

MODULE I

STANDARD CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. The Permittee is allowed to store hazardous waste in containers and a tank system in accordance with the conditions of this permit. Any storage, treatment or disposal of hazardous waste not authorized in this permit or other permits 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. Specifically, compliance with this permit during its term constitutes compliance, for purposes of enforcement, with R315-264 only for those management practices specifically authorized by this permit. The Permittee is also required to 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 RCRA; Sections 106, 104, or 107 of CERCLA; 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 regulation.

I.B. ENFORCEABILITY

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

I.C. NO WAIVER OF 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 precede 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 within this permit, the most stringent condition, as determined by the Director, shall be met.

I.E. SEVERABILITY

- I.E.1. The provisions of this permit are severable and if any provision of this permit, 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 that the Permittee need not comply with the conditions of this permit to the extent and for the duration any noncompliance is authorized in an emergency permit issued in accordance with R315-270-61. Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the Utah Solid and Hazardous Waste Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

I.G. PERMIT EXPIRATION

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 apply for and obtain a new permit, subject to Condition I.G.2.

I.G.2. This permit will 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, 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 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.H. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

I.H.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.I. DUTY TO MITIGATE

I.I.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.J. PROPER OPERATION AND MAINTENANCE

I.J.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 facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

I.K. DUTY TO PROVIDE INFORMATION

I.K.1. The Permittee shall furnish to the Director within a reasonable amount of 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.L. INSPECTION AND ENTRY

- I.L.1. Pursuant to R315-260-5, 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.L.1.a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - I.L.1.b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - I.L.1.c. Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under this permit;
 - I.L.1.d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Utah Solid and Hazardous Waste Act, any substances or parameters at any location; and
 - I.L.1.e. Make record of inspections by photographic, magnetic, electronic, or any other reasonable means.

I.M. MONITORING AND RECORDS

- I.M.1. The Permittee shall retain at the Pioneer Road Facility, 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, copies of all reports and records required by this permit, the waste minimization certification required by R315-264-73, and records of all data used to complete the application for this permit, 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. This 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 this facility.
- I.M.2. All records required to be maintained under this permit may be converted to retrievable electronic media, or micro-film/fiche, 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 regulatory personnel.
- I.M.3. Records of monitoring information shall specify at a minimum:
 - I.M.3.a. The date, exact place, and times of sampling or measurements;

- I.M.3.b. The names(s), title(s), and affiliation of individual(s) who performed the sampling or measurements;
- I.M.3.c. The date(s) analyses were performed;
- I.M.3.d. The individual(s) who performed the analyses;
- I.M.3.e. The analytical techniques or methods used; and
- I.M.3.f. The results of such analyses including all QA/QC data.
- I.M.4. Samples and measurements taken for the purpose of monitoring to demonstrate compliance with this permit shall be accurate and representative of the monitored activity.
- I.M.5. The Permittee shall maintain at the facility a current copy of this permit.

I.N. CONSTRUCTION CERTIFICATION

- I.N.1. For a new hazardous waste management unit, and for a hazardous waste management unit being modified, the Permittee may not treat, store, or dispose of hazardous waste in the new or modified portion of the unit except as provided in R315-270-42, until:
 - I.N.1.a. The Permittee has submitted to the Director:
 - I.N.1.a.i. A letter signed by the Permittee and a qualified Utah registered professional engineer stating that unit(s) has been constructed or modified in compliance with this permit (i.e., in accordance with the approved design) and is operationally ready; and
 - I.N.1.a.ii. Where applicable, stamped as-built engineering plans and specifications with any deviations from the approved design noted and justification for each deviation provided; and
 - I.N.1.b. The Director has reviewed and inspected the modified or newly constructed unit(s) and has notified the Permittee in writing that the unit(s) was found to be in compliance with the conditions of this permit; or
 - I.N.1.c. The Director has either waived the inspection, or has not, within 15 calendar days of the date of receipt of the above submission, notified the Permittee of intent to inspect.

I.O. TRANSFER OF PERMIT

- I.O.1. This permit is not transferable to any person except after notice to the Director and in accordance with R315-270-40.

