

## **MODULE I - STANDARD PERMIT CONDITIONS**

### **I.A. EFFECT OF PERMIT**

- I.A.1. The Permittee is allowed to treat hazardous waste on pads, in a pan and on the ground by Open Burning or Open Detonation (OB/OD), at the Thermal Treatment Unit (TTU) at the Utah Test and Training Range (UTTR), in accordance with the conditions of this permit.
- I.A.2. Any treatment, storage, or disposal of hazardous waste not authorized in Module III of this permit is prohibited.
- I.A.3. Pursuant to Utah Administrative Code (Utah Admin. Code) R315-3-1.4, compliance with this permit constitutes compliance, for purposes of enforcement, with the Utah Hazardous Waste Management Rules, except for those requirements not included in this permit which become effective by statute. Specifically, compliance with this permit during its term constitutes compliance, for purposes of enforcement, with Utah Admin. Code R315-8 only for those management practices specifically authorized by this permit. The Permittee is also required to comply with Utah Admin. Code R315-1 to 6, 8, 9, 12, 13, 14, 16, 50, 101 and 102 as applicable.
- 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. Any violations of this permit that are duly documented through the enforcement process pursuant to Utah Code Annotated (Utah Code Ann.) 19-6-112, may result in penalties assessed in accordance with Utah Admin. Code R315-102.

### **I.C. OTHER AUTHORITY**

- I.C.1. The Board 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 Utah Admin. Code R315-4-1.5 and Utah Admin. Code 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 or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.
- I.D.3. The Director may modify this Permit in accordance with Utah Admin. Code R315-3-4.2.
- I.D.4. All permit conditions within the modules of this permit supersede conflicting statements, requirements or procedures found within the attachments of this permit and the Permittee's application for it.
- I.D.5. If a conflict exists between conditions within this permit, the most stringent condition, as determined by the Director, shall be met.

**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, such noncompliance is authorized by an emergency permit issued in accordance with Utah Admin. Code R315-3-6.2. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation, reissuance, modification or denial of a permit renewal application, or a combination of enforcement action and any other remedies provided by law.
- 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), 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 public health or the environment from any imminent and substantial endangerment to human health or the environment.

**I.G. DUTY TO REAPPLY**

I.G.1. In accordance with Utah Admin. Code R315-3-3(b), if the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, at a minimum of one hundred eighty (180) calendar days prior to the expiration date, the Permittee shall submit an application for a new permit.

**I.H. PERMIT EXPIRATION**

I.H.1. This permit shall be effective for ten years from the effective date.

**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 Utah Admin. Code R315-3 and Utah Admin. Code R315-4), and through no fault of the Permittee, the Director has neither issued nor denied a new permit under Utah Admin. Code R315-3-5.1 and Utah Admin. Code R315-3-5.2 on or before the expiration date of this permit.

**I.J. REVIEW OF PERMIT**

I.J.1. In accordance with the Utah Code Ann.19-6-108(13), this permit shall be reviewed five years after the effective date and modified, as necessary.

**I.K. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**

I.K.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.L. DUTY TO MITIGATE**

- I.L.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 and the environment.

**I.M. PROPER OPERATION AND MAINTENANCE**

- I.M.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.N. DUTY TO PROVIDE INFORMATION**

- I.N.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.O. INSPECTION AND ENTRY**

- I.O.1. Pursuant to the Utah Code Ann. 19-6-109, the Permittee shall allow the Director, or his authorized officer, employee, or representative, upon the presentation of credentials and other documents, as may be required by law, to:
- I.O.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.O.1.b. Have access to and copy, at reasonable times, any records that are kept as required by the conditions of this permit;
- I.O.1.c. Inspect at reasonable times any portion of the Facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under conditions of this permit;

- I.O.1.d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Utah Code Ann. any substances or parameters at any location; and
- I.O.1.e. Make a record of inspections by photographic, electronic, videotape, or any other reasonable medium.

