



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL
Ty L. Howard
Director

A meeting of the Waste Management and Radiation Control Board has been scheduled for August 13, 2020 at 1:30 p.m.

This is an electronic/telephonic meeting. No Anchor Location.

All Board members and any interested persons will participate electronically or telephonically, via the Internet: <https://meet.google.com/uug-vuhc-vuy>

Join by phone: (US) +1 252-385-2777 PIN: 631 790 654#

(This meeting is being held in accordance with Governor Gary Herbert’s EXECUTIVE ORDER *Suspending the Enforcement of Provisions of Utah Code §§ 52-4-202 and 52-4-207, and Related State Agency Orders, Rules, and Regulations, Due to Infectious Disease COVID-19 Novel Coronavirus*).

AGENDA

- I. Call to Order.
- II. Public Comments on Agenda Items.
- III. Declarations of Conflict of Interest.
- IV. Approval of the Meeting Minutes for the July 9, 2020 Board Meeting Tab 1
(Board Action Item)
- V. Underground Storage Tanks Update..... Tab 2
- VI. Administrative Rules Tab 3
 - A. Final adoption on proposed rule changes to UAC R315-270-42 of the hazardous waste rules to standardize language in Subsections R315-270-42(a)(1)(ii), R315-270-42(b)(2), R315-270-42(c)(2) and R315-270-42(e)(2)(iii) requiring a permittee to send notices to the facility mailing list and to appropriate units of State and local governments
(Board Action Item).
- VII. Hazardous Waste Section Tab 4
 - A. Approval of Proposed Stipulation and Consent Order between the Board and Thermo Fluids Inc. **(Board Action Item).**

(Over)

VIII. Other Business.

- A. Miscellaneous Information Items.
- B. Scheduled of next Board meeting (September 10, 2020).

IX. Adjourn.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Larene Wyss, Office of Human Resources at (801) 536-4284, Telecommunications Relay Service 711, or by email at "lwyss@utah.gov".

Waste Management and Radiation Control Board Electronic/Telephonic Board Meeting Minutes
July 9, 2020
1:30 p.m.

No Anchor Location. All Board members participated electronically OR telephonically. UDEQ employees and others from the general public also participated either electronically or telephonically. This meeting was held in accordance with Governor Gary Herbert's EXECUTIVE ORDER Suspending the Enforcement of Provisions of Utah Code §§ 52-4-202 and 52-4-207, Due to Infectious Disease COVID-19 Novel Coronavirus.

Board Members Participating (Electronically/Telephonically): Brett Mickelson (Chair),
Dennis Riding (Vice-Chair), Scott Baird,
Richard Codell, Danielle Endres, Marc Franc,
Jeremy Hawk, Shawn Milne, Nathan Rich,
Vern Rogers and Shane Whitney

Board Members Absent/Excused: Steve McIff

DEQ Staff Members Participating (Electronically/Telephonically): Ty Howard, Brent Everett,
Thomas Ball, Jalyynn Knudsen,
Arlene Lovato, Rusty Lundberg,
Deborah Ng, Elisa Smith and
Otis Willoughby

I. Call to Order.

II. Public Comments on Agenda Items – None.

III. Declarations of Conflict of Interest.

Vern Rogers declared that he will be abstaining from voting on Agenda Item VII.
(EnergySolutions request for a Variance).

IV. Approval of Meeting Minutes for the May 14, 2020 Board meeting (**Board Action Item**).

It was moved by Vern Rogers and seconded by Dennis Riding and UNANIMOUSLY CARRIED to approve the May 14, 2020 Board Meeting Minutes.

V. Underground Storage Tanks Update.

Brent Everett, Director of the Division of Environmental Response and Remediation (DERR), informed the Board that the cash balance of the Petroleum Storage Tank (PST) Trust Fund at the end of May 2020 was \$17,095,575.00. The preliminary estimate for the cash balance of the PST Trust Fund for the end of June 2020 is \$17,405,685.00. The PST Trust Fund balance fluctuates throughout the year as payments are made. The DERR reviews claims closely to ensure qualified expenses are appropriately reimbursed. The DERR continues to watch the balance of the PST Trust Fund closely to ensure sufficient cash is available to provide coverage of covered releases. In an effort to continue to reduce the negative equity balance of the PST Trust Fund, the DERR has hired an independent fiduciary actuary to review the PST program. The DERR

will provide a copy of the actuarial report to the Board when it is finalized. There were no questions or comments.

VI. Administrative Rules.

- A. Approval to proceed with formal rulemaking and 30-day public comment period on proposed rule changes to UAC R315-261, 262, 264, 265, 266, 268, 270, and 273 of the hazardous waste rules to incorporate federal regulatory changes promulgated by the Environmental Protection Agency (EPA) and published in the Federal Register on February 22, 2019 (84 FR 5816) (**Board Action Item**).

Tom Ball, Planning & Technical Support Section Manager reviewed the request for the Board to approve to proceed with formal rulemaking and 30-day public comment period on proposed changes to UAC R315-261, 262, 264, 265, 266, 268, 270, and 273 of the hazardous waste rules to incorporate federal regulatory changes promulgated by the Environmental Protection Agency (EPA) and published in the Federal Register on February 22, 2019 (84 FR 5816).

Mr. Ball stated that these rule changes are commonly referred to as the “pharmaceutical rule” and have been highly anticipated by the healthcare industry for the past couple of years, as the EPA had begun working on these rules in 2016. Under the current rules for management of hazardous waste, a small portion of pharmaceuticals are regulated as hazardous wastes when disposed. Hospitals, clinics, nursing homes, and other facilities that generate hazardous waste pharmaceuticals have experienced difficulty complying with the framework of the hazardous waste rules. To respond to these concerns and facilitate compliance among healthcare facilities, the EPA has finalized a tailored, sector-specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and reverse distributors (facilities that receive and accumulate prescription pharmaceuticals for the purpose of facilitating manufacturer credit).

The rule finalized by the EPA in February of 2019 is entitled Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, commonly called the Pharmaceutical Rule and applies to healthcare facilities that generate, accumulate, or otherwise handle hazardous waste pharmaceuticals and reverse distributors engaged in the management of prescription hazardous waste pharmaceuticals. The rule provides a new set of sector-specific standards for healthcare facilities (for both humans and animals) and reverse distributors for management of their hazardous waste pharmaceuticals in lieu of the existing hazardous waste generator regulations. The final rule amends various parts of R315 of the Utah Administrative Code and creates R315-266-500 through R315-266-510 (also referred to as federal rules, Subpart B). Healthcare facilities and reverse distributors must manage their hazardous waste pharmaceuticals under this new set of rules in lieu of operating under R315-262 as they have been. These operating standards include a prohibition on disposing of hazardous waste pharmaceuticals in the sewer, called sewerage. The new rules also include a conditional exemption for hazardous waste pharmaceuticals that are also identified as controlled substances by the Drug Enforcement Administration (DEA) and are managed in accordance with DEA regulations. The new rules redefine when containers that held hazardous waste pharmaceuticals are considered empty. The new rules require healthcare facilities that are very small quantity generators (VSQGs) to comply with the sewer prohibition for their hazardous waste pharmaceuticals and allows them the option of complying with R315-266-500 through R315-266-510 in lieu of operating under the conditional exemption found in R315-262-14. Additionally, the final rule amends the P075 acute hazardous waste listing for nicotine and salts to indicate that U.S. Food and Drug Administration (FDA)-approved over-the counter (OTC) nicotine replacement therapies (NRTs) (such as patches, lozenges and gum) are not included in the listing. These rule changes became effective at the Federal level on August 21, 2019.

In addition to the proposed changes detailed above, the Division, at the request of the Governor's Office, is correcting typographical and formatting errors found in the rules. The Executive Summary, a copy of the Federal Register, and the proposed changes to UAC R315-261, 262, 264, 265, 266, 268, 270, and 273 (major changes associated with the Pharmaceutical Rule highlighted in yellow) were included in the July 9, 2020 Board packet.

