

Official Draft Public Notice Version **July 15, 2015**

The findings, determinations, and assertions contained in this document are not final and subject to change following the public comment period.

STATE OF UTAH  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY  
WATER QUALITY BOARD  
P.O. BOX 144870  
SALT LAKE CITY, UTAH 84114-4870

**Ground Water Discharge Permit  
Permit No. UGW210002**

**July 2015**

In compliance with the provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 1953, as amended, the Act,

**American Pacific Corporation (AMPAC)  
3770 Howard Hughes Parkway, Suite 300  
Las Vegas, Nevada 89109**

hereafter referred to as the Permittee, is granted a Ground Water Discharge Permit for wastewater evaporation lagoon at northwest of Cedar City, Utah, which is located at 37E 47' 53" N lat., 113E 16' 49" W long.

This **renewed** Ground Water Quality Discharge Permit for American Azide Corporation amends and supersedes all other Ground Water Discharge permits for this facility previously issued.

This permit shall become effective on August \_\_\_\_\_, 2015.

The permit and authorization to operate shall expire on August \_\_\_\_\_, 2020.

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Walter L. Baker, P.E.  
Director

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**PART I. SPECIFIC PERMIT CONDITIONS**

**A. GROUND WATER CLASSIFICATION**

Based on data submitted by the permittee, the upper most ground water under the site is defined as Class II. Data used for this determination was from AMPAC's upgradient monitor well, MW-1, approximately 1000 feet north and 4700 feet east of the southwest corner of Sec. 35, T. 34 S., R. 13 W.

**B. BACKGROUND GROUND WATER QUALITY**

Based on sixteen samples taken from well MW-1 between December 1992 and September 1993, background ground water quality is defined in Table 1.

Parameters	Background Quality (mg/l)
TDS	543
Fluoride	0.64 <sup>2</sup>
Nitrate	1.69
Sulfate	223
Arsenic	0.011
Barium	0.09
Cadmium	-
Chromium	0.011
Copper	0.02
Lead	0.025
Mercury	0.0002 <sup>1</sup>
Selenium	0.0001 <sup>1</sup>
Silver	-
Zinc	0.072

<sup>1</sup>Limit of detection

<sup>2</sup>Detection limit H 2 used for non-detectable values in averaging TDS- Total Dissolved Solids

**C. PERMIT STANDARDS**

**1. Best Available Treatment Performance Standard**

**a. Authorized Design and Construction**

This permit is limited to the wastewater evaporation lagoon and related facilities, which are constructed as shown on plans approved by the Division of Water Quality's Construction Permit issued for this project on July 22, 1992.

- 1) The wastewater evaporation lagoon is constructed as a no-discharge facility. The uppermost liner consists of 80 mil HDPE underlain by a plastic drainage net and a 40-mil HDPE liner to form a leak collection and removal system, which breaks the hydraulic head on lower liners. Leaks in the upper liner would only wet a small portion of the middle liner and fluids in this layer would not have driving pressure to force them through the middle liner. Below the middle liner is another drainage net overlying a composite liner consisting of a 40 mil VLDPE liner overlying 12 inches of clay having hydraulic conductivity of  $1 \times 10^{-7}$  cm/sec or less. This layer acts as a leak detection system and prevents release of any leaks to the environment. Both upper and lower drainage nets drain to sumps, which can be monitored and pumped out.

b. Compliance with Best Available Treatment Technology

- 1) The wastewater evaporation lagoon will be operated as a no discharge facility. Compliance with this condition will be demonstrated by having no wastewater in the lower leak detection system. The upper leak collection and removal system will be operated to relieve pressure beneath the upper liner. Any leakage through the middle liner will be detected in the lower leak detection system. A third flexible membrane liner overlying one foot of clay underlies the lower leak detection layer, to insure rapid reporting of any compromise in integrity of the middle liner.
- 2) The permittee uses a batch process to reduce any sodium azide present in wastewater from the sodium azide plant to below detectable levels before discharge to the lagoon. Wastewater is tested for sodium azide after completion of the first step of batch treatment. Discharge does not begin until azide is reported as non-detect. Wastewater is sampled and tested during discharge from the treatment system into the pond. Monitoring is performed and records are kept of these test results as per Part I D 1 to demonstrate compliance with this performance standard. Wastewater from deionization resin regeneration at the WECCO oxidizer plant will be discharged to the lagoon without testing.
- 3) Discharge of hazardous waste to the lagoon shall constitute non-compliance with this permit.
- 4) Wastewater from deionization resin regeneration at the azide plant will be tested for azide. If azide is reported as non-detect then the water will be discharged directly to the lagoon. If azide is detected then that water will be sent through the treatment system.
- 5) Discharge to the impoundment consists of intermediate process streams that cannot reasonably undergo additional operations to

