

MODULE I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. The Permittee is allowed to treat hazardous waste in the Explosive Destruction System (EDS) within Area 10 at the Tooele Army Depot South (TEADS) Tooele County, Utah, in accordance with the conditions of this Permit. Any treatment, storage, or disposal of hazardous waste not authorized in this Permit is prohibited. The location of TEADS is shown in Figure 1 and the location where the EDS shall be located within Area 10 of TEADS is shown in Figure 2 of this Permit.
- I.A.2. 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.3. 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.A.4. This Permit has been developed in accordance with the applicable requirements of UAC R315-1 through 101. All conditions within this Permit will supersede conflicting statements, requirements, or procedures found within UAC R315-1 through 101.

I.B. ENFORCEABILITY

- I.B.1. Violations documented through the enforcement process pursuant to Utah Code Annotated (UCA) 19-6-112 may result in penalties assessed in accordance with UAC R315-102, the Penalty Policy.

I.C. OTHER AUTHORITY

- I.C.1. The Director of the Utah Division of Waste Management and Radiation Control (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 R315-3-4. If the Director determines that cause exists to modify, revoke, and reissue, or terminate this Permit, the action will proceed in accordance with UAC 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.D.2. The Director may modify this Permit, in accordance with UAC R315-3-4.2.,

- I.D.3. The Permit may be modified at the request of the Permittee according to the procedures of UAC R315-3-4.3.
- I.D.4. All Permit conditions supersede conflicting statements, requirements or procedures found in the Attachments to the Permit.
- I.D.5. If a conflict exists between conditions in this Permit, the most stringent condition, as determined by the Director, shall be met.
- I.D.6. In accordance with the Utah Solid and Hazardous Waste Act, UCA, 19-6-108(13), this Permit shall be reviewed no later than five (5) years from the date of issuance or renewal and subsequently modified, if necessary.

I.E. SEVERABILITY

- I.E.1. The provisions of this Permit are severable and if any provision of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. Invalidation of any State or federal statutory or regulatory provision which forms the basis for any condition of this Permit does not affect the validity of any other state or federal statutory or regulatory basis for said condition.

I.F. DUTIES TO COMPLY

- I.F.1. The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration authorized by an Emergency Permit issued in accordance with UAC R315-3-6.2. Any Permit noncompliance, constitutes a violation of the Utah Solid and Hazardous Waste Act, and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application; or a combination of 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 Reauthorization 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.

I.G. DUTY TO REAPPLY

- I.G.1. If the Permittee wishes, or is required by the Director, 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, in accordance with UAC R315-3-2.1g and UAC R315-3-3.1(b), at least 180 days before this Permit expires.

I.H. PERMIT EXPIRATION

- I.H.1. This Permit shall be effective for ten years from the date of issuance.

I.I. CONTINUATION OF EXPIRING PERMIT

- I.I.1. This Permit and all conditions herein shall continue in force until the effective date of a new Permit, if the Permittee has submitted a timely and complete application, in accordance with 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 of this Permit.

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

- I.J.1. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce activity.

I.K. DUTY TO MITIGATE

- I.K.1. In the event of noncompliance with the Permit, the Permittee shall take all reasonable steps to minimize releases of hazardous waste or hazardous waste constituents to the environment resulting from the noncompliance, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

I.L. PROPER OPERATION AND MAINTENANCE

- I.L.1. The Permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary equipment or similar systems only when necessary to achieve compliance with the conditions of this Permit.

I.M. DUTY TO PROVIDE INFORMATION

- I.M.1. The Permittee shall furnish to the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Director upon request, copies of records required to be kept by this Permit.

I.N. INSPECTION AND ENTRY

- I.N.1. Pursuant to the UCA 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.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 record of inspection by photographic, electronic, videotape, 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.N.2. The Permittee shall assist designated UDEQ personnel in meeting appropriate Department of the Army training, safety and security requirements if meeting such requirements is essential to perform inspections, sampling, or monitoring.
- I.N.3. The Permittee shall provide seven days written notice to the DWMRC prior to performing any activities where hazardous waste will be handled or treated.

