

MODULE I - STANDARD CONDITIONS

- I.A.1 This Post-Closure Care Permit (Permit) is issued to both Anderson Geneva, LLC and Ice Castle Retirement Fund, LLC (Anderson Geneva) and United States Steel Corporation (USS) as Co-Permittees for the Anderson Geneva facility.
- I.A.2 The Permit acknowledges that the parties have by contract allocated responsibilities and liabilities for post-closure care and corrective action for solid waste management units (SWMUs) and affixes responsibilities and duties under the Permit to USS, to Anderson Geneva, or, in some cases, to both of them based on those contractual arrangements.
- I.A.3 Modules I through IV address post-closure care of three closed hazardous waste surface impoundments (Acid Sludge Impoundment, Tar Decanter Sludge Impoundment, and Miscellaneous Waste Impoundment, (CHWI) including the groundwater collection system and the groundwater monitoring system at those HWI, and all other appurtenances and fixtures associated with post-closure care of the HWI. The Permit makes USS the Responsible Permittee with respect to post-closure care of the HWI. Anderson Geneva, nevertheless, is Responsible for certain support activities relating to post-closure care as expressly set forth in pertinent conditions in Modules I through IV.
- I.A.4 Module V addresses corrective action for SWMUs at the Anderson Geneva facility. The Permit allocates responsibility based on certain contractual arrangements between Anderson Geneva and USS as outlined in Attachment 1.

I.B EFFECT OF PERMIT

- I.B.1 USS shall provide post-closure care and monitoring for the CHWI in accordance with the conditions of this Permit. Any treatment, storage, or disposal of hazardous waste at the HWI not authorized in this Permit or applicable rules is prohibited.
- I.B.2 Compliance with this Permit constitutes compliance with the conditions of the Utah Solid and Hazardous Waste Act and the Utah Hazardous Waste Management Rules setting forth the requirements for the CHWI, with the exceptions provided in R315-3-1.4
- I.B.3 Anderson Geneva is the registered property owner and shall provide reasonable cooperation to USS to enable USS to comply with the applicable provisions of this Permit.
- I.B.4 Issuance of this Permit does not convey any 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 regulation.

I.C ENFORCEABILITY

I.C.1 Violations of this Permit, the Utah Solid and Hazardous Waste Act, or the Utah Hazardous Waste Management Rules may result in penalties of up to \$10,000 per calendar day per violation.

I.D OTHER AUTHORITY

I.D.1 The Utah Department of Environmental Quality expressly reserves any right of entry provided by law and all authority under applicable law 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.

I.E.2 The filing of a request for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes, requiring prior agency approval, or anticipated noncompliance on the part of Responsible Permittee(s) does not stay the applicability or enforceability of any Permit condition.

I.E.3 If a conflict exists between conditions within this Permit, the Executive Secretary shall determine which condition shall be met. In the event that such a conflict is discovered, the Executive Secretary shall provide written notice of his determination and shall allow the Responsible Permittee(s) reasonable time to meet the condition.

I.E.4 Any change to this permit constitutes a modification. The permit may be modified at the request of the Permittee in accordance with the procedures of R315-3-4.3.

I.E.5 In accordance with the Utah Solid and Hazardous Waste Act, UCA, 19-6-108 (13), this Permit shall be reviewed five years after the effective date and modified as deemed necessary by the Executive Secretary.

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 TO COMPLY

I.G.1 USS and Anderson Geneva shall comply with all applicable conditions of this Permit consistent with the division of responsibility set forth herein, except to the extent and for the duration such noncompliance is authorized by an emergency permit issued in accordance with R315-3-6.2(a). Any Permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the Utah Solid and Hazardous Waste Act, and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit approval renewal application, or a combination of enforcement action and any other remedies provided by law.

I.H DUTY TO REAPPLY

I.H.1 The Permittees shall submit an application for a new Permit on or before **November 15, 2013**.

I.I PERMIT EXPIRATION

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

I.J CONTINUATION OF EXPIRING PERMIT

I.J.1 This Permit and all conditions herein shall continue in force until the effective date of a new permit if the Permittees have submitted a timely application pursuant to R315-3-2.5 and the applicable requirements of R315-3-5.2 and R315-3-2.5(c); the application for a permit is complete; and, through no fault of the Permittees, the Executive Secretary has not issued a new permit under R315-3-5 on or before the expiration date of this Permit.

