

MODULE II - GENERAL FACILITY CONDITIONS

II.A. APPLICABILITY

II.A.1. The requirements of this Permit module pertain to all Hazardous Waste Management Units (HWMUs) identified within this Permit.

II.B. DESIGN AND OPERATION OF FACILITY

II.B.1. The Permittee shall design, construct, maintain and operate all of the HWMUs and surrounding areas to minimize the possibility of a fire, explosion, or any sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, groundwater or surface water which could threaten human health or the environment.

II.B.1.a. Should a fire, explosion or release of hazardous waste constituents occur, the Permittee shall:

II.B.1.a.i. comply with Condition II.L. and the Contingency Plan;

II.B.1.a.ii. notify the Director in accordance with Condition I.T.;

II.B.1.a.iii. take all reasonable steps to minimize the release as required by Condition I.K.1.;

II.B.1.a.iv. take reasonable measures to prevent significant adverse impacts on human health and the environment in accordance with Condition I.K.1.; and

II.B.1.a.v. submit a written report to the Director in accordance with Condition I.T.5. or I.Z.

II.B.1.b. The Director may consider appropriate enforcement action, to include the cessation of any and all hazardous waste management activities, until the Director has determined that the Permittee has adequately addressed the fire, explosion, or release of hazardous waste constituents and implemented appropriate corrective measures.

II.B.2. Any request for modifications to the design, construction, maintenance or operation of existing HWMUs or proposals for new HWMUs shall be in accordance with Condition I.D.4. and R315-270-42. Modifications of a HWMU shall satisfy applicable requirements specified in this Permit and the Utah Solid and Hazardous Waste Rules.

II.B.3. As specified in Condition I.R.c., after review of the as-built drawings and field verification of the new or modified HWMUs, the Director will notify the Permittee in writing of any change which is not in accordance with the approved design or this Permit. The Director may require the Permittee to remove, replace or modify any construction inconsistent with this Permit.

II.B.3.a. If within 15 calendar days of the date of the Director's receipt of the registered professional engineer's certification required in Conditions I.R.a.i. and II.B.2, the Permittee has not received notice of the Director's intent to inspect, or a prior inspection is waived, the Permittee may commence treatment, storage, or disposal of hazardous waste in the permitted unit(s).

II.C. REQUIRED NOTICE

- II.C.1. As required by R315-264-12(a)(1), the Permittee shall notify the Director in writing at least four weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source. Notice of subsequent shipments of the same waste from the same foreign source in the same calendar year is not required.
- II.C.2. When the Permittee arranges to receive hazardous waste from an off-site source (except where the Permittee is also the generator), prior to any waste shipment, the Permittee shall inform the generator in writing that it has the appropriate permit(s) for, and may accept, the waste the generator is shipping. The Permittee shall keep a copy of this written notice as part of the operating record as required by R315-264-12(b).

II.D. WASTE ANALYSIS PLAN

- II.D.1. The Permittee shall comply with all permit conditions involving waste analysis and the procedures of the Waste Analysis Plan included as Attachment 1.
- II.D.2. The Permittee shall use the test methods described in the Waste Analysis Plan (Attachment 1) or an equivalent procedure that satisfies Condition II.D.4. Changes in test methods described in the Waste Analysis Plan, as a result of an improvement or refinement by the EPA or the State of Utah may be implemented without modification of the Permit.
- II.D.3. The Permittee shall characterize, using analytical techniques if necessary, all waste streams generated on or off-site in accordance with R315-264-13 and Attachment 1. The waste characterization profiles shall be kept in the operating record.
- II.D.4. The method used to obtain a representative sample of the waste to be analyzed shall be the appropriate method from R315-261-1090 or as specified or modified by this Permit. Laboratory methods shall be those specified in “Test Methods for Evaluating Solid Waste; Physical/Chemical Methods SW-846 (*Third Edition, November 1986*)” or most currently promulgated edition, “Standard Methods for Examination of Water and Wastewater (*17th Edition, 1989*)” or most currently promulgated edition; or an equivalent method as approved by the Director. The analysis of all samples shall be conducted by laboratories certified by the State of Utah.
- II.D.5. When requesting substitute or additional analytical methods, the Permittee shall submit to the Director for written approval a request for substitution of analytical methods which are equivalent to the methods specifically approved for use in this permit. The request shall provide information demonstrating that the proposed methods are equivalent or superior in terms of sensitivity, accuracy, and precision (i.e. reproducibility).
- II.D.6. The Permittee shall conduct an annual evaluation of each waste stream, as outlined in the waste analysis plan, to verify that the waste characterization is still accurate. These evaluations shall be kept in the operating record until the next annual evaluations are completed. In accordance with the Waste Analysis Plan, the Permittee shall also

characterize each new or modified waste stream or each time the process generating the waste changes.

