

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 Univar Solutions USA Inc. Clearfield facility (“Facility”) in accordance with the conditions of this Permit. Any storage of hazardous waste not authorized in this Permit is prohibited.
- I.A.2 Compliance with this Permit constitutes compliance, for purposes of enforcement, with the Utah Hazardous Waste Management Rules, except for those requirements not included in this Permit which become effective by statute or as promulgated by rule after the issuance of this Permit. Specifically, compliance with this Permit during its term constitutes compliance, for purposes of enforcement, with Utah Administrative Code (referenced as R315) R315-264 only for those management practices specifically authorized by this Permit. The Permittee shall also comply with R315-124, R315-260, R315-261, R315-262, R315-263, R315-266, R315-268, R315- 270, R315-273, and R315-101 as applicable.
- I.A.3 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.A.4 Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3008, 3013, or 7003 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6928, 6934, 6973); Sections 104, 106, 107 of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §§ 9604, 9606, 9607); or any other law providing for protection of human health or the environment, except as provided for in Condition I.A.2.
- I.A.5 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.B. ENFORCEABILITY

- I.B.1 Any violations of this Permit that are duly documented through the enforcement process pursuant to Utah Code Annotated (U.C.A.) § 19-6-112, and upheld through judicial action, may result in penalties in accordance with R315-102.

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 by the Permittee for a permit modification, revocation and reissuance, or 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. This Permit may be modified at the request of the Permittee in accordance with 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.

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

I.D.4.a. The Permittee shall notify the Director in writing within thirty (30) days of discovery of a conflicting Permit condition. The Permittee shall submit a permit modification to resolve the conflict within thirty (30) days of notification to the Director.

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

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 shall submit an application for a new Permit, in accordance with R315-270-30(b) and R315-270-10(h) subject to Condition I.H.1.

I.H. PERMIT EXPIRATION

I.H.1. This Permit shall expire 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, only if the Permittee has (a) submitted a timely and complete application at least one hundred eighty (180) days prior to permit expiration and (b) 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. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

I.I.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.J. DUTY TO MITIGATE

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

I.K. PROPER OPERATION AND MAINTENANCE

I.K.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.L. DUTY TO PROVIDE INFORMATION

I.L.1. The Permittee shall furnish to the Director, within thirty (30) days, 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.M. INSPECTION AND ENTRY

I.M.1. Pursuant to the Utah Solid and Hazardous Waste Act, U.C.A. § 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.M.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.M.1.b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Permit;

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

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

I.N. MONITORING AND RECORDS

- I.N.1. The Permittee shall retain at the Facility for a period of at least three years, unless specified elsewhere in this Permit, from the date of the sample, measurement, report, record, certification, or application:
 - I.N.1.a. Records of all monitoring information, including all calibration and maintenance records and, where applicable, all original strip chart recordings (or equivalent records) for continuous monitoring instrumentation,
 - I.N.1.b. Copies of all reports and records required by this Permit,
 - I.N.1.c. The waste minimization certification required by R315-264-73, and
 - I.N.1.d. Records of all data used to complete the application for this Permit.
- I.N.2. This retention 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 the Facility.
- I.N.3. All records required to be maintained under this Permit may be converted to retrievable electronic media, for storage, in lieu of paper. However, all records shall be available for review at the Facility at all times by regulatory personnel. Copies of all records shall also be made available in a format requested by the Director or the Director's authorized representative.
- I.N.4. Pursuant to R315-270-30(j)(3), records of monitoring information shall specify at a minimum:
 - I.N.4.a. The date(s), exact place, and times of sampling or measurements;
 - I.N.4.b. The name(s), title(s), and affiliation of individual(s) who performed the sampling or measurements;
 - I.N.4.c. The date(s) analyses were performed;
 - I.N.4.d. The individual(s) who performed the analyses;
 - I.N.4.e. The analytical techniques or methods used; and
 - I.N.4.f. The results of such analyses, including the QA/QC data.
- I.N.5. Samples and measurements taken for the purpose of monitoring shall be

representative of the monitored activity.

- I.N.6. 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.3.

I.O. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

- I.O.1. The Permittee shall not commence storage of hazardous waste in a new Hazardous Waste Management Unit (HWMU) or in a modified portion of an existing permitted HWMU except as provided in R315-270-42, until:
- I.O.1.a. The Permittee has submitted to the Director by certified mail, express mail, or hand delivery:
- I.O.1.a.i. A letter signed by the Permittee and a registered professional engineer, qualified by experience and education in the appropriate engineering field, certifying that the unit(s) has been constructed or modified in compliance with the approved design specified in this Permit and is operationally ready; and
- I.O.1.a.ii. Stamped as-built engineering drawings and specifications where applicable, with any deviations from the approved design noted and justification for each deviation provided; and
- I.O.1.a.iii. The Director or designated representative has reviewed and inspected the modified or newly constructed unit(s) and has notified the Permittee in writing that the unit was found to be in compliance with the conditions of this Permit; or
- I.O.1.b. After review of the as-built drawings and field verification of the new or modified units, the Director will notify the Permittee in writing of any change which he concludes is not in accordance with the approved design. The Director may notify the Permittee and may require the Permittee to remove and replace any construction not in accordance with designs and specifications approved in this Permit.
- I.O.1.c. If more than fifteen (15) calendar days have elapsed since the date of the Director's receipt of a letter required by Condition I.O.1.a.i., and the Permittee has not received notice from the Director of the Director's intent to either perform or waive a pre-operational verification inspection, the Permittee may commence