I.P. REPORTING REQUIREMENTS

- I.P.1. The Permittee shall orally report to the Director any noncompliance or other incident at the facility 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 or incident. The oral report shall include at a minimum the following:
- I.P.1.a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies;
- I.P.1.b. Any information concerning a release or discharge of a hazardous waste, or of a fire or explosion at the facility, which could threaten the environment or human health outside the facility; and
- I.P.1.c. A description of the incident and its cause including:
- I.P.1.c.i. Name, title, and telephone number of person reporting the incident;
- I.P.1.c.ii. Name, address, and telephone number of the owner or operator;
- I.P.1.c.iii. Name, address, and telephone number of the facility;
- I.P.1.c.iv. Date, time, and type of incident;
- I.P.1.c.v. Location and cause (if known) of incident;
- I.P.1.c.vi. Name and quantity of materials involved;
- I.P.1.c.vii. The extent of injuries, if any;
- I.P.1.c.viii. An assessment of actual or potential hazards to the environment and human health, outside the facility, when this is applicable; and
- I.P.1.c.ix. Estimated quantity and disposition of recovered material that resulted from the incident.
- I.P.2. A written submission following the oral report required in Condition I.P.1. shall be provided within five days of the time the Permittee becomes aware of the incident or circumstances requiring reporting under Condition I.P.1. The written submission shall contain a description of the incident/noncompliance and its cause; the period of the incident/noncompliance including exact dates and times, and if the incident is noncompliance and 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 incident/noncompliance.

- I.P.3. The Permittee shall comply with the spill response, clean-up and reporting requirements contained in R315-263.
- I.P.4. The Permittee shall report in writing to the Director, all instances of noncompliance within seven days from the time the Permittee becomes aware of the noncompliance. Reporting shall not excuse any noncompliance.
- I.P.5. If a significant discrepancy in a manifest of a load of waste arriving at the facility is discovered, the Permittee shall attempt to reconcile the discrepancy. If not resolved within 15 days, the Permittee shall immediately submit to the Director a copy of the manifest and a written manifest discrepancy report describing the discrepancy and attempts to reconcile it. Significant discrepancies in quantity are: for batch waste (containerized loads), any variation in piece count, such as a discrepancy of one drum in a truckload, and for bulk waste, variations greater than ten 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.
- I.P.6. If the facility receives a load of hazardous waste without an accompanying manifest, the Permittee shall submit to the Director an unmanifested waste report within 15 days of receipt of the unmanifested waste. The report shall identify the generator of the waste and provide details regarding the type, quantity, and disposition of the waste.
- I.P.7. The Permittee shall comply with the biennial report requirements contained in R315-264-75. The biennial report shall be submitted to the Director by March 1 during each even numbered year.
- I.P.8. 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.P.9. The Permittee shall orally notify the Director within 24 hours of detection of a leak or spill from a tank system or a tank secondary containment system to the environment. This requirement is waived if the quantity of hazardous waste leaked or spilled is less than or equal to one pound and it is immediately contained and cleaned up.
- I.P.10. Within 30 days of detecting a release to the environment from a tank system or a tank secondary containment system, the Permittee shall submit the following information to the Director:
 - I.P.10.a. Likely route of migration of the release;
 - I.P.10.b. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology and climate);

- I.P.10.c. Results of any monitoring or sampling conducted in connection with the release. If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Director as soon as they become available;
- I.P.10.d. Proximity to downgradient drinking water, surface water, and populated areas; and
- I.P.10.e. Description of response actions taken or planned.

I.Q. SIGNATORY REQUIREMENT

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

I.R. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

- I.R.1. All reports, notifications, or other submissions that are required by this permit 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

- I.R.2. All hand delivered submissions shall be made during normal business hours at the Division of Waste Management and Radiation Control, MASOB, 2nd Floor, 195 North 1950 West, Salt Lake City, Utah.
- I.R.3. Required oral notifications shall only be provided to the Director, an Environmental Manager, an Environmental Scientist, or an Engineer at the Division of Waste Management and Radiation Control, (801) 536-0200, or if none of these individuals are available, to the Department of Environmental Quality's 24-hour answering service telephone number, (801) 536-4123.

I.S. CONFIDENTIAL INFORMATION

- I.S.1. The Permittee may claim confidential any information required to be submitted by this permit in accordance with Utah Code Annotated, 63-2-101 et seq and 19-1-306.

I.T. CORRECTIVE ACTION

- I.T.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.T.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 or initiate a permit modification in accordance with Condition I.D.1.

I.U. DEFINITIONS

- I.U.1. For purposes of this permit, terms used herein shall have the same meaning as in R315-260 through 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.

"Director" means the director of the Division of Waste Management and Radiation Control, Utah Department of Environmental Quality.

"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.

"Receive, Receives, or Received" means the point in time when an incoming load of waste enters the fenced portion of the facility.

"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 receptacles containing hazardous wastes or hazardous waste constituents).

"Solid Waste Management Unit" means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at the facility at which solid wastes have been routinely and systematically released.

"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 Annotated, 19-6-xxx.

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