

## **MODULE I - STANDARD CONDITIONS**

### **I.A. DEFINITIONS**

**I.A.1.** For 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.

**"ACL"** means Alternative Concentration Limit.

**"Approved"** means written approval from the Executive Secretary of the Utah Solid and Hazardous Waste Control Board.

**"Board"** means the Utah Solid and Hazardous Waste Control Board.

**"CDQMP"** means the Chemical Data Quality Management Plan.

**"Days"** means Calendar Days.

**"Executive Secretary"** means the Executive Secretary of the Utah Solid and Hazardous Waste Control Board.

**"Facility"** means all contiguous land and structures, other appurtenances and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, and disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

**"Facility Plan Approval"** means a written approval (referred to as a permit) to operate a hazardous waste treatment, storage, or disposal facility within the State of Utah.

**"Groundwater Treatment System"** means all the parts of the system that are used to extract, treat, and/or inject groundwater.

**"Groundwater Treatment Unit"** means all parts of the groundwater treatment system where the groundwater is treated to remove hazardous constituents.

**"Hazardous Waste Constituent"** means a constituent that caused the Board to list the hazardous waste in R315-2.

**"Hazardous Waste"** means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or pose a substantial present or potential

hazardous to human health or the environment when improperly treated, stored, transported, or disposed of, or other wise managed (Reference 40 CFR 261.3).

**"Operating Record"** means all monitoring and operational data reports maintained by Tooele Army Depot or Contract Facility Operators.

**"Permittee"** means the owner/operator of a facility responsible for implementation of the conditions of this permit.

**"QA 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.

**"Precipitation"** means rain, snow, sleet, or hail.

**"R315"**, or **"Utah Administrative Code (UAC) R315"**, means R315 of the Utah Administrative Code.

**"Release"** means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous waste constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents).

**"Solid Waste Management Unit" (SWMU)** means any discernible area at which solid wastes have been placed at any time, irrespective of whether the area was intended for the management of solid or hazardous waste. Such areas include any part of a facility at which solid wastes have been routinely and systematically released.

**"Submit" or "Submission"** means to be received by hand delivery, mail, certified mail, express mail, facsimile, and/or computer diskette and logged in at the offices of the Division of Solid and Hazardous Waste.

**"TEAD"** means Tooele Army Depot or "the Facility" (the "Permittee").

**"Technical Review Committee/Restoration Advisory Board (TRC/RAB)"** is a committee/board of representatives from the Department of Defense, U.S. Environmental Protection Agency, Utah Department of Environmental Quality, local government, and public representatives of the affected community. This committee/board meets on a semi-annual basis to review, comment, and provide input on environmental restoration activities at Tooele Army Depot.

**"Utah Registered Professional Engineer"** means any individual who is registered as a Professional Engineer by the Utah Division of Professional Licensing and is qualified by experience and education in the appropriate engineering field.

**"Utah Registered Professional Geologist"** means any individual who is registered as a Professional Geologist by the Utah Division of Professional Licensing and is qualified by experience and education in the appropriate scientific field.

### **I.B. EFFECT OF PERMIT**

**I.B.1.** The Permittee shall inspect and monitor the hazardous waste surface impoundment known as the industrial waste lagoon, monitor groundwater, and maintain an extraction, treatment and injection system for contaminated groundwater resulting from past practices at the industrial waste lagoon, in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local laws or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Section 3013 or Section 7003 of RCRA, Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606(a), commonly known as CERCLA or Superfund), or any other law providing for protection of public health or the environment.

**I.B.2.** This permit has been developed in accordance with the 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. Other Authority.** The Utah Solid and Hazardous Waste Control Board and the Utah Department of Environmental Quality 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.** 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. The permit may also be modified through petition for an ACL in accordance with R315-101.

**I.E.3.** Any application for a permit modification or renewal shall consider information needs and improvements in the state of control and measurement technology as well as changes in applicable regulations.

### **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. Duty to Comply.** The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit, 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 is grounds for enforcement action, permit termination, revocation and reissuance, or modification of the permit.

**I.G.2 Duty to Reapply.** If the Permittee wishes, or is required by the Board and/or 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. Review of Permit.** 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. Permit Expiration.** 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. Need to Halt or Reduce Activity Not a Defense.** 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. Duty to Mitigate.** In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize release 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. Proper Operation and Maintenance.** The Permittee shall at all times properly operate and maintain all facilities and systems of treatment, control and monitoring (and related apparatus) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

**I.G.8. Duty to Provide Information.** 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 exist for modifying, revoking or reissuing this permit, or 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 Board and/or Executive Secretary upon request, copies of records required to be kept by this permit.

**I.G.9. Inspection and Entry.** 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; and

**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.

**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 security requirements of the Permittee.

**I.G.10. Reporting Planned Changes.** 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. Anticipated Noncompliance.** 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. Transfer of Permit.** 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. Monitoring and Records.**

**I.G.13.a.** 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, Revision 6, February 2007)" or most currently promulgated editions, "Standard Methods for Examination of Water and Wastewater (17th Edition or most current editions)"; or an equivalent method as specified in this permit. The analysis of all samples will be conducted by Utah State certified laboratories.