treatment, storage or disposal of hazardous waste in the permitted unit(s) certified in accordance with Condition I.O.1.

- I.O.1.d. The Permittee shall incorporate the as-built engineering drawings and specifications of the newly constructed unit(s) or modified unit(s) into the Permit as a class I permit modification.

I.P. TRANSFER OF PERMIT

- I.P.1. This Permit shall be transferred to a new owner or operator only if it is modified or revoked and reissued in accordance with 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 U.C.A. 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 requirements of R315-264, R315-270, and this Permit.

I.Q. TWENTY-FOUR HOUR REPORTING

- I.Q.1. In accordance with R315-263-30, whenever there is a spill of hazardous waste or material which, when spilled, becomes hazardous waste, the Permittee shall immediately:
- I.Q.1.a. Take appropriate action to minimize the threat to human health and the environment.
- I.Q.1.b. Notify the Utah Department of Environmental Quality (DEQ), twenty-four (24)-hour Answering Service, 801-536-4123, if the following spill quantities are exceeded:
- I.Q.1.b.i. One kilogram (2.2 pounds) of material listed in R315-261-31 that is an acute hazardous waste identified with a hazard code of (H), or an acute hazardous waste identified in R315-261-33(e). Notify for a spill of a lesser quantity if there is a potential threat to human health or the environment; or
- I.Q.1.b.ii. One hundred kilograms (220 pounds) of hazardous waste or material which, when spilled becomes a hazardous waste, other than a spill of wastes identified in R315-263-30(b)(1). Notify for a spill of a lesser quantity if there is a potential threat to human health or the environment.
- I.Q.1.c. Notify other agencies, if applicable, as specified in R315-263-30(d) and (e)..

- I.Q.1.d. The Permittee shall provide the following information when providing an oral spill report to the Utah DEQ:
 - I.Q.1.d.i. Name, phone number, and address of the person responsible for the spill.
 - I.Q.1.d.ii. Name, title, and phone number of individual reporting.
 - I.Q.1.d.iii. Time and date of spill.
 - I.Q.1.d.iv. Location of spill - as specific as possible including nearest town, city, highway, or waterway.
 - I.Q.1.d.v. Description contained on the manifest and the amount of material spilled.
 - I.Q.1.d.vi. Cause of spill.
 - I.Q.1.d.vii. Emergency action taken to minimize the threat to human health and the environment.
- I.Q.2. Within fifteen (15) days after any spill of hazardous waste or material which, when spilled, becomes hazardous waste, and is reported under R315-263-30(b), the Permittee shall submit to the Director a written report which contains the following information:
 - I.Q.2.a. The person's name, address, and telephone number;
 - I.Q.2.b. Date, time, location, and nature of the incident;
 - I.Q.2.c. Name and quantity of material(s) involved;
 - I.Q.2.d. The extent of injuries, if any;
 - I.Q.2.e. An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
 - I.Q.2.f. The estimated quantity and disposition of recovered material that resulted from the incident.
- I.Q.3. 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.Q.3.a. The oral report shall include, but not be limited to, the following:

- I.Q.3.a.i. Information concerning the release of any hazardous waste that may cause an endangerment to public drinking water supplies;
- I.Q.3.a.ii. Any information of a release or discharge of hazardous waste, or of a fire, or explosion from the Facility, which could threaten the environment or human health outside the Facility;
- I.Q.3.a.iii. The description of the occurrence and its cause shall include;
- I.Q.3.a.iv. Name, address, and telephone number of the owner or operator;
- I.Q.3.a.v. Name, address, and telephone number of the Facility;
- I.Q.3.a.vi. Date, time, and type of incident;
- I.Q.3.a.vii. Name and quantity of material(s) involved;
- I.Q.3.a.viii. The extent of injuries, if any;
- I.Q.3.a.ix. An assessment of actual or potential hazard(s) to the environment and human health outside the Facility, where this is applicable; and
- I.Q.3.a.x. Estimated quantity and disposition of recovered material that resulted from the incident; and
- I.Q.4. A written submission shall also be provided within five days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Director may waive the five day written notice requirement in favor of a written report within fifteen (15) days.

