

MODULE II - GENERAL FACILITY CONDITIONS

II.A. APPLICABILITY

- II.A.1. The requirements of this Permit module pertain to all Hazardous Waste operations identified within this Permit.
- II.A.2. The requirements of this Permit module also pertain to corrective actions and post-closure care for Solid Waste Management Units (SWMUs) identified within this Permit.

II.B. DESIGN AND OPERATION OF FACILITY

- II.B.1. The Permittee shall design, construct, maintain and operate hazardous waste units and surrounding areas to minimize the possibility of a fire, explosion, or any sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment. Should one of these incidents occur, the Permittee shall report the incident in accordance with Condition I.T.1 through Condition I.T.5 and investigate to determine the cause of the incident and implement corrective measures to prevent future occurrences the Director of the Division of Waste Management and Radiation Control (Director) may consider appropriate enforcement action, to include the cessation of waste management activities, until adequate resolution of the problem occurs.
- II.B.2. Any request for changes to the existing units shall be in accordance with Utah Admin. Code R315-270-42. Changes to the design and operation of an existing unit shall satisfy the requirements specified in this Permit and in the Utah Solid and Hazardous Waste Rules. Any changes to a unit or operation must be documented on as-built drawings and certified by qualified professional engineering certifications as required by Utah Admin. Code R315-270-14 and R315-270-30.
- II.B.3. After review of the as-built drawings and field verification of the units, the Director will notify the Permittee in writing of any change which he concludes does not satisfy the operating requirements specified in this Permit. If it is established that such changes are permit violations, the Director may require the Permittee to remove, replace or modify any construction inconsistent with this permit.
- II.B.3.a. If, within 15 calendar days of the date of the Director's receipt of the registered professional engineer's certification required in Conditions I.R.1.a.i. and II.B.2, the Permittee has not received notice of the Director's intent to inspect, or a prior inspection is waived, the Permittee may commence treatment, storage, or disposal of hazardous waste in the permitted unit(s).

II.C. REQUIRED NOTICE

- II.C.1. As required by Utah Admin. Code R315-264-12(a)(1), the Permittee shall notify the Director in writing at least 60 days in advance of the date the Permittee expects to receive hazardous waste from a foreign source. Notice of subsequent shipments of the same waste from the same foreign source in the same calendar year is not required.

- II.C.2. When the Permittee arranges to receive hazardous waste from an off-site source, the generator must be informed in writing by the Permittee that they have the appropriate permit for and will accept the waste the generator is shipping. As required by Utah Admin. Code R315-264-12 (b), the Permittee shall keep a copy of the written notice as part of the Operating Record.

II.D. WASTE ANALYSIS PLAN

- II.D.1. The Permittee shall comply with the waste analysis procedures found in Attachment 2 (Waste Analysis Plan). In addition, the Permittee shall comply with any other conditions of this permit involving waste analysis.

- II.D.2. The Permittee shall use the test methods described in Attachment 2 (Waste Analysis Plan) or an equivalent procedure that satisfies Condition I.O.6. Changes in a test method described in Attachment 2 (Waste Analysis Plan) as a result of an improvement or refinement of that method, may be adopted by the Permittee in accordance with Utah Admin. Code R315-124-5.

- II.D.3. The Permittee shall verify the analysis of each waste stream when new or modified wastes are known or suspected to have been generated and at least once every three years thereafter. The Permittee shall conduct an evaluation of each new waste stream generated on site and shall submit to the Director a report of the analysis in compliance with Utah Admin. Code R315-264-13. The Permittee shall conduct a yearly evaluation of each waste stream and shall submit to the Director by March 1st of each calendar year, a letter report certifying that the known waste streams have not changed. The Waste Stream Evaluation Form, as shown in Attachment 2 (Waste Analysis Plan), shall be used for these reports. Data from the analysis of waste streams shall be kept in the Operating Record.

