

## **MODULE I - STANDARD CONDITIONS**

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

- I.A.1. For the purposes of this permit, terms used herein shall have the same meaning as those in R315-260 through R315-273 and R315-101 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.
- I.A.2. “**ACL**” means Alternative Concentration Limit.
- I.A.3. “**Days**” means Calendar Days.
- I.A.4. “**Director**” means the Director of the Division of Waste Management and Radiation Control.
- I.A.5. “**Hazardous Waste Constituent**” means a constituent that caused the Board to list the hazardous waste I R315-261.
- I.A.6. “**Operating Record**” means all monitoring and operational data reports maintained by the Permittee.
- I.A.7. “**LTTA**” is the Permittee’s term for Liquid Thermal Treatment Area. The LTTA consists of the twelve surface impoundments that were closed with waste in place. The twelve units that were used for the disposal of hazardous waste and waste-waters were capped and are located within the M-136 Open Burning Grounds. For the purposes of this Permit, in identifying the area to undergo monitoring and corrective action, the closed units will be referred to as the LTTA and M-136 surface impoundments. These terms may be used synonymously and interchangeably.
- I.A.8. “**Permittee**” means the owner/operator of a facility responsible for implementation of the conditions of this permit.
- I.A.9. “**Photographic Waste Discharge Sites**” is the term that is used to refer to Hazardous Waste Management Units (HWMUs) M-508 and M-636. These HWMUs have been closed, however post-closure requirements apply to these sites due to contaminated groundwater and restrictions on land use at sites M-508 and M-636.
- I.A.10. “**Post-Closure Care Period**” means the period during which the Permittee provides post-closure care for the LTTA surface impoundments and Photographic Waste Discharge Sites. This period has a term of thirty (30) years, as defined in

R315-264-117(a)(1), which commenced on September 21, 1992 for the LTTA surface impoundments and on September 20, 2007 for the Photographic Waste Discharge Sites. The Post-Closure Care Period may be shortened or extended in accordance with R315-264-117(a)(2).

- I.A.11. **“QAPP”** means Quality Assurance Project Plan
- I.A.12. **"R315"**, or **"Utah Administrative Code (UAC) R315"**, means R315 of the Utah Administrative Code.
- I.A.13. **“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.)
- I.A.14. **“SAP”** means Sampling and Analysis Plan
- I.A.15. **“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.
- I.A.16. **"Qualified Utah Registered Professional Engineer"** means any individual who is qualified by experience and educated in the appropriate field and is licensed as a Professional Engineer by the Utah Division of Professional Licensing.

**I.B. EFFECT OF PERMIT**

- I.B.1. In accordance with the conditions of this permit, the Permittee shall inspect the M-136 Liquid Thermal Treatment Area (LTTA), monitor groundwater and, as appropriate, extract, and/or treat, hazardous waste constituents and contaminated groundwater resulting from past practices at the Promontory facility. The Permittee shall also maintain site management procedures and control the use of property, as directed by this permit, at the LTTA and Photographic Waste Discharge sites M-508 and M-636.
- I.B.2. 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 human health or the environment.

- I.B.3. This permit has been developed in accordance with the applicable requirements of R315-260 through R315-273 and R315-101 through R315-102 of the Utah Hazardous Waste Management Rules. All conditions within this permit shall supercede conflicting statements, requirements, or procedures found within attachments to this permit or R315-260 through R315-273 and R315-101 through R315-102.

**I.C. ENFORCEABILITY**

- I.C.1. Violations documented through the enforcement process pursuant to Utah Code § 19-6-112 may result in penalties assessed in accordance with R315-102.

**I.D. NO WAIVER OF AUTHORITY**

- I.D.1. 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.E. PERMIT ACTIONS**

- I.E.1. This permit may be modified, revoked, and reissued, or terminated for cause as specified in R315-270-41 and R315-270-43. If the Director determines that cause exists to modify, revoke, and reissue, or terminate this permit, the action will proceed in accordance with R315-124-5.
- I.E.2. The permit may be modified or terminated at the request of the Permittee according to the procedures of R315-270-42. All modification requests involving design drawings, calculations, sketches, etc., shall be reviewed and stamped by a qualified Utah registered professional engineer. All relevant drawings, calculations, sketches, etc., shall be included with the modification request. The permit may also be modified through petition for an ACL in accordance with R315-101. 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.3. The Director may modify this permit when the standards or rules on which this permit was based have been changed by statute, regulations, publication of new standards or by judicial decision after the effective date of the permit.