- II.D.7. Any waste analysis used to evaluate off-site waste for acceptance by the Permittee shall be conducted using a laboratory that has been certified by the State of Utah. Provisional certification is not acceptable as certification under this condition.
- II.D.8. At a minimum, the Permittee shall:
- II.D.8.a. Maintain properly functioning sampling and analytical equipment;
- II.D.8.b. Use approved sampling and analytical methods; and
- II.D.8.c. Submit an updated list of parameters, analytical methods, and sample preparation methods on an annual basis. The updated list shall be submitted to the Director on or before January 15th of each calendar year.
- II.D.9. Whenever the Director determines that the Permittee needs to update the analytical methodologies or the version(s) of SW-846 that are being used by the Permittee’s analytical laboratory, the Director will submit written notification to the Permittee. The Permittee shall obtain documentation that its laboratory is certified by the State of Utah for each analytical method. The Permittee shall have 180 days from the receipt of the Director’s written notification to complete the requested update. If it is not possible to complete the update within the prescribed time, the Permittee shall submit a written request for extension to the Director for approval or use a contract laboratory to perform the analysis.
- II.D.10. If the Permittee uses a contract laboratory to perform analyses, the laboratory must be certified by the State of Utah to perform the contracted analyses. For parameters for which State of Utah certification is unavailable, the Permittee shall ensure that quality control/quality assurance data provided by the laboratory is sufficient to assess the validity of the data. The Permittee shall inform the laboratory in writing that it must operate under the Waste Analysis Plan conditions set forth in this Permit.

II.E SECURITY

- II.E.1. The Permittee shall comply with the security conditions and procedures contained in Attachment 7 of this Permit.

II.F. GENERAL INSPECTION REQUIREMENTS

- II.F.1. The Permittee shall conduct inspections in accordance with R315-264-15 and shall follow the inspection schedule found in Attachment 2.
- II.F.2. The Permittee shall remedy any deterioration or malfunction of equipment or structures as required by R315-264-15(c). If the remedy requires more than 72 hours to implement from the time that the problem is detected, the Permittee shall submit to the Director, before the expiration of the 72 hour period, a written report that shall include a proposed time schedule for correcting the problem.
- II.F.3. Any problem which could endanger human health or the environment shall be corrected

as soon as possible after the problem is discovered. The Permittee shall make every effort to eliminate the threat to human health or the environment within 24 hours.

II.F.4. If, upon determination by the Director or the Permittee, continued operation of the waste management unit involved in the inspection could endanger human health or the environment, the Permittee shall immediately cease operation of the unit until the problem has been corrected. The Permittee shall be allowed to undertake those operations which are part of corrective activities.

II.F.5. Records of inspections shall be kept as required by R315-264-15(d).

II.G. RISK THRESHOLDS

II.G.1. The thermal treatment operations at the M-136 and M-225 Thermal Treatment Areas shall be conducted to minimize the risk to human health and the environment. The risk to human health was evaluated, in accordance with R315-101 and is based on the risk thresholds identified in Condition IV.C.11. The operating conditions identified in Module IV for the treatment areas shall be based on the information provided or referenced in Attachments to this Permit and the following site specific documents available for review in the Department of Environmental Quality, Division of Waste Management and Radiation Control files:

- II.G.1.a. Sampling Results for Emissions Characterization of Open Burning Waste Propellant Materials, October 2009;
- II.G.1.b. ATK Launch Systems Waste Characterization and Air Dispersion Modeling Protocol for use in the Human Health and Ecological Risk Assessments, April 2011, Tetra Tech; ADDENDUM Air Dispersion Modeling Protocol for Open Burning and Open Detonation at ATK Launch Systems in Promontory, Utah, February 2013, CBI;
- II.G.1.c. Air Dispersion Modeling Report for Open Burning and Open Detonation at ATK Launch Systems in Promontory, Utah, July 2014, CBI;
- II.G.1.d. Human Health Risk Assessment Protocol for Evaluation of the Open Burning and Open Detonation Units, ATK Launch Systems Promontory, Utah, August 2014, Terra Mentis;
- II.G.1.e. Open Burn Open Detonation Human Health Risk Assessment, ATK Launch Systems Promontory, Utah, June 2016, Geosyntec;
- II.G.1.f. Ecological Risk Assessment Waiver Thermal Treatment Operations UTD009081357, August 29, 2017, Utah Division of Waste Management and Radiation Control;
- II.G.1.g. Thermal Treatment Units M-136 and M-225 Groundwater Monitoring Plan, ATK Launch Systems Promontory Facility, April 2018, ATK Launch Systems Inc.; and
- II.G.1.h. Soil Monitoring Plan, Promontory Hazardous Waste Storage and Subpart X Treatment Permit, April 2018, Orbital ATK Launch Systems Inc.
- II.G.2. Reserved