I.R. MANIFEST DISCREPANCY REPORT

- I.R.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 ten (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 fifteen (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.S. UNMANIFESTED WASTE REPORT

I.S.1. An unmanifested waste report shall be submitted to the Director within fifteen (15) days of receipt of unmanifested waste in accordance with R315-264-76.

I.T. BIENNIAL REPORT

I.T.1. A biennial report (EPA Form 8700-13 A/B) shall be submitted to the Director 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.U. OTHER NONCOMPLIANCE

I.U.1. The Permittee shall submit a written report of all instances of noncompliance with this Permit not otherwise required to be reported in accordance with Condition I.Q. This report shall be submitted within fifteen (15) days of discovery of noncompliance. The report shall contain the information listed in Condition I.R. of this Permit. Reporting shall not constitute a defense for any noncompliance.

I.V. OTHER INFORMATION

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

I.W. SIGNATORY REQUIREMENT

I.W.1. All applications, reports, 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.X. CONFIDENTIAL INFORMATION

- I.X.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.Y. REPORTS, NOTIFICATIONS. AND SUBMISSIONS

- I.Y.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
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, Scientist, or Engineer employed by the Director at 801-536-0200. Notifications made at other times shall be made to the twenty-four-hour answering service at 801-536-4123. Notifications made to the twenty-four-hour answering service shall include all applicable information required by this Permit. The Permittee shall give oral notification to the Director or an employee of the Director on the first business day following notification to the twenty-four-hour answering service.

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

- I.Z.1. The Permittee shall maintain at the Facility, for the periods specified, the following documents and amendments, revisions and modifications to these documents:
- I.Z.1.a. Waste Analysis Plan (Attachment 1), as required by R315-270-14(b)(3) until closure is certified in accordance with Condition II.N.7.;
- I.Z.1.b. Inspection schedules, logs, (Attachment 3), 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.Z.1.c. Personnel training documents (Attachment 7), 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 from the date the employee last worked at the Facility for former

employees in accordance with R315-264-16(e);

I.Z.1.d. Contingency Plan (Attachment 4), as required by R315-264-53 and this Permit until closure is certified in accordance with Condition II.M.7.;

I.Z.1.e. Operating record, as required by R315-264-73 and this Permit until closure is certified in accordance with Condition II.M.7.;

I.Z.1.f. Closure Plan (Attachment 8 of this Permit), as required by R315-264-112 and this Permit until closure is certified in accordance with Condition II.M.;

Z.1.g. A current cost estimate for Facility closure (Attachment 8) as required by R315-264-142 and this Permit until closure is certified in accordance with Condition II.M.7.;

I.Z.1.h. 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; and

I.Z.1.i. 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.M.7.

I.AA. INFORMATION REPOSITORY

I.AA.1. The Director may require the Permittee to establish and maintain an information repository at any time, based on the factors set forth in Subsection R315-124-33(b). The information repository shall be governed by the provisions in Subsections R315-124-33(c) through (f).

I.BB. CORRECTIVE ACTION

I.BB.1. The Permittee shall comply with R315-264-101, which requires a permit to address corrective action for releases of hazardous waste including hazardous constituents, from any solid waste management unit at the Facility, regardless of when the waste was placed in the unit.

I.BB.2. If corrective action becomes necessary at a future solid waste management unit at the Facility, the Director shall issue a schedule of compliance to the Permittee and initiate a permit modification in accordance with Condition I.D.

I.CC. DEFINITIONS

I.CC.1. For the purposes of this Permit, terms used herein shall have the same meaning as

those in R315-260 through R315-270 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.

"Days" means Calendar Days.

"Director" means the Director of the Utah Division of Waste Management and Radiation Control.

"Hazardous Waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

"Hazardous Waste Constituent" means a constituent that caused the Board to list the hazardous waste in R315-261.

"Operating Record" means all monitoring and operational data reports maintained by the Permittee.

"Permittee" means Univar Solutions, L.L.C.

"QA/QC" means Quality Assurance/Quality Control

"Qualified Utah Registered Professional Engineer" means any individual who is practicing in the individual's area of expertise and is licensed as a Professional Engineer by the Utah Department of Commerce.

"R315", or **"Utah Administrative Code (U.A.C.) R315"**, means R315 of the Utah Administrative Code.

"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.)

"Submit or Submission" means to be received and logged in at the offices of the Utah Division of Waste Management and Radiation Control, having been hand delivered or delivered by certified mail, mail, express mail, facsimile, electronic mail, or computer diskette. The postmark or equivalent evidence shall be used as the date of submission. When a submission due date falls on a Saturday, Sunday or a Utah or federal holiday, the submission or report is due on the next business

day.

Provisions of the Utah Solid and Hazardous Waste Act are cited as Utah Code, section 19-6-xxx.

Provisions of the Utah Hazardous Waste Management Rules are cited as Utah Administrative Code, R315-xxx-xxx.