**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 R315-270-61. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the Utah Administrative Rules and may be grounds for enforcement action, permit termination, revocation and reissuance, or modification of the permit.

I.G.2.            **Duty to Reapply:** At least 180 days before the expiration of this permit, the Permittee shall submit a complete application pursuant to R315-270-14 and applicable requirements of R315-270-10 through 29.

I.G.3.            **Review of Permit:** In accordance with the Utah Solid and Hazardous Waste Act, UCA § 19-6-108(13), this permit shall be reviewed at five-year intervals after the effective date and modified, if necessary.

I.G.4.            **Permit Expiration:** The permit shall expire ten years from the date of issuance. This permit and all conditions herein will remain in effect beyond the permit's expiration date until such time as the Director has issued a new permit, pursuant to R315-264-117(a), or the Director has terminated this Permit.

I.G.5.            **Post-Closure Care Period Expiration:** Ninety-days prior to the expiration of the thirty (30) year post closure periods specified in Condition I.A.10, the Permittee shall submit to the Director for approval a Class 2 Modification to this Permit to extend the Post-Closure Care Period and associated financial assurance or a justification to not extend the Post-Closure Care Period. Until the Director modifies this Permit to extend the post closure period and financial assurance, the Permittee shall comply with the existing financial assurance for post-closure care requirements in accordance with Condition II.G.

I.G.6.            **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.7. **Duty to Mitigate:** In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases of hazardous waste constituents 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.8. **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.9. **Duty to Provide Information:** The Permittee shall furnish to the Director, within the time specified within the Director’s request any relevant information 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 Director upon request, copies of records required to be kept by this permit.
- I.G.10. **Inspection and Entry:** Pursuant to Utah Code § 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.G.10.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.10.b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- I.G.10.c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- I.G.10.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.G.10.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 safety and security requirements of the Permittee.
- I.G.11. **Reporting Planned Changes:** The Permittee shall give notice to the Director sixty (60) days prior to any planned physical alteration to the closed facility or permitted activity.
- I.G.12. **Anticipated Noncompliance:** The Permittee shall give thirty (30) days advance notice to the Director 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.13. **Transfer of Permit:** This permit may be transferred to a new Permittee, only if it is modified or revoked and reissued under R315-270-40 to identify the new Permittee and incorporate such other requirements as may be necessary under the appropriate Act.
- I.G.14. **Monitoring and Records:** 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 shall be an appropriate method as specified in the SAP and QAPP included in Attachment 3. 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 the most currently promulgated edition, "Standard Methods for Examination of Water and Wastewater (17th Edition or most current editions)."; An equivalent method may be allowed if approved in writing by the Director and incorporated in the SAP and QAPP included in Attachment 3. The analysis of all samples shall be conducted by Utah State certified laboratories.
- I.G.15. The Permittee shall follow the Quality Assurance/Quality Control procedures for sample collection and analysis as described in the Quality Assurance Project Plan and Sampling and Analysis Plan contained in Attachment 3 of this Permit.
- I.G.16. Any 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 Director for review and approval in accordance with R315-260-21. 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.17. The Permittee shall retain as part of the Operating Record at the Promontory facility, 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 Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility.

I.G.18. **Reporting Requirements:** The Permittee shall report to the Director any non-compliance with the permit. Reporting shall not constitute a defense for any noncompliance. Reporting shall include, at a minimum, the following:

I.G.18.a. Information concerning the non-compliance which may endanger public drinking water supplies; human health or the environment. Such information shall be reported orally as soon as possible and no later than twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. The description of the occurrence and its cause shall include:

I.G.18.a.i. Name, address, and telephone number of the Permittee;

I.G.18.a.ii. Name, address, and telephone number of the individual making the report;

I.G.18.a.iii. Date, time and type of incident;

I.G.18.a.iv. Description and quantity of materials involved;

I.G.18.a.v. The extent of injuries, if any;

I.G.18.a.vi. An assessment of actual or potential hazard to the environment and health outside the facility, where this is applicable; and

I.G.18.a.vii. Estimated quantity and disposition of recovered material that resulted from the incident.

I.G.18.b. 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 Director waives the requirement and the Permittee submits a written report within fifteen (15) days of the time the Permittee becomes aware of the circumstances.

