
MODULE I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. The Permittee is allowed to store hazardous waste in containers at the Hazardous Waste Storage Facility (HWSF) located at Hill Air Force Base, Utah in accordance with the conditions of this Permit. Any storage of hazardous waste not authorized in this Permit is prohibited.
- I.A.2. Pursuant to Utah Administrative Code (UAC) R315-270-4, compliance with this Permit constitutes compliance, for purposes of enforcement, with the Utah Hazardous Waste Management Rules. The Permittee is also required to comply with UAC R315-101, 124, 260, 261, 262, 263, 264, 266, 268, and 270 as applicable.
- I.A.3. 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.4. Attachments incorporated by reference are enforceable conditions of this Permit, as are documents incorporated by reference in the attachments. Language in the modules of this Permit supersedes any conflicting language in the attachments or documents incorporated into the attachments.

I.B. ENFORCEABILITY

- I.B.1. Violations duly documented through the enforcement process pursuant to Utah Code (UC) 19-6-112 may result in penalties in accordance with UAC R315-102.

I.C. OTHER AUTHORITY

- I.C.1. The Director of the Division of Waste Management and Radiation Control (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 UAC R315-270-41 and -43. If the Director determines that cause exists to modify, revoke and reissue or terminate this Permit, the action will proceed in accordance with UAC R315-124-5.
- I.D.2. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or the notification of planned changes requiring prior agency approval, or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

I.D.3. This Permit may be modified at the request of the Permittee in accordance with the procedures of UAC R315-270-42. All modification requests involving design drawings, calculations, sketches, etc., shall be reviewed and stamped by a qualified Utah-licensed professional engineer. All relevant drawings, calculations, sketches, etc., shall be included with the modification request.

I.D.4. If a conflict exists between conditions within this Permit the most stringent condition as determined by the Director, shall be met.

I.D.4.a. Upon discovery of a conflict, a modification to the Permit shall be initiated by the Permittee to meet the Director’s determination.

I.E. SEVERABILITY

I.E.1. The provisions of this Permit are severable and if any provision, or the application of any provision 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 UAC R315-270-61. Any Permit noncompliance, other than authorized by an emergency permit, constitutes a violation of the Utah Solid and Hazardous Waste Act, and is grounds for enforcement action, permit modification, revocation and reissuance, termination, or denial of a permit renewal application, or a combination of enforcement action and any of the other listed remedies.

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 to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must apply for and obtain a new Permit in accordance with UAC R315- 270-30(b), subject to Condition I.H.1.

I.H. PERMIT EXPIRATION

I.H.1. This Permit shall expire 10 years from the date of issuance.

I.I. CONTINUATION OF EXPIRING PERMIT

I.I.1. This Permit, and all conditions herein, shall continue in force, in accordance with UAC R315-270-51, 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 application under UAC R315-270-14 and the applicable requirements of UAC R315-270-15 through 29, and through no fault of the Permittee, the Director has neither issued nor denied a new permit under UAC R315-124-15 on or before the expiration date of the previous Permit.

I.J. REVIEW OF PERMIT

I.J.1. In accordance with the Utah Code §19-6-108(13), this Permit shall be reviewed no later than five years from the date of issuance or renewal and modified, as necessary.

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

I.K.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.L. DUTY TO MITIGATE

I.L.1. In the event of noncompliance with the Permit, the Permittee 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 impacts on human health or the environment.

I.M. PROPER OPERATION AND MAINTENANCE

I.M.1. The Permittee shall, at all times, properly operate and maintain all facilities, treatment systems and ancillary controls (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.N. DUTY TO PROVIDE INFORMATION

I.N.1. The Permittee shall furnish to the Director, within a reasonable time, any relevant information 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. The Permittee shall also furnish

to the Director, upon request, copies of records required to be kept by this Permit.

I.O. INSPECTION AND ENTRY

I.O.1. Pursuant to the Federal Facilities Compliance Act of 1992, UC§ 19-6-109, UAC R315-260-5, and UAC R315-270-30(i), the Permittee shall allow the Director, or authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

I.O.1.a. Enter at reasonable times upon the Permittee's 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, including electronic data, that must be kept as required by the conditions of this Permit;

I.O.1.c. Inspect, at reasonable times, any portion of the HWSF, 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 compliance with this Permit or the Utah Solid and Hazardous Waste Act, any substances or parameters at any location; and

I.O.1.e. Make a record of inspection by photographic, electronic, videotape, or any other reasonable medium.