**I.P. MONITORING AND RECORDS**

- I.P.1. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original reports and data files (or equivalent recordings) for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by Utah Admin. Code R315-3-2.2(d)(1), 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, certification, or recording, unless a longer retention period for certain information is required by other conditions of this permit.

The Permittee shall retain, at the Facility, all monitoring records from all surface water sampling, soil sampling, groundwater monitoring wells, and associated groundwater surface elevations until three years past the end of the corrective action instituted to address releases of hazardous waste or hazardous waste constituents from any Solid Waste Management Unit (SWMU) listed in Table 1 Module IV herein. This includes any and all data acquired to support the human health and ecological risk assessments for operations at the TTU. These periods may be extended by request of 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.

- I.P.2. Pursuant to Utah Admin. Code R315-3-3.1(j)(3), records of monitoring information shall specify:
  - I.P.2.a. The date(s), exact place, and times of sampling or measurements;
  - I.P.2.b. The name(s), title(s), and affiliation of individual(s) who performed the sampling or measurements;
  - I.P.2.c. The date(s) analyses were performed;
  - I.P.2.d. The individual(s) who performed the analyses;

- I.P.2.e. The analytical techniques or methods used; and
- I.P.2.f. The results of such analyses, including the Quality Assurance/Quality Control summary.
- I.P.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 waste to be analyzed shall be the appropriate method from Utah Admin. Code R315-50-6 or an equivalent method approved by the Director. Laboratory methods shall be those specified in the latest edition of *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846* (hereafter, referred to as SW-846), Standard Methods of Wastewater Analysis (17th Edition, 1985; or prevailing edition), other alternate methods approved in this permit, or an equivalent method approved in accordance with Condition I.P.4.
- I.P.4. The Permittee shall substitute analytical methods which are equivalent or superior to those specifically approved for use in this permit in accordance with the following:
  - I.P.4.a. The Permittee submits to the Director a request for substitution of an analytical method which is equivalent to the method(s) specifically approved for use in this permit. The request shall provide information demonstrating the equivalency of the proposed method(s) requested to be substituted in terms of sensitivity, accuracy, and precision (i.e., reproducibility).
  - I.P.4.b. The Permittee receives a written approval from the Director for the substitution of the analytical method(s). Such approval shall not require a permit modification under Utah Admin. Code R315-3-4.2.

**I.Q. REPORTING PLANNED CHANGES**

- I.Q.1. The Permittee shall notify the Director at least three working days prior to any planned change to the TTU, other than routine maintenance, that does not require a permit modification. The notice may be either written or oral.

**I.R. REPORTING ANTICIPATED NONCOMPLIANCE**

- I.R.1. The Permittee shall give advance notice to the Director of any planned changes in the permitted Facility or which may result in noncompliance with requirements of this permit. Advanced notice shall not constitute a defense for any noncompliance.

**I.S. CERTIFICATION OF CONSTRUCTION OR MODIFICATION**

- I.S.1. The Permittee may not commence storage, treatment, or disposal of hazardous waste in any newly permitted hazardous waste management unit or system or in a modified portion of an existing permitted hazardous waste management unit until the Permittee has submitted to the Director by certified mail, express mail, or hand delivery a letter signed by the Permittee and a registered professional engineer certifying that the permitted unit(s) at the Facility has been constructed or modified in compliance with this permit; and
- I.S.2. The Director has reviewed and inspected the modified or newly constructed unit(s) and has notified the Permittee in writing that the unit(s) is in compliance with the conditions of this permit; or
- I.S.3. The Permittee may commence treatment, storage, or disposal of hazardous waste in the permitted unit certified in accordance with Condition I.S.1. if, within 15 calendar days of the date of receipt of the certification, the Director has either waived the inspection or has not notified the Permittee of an intent to inspect.

