

MODULE I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. The Permittee includes both the facility owner, Northrop Grumman Innovation Systems, Inc. and the facility operator, ATK Launch Systems, Inc., a wholly owned subsidiary of Northrop Grumman Innovations Systems, Inc.
- I.A.2. The Permittee is allowed to store hazardous waste in containers, treat reactive and ignitable hazardous waste in a tank by an oxidizer leaching process, treat hydrazine in containers by dilution, and treat reactive hazardous waste by open burning or open detonation at the ATK Launch Systems Inc. – Promontory Facility (ATK) in accordance with the conditions of this Permit. In addition, the Permittee is allowed to store waste solid rocket motors at the facility in accordance with the conditions of this Permit. Any treatment, storage, or disposal of hazardous waste not authorized in this Permit, is prohibited.
- I.A.3. Compliance with this Permit, during its term, constitutes compliance for purposes of enforcement with applicable sections of Utah Administrative Code (UAC) R315 only for those management practices specifically authorized by this Permit.
- I.A.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.A.5. This Permit has been developed in accordance with the applicable requirements of UAC R315-1 through 101 of the Utah Hazardous Waste Management Rules. All conditions within this Permit shall supersede conflicting statements, requirements, or procedures found within UAC R315-1 through 101.
- I.A.6. The procedures, protocols, inspection schedules, training outlines, contingency plan responsibilities, and precautions contained in the preparedness and prevention plan as described in the Attachments to this Permit are enforceable conditions of this Permit. Permit conditions specified in the modules of this Permit supersede any conflicting language in the Attachments to this Permit.

I.B. ENFORCEABILITY

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

I.C. OTHER AUTHORITY

I.C.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.D. PERMIT ACTIONS

I.D.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.D.2. The filing of a request for a permit modification, revocation, reissuance, termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any Permit condition.

I.D.3. The Director may modify this Permit, in accordance with R315-270-41, when the standards or regulations on which the Permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the effective date of this Permit.

I.D.4. The Permittee may request Permit modifications in accordance with the procedures of R315-270-42.

I.D.5. If a conflict exists between conditions in this Permit, the Permittee shall comply with the most stringent condition, as determined by the Director.

I.D.6. In accordance with the Utah Solid and Hazardous Waste Act, UCA, 19-6-108(13), this Permit shall be reviewed no later than five (5) years from the date of issuance or renewal and subsequently modified, if necessary.

I.E. SEVERABILITY

I.E.1. The provisions of this Permit are severable and if any provision, 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. DUTY 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 R315-270-61. Any permit noncompliance, other than authorized by an Emergency Permit, constitutes a violation of the Utah Solid and Hazardous Waste Act

U.C.A. Sections 19-6-101 through 125, and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application.

I.F.2. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3007, 3008, 3013, or 7003 of RCRA (42 U.S.C. Sections 6927, 6928, 6934 and 6973), Section 106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606(a), 9604, and 9607, commonly known as CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), or any other State or federal law providing for protection of human health or the environment from any imminent and substantial endangerment.

I.G. DUTY TO REAPPLY

I.G.1. If the Permittee wishes, or is required by the Director, to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new permit, in accordance with R315-270-30(b) and R315-270-10(h), at least 180 days before this Permit expires.

I.H. PERMIT EXPIRATION

I.H.1. This Permit shall be effective for ten years from the date of issuance. 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 (at least 180 days prior to permit expiration or by an alternate date if requested by the Director) and complete permit application and through no fault of the Permittee, the Director does not issue a new permit with an effective date on or before the expiration date of this Permit. A permit continued under this condition is fully effective and enforceable.

I.I. RESERVED

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

I.J.1. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

I.K. DUTY TO MITIGATE

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

I.L. PROPER OPERATION AND MAINTENANCE

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

I.M. DUTY TO PROVIDE INFORMATION

I.M.1. The Permittee shall furnish to the Director, within 30 days, any relevant information, including copies of records required by this Permit, 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.