I.O. MONITORING AND RECORDS

- I.O.1. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and, where applicable, all original strip chart recordings (or equivalent recordings) for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the waste minimization certification required by UAC R315-8-5.3. (40 CFR § 264.73(b)(9) incorporated by reference), and records of all data used to comply with the conditions of this Permit, including any and all data to support human health and ecological risk assessments for cleanup and closure activities. 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 as specified or modified by this Permit. Laboratory methods shall be those specified in "Test Methods for Evaluating Solid Waste; Physical/Chemical Methods SW-846" and "Standard Methods for Examination of Water and Wastewater; or an equivalent method as approved by the Director. The analysis of all samples shall be conducted by laboratories certified by the State of Utah or using analytical methods approved by the State of Utah.
- I.O.4. When requesting substitute or additional analytical methods, the Permittee shall submit to the Director a request for substitution of analytical methods which are equivalent to the methods specifically approved for use in this Permit, in accordance with UAC R315-3-4.3. The request shall provide information demonstrating that the proposed methods are equivalent or superior in terms of sensitivity, accuracy, and precision (i.e. reproducibility).

I.P. REPORTING PLANNED CHANGES

- I.P.1. The Permittee shall give written notice to the Director 60 days prior to any planned physical alterations or additions to the EDS being permitted or previously permitted in accordance with UAC R315-3-3.1(l) and R315-3-4.3. Planned physical alterations or additions shall include all changes in any hazardous and solid waste activities. Construction or operation of a new or modified EDS shall not begin unless the provisions of UAC R315-4-1.5 are met.

I.Q. REPORTING ANTICIPATED NONCOMPLIANCE

- I.Q.1. The Permittee shall give written notice to the Director 30 days prior to 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. DEFINITIONS

- I.R.1. For the purpose of this Permit, terms used herein shall have the same meaning as those in R315 of the UAC unless this Permit specifically states otherwise; where terms are not otherwise defined, the meaning associated with such terms shall be

as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

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 R315-3-4.2(b)(2). Prior to transferring ownership or operation of the Permit during its operating life, the Permittee shall notify the new owner or operator, in writing, of the applicable requirements of UAC R315-1 through R315-101, and this Permit. Failure by the Permittee to notify the new owner or operator of these requirements and this Permit in no way relieves the new owner or operator of his obligation to comply with all applicable requirements of the UAC and this Permit.

I.T. TWENTY-FOUR HOUR REPORTING

I.T.1. In accordance with UAC R315-3-3.1(1)(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 twenty-four (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 immediately 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, or exceeds one kilogram if the material is an acute hazardous as defined by UAC R315-9-1(b)(2).

I.T.3. The Permittee shall immediately report to the Director any spill that contains chemical agent or chemical agent constituents if the spilled quantity exceeds one kilogram. Any such information shall be reported as soon as possible, but not later than 24 hours from the spill occurrence.

I.T.4. The non-compliance and spill reports shall include, but not be limited to, the following:

I.T.4.a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies; and

I.T.4.b. Any information of a release or discharge of hazardous waste, or of a fire, or explosion at the unit, which could threaten human health or the environment;

I.T.4.c. A description of the occurrence and its cause;

I.T.4.d. The name, title, and telephone number of the individual reporting;

I.T.4.e. The name, address, and telephone number of the owner or operator;

I.T.4.f. The name, address, and telephone number of the Facility;

I.T.4.g. The date, time, and type of the incident;

- I.T.4.h. The location and cause of the incident;
- I.T.4.i. The name and quantity of materials involved;
- I.T.4.j. The extent of injuries, if any;
- I.T.4.k. An assessment of actual or potential hazard to the environment and human health, where this is applicable;
- I.T.4.l. A description of any emergency action taken to minimize threat to human health and the environment;
- I.T.4.m. An estimated quantity and disposition of the recovered material that resulted from the incident; and
- I.T.4.n. Any other information necessary to fully evaluate the situation and to develop an appropriate course of action.
- I.T.5. Within 15 days of the time the Permittee is required to provide the reports specified in Conditions I.T.1. through I.T.4., the Permittee shall submit to the Director a written report.
- I.T.6. The written report shall include, but not be limited to the following:
 - I.T.6.a. The name, title, address, and telephone number of the individual reporting;
 - I.T.6.b. A description including the date, time, location and nature of the reported incident;
 - I.T.6.c. The extent of injuries, if any;
 - I.T.6.d. The name and quantity of material(s) involved in the spill;
 - I.T.6.e. An estimated quantity and disposition of the recovered material;
 - I.T.6.f. 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 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.6.g. If the release or noncompliance has not been adequately corrected or cleaned up, the anticipated time that the noncompliance or remediation 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 remediate the release.
- I.T.7. In addition to notifications for noncompliance required under Permit condition I.T.6, the Permittee shall notify the Director of situations that:
 - I.T.7.a. have the potential to endanger human health or the environment if not corrected prior to initiating waste management operations, or

I.T.7.b.require significant alteration or updating of structures, equipment or procedures to correct deficiencies noted by the Permittee.