**I.G.13.b.** The following conditions will define events that will trigger QA sample collection and analysis:

**I.G.13.b.i.** Change of primary contract lab.

**I.G.13.b.ii.** Change or update of analytical method(s).

**I.G.13.b.iii.** Change or variance in sampling procedures.

**I.G.13.c.** 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.13.d.** The Permittee shall retain as part of the Operating Record at the Tooele Army Depot, or the U.S. Army Corps of Engineers, 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.14. Reporting Requirements.** 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.14.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.14.a.i.** Name, address, and telephone number of the Permittee;

**I.G.14.a.ii.** Name, address, and telephone number of the individual making the report;

**I.G.14.a.iii.** Date, time and type of incident;

**I.G.14.a.iv.** Description and quantity of materials involved;

**I.G.14.a.v.** The extent of injuries, if any;

**I.G.14.a.vi.** An assessment of actual or potential hazard to the environment and health outside the facility, where this is applicable; and

**I.G.14.a.vii.** Estimated quantity and disposition of recovered material that resulted from the incident.

**I.G.14.a.viii.** 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.14.b.** 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.G.14.a.i. through I.G.14.a.viii. 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.15. Monitoring Reports.** Monitoring reports shall be reported at the intervals specified elsewhere in this permit.

**I.G.16. Compliance Schedules.** 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.17. Other Information.** Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Executive Secretary, the Permittee shall submit such facts or corrected information within seven days of discovery.

**I.G.18. Certification of Construction or Modification.** The Permittee may not commence storage, treatment, or disposal of hazardous waste in a new hazardous waste management unit or an existing unit, except as provided for in R315-3-4.3, at the permitted facility until:

**I.G.18.a.** The Permittee has submitted to the Executive Secretary:

**I.G.18.a.i.** A letter signed by the Permittee and a qualified Utah registered professional engineer, qualified by experience and education in an appropriate engineering field, certifying that the unit has been constructed or modified in compliance with the modification request and this permit; and

**I.G.18.a.ii.** As built engineering plans and specifications; and

**I.G.18.b.** The Executive Secretary or designated representative has reviewed and inspected the newly constructed facility and has notified the Permittee in writing that the unit was found in compliance with the conditions of this permit; or

**I.G.18.c.** The Executive Secretary has either waived the inspection, or has not within 15 days of the date of his receipt of the above submission, notified the Permittee of an intent to inspect.

## **I.H. SIGNATORY REQUIREMENT.**

**I.H.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.I. CONFIDENTIAL INFORMATION**



**I.I.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.J. DOCUMENTS TO BE MAINTAINED AT FACILITY SITE.**

**I.J.1.** The Permittee shall maintain at the Tooele Army Depot, Tooele, Utah for the duration of the post-closure care period, the following documents and amendments, revisions and modifications to these documents:

**I.J.1.a.** The post-closure permit application.

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

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

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

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

**I.J.1.g.** Copies of all required submittals as listed in Condition L. of this Module.

**I.K. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT**

**I.K.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.L. REQUIRED SUBMISSIONS UNDER THIS PERMIT.**

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

**TABLE I - 1**

<b>REQUIRED SUBMISSION</b>	<b>PERMIT CONDITION</b>	<b>DATE OR EVENT</b>
1. Monitoring well completion reports	V.D.2.a.v.	90 days after well

		completion
2. Extraction and injection well completion reports	VII.E.8. VIII.E.6.	90 days after well completion
3. Well plugging and abandonment methods	V.D.2.a.ix.	30 days prior to plugging and abandonment
4. Semi-annual report	V.F.1.	Every 6 months after permit issuance
5. Groundwater elevation maps for impacted aquifer	V.D.4.b.	Semi-annually
6. Contaminant concentration maps	V.F.1.	Annually
7. Additional measures Plan	VI.A.1.c.	Within 3 years of the start of operation of the groundwater treatment system
8. Land Use Inspection Report	II.D.7.	Annually

**II.L.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.B. 144880  
Salt Lake City, UT 84114-4880.

**II.L.3.** All hand-delivered submissions shall be made during normal business hours, at the Multi-State Agency Building, Second Floor, 195 North 1950 West, Salt Lake City, Utah 84114-4880.

**II.M. REQUIRED NOTIFICATIONS UNDER THIS PERMIT**

**TABLE I - 2**

<b>REQUIRED NOTIFICATIONS</b>	<b>PERMIT CONDITION</b>	<b>DATE OR EVENT</b>
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1. Anticipated Non-Compliance	I.G.11.	30 Days Advance Notice of any change which may result in noncompliance
2. Sampling Event	V.D.1.f.	30 days prior to event a list of monitoring wells proposed for sampling will be submitted as part of this notification along with a map showing their location and rationale for selection
3. Implementation of the Contingency Plan	II.E.2.	15 days or less after implementation
4. Affected off-depot wells due to pumping of extraction wells	VII.F.3. VIII.F.3.	Within 7 days of discovery
5. Newly Identified SWMUs	IX.C.1.	Within 30 days of discovery
6. 24-hour Notification	I.G.14.a.	Orally within 24 hours of discovery
7. 7-day Notification	I.G.14.a.viii.	Within 7 days of discovery
8. 21-day Notification	I.G.14.b.	Within 21 days of discovery
9. Changes to the Groundwater Treatment System	VII.C.1.b. VIII.C.1.b.	As appropriate to fulfill requirements of VI.A.3