I.N. INSPECTION AND ENTRY

I.N.1. Pursuant to the Utah Solid and Hazardous Waste Act, UCA §19-6-109, the Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents, as may be required by law, to:

I.N.1.a. Enter, at reasonable times, upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records shall be kept as required by the conditions of this Permit;

I.N.1.b. Have access to and copy, at reasonable times, any records, data and reports required under the conditions of this Permit;

I.N.1.c. Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under this Permit;

I.N.1.d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by U.C.A. Section 19-6-109, any substances or parameters at any location; and

I.N.1.e. Make records of inspections by photographic, electronic, videotape, or any other reasonable medium. No audio recording devices shall be used without notice to all individuals in recording range prior to activation of the recording device. Photographic and video recording shall comply with the safety and security requirements of the Permittee.

I.O. MONITORING AND RECORDS

- I.O.1. The Permittee shall retain all data, records, and reports used to comply with the conditions of this Permit. These include records of all monitoring information required under this Permit, such as: all calibration and maintenance records; all original strip chart recordings (or equivalent recordings) for continuous monitoring instrumentation where applicable; the waste minimization certification required by R315-264-73; and all data used to support human health and ecological risk assessments for cleanup and closure activities.
- I.O.2. The Permittee shall retain the records and material referenced in Condition I.O.1. at the Facility for a period of at least three years from the date of the sample, measurement, report, certification, or recording unless a longer retention period for certain information is required by other conditions of this Permit. The three-year period may be extended by the Director at any time by written notification to the Permittee. The retention times are automatically extended during the course of any unresolved enforcement action regarding the facility to three years beyond the conclusion of the enforcement action.
- I.O.3. The Permittee shall comply with Condition I.O.2. by retaining original documents, xerographic copies, document replicas, electronic facsimiles, electronic disk, CD-ROM computer drive files, microfilm, microfiche, photograph, magnetic tape or any other retrievable medium or similar recordkeeping technique. Any recordkeeping system shall be capable of reproducing complete, accurate and legible records.
- I.O.4. Pursuant to UAC R315-270-30(j)(3), records of monitoring information shall specify at a minimum:
- I.O.4.a. The date(s), exact place, and times of sampling or measurements;
- I.O.4.b. The name(s), title(s), and affiliation of individual(s) who performed the sampling or measurements;
- I.O.4.c. The date(s) analyses were performed;
- I.O.4.d. The name or initials of the individual(s) who performed the analyses;
- I.O.4.e. The analytical techniques or methods used; and
- I.O.4.f. The results of such analyses, including the QA/QC data.
- I.O.5. This Permit contains and refers to documents and forms on which information and data is recorded. The documents and forms as attached contain the minimum requirements necessary to comply with this Permit. The Permittee may reformat documents and forms or use alternative forms as necessary to carry out administrative duties only if the minimum requirements established in the attached documents or forms are maintained.

Changes pertaining to a document or form that changes the required information shall only be changed in accordance with the provisions of Condition I.D.4.

I.P. REPORTING PLANNED CHANGES

I.P.1. The Permittee shall give written notice to the Director 60 days prior to any planned physical alterations or additions to any Hazardous Waste Management Unit (HWMU) or system being permitted or previously permitted in accordance with R315-270-30(1)(1) and R315-270-42.

I.Q. REPORTING ANTICIPATED NONCOMPLIANCE

I.Q.1. The Permittee shall give written notice to the Director 30 days prior to any planned changes in the permitted Facility or activity which may result in noncompliance with requirements of this Permit. Advance notice shall not constitute a defense for any noncompliance.

I.R. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

I.R.1. The Permittee shall not commence storage, treatment, or disposal of hazardous waste in a new HWMU or in a modified portion of an existing permitted HWMU, except as provided in R315-270-42, until:

I.R.1.a. The Permittee has submitted to the Director by certified mail, express mail or hand delivery:

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

I.R.1.a.ii. Certified as-built engineering drawings and specifications, where applicable, with any deviations from the approved design noted on the drawing and a justification for each design deviation; and

I.R.1.b. 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.

I.R.1.c. After review of the as-built drawings and field verification of the new or modified units, the Director may notify the Permittee in writing of any change which is not in accordance with the approved design or the Permit. The Director may require the Permittee to remove and replace any construction not in accordance with designs and specifications approved in this Permit.

I.R.2. If within fifteen (15) calendar days of the date of receipt of the letter required by Permit Condition I.R.1.a.i., the Permittee has not received notice from the Director, of the Director’s intent to inspect, or a prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste in the permitted unit(s), if certified in accordance with Condition I.R.1.a.i.