The Board is authorized under Subsection 19-6-105(1)(c) to make rules governing generators and transporters of hazardous waste and owners and operators of hazardous waste treatment, storage and disposal facilities. The rule changes also meet existing DEQ and state rulemaking procedures. The Board approval is necessary to begin the formal rulemaking process by filing the appropriate documents with the Office of Administrative Rules for publishing the proposed rule changes in the *Utah State Bulletin* and conducting a 30-day public comment period.

The Director recommended the Board approve proceeding with formal rulemaking and 30-day public comment period by publishing in the August 1, 2020, *Utah State Bulletin* the proposed changes to UAC R315-261, 262, 264, 265, 266, 268, 270, and 273 and conducting a 30-day public comment period from August 1, 2020 to August 31, 2020.

It was motioned by Nathan Rich and seconded by Danielle Endres and UNANIMOUSLY CARRIED to approve to proceed with formal rulemaking and 30-day public comment period on proposed rule changes to UAC R315-261, 262, 264, 265, 266, 268, 270, and 273 of the hazardous waste rules to incorporate federal regulatory changes promulgated by the EPA and published in the Federal Register on February 22, 2019 (84 FR 5816).

VII. Low-Level Radioactive Waste.

- A. EnergySolutions request for a site-specific treatment variance from the Hazardous Waste Management Rules. EnergySolutions seeks authorization to receive and dispose of waste containing hazardous constituents and PCBs as Underlying Hazardous Constituents (Board Action Item).

Otis Willoughby, Low Level Radioactive Waste Section Manager, reviewed EnergySolutions request submitted on April 29, 2020, for a one time site-specific treatment variance from the Utah Hazardous Waste Management Rules to dispose of waste containing hazardous constituents and PCBs as Underlying Hazardous Constituents. This agenda item was presented to the Board as an information item in the May 14, 2020 Board meeting.

EnergySolutions requests approval to dispose of waste that has been chemically treated to meet regulatory treatment standards for all contaminants except PCBs. This request is for approximately 1,000 cubic feet from EnergySolutions generator 9105, waste streams 9105-08 and 9105-09. The waste consists of non-liquid characteristically hazardous soils and sludges that are also contaminated with PCB remediation waste at concentrations exceeding the UTS for PCBs. Treatment standards in R315-268-40 (40 CFR 268.40, 2015 Edition, incorporated by reference) require waste containing characteristic codes be treated to applicable UTS for their specific constituents and for all Underlying Hazardous Constituents (UHCs) listed in R315-268-48. The UTS for the PCBs UHC is 10 mg/kg. Therefore, these regulations require PCBs within waste that is characteristically hazardous be treated to less than 10 mg/kg prior to disposal. Further, the Environmental Protection Agency (EPA) has clarified the disposal of PCB remediation waste in the Toxic Substance Control Act (TSCA) regulations at 40 CFR 761. Disposal criteria for PCB remediation waste is specifically described in 40 CFR 761.61(a)(5)(i)(B)(2)(iii) as follows: "Bulk PCB remediation wastes with a PCB concentration ≥ 50 ppm shall be disposed of in a hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA, or a PCB disposal facility approved under this part."

The MWLC is a permitted hazardous waste landfill permitted by the State of Utah. Consequently, if the PCB waste did not contain RCRA hazardous waste codes, but contained the same PCB concentrations, it could be disposed in the MWLC without additional treatment. Therefore, treatment of the PCBs within this waste stream is technically inappropriate and not required for final disposal of the waste form.

A notice for public comment was published in the *Salt Lake Tribune*, the *Deseret Morning News* and the *Tooele County Transcript Bulletin* on May 12, 2020. The 30-day public comment period began May 13, 2020 and ended June 12, 2020. No comments were received.

The Director recommended approval of this variance request. The Director's recommendation is based on the following findings: the proposed alternative treatment method meets the regulatory basis for a variance and will be as safe to human health and the environment as the required method.

It was motioned by Mark Franc and a seconded by Dennis Riding and UNANIMOUSLY CARRIED to approve EnergySolutions' request for a one-time site-specific treatment variance from the Hazardous Waste Management Rules to receive and dispose of waste containing hazardous constituents and PCBs as Underlying Hazardous Constituents. Vern Rogers abstained from voting.

VIII. Hazardous Waste Section.

- A. Revised proposed Stipulation and Consent Order between the Director and Tooele Army Depot South Area (Information Item Only).

Deborah Ng, Hazardous Waste Section Manager of the Division of Waste Management and Radiation Control, reviewed the proposed Stipulation and Consent Order (SCO), No. 2001003, to resolve Notice of Violation (NOV) No. 1911117, issued to the Tooele Army Depot South Area on November 26, 2019. This facility was previously was known as the Deseret Chemical Depot. This item was presented to the Board as an information item in the March 12, 2020 Board meeting.

Ms. Ng informed the Board that the SCO presented during the March 12, 2020 Board meeting included a penalty of \$25,662. During the public comment period, TEAD-S submitted a comment indicating that they had used the wrong munition in calculating the emission limits. Therefore, although they had violated the permit by not calculating the emissions prior to the detonations, they did not exceed the nickel emission limits as previously identified. As a result, TEAD-S requested a reduction in the penalty amount. Based on the new information, a revised penalty of \$7,753 has been calculated and agreed upon by all parties. A new 30-day public comment period began on June 12, 2020 and ends on July 13, 2020.

§ 19-6-107(3)(a) of the Utah Solid and Hazardous Waste Act authorizes the Director to issue orders and approve or disapprove settlements with a civil penalty under \$25,000; this SCO no longer requires approval by the Board.

Danielle Endres requesting clarification on how the determination made to decrease the penalty amount from \$25K to \$7,753. Ms. Ng stated that a review of the Division's Penalty Policy calculation was reexamined to determine the reduced calculated penalty of \$7,753. Mark Franc asked if the penalty amount was based on the volume of emissions or the amount of time that TEAD-S created the emissions, etc. Ms. Ng stated it was based on the number of times TEAD-S did not calculate the emission. (TEAD-S violations included failing to calculate potential emission levels for detonations on several days. When the calculations were done, it showed that they had exceeded the emission limit for nickel on seventeen days. The violations have been resolved.)

B. Proposed Stipulation and Consent Order between the Director and Thermo Fluids Inc. (Information Item Only).

Deborah Ng, Hazardous Waste Section Manager of the Division of Waste Management and Radiation Control, reviewed the Stipulation and Consent Order No. 1909097, issued to Thermo Fluids Inc. (TFI), a used oil processor and used oil marketer located at 3545 West 500 South in Salt Lake City, Utah. This SCO was issued to resolve the TFI's Notice of Violation and Compliance Order (NOV/CO) No. 1909088.

The Division documented compliance issues during inspections conducted at TFI on May 1, 2, and May 9 of 2019. The Division issued TFI a NOV/CO No. 1909088 on November 19, 2019, based on these compliance issues. TFI failed to comply with regulatory requirements of TFI's Used Oil Processor Permit, Used Oil Marketer Registration, the Utah Used Oil Management Act, and the Utah Solid and Hazardous Waste Act when conducting used oil operations.

TFI has since resolved these specific violations and returned to compliance. The SCO includes a monetary penalty of \$42,906.00. (It was noted that a typographical error of \$43,906 was made on the Executive Summary provided in the Board's July 9, 2020 packet).

This is an informational item before the Board. The 30-day public comment period for this SCO began on May 27, 2020 and ended on June 25, 2020. No public comments were received. The Director will provide a recommendation at the next Board meeting.

IX. Other Business.

A. Miscellaneous Information Items.

Ty Howard provided updates and changes regarding Division personnel, as many employees within the Division are retiring or are getting close to retiring. Mr. Howard reported that Don Verbica recently retired and his position as the Low Level Radioactive Waste Manager has been filled by Otis Willoughby. Allan Moore also recently retired and his position as the Solid Waste Section Manger has been filled by Brian Speer. Also, Helge Gabert, the Division's Groundwater Hydrologist Expert, recently retired and the Division is currently recruiting to fill his position. Mr. Howard stated that he anticipates that at turn-over phase will continue in the Division over the next couple of years as senior staff members continue to retire. Mr. Howard further stated that recruiting, replacing, training of new staff during the pandemic has been a challenge, as most of the Department/Division staff are still working from home.