I.P. MONITORING AND RECORDS

I.P.1. The Permittee shall retain records of all inspections, sampling, monitoring, and waste analysis information, including all calibration and maintenance records and all original reports and data files (or equivalent recordings) for continuous monitoring instrumentation, copies of all reports required by this Permit, the waste minimization certification required by UAC R315-264-73(b)(9), and records of all data used to comply with the conditions of this Permit. All of the above referenced material shall be retained 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 HWSF to three years beyond the conclusion of the enforcement action.

I.P.1.a. Recordkeeping may be accomplished using original documents or any other reasonable medium or similar recordkeeping technique. Any recordkeeping

system shall be capable of reproducing complete, accurate, legible, and retrievable records.

- I.P.1.b. All records that are required to be maintained under this Permit may be converted to retrievable electronic media for storage, under a plan and using formats expressly approved by the Director. However, all records, regardless of storage medium, must be available for review when requested by regulatory personnel. Once converted, the electronic media may be retained in place of the hard copy originals of the records. These periods may be extended at the request of 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.P.2. Pursuant to UAC R315-270-30(j)(3), records of monitoring information shall specify at a minimum:
- I.P.2.a. The date(s), exact place, and times of sampling or measurements;
- I.P.2.b. The name(s), title(s), and affiliation of 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, including any accompanying quality assurance/quality control summaries if provided.
- I.P.3. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. To obtain a representative sample of the waste to be analyzed, the Permittee shall use the appropriate method from UAC R315-261-1090 Appendix I or the Waste Analysis Plan (Attachment 2), or an equivalent method approved in writing by the Director prior to use. Laboratory methods shall be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846 (current edition, hereafter referred to as SW-846), or Standard Methods of Examination of Water and Wastewater (prevailing edition). The prevailing edition will be determined by the Director.
- I.P.4. When requesting substitute or additional analytical methods, the Permittee shall submit to the Director a request for a permit modification in accordance with the procedures of UAC R315-270-42. In the request, the Permittee shall provide information demonstrating that the proposed method(s) requested is equivalent or superior in terms of sensitivity, accuracy, and precision (e.g., reproducibility).
- I.P.5. This Permit contains and refers to documents and forms on which information and data is recorded. The Permittee may reformat documents and forms as

necessary to carry out administrative duties. The Permittee may use alternative forms or add language to the forms and documents so long as the alternative forms or additions do not eliminate or change information that the Permit requires the Permittee to record. 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.3.

I.Q. REPORTING PLANNED CHANGES

I.Q.1. The Permittee shall give oral or written notice to the Director, in advance, of any planned changes to a permitted hazardous waste management unit or activity that the Permittee does not consider as requiring a permit modification. The Director will notify the Permittee orally or written that either it is agreed that no permit modification is required or the proposed changes require a permit modification. The Director may determine that the changes require a permit modification if the proposed changes modify the original design or operation that was represented in the application even though those portions of the application (i.e., design specifications, drawings, calculations, etc.) may not have been incorporated into the permit.

I.R. REPORTING ANTICIPATED NONCOMPLIANCE

I.R.1. The Permittee shall give advance notice to the Director of any planned changes to the HWSF or activity that may result in noncompliance with requirements of this Permit. Advance notice shall not constitute a defense for any noncompliance.

I.S. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

I.S.1. The Permittee shall not commence storage of hazardous waste in a new hazardous waste management unit or in a modified portion of an existing permitted hazardous waste management unit at the HWSF until:

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

I.S.1.a.i A letter signed by the Permittee and an independent Utah-licensed professional engineer qualified by experience and education in the appropriate engineering field certifying that the hazardous waste management unit(s) have been constructed or modified in compliance with this Permit; and

I.S.1.a.ii. Stamped as-built engineering drawings and specifications as appropriate; and

I.S.1.a.iii. The Director or designated representative has reviewed and inspected the modified or newly constructed hazardous waste management unit(s) and has notified the Permittee in writing that the unit(s) was found to be in compliance with the Permit modification request and the conditions of this Permit; or

I.S.1.a.iv. If within 15 calendar days of the date of receipt of the letter required by Condition I.S.1.a.i., the Permittee has not received notice from the Director of the intent to inspect, a prior inspection is waived and the Permittee may

commence storage of hazardous waste in the permitted hazardous waste management unit certified in accordance with Condition I.S.1.a.

I.T. TRANSFER OF PERMIT

I.T.1. This Permit may only be transferred to a new owner or operator if it is modified or revoked and reissued in accordance with UAC R315-270-40 or R315-270-41. Prior to transferring ownership or operation of the HWSF during its operating life, the Permittee shall notify the new owner or operator, in writing, of the requirements of UAC R315-270, UAC R315-264, and this Permit.

I.U. TWENTY-FOUR HOUR REPORTING

I.U.1. In accordance with UAC R315- 270-30(1)(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 24 hours from the time the Permittee becomes aware of the noncompliance.