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 R315-270-40. This Permit is not transferable to any person except after written notice to the Director. The Director may require modification or revocation and reissuance of the Permit to change the name of the Permittee and incorporate such other requirements as may be necessary under Utah Code, Sections 19-6-101 through 125. 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 applicable requirements of R315-264, R315-270, and this Permit. Failure by the Permittee to notify the new owner or operator of these requirements and this Permit in no way relieves the new owner or operator of his obligation to comply with all applicable requirements of the Rules and this Permit.

I.T. TWENTY-FOUR HOUR REPORTING

I.T.1. In accordance with R315-270-30(l)(6)(i), the Permittee shall orally report to the Director any noncompliance with this Permit which may endanger human health or the environment. Any such information shall be reported as soon as possible, but not later than twenty-four (24) hours from the time the Permittee becomes aware of the noncompliance.

I.T.2. In accordance with R315-263-30(b), the Permittee shall immediately report to the Director any spill of any hazardous waste or material which, when spilled becomes a hazardous waste, if the spilled quantity exceeds 100 kilograms or a lesser amount if there is a potential for endangerment to human health or the environment, or exceeds 1 kilogram if the material is an acute hazardous waste as identified by R315-261-33(e).

I.T.3. The Permittee shall report to the Director any spill that contains 100 kilograms or more of perchlorate. This report shall be made as soon as possible, but no later than 24 hours after the spill occurred. The Permittee shall clean-up all spills that contain perchlorate. Spills that cannot be cleaned up to meet the most current USEPA RSL for Residential Soil shall be reported as a new solid waste management unit in accordance with Condition I.T.6.h.

- I.T.4. The non-compliance and spill reports shall include, but not be limited to, the following:
 - I.T.4.a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies; and
 - I.T.4.b. Any information of a release or discharge of hazardous waste, or of a fire, or explosion at the Facility, which could threaten human health or the environment.
 - I.T.4.c. A description of the occurrence and its cause;
 - I.T.4.d. The name, title, and telephone number of the individual reporting;
 - I.T.4.e. The name, address, and telephone number of the owner or operator;
 - I.T.4.f. The name, address, and telephone number of the Facility;
 - I.T.4.g. The date, time, and type of the incident;
 - I.T.4.h. The location and cause of the incident;
 - I.T.4.i. The name and quantity of materials involved;
 - I.T.4.j. The extent of injuries, if any;
 - I.T.4.k. An assessment of actual or potential hazard to the environment and human health, where this is applicable;
 - I.T.4.l. A description of any emergency action taken to minimize threat to human health and the environment;
 - I.T.4.m. An estimated quantity and disposition of the recovered material that resulted from the incident; and
 - I.T.4.n. Any other information necessary to fully evaluate the situation and to develop an appropriate course of action.
- I.T.5. Within 15 days of the initial spill report, specified in Conditions I.T.1. through I.T.4., the Permittee shall submit a written report to the Director.
- I.T.6. The written report shall include, but not be limited to the following:
 - I.T.6.a. The name, title, address, and telephone number of the individual reporting;
 - I.T.6.b. A description including the date, time, location and nature of the reported incident;

- I.T.6.c. The extent of injuries, if any;
- I.T.6.d. The name and quantity of material(s) involved in the spill;
- I.T.6.e. An estimated quantity and disposition of the recovered material;
- I.T.6.f. An assessment of actual or potential hazards to human health and the environment, where this is applicable. The report shall also include whether or not the results of the incident remain a threat to human health and the environment (whether the noncompliance has been corrected and the release has been adequately cleaned up);
- I.T.6.g. If the release or noncompliance has not been adequately corrected or cleaned up, the anticipated time that the noncompliance or remediation is expected to continue; the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and/or the steps taken or planned to adequately remediate the release; and
- I.T.6.h. If the spill cannot be cleaned up to meet the most current USEPA RSL for Residential Soil, the Permittee shall comply with the Notification and Assessment Requirements for newly identified SWMUs outlined in Section VI.K. of ATK’s Post-Closure Permit.

I.U. RESERVED

I.V COMPLIANCE SCHEDULES

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

I.W. MANIFEST DISCREPANCY REPORT

- I.W.1. Manifest discrepancies are defined as significant differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste the permittee actually receives. Significant discrepancies in quantity are: (1) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload, and (2) for bulk waste, variations greater than 10 percent in weight. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper. If a significant discrepancy is discovered in a manifest, the Permittee shall attempt to reconcile the discrepancy. If not resolved within 15 days, the Permittee shall submit a written report, including a copy of the manifest, describing the discrepancy and the efforts to reconcile the discrepancy, to the Director in accordance with R315-264-72(c).