**I.T. TRANSFER OF PERMIT**

- I.T.1. This permit may only be transferred to a new owner or operator if it is modified or revoked and reissued pursuant to Utah Admin. Code R315-3-4.1. 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 Utah Admin. Code R315-3, Utah Admin. Code R315-8, and this permit.

**I.U. 24 HOUR REPORTING**

- I.U.1. In accordance with Utah Admin. Code R315-3-3.1(1)(6), the Permittee shall report to the Director any noncompliance with this permit that may endanger human health or the environment. Any such information shall be reported orally as soon as possible, but not later than 24 hours, from the time the Permittee becomes aware of the noncompliance.

- I.U.2. Potential endangerment to human health or the environment shall include, but not be limited to, any release to the environment of any constituent listed in Utah Admin. Code R315-2-10 or of any waste stream listed in Condition III.B.4.
- I.U.3. In accordance with Utah Admin. Code R315-9, the Permittee shall report to the Director any spill of hazardous waste listed in Utah Admin. Code R315-2-11(e) ("P" wastes) if the spilled quantity exceeds one kilogram or a lesser amount if there is a potential endangerment to human health or the environment. Any such information shall be reported orally as soon as possible, but not later than 24 hours from the spill occurrence.
- I.U.4. In accordance with Utah Admin. Code R315-9, the Permittee shall orally report to the Director a 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 orally as soon as possible, but not later than 24 hours from the spill occurrence.
- I.U.5. The oral report shall include, at a minimum, the following:
- I.U.5.a. Information concerning the release of any hazardous waste that may endanger public drinking water or surface water supplies, and
- I.U.5.b. Any information of a release or discharge of hazardous waste, or of a fire or explosion at the Facility, that could threaten the environment or human health.
- I.U.5.c. The description of the occurrence and its cause shall include:
- I.U.5.c.i. Name, phone number and address of person responsible for the spill;
- I.U.5.c.ii. Name, title and phone number of individual reporting the spill;
- I.U.5.c.iii. Time, date and type of spill;
- I.U.5.c.iv. Location of spill - as specific as possible including nearest town, city, highway or waterway;
- I.U.5.c.v. Description of material on the manifest and the quantity of material spilled;
- I.U.5.c.vi. Cause of spill and the extent of injuries, if any;
- I.U.5.c.vii. A description of any emergency action taken to minimize the threat to human health and the environment;



- I.U.5.c.viii. An assessment of any actual or potential hazard to the environment and human health, both on and off the facility, where this is applicable;
- I.U.5.c.ix. Estimated quantity and disposition of recovered material that resulted from the incident; and
- I.U.5.c.x. Any other information necessary to evaluate fully the situation and to develop an appropriate course of action.
- I.U.6. Within five days after any spill of hazardous waste or material which, when spilled, becomes a hazardous waste, and is reported under permit Condition I.U.4., the Permittee shall submit to the Director a written report.
  - I.U.6.a. The written report shall include, at a minimum, the following:
    - I.U.6.a.i. The name, address, and telephone number of the individual reporting;
    - I.U.6.a.ii. The period of noncompliance including exact dates and times;
    - I.U.6.a.iii. If the noncompliance has not been corrected, the anticipated time it is expected to continue and
    - I.U.6.a.iv. The steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.
    - I.U.6.a.v. An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
    - I.U.6.a.vi. The estimated quantity and disposition of recovered material that resulted from the incident.
- I.U.7. The Permittee need not comply with the five calendar day written notice if the Director waives the requirement in favor of a written report submitted within fifteen calendar days of the spill.

**I.V. OTHER NONCOMPLIANCE**

- I.V.1. The Permittee shall report all other instances of noncompliance not otherwise explicitly required to be reported in this permit. The reports shall meet the requirements of Condition I.U. Reporting shall not constitute a defense for any noncompliance.

**I.W. OTHER INFORMATION**

- I.W.1. Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application or submitted incorrect information in a permit application or in any report submitted to the Director, the Permittee shall promptly submit such facts or corrected information to all appropriate persons.