I.U.2. In accordance with UAC R315-263-30, whenever there is a spill of hazardous waste or material which, when spilled, becomes hazardous waste, the Permittee shall immediately:

I.U.2.a. Take appropriate action to minimize the threat to human health and the environment.

I.U.2.b. Notify the Utah Department of Environmental Quality (DEQ), 24-hour Answering Service, 801-536-4123, if the following spill quantities are exceeded:

I.U.2.b.i. 100 kilograms; or

I.U.2.b.ii. One kilogram of material listed in paragraph UAC R315-261-31, which is an acute hazardous waste identified with hazard code of (H), or in UAC R315-261-33(e); or

I.U.2.b.iii. A lesser amount if there is a potential for endangerment to human health or the environment.

I.U.3. The oral report shall include, but not be limited to, the following:

I.U.3.a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies; and

I.U.3.b. Any information of a release or discharge of a reportable hazardous waste, or of a fire, or explosion at the facility.

I.U.3.c. The description of the occurrence and its cause shall include:

I.U.3.c.i. Name, title, and telephone number of the individual reporting;

I.U.3.c.ii. Name address, and telephone number of the owner or operator;

- I.U.3.iii. Name address, and telephone number of the facility;
- I.U.3.iv. Date, time, and type of incident;
- I.U.3.c.v. Location and cause (if known) of the incident;
- I.U.3.c.vi. Name and quantity of materials involved;
- I.U.3.c.vii. The extent of injuries, if any;
- I.U.3.c.viii. An assessment of actual or potential hazard to the environment and human health, when this is applicable;
- I.U.3.c.ix. Description of any emergency action taken to minimize threat to human health and the environment;
- I.U.3.c.x. Estimated quantity and disposition of recovered material that resulted from the incident; and
- I.U.3.c.xi. Any other information necessary to fully evaluate the situation and to develop an appropriate course of action.
- I.U.4. Within 15 days of the date the Permittee is required to provide the oral report, as specified in Conditions I.U.1. through I.U.3., the Permittee shall provide to the Director a written report.
 - I.U.4.a. The written report shall include, but not be limited to the following:
 - I.U.4.a.i. Name, title, address, and telephone number of the individual reporting;
 - I.U.4.a.ii. A description (including cause, location, extent of injuries, if any, and an assessment of actual or potential hazard to the environment and human health on and off the facility, when this is applicable) of the reported incident;
 - I.U.4.a.iii. The period(s) in which the incident occurred (including exact dates and times);
 - I.U.4.a.iv. Name and quantity of material(s) involved;
 - I.U.4.a.v. Estimated quantity and disposition of recovered material that resulted from the incident;
 - I.U.4.a.vi. Whether the results of the incident remain a threat to human health and the environment (whether noncompliance has been corrected and the release has been adequately cleaned up); and
 - I.U.4.a.vii. If the release or noncompliance has not been adequately corrected or cleaned up, the anticipated time that the noncompliance or cleanup is expected to continue; the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and the steps taken or planned to adequately clean up the release.
- I.U.5. An air, rail, highway, or water transporter who has discharged hazardous waste shall:

I.U.5.a. Give notice, if required by 49 CFR 171.15 to the National Response Center, 800-424-8802 or 202-426-2675; and

I.U.5.b. Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

I.V. OTHER NONCOMPLIANCE

I.V.1. The Permittee shall report all other instances of noncompliance with this Permit not otherwise required to be reported in accordance with Condition I.U., within five days of discovering the noncompliance. The reports shall contain all applicable information necessary to describe the noncompliance, as required under UAC R315- 270-30(1)(10). Reporting shall not constitute a defense for any noncompliance.

I.W. MANIFEST DISCREPANCY REPORT

I.W.1. Manifest discrepancies shall be defined as differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of waste the Permittee receives. Significant discrepancies in quantity are: (1) for batch waste (containerized loads), 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 that 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, and efforts to reconcile the discrepancy, to the Director in accordance with UAC R315-264-72(c).

I.X. UNMANIFESTED WASTE REPORT

I.X.1. This report shall be submitted to the Director within 15 days of receipt of unmanifested waste in accordance with UAC R315-264-76.

I.Y. CORRECTIVE ACTION

I.Y.1. The Permittee shall comply with all provisions of UAC R315-264-101, Section 3004(u) of RCRA, as amended by HSWA, which require that permits issued after November 8, 1984, address corrective action for releases of hazardous waste including hazardous constituents from any Solid Waste Management Unit (SWMU) at the HWSF, regardless of when the waste was placed in the unit.

I.Y.2. If corrective action becomes necessary at a future SWMU, the Permittee shall follow the corrective action procedures in Module IV.