I.X. UNMANIFESTED WASTE REPORT

I.X.1. The Permittee shall submit to the Director an Unmanifested Waste Report within 15 days of receipt of unmanifested waste in accordance with R315-264-76.

I.Y. BIENNIAL REPORT

I.Y.1. The Permittee shall submit to the Director a Biennial Report (EPA Form 8700-13 A/B) 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 R315-264-75.

I.Z. OTHER NONCOMPLIANCE

I.Z.1. The Permittee shall submit a written report to the Director of all instances of noncompliance with this Permit not otherwise required to be reported in accordance with Condition I.T. This report shall be submitted within seven days of discovering the noncompliance. The reports shall contain the information listed in Condition I.T. of this Permit. Reporting shall not constitute a defense for any noncompliance.

I.AA. OTHER INFORMATION

I.AA.1. Whenever the Permittee becomes aware that it failed to submit any relevant facts in a permit application or modification request, or submitted incorrect information in a permit application or modification request, or in any report submitted to the Director, the Permittee shall submit such facts or corrected information within seven working days of discovery.

I.BB. SIGNATORY REQUIREMENT

I.BB.1. All reports, notifications, submissions or other information required by this Permit, requested by or submitted to the Director, shall be signed and certified in accordance with R315-270-11.

I.CC. CONFIDENTIAL INFORMATION

I.CC.1. The Permittee may claim confidential any information required to be submitted by this Permit in accordance with U.C.A. § 19-1-306, 63G-2-309, and R315-270-12.

I.DD. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

I.DD.1. All reports, notifications, or other submissions which are required by this Permit to be transmitted to the Director should be sent by certified mail or other means of proof of delivery to:

Director, 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

Normal business hours are 8 am to 5 pm, Monday through Friday, except Utah State holidays. Required oral notifications shall be given only to the Director or an authorized representative of the Director. Notifications made at other times shall be made to the 24-hour answering service at (801) 536-4123. Notifications made to the 24-hour answering service shall include all applicable information required by this Permit. The Permittee shall give oral notification to the Director or an authorized representative of the Director on the first business day following notification to the 24-hour answering service.

I.EE. DOCUMENTS TO BE MAINTAINED AT THE FACILITY SITE

- I.EE.1. The Permittee shall maintain at the Facility, for the periods specified, current copies of the following documents and amendments, revisions and modifications to these documents:
 - I.EE.1.a. A copy of the Permit until closure is certified in accordance with Condition II.O.;
 - I.EE.1.b. Waste Analysis Plans (Attachment 1), and all associated analytical data, as required by R315-270-14(b)(3) and this Permit until closure is certified in accordance with Condition II.O.;
 - I.EE.1.c. Inspection schedules, logs (Attachment 2), and results, as required by this Permit for a period of at least three years from the date of inspection in accordance with R315-264-15(d);
 - I.EE.1.d. Personnel training documents (Attachment 3), and records, as required by R315-264-16 and this Permit until closure for current employees, or for a period of at least three years for former employees in accordance with R315-264-16(e);
 - I.EE.1.e. Contingency Plan (Attachment 4), as required by R315-264-53 and this Permit until closure is certified in accordance with Condition II.O.;
 - I.EE.1.f. Operating record, as required by R315-264-73, and this Permit until closure is certified in accordance with Condition II.O.;
 - I.EE.1.g. Closure Plans (Attachment 5), as required by R315-264-112 and this Permit, until closure is certified in accordance with Condition II.O.;

- I.EE.1.h. Current cost estimates (Attachment 5) for the closure and post-closure of the HWMUs covered by this Permit, in accordance with R315-264-142 and Condition II.P. of this Permit;
- I.EE.1.i. Manifest copies, as required by R315-262-40(a), R315-264-71(a)(2)(vi), and this Permit for at least three years from the date the waste shipment was accepted at or shipped from the facility to an approved hazardous waste management facility; and
- I.EE.1.j. A copy of the Permittee's waste minimization statement as required by R315-264-73(b)(9) until closure is certified in accordance with Condition II.O.

I.FF. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

- I.FF.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.