- II.D.4. Sampling of any component of a waste munition to be stored and/or treated at TEAD-N, including the energetic material of a munition, is not required to meet the waste analysis requirements of Utah Admin. Code R315-264-13 or of 40 CFR 265.13, which is incorporated by reference into Utah Admin. Code R315-265. Generator knowledge will suffice. Generator knowledge to determine the detailed physical and chemical analysis of waste munitions shall include use of information in the MIDAS database as well as drawings and manufacturers information. All waste characterization information shall be kept in the Operating Record. Residues from the treatment of propellant, explosive, and pyrotechnics (PEP) wastes are subject to Condition II.D.3.
- II.D.5. At a minimum, the Permittee shall:
- II.D.5.a. Maintain proper functional instruments;
- II.D.5.b. Use approved sampling and analytical methods;
- II.D.5.c. Review the lists of parameters, analytical methods, and sample preparation methods on an annual basis. Following this review, the Permittee shall submit a letter to the Director on or before March 1st of each year either indicating that no changes are necessary or requesting a permit modification per Condition I.D.5 to make any updates.
- II.D.6. If the Permittee uses a contract laboratory to perform analyses, the laboratory shall be certified by the State of Utah to perform the contracted analyses. Provisional certification is not acceptable as certification under this condition. 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 is required to follow the Waste Analysis Plan conditions set forth in Attachment 2 (Waste Analysis Plan).

II.E. SECURITY

- II.E.1. The Permittee shall comply with security conditions and procedures contained in Attachment 3 (Security Procedures).

II.F. GENERAL INSPECTION REQUIREMENTS

- II.F.1. The Permittee shall conduct inspections in accordance with Utah Admin. Code R315-264-15, and the procedures and schedule in Attachment 4 (Inspection Plan). In addition, the Permittee shall comply with the conditions pertaining to inspections in Modules III, IV, V, VI, and VII and the following conditions:

- II.F.1.a. The Permittee shall remedy any deterioration or malfunction of equipment or structures as required by Utah Admin. Code R315-264-15(c). If the remedy requires more than 72 hours to implement, from the time that the problem is detected, the Permittee shall submit to the Director in writing, before the expiration of the 72-hour period, a proposed time schedule for correcting the problem.
- II.F.1.b. Records of inspections shall be kept as required by Utah Admin. Code R315-264-15(d).

II.G. PERSONNEL TRAINING

- II.G.1. The Permittee shall conduct personnel training as required by Utah Admin. Code R315-264-16. The Permittee shall comply with the training procedures found in Attachment 5 (Training Plan). New personnel working with or around hazardous waste shall complete the required personnel training within six (6) months after their hire date, assignment to the Facility, or assignment to a new position at the Facility. In addition, the Permittee shall comply with the following conditions:
 - II.G.1.a. Facility personnel shall annually review their initial training in both contingency procedures and the hazardous waste management procedures relevant to the positions in which they are employed.
 - II.G.1.b. The Permittee shall maintain training documents and records as required by Utah Admin. Code R315-264-16(d) and Utah Admin. Code R315-264-16(e) and in accordance with Attachment 5 (Training Plan). These records shall indicate the type and amount of training received.
 - II.G.1.c. The Permittee shall maintain a copy of Attachment 5 (Training Plan) at the Facility until the Facility is fully closed and closure is certified in accordance with Utah Admin. Code R315-264-115.

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

- II.H.1. The Permittee shall comply with the requirements of Utah Admin. Code R315-264-17 and the requirements of all applicable National Fire Protection Association (NFPA) and Department of Defense Explosives Safety Board (DDESB) codes and standards.
- II.H.2. In addition to the requirements of Utah Admin. Code R315-264-17, the Permittee shall comply with the conditions of Modules III, IV, V, VI, and VII pertaining to ignitable, reactive, or incompatible waste.

- II.H.3. The Permittee shall separate and protect ignitable and reactive waste from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), water, and radiant heat.
- II.H.4. The Permittee shall take precautions to prevent reactions which:
 - II.H.4.a. Generate extreme heat or pressure, fire or explosions, or violent reactions;
 - II.H.4.b. Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;
 - II.H.4.c. Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
 - II.H.4.d. Damage the structural integrity of the device or facility;
 - II.H.4.e. Through other or like means, threaten human health or the environment.

