

## Statement of Basis: Ten Year Renewal of Clean Harbors Aragonite RCRA Part B Permit

### 1. INTRODUCTION

Section R315-270-50(a) of the Utah Admin. Code (UAC) states, "Hazardous Waste operation permits shall be effective for a fixed term not to exceed 10 years." On March 11, 2022, Clean Harbors Aragonite (Aragonite) submitted an application to renew their operating permit which was due to expire on September 28, 2022.

This Statement of Basis provides the rationale of the Director of the Division of Waste Management and Radiation Control (DWMRC) for issuing a draft permit for Aragonite and, pending a public comment period, renewing Aragonite's RCRA Part B Permit. The Director's staff has evaluated Aragonite's renewal application to ensure compliance with the applicable Hazardous Waste Rules. Adam Wingate prepared this Statement of Basis.

### 2. FACILITY BACKGROUND

#### A. Facility Location

Clean Harbors Aragonite (herein referred to as Aragonite) is located approximately 2.5 miles south of Interstate 80 at the Aragonite exit, Exit #56, Tooele County, Utah, latitude 40° 44' 004" North and longitude 112° 58' 005" West.

#### B. Regulatory History

Aragonite first applied for a RCRA Part B permit to treat and store hazardous waste on July 22, 1987. Subsequent renewal applications were submitted on February 1, 1999 and December 14, 2009. The current permit was issued on September 28, 2012, and - as mentioned above - was due to expire on September 28, 2022.

### 3. EVALUATION OF THE DRAFT PERMIT

A. On March 11, 2022, Clean Harbors Aragonite (Aragonite) submitted an application to renew their operating permit which was due to expire on September 28, 2022. In accordance with Condition 1.G.2. of their permit and section R315-270-51 of the UAC, Aragonite submitted a timely and complete application, and as such their operating permit has remained in effect and enforceable, and will continue to remain in effect and enforceable, until the effective date of the draft permit described below.

B. Section R315-264-340(b) of the UAC effectively exempts hazardous waste incinerators that are compliant with the maximum achievable control technology (MACT) requirements of Section R307-214-2 of the UAC from duplicate regulation under section R315. Aragonite has repeatedly demonstrated compliance with MACT requirements. As such, as part of their permit renewal application, Aragonite requested that duplicate requirements between their RCRA permit and MACT be removed from their RCRA permit.

C. Aragonite is also authorized to store and dispose of polychlorinated biphenyls (PCBs) and PCB materials under 40 CFR §761.65 and §761.70. PCBs are regulated under the Toxic Substance Control Act (TSCA), which is typically not an authority delegated to State regulators. However, EPA has approved a TSCA PCB Coordinated Approval pursuant to 40 CFR §761.77 allowing Aragonite to demonstrate compliance with the applicable portions of 40 CFR §761 by complying with Attachment 17 of Aragonite's RCRA Part B permit, which is issued and administered by the DWMRC.

- D. Therefore, in evaluating Aragonite's permit renewal application, the DWMRC had to consider which operating requirements should be removed because they were duplicitous with MACT requirements, and which operating requirements could not be removed because they were required as part of the TSCA PCB Coordinated Approval. When this distinction was not immediately clear, the DWMRC used the following logic to evaluate operating requirements:
- i. Operating requirements that related to the destruction and removal efficiency (DRE) and chlorine capture capabilities of the incineration system were retained in the permit, as these performance metrics are specifically addressed in the TSCA PCB Coordinated Approval.
  - ii. Operating requirements that related to particulate and metals emissions as well as operational feed rate limits were removed from the permit, as these were duplicitous with MACT requirements and not specifically required under the TSCA PCB Coordinated Approval.
- E. Following the logic outlined in paragraph d (above), the following changes were incorporated into Aragonite's permit:
- i. In Module 5, performance standards for particulate matter emissions, concentration of carbon monoxide and total hydrocarbons in the stack, metals emissions, and dioxin and furans emissions were removed, and a performance standard for combustion efficiency was added.
  - ii. To accommodate the changed performance standards, numerous operating requirements were removed from condition 5.D. of the permit. Operating requirements in condition 5.D. have corresponding waste feed cut-off requirements in condition 5.F., so the waste feed cut-off requirements associated with the removed operating requirements were also removed.
  - iii. Many attachments to the permit outline additional requirements (e.g. inspections, data recording, etc.) related to the operational requirements listed in Module 5. These attachments, therefore, had to be updated to account for the changes in Module 5. Specifically, Attachments 3, 12, 13, 15, and 16 were edited to align with the changes made in Module 5.
- F. In addition to the changes to operating requirements explained in paragraphs b, - e. (above), Aragonite also submitted a complete re-working of their Closure Cost Estimate, which is contained in Appendix 1 to Attachment 7. Previously, the closure cost estimate was calculated by hand and written out as text. Aragonite has created a spreadsheet that calculates the cost estimate and updated all of their cost estimates to be current as of 2022.
- G. The final section of Attachment 8 has been moved to Attachment 14. It has always irritated me that the section in question, Emissions of Organic Vapors from Equipment Leaks, was in Attachment 8 (Waste Storage, Processing, and Tracking) and not Attachment 14 (Fume Management), so I moved it.
- H. Lastly, numerous administrative changes have been incorporated throughout the permit. These include updating references to old regulations, updating language to better reflect current operations, updating lists that have had items removed, and ensuring internal references were correct and consistent. None of these changes reflect operational or administrative changes at Aragonite.
- I. After reviewing the modification request, the DWMRC prepared a Draft Permit in accordance with section R315-124-6 of the Utah Administrative Code and this Statement of Basis in accordance with section R315-124-7 UAC.

4. JUSTIFICATION FOR ISSUING THE DRAFT PERMIT

The Director's staff has evaluated the permit renewal application as required by Section 19-6-108 of the Solid and Hazardous Waste Act and R315-101 through 273 of the Utah Solid and Hazardous Waste Administrative Code (Rules).

5. PUBLIC PARTICIPATION

As required by Utah Administrative Code section R315-124-10 through R315-124-12 UAC, a Public Notice has been prepared and a 45-day public comment period will be held from March 27, 2023 until 5:00 pm on May 10, 2023. A public hearing will be held at 6:00 pm on Wednesday, May 3, 2022 in Room 1015 of the Multi-Agency State Office Building at 195 North 1950 West, Salt Lake City, Utah 84116.

The public hearing can also be accessed virtually via Google Meet. Google Meet joining info:

Video call link: <https://meet.google.com/xha-gcas-dim>

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