I.G.18.c. If the non-compliance does not endanger human health or the environment, a written submission shall be provided to the Director within twenty-one (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.18.a.i. through I.G.18.a.vii. 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.19. **Monitoring Reports:** Monitoring reports shall be submitted to the Director at the intervals specified elsewhere in this permit.

I.G.20. The Permittee shall submit additional copies of each plan, report, notification, or other submissions required by this permit, as requested by the Director.

I.G.21. **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 to the Director no later than fourteen (14) days following each scheduled event.

I.G.22. **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 Director, the Permittee shall submit such facts or corrected information to the Director within seven days of discovery.

## **I.H. CERTIFICATION OF CONSTRUCTION OR MODIFICATION**

I.H.1. The Permittee may not commence storage, treatment, or disposal of hazardous waste in any newly permitted unit or in a modified portion of an existing, permitted unit, as provided for in R315-270-42, until the Permittee has submitted by certified mail, express mail, or hand delivery to the Director:

I.H.1.a. A letter signed by the Permittee and an independent, Utah registered, professional engineer qualified by experience and education in an appropriate engineering field, certifying that the permitted unit at Promontory has been constructed or modified in accordance with the approved modification request and this Permit;

I.H.1.b. As built engineering plans and specifications; and

I.H.1.c. The Director, or designated representative, has reviewed and inspected the modified or newly constructed unit and has notified the Permittee in writing that the unit was found to be in compliance with the conditions of this Permit and the modification request; or

I.H.1.d. If, within fifteen (15) days of the date of submission of the letter required by Condition I.H.1., the Permittee has not received notice from the Director of the



intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste in the permitted unit if certified in accordance with Condition I.H.1.

**I.I. SIGNATORY REQUIREMENT**

I.I.1. All applications, reports or other information requested by or submitted to the Director shall be signed and certified as required by R315-270-11.

**I.J. CONFIDENTIAL INFORMATION**

I.J.1. The Permittee may make a claim for confidentiality of any information required to be submitted by this permit in accordance with Utah Code §§ 19-1-306, 63G-2-309 and R315-270-12.

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

I.K.1. The Permittee shall maintain at the Promontory facility, for the duration of the post-closure care period, the following documents and amendments, revisions and modifications to these documents:

I.K.1.a. The post-closure permit application;

I.K.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.K.1.c. Certification of closure as required by R315-264-115;

I.K.1.d. Personnel training documents and records as required by R315-264-16(d) and this permit;

I.K.1.e. Inspection schedules as required by R315-264-15(b) and this permit;

I.K.1.f. The Operating Record required by R315-264-73 and this permit; and

I.K.1.g. Copies of all required submittals as listed in Tables I-1 and I-2 of this Module.

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

I.L.1. Pursuant to Section 3005(c)(3) of RCRA (Section 212 of HSWA) and R315-270-32(b)(2), this permit contains those terms and conditions determined necessary to protect human health and the environment.

**I.M. REQUIRED SUBMISSIONS UNDER THIS PERMIT**

I.M.1. The Permittee shall submit the following documents to the Director as specified by permit conditions:

**TABLE I - 1**

<b>REQUIRED SUBMISSION</b>	<b>PERMIT CONDITION</b>	<b>DATE OR EVENT</b>
1. Application for permit reissuance	I.G.2.	180 days before expiration of permit
2. Financial Assurance Certification	II.G.	In accordance with Conditions II.G.
3. Annual adjustment of post-closure cost estimate	III.D.2.	In accordance with Condition III.D.2.
4. Post-closure cost estimate	III.D.5.	30 days after modification of permit as appropriate
5. Annual Groundwater Monitoring Plan	IV.B.2.a.	30 days prior to collection of samples
6. Total monitoring well depth data	IV.D.1.c.	In accordance with Condition IV.E.2.
7. Monitoring Well Completion Reports	IV.D.2.c.	90 days after well completion
8. Annual Groundwater Monitoring Reports	IV.E.2.	In accordance with Condition IV.E.2. and Table IV-2
9. Semiannual Spring Sampling Results	IV.B.2.b.	In accordance with Conditions IV.B.2.b. and IV.E.2.c.
10. Groundwater Flow and Contaminant Transport Model	V.E.2.	In accordance with Condition IV.E.2.j.
11. Human Health Risk Assessment for Groundwater	V.A.2.	In accordance with Condition V.A.2.
12. Ecological Risk Assessment for Groundwater	V.A.3.	One year after approval of the Groundwater Model
13. Corrective Measures Study for Groundwater Corrective Action	V.B.1.	90 days after approval of the Risk Assessments
14. Corrective Measure Implementation Plan for Groundwater	V.C.1.	90 days after approval of the Corrective Measures Study
15. Corrective Measure Implementation Report for Groundwater	V.D.1.	90 days after completing construction of corrective measure(s)
16. Annual calibration of Groundwater Flow and Contaminant Transport Model	V.E.2.	In accordance with Condition IV.E.2.j.
17. Summary on the Effectiveness of the Corrective Action Program for Groundwater	V.E.3.	In accordance with Condition IV.E.2.