produce commercial products and the intermediate azide anion shall not be considered a P105 hazardous waste or characteristic hazardous waste.

2. Leak Detection  
The lower leak detection system will be monitored to assure the permittee is achieving best available treatment technology. Compliance is demonstrated by no detection of fluids in the lower leak detection system. Upon detection of wastewater in the lower leak detection system, the permittee shall follow the requirements of Part I.E.1 (b).

D. MONITORING PROCEDURES

1. Discharge to the Impoundment  
The following sampling and destruction procedures are used to test each batch of wastewater from the sodium azide plant before discharge to the lagoon:
  - a. Circulate the contents of the batch tank.
  - b. Obtain a sample (approximately 100 ml) of the contents of the vessel.
  - c. Determine the concentration of residual azide in the sample.
  - d. Transfer a portion of the solution in the batch tank to the destruction vessel.
  - e. Calculate a treatment recipe based on laboratory analysis and volume of solution in the destruction vessel.
  - f. Treat for residual intermediate azide anion.
  - g. Obtain a sample of the treated process water from the destruction vessel.
  - h. Analyze the sample for residual azide ion.
  - i. If azide anion is present then modify the treatment recipe and re-treat the solution in the destruction vessel.
  - j. When the on-site laboratory reports non-detect for the azide ion then adjust the pH of the destruction vessel to between 7 and 9 and send the solution to the pond.
  - k. Transfer the remaining contents of the solution in the batch tank to the destruction vessel. Use the same volume and the same recipe that was determined in the first treatment step for each additional step of the batch.
  - l. Sample solution flow at regular intervals as the contents of the azide destruction vessel are being discharged to the pond. Analyze a composite of the samples to verify solution flow to the pond is free from residual azide.
  - m. If azide is detected in the composite sample then sample the pond and investigate the cause.
  - n. If azide is detected in the pond then resample the pond after 14 days.
  - o. If azide is detected in the second pond sample then the process is out of compliance and reporting is required within 24 hours.

Records shall be kept of the test results for all batches of wastewater discharged to the lagoon, and these records shall be available for examination by representatives of the Department of Environmental Quality during normal business hours.

2. Monitoring Procedures for Leak Detection System  
A dry swab, constructed of a flexible steel tape with a bundle of cloth or paper towels to the end, will be used to monitor the presence of fluids in both the upper

leak collection and lower leak detection sumps. In order to supplement manual fluid detection capability, AMPAC shall monitor the sumps receiving drainage from the upper leak collection and removal system and the lower leak detection system by direct manual observation on a weekly basis. AMPAC shall keep a daily record of the volume of fluids removed from either of these sumps.

E. REPORTING REQUIREMENTS

1. Out-of-Compliance Status

- a. If azide is detected in any sample of the flow into the pond, AMPAC shall notify the Division of Water Quality (DWQ) and the Hazardous Waste Section of the Division of Waste Management and Radiation Control within 24 hours by telephone and in writing within five business days
- b. If any fluids are detected in the lower leak detection sumps or if the permittee has otherwise failed to meet containment technology standards as required by this permit, the permittee shall notify DWQ by telephone within 24 hours and in writing within five working days. Unless it can be demonstrated that the fluid in the sump is not wastewater, which has leaked from the lagoon, the permittee shall immediately begin activities to locate, isolate to temporarily exclude wastewater from the lower layer, and repair any leaks in the pond's liners. Within 30 days of the original discovery of fluids in the sump, the permittee shall submit a report to DWQ containing a description of the source of the fluid in the sump, the period that fluid was entering the sump including exact dates and times, and if the leakage has not been corrected, the anticipated time it is expected to continue; and steps already taken or plans to reduce, eliminate and prevent recurrence of the leakage. The plans will be implemented upon approval by DWQ. An evaluation shall also be made of whether wastewater or other contaminants have been released to the environment. If such a release has occurred, the permittee shall follow the procedures for corrective action outlined in Part I.G. If there is a catastrophic failure of the lagoon's containment system, DWQ may require cessation of discharge or lagoon closure. Upon completion of any repairs or remediation activities, the permittee shall submit a report demonstrating the integrity of the lagoon's containment system.

