

MODULE I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. The Permittee is allowed to store hazardous waste in containers and to treat hazardous waste by incineration, by initiating primers, by hydrolysis, by low temperature thermal treatment (Decineration™) and by Open Burn and Open Detonation (OB/OD) at the Tooele Army Depot, in accordance with the conditions of this Permit. Any storage, treatment or disposal of hazardous waste not authorized in this Permit, or the *TEAD Post Closure Permit for Post Closure Monitoring and Corrective Action of Solid Waste Management Units*, is prohibited.
- I.A.2. For the purposes of this Permit, treatment shall not include operations at the Tooele Army Depot that involve the mechanical separation of military munitions or components for the purpose of recovery of the propellant or other components. Treatment shall include initiating primers in the small caliber disassembly process in building 1325 and building 1335.
- I.A.3. Compliance with this Permit constitutes compliance, for purposes of enforcement, with the Utah Solid and Hazardous Waste Act. Specifically, compliance with this Permit, during its term, constitutes compliance for purposes of enforcement with applicable sections of Utah Administrative Code (UAC) R315 only for those management practices specifically authorized by this Permit.
- I.A.4. 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. Violation of this Permit may be considered a violation subject to UAC R315-102, the Penalty Policy. Violations duly documented through the enforcement process may result in penalties of up to the maximum allowed in the Penalty Policy.

I.C. OTHER 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 UAC R315-4-1.5 and UAC R315-3-4.4.
- I.D.2. The filing of a request for a Permit modification, revocation and reissuance or termination, or the notification of planned changes, requiring prior approval, 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 supersede conflicting statements, requirements or procedures found within the Attachments.
- 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.
- I.D.6. This Permit may be modified at the request of the Permittee in accordance with the procedures of UAC R315-3-4.3.
- I.D.7. In accordance with the Utah Solid and Hazardous Waste Act, U.C.A., 19-6-108(13), this Permit shall be reviewed no later than five years from the date of issuance or renewal and modified, if necessary.

I.E. SEVERABILITY

- I.E.1. The provisions of this Permit are severable and if any provision, or the application of any provision 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 Utah Solid and Hazardous Waste Act, and is grounds for enforcement action, Permit modification, revocation and reissuance termination, or denial of a Permit

renewal application, or a combination of an 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 Re-authorization 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. If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall apply for a new Permit in accordance with UAC R315-3-3.1(b) a minimum of 180 calendar days prior to the expiration date.

I.H. PERMIT EXPIRATION

- I.H.1. This Permit shall be effective for ten years from the renewal date.
- I.H.2. The Decineration™ unit described in Module VII is a Research, Development, and Demonstration (RD&D) unit. In accordance with R315-6.5, Module VII and the approval to operate the Decineration™ unit will expire on June 30, 2014. However, operation of the Decineration™ system is also subject to the time limitations set forth in Module VII.

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 under the applicable requirements of UAC R315-3 and R315-4, and through no fault of the Permittee, the Director has neither issued nor denied a new Permit under UAC R315-3-5.2 on or before the expiration date. .

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 this 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, treatment systems and ancillary controls (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. This provision requires the operation of back-up or auxiliary equipment or similar systems when necessary to achieve compliance with 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 the Utah Solid and Hazardous Waste Act, Utah Administrative Code 19-6-109, the Permittee shall allow the Director, or their 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 Utah Solid and Hazardous Waste Act, any substances or parameters at any location; and
- I.N.1.e. Make a record of the inspection by photographic, electronic, videotape, or any other reasonable medium. All photographic and video recordings shall comply with national security requirements.

I.O. MONITORING AND RECORDS

- I.O.1. The Permittee shall retain records of all sampling, monitoring and waste analysis information, including calibration and maintenance records and, where applicable, all original strip chart recordings (or equivalent recordings) for continuous monitoring instruments, copies of all reports and records required by this Permit, the waste minimization certification required by UAC R315-8-5.6(g) and records of all data used to comply with the conditions of this Permit, including any and all data to support the human health and ecological risk assessments for operations at the OB/OD unit. All of the above referenced material shall be retained 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. The three-year period may be extended by the Director 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 facility to three years beyond the conclusion of the enforcement action. Recordkeeping may be accomplished using original documents, xerographic copies, document replicas, electronic facsimiles, electronic disk, 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.
- 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.

- 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 UAC 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 (prevailing edition, hereafter referred to as SW-846), or Standard Methods of Examination of Water and Wastewater (prevailing edition). Other alternate methods approved in this Permit, or an equivalent method, in accordance with Condition I.O.4. of this Permit will be allowed if approved by the Director.
- I.O.4. When requesting substitute or additional analytical methods, the Permittee shall submit to the Director a request for substitution of an analytical method(s) which is equivalent to the method(s) currently approved or listed in UAC R315-50. The request shall provide information demonstrating that the proposed method(s) requested is equivalent or superior in terms of sensitivity, accuracy, and precision (e.g., reproducibility).
- I.O.5. This permit contains and refers to documents and forms on which information and data is 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 forms and documents 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 changes the required information shall only be changed in accordance with the provisions of Condition I.D.6.

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 or system being permitted or previously permitted in accordance with UAC R315-3-3.1(f) and UAC R315-3-3.1(1). 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 R315-202 (40 CFR 280). Neither construction nor operation of new or modified hazardous waste units shall begin unless the provisions of UAC R315-4-1.5 are met. Failure to comply with this condition may result in penalties in accordance with UAC R315-102.

