

## **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 Nexeo Solutions, LLC Clearfield facility in accordance with the conditions of this permit.
- I.A.2 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. Any violations of this permit that are duly documented through the enforcement process pursuant to Utah Code Annotated (U.C.A.) 19-6-112, *Utah Solid and Hazardous Waste Act*, may result in penalties in accordance with UAC R315-102.

### **I.C. OTHER AUTHORITY**

- I.C.1. The Director and authorized representatives expressly reserve 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 UAC R315-4-1.5 R315-3-4.4.UAC
- I.D.2. The filing of a request for a permit modification, revocation and reissuance, or termination, or the 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.D.3. All permit conditions within the modules of this permit supersede conflicting statements, requirements, or procedures found within the attachments of the permit.
- I.D.4. If a conflict exists between conditions within this permit, the most stringent condition as determined by the Director shall be met.

I.D.5. The Director may modify this permit, in accordance with UAC R315-3-4.2, when the standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the effective date of this permit.

I.D.6. In accordance with the *Utah Code Annotated*, 19-6-108(13), this permit shall be reviewed no later than five years from the date of re-issuance and modified, if necessary.

**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. DUTIES 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 UAC R315-3-6.2. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the Act, and is grounds for enforcement action, permit termination, revocation, reissuance, modification, or denial of a permit renewal application, or a combination of enforcement action and any other remedies provided by law.

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 public health or the environment from any imminent and substantial endangerment to human health or the environment.

**I.G. DUTY TO REAPPLY**

- I.G.1. A minimum of one hundred and eighty (180) calendar days prior to the expiration date of this permit, if the Permittee wishes to continue an activity allowed by this permit after the expiration date, the Permittee shall submit an application for a new permit, in accordance with R315-3-3(b).

**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 UAC R315-3 and UAC R315-4), and through no fault of the Permittee, the Director has neither issued nor denied a new permit under UAC R315-3-5.1 and UAC R315-3-5.2 on or before the expiration date of this permit.

**I.J. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**

- I.J.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.K. DUTY TO MITIGATE**

- I.K.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 significant adverse impacts on human health or the environment.

**I.L. PROPER OPERATION AND MAINTENANCE**

- I.L.1. The Permittee shall, at all times, properly operate and maintain all facilities 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 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.M. DUTY TO PROVIDE INFORMATION**

I.M.1. The Permittee shall furnish to the Director, within a reasonable time, any relevant information which 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.N. INSPECTION AND ENTRY**

I.N.1. Pursuant to UCA 19-6-109, the Permittee shall allow the Director, or his authorized officer, employee, or representative, upon the presentation of credentials and other documents, as may be required by law, to:

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

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

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

I.N.1.e. Make a record of inspections by photographic, electronic, videotape, or any other reasonable medium.

**I.O. MONITORING AND RECORDS**

- I.O.1. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and, where applicable, all original strip chart recordings (or equivalent recordings) for continuous monitoring instrumentation, copies of all reports and records required by this permit, the certification required by UAC R315-3-2.2(d)(1), and records of all data used to complete the re-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 Director at any time by written notification to the Permittee and the retention times are automatically extended during the course of any unresolved enforcement action regarding the Facility to three years beyond the conclusion of the enforcement action.
- I.O.2. Pursuant to UAC R315-3-3.1(j)(3), records of monitoring information shall specify at a minimum:
- I.O.2.a. The date(s), exact place, and times of sampling or measurements;
- I.O.2.b. The name(s), title(s), and affiliation of individual(s) who performed the sampling or measurements;
- I.O.2.c. The date(s) analyses were performed;
- I.O.2.d. The individual(s) who performed the analyses;
- I.O.2.e. The analytical techniques or methods used; and
- I.O.2.f. The results of such analyses, including the Quality Assurance/Quality Control Summary.
- I.O.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 an equivalent method approved by the Director. Laboratory methods shall be those specified in the latest edition of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846 (hereafter, referred to as SW-846), Standard Methods of Water and Wastewater Analysis (prevailing edition), other alternate methods approved in this permit, or an equivalent method approved in accordance with Condition 1.O.4. of this permit.
- I.O.4. When requesting a substitute or additional analytical method, the Permittee shall submit to the Director, for review and approval, a request for substitution of analytical method which is equivalent to the methods specifically

approved for use in this permit. The request shall provide information demonstrating that the proposed method is equal to or superior to any corresponding method in terms of sensitivity, accuracy, and precision (i. e, reproducibility).

**I.P. REPORTING PLANNED CHANGES**

I.P.1. The Permittee shall give written notice to the Director prior to any planned physical alterations or additions to any Hazardous Waste Management Unit (HWMU) or system being permitted or previously permitted in accordance with UAC R315-3-3 and UAC R-315-3-4.2. Planned physical alterations or additions shall include all changes in any hazardous and solid waste activities, and to any non-waste underground storage tanks regulated under UAC R-315-202. Construction or operation of new or modified HWMUs shall not begin unless the provisions of UAC R-315-3-4.3 are met.