In the event a compliance action is initiated against the permittee for violation of permit conditions relating to containment technology, the permittee may affirmatively defend against that action by demonstrating the following:

- 1) The permittee submitted notification according to Parts I. E and I. G of this permit;
- 2) The failure was not intentional or caused by the permittee's negligence, either in action or failure to act;
- 3) The permittee has taken adequate measures to meet permit conditions in a timely manner or has submitted to DWQ, for his

approval, an adequate plan and schedule for meeting permit conditions; and

- 4) The provisions of Utah Code Ann. 19-5-107 have not been violated.

2. **Monitoring Reports**

Reports on the following activities shall be submitted to DWQ on a quarterly basis, as applicable:

- a. Daily reports on the volume of fluids removed from the leak collection sumps.
- b. Dates of testing for manual leak detection probes, and results of each test, if this is the primary means of detecting fluids in the sumps.

These reports shall be submitted quarterly to DWQ as follows:

<u>Monitoring Quarter</u>	<u>Report Due On</u>
1st (Jan., Feb., Mar.)	April 15
2nd (Apr., May, June)	July 15
3 <sup>rd</sup> (July, Aug., Sept.)	October 15
4th (Oct., Nov., Dec.)	January 15

If either of these conditions did not occur during the reporting period the permittee shall notify DWQ on or before the report due date.

3. **Record keeping**

The permittee shall keep records of the following activities, and make them available to representatives of the Department of Environmental Quality upon request, during regular business hours.

- a. Dates of visual checks of the leak collection and leak detection sumps, and observations of presence or absence of fluids in the sumps.
- b. Dates, times and results of tests for sodium azide for all batches of wastewater discharged to the impoundment.

4. **Report on Permit Review**

Within 30 days of receipt of this renewed permit, the permittee shall report in writing to DWQ that he has read and is familiar with all terms and conditions of this permit.

F. **CORRECTIVE ACTION**

If monitoring or testing indicates that the permit conditions may be or are being violated, the permittee shall promptly make corrections to the system in accordance with R317-6-6.14 of the Utah Ground Water Protection Regulations. If contaminants are released to the ground surface or subsurface which may cause pollution of waters of the state from any source at the facility, the permittee must comply with the requirements of section 19-5-114 of the Utah Water Quality Act. In the event of such release, the permittee shall

promptly take any feasible action reasonably necessary to halt or mitigate any immediate risk to the environment or public health which may but not necessarily include (1) eliminating the source of contamination, (2) immediate cleanup or containment of surface contaminants, (3) erecting barriers to public access, and (4) placing of warning signs. The permittee must also immediately notify DWQ of the release and containment and/or cleanup measures taken or to be taken. Within thirty days of the occurrence of such release, the permittee shall submit to DWQ a written report describing the nature and extent of the release and remedial measures taken or to be taken to protect ground water or surface water and to eliminate or minimize contamination. Upon receipt of such report, DWQ may order the permittee to prepare a plan for assessing the contamination remaining from the release, if any, including a timetable for completion of such assessment. Upon approval of the assessment plan, the permittee shall implement the plan and submit an assessment report to DWQ. Upon receipt and review of the assessment report, DWQ may order the permittee to perform appropriate remedial measures including development of a remedial plan for approval by DWQ.

If necessary, DWQ may order the development of assessment and remediation plans any time after a release is reported.

G. CLOSURE PLANS

When the useful life of the lagoon is over, the permittee will allow the lagoon's contents to evaporate to dryness. The accumulated salts and sediments will be tested for hazardous characteristics and will be disposed of in an approved off-site disposal facility. The liners will be evaluated for any potential environmental threat, and will be disposed of or left in place as appropriate. The site will then be reclaimed or developed for other uses.