I.Q. REPORTING ANTICIPATED NONCOMPLIANCE

- I.Q.1. 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.R. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

- I.R.1. The Permittee shall not commence storage, treatment, or disposal of hazardous waste in a new hazardous waste management unit (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(s) has been constructed or modified in compliance with this Permit; and
- I.R.1.a.ii. As-built engineering drawings and specifications as appropriate; and
- I.R.1.a.iii. The Director or designated representative has reviewed and inspected the modified or newly constructed unit(s) and has notified the Permittee in writing that the unit(s) was found to be in compliance with the conditions of this Permit; or
- I.R.1.a.iv. If within 15 calendar days of the date of receipt of the letter required by Condition I.R.1.a.iii., the Permittee has not received notice from the Director, of the intent to inspect, a prior inspection is waived and the Permittee may commence treatment, storage, or disposal 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 may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to UAC R315-3-4.1 and UAC R315-3-4.2(a) – (c). 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 UAC R315-3-3.1(l)(6)(i), 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 as soon as possible, but not later than 24 hours from the time the Permittee becomes aware of the noncompliance.

- I.T.2. In accordance with UAC R315-9-1(b), the Permittee shall orally report to the Director any spill of any hazardous waste or material which, when spilled becomes a hazardous waste if the spilled quantity exceeds 100 kilograms or a lesser amount if there is a potential for endangerment to human health or the environment. Any such information shall be reported as soon as possible, but not later than 24 hours from the spill occurrence.
- I.T.3. The oral report shall include, but not be limited to, the following:
- I.T.3.a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies; and
- I.T.3.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.3.c. The description of the occurrence and its cause shall include:
- I.T.3.c.i. Name, title, and telephone number of individual reporting;
- I.T.3.c.ii. Name, address, and telephone number of the owner or operator;
- I.T.3.c.iii. Name, address, and telephone number of the facility;
- I.T.3.c.iv. Date, time, and type of incident;
- I.T.3.c.v. Location and cause of incident;
- I.T.3.c.vi. Name and quantity of materials involved;
- I.T.3.c.vii. The extent of injuries, if any;
- I.T.3.c.viii. An assessment of actual or potential hazard to the environment and human health, when this is applicable;
- I.T.3.c.ix. Description of any emergency action taken to minimize threat to human health and the environment;
- I.T.3.c.x. Estimated quantity and disposition of recovered material that resulted from the incident; and
- I.T.3.c.xi. Any other information necessary to fully evaluate the situation and to develop an appropriate course of action.
- I.T.4. Within 15 days of the time the Permittee is required to provide the oral report, as specified in Conditions I.T.1. through I.T.3., the Permittee shall provide to the Director a written report.

- I.T.4.a. The written report shall include, but not be limited to, the following:
 - I.T.4.a.i. The name, title, address, and telephone number of the individual reporting;
 - I.T.4.a.ii. A description including the date, time, location and nature of the reported incident;
 - I.T.4.a.iii. The extent of injuries, if any;
 - I.T.4.a.iv. The name and quantity of material(s) involved in the spill;
 - I.T.4.a.v. An estimated quantity and disposition of recovered material;
 - I.T.4.a.vi. An assessment of actual or potential hazards to human health and the environment, where this is applicable. The report shall also include whether or not the results of the incident remain a threat to human health and the environment (whether the noncompliance has been corrected and the release has been adequately cleaned up); and
 - I.T.4.a.vii. If the release or noncompliance has not been adequately corrected or cleaned, the anticipated time that the noncompliance or clean up is expected to continue; the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and/or the steps taken or planned to adequately clean up the release.

I.U. MONITORING RECORDS

- I.U.1. Monitoring information shall be recorded and maintained as specified in Condition I.O.

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 date.

I.W. MANIFEST DISCREPANCY REPORT

- I.W.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 hazardous waste the Permittee actually receives. Significant discrepancies in quantity are: (1) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload, and (2) for bulk waste,

variations greater than 10 percent in weight. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, 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 Director in accordance with 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 report all other instances of noncompliance with this Permit not otherwise required to be reported in accordance with Condition I.T., within seven days of discovering the 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 modification, or in any report submitted to the Director, the Permittee shall submit such facts or corrected information within seven working days.

I.BB. SIGNATORY REQUIREMENT

I.BB.1. All reports, notifications, submissions 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 Utah Code 63-02, the Government Records Access and Management Act.

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:

Director
Utah Division of Solid and Hazardous Waste
P.O. Box 144880
Salt Lake City, Utah 84114-4880
Phone (801)-536-0200

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 employee of the Director. Notifications made at other times 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. The Permittee shall give oral notification to the Director or an employee of the Director on the first business day following notification to the (24-hour answering service).

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

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

I.EE.1.a. Waste Analysis Plans (Attachment 2), as required by UAC R315-3-2.5(b)(3) and this Permit until closure is certified in accordance with Condition II.N.7.

I.EE.1.b. Inspection logs (Attachment 4), as required by UAC R315-3-2.5(b)(5). 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 5), and records, as required by UAC R315-8-2.7(d) 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 7), as required by UAC R315-8 -4-and this Permit until closure is certified in accordance with II.N.7.

- 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.7.
- I.EE.1.f. Closure Plan (Attachment 8), as required by UAC R315-8-7 and this Permit until closure is certified in accordance with Condition II.N.7.
- I.EE.1.g. Cost estimates for the closure and post-closure are not required since this is a Federal facility and it is exempt from this reporting requirement according to UAC R315-8-8.
- I.EE.1.h. Manifest copies, as required by UAC R315-8-5 and this Permit for at least three years from the date the waste shipment was accepted at the facility.
- I.EE.1.i A copy of the Permittee's waste minimization statement until closure is certified in accordance with Condition II.N.7.

I.FF. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

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