.

I.AA. BIENNIAL REPORT

I.AA.1 A biennial report shall be submitted covering HWSF activities during odd numbered calendar years. This report shall be submitted by March 1 of the following even numbered year in accordance with R315-8-5.6.

I.BB. OTHER INFORMATION

I.BB.1 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 submitted to the Executive Secretary, the Permittee shall submit such facts or corrected information within seven days of becoming aware of the error.

I.CC. SIGNATORY REQUIREMENT

I.CC.1 All applications, reports, or other information requested by or submitted to the Executive Secretary shall be signed and certified in accordance with R315-3-2.2.

I.DD. CONFIDENTIAL INFORMATION

I.DD.1 The Permittee may claim confidential any information required to be submitted by this permit in accordance with UCA 63-2-101 et seq and 19-1-306.

I.EE. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

I.EE.1 All reports, notifications, or other submissions which are required by this permit to be transmitted to the Executive Secretary will be sent by certified mail or other means of proof of delivery to:

Executive Secretary
Utah Solid and Hazardous Waste Control Board
Division of Solid and Hazardous Waste
P.O. Box 144880
Salt Lake City, Utah 84114-4880

I.FF. DOCUMENTS TO BE MAINTAINED AT THE HWSF

I.FF.1 The Permittee shall maintain at the HWSF, until closure is completed and certified by an independent qualified Utah-licensed professional engineer

practicing within the scope of his/her education and training. The following documents and amendments, revisions and modifications to these documents:

- I.FF.2. Waste Analysis Plan (Attachment 2), as required by R315-3-2.5(b)(3) and this Permit.
- I.FF.3. Security Plan (Attachment 3), as required by R315-8-2.5 and this Permit.
- I.FF.4. Inspection Plan and Schedules (Attachment 4), as required by R315-3-2.5(b)(5) and this Permit.
- I.FF.5. Personnel Training Plan (Attachment 5), documents, and records, as required by R315-8-2.7 and this Permit.
- I.FF.6. Preparedness and Prevention Measures (Attachment 6), documents, and records, as required by R315-8-3 and this Permit.
- I.FF.7.. Contingency Plan and Emergency Procedures (Attachment 7), as required by R315-8-4 and this Permit.
- I.FF.8. Operating Record, as required by R315-8-5.3 and this Permit.
- I.FF.9. Closure Plan (Attachment 8), as required by R315-8-7.
- I.FF.10. Container Management Plan (Attachment 9), as required by R315-8-9 and this Permit.
- I.FF.11. A copy of the Permittee's waste minimization statement.
- I.FF.12. A copy of this Permit.