Ty Howard provided a briefing on the Division's activities that continue to occur during the pandemic. Division staff continue to telework form home and the UDEQ Offices remain closed to the general public. The Division is continuing in maintaining a skeleton crew in the office to manage mail/correspondence, etc. The Division continues to handle its commitments in issuing permits, licenses, registrations, and for the most part has maintained the same level of work output as prior to teleworking. Division staff continue to conduct inspections, and the Division's continues to maintain all of its commitments to the EPA. When inspecting staff members go out for inspections they adhere to the CDC and Department procedures in place to ensure the health, safety and well-being of the employee and the regulated community are maintained.

Mr. Howard commented that he is very pleased on how the Division has responded to the pandemic and hopeful that eventually normal business/work practices can be implemented again.

Mr. Howard informed the Board that he recently received the resignation of Jeremy Hawk, as Jeremy will be deployed with the Army Reserves in the near future. Chairman Mickelson and Mr. Howard expressed their appreciation to Jeremy as a committed member of the Board and wished

Jeremy and his family the best. All will be sad to see him leave as he takes on this assignment to serve our country.

B. Scheduling on next Board meeting.

The next Board meeting is scheduled for August 13, 2020; anticipate an electronic/telephonic meeting.

C. Richard Codell asked if the White Mesa Mill Facility accepting material from Estonia is a matter the Board will be involved with? If so, can an update be provided?

Ty Howard stated the White Mesa Mill Facility has a permit modification currently out for public comment, as they have applied for a permit modification to receive some alternate feed material from Estonia.

Mr. Howard informed the Board that this matter is not conducted before the Board, as this is an administrative action taken by the Agency/DEQ, as it relates to the White Mesa Mill's licenses.

Mr. Howard further stated that the material is in Estonia and has been processed at the Silmet plant for niobium and tantalum. The material does have uranium in it that can be recycled, and the White Mesa Mill facility has now submitted an application to take that material and reprocess it for its uranium content. This material is very similar in percent uranium to the Colorado Plateau ore that is mined in the Colorado Plateau that the White Mesa Mill currently takes and processes.

The Division is currently taking public comments on this matter. The public comment period ends on July 10, 2020. The Division began with a public comment period for 45-days (the rules require at least 30 days), however due to the public interest this matter has received, the public comment period has been extended an additional 30 days. Division staff are in the process of collecting all the comments, once all the comments are received by the Division they will be evaluated before moving forward on the permit modification request.

X. Adjourn.

The meeting adjourned at 2:02 p.m.

UST STATISTICAL SUMMARY

July 1, 2019 -- June 30, 2020

PROGRAM

	July	August	September	October	November	December	January	February	March	April	May	June	(+/-) OR Total
Regulated Tanks	4,083	4,098	4,093	4,092	4,089	4,081	4,090	4,108	4,113	4,116	4,130	4,123	40
Tanks with Certificate of Compliance	4,006	4,022	3,994	3,996	3,997	3,986	3,982	3,992	3,988	4,000	4,006	4,009	3
Tanks without COC	77	76	99	96	92	95	108	116	125	116	124	114	37
Cumulative Facilities with Registered A Operators	1,297	1,296	1,293	1,291	1,292	1,292	1,290	1,291	1,291	1,290	1,289	1,289	96.70%
Cumulative Facilities with Registered B Operators	1,297	1,296	1,293	1,291	1,292	1,292	1,290	1,290	1,291	1,290	1,290	1,291	96.85%
New LUST Sites	1	5	6	14	9	6	6	8	5	2	6	4	72
Closed LUST Sites	10	3	2	5	5	3	5	6	7	5	3	4	58
Cumulative Closed LUST Sites	5240	5243	5245	5255	5261	5264	5270	5276	5281	5285	5291	5292	52
FINANCIAL													
	July	August	September	October	November	December	January	February	March	April	May	June	(+/-)
Tanks on PST Fund	2,689	2,696	2,675	2,663	2,661	2,647	2,636	2,641	2,637	2,637	2,637	2,642	(47)
PST Claims (Cumulative)	672	673	673	672	672	673	673	674	675	675	681	684	12
Equity Balance	-\$11,102,850	-\$10,785,760	-\$10,680,862	-\$10,323,368	-\$10,502,116	-\$10,575,676	-\$10,309,455	-\$9,997,725	-\$9,765,034	-\$9,475,125	-\$9,022,705	-\$8,712,595	\$2,390,255
Cash Balance	\$15,035,161	\$15,352,251	\$15,457,149	\$15,794,912	\$15,616,114	\$15,542,604	\$15,808,825	\$16,120,555	\$16,353,246	\$16,643,155	\$17,095,575	\$17,405,685	\$2,370,524
Loans	0	1	0	0	0	0	0	0	0	0	0	0	0
Cumulative Loans	120	121	121	121	121	121	121	121	121	121	121	121	1
Cumulative Amount	\$4,732,507	\$4,738,367	\$4,738,367	\$4,738,367	\$4,738,367	\$4,738,367	\$4,738,367	\$4,738,367	\$4,738,367	\$4,738,367	\$4,738,367	\$4,738,367	\$5,860
Defaults/Amount	1	1	1	1	1	1	1	1	1	1	1	2	1
FINANCIAL													
	July	August	September	October	November	December	January	February	March	April	May	June	TOTAL
Speed Memos	22	18	28	40	40	25	136	53	27	54	32	50	525
Compliance Letters	12	3	0	17	19	2	22	30	8	8	7	5	133
Notice of Intent to Revoke	0	0	0	0	0	0	1	2	0	0	0	0	3
Orders	1	0	0	0	4	3	0	0	0	0	0	2	10

WASTE MANAGEMENT AND RADIATION CONTROL BOARD

Executive Summary

Final Adoption

UAC R315-270-42

August 13, 2020

What is the issue before the Board?	Final approval from the Board is needed to adopt changes to R315-270-42 of the hazardous waste rules to standardize language in Subsections R315-270-42(a)(1)(ii), R315-270-42(b)(2), R315-270-42(c)(2) and R315-270-42(e)(2)(iii) requiring a permittee to send notices to the facility mailing list and to appropriate units of State and local governments.
What is the historical background or context for this issue?	<p>At the Board meeting on May 14, 2020, the Board approved the proposed changes to R315-270-42 to be filed with the Office of Administrative Rules for publication in the Utah State Bulletin. The proposed rule changes were published in the June 15, 2020 issue of the Utah State Bulletin (Vol. 2020, No. 12).</p> <p>Selected pages from the Utah State Bulletin showing the publication of the proposed changes follow this Executive Summary.</p> <p>The public comment period for this rulemaking ended on July 15, 2020. No comments were received.</p>
What is the governing statutory or regulatory citation?	<p>The Board is authorized under Subsection 19-6-105(1)(c) to make rules governing generators and transporters of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities.</p> <p>The rule changes also meet existing DEQ and state rulemaking procedures.</p>
Is Board action required?	Yes. Board approval for final adoption of the rule changes is necessary.
What is the Division Director's recommendation?	The Director recommends the Board approve final adoption of the changes to UAC R315-270-42 as published in the June 15, 2020 issue of the Utah State Bulletin and set an effective date of August 17, 2020.
Where can more information be obtained?	Please contact Tom Ball (801) 536-0251, tball@utah.gov or Rusty Lundberg (801) 536-4257, rlundberg@utah.gov .

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed May 16, 2020, 12:00 a.m. through June 01, 2020, 11:59 p.m.

Number 2020-12
June 15, 2020

Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Administrative Services, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
- I. Utah. Office of Administrative Rules.

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NOTICES OF PROPOSED RULES

(12) An educator assigned to provide student support services as defined in Rule R277-306 shall hold a current educator license with the appropriate support service license area of concentration.

(13) An educator assigned as a school-based or LEA-based specialist shall hold a current educator license with the appropriate license area of concentration and endorsement as defined by the LEA.

(14) An educator assigned as a principal or vice principal in a school district shall hold a current educator license and a school leadership license area of concentration.

(15) An educator assigned in any other position that requires an educator license, as defined by the district, shall hold a current educator license with the appropriate license area of concentration and endorsement as defined by the district.

