

MODULE I - STANDARD CONDITIONS

I.A. DEFINITIONS

- I.A.1. For the purposes of this permit, terms used herein shall have the same meaning as those in R315-1 through R315-102 unless this permit specifically provides otherwise; where terms are not defined in the regulations, or the 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.
- I.A.2. **"Days"** means Calendar Days.
- I.A.3. **"LTТА"** is the Permittee's term for Liquid Thermal Treatment Area. The LTТА consists of the twelve surface impoundments that were closed with waste in place. The twelve units that were used for the disposal of hazardous waste and waste-waters were capped and are located within the M-136 Open Burning Grounds. For the purposes of this Permit, in identifying the area to undergo monitoring and corrective action, the closed units will be referred to as the LTТА and M-136 surface impoundments. These terms may be used synonymously and interchangeably.
- I.A.4. **"Photographic Waste Discharge Sites"** is the term that is used to refer to Hazardous Waste Management Units (HWMUs) M-508 and M-636. These HWMUs have been closed, however post-closure requirements apply to these sites due to contaminated groundwater and restrictions on land use at sites M-508 and M-636.
- I.A.5. **"Post-Closure Care Period"** means the period during which the Permittee provides post-closure care for the LTТА surface impoundments and Photographic Waste Discharge Sites. This period has a term of 30 years, as defined in R315-8-7 [40 CFR 264.117(a)(1)], which commenced on September 21, 1992 for the LTТА surface impoundments and will commence on the effective date of the reissued Post-Closure Permit for the Photographic Waste Discharge Sites.
- I.A.6. **"QAPP"** means Quality Assurance Project Plan
- I.A.7. **"Quality Assurance Sample"** means a percentage of samples that are homogenized (except samples for volatiles testing, which are co-located), split, given a unique sample identification, and sent to a primary contract laboratory and to a contract QA chemistry laboratory for analysis. QA sample collection does not have to be performed at the same frequency or rate for all test methods.
- I.A.8. **"R315"**, or **"Utah Administrative Code (UAC) R315"**, means R315 of the Utah Administrative Code.

I.A.9. “SAP” means Sampling and Analysis Plan

I.A.10. "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 Division of Professional Licensing.

I.B. EFFECT OF PERMIT

I.B.1. In accordance with the conditions of this permit, the Permittee shall inspect the M-136 Liquid Thermal Treatment Area (LTTA), monitor groundwater and, as appropriate, extract, and/or treat, hazardous waste constituents and contaminated groundwater resulting from past practices at the Promontory facility. The Permittee shall also maintain site management procedures and control the use of property, as directed by this permit, at the LTTA and Photographic Waste Discharge sites M-508 and M-636.

I.B.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 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.3. This permit has been developed in accordance with the applicable requirements of R315-1 through 102 of the Utah Hazardous Waste Management Rules. All conditions within this permit will supercede conflicting statements, requirements, or procedures found within R315-1 through 102 or attachments to this permit.

I.C. ENFORCEABILITY

I.C.1. Violations documented through the enforcement process pursuant to Utah Code Annotated 19-6-112 may result in penalties assessed in accordance with R315-102.

I.D. NO WAIVER OF AUTHORITY

I.D.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.E. PERMIT ACTIONS

- I.E.1. This permit may be modified, revoked, and reissued, or terminated for cause as specified in R315-3-4. If the Executive Secretary determines that cause exists to modify, revoke, and reissue, or terminate this permit, the action will proceed in accordance with R315-4-1.5. The filing of a request for a permit modification, revocation, reissuance, 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.E.2. The permit may be modified at the request of the Permittee according to the procedures of R315-3-4.3.
- I.E.3. This permit may be modified when State of Utah standards or rules on which the permit was based have been changed by statute, amended standards or regulations, and/or by judicial decision after the effective date of the permit.

I.F. SEVERABILITY

- I.F.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.G. DUTIES AND REQUIREMENTS

- I.G.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 Administrative Rules and may be grounds for enforcement action, permit termination, revocation and reissuance, or modification of the permit.
- I.G.2. If the Permittee wishes, or is required by the Executive Secretary, to continue an activity allowed by this permit after the expiration date of this permit, the Permittee shall submit a complete application for a new permit at least 180 days before this permit expires.
- I.G.3. In accordance with the Utah Solid and Hazardous Waste Act, UCA 26-14-20.9, this permit shall be reviewed at five-year intervals after the effective date and modified, if necessary.
- I.G.4. The permit will expire ten 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 under R315-3-2.5 and the applicable requirements of R315-3-2 and through no fault of the Permittee, the Executive Secretary has not issued a new permit.

