

MODULE II

GENERAL FACILITY CONDITIONS

II.A. DESIGN AND OPERATION OF FACILITY

- II.A.1. The Permittee shall maintain and operate the container storage areas and the tank system in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water that could threaten human health or the environment. Should any of these incidents 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, to include the cessation of waste management activities, until adequate resolution of the problem occurs.

II.B. OFF-SITE WASTE RECEIPT NOTICE

- II.B.1. 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 Safety-Kleen Pioneer Road 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 II.L.1.

II.C. PERMITTED AND PROHIBITED WASTE

- II.C.1. The Permittee may accept for management at the facility, subject to the conditions of this permit, wastes identified by the following waste codes: D001, D004, D005, D006, D007, D008, D009, D010, D011, D018, D019, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D032, D033, D034, D035, D036, D038, D039, D040, D041, D042, D043, F001, F002, F003, F004, and F005.
- II.C.2. The Permittee may also accept for management at the facility, subject to the conditions of this permit, non-hazardous industrial wastes.
- II.C.3. The following shall not be accepted for management at the facility at any time, regardless of the waste codes identified in Condition II.C.1.:
- II.C.3.a. Water reactive wastes or materials, defined as DOT Division 4.3, and in R315-261-23(a)(2)-(4);
- II.C.3.b. Pyrophoric wastes or materials, defined as DOT Division 4.2(1);
- II.C.3.c. Explosive wastes or materials, defined as DOT Division 4.1 Type A and Type B materials, and in R315-261-23(a)(6)-(8);

- II.C.3.d. Shock sensitive wastes or materials;
- II.C.3.e. Radioactive wastes or materials;
- II.C.3.f. Wastes or materials exhibiting the property identified in R315-261-23(a)(1);
- II.C.3.g. Wastes or materials meeting the definition of infectious as outlined in Utah Code Annotated 19-6-102(13);
- II.C.3.h. Compressed gas cylinders or aerosol cans, except for DOT containerized aerosols that are being 10-Day transferred through the site; and
- II.C.3.i. Any waste carrying a State of Utah or EPA waste code not identified in Condition II.C.1., except for those being handled as 10-Day pass through.

II.D. GENERAL WASTE ANALYSIS

- II.D.1. The Permittee shall comply with the conditions and procedures found in ATTACHMENT 1.
- II.D.2. The Permittee's drivers shall use an inspection checklist to document the following information for each container serviced:
 - II.D.2.a. The driver's name, the date, the name of the customer and the pick-up location, the type of waste, the size (volume) of each container serviced, the initial volume of product delivered, and specific results of the driver's inspection of the waste color and volume for each container serviced;
 - II.D.2.b. Problems observed with containers, basis for rejection, and justification for acceptance despite deficiencies in a column dedicated for "remarks;" and
- II.D.3. The Branch Manager or the Branch Manager's designee shall review for accuracy the driver's data, enter the date of such review, and sign each inspection log within seven working days of the waste arriving at the branch. Safety-Kleen shall investigate any deficiencies discovered as a result of such review and document actions taken to prevent the reoccurrence of the discovered deficiencies or actions taken to rectify the discovered deficiencies.
- II.D.4. The Permittee shall analyze each hazardous waste stream managed at the facility through chemical analysis of representative samples as specified in Table 2 – Attachment 1 once a year to verify Specific Waste Codes and Underlying Hazardous Constituents as part of the facility's ongoing quality assurance program. Waste streams that are not terminated at the facility or that are handled as 10-day transfer wastes are not required to be sampled and analyzed annually.