(16) An educator assigned in an administrative position in a charter school is exempt from Subsections (14) and (15) consistent with Section 53G-5-405.

(17) Notwithstanding Subsection R277-309-3(1), an individual may hold a school social work assignment in an LEA without a school social worker license area of concentration.

~~R277-309-5. Eminence.~~

~~(1) The purpose of an eminence designation is to allow an individual with exceptional training or expertise, consistent with Subsection R277-309-2(5), to teach or work in the public schools on a limited basis.~~

~~(2) An LEA may request an eminence designation for an LEA specific license, license area, or endorsement for a teacher whose employment with the LEA is no more than 37% of the regular instructional load.~~

~~(3)(a) The Superintendent may approve or deny a request under Subsection (2).~~

~~(b) The Superintendent may require documentation of the exceptional training, skills, or expertise of a candidate for an eminence designation.~~

~~(4)(a) The Superintendent may approve or deny the renewal of an LEA specific license, license area, or endorsement with an eminence designation at the request of the LEA that requested the designation.~~

~~(b) Subsection (4)(a) supersedes Section R277-301-7(5) for a licensee with an eminence designation.~~

~~(5) If a request for an eminence designation or renewal of an eminence designation is denied by the Superintendent, the LEA may appeal the denial to the Board.~~

~~R277-309-6. Routes to Appropriate Endorsements for Teachers.~~

~~(1) An educator may add an endorsement to an existing license area of concentration by meeting the requirements for an associate, professional, or LEA specific endorsement as established in Rule R277-301.~~

~~(2) An educator that holds a professional license area of concentration may meet the content knowledge requirements for an associate endorsement by meeting the competency criteria established by the Superintendent.~~

~~(3) An educator shall meet all content knowledge requirements for an associate endorsement to receive a professional endorsement in the area.]~~

KEY: educator, license, assignment

Date of Enactment or Last Substantive Amendment: ~~March 12,~~ 2020

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201(2)(a)

NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R315-270-42	Filing No. 52765	

Agency Information

1. Department:	Environmental Quality		
Agency:	Waste Management and Radiation Control, Waste Management		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state:	Salt Lake City, UT		
Mailing address:	PO Box 144880		
City, state, zip:	Salt Lake City, UT 84114-4880		
Contact person(s):			
Name:	Phone:	Email:	
Thomas Ball	801-536-0251	tball@utah.gov	
Rusty Lundberg	801-536-4257	rlundberg@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R315-270-42. Hazardous Waste Permit Program -- Permit Modification at the Request of the Permittee
3. Purpose of the new rule or reason for the change:
Subsections R315-270-42(a)(1)(ii), R315-270-42(b)(2), R315-270-42(c)(2), and R315-270-42(e)(2)(iii) all require a permittee to send notices to the facility mailing list and to appropriate units of state and local governments. These subsections should make reference to Subsections R315-124-10(c)(1)(ix) and (x). However, Subsections R315-270-42(c)(2) and (e)(2)(iii) only contain the reference to R315-124-10(c)(1)(ix).
Additionally, minor formatting corrections have been made throughout Section R315-270-42 to conform with current standards for rulewriting.
4. Summary of the new rule or change:
"R315-124-10(c)(1)(ix)" is being added to Subsections R315-270-42(c)(2) and (e)(2)(iii). This will standardize the language in all four subsections, R315-270-42(a)(1)(ii), (b)(2), (c)(2), and (e)(2)(iii).

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There is no cost or savings to the state budget based on this rule amendment because the amendment does not add or remove any requirements from the rules.

B) Local governments:

There is no cost or savings to local governments based on this rule amendment because the amendment does not add or remove any requirements from the rules.

C) Small businesses ("small business" means a business employing 1-49 persons):

There is no cost or savings to small businesses based on this rule amendment because the amendment does not add or remove any requirements from the rules.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There is no cost or savings to non-small businesses based on this rule amendment because the amendment does not add or remove any requirements from the rules.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no cost or savings to persons other than small businesses, non-small businesses, state, or local government entities based on this rule amendment because the amendment does not add or remove any requirements from the rules.

F) Compliance costs for affected persons:

There will be no compliance costs for persons affected by this amendment because the amendment does not add or remove any requirements from the rules. This amendment simply standardizes rule language for better clarity in the rules.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The changes being made by this amendment to the rules do not add any new requirements or remove any existing requirements and therefore, will not have any fiscal impact, cost or benefit, on businesses. The changes simply standardize language in four subsections of the rules to make the requirements of the rules clear to all readers.

B) Name and title of department head commenting on the fiscal impacts:

L. Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 19-6-104	Section 19-6-105	Section 19-6-106
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	07/15/2020
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10. This rule change MAY become effective on:	07/22/2020
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Ty L. Howard, Director	Date:	05/14/2020
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R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-270. Hazardous Waste Permit Program.

R315-270-42. Hazardous Waste Permit Program – Permit Modification at the Request of the Permittee.

(a) Class 1 modifications.

(1) Except as provided in Subsection R315-270-42(a)(2), the permittee may put into effect Class 1 modifications listed in [a]Appendix I of Section R315-270-42 under the following conditions:

(i) The permittee shall notify the Director concerning the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the change is put into effect. This notice shall specify the changes being made to permit conditions or supporting documents referenced by the permit and shall explain why they are necessary. Along with the notice, the permittee shall provide the applicable information required by Sections R315-270-13 through R315-270-21, R315-270-62, and R315-270-63.

(ii) The permittee shall send a notice of the modification to [a]each person[s] on the facility mailing list, maintained by the Director in accordance with Subsection R315-124-10(c)(1)(ix), and the appropriate units of State and local government, as specified in Subsection R315-124-10(c)(1)(x). This notification shall be made within 90 calendar days after the change is put into effect. For the Class I modifications that require prior Director approval, the notification shall be made within 90 calendar days after the Director approves the request.

(iii) Any person may request the Director to review, and the Director may for cause reject, any Class 1 modification. The Director shall inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1

modification has been rejected, the permittee shall comply with the original permit conditions.

(2) Class 1 permit modifications identified in [a]Appendix I by an asterisk may be made only with the prior written approval of the Director.

(3) For a Class 1 permit modification, the permittee may elect to follow the procedures in Subsection R315-270-42(b) for Class 2 modifications instead of the Class 1 procedures. The permittee shall inform the Director of this decision in the notice required in Subsection R315-270-42(b)(1).

(b) Class 2 modifications.

(1) For Class 2 modifications, listed in [a]Appendix I of Section R315-270-42, the permittee shall submit a modification request to the Director that:

(i) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(ii) Identifies that the modification is a Class 2 modification;

(iii) Explains why the modification is needed; and

(iv) Provides the applicable information required by Sections R315-270-13 through R315-270-21, R315-270-62, and R315-270-63.

(2) The permittee shall send a notice of the modification request to [a]each person[s] on the facility mailing list maintained by the Director and to the appropriate units of State and local government as specified in Subsections R315-124-10(c)(1)(ix) and R315-124-10(c)(1)(x) and shall publish this notice in a major local newspaper of general circulation. This notice shall be mailed and published within 7 days before or after the date of submission of the modification request, and the permittee shall provide to the Director evidence of the mailing and publication. The notice shall include:

(i) Announcement of a 60-day comment period, in accordance with Subsection R315-270-42(b)(5), and the name and address of an Agency contact to whom comments shall be sent;

(ii) Announcement of the date, time, and place for a public meeting held in accordance with Subsection R315-270-42(b)(4);

(iii) Name and telephone number of the permittee's contact person;

(iv) Name and telephone number of an Agency contact person;

(v) Location where copies of the modification request and any supporting documents can be viewed and copied; and

(vi) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person."

(3) The permittee shall place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(4) The permittee shall hold a public meeting no earlier than 15 days after the publication of the notice required in Subsection R315-270-42(b)(2) and no later than 15 days before the close of the 60-day comment period. The meeting shall be held to the extent practicable in the vicinity of the permitted facility.

(5) The public shall be provided 60 days to comment on the modification request. The comment period shall begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the Division contact identified in the public notice.