- I.G.5. It shall not be a defense for the Permittee, in any 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.G.6. In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases of hazardous waste constituents to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.
- I.G.7. 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.G.8. 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 or reissuing 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.G.9. Pursuant to Utah Code Annotated 19-6-109, the Permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to;
- I.G.9.a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- I.G.9.b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- I.G.9.c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;

- I.G.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; and
- I.G.9.e. Make a record of inspections by photographic, electronic, video tape, or any other reasonable medium. No audio recording devices shall be used without notice to all individuals in recording range prior to activation of the recording device. Photographic and video recording shall comply with the safety and security requirements of the Permittee.
- I.G.10. The Permittee shall give notice to the Executive Secretary 60 days prior to any planned physical alteration to the closed facility or permitted activity.
- I.G.11. The Permittee shall give 30 days advance notice to the Executive Secretary of any planned changes in the closed facility or permitted activity which may result in noncompliance with permit requirements. Advance notice shall not excuse any noncompliance.
- I.G.12. This permit may be transferred to a new Permittee, only if it is modified or revoked and reissued under R315-3-4.1 to identify the new Permittee and incorporate such other requirements as may be necessary under the appropriate Act.
- I.G.13. Samples and measurements taken for the purpose of monitoring shall be accurate and representative of the monitored activity. The method used to obtain representative samples must be an appropriate method from R315-50-6 or as specified or modified by this permit. Laboratory methods must be those specified in "Test methods for Evaluating Solid Waste; Physical/Chemical Methods SW-846 (Third Edition, November 1986)" or most currently promulgated editions, "Standard Methods for Examination of Water and Wastewater (17th Edition or most current editions)"; or an equivalent method as approved by the Executive Secretary. The analysis of all samples will be conducted by Utah State certified laboratories.
- I.G.14. The Permittee shall follow the Quality Assurance/Quality Control procedures for sample collection and analysis as described in the Quality Assurance Project Plan and Sampling and Analysis Plan contained in Attachment 3 of this Permit.
- I.G.15. A request for a substitution of an analytical method which is equivalent to the method specifically approved for use in this permit shall be submitted to the Executive Secretary in accordance with R315-2-15. The request shall provide information demonstrating that the proposed method requested to be substituted is equivalent or superior in terms of sensitivity, accuracy, and precision (i.e. reproducibility).

- I.G.16. The Permittee shall retain as part of the Operating Record at the Promontory facility, all records or reports generated as a result of this permit for the duration of the post-closure period. This period may be extended by request of the Executive Secretary at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility.
- I.G.17. The Permittee shall report to the Executive Secretary any non-compliance with the permit. Reporting shall not excuse any noncompliance. Reporting shall include, at a minimum, the following:
- I.G.17.a. Information concerning the non-compliance which may endanger public drinking water supplies; human health or the environment. Such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. The description of the occurrence and its cause shall include:
- I.G.17.a.i. Name, address, and telephone number of the Permittee;
- I.G.17.a.ii. Name, address, and telephone number of the individual making the report;
- I.G.17.a.iii. Date, time and type of incident;
- I.G.17.a.iv. Description and quantity of materials involved;
- I.G.17.a.v. The extent of injuries, if any;
- I.G.17.a.vi. An assessment of actual or potential hazard to the environment and health outside the facility, where this is applicable; and
- I.G.17.a.vii. Estimated quantity and disposition of recovered material that resulted from the incident.
- I.G. 17.b. A written submission shall also be provided within seven days of the time the Permittee becomes aware of the circumstances. The written submission shall contain, at a minimum; a description of the non-compliance and its cause; the periods of non-compliance (including exact dates and times); whether the non-compliance 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 non-compliance. The Permittee need not comply with the seven day written notice requirement if the Executive Secretary waives the requirement and the Permittee submits a written report within 15 days of the time the Permittee becomes aware of the circumstances.
- I.G.17.c. Information concerning the non-compliance which does not endanger human health or the environment. A written submission shall be provided to the Executive Secretary within 21 days of the time the Permittee becomes aware of the circumstances. The description of the occurrence shall include, but not be

limited to, all items as listed in Conditions I.F.17.a.i. through I.F.17.a.vii. The written submission shall contain, at a minimum; a description of the non-compliance and its cause; the periods of non-compliance (including exact dates and times); whether the non-compliance 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 non-compliance.