II.I. PREPAREDNESS AND PREVENTION

- II.I.1. The Permittee shall follow the preparedness and prevention procedures found in Attachment 6 (Preparedness and Prevention Plan).
- II.I.2. At a minimum, the Permittee shall equip and maintain at the Facility and keep in good operating condition the equipment set forth in Attachment 6 (Preparedness and Prevention Plan), as required by Utah Admin. Code R315-264-32.
- II.I.3. The Permittee shall test and maintain the equipment specified in Condition II.J.3. as necessary to assure its proper operation in time of emergency.
- II.I.4. The Permittee shall maintain records of those preventative maintenance and repair activities specified in Condition II.J.3. and shall keep schedules reflecting minimum and planned frequency for the performance of preventative maintenance activities in the Operating Record at the Facility.
- II.I.5. The Permittee shall maintain access to the communications or alarm system as required by Utah Admin. Code R315-264-34.
- II.I.6. The Permittee shall maintain aisle space as required by Utah Admin. Code R315-264-35. A minimum of 2 feet of aisle space is required in the container and munitions storage areas.
- II.I.7. The Permittee shall attempt to make arrangements with state and local authorities as required by Utah Admin. Code R315-264-37. Any refusals to enter into an agreement shall be documented in the Operating Record.

II.J. CONTINGENCY PLAN

- II.J.1. The Permittee shall maintain a Contingency Plan and Quick Reference Guide (Attachment 7) for the duration of the Permit that meets the requirements of Utah Admin. Code R315-264-52 and R315-262-262. The Permittee shall comply with Attachment 7 (Contingency Plan) and follow the emergency procedures described by Utah Admin. Code R315-264-56 whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which threatens or could threaten human health or the environment. The Permittee shall comply with Utah Admin. Code R315-263-30 and 33, and Condition I.T., in reporting releases to the Director.
- II.J.2. The Permittee shall maintain copies of the Contingency Plan and Quick Reference Guide in accordance with the requirements of Utah Admin. Code R315-264-53 and R315-262-262.
- II.J.3. The Permittee shall review Attachment 7 (Contingency Plan) in accordance with Utah Admin. Code R315-264-54. The Permittee shall immediately amend, if necessary, Attachment 7 (Contingency Plan) in accordance with Utah Admin. Code R315-124-5 and R315-270-42.
- II.J.4. A trained emergency coordinator shall be available at all times in case of an emergency as required by Utah Admin. Code R315-264-55. The names, addresses and telephone numbers of all persons qualified to act as emergency coordinators shall be supplied to the Director as required by Utah Admin. Code R315-264-52(d).

II.K. MANIFEST SYSTEM

- II.K.1. The manifest number shall be recorded in the Operating Record with each waste load that arrives and leaves the Permittee's facility. The Permittee shall comply with Utah Admin. Code R315-262 and Utah Admin. Code R315-264-70 through 77 for the movement of each waste load off site.
- II.K.2. If the waste load is refused and returned to the generator, such actions shall be documented in the Operating Record.

II.L. RECORDKEEPING AND REPORTING

- II.L.1. The Permittee shall maintain an accurate written Operating Record at the facility in accordance with Utah Admin. Code R315-264-73 and Utah Admin. Code R315-264-1103 (Appendix I).