(6)(i) No later than 90 days after receipt of the notification request, the Director shall:

(A) Approve the modification request, with or without changes, and modify the permit accordingly;

(B) Deny the request;

(C) Determine that the modification request shall follow the procedures in Subsection R315-270-42(c) for Class 3 modifications for the following reasons:

(1) There is significant public concern about the proposed modification; or

(2) The complex nature of the change requires the more extensive procedures of Class 3.

(D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days~~[-];~~ or

(E) Notify the permittee that the Director will decide on the request within the next 30 days.

(ii) If the Director notifies the permittee of a 30-day extension for a decision, the Director shall, no later than 120 days after receipt of the modification request:

(A) Approve the modification request, with or without changes, and modify the permit accordingly;

(B) Deny the request;~~[-or]~~

(C) Determine that the modification request shall follow the procedures in Subsection R315-270-42(c) for Class 3 modifications for the following reasons:

(1) There is significant public concern about the proposed modification; or

(2) The complex nature of the change requires the more extensive procedures of Class 3~~[-];~~ or

(D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days.

(iii) If the Director fails to make one of the decisions specified in Subsection R315-270-42(b)(6)(ii) by the 120th day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal action by the Director. The authorized activities shall be conducted as described in the permit modification request and shall be in compliance with ~~[aH]-~~appropriate standards of Rule R315-265. If the Director approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in ~~[Section]~~Subsection R315-270-42(b)(6)(i), R315-270-42(b)(6)(ii), or R315-270-42(b)(6)(iii), ~~[such]~~this action cancels the temporary or automatic authorization.

(iv)(A) In the case of an automatic authorization under Subsection R315-270-42(b)(6)(iii), or a temporary authorization under Subsections R315-270-42(b)(6)(i)(D) or R315-270-42(b)(6)(ii)(D), if the Director has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, the permittee shall within seven days of that time send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that:

(1) The permittee has been authorized temporarily to conduct the activities described in the permit modification request~~[-];~~ and

(2) Unless the Director acts to give final approval or denial of the request by the end of the authorization period, the permittee shall receive authorization to conduct ~~[such]~~the activities for the life of the permit.

(B) If the owner/operator fails to notify the public by the date specified in Subsection R315-270-42(b)(6)(iv)(A), the effective date of the permanent authorization shall be deferred until 50 days after the owner/operator notifies the public.

(v) Except as provided in Subsection R315-270-42(b)(6)(vii), if the Director does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3, the permittee is authorized to conduct the activities described in the permit modification request for

the life of the permit unless modified later under Section R315-270-41 or R315-270-42. The activities authorized under Subsection R315-270-42(b) shall be conducted as described in the permit modification request and shall be in compliance with ~~[aH]-~~appropriate standards of Rule R315-265.

(vi) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Director shall consider ~~[aH]~~each written comment~~[s]~~ submitted during the public comment period and shall respond in writing to ~~[aH]~~each significant comment~~[s]~~ in the Director's decision.

(vii) With the written consent of the permittee, the Director may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.

(7) The Director may deny or change the terms of a Class 2 permit modification request under Subsections R315-270-42(b)(6)(i) through R315-270-42(b)(6)(iii) for the following reasons:

(i) The modification request is incomplete;

(ii) The requested modification does not comply with the appropriate requirements of Rule R315-264 or other applicable requirements; or

(iii) The conditions of the modification fail to protect human health and the environment.

(8) The permittee may perform any construction associated with a Class 2 permit modification request beginning 60 days after the submission of the request unless the Director establishes a later date for commencing construction and informs the permittee in writing before day 60.

(c) Class 3 modifications.

(1) For Class 3 modifications listed in ~~[a]~~Appendix I of Section R315-270-42, the permittee shall submit a modification request to the Director that:

(i) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(ii) Identifies that the modification is a Class 3 modification;

(iii) Explains why the modification is needed; and

(iv) Provides the applicable information required by Sections R315-270-13 through R315-270-22, R315-270-62, R315-270-63, and R315-270-66.

(2) The permittee shall send a notice of the modification request to ~~[aH]~~each person~~[s]~~ on the facility mailing list maintained by the Director and to the appropriate units of State and local government as specified in Subsections R315-124-10(c)(1)(ix) and R315-124-10(c)(1)(x) and shall publish this notice in a major local newspaper of general circulation. This notice shall be mailed and published within seven days before or after the date of submission of the modification request, and the permittee shall provide to the Director evidence of the mailing and publication. The notice shall include:

(i) Announcement of a 60-day comment period, and a name and address of the Director to whom comments shall be sent;

(ii) Announcement of the date, time, and place for a public meeting on the modification request, in accordance with Subsection R315-270-42(c)(4);

(iii) Name and telephone number of the permittee's contact person;

(iv) Name and telephone number of a Division contact person;

(v) Location where copies of the modification request and any supporting documents can be viewed and copied; and

NOTICES OF PROPOSED RULES

(vi) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Division's contact person."

(3) The permittee shall place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(4) The permittee shall hold a public meeting no earlier than 15 days after the publication of the notice required in Subsection R315-270-42(c)(2) and no later than 15 days before the close of the 60-day comment period. The meeting shall be held to the extent practicable in the vicinity of the permitted facility.

(5) The public shall be provided at least 60 days to comment on the modification request. The comment period shall begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the Director.

(6) After the conclusion of the 60-day comment period, the Director shall grant or deny the permit modification request according to the permit modification procedures of Rule R315-124. In addition, the Director shall consider and respond to ~~at least~~ each significant written comment[s] received during the 60-day comment period.

(d) Other modifications.

(1) In the case of modifications not explicitly listed in ~~an~~ Appendix I of Section R315-270-42, the permittee may submit a Class 3 modification request to the Director, or the permittee may request a determination by the Director that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee shall provide the Director with the necessary information to support the requested classification.

(2) The Director shall make the determination described in Subsection R315-270-42(d)(1) as promptly as practicable. In determining the appropriate class for a specific modification, the Director shall consider the similarity of the modification to other modifications codified in ~~an~~ Appendix I and the following criteria:

(i) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the Director may require prior approval.

(ii) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to ~~the~~ ~~changes~~ ~~in~~ ~~the~~ ~~types~~ ~~and~~ ~~quantities~~ ~~of~~ ~~the~~ ~~wastes~~ ~~managed~~ ~~under~~ ~~the~~ ~~facility~~ ~~permit~~ ~~;~~

(A) Common variations in the types and quantities of the wastes managed under the facility permit ~~;~~

(B) Technological advancements ~~;~~ and

(C) Changes necessary to comply with new ~~regulations~~ ~~rules~~, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

(iii) Class 3 modifications substantially alter the facility or its operation.

(e) Temporary authorizations.

(1) Upon request of the permittee, the Director may, without prior public notice and comment, grant the permittee a temporary authorization in accordance with Subsection R315-270-42(e). Temporary authorizations shall have a term of not more than 180 days.

(2)(i) The permittee may request a temporary authorization for:

(A) Any Class 2 modification meeting the criteria in Subsection R315-270-42(e)(3)(ii) ~~;~~ and

(B) Any Class 3 modification that meets the criteria in Subsection R315-270-42(e)(3)(ii)(A) or R315-270-42(e)(3)(ii)(B); or

that meets the criteria in Subsections R315-270-42(e)(3)(ii)(C) through R315-270-42(e)(3)(ii)(E) and provides improved management or treatment of a hazardous waste already listed in the facility permit.

(ii) The temporary authorization request shall include:

(A) A description of the activities to be conducted under the temporary authorization;

(B) An explanation of why the temporary authorization is necessary; and

(C) Sufficient information to ensure compliance with Rule R315-264 standards.

(iii) The permittee shall send a notice about the temporary authorization request to ~~at least~~ each person[s] on the facility mailing list maintained by the Director and to appropriate units of State and local governments as specified in Subsections R315-124-10(c)(1)(ix) and R315-124-10(c)(1)(x). This notification shall be made within seven days of submission of the authorization request.

(3) The Director shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Director shall find:

(i) The authorized activities are in compliance with the standards of Rule R315-264 ~~;~~ and

(ii) The temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

(A) To facilitate timely implementation of closure or corrective action activities;

(B) To allow treatment or storage in tanks or containers, or in containment buildings in accordance with Rule R315-268;

(C) To prevent disruption of ongoing waste management activities;

(D) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

(E) To facilitate other changes to protect human health and the environment.