- I.G.18. Monitoring reports shall be submitted to the Executive Secretary at the intervals specified elsewhere in this permit.
- I.G.19. The Permittee shall submit additional copies of each plan, report, notification, or other submissions required by this permit, as requested by the Executive Secretary.
- I.G.20. Reports of compliance or non-compliance 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 event.
- I.G.21. 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 Executive Secretary, the Permittee shall submit such facts or corrected information within seven days of discovery.

I.H. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

- I.H.1. The Permittee may not commence storage, treatment, or disposal of hazardous waste in any newly permitted unit or in a modified portion of an existing permitted unit until the Permittee has submitted to the Executive Secretary by certified mail, express mail, or hand delivery, a letter signed by the Permittee and an independent, Utah registered, professional engineer certifying that the permitted unit at Promontory has been constructed or modified in accordance with the approved modification request and this Permit; and
- I.H.2. The Executive Secretary has reviewed and inspected the modified or newly constructed permitted unit and has notified the Permittee in writing that the permitted unit was found in compliance with the conditions of this Permit and the modification request; or
- I.H.3. If, within 15 days of the date of submission of the letter required by Condition I.H.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 treatment, storage, or disposal of hazardous waste in the permitted unit if certified in accordance with Condition I.H.1.

I.I. SIGNATORY REQUIREMENT

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

I.J. CONFIDENTIAL INFORMATION

I.J.1. The Permittee may make a claim for confidentiality of any information required to be submitted by this permit in accordance with Utah Code Annotated 63-2-101 et seq. and Utah Code Annotated 19-1-306.

I.K. DOCUMENTS TO BE MAINTAINED AT FACILITY SITE

I.K.1. The Permittee shall maintain at the Promontory facility, for the duration of the post-closure care period, the following documents and amendments, revisions and modifications to these documents:

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

I.K.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.K.1.c. Certification of closure as required by R315-7-14;

I.K.1.d. Personnel training documents and records as required by R315-8-2.7(d) and this permit;

I.K.1.e. Inspection schedules as required by R315-8-2.6(b)(2) and this permit;

I.K.1.f. The Operating Record required by R315-8-5.3 and this permit; and

I.K.1.g. Copies of all required submittals as listed in Tables I-1 and I-2 of this Module.

I.L. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

I.L.1. Pursuant to Section 3005(c)(3) of RCRA (Section 212 of HSWA), codified as 40 CFR 270.32(b), and Utah Hazardous Waste Management Rules, this permit contains those terms and conditions determined necessary to protect human health and the environment.

I.M. REQUIRED SUBMISSIONS UNDER THIS PERMIT

I.M.1. The Permittee shall submit the following documents to the Executive Secretary as specified by permit conditions:

TABLE I - 1

REQUIRED SUBMISSION	PERMIT CONDITION	DATE OR EVENT
1. Application for permit reissuance	I.G.2.	180 days before expiration of permit
2. Financial Assurance Certification	II.G.	In accordance with Conditions II.G.
3. Record of hazardous wastes disposed of within the LTTAs	III.A.1.	60 days after permit is issued
4. Survey plat of the LTTAs	III.A.2.c.	60 days after permit is issued
5. Certification of notation on deed	III.A.3.	60 days after permit is issued
6. Annual adjustment of post-closure cost estimate	III.D.2.	In accordance with Condition III.D.2.
7. Post-closure cost estimate	III.D.3.	30 days after modification of permit as appropriate
8. Semiannual Groundwater Monitoring Plan	IV.B.2.a.	30 days prior to collection of samples
9. Total monitoring well depth data	IV.D.1.c.	30 days after completion of well depth measurements
10. Monitoring Well Completion Reports	IV.D.2.c.	90 days after well completion
11. Semiannual Groundwater Monitoring Reports	IV.E.2.	In accordance with Condition IV.E.2. and Table IV-2
12. Groundwater Flow and Contaminant Transport Model	V.A.2.	In accordance with Condition V.A.2.
13. Human Health Risk Assessment	V.A.2.	180 days after approval of the Groundwater Model
14. Ecological Risk Assessment	V.A.3.	One year after approval of the Groundwater Model
15. Corrective Measures Study	V.B.1.	90 days after approval of the Risk Assessments
16. Corrective Measure Implementation Plan	V.C.1.	90 days after approval of the Corrective Measures Study