**I.Q. REPORTING ANTICIPATED NONCOMPLIANCE**

I.Q.1. The Permittee shall give advance notice to the Director, as soon as possible, of any planned changes in the permitted Facility or activity which may result in noncompliance with requirements of this permit. Advance notice shall not constitute a defense for any noncompliance.

**I.R. CERTIFICATION OF CONSTRUCTION OR MODIFICATION**

I.R.1. The Permittee shall not commence storage of hazardous waste in a new HWMU or in a modified portion of an existing permitted HWMU except as provided in UAC R315-3-4.3, until:

I.R.1.a. The Permittee has submitted to the Director:

I.R.1.a.i. A letter signed by the Permittee and a registered professional engineer, qualified by experience and education in the appropriate engineering field, certifying that the unit has been constructed or modified in compliance with this permit; and

I.R.1.a.ii. As-built engineering drawings and specifications as appropriate.

I.R.1.b. The Director or designated representative has reviewed and inspected the modified or newly constructed unit and has notified the Permittee in writing that the unit was found in compliance with the conditions of this permit; or

I.R.1.c. If within 15 calendar days of the date of submission of the letter in Condition

I.R.1.a.i., the Permittee has not received notice from the Director, of the intent to inspect or that prior inspection is waived, the Permittee may commence storage of hazardous waste in the permitted unit certified in accordance with Condition I.R.1.

**I.S.            TRANSFER OF PERMIT**

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

**I.T.            TWENTY-FOUR HOUR REPORTING**

I.T.1.            In accordance with R315-3-3.1(l)(6), whenever there is a spill of hazardous waste or material which, when spilled, becomes hazardous waste, the Permittee shall immediately:

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

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

I.T.1.b.i.            One (1) kilogram of material listed in paragraph UAC R315-2-10(d), which is an acute hazardous waste identified with a hazard code of (H), or in UAC R315-2-11(e) ('P' wastes). Notify for a spill of a lesser amount if there is a potential threat to human health or the environment.

I.T.1.b.ii.            One hundred (100) kilograms of hazardous waste or material which, when spilled becomes a hazardous waste, other than a hazardous waste listed in UAC R315-2-11(e). Notify of a lesser quantity if there is a potential threat to human health or the environment.

I.T.1.c.            Notify other agencies as specified in UAC R315-9-1(d) and (e).

I.T.2.            The Permittee shall provide the following information when providing an oral spill report to the Utah DEQ:

I.T.2.a.            Name, phone number, and address of the person responsible for the spill.

I.T.2.b.            Name, title, and phone number of individual reporting.

- I.T.2.c. Time and date of spill.
- I.T.2.d. Location of spill - as specific as possible including nearest town, city, highway, or waterway.
- I.T.2.e. Description contained on the manifest and the amount of material spilled.
- I.T.2.f. Cause of spill.
- I.T.2.g. Emergency action taken to minimize the threat to human health and the environment.
- I.T.3. Within 15 days after any spill of hazardous waste or material which, when spilled, becomes hazardous waste, and is reported under R315-9-4, the Permittee shall submit to the Director a written report which contains the following information:
  - I.T.3.a. The person's name, address, and telephone number;
  - I.T.3.b. Date, time, location, and nature of the incident;
  - I.T.3.c. Name and quantity of material(s) involved;
  - I.T.3.d. The extent of injuries, if any;
  - I.T.3.e. An assessment of spill clean-up activities required by UAC R315-9-3 and actual or potential hazards to human health or the environment, where this is applicable; and
  - I.T.3.f. The estimated quantity and disposition of recovered material that resulted from the incident.
- I.T.4. In accordance with UAC R315-3-3.1(1)(6), the Permittee shall orally report to the Director any noncompliance with this permit which may endanger human health or the environment. Any such information shall be reported to the Director as soon as possible, but not later than 24 hours from the time the Permittee becomes aware of the noncompliance.
- I.T.5. This oral report shall include, but not be limited to, the following:
  - I.T.5.a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies; and
  - I.T.5.b. Any information of a release or discharge of hazardous waste, or of a fire, or explosion at the Facility, which could threaten human health or the environment.

- I.T.5.c. A description of the occurrence and its cause which shall include:
  - I.T.5.c.i. Name, title, and telephone number of individual reporting;
  - I.T.5.c.ii. Name, address, and telephone number of the owner or operator;
  - I.T.5.c.iii. Name, address, and telephone number of the Facility;
  - I.T.5.c.iv. Date, time, and type of incident;
  - I.T.5.c.v. Location and cause of incident;
  - I.T.5.c.vi. Name and quantity of materials involved;
  - I.T.5.c.vii. The extent of injuries, if any;
  - I.T.5.c.viii. An assessment of actual or potential hazard to the environment and human health, where this is applicable;
  - I.T.5.c.ix. Description of any emergency action taken to minimize threat to human health and the environment;
  - I.T.5.c.x. Estimated quantity and disposition of recovered material that resulted from the incident; and
  - I.T.5.c.xi. Any other information necessary to fully evaluate the situation and to develop an appropriate course of action.
- I.T.6. Within five days of the time the Permittee is required to provide the oral report, as specified in Condition I.T.4. of this permit, the Permittee shall provide to the Director a written submission in accordance with UAC R315-3-3.1-(1)(6)(iii).
- I.T.7. The Permittee need not comply with the five day written notice requirement if the Director waives the requirement and the Permittee submits a written report within 15 days from the time the Permittee is required to provide the oral report, as specified in Condition I.T.4. of this permit.