(4) A temporary authorization may be reissued for one additional term of up to 180 days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:

(i) The reissued temporary authorization constitutes the Director's decision on a Class 2 permit modification in accordance with Subsection R315-270-42(b)(6)(i)(D) or R315-270-42(b)(6)(ii)(D) ~~;~~ or

(ii) The Director determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of Subsection R315-270-42(c) are conducted.

(f) Public notice and appeals of permit modification decisions.

(1) The Director shall notify persons on the facility mailing list and appropriate units of State and local government within 10 days of any decision under Section R315-270-42 to grant or deny a Class 2 or 3 permit modification request. The Director shall also notify ~~such~~ those persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under Subsection R315-270-42(b)(6)(iii) or R315-270-42(b)(6)(v).

(2) The Director's decision to grant or deny a Class 2 or 3 permit modification request under Section R315-270-42 may be appealed under the permit appeal procedures of Section R315-124-19.

(3) An automatic authorization that goes into effect under Subsection R315-270-42(b)(6)(iii) or R315-270-42(b)(6)(v) may be appealed under the permit appeal procedures of Section R315-124-19; however, the permittee may continue to conduct the activities pursuant

to the automatic authorization unless and until a final determination is made.

(g) Newly regulated wastes and units.

(1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under Rule R315-261, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if:

(i) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;

(ii) The permittee submits a Class 1 modification request on or before the date on which the waste or unit becomes subject to the new requirements;

(iii) The permittee is in compliance with the applicable standards of Rules R315-265 and R315-266;

(iv) The permittee also submits a complete Class 2 or 3 modification request within 180 days of the effective date of the rule listing or identifying the waste, or subjecting the unit to hazardous waste management standards; and

(v) In the case of land disposal units, the permittee certifies that each ~~such~~ unit is in compliance with ~~all~~ applicable requirements of Rule R315-265 for groundwater monitoring and financial responsibility on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with ~~all~~ each of these requirements, the permittee shall lose authority to operate under Section R315-270-42.

(2) New wastes or units added to a facility's permit under Subsection R315-270-42(g) do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

(h) Reserved.

(i) Permit modification list. The Director shall maintain a list of ~~all~~ each approved permit modification[s] and shall publish a notice once a year in a State-wide newspaper that an updated list is available for review.

(j) Combustion facility changes to meet 40 CFR 63 MACT standards. The following procedures apply to hazardous waste combustion facility permit modifications requested under ~~a~~ Appendix I of Section R315-270-42, section L(9).

(1) Facility owners or operators shall have complied with the Notification of Intent to Comply (NIC) requirements of 40 CFR 63.1210 that were in effect prior to October 11, 2000, ~~to~~ see 40 CFR part 63 Section 63.1200-63.1499 revised as of July 1, 2000, in order to request a permit modification under Section R315-270-42 for the purpose of technology changes needed to meet the standards under 40 CFR 63.1203, 63.1204, and 63.1205.

(2) Facility owners or operators shall comply with the Notification of Intent to Comply (NIC) requirements of 40 CFR 63.1210(b) and 63.1212(a) before a permit modification can be requested under Section R315-270-42 for the purpose of technology changes needed to meet the 40 CFR 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221 standards promulgated on October 12, 2005.

(3) If the Director does not approve or deny the request within 90 days of receiving it, the request shall be deemed approved. The Director may, at the Director's discretion, extend this 90 day deadline one time for up to 30 days by notifying the facility owner or operator.

(k) Waiver of permit conditions in support of transition to the 40 CFR 63 MACT standards.

(1) the permittee may request to have specific operating and emissions limits waived by submitting a Class 1 permit modification request under ~~a~~ Appendix I of Section R315-270-42, section L(10). The permittee shall:

(i) Identify the specific RCRA permit operating and emissions limits ~~which~~ that the permittee is requesting to waive;

(ii) Provide an explanation of why the changes are necessary in order to minimize or eliminate conflicts between the hazardous waste permit and MACT compliance; and

(iii) Discuss how the revised provisions will be sufficiently protective.

(iv) The Director shall approve or deny the request within 30 days of receipt of the request. The Director may, at the Director's discretion, extend this 30 day deadline one time for up to 30 days by notifying the facility owner or operator.

(2) To request this modification in conjunction with MACT performance testing where permit limits may only be waived during actual test events and pretesting, as defined under 40 CFR 63.1207(h)(2)(i) and (ii), for an aggregate time not to exceed 720 hours of operation, renewable at the discretion of the Director, the permittee shall:

(i) Submit a modification request to the Director at the ~~same~~ time test plans are submitted to the Director; and

(ii) The Director may elect to approve or deny the request contingent upon approval of the test plans.

Table

Appendix I to Section R315-270-42 -- Classification of Permit Modification

Modifications	Class
A. General Permit Provisions	
1. Administrative and informational changes	1
2. Correction of typographical errors	1
3. Equipment replacement or upgrading with functionally equivalent components, except such as pipes, valves, pumps, conveyors, controls	1
4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:	
a. To provide for more frequent monitoring, reporting, sampling, or maintenance	1
b. Other changes,	2
5. Schedule of compliance:	
a. Changes in interim compliance dates, with prior to approval of the Director _____ ¹	1
b. Extension of final compliance date	3
6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Director	¹
7. Changes in ownership or operational control of a facility, provided the procedures of Subsection R315-270-40(b) are followed	¹
8. Changes to remove permit conditions that are no longer applicable, i.e., because the standards upon which they are based are no longer applicable to the facility.	¹
9. Changes to remove permit conditions applicable to a unit excluded under the provisions of Section R315-261-4.	¹
10. Changes in the expiration date of a permit issued to a facility at which all each unit[s] are is excluded under the provisions of Section [] R315-261-4.	¹
B. General Facility Standards	
1. Changes to waste sampling or analysis methods	
a. To conform with agency guidance or regulations rules _____	1

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- b. To incorporate changes associated with F039, multi-source leachate, sampling or analysis methods 1
- c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes 1
- d. Other changes 2
- 2. Changes to analytical quality assurance/control plan:
 - a. To conform with agency guidance or ~~regulations~~ rules 1
 - b. Other changes 2
- 3. Changes in procedures for maintaining the operating record 1
- 4. Changes in frequency or content of inspection schedules 2
- 5. Changes in the training plan:
 - a. That affect the type or decrease the amount of training given to employees 2
 - b. Other changes 1
- 6. Contingency plan:
 - a. Changes in emergency procedures, i.e., spill or release response procedures 2
 - b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed 1
 - c. Removal of equipment from emergency equipment list 2
 - d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan 1
- 7. Construction quality assurance plan:
 - a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications 1
 - b. Other changes 2

Note: ~~When~~ If a permit modification, such as introduction of a new unit, requires a change in facility plans or other general facility standards, that change shall be reviewed under the ~~same~~ procedures ~~as~~ of the permit modification.