TABLE I – 1 (Continued)

REQUIRED SUBMISSION	PERMIT CONDITION	DATE OR EVENT
17. Corrective Measure Implementation Report	V.D.1.	90 days after completing construction of corrective measure(s)
18. Annual calibration of Groundwater Flow and Contaminant Transport	V.E.2.	In accordance with Conditions IV.E.2. and IV.E.4.

Model		
19. Summary on the Effectiveness of the Corrective Action Program	V.E.3.	In accordance with Condition IV.E.2.
20. Corrective Measure Completion Report	V.F.1.	Upon attaining the Corrective Measure Completion Criteria
21. Schedule for submitting RFI Workplans or SWMU Assessment Reports	VI.B.3.	60 days after Post Closure Permit is reissued
22. RFI Workplan or SWMU Assessment Report	VI.C.1. or VI.H.2.	In accordance with the approved schedule (VI.B.3.)
23. RFI Report	VI.C.4.	90 days after completion of the RFI
24. Revised RFI Workplan for additional investigations	VI.D.1.	60 days after approval of the RFI Report (as appropriate)
25. RFI Additional Investigation Report	VI.D.3.	90 days after additional investigation is completed (as appropriate)
26. Corrective Measure Study	VI.E.1.	90 days after the RFI Report is approved
27. Corrective Measure Implementation Plan	VI.E.2.	90 days after approval of the Corrective Measure Study
28. Corrective Measure Implementation Report	VI.E.4.	90 days after completing construction of corrective measure
29. Interim Measure Plan	VI.G.1.	30 days after notifying of a release at a SWMU (as appropriate)
30. SWMU Assessment Report	VI.H.2.	90 days after notification of a newly identified SWMU
31. Semiannual RFI Progress Report	VI.I.1.	In accordance with Condition VI.I.2.

I.M.2. All reports, modifications, notifications, or other submittals that are required to be provided to the Executive Secretary under these permit provisions shall be sent by certified mail or other means with proof of delivery to:

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

I.M.3. All hand-delivered submissions shall be made during normal business hours, at the Martha Hughes Cannon Building, Fourth Floor, 288 North 1460 West, Salt Lake City, Utah.

I.N. REQUIRED NOTIFICATIONS UNDER THIS PERMIT

I.N.1. The Permittee shall make the following notifications to the Executive Secretary as specified by permit conditions:

TABLE I - 2

REQUIRED NOTIFICATION	PERMIT CONDITION	DATE OR EVENT
1. Planned alteration to the closed LTTAs or permit activity	I.G.10.	60 days before planned alteration
2. Anticipated non-compliance	I.G.11.	30 days before planned change
3. Non-compliance with the permit	I.G.17.a.	24 hours after discovery (oral)
4. Non-compliance with the permit	I.G.17.b.	7 days after discovery
5. Non-compliance with the permit	I.G.17.c.	21 days after discovery
6. Compliance schedule requirements	I.G.20.	14 days after scheduled event
7. Missing or incorrect information	I.G.21.	7 days after discovery
8. Certification of construction or modification	I.H.1.	In accordance with Condition I.H.1.
9. Reporting releases of hazardous constituents	II.E.2.	In accordance with Condition II.E.2.
10. Incapacity of financial assurance requirement	II.I.1.	In accordance with Condition II.I.1.
11. Improperly operating groundwater monitoring well	IV.D.1.b.	7 days after discovery
12. Sampling events	IV.D.6.	30 days before sampling event required by this permit

TABLE I – 2 (Continued)

13. Improperly operating groundwater treatment system	V.E.5.	7 days after discovery
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14. Release of hazardous constituents from a SWMU	VI.G.1.	Upon discovery
15. Release of hazardous constituents from a SWMU that poses an imminent hazard	VI.G.6.	Upon discovery
16. Newly identified SWMUs	VI.H.1.	30 days after discovery of SWMU