**TABLE I-1 (Continued)**

<b>REQUIRED SUBMISSION</b>	<b>PERMIT CONDITION</b>	<b>DATE OR EVENT</b>
18. Corrective Measure Completion Report	V.F.1.	Upon attaining the Corrective Measure Completion Criteria
19. Schedule for submitting RFI Workplans	VI.C.3.	By January 15 <sup>th</sup> of each year
20. RFI Work Plans	VI.C.1.	In accordance with the approved schedule (VI.C.3.)
21. RFI Report	VI.E.1.	In accordance with RFI Workplan approved schedule (VI.D.2.i.)
22. Phase II RFI Work Plan for additional investigations (as applicable)	VI.F.1.	In accordance with RFI Report approved schedule (VI.E.1.i.)
23. Corrective Measures Study for SWMUs (as applicable)	VI.G.3.	In accordance with VI.G.
24. Corrective Action Plan for SWMUs	VI.G.1.	In accordance with RFI Report approved schedule (VI.E.1.i.)
25. Corrective Action Report for SWMUs	VI.G.6.	In accordance with Corrective Action Plan approved schedule (VI.G.4.k.)
26. Human Health and Ecological Risk Assessment (as applicable)	VI.H.2.	In accordance with Section VI.H.
27. Site Management Plan (as applicable)	VI.I.2.	In accordance with VI.I.2.
28. Interim Measure Plan (as applicable)	VI.J.2.	In accordance with VI.J.2.
29. Semiannual RFI Progress Reports	VI.L.	In accordance with VI.L.2.

I.M.2. All reports, modifications, notifications, or other submittals that are required to be provided to the Director under these permit provisions shall be sent by certified mail or other means with proof of delivery to:

Director, Division of Waste Management and Radiation Control  
 Department of Environmental Quality  
 P.O. Box 144880  
 Salt Lake City, UT 84114-4880  
 Phone (801) 536-0200

I.M.3. All hand-delivered submissions shall be made during normal business hours, at the Multi Agency State Office Building 195 North 1950 West, Second Floor, Salt Lake City, Utah.

**I.N. REQUIRED NOTIFICATIONS UNDER THIS PERMIT**

I.N.1. The Permittee shall make the following notifications to the Director as specified by permit conditions:

**TABLE I - 2**

<b>REQUIRED NOTIFICATION</b>	<b>PERMIT CONDITION</b>	<b>DATE OR EVENT</b>
1. Planned alteration to the closed LTTAs or permit activity	I.G.10.	60 days before planned alteration
2. Anticipated non-compliance	I.G.11.	30 days before planned change
3. Non-compliance with the permit	I.G.17.a.	24 hours after discovery (oral)
4. Non-compliance with the permit	I.G.17.b.	7 days after discovery
5. Non-compliance with the permit	I.G.17.c.	21 days after discovery
6. Compliance schedule requirements	I.G.20.	14 days after scheduled event
7. Missing or incorrect information	I.G.21.	7 days after discovery
8. Certification of construction or modification	I.H.1.	In accordance with Condition I.H.1.
9. Reporting releases of hazardous constituents	II.E.2.	In accordance with Condition II.E.2.
10. Incapacity of financial assurance requirement	II.I.1.	In accordance with Condition II.I.1.
11. Improperly operating groundwater monitoring well	IV.D.1.b.	7 days after discovery
12. Improperly operating groundwater treatment system	V.E.5.	7 days after discovery
13. RFI Field Work/Sampling	VI.B.4.	7 days prior to conducting field work
14. Release of hazardous constituents from a SWMU	VI.J.	Upon discovery
15. Newly identified SWMUs	VI.K.1.	30 days after discovery of SWMU