I.Z. BIENNIAL REPORT

I.Z.1 A biennial report shall be submitted covering HWSF activities that occurred during odd numbered calendar years. This report shall be submitted by March 1 of the following even numbered year in accordance with UAC R315-264-75.

I.AA. OTHER INFORMATION

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

I.BB. SIGNATORY REQUIREMENT

I.BB.1 All applications, reports, or other information requested by or submitted to the Director shall be signed and certified in accordance with UAC R315-270-11 and UAC R315-270-30(k).

I.CC. CONFIDENTIAL INFORMATION

I.CC.1. The Permittee may claim confidential any information submitted to the Director in accordance with Government Records Access Management Act, Utah Code Ann. §63G-2-101, *et seq.*, Environmental Quality Code, Utah Code Ann. §19-1-306, and UAC R315-1, *et seq.* The Director will evaluate claims of confidentiality in accordance with applicable statutes and regulations and will administer those documents accordingly.

I.DD. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

I.DD.1. All reports, notifications, or other submissions that this Permit requires to be transmitted to the Director shall be sent by certified mail or other means of proof of delivery to:

Director
Division of Waste Management and Radiation Control
P.O. Box 144880
Salt Lake City, Utah 84114-4880

During normal business hours (8 am to 5 pm, Monday through Friday, except Utah State holidays), required oral notifications shall be given only to the Director or an Environmental Manager, Environmental Scientist, or Engineer employed by the Director to assist in administering the hazardous waste program. Notifications made at other times shall be made to one of the aforementioned persons if the Permittee can contact such person at the facility or at the office of the Division of Waste Management and Radiation Control at **801-536-0200**. Otherwise, notification 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 Environmental Manager, Environmental Scientist, or Engineer employed by the Director to assist him in administering the hazardous waste program on the first business day following notification to the 24-hour answering service.

I.EE. DOCUMENTS TO BE MAINTAINED AT THE HWSF

- I.EE.1. The Permittee shall maintain at the HWSF, for the periods specified, the following documents and amendments, revisions, and modifications to these documents:
- I.EE.2. Waste Analysis Plan (Attachment 2), as required by UAC R315- 270-14(b)(3) and this Permit until closure is certified in accordance with Condition II.N.7.
- I.EE.3. Security Plan (Attachment 3), as required by UAC R315-270-14(b)(4) until closure is certified in accordance with Condition II.N.7. and this Permit.
- I.EE.4. Inspection Plan and Logs (Attachment 4), as required by UAC R315- 270-14(b)(5), for a period of three years in accordance with UAC R315-264-15 and this Permit.
- I.EE.5. Personnel Training Plan (Attachment 5), documents, and records, as required by UAC R315-264-16(d) and this Permit until HWSF closure for current employees, or for a period of three years for former employees in accordance with UAC R315-264-16(e).
- I.EE.6. Preparedness and Prevention Measures (Attachment 6), documents, and records, as required by UAC R315-264-30 and this Permit until HWSF closure is certified in accordance with Condition II.N.7.
- I.EE.7. Contingency Plan and Emergency Procedures (Attachment 7), as required by UAC R315-264-50 and this Permit until HWSF closure is certified in accordance with Condition II.N.7.
- I.EE.8. Operating Record, as required by UAC R315-264-73 and this Permit until HWSF closure is certified in accordance with Condition II.N.7.
- I.EE.9. Closure Plan (Attachment 8), as required by UAC R315-264-112 and this Permit until HWSF closure is certified in accordance with Condition II.N.7.
- I.EE.10. Container Management Plan (Attachment 9), as required by UAC R315-264-170 through 179 and this Permit.
- I.EE.11. A copy of the Permittee’s waste minimization statement until closure is certified in accordance with Condition II.N.7.
- I.EE.12. Copies of manifests as required by UAC R315-262-40(a) for at least three years from the date the waste shipment was accepted at the HWSF.

I.EE.13. A complete and current copy of this Permit. All modifications shall be placed in the facility's copy of the Permit within 30 days from the date the Director approves the Permit modifications.

I.FF. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

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

I.GG.1. REIMBURSEMENT OF REVIEW AND OVERSIGHT COSTS

I.GG.1. The Permittee shall reimburse the Department of Environment Quality for costs incurred in conjunction with review and oversight of the Permit and all plans, reports, procedures and protocols identified in this Permit in accordance with Utah Code § 19-1-201(6)(i). These fees will be assessed for the activities, including, but not limited to, the following: Sampling and Analysis Plans, Permit Modifications and Renewals; Closure activities; Review and Oversight of Administrative Consent Orders and Consent Agreements, Judicial Orders, and related compliance activities; Review and Oversight of Construction Activities; and Review and Oversight of Corrective Action Activities of the regulated units.