

MODULE I - STANDARD CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. The Permittee is allowed to leave hazardous waste in place at the Waste Disposal Cell in accordance with the conditions of this permit. The Permittee is required to inspect and monitor any hazardous waste area, including, but not limited to the Waste Disposal Cell and to monitor, extract, treat and contain hazardous waste constituents and contaminated groundwater resulting from past practices, in accordance with the conditions of this permit. 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 laws or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Section 3013 or Section 7003 of RCRA, Section 106 (a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606 (a), commonly known as CERCLA or Superfund), or any other law providing for protection of human health or the environment.

I.B. LOCATION

- I.B.1. The Waste Disposal Cell (WDC) is located in the area where ponds A, 1, 2, and 3 were located prior to consolidation and stabilization of sludge and soils from the ponds. For the purposes of this Permit in identifying the area to undergo monitoring and corrective action, this area will be referred to as the Waste Disposal Cell and WDC. These terms will be used synonymously and interchangeably.

I.C. NO WAIVER OF AUTHORITY

- I.C.1. 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. 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.2. The permit may be modified at the request of the Permittee according to the procedures of Utah Admin. Code R315-3-4.3.

I.D.3. The Director may modify this permit when the standards or rules on which the permit was based have been changed by statute, amended standards or regulations, and/or rules or by judicial decision after the effective date of the permit.

I.D.4. All permit conditions within this permit will supersede conflicting statements, requirements, or procedures found within the attachments of this permit and the Permittee's application for it.

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 AND REQUIREMENTS

I.F.1. Duty to Comply. 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. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the Utah Administrative Rules and is grounds for enforcement action, permit termination, revocation and reissuance, or modification of the permit.

I.F.2. Duty to Reapply. The Permittee shall submit a complete application for a renewal of this permit at least 180 days before this permit expires.

I.F.3. Review of Permit. In accordance with the Utah Solid and Hazardous Waste Act, Utah Code Annotated 19-6-108(13), this permit shall be reviewed five (5) years after the effective date and modified, as deemed necessary by the Director.

I.F.4. Permit Expiration. The permit will expire ten years (10) years from the date of issuance. This permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely, complete application, in accordance with Utah Admin. Code R315-3-2., and

through no fault of the Permittee, the Director has not issued a new permit as set forth in Utah Admin. Code R315-3-5.

- 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 the permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant 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, control and monitoring (and related apparatus) 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 facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
- I.F.8. Duty to Provide Information. 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 or reissuing 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. Pursuant to Utah Admin. Code R315-2-12 and Utah Code Ann. 19-6-109, the Permittee shall allow the Director, or an authorized representative, 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 activity is located or conducted, or where records must be kept under the conditions of this permit;
- I.F.9.b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

- I.F.9.c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- I.F.9.d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Utah Solid and Hazardous Waste Act, any substances or parameters at any location.
- I.F.9.e. Make a record of inspections by photographic, electronic, video, or any other reasonable medium.
- I.F.10. Reporting Planned Changes. The Permittee shall give written notice to the Director prior to any planned physical alterations or additions to any hazardous waste management unit or system being permitted or previously permitted in accordance with Utah Admin. Code R315-3-3.1(1)(1) and R315-3-4.3. Planned physical alterations or additions shall include all changes in any hazardous and solid waste activities. No construction or operation of new or modified hazardous waste units shall begin unless the provisions of Utah Admin. Code R315-3-4 are met.
- I.F.11. Reporting Anticipated Noncompliance. The Permittee shall give advance notice to the Director 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.F.12. Transfer of Permit. This permit may be transferred to a new Permittee only if it is modified or revoked and reissued pursuant to Utah Admin. Code R315-3-4.1 and R315-3-4.2. Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new Permittee in writing of the requirements of Utah Admin. Code R315-1 through R315-14, R315-50, R315-101, and R315-102.
- I.F.13. Monitoring and Records. 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 waste minimization certification required by Utah Admin. Code R315-8-5.3. (40 CFR § 264.73(b)(9) incorporated by reference), and records of all data used to complete the application for this permit for a period of at least three (3) 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 (3) years beyond the conclusion of the enforcement action. Pursuant to Utah Admin. Code R315-3-3.1(j), records of monitoring information shall specify at a minimum:

- I.F.13.a. The date(s), exact place, and times of sampling or measurements;
- I.F.13.b. The name(s), title(s), and affiliation of individual(s) who performed the sampling or measurements;
- I.F.13.c. The date(s) analyses were performed;
- I.F.13.d. The individual(s) who performed the analyses;
- I.F.13.e. The analytical techniques or methods used; and
- I.F.13.f. The results of such analyses.

