

MODULE 2
GENERAL FACILITY CONDITIONS

2.A. DESIGN AND OPERATION OF FACILITY

The Permittee shall maintain and operate the container management and the treatment container areas in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to the air, soil, groundwater, or surface water which could threaten human health or the environment. Should such an incident occur, the Permittee shall investigate and determine the cause of the incident and implement corrective measures to prevent future occurrences. The Director may consider appropriate enforcement action, including the cessation of waste management activities, until adequate resolution of the problem occurs.

2.B. OFF-SITE WASTE RECEIPT NOTICE

When the Permittee is to receive hazardous waste from an off-site source, prior to the waste being shipped by the generator, the Permittee shall inform the generator in writing that the Clean Harbors Clive, LLC facility has the appropriate permits for, and will accept, the waste the generator is planning on shipping. The Permittee shall keep a copy of this written notice as part of the operating record required by Condition 2.L.

2.C. PERMITTED AND PROHIBITED WASTE

2.C.1. The Permittee may accept for management at the facility, subject to the conditions in this permit, wastes identified by the waste codes in Utah Admin. Code R315-261-21 through R315-261-24 and Utah Admin. Code R315-261-31 through R315-261-33.

The Permittee may also accept for management at the facility, subject to the conditions of this permit, industrial waste, household hazardous waste, site generated waste, and regulated and non-regulated PCB waste

2.C.2. The following shall not be accepted for management at the facility at any time, regardless of the waste codes identified in Condition 2.C.1.:

- a. Water reactive wastes or materials (defined as DOT Division 4.3, and in Utah Admin. Code R315-261-23(a)(2) through 261-23(a)(4)).
- b. Pyrophoric wastes or materials (defined as DOT Division 4.2(1)).
- c. Explosive wastes or materials (defined as DOT Forbidden, DOT Division 1.1, 1.2, and 1.3 explosives, DOT Division 4.1 Type A and Type B materials, and in Utah Admin. Code R315-261-23(a)(6) through R315-262-23(a)(8).

- d. Shock sensitive wastes or materials.
- e. Radioactive wastes or materials (as defined in Condition 1.V.).
- f. Any waste or material exhibiting the property, characteristic of reactivity, identified in Utah Admin. Code R315-261-23(a)(1).
- g. Any waste carrying a Utah State or EPA waste code not identified in Condition 2.C.1.
- h. Infectious waste as defined in 19-6-102, UCA and Condition 1.T. (Definitions).
- i. Compressed Gas Cylinders, unless they meet the RCRA definition of empty.
- j. Waste carrying the waste code P999 as defined in Utah Admin. Code R315-261-33(e).

2.D. GENERAL WASTE ANALYSIS

The Permittee shall comply with the waste analysis procedures found in Attachment 1.

2.E. SECURITY

The Permittee shall comply with the security conditions and procedures found in Attachment 2.

2.F. GENERAL INSPECTION REQUIREMENTS

The Permittee shall comply with the inspection procedures found in Attachment 3.

2.G. PERSONNEL TRAINING

The Permittee shall comply with the personnel training procedures found in Attachment 4.

2.H. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall comply with the requirements of Utah Administrative Code R315-264-198, the requirements of all applicable National Fire Protection Association (NFPA) codes for those areas of the facility approved for operation and the applicable requirements of the International Fire Code.

2.I. PREPAREDNESS AND PREVENTION

The Permittee shall comply with the procedures found in Attachment 5 and maintain at the facility, the emergency equipment and systems identified in Attachment 5.

2.J. CONTINGENCY PLAN AND EMERGENCY PROCEDURES

The Permittee shall comply with the procedures found in Attachment 6.

2.K. MANIFEST SYSTEM

The Permittee shall comply with the manifest requirements of Utah Admin. Code R315-262-23 through R315-262-25, R315-264-70 through R315-264-72, and R315-264-76.

2.L. RECORDKEEPING

The Permittee shall maintain a written operating record at the facility in accordance with Utah Admin. Code R315-264-73. However, the Permittee is only required to maintain at the Clive facility, inspection records, manifests and related records documenting receipt and shipment of waste into and out of the facility, and waste tracking records. All other records and documents required by Utah Admin. Code R315-264-73 and this Permit may be maintained at the Aragonite facility.

2.M. CLOSURE

The Permittee shall comply with Utah Admin. Code R315-264-111 and 112 and close the facility in accordance with Attachment 7.

2.N. COST ESTIMATES FOR FACILITY CLOSURE

2.N.1. The facility's closure cost estimate shall be prepared and maintained in accordance with Utah Admin. Code R315-264-142 and Attachment 7.

2.N.2. By May 15th of each year, the Permittee shall adjust the facility closure cost estimate for inflation for the previous calendar year in accordance with the procedures contained in Utah Admin. Code R315-264-142(b) and submit a copy of this adjusted closure cost estimate to the Director for approval. The Permittee shall maintain the latest adjusted closure cost estimate in the Operating Record. For each new hazardous waste unit placed into operation, an updated

closure/post-closure cost estimate for the facility must be prepared which includes the new unit, prior to waste being placed on or into the new unit.

- 2.N.3. Whenever the current closure cost estimate increases to an amount greater than the face amount of the closure insurance, the Permittee, within 60 days after the increase, shall either increase the face amount of the policy to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Director or obtain other financial assurance as specified in Utah Admin. Code R315-264-143.
- 2.N.4. The Permittee shall revise the closure cost estimate whenever there is a change, approved by the Director, in the facility's closure plan as required by Utah Admin. Code R315-264-142(c).

2.O. FINANCIAL ASSURANCE FOR FACILITY CLOSURE

The Permittee shall demonstrate continuous compliance with the requirement to establish financial assurance for closure of the facility by obtaining and maintaining closure insurance. The closure insurance shall meet the requirements established in Utah Admin. Code R315-264-143(e). Changes in the insurer issuing the closure insurance and changes in financial assurance mechanisms must be approved by the Director in accordance with the permit modification procedures contained in Condition 1.D.2.

2.P. LIABILITY REQUIREMENTS

- 2.P.1. The Permittee shall demonstrate continuous compliance with the requirements of Utah Admin. Code 264-147(a)(1) by obtaining and maintaining hazardous waste liability insurance for sudden accidental occurrences in the amount of at least one million U.S. dollars per occurrence with an annual aggregate of at least two million U.S. dollars, exclusive of legal defense costs.
- 2.P.2. The Permittee shall submit to the Director a Certificate of Liability Insurance worded as required by Utah Admin. Code R315-264-147(j). The Permittee shall submit an approved certificate of hazardous waste liability insurance worded as required by Utah Admin. Code R315-264-151(i) within 30 days of the receipt of the updated certificate of insurance.
- 2.P.3. Changes in the limits of liability provided by the policy shall require the issuance of a new Certificate of Liability Insurance. This new Certificate of Liability Insurance shall be submitted to the Director within 30 days after the effective date of the changes. Changes in liability insurance providers and liability coverage mechanisms must be approved by the Director in accordance with the permit modification procedures contained in Condition 1.D.2.

2.Q. INCAPACITY OF OWNER OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall comply with Utah Admin. Code 264-148 whenever necessary.

2.R. LAND DISPOSAL RESTRICTION REQUIREMENTS

The Permittee shall comply with the applicable land disposal restriction requirements in Utah Admin. Code R315-268.