- II.L.2. The Permittee shall, by March 1st of each year, submit to the Director a certification pursuant to Utah Admin. Code R315-264-73, signed by the owner or operator of the facility or an authorized representative, that the Permittee has a waste minimization program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the Permittee to be economically practicable; and that the proposed method of treatment, storage, or disposal is the most practicable method currently available to the Permittee which minimizes the present and future threat to human health or the environment; and
- II.L.3. The Permittee shall submit a report evaluating Alternative Technologies to Open Burn and Open Detonation (OB/OD) treatment. This report shall be submitted as new alternative technologies are developed, if waste streams change, or five years after the most recent Alternative Technologies report was submitted. At a minimum, the report shall:
- II.L.3.a. Identify all waste streams currently treated by OB/OD at TEAD-N.
- II.L.3.b. Identify and evaluate any and all alternative technologies to OB/OD for each identified waste stream, at the point of generation.
- II.L.3.c. Provide narrative explaining why each technology would or would not be effective for the specified waste stream. If the technology is not feasible, the report must describe the limiting factors.
- II.L.3.d. If TEAD-N determines one or more alternative technologies are viable for a specific waste stream, the Permittee shall include language explaining why the technology is not currently implemented at TEAD-N.
- II.L.3.e. If the report finds that no alternative technologies would be feasible or effective, the report can certify that OB/OD is the only technology available to treat the specified waste stream.
- II.L.4. The Permittee shall comply with the biennial report requirements of Utah Admin. Code R315-264-75, by March 1 of each even-numbered reporting year. The report shall include wastes generated, treated, and stored at the Permittee's facility during the previous odd-numbered year.
- II.L.5. The Permittee shall submit additional reports to the Director in accordance with Utah Admin. Code R315-264-77.
- II.L.6. All reports, notifications, applications, or other materials required to be submitted to the Director shall be submitted at the address shown in Condition I.DD.1.
- II.L.7. The Permittee shall maintain a copy of the certifications required in Condition II.L. in the Operating Record and sign each certification in accordance with Utah Admin. Code R315-262-41(a) and Utah Admin. Code R315-270-11(d)(1).

II.M. CLOSURE/POST-CLOSURE FOR HAZARDOUS WASTE UNITS

- II.M.1. The Permittee shall comply with Utah Admin. Code R315-264-110 through 120 and close the hazardous waste operations facilities in accordance with Attachment 8 (Closure Plan).
- II.M.2. Minor deviations from the procedures found in Attachment 8 (Closure Plan) that are necessary to accommodate proper closure shall be described in narrative form with the Certification of Closure statements. The Permittee shall describe the rationale for implementing minor changes as part of this narrative report. Within sixty (60) days after completion of closure, the Permittee shall submit the certification statements and narrative report to the Director.
- II.M.3. The Permittee shall amend Attachment 8 (Closure Plan) and any hazardous waste facility post-closure plans in accordance with Utah Admin. Code R315-124-5 whenever necessary, or when required to do so by the Director.
- II.M.4. The Permittee shall notify the Director in writing of the partial closure of any portion of the permitted facility in accordance with Utah Admin. Code R315-264-110 through 120. The Permittee shall notify the Director at least 180 days prior to the commencement of final facility closure. Attachment 8 (Closure Plan) will be reviewed by the Permittee, and modified, if necessary, before commencing partial or final facility closure. If Attachment 8 (Closure Plan) requires modification, the plan shall be modified and submitted to the Director for written approval in accordance Utah Admin. Code R315-270-42.
- II.M.5. After treating the final volume of hazardous waste, the Permittee shall remove all hazardous waste from the site and complete closure activities in accordance with the time frames specified in Attachment 8 (Closure Plan).
- II.M.6. The Permittee shall decontaminate or dispose of all facility equipment, structures, soil, and rinsate as required by Utah Admin. Code R315-264-114 and Attachment 8 (Closure Plan). Facility equipment, structures and soil which have not been decontaminated shall be disposed of at a permitted Treatment, Storage and Disposal Facility (TSDF).
- II.M.7. The Permittee shall certify that the facilities have been closed in accordance with the specifications in Attachment 8 (Closure Plan) and as required by Utah Admin. Code R315-264-115 and shall provide a Certification of Closure by an independent, registered professional engineer qualified by experience and education in the appropriate engineering field.