- C. Ground-Water Protection
 - 1. Changes to wells:
 - a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted ground-water monitoring system 2
 - b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well 1
 - 2. Changes in ground-water sampling or analysis procedures or monitoring schedule, with prior approval of the Director 1
 - 3. Changes in statistical procedure for determining whether a statistically significant change in ground-water quality between upgradient and downgradient wells has occurred, with prior approval of the Director 1
 - 4. Changes in point of compliance 2
 - 5. Changes in indicator parameters, hazardous constituents, or concentration limits, including ACLs:
 - a. As specified in the groundwater protection standard 3
 - b. As specified in the detection monitoring program 2
 - 6. Changes to a detection monitoring program as required by Subsection R315-264-98(h), unless otherwise specified in this appendix 2
 - 7. Compliance monitoring program:
 - a. Addition of compliance monitoring program as required by Sections R315-264-98(g)(4) and R315-264-99 3
 - b. Changes to a compliance monitoring program as required by Subsection R315-264-99(j), unless otherwise specified in this appendix 2
 - 8. Corrective action program:

- a. Addition of a corrective action program as required by Subsection R315-264-99(h)(2) and Section R315-264-100 3
- b. Changes to a corrective action program as required by Subsection R315-264-100(h), unless otherwise specified in this appendix 2
- D. Closure
 - 1. Changes to the closure plan:
 - a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Director 1
 - b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of the Director 1
 - c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Director 1
 - d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Director 1
 - e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this appendix 2
 - f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under Subsections R315-264-113(d) and ~~R315-264-113(e)~~ 2
 - 2. Creation of a new landfill unit as part of closure 3
 - 3. Addition of the following new units to be used temporarily for closure activities:
 - a. Surface impoundments 3
 - b. Incinerators 3
 - c. Waste piles that do not comply with Subsection R315-264-250(c) 3
 - d. Waste piles that comply with Subsection R315-264-250(c) 2
 - e. Tanks or containers, other than specified below 2
 - f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Director 1
 - g. Staging piles 2
- E. Post-Closure
 - 1. Changes in name, address, or phone number of contact in post-closure plan 1
 - 2. Extension of post-closure care period 2
 - 3. Reduction in the post-closure care period 3
 - 4. Changes to the expected year of final closure, where other permit conditions are not changed 1
 - 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure 2
- F. Containers
 - 1. Modification or addition of container units:
 - a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a) below 3
 - b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a) below 2
 - c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet ~~some or all~~ any of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest 1

environmental benefit" contained in Subsection R315-268-8(a)(2)(ii), with prior approval of the Director. This modification may also involve addition of new waste codes or narrative descriptions of wastes. It is not applicable to dioxin-containing wastes, F020, 021, 022, 023, 026, 027, and 028

environmental benefit," with prior approval of the Director. This modification may also involve addition of new waste codes. It is not applicable to dioxin-containing wastes, F020, 021, 022, 023, 026, 027, and 028

- 2.
 - a. Modification of a container unit without increasing the capacity of the unit 2
 - b. Addition of a roof to a container unit without alteration of the containment system 1
- 3. Storage of different wastes in containers, except as provided in (F)(4) below:
 - a. That require additional or different management practices from those authorized in the permit 3
 - b. That do not require additional or different management practices from those authorized in the permit 2

- 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit 2
- 3. Replacement of a tank with a tank that meets the ~~same~~ design standards and has a capacity within +/-10% of the replaced tank provided
 - The capacity difference is no more than 1500 gallons,
 - The facility's permitted tank capacity is not increased, and
 - The replacement tank meets the ~~same~~ conditions in the permit.
 1
- 4. Modification of a tank management practice 2
- 5. Management of different wastes in tanks:
 - a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in (G)(5)(c) below 3
 - b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process than authorized in the permit, except as provided in (G)(5)(d) 2
 - c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet ~~some or all~~ any of the applicable treatment standards, or that are to be treated to satisfy, in whole or in part, the standard of "use of practically available technology that yields the greatest environmental benefit." This modification is not applicable to dioxin-containing wastes, F020, 021, 022, 023, 026, 027, and 028 1
 - d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type, ~~e.g.,~~ such as incinerator scrubber water. This modification is not applicable to dioxin-containing wastes, F020, 021, 022, 023, 026, 027, and 028 1

Note: See Subsection R315-270-42(g) for modification procedures to be used for the management of newly listed or identified wastes.

Note: See Subsection R315-270-42(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 4. Storage or treatment of different wastes in containers:
 - a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet ~~some or all~~ any of the applicable treatment standards, or that are to be treated to satisfy, in whole or in part, the standard of "use of practically available technology that yields the greatest environmental benefit." This modification is not applicable to dioxin-containing wastes, F020, 021, 022, 023, 026, 027, and 028 1
 - b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type, ~~e.g.,~~ such as incinerator scrubber water. This modification is not applicable to dioxin-containing wastes, F020, 021, 022, 023, 026, 027, and 028 1

- 4. Modification of a tank management practice 2
- 5. Management of different wastes in tanks:
 - a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in (G)(5)(c) below 3
 - b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process than authorized in the permit, except as provided in (G)(5)(d) 2
 - c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet ~~some or all~~ any of the applicable treatment standards, or that are to be treated to satisfy, in whole or in part, the standard of "use of practically available technology that yields the greatest environmental benefit." The modification is not applicable to dioxin-containing wastes, F020, 021, 022, 023, 026, 027, and 028 1
 - d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type, ~~e.g.,~~ such as incinerator scrubber water. This modification is not applicable to dioxin-containing wastes, F020, 021, 022, 023, 026, 027, and 028 1

G. Tanks

Note: See Subsection R315-270-42(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1.
 - a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in G(1)(c), G(1)(d), and G(1)(e) below 3
 - b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in G(1)(d) and G(1)(e) below 2
 - c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation 2
 - d. After prior approval of the Director, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation 1
 - e. Modification or addition of tank units or treatment processes necessary to treat wastes that are restricted from land disposal to meet ~~some or all~~ any of the applicable treatment standards or to treat wastes to satisfy, in whole or in part, the standard of "use of practically available technology that yields the greatest 1

- H. Surface Impoundments
 - 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity 3
 - 2. Replacement of a surface impoundment unit 3
 - 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system 2
 - 4. Modification of a surface impoundment management practice[0] 2
 - 5. Treatment, storage, or disposal of different wastes in surface impoundments:
 - a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit 3

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- b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit 2
- c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit," and provided that the unit meets the minimum technological requirements stated in Subsection R315-268-5(h)(2). This modification is not applicable to dioxin-containing wastes, F020, 021, 022, 023, 026, 027, and 028 1
- d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a unit that meets the minimum technological requirements stated in Subsection R315-268-5(h)(2), and provided further that the surface impoundment has previously received wastes of the same type, for example, incinerator scrubber water. This modification is not applicable to dioxin-containing wastes, F020, 021, 022, 023, 026, 027, and 028 1
- 6. Modifications of unconstructed units to comply with Subsections R315-264-221(c) and R315-264-226(d), ~~and~~ and Sections R315-264-222, ~~and~~ and R315-264-223 1
- 7. Changes in response action plan:
 - a. Increase in action leakage rate 3
 - b. Change in a specific response reducing its frequency or effectiveness 3
 - c. Other changes 2

Note: See Subsection R315-270-42(g) for modification procedures to be used for the management of newly listed or identified wastes[~~r~~].

- I. Enclosed Waste Piles. For ~~all~~ waste piles except those complying with Subsection R315-264-250(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with Subsection R315-264-250(c).
 - 1. Modification or addition of waste pile units:
 - a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity 3
 - b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity 2
 - 2. Modification of waste pile unit without increasing the capacity of the unit 2
 - 3. Replacement of a waste pile unit with another waste pile unit of the ~~same~~ design and capacity and meeting ~~all~~ each waste pile condition[~~s~~] in the permit 1
 - 4. Modification of a waste pile management practice 2
 - 5. Storage or treatment of different wastes in waste piles:
 - a. That require additional or different management practices or different design of the unit 3
 - b. That do not require additional or different management practices or different design of the unit 2
 - 6. Conversion of an enclosed waste pile to a containment building unit 2

Note: See Subsection R315-270-42(g) for modification procedures to be used for the management of newly listed or identified wastes.