The permittee shall comply with any other applicable regulations, which are in effect at the time of closure. Proposed closure plans shall be submitted to DWQ for approval at least six months before the start of closure operations.

**PART II MONITORING, RECORDING AND REPORTING REQUIREMENTS**

- A. REPRESENTATIVE SAMPLING  
Samples taken in compliance with the monitoring requirements established under Part I shall be representative of the monitored activity.
- B. ANALYTICAL PROCEDURES  
Water sample analysis must be conducted according to test procedures specified under UAC R317-6-6.3.L, unless other test procedures have been specified in this permit.
- C. PENALTIES FOR TAMPERING  
The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. REPORTING OF MONITORING RESULTS  
Monitoring results obtained during each reporting period specified in the permit, shall be submitted to the Director, Utah Division of Water Quality at the following address no later than the 15th day of the month following the completed reporting period:  
State of Utah  
Division of Water Quality  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870  
Attention: Ground Water Protection Section
- E. 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 14 days following each schedule date.
- F. ADDITIONAL MONITORING BY THE PERMITTEE  
If the permittee monitors any pollutant more frequently than required by this permit, using approved test procedures as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted. Such increased frequency shall also be indicated.
- G. RECORDS CONTENTS  
Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) and time(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and,
  6. The results of such analyses.
- H. RETENTION OF RECORDS  
The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, 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 or application. This period may be extended by request of the Director at any time.

I. TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING

1. The permittee shall verbally report any noncompliance which may endanger public health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 536-4123, or to the Division of Water Quality, Ground Water Protection Section at (801) 536-4300, during normal business hours (Monday through Friday 8:00 am - 5:00 pm Mountain Time).
2. A written submission shall also be provided to the Director within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. Reports shall be submitted to the addresses in Part II.D, Reporting of Monitoring Results.

J. OTHER NONCOMPLIANCE REPORTING

Instances of noncompliance not required to be reported within 24 hours, shall be reported at the time that monitoring reports for Part II.D are submitted.

K. INSPECTION AND ENTRY

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:

1. Enter 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 the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

**PART III COMPLIANCE RESPONSIBILITIES**

A. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. 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 permit requirements.

B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under Section 19-5-115(2) of the Act a second time shall be punished by a fine not exceeding \$50,000 per day. Nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a 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.

D. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. PROPER OPERATION AND MAINTENANCE

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 also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

## **PART IV      GENERAL REQUIREMENTS**

A.      PLANNED CHANGES

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.

B.      ANTICIPATED NONCOMPLIANCE

The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

C.      PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D.      DUTY TO REAPPLY

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a permit renewal or extension. The application should be submitted at least 180 days before the expiration date of this permit.

E.      DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any 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.

F.      OTHER INFORMATION

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

G.      SIGNATORY REQUIREMENTS

All applications, reports or information submitted to the Director shall be signed and certified.

1.      All permit applications shall be signed as follows:

a.      For a corporation: by a responsible corporate officer;

b.      For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

c.      For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

2.      All reports required by the permit and other information requested by the

Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described above and submitted to the Director, and,
  - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to Authorization. If an authorization under Part IV.G.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV.G.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
  4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. PENALTIES FOR FALSIFICATION OF REPORTS

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

I. AVAILABILITY OF REPORTS

Except for data determined to be confidential by the permittee, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall not be considered confidential.

J. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion

of personal rights, nor any infringement of federal, state or local laws or regulations.

K. SEVERABILITY

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.

L. TRANSFERS

This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

M. STATE LAWS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, penalties established pursuant to any applicable state law or regulation under authority preserved by Section 19-5-117 of the Act.

N. REOPENER PROVISION

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate limitations and compliance schedule, if necessary, if one or more of the following events occurs:

1. If new ground water standards are adopted by the Board, the permit may be reopened and modified to extend the terms of the permit or to include pollutants covered by new standards. The permittee may apply for a variance under the conditions outlined in R317-6-6.4.D.
2. If alternative compliance mechanisms are required.
3. If subsequent ground water monitoring data reveals the background water quality values in Part I Table 1 are not accurate.