**I.U. MONITORING REPORTS**

I.U.1. Monitoring reports shall be reported at the intervals specified elsewhere in this permit.

**I.V. COMPLIANCE SCHEDULES**

I.V.1. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled time frame.

**I.W. MANIFEST DISCREPANCY REPORT**

I.W.1. Manifest discrepancies shall be those defined in UAC R315-8-5.4.

**I.X. UNMANIFESTED WASTE REPORT**

I.X.1. This report shall be submitted to the Director within 15 days of receipt of unmanifested waste in accordance with UAC R315-8-5.7.

**I.Y. BIENNIAL REPORT**

I.Y.1. 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 in accordance with UAC R315-8-5.6.

**I.Z. OTHER NONCOMPLIANCE**

I.Z.1. The Permittee shall submit a written report of all other instances of noncompliance with this permit not otherwise required to be reported in accordance with Conditions I.Q., I.T., I.U., or I.V. of this permit within 15 days of discovery of noncompliance. The reports shall contain the information listed in Condition I.T. of this permit. Reporting shall not constitute a defense for any noncompliance.

**I.AA. OTHER INFORMATION**

I.AA.1. Whenever the Permittee becomes aware that it failed to submit any relevant facts in a permit modification, or submitted incorrect information in a permit application, modification (except minor deviations as allowed by II.B.2), or in any report submitted to the Director, the Permittee shall submit such facts or corrected

information within seven days.

**I.BB. SIGNATORY REQUIREMENT**

I.BB.1. All applications, reports, or other information required by this permit, requested by or submitted to the Director shall be signed and certified in accordance with UAC R315-3-2.2.

**I.CC. CONFIDENTIAL INFORMATION**

I.CC.1. The Permittee may claim confidential any information required to be submitted by this permit in accordance with U.C.A. 19-1-306 *et seq.*, *Records of the Department*, and UAC R305-1, *Records Access and Management*.

**I.DD. REPORTS, NOTIFICATIONS. AND SUBMISSIONS**

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

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

During normal business hours (8 am to 5 pm, Monday through Friday, except Utah State holidays), required oral notifications shall be given only to the Director or an Environmental Manager, Scientist, or Engineer employed by the Director to assist him in administering the hazardous waste program at 801-536-0200. Notifications may be made to one of the aforementioned persons if the Permittee can contact such person at the Facility. Notification associated with emergency situations shall be made to the 24-hour answering service at 801-536-4123. Notifications made to the 24-hour answering service shall include all applicable information required by this permit.

**I.EE. DOCUMENTS TO BE MAINTAINED AT THE FACILITY SITE**

I.EE.1. The Permittee shall maintain at the Facility, for the periods specified, the following documents and amendments, revisions and modifications to these documents:

I.EE.1.a. Waste Analysis Plan (Attachment 1), as required by UAC R315-3-2.5(b)(3) and

this permit until closure is certified in accordance with Condition II.N;

- I.EE.1.b. Inspection schedules and logs (Attachment 3), as required by UAC R315-8-2.6 and this permit for a period of three years in accordance with UAC R315-8-2.6(d);
- I.EE.1.c. Personnel training documents (Attachment 7), and records, as required by UAC R315-8-2.7 and this permit until closure for current employees, or for a period of three years for former employees in accordance with UAC R315-8-2.7(e);
- I.EE.1.d. Contingency Plan (Attachment 4), as required by UAC R315-8-4 and this permit until closure is certified in accordance with Condition II.N;
- I.EE.1.e. Operating record, as required by UAC R315-8-5.3 and this permit until closure is certified in accordance with Condition II.N;
- I.EE.1.f. Closure Plan (Attachment 8 of this permit), as required by UAC R315-8-7 and this permit until closure is certified in accordance with Condition II.N;
- LEE.1.g. Cost estimate for facility closure and post-closure (Attachment 8) as required by R315-8-8 and this permit until closure is certified in accordance with Condition II.N;
- I.EE.1.h. Manifest copies, as required by UAC R315-3-5.2 and this permit, for at least three years from the date the waste shipment was accepted at the facility and
- I.EE.1.i. A copy of the Permittee's waste minimization statement as required by UAC R315-8-5.3 (40 CFR 264.73(b)(9) incorporated by reference).

I.FF. **PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT**

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