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

I.K.1 It shall not be a defense for the Permittees 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(s) responsible for such noncompliance 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 impact on human health or the environment.

I.M PROPER OPERATION AND MAINTENANCE

I.M.1 Each Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances, machinery, and equipment) which are installed or used by that Permittee to achieve compliance with the conditions of this Permit. 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 Each Permittee shall furnish to the Executive Secretary within a reasonable time any relevant information in the possession or control of that Permittee which the Executive Secretary may request to determine compliance with this Permit, or to determine whether cause exists for modifying, revoking, reissuing, or terminating this Permit. Each Permittee shall also furnish to the Executive Secretary, upon request, copies of records that such Permittee is required by this Permit to keep.

I.N.2 Failure to submit the information required by the conditions of this Permit or falsification of any submitted information is grounds for enforcement action under the terms of the Utah Solid and Hazardous Waste Act.

I.N.3 The Responsible Permittee(s) shall ensure that all plans, reports, notifications, and other submissions to the Executive Secretary as required by this Permit are signed and certified in accordance with this Permit.

I.N.4. The Responsible Permittee(s) shall submit one copy of all plans, reports, notifications, or other submissions, required by the Permit to be submitted to the Executive Secretary unless otherwise agreed upon.

I.N.5 All plans and schedules including revisions to previously submitted plans and schedules required by the conditions of this Permit are, upon written approval by the Executive Secretary, incorporated into this Permit by reference and become an enforceable part of this Permit. This incorporation does not require a permit modification. Any noncompliance with such approved plans and schedules shall constitute noncompliance with this Permit.

I.N.6. The Executive Secretary may grant written approval in response to requests for extensions of due date(s) by the Responsible Permittee(s).

I.N.7 If the Executive Secretary determines that further actions beyond those provided by the Permit conditions or changes to that which is stated herein are warranted, the Executive Secretary may seek to modify the Permit consistent with applicable laws and regulations.

- I.N.8. All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to the Permit shall be maintained at Anderson Geneva throughout the post-closure period.

I.O INSPECTION AND ENTRY

- I.O.1 Pursuant to R315-2-12 and UAC 19-6-109, Anderson Geneva shall allow the Control Board, the Executive Secretary, or an authorized representative, upon the presentation of appropriate credentials and other documents as may be required by law to:
- I.O.1.a Enter at reasonable times upon the 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 must be kept under the conditions of this Permit;
- I.O.1.c Inspect at reasonable times any portion of the CHWI equipment (including monitoring and control equipment), practices, or operations regulated or required under 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 Solid and Hazardous Waste Act any substances or parameters at any location; and
- I.O.1.e Make record of inspections by photographic, electronic, videotape, or any other reasonable medium.

I.P MONITORING AND RECORDS

- I.P.1 USS shall retain records of all CHWI monitoring information at Anderson Geneva, 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, 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 unless a longer retention period for certain information is required by other conditions of this Permit. This period may be extended by request of the Executive Secretary at any time prior to expiration of document retention period by written notification to the Permittees. Anderson Geneva will provide for storage and access to all records that the Permittees are responsible for maintaining on the Anderson Geneva facility.
- I.P.2 Pursuant to R315-3-3.1(j), records of monitoring information shall include:

- I.P.2.a The date, exact place, and times of sampling or measurements;
- I.P.2.b The 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.
- I.P.3 Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Laboratory methods shall be the appropriate method from R315-50-6, or, alternatively, *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846* (current edition) (hereinafter “SW-846”) or *Standard Methods of Examination of Water and Wastewater* (current edition). Other methods will be allowed if approved by the Executive Secretary.
- I.P.4 When requesting substitute or additional analytical methods, the Responsible Permittees shall submit to the Executive Secretary a request for substitution of analytical methods which are equivalent to the methods specifically approved for use in this Permit, in accordance with R315-3-4.3. The request shall provide information demonstrating that the proposed methods requested to be substituted are equivalent or superior in terms of sensitivity, accuracy, and precision (i.e., reproducibility).
- I.Q REPORTING PLANNED CHANGES**
- I.Q.1 USS shall give written notice to the Executive Secretary of any planned physical alterations or additions to the HWI in accordance with R315-3-3 and R315-3-4.3.
- I.R REPORTING ANTICIPATED NONCOMPLIANCE**
- I.R.1 USS shall give advance notice to the Executive Secretary of any planned changes or activity at the HWI which may result in noncompliance with requirements of this Permit. Advance notice shall not constitute a defense for any noncompliance.
- 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 R315-3-4. Prior to transferring ownership of the facility, Anderson Geneva shall notify the new owner or operator in writing of all applicable requirements of R315 and this Permit.