**I.X. SIGNATORY REQUIREMENT**

- I.X.1. All applications, reports, or other information requested by or submitted to the Director shall be signed and certified in accordance with Utah Admin. Code R315-3-2.2.

**I.Y. CONFIDENTIAL INFORMATION**

- I.Y.1. In accordance with Utah Code Ann. 19-1-306 et. seq. and Utah Admin. Code R305-1, the Permittee may claim confidential any information required to be submitted pursuant to this permit.

**I.Z. REPORTS, NOTIFICATIONS, AND SUBMISSIONS**

- I.Z.1. All reports, notifications, or other submissions which are required by this permit to be sent or given to the Director should be sent by certified mail, express mail, or hand delivery to:

Division of Solid and Hazardous Waste  
195 North 1950 West  
P.O. Box 144880  
Salt Lake City, Utah 84114-4880  
(801)-538-6170

The Utah Department of Environmental Quality 24-Hour Answering Service telephone number is: (801) 536-4123.

**I.AA. DOCUMENTS TO BE MAINTAINED AT THE FACILITY SITE**

- I.AA.1. The Permittee shall maintain at the Facility, until closure is completed and certified by an independent registered engineer, the following documents and amendments, revisions and modifications to these documents:
- I.AA.2. Waste Analysis Plan for Residue and Ash (Attachment 3), as required by Utah Admin. Code R315-3-2.5(b)(3) and this permit.

- I.AA.3. Inspection Plan and Schedules (Attachment 5 and Attachment 14), as required by Utah Admin. Code R315-3-2.5(b)(5) and this permit.
- I.AA.4. Personnel Training Program (Attachment 6), documents, and records, as required by Utah Admin. Code R315-8-2.7 and this permit.
- I.AA.5. Contingency Plan and Equipment List (Attachment 7), as required by Utah Admin. Code R315-8-4 and this permit.
- I.AA.6. Operating record, as required by Utah Admin. Code R315-8-5.3. and this permit.
- I.AA.7. Closure Plan and Post Closure Plan (Attachment 8), as required by Utah Admin. Code R315-8-7.
- I.AA.8. A copy of the Permittee's waste minimization statement.
- I.AA.9. A copy of this permit.

**I.BB. MONITORING REPORTS**

- I.BB.1. Monitoring reports shall be submitted at the intervals specified elsewhere in this permit.

**I.CC. COMPLIANCE SCHEDULES**

- I.CC.1. Reports of compliance or noncompliance with, or any progress reports on, any requirements contained in any compliance schedule shall be submitted no later than 14 days following each scheduled date.

**I.DD. MANIFEST DISCREPANCY REPORT**

- I.DD.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 type or quantity of waste the Permittee receives. Significant discrepancies in quantity are any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection, such as the serial number on the munition not corresponding to the serial number on the formal treatment request. If a significant discrepancy is discovered on a manifest or shipping paper, the Permittee shall attempt to reconcile the discrepancy. If the discrepancy is not resolved within 15 days, the Permittee shall submit a written report, including a copy of the manifest or shipping paper, and efforts to reconcile the discrepancy, to the Director in accordance with Utah Admin. Code R315-8-5.4.

**I.EE. BIENNIAL REPORT**

I.EE.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 Utah Admin. Code R315-8-5.6.

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

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

**I.GG. CORRECTIVE ACTION**

I.GG.1. The Permittee shall comply with all provisions of Utah Admin. Code R315-8-6.12, Section 3004(u) of RCRA, as amended by HSWA and 40 CFR 264.101 that require that permits issued after November 8, 1984, address corrective action for releases of hazardous waste including hazardous constituents from any Solid Waste Management Unit (SWMU) at the facility, regardless of when the waste was placed in the unit.

I.GG.2. If corrective action becomes necessary at a future SWMU the Permittee shall follow the procedures in Condition IV.G.