- J. Landfills and Unenclosed Waste Piles
 - 1. Modification or addition of landfill units that result in increasing the facility's

- disposal capacity
- 2. Replacement of a landfill 3
- 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control, or final cover system 3
- 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control, or final cover system 2
- 5. Modification of a landfill management practice 2
- 6. Landfill different wastes:
 - a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system 3
 - b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system 2
 - c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit," and provided that the landfill unit meets the minimum technological requirements stated in Subsection R315-268-5(h)(2). This modification is not applicable to dioxin-containing wastes, F020, 021, 022, 023, 026, 027, and 028 1
 - d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a landfill unit that meets the minimum technological requirements stated in Subsection R315-268-5(h)(2), and provided further that the landfill has previously received wastes of the same type, for example, incinerator ash. This modification is not applicable to dioxin-containing wastes, F020, 021, 022, 023, 026, 027, and 028 1
- 7. Modifications of unconstructed units to comply with Subsection R315-264-251(c), Sections R315-264-252 and R315-264-253, Subsections R315-264-254(c) and R315-264-301(c), Section R315-264-302, Subsection R315-264-303(c), and Section R315-264-304 1
- 8. Changes in response action plan:
 - a. Increase in action leakage rate 3
 - b. Change in a specific response reducing its frequency or effectiveness 3
 - c. Other changes 2

Note: See Subsection R315-270-42(g) for modification procedures to be used for the management of newly listed or identified wastes.[~~r~~]

- K. Land Treatment
 - 1. Lateral expansion of or other modification of a land treatment unit to increase areal extent 3
 - 2. Modification of run-on control system 2
 - 3. Modify run-off control system 3
 - 4. Other modifications of land treatment unit component specifications or standards required in permit 2
 - 5. Management of different wastes in land treatment units:
 - a. That require a change in permit operating conditions or unit design specifications 3
 - b. That do not require a change in permit operating conditions or unit design specifications 2

Note: See Subsection R315-270-42(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 6. Modification of a land treatment unit management practice to:
 - a. Increase rate or change method of waste application 3
 - b. Decrease rate of waste application 1
 - 7. Modification of a land treatment unit management practice to change measures of pH or moisture content, or to enhance microbial or chemical reactions 2
 - 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops, or to modify operating plans for distribution of animal feeds resulting from ~~such~~ those crops 3
 - 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to Subsection R315-264-278(g)(2) 3
 - 10. Changes in the unsaturated zone monitoring system, resulting in a change to the location, depth, number of sampling points, or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements 3
 - 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements 2
 - 12. Changes in background values for hazardous constituents in soil and soil-pore liquid 2
 - 13. Changes in sampling, analysis, or statistical procedure 2
 - 14. Changes in land treatment demonstration program prior to or during the demonstration 2
 - 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Director's prior approval has been received 1
 - 16. Changes to allow a second land treatment demonstration to be conducted ~~when~~ if the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Director 1
 - 17. Changes to allow a second land treatment demonstration to be conducted ~~when~~ if the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration 3
 - 18. Changes in vegetative cover requirements for closure 2
 - L. Incinerators, Boilers, and Industrial Furnaces:
 - 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Director shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3
 - 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Director shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 2
 - 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl₂, metals, or particulate from the combustion gases, or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Director shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3
 - 4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that would not likely affect the capability of the unit to meet the regulatory performance standards but ~~when~~ that would change the operating conditions or monitoring requirements specified in the permit. The Director may require a new trial burn to demonstrate compliance with the regulatory performance standards 2
 - 5. Operating requirements:
 - a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide and hydrocarbon concentration, maximum temperature at the inlet to the particulate matter emission control system, or operating parameters for the air pollution control system. The Director shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3
 - b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls 3
 - c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit 2
 - 6. Burning different wastes:
 - a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit. The Director shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3
 - b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit 2
- Note: See Subsection R315-270-42(g) for modification procedures to be used for the management of newly listed or identified wastes_
- 7. Shakedown and trial burn:

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- a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period, or the period immediately following the trial burn 2
- b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Director 1
- c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Director 1
- d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Director 1
- 8. Substitution of an alternative type of nonhazardous waste fuel that is not specified in the permit 1
- 9. Technology changes needed to meet standards under 40 CFR part 63, [4]Subpart EEE-National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors[7], provided the procedures of Subsection R315-270-42(j) are followed. 1
- 10. Changes to RCRA permit provisions needed to support transition to 40 CFR part 63, [4]Subpart EEE-National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors[7], provided the procedures of Subsection R315-270-42(k) are followed. 1
- M. Containment Buildings.
 - 1. Modification or addition of containment building units:
 - a. Resulting in greater than 25% increase in the facility's containment building storage or treatment capacity 3
 - b. Resulting in up to 25% increase in the facility's containment building storage or treatment capacity 2
 - 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit 2
 - 3. Replacement of a containment building with a containment building that meets the[~~same~~] design standards provided:
 - a. The unit capacity is not increased 1
 - b. The replacement containment building meets the[~~same~~] conditions in the permit 1
 - 4. Modification of a containment building management practice 2
 - 5. Storage or treatment of different wastes in containment buildings:
 - a. That require additional or different management practices 3
 - b. That do not require additional or different management practices 2
- N. Corrective Action:
 - 1. Approval of a corrective action management unit pursuant to Section R315-264-552 3
 - 2. Approval of a temporary unit or time extension for a temporary unit pursuant to Section R315-264-553 2
 - 3. Approval of a staging pile or staging pile operating term extension pursuant to Section R315-264-554 2
- O. Burden Reduction
 - 1. Reserved 1
 - 2. Development of one contingency plan based on Integrated Contingency Plan Guidance pursuant to Subsection R315-264-52(b) 1
 - 3. Changes to recordkeeping and reporting requirements pursuant to: Subsections R315-

- 264-56(i), R315-264-343(a)(2), R315-264-1061(b)(1), (d), R315-264-1062(a)(2), R315-264-196(f), R315-264-100(g), and R315-264-113(e)(5)
- 4. Changes to inspection frequency for tank systems pursuant to Subsection R315-264-195(b) 1
- 5. Changes to detection and compliance monitoring program pursuant to Subsections R315-264-98(d), (g)(2), and (g)(3), R315-264-99(f), and (g) 1

¹Class 1 modifications requiring prior Agency approval.

KEY: hazardous waste

Date of Enactment or Last Substantive Amendment: [~~August 31, 2017~~2020

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R343-10	Filing No. 52788

Agency Information

1. Department:	Financial Institutions	
Agency:	Nondepository Lenders	
Room no.:	201	
Street address:	324 STATE ST	
City, state:	Salt Lake City UT 84111-2321	
Mailing address:	PO Box 146800	
City, state, zip:	Salt Lake City UT 84114-6800	
Contact person(s):		
Name:	Phone:	Email:
Paul Allred	801-538-8761	pallred@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R343-10. Title Lenders Registration with the Nationwide Database
3. Purpose of the new rule or reason for the change:
With the passage of S.B. 24, during the 2015 General Session, the Department of Financial Institutions (Department) established, by rule, initial registration requirements for title lenders with the nationwide database. S.B. 24 (2015) provided that a rule could provide for the transition of persons registering with the nationwide database. The transition period has been in place for five years and this rule is no longer necessary.
4. Summary of the new rule or change:
The requirements of the rule are contained in the language

WASTE MANAGEMENT AND RADIATION CONTROL BOARD

Executive Summary

Thermo Fluids Inc.

Proposed Stipulation and Consent Order No. 1909097

August 13, 2020

What is the issue before the Board?	<p>Proposed Stipulation and Consent Order (SCO), No. 1909097, issued to Thermo Fluids Inc. (TFI), a used oil processor and used oil marketer located at 3545 West 500 South in Salt Lake City, Utah.</p> <p>This SCO was issued to resolve the TFI's Notice of Violation and Compliance Order (NOV/CO) No. 1909088.</p>
What is the historical background or context for this issue?	<p>The Division documented compliance issues during inspections conducted at TFI on May 1, 2, and May 9 of 2019.</p> <p>The Division issued TFI a NOV/CO on November 19, 2019, based on these compliance issues.</p> <p>TFI failed to comply with regulatory requirements of TFI's Used Oil Processor Permit, Used Oil Marketer Registration, the Utah Used Oil Management Act, and the Utah Solid and Hazardous Waste Act when conducting used oil operations.</p> <p>TFI has since resolved these specific violations and returned to compliance. The SCO includes a monetary penalty of \$42,906.00.</p>
What is the governing statutory or regulatory citation?	<p>Utah Code §19-6-104(1)(e) authorizes the Board to review and approve or disapprove settlements negotiated by the Director with a civil penalty over \$25,000.</p>
Is Board action required?	<p>Yes, Board action is required.</p> <p>A 30-day public comment period began on May 27, 2020 and ended on June 25, 2020. No comments were received.</p>
What is the Division Director's recommendation?	<p>N/A</p>
Where can additional information be found?	<p>For technical information, please contact Michelle Weis at (801) 536-0256.</p> <p>For legal information, please contact, Paul McConkie at (801) 536-0288.</p> <p>The supporting paperwork for the SCO was provided in the July 9, 2020 Board's packet.</p>