- I.F.14. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample to be analyzed shall be the appropriate method from Utah Admin. Code R315-50-6 or an equivalent method approved by the Director. Laboratory methods shall be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, Standard Methods of Examination of Water and Wastewater, or other alternate methods approved in this permit.

- I.F.15. Twenty-four Hour Reporting. The Permittee shall report to the Director any noncompliance with the permit which may endanger human health or the environment. Any such information shall be reported orally within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. This report shall include, but not be limited to, the following:
 - I.F.15.a. Information concerning the release of any hazardous waste which 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, which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:
 - I.F.15.b.i. Name, address, and telephone number of the Permittee;
 - 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 hazard 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. A written submission shall also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain, but not be limited to: a description of the noncompliance and its cause; the periods of noncompliance (including exact dates and times); 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 five (5) day written notice requirement if the Director waives the requirement and the Permittee submits a written report within fifteen (15) days of the time the Permittee becomes aware of the circumstances.
- I.F.16. The Permittee shall comply with the reporting requirements outlined in Utah Admin. Code R315-9 in effect at the time of the incident. The Permittee shall additionally notify the Tri-County Health Department of any spill requiring reporting as outlined in this condition.
- I.F.17. Monitoring Reports. Monitoring reports shall be reported at the intervals specified elsewhere in this permit.
- I.F.18. Compliance Schedules. 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 fourteen (14) days following each scheduled date.
- I.F.19. Submittal of Schedules. The reports indicated in I.F.16. shall be submitted to the Director or a duly appointed representative of the Director.
- I.F.20. Transfer of Reports. These reports shall be submitted using the United States Postal Service, any licensed delivery service, facsimile, computer CD or hand delivered by the Permittee, to be logged in at the offices of the Division of Solid and Hazardous Waste.

- I.F.21. Biennial Report. A biennial report shall be submitted as required by Utah Admin. Code R315-8-5.6.
- I.F.22. Other Noncompliance. The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time monitoring reports, as required by this permit are submitted.
- I.F.23. Other Information. Whenever the Permittee becomes aware that he 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 (7) working days.
- I.F.24. 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.24.a. The Permittee has submitted to the Director:
- I.F.24.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
- I.F.24.a.ii. As-built engineering plans and specifications; and
- I.F.24.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.24.c. The Director has either waived the inspection, or has not within fifteen (15) days of the date of his receipt of the above submission, notified the Permittee of an intent to inspect.
- I.G. SIGNATORY REQUIREMENT
- I.G.1. All reports or other information requested by the Director shall be signed and certified as required by Utah Admin. Code R315-3-2.2.
- I.H. CONFIDENTIAL INFORMATION
- I.H.1. The Permittee may claim confidential any information required to be submitted by this permit in accordance with Utah Code Ann. §§ 63G-2-309 and 19-1-306.

I.I. DOCUMENTS TO BE MAINTAINED AT SPECIFIED LOCATION

I.I.1. The Permittee shall submit the following documents and amendments, revisions, and modifications to these documents to the Director, to be maintained at the Division of Solid and Hazardous Waste on the 2nd floor of the Multi-Agency State Office Building, 195 North 1950 West, Salt Lake City for the duration of the post-closure care period:

I.I.1.a. The post-closure permit application;

I.I.1.b. Post-closure monitoring records, to include groundwater monitoring records and analytical results, groundwater treatment system unit records and analytical results, and records of the effectiveness of the groundwater treatment system, as required by this permit;

I.I.1.c. Certification of closure as required by Utah Admin. Code R315-7-14;

I.I.1.d. Reserved;

I.I.1.e. Inspection schedules as required by Utah Admin. Code R315-8-2.6(b) and this permit; and,

I.I.1.f. All applicable portions of the Operating Record requirements of Utah Admin. Code R315-8-5.3. and this permit;

I.I.1.g. Manifest copies as required by Utah Admin. Code R315-7-12.2(a)(5) and R315-7-12.2(b)(5) and this permit.

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), and Utah Admin. Code R315-3-3.3(b)(2), this permit contains those terms and conditions determined necessary to protect human health and the environment.