II.M.8. If any unit or facility cannot be clean closed by removing hazardous constituents, contaminated soil and subsoil, and/or any contaminated groundwater as specified in Attachment 8 (Closure Plan), the Permittee shall modify Attachment 8 (Closure Plan) and any post-closure plan for that unit in accordance with Utah Admin. Code R315-124-5. Within 30 days of the date that the Director approves the modification request, the unit shall be closed as a landfill, in accordance with Utah Admin. Code R315-264-110.

II.M.9. The Permittee shall submit a survey plat no later than the submission of Certification of Closure of each hazardous waste storage and treatment unit, in accordance with Utah Admin. Code R315-264-116.

II.N. FINANCIAL ASSURANCE FOR FACILITY CLOSURE

II.N.1. The Permittee is exempt from the requirements for closure cost estimates in accordance with Utah Admin. Code R315-264-140.

II.O. RECEIPT OF OFF-SITE WASTE PROHIBITED

II.O.1. The Permittee shall not receive hazardous wastes that are generated at other facilities except for:

II.O.1.a. Wastes generated by TEAD-N during investigation or remediation of sites adjacent to TEAD-N that were contaminated from past TEAD-N operations;

II.O.1.b. Department of Defense-owned waste conventional military munitions that will be treated in the incinerator operated in accordance with Module IV of this Permit;

II.O.1.c. Department of Defense-owned waste conventional military munitions that will be recycled and treated in the small caliber disassembly line operated in accordance with Module V of this Permit;

II.O.1.d. Department of Defense-owned waste conventional military explosives that will be treated at the hydrolysis facility operated in accordance with Module V of this Permit;

II.O.1.e. Waste conventional munitions generated at the Tooele Army Depot South Area (TEAD-S);

II.O.1.f. Conventional military or commercial explosive items identified as hazardous waste and collected during emergency response situations and transported by U.S. Army Explosive Ordnance Disposal (EOD) Personnel. The collection of these wastes is limited to the area of Utah, Wyoming, and Idaho and three counties in Nevada, namely, Elko, Eureka, and White Pine. The maximum amount of explosive waste that can be received and stored from one EOD emergency response shall be no more than 100 kg (220 pounds);

- II.O.1.g. Department of Defense-owned waste conventional munitions that will be treated at the OB/OD area in accordance with Module VI of this Permit; and
- II.O.1.h. Department of Defense-owned waste conventional military munitions that will be treated in the low temperature thermal treatment system operated in accordance with Module VII of this Permit.
- II.O.2. F999 and P999 wastes associated with lethal chemical agents shall not be stored or treated at TEAD-N.

II.P. TREATMENT OF MUNITIONS CONTAINING DEPLETED URANIUM

- II.P.1. Munitions containing depleted uranium in any form shall not be treated at the Facility without the express written approval of the Director.

II.Q. RISK THRESHOLDS FOR OB/OD OPERATIONS

- II.Q.1. OB/OD operations shall be conducted in a manner that minimizes the risk to human health and the environment. The risk thresholds in Module VI for operations at the OB/OD area are based on risk assessments.
- II.Q.2. Every five years, or at the request of the Director or the Permittee, the completeness and accuracy of the risk assessments shall be evaluated. At a minimum, the evaluation shall include the following information:
 - II.Q.2.a. A review of the list of chemicals/munitions constituents to add additional chemicals and emission factors as a result of updates in the waste characterization databases such as the MIDAS database;
 - II.Q.2.b. A review of the toxicity information (reference doses, cancer slope factors), to include any new toxicity data.

II.R. POST-CLOSURE MAINTENANCE AND MONITORING FOR SWMUs

- II.R.1. The Permittee shall inspect and monitor all SWMUs throughout the post-closure care period in a manner that will ensure detection of a release of hazardous waste, hazardous waste constituents, leachate, contaminated run-off or hazardous waste decomposition products to the soil, groundwater, or surface water from the closed facilities.
- II.R.2. The Permittee shall maintain all treatment and monitoring equipment through the post-closure care period in a manner that will ensure detection of a release from the closed facilities and minimize the possibility of fire, explosion, or any sudden or non-sudden release of hazardous waste constituents to air, soil, surface water, or groundwater which could threaten human health or the environment.