I.T.8. For the purposes of Permit Condition I.T.7, “significant alteration or updating of structures, equipment or procedures” does not include routine maintenance for which the Permittee has established practices designed to insure the continued protection of human health and the environment. The Permittee shall provide additional information regarding such situations to the Director as requested.

I.U. MONITORING REPORTS

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. BIENNIAL REPORT

I.W.1. The Permittee shall submit to the Director a Biennial Report 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. Information on EDS operations shall be included in the TEADS biennial report.

I.X. OTHER NONCOMPLIANCE

I.X.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.Y. OTHER INFORMATION

I.Y.1. Whenever the Permittee becomes aware that it failed to submit any relevant facts in a Permit application, 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.Z. SIGNATORY REQUIREMENT

I.Z.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.AA. CONFIDENTIAL INFORMATION

I.AA.1. The Permittee may claim confidential 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.BB. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

I.BB.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 Waste Management and Radiation Control
P.O. Box 144880
Salt Lake City, Utah 84114-4880
Phone (801)-536-0200

Normal business hours are 8am to 5pm, Monday through Friday, except Utah State holidays. Required oral notifications shall be given only to the Director or an authorized representative 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 authorized representative of the Director on the first business day following notification to the 24-hour answering service.

I.BB.2. Any submission to the Director required by this Permit shall be both a paper copy and an electronic copy of the submission. This submission shall also include a certification statement that the electronic copy is identical to the paper version.

I.CC. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

I.CC.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.CC.1.a. A copy of the Permit until closure is certified in accordance with Condition II.O.;

I.CC.1.b. Waste Analysis Plans (Attachment 2) and all associated analytical data, as required by UAC R315-8-2.4 and this Permit until closure is certified in accordance with Condition II.O.;

I.CC.1.c. Inspection schedules and logs (Attachment 11), as required by UAC R315-8-2.6(b) and this Permit for a period of three years in accordance with UAC R315-8.2.6(d);

I.CC.1.d. Personnel training documents (Attachment 9), 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.CC.1.e. Contingency Plan (Attachment 13), as required by UAC R315-8-4 and this Permit until closure is certified in accordance with Condition II.O;

- I.CC.1.f. Operating record, which includes all documents required by this Permit, as required by UAC R315-8-5.3, and this Permit until closure is certified in accordance with Condition II.O;
- I.CC.1.g. Records required by this part may be kept in an electronic format if the computer systems (including hardware and software), controls, and attendant documentation are readily available for inspection by UDEQ representatives and the electronic record retention system meets the following criteria:
- I.CC.1.g.i. It is able to readily reproduce the records accurately and completely in hard copy and electronic format if requested by a UDEQ representative;
- I.CC.1.g.ii. It generates and maintains accurate and complete copies of records and documents in a form that does not allow alteration of the record without detection;
- I.CC.1.g.iii. It ensures that records are not altered throughout the records' retention period;
- I.CC.1.g.iv. It ensures that any record bearing an electronic signature contains the name of the signatory, the date and time of signature, and any information that explains the meaning affixed to the signature;
- I.CC.1.g.v. It uses secure, computer generated, time-stamped audit trails to automatically record the date and time of operator entries and actions that create, modify, or delete electronic records;
- I.CC.1.g.vi. It retains audit trail documentation for a period at least as long as that required for the subject electronic records;
- I.CC.1.g.vii. It is capable of making documentation available for agency review;
- I.CC.1.g.viii. It ensures that records are searchable and retrievable for reference and secondary uses, including inspections, audits, legal proceedings, and third party disclosures, as required by applicable regulations, throughout the entire retention period; and
- I.CC.1.g.ix. It archives electronic records in an electronic form that preserves the context, metadata, and audit trail.
- I.CC.1.h. Closure Plans (Attachment 14), as required by UAC R315-8-7 and this Permit, until closure is certified in accordance with Condition II.O;
- I.CC.1.i. Manifest copies, as required by UAC R315-8-5 and this Permit for at least three years from the date the waste shipment was shipped off-site to an approved hazardous waste management facility;
- I.CC.1.j. A copy of the Permittee's waste minimization statement until closure is certified in accordance with Condition II.O;
- I.CC.1.k. A copy of all current SOP's and IOP's used in operating the EDS. All SOPs and IOPs are incorporated into this Permit by reference.

I.DD. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

I.DD.1. Pursuant to Section 3005(C)(3) of RCRA (Section 212 of HSWA) and UAC 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.

I.EE RESERVED

I.FF. COORDINATION WITH OTHER PERMITS

I.FF.1. The Permittee shall document that the EDS operation is in compliance with the Clean Water Act and the Clean Air Act before operations may begin.