- II.D.4.a. This annual sampling and analysis shall be in accordance with Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846 or equivalent methods approved by the Director. The samples shall be collected at the Permittee's facility during the month of April, and the analytical results shall be submitted to the Director by July 1st of each year respectively. Any inconsistencies between the analytical results, hazardous waste determinations and associated facility manifests shall be addressed in a report accompanying the analytical results. Waste codes may be excluded from manifests if the analytical results conclusively demonstrate that waste constituents did not exceed TCLP regulatory levels (i.e., a waste code may be excluded if the concentration detected is below the TCLP regulatory level for that specific constituent or if not detected, the detection limit is below the TCLP regulatory level for that specific constituent).
- II.D.4.b. The most conservative set of waste codes, indicated by the analytical results obtained from either the Salt Lake Service Center (Pioneer Road facility) or Safety Kleen's National Annual Re-characterization, shall be used on manifests for the year following each analytical report.
- II.D.4.c. The Permittee shall provide oral and written notification to the Director of each sampling date and time at least seven days prior to sampling. The Permittee shall reschedule in writing, prior to April each year, any sampling that cannot be conducted in accordance with the above schedule.
- II.D.5. At a minimum, the Permittee shall:
- II.D.5.a. Maintain properly functioning instruments; and
- II.D.5.b. Use approved sampling and analytical methods.
- II.D.6. If the Permittee uses a Safety-Kleen or contract laboratory to perform analyses, the laboratory shall be certified by the State of Utah in accordance with R444-14 to perform the analyses. For parameters for which certification is unavailable, the laboratory shall provide quality control/quality assurance data sufficient to assess the validity of the data. The Permittee shall inform the laboratory in writing that it must operate under the Waste Analysis Plan conditions set forth in this permit.
- II.D.7. The Permittee shall obtain, independent of the Service Agreement, a certification, signed by each customer at the time of servicing parts washers which attests that the customer has operated the part washer in accordance with the Permittee's operating specifications and that the customer will notify the Permittee if the operation or process generating the hazardous waste has changed. In addition, the certification shall attest that the customer has not mixed the solvent the customer is sending to the facility with other materials, or introduced into the solvent provided, any substance which contains any constituents which can be regulated as hazardous waste or which contains polychlorinated biphenyls, and that the customer has not altered the characteristics or compounds of the solvent provided. An example of this would be Safety-Kleen's

electronic product/services document which is signed by the generator and stored electronically for every pickup.

II.E. SECURITY

- II.E.1. The Permittee shall comply with security conditions and procedures found in ATTACHMENT 3.
- II.E.2. Vehicles containing hazardous waste shall be secured in the facility by a locked gate if parked overnight prior to unloading.

II.F. GENERAL INSPECTION REQUIREMENTS

- II.F.1 The Permittee shall comply with the inspection requirements found in ATTACHMENT 5.
- II.F.2. Records of inspections shall be kept for at least three years and in accordance with R315-264-15(d).
- II.F.3. The Permittee shall make any repairs, or take other remedial action, on a time schedule that ensures that any deterioration or malfunction discovered does not lead to an environmental or human health hazard. If the remedy requires more than 72 hours from the time that the problem is discovered, the Permittee shall submit in writing to the Director, before the expiration of the 72-hour period, a proposed time schedule for correcting the problem. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

II.G. PERSONNEL TRAINING

- II.G.1. The Permittee shall comply with the personnel training procedures found in ATTACHMENT 4.
- II.G.2. Facility personnel working with or around hazardous waste shall complete the required personnel training within six months after their hire date, assignment to the facility, or assignment to a new position at the facility.
- II.G.3. Facility personnel shall take part in an annual review of their initial training in both contingency procedures and hazardous waste management procedures relevant to the positions in which they are employed.
- II.G.4. The Permittee shall maintain training documents and records in accordance with R315-264-16(d) and R315-264-16(e).

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

II.H.1. The Permittee shall comply with the requirements of R315-264-17 and the requirements of all applicable National Fire Protection Association (NFPA) codes.

II.I. PREPAREDNESS AND PREVENTION

II.I.1. The Permittee shall follow the procedures found in ATTACHMENT 3 and maintain at the facility the emergency equipment and systems identified in ATTACHMENT 3 and required by R315-264-32.