II.S. SECURITY

- II.S.1. The Permittee shall comply with the following security conditions for SWMUs in post-closure care that have site-specific security fence requirements, as outlined in Appendix VIII-A:
- II.S.2. For each SWMU specified in Condition II.T.1, a fence with locked gates surrounding each site on all sides, which prevents unauthorized entry, shall be maintained throughout the post-closure care period.
- II.S.3. Signs that read "DANGER, UNAUTHORIZED PERSONNEL KEEP OUT" shall be posted at the entrance gates and every 100 feet along the fence and shall be maintained throughout the post closure care period. The signs must be legible from a distance of at least 25 feet in compliance with Utah Admin. Code R315-264-14(c).
- II.S.4. All security equipment shall be inspected throughout the post-closure care period. The Permittee shall incorporate those security items (i.e., fence, signs of vandalism, etc.) to be inspected and the frequency of inspection on the inspection checklist which is required to be submitted by Condition II.V.1.
- II.S.5. Damaged security equipment shall be noted in the inspection checklist and repairs shall begin within 24 hours. Repairs shall be completed as soon as practicable, but not later than 72 hours after the problem is discovered, in compliance with Utah Admin. Code R315-264-15(c).
- II.S.6. The Permittee shall comply with all other security procedures as specified in Appendix VIII-A and Attachment 3 (Security Procedures).

II.T. PERSONNEL TRAINING

- II.T.1. The Permittee shall conduct personnel training as required by Utah Admin. Code R315-264-16.
- II.T.2. The Permittee shall maintain TEAD-N training documents and records as required by R315-264-16(d) and (e) and shall record the type and amount of training received by each employee involved in hazardous waste management.
- II.T.3. New personnel working with the post-closure care and/or corrective actions systems shall complete the required TEAD-N personnel training within six months of their hire date. Training records shall indicate the type and amount of training received.

II.U. GENERAL INSPECTION REQUIREMENTS

- II.U.1. The Permittee shall follow the inspection schedules as specified in Appendix VIII-A.

- II.U.2. Upon discovering any deterioration or malfunction, the Permittee shall begin to remedy as required by Utah Admin. Code R315-264-15(c).
- II.U.3. Problems found during any inspection conducted under this Module shall be corrected as stipulated in Condition II.U.2. If, upon determination by the Director or the Permittee, continued operation of any remedial system involved in the inspection could endanger human health or the environment, the Permittee shall cease operation of the system until the problem has been corrected.
- II.U.4. Records of inspections shall be kept at the Tooele Army Depot North, Tooele, Utah, as required by Utah Admin. Code R315-264-15(d).
- II.U.5. Any problem shall be corrected as soon as possible. Corrective action shall start no later than the next working day from the time the problem is discovered.

II.V. RECORDKEEPING AND REPORTING FOR SWMUs

- II.V.1. The Permittee shall submit reports as required to the Director documenting post-closure monitoring activities and results from analyses of samples collected in compliance with corrective action and post-closure monitoring requirements. Copies of all Permit-related records will be maintained, as indicated in Condition I.O.

II.W. FINANCIAL ASSURANCE FOR SWMU CLOSURE/POST CLOSURE

- II.W.1. As indicated by Utah Admin. Code R315-264-140, States and the Federal government are exempt from the requirements for financial assurance.

II.X. LIABILITY REQUIREMENTS

- II.X.1. As indicated by Utah Admin. Code R315-264-140, States and the Federal government are exempt from the requirements for liability coverage.

II.Y. INCAPACITY OF PERMITTEE, GUARANTORS OR FINANCIAL INSTITUTIONS

- II.Y.1. As indicated by Utah Admin. Code R315-264-140, which incorporates 40 CFR 264.140(c), States and the Federal government are exempt from the requirements of 40 CFR 264.148, which describes the incapacity of Permittee, guarantors, or financial institutions.