I.T TWENTY-FOUR HOUR REPORTING

I.T.1 Responsible Permittee shall report to the Executive Secretary any noncompliance with this Permit. Anderson Geneva shall immediately advise Responsible Permittee orally in the event that Anderson Geneva is the first to detect such noncompliance. Responsible Permittee shall report such noncompliance orally within 24 hours from the time Responsible Permittee becomes aware of the circumstances. This report shall include, but not be limited to, the following:

I.T.1.a Name, address, and telephone number of the reporting Permittee;

I.T.1.b Name, address, and telephone number of the Anderson Geneva facility;

I.T.1.c Name and telephone number of the reporting individual;

I.T.1.d Date, time and type of incident;

I.T.1.e Name and quantity of material(s) involved;

I.T.1.f The extent of injuries, if any;

I.T.1.g An assessment of actual or potential hazard to the environment and human health;
and

I.T.1.h Estimated quantity and disposition of recovered material that resulted from the incident.

I.T.2 A written submission shall also be provided within five working days of the time the Responsible Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance. The Executive Secretary may waive the five-day written notice requirement in favor of a written report within 15 calendar days of the time Responsible Permittee becomes aware of the circumstances.

I.U OTHER NONCOMPLIANCE

I.U.1 The Responsible Permittee(s) shall report all other instances of noncompliance with this Permit not otherwise required to be reported in accordance with the conditions of this Permit at the time Progress Reports as required in Condition V.H are submitted. The report shall contain the information listed in Condition I.T of this Permit.

I.V OTHER INFORMATION

I.V.1 If a Permittee becomes aware that any relevant material facts in the Permit application were omitted or that incorrect information in the Permit application or in any report was submitted to the Executive Secretary, such Permittee shall submit such facts or corrected information within thirty calendar days from the time the omission or incorrect submittal is discovered.

I.W SIGNATORY REQUIREMENT

I.W.1 All applications, reports, or other information required by this Permit to be submitted to the Executive Secretary shall be signed and certified by the Responsible Permittee(s) in accordance with R315-3-2.2 and R315-3-3.1(k).

I.X REPORTS, NOTIFICATIONS, AND SUBMISSIONS

I.X.1 All reports, notifications, or other submissions which are required by this Permit to be transmitted to the Executive Secretary shall be sent by certified mail or other means providing proof of delivery to:

Executive Secretary
Utah Solid and Hazardous Waste Control Board
195 North 1950 West
Post Office Box 144880
Salt Lake City, Utah 84114-4880
Phone: (801) 536-0200
Facsimile: (801) 536-0222

Required oral notifications shall be given to the Executive Secretary or his representatives (Environmental Manager, Environmental Scientist, or Environmental Engineer) during normal business hours (8 am to 5 pm, Monday through Friday, except state or federal holidays). Notifications made at other times shall be made to the twenty-four hour answering service at 801-536-4123. Notifications made to the twenty-four hour answering service shall include all applicable information required by this Permit. The reporting party shall give oral notification to the Executive Secretary or his representatives on the first business day following notification to the twenty-four hour answering service.

I.Y DOCUMENTS TO BE MAINTAINED ONSITE

I.Y.1 USS shall maintain, for the duration of the post-closure care period at the Anderson Geneva Site, the following documents, amendments, revisions, and modifications to these documents pertaining to the HWI:

I.Y.1.a The post-closure Permit and Permit application;

- I.Y.1.b The cost estimate for post-closure care, to be provided by USS as required by R315-8-8 and this Permit;
- I.Y.1.c Post-closure monitoring records, to include groundwater monitoring records, groundwater potentiometric maps, and analytical results, as required by this Permit;
- I.Y.1.d The closure certification, as required by R315-8-7 and this Permit;
- I.Y.1.e Personnel training documents and records, as required by R315-8-2.7(d) and this Permit, for current personnel, or for a period of three years for former personnel in accordance with R315-8-2.7(e);
- I.Y.1.f A Contingency Plan as required by R315-8-4.2(a) and this Permit until completion of post closure care is certified;
- I.Y.1.g Inspection logs, as required by R315-8-2.6(b) and this Permit for a period of three years in accordance with R315-8.2.6(d).

I.Z PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

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