II.I.2. All facility communications or alarm systems, fire protection equipment, safety equipment, discharge control equipment, and decontamination equipment shall be tested and maintained as necessary to assure its proper operation in time of emergency.

II.I.3. The Permittee shall maintain access to the communications or alarm system as required by R315-264-34.

II.I.4. The Permittee shall attempt to make emergency plan arrangements with State and local authorities as required by R315-264-37. If state or local officials refuse to enter into emergency response arrangements with the Permittee or the arrangements change, the Permittee shall document this refusal or change in the Operating Record. The Director shall be notified in writing within 30 days of any change to local emergency agreements.

II.J. CONTINGENCY PLAN

II.J.1. The Permittee shall immediately carry out the provisions of the Contingency Plan, ATTACHMENT 2, and follow the emergency procedures described by R315-264-56, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten the environment or human health.

II.J.2. The Permittee shall comply with the requirements of R315-264-53, by providing copies of the Contingency Plan to emergency agencies who may be called in an emergency, maintaining a copy of the Plan at the facility, and by providing a copy upon request.

II.J.3. The Permittee shall review and immediately amend, if necessary, the Contingency Plan, as required by R315-264-54.

II.K. MANIFEST SYSTEM

II.K.1. The Permittee shall comply with the manifest requirements of R315-264-71, R315-264-72, and R315-264-76.

II.L. RECORDKEEPING

II.L.1. The Permittee shall maintain a written Operating Record at the facility accordance with R315-264-73 and R315-264-1103 (R315-264, Appendix I).

II.M. CLOSURE

II.M.1. The Permittee shall comply with R315-264-110 through 120 and close the facility in accordance with ATTACHMENT 6.

II.N. COST ESTIMATES FOR THE FACILITY CLOSURE

II.N.1. The facility's closure cost estimate shall be prepared and maintained in accordance with R315-264-140 through 151, except as provided for in Condition II.N.2. and ATTACHMENT 6.

II.N.2. By May 15th of each year, the Permittee shall adjust the closure cost estimate for inflation for the previous calendar year in accordance with the procedures contained in R315-264-142(b) and submit a copy of that adjusted cost estimate to the Director. The Permittee shall maintain the latest adjusted closure cost estimate in the Operating Record.

II.N.3. For each new hazardous waste management unit placed into operation, an updated closure/post-closure cost estimate for the facility shall be prepared which includes the new unit, prior to waste being placed on or into the new unit. 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 cause the face amount of the policy to be increased 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 R315-264-143.

II.N.4. The Permittee shall revise the closure cost estimate in accordance with R315-264-140 through 151 whenever there is a change in the facility's closure plan that increases the cost of closure.

II.O. FINANCIAL ASSURANCE FOR FACILITY CLOSURE

II.O.1. 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

R315-264-143(e). Changes in the provider issuing the closure insurance and changes in the financial assurance mechanism, shall be approved by the Director in accordance with the permit modification procedures contained in Condition I.D.3. The current closure insurance policy, policy number PEC00095341x, is provided by Indian Harbor Insurance Company.

II.P. LIABILITY REQUIREMENTS

- II.P.1. The Permittee shall demonstrate continuous compliance with the requirements of R315-264-147(a) 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. Current liability insurance is provided by Indian Harbor Insurance Company, policy number PEC0042039xx.
- II.P.2. The Permittee shall submit to the Director a Certificate of Liability Insurance worded as required by R315-264-140 through 151. Each year, within 30 days prior to December 1st, the Permittee shall submit to the Director, a new certificate of liability insurance worded as required by R315-264-140 through 151.
- II.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 shall be approved by the Director in accordance with the permit modification procedures contained in Condition I.D.3.

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

- II.Q.1. The Permittee shall comply with R315-264-148.

II.R. LAND DISPOSAL RESTRICTION REQUIREMENTS

- II.R.1. Safety-Kleen Pioneer Road shall comply with the applicable land disposal restriction requirements in R315-268.