- II.G.3. The Permittee shall submit to the Director for review by March 1st of each calendar year, an annual report on the operation of the Promontory Thermal Treatment areas. This report shall at a minimum include the following:
- II.G.3.a. An accounting of the quantities and types of reactive hazardous waste treated at the M-136 and M-225 thermal treatment areas, including all donor material and ignition compounds;
- II.G.3.b. An accounting of the total quantity of Propellant, Explosives and Pyrotechnics (PEP) and Contaminated Waste treated at the M-136 and M-225 thermal treatment areas for the annual reporting period;
- II.G.3.c. An accounting of the total quantity and types of reactive metal powders treated at the M-136 and M-225 thermal treatment areas for the annual reporting period;
- II.G.3.d. An accounting of the types and quantities of flare molds treated at the M-136 and M-225 thermal treatment areas for the annual reporting period and a summary on the status of waste minimization projects for treatment of flare molds at the thermal treatment areas;
- II.G.3.e. A list and description of any new waste profiles that have been generated for new energetic materials that have been treated at the Promontory Thermal Treatment Areas;
- II.G.3.f. The semiannual analytical results for the burn ground ash as required by Section 11.8.2.5 of Attachment 11;
- II.G.3.g. An evaluation of the emission factors used in the human health risk assessment, identified in Condition II.G.1.e., to determine whether these factors are representative of the wastes treated and identified in the annual report, as directed by II.G.3., or if the emission factors need to be updated;
- II.G.3.h. A review of the human health risk assessment, identified in Condition II.G.1.e., to evaluate changes to dose-response factors for the three classes of detected COPCs: chromium (total and hexavalent), 2,3,7,8-TCDD TEQ, and detected potentially carcinogenic PAHs (benzo(a)anthracene, benzo(k)fluoranthene, chrysene and indeno(1,2,3-cd)pyrene); and
- II.G.3.i. A review of the potential human health risk scenarios that were evaluated in the risk assessment to ensure that these scenarios have not changed.
- II.G.4. If the Director determines after reviewing this annual report that any component of the risk assessment needs to be updated, he will inform the Permittee in writing which components of the human health risk assessment to update.
- II.G.5. If the Permittee is required to update the human health risk assessment for the M-136 or M-225 Thermal Treatment areas, the Permit shall be modified in accordance with Condition I.D. of this Permit.

II.H. PERSONNEL TRAINING

- II.H.1. The Permittee shall conduct personnel training as specified in Attachment 3 and in accordance with R315-264-16. New personnel working with or around hazardous waste shall complete the required personnel training within six (6) months of their hire date, assignment to the Facility or assignment to a new position at the Facility. Personnel shall not work unsupervised in these positions until they have completed all training requirements.
- II.H.2. The Permittee shall provide annual training in the use of the Contingency Plan and hazardous waste management procedures relevant to the positions in which they are employed for all on-site employees.
- II.H.3. The Permittee shall maintain training documents and records as specified in the Training Plan in Attachment 3 and as required by Condition I.O., R315-264-16(d) and R315-264-16(e). These records shall indicate the type and amount of training received.
- II.H.4. The Permittee shall maintain a current copy of Attachment 3 (Training Plan) at the Facility until the Facility is fully closed and closure is certified in accordance with Condition I.EE.1.d. and R315-264-115.
- II.H.5. Employees working at the M-136 and M-225 Thermal Treatment Areas shall receive task-specific, on-the-job-training in addition to the training outlined in Attachment 3. This training shall be documented and maintained in the operating record as required in Condition II.H.3.

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

- II.I.1. The Permittee shall comply with the requirements of R315-264-17.
- II.I.2. In addition to the requirements of R315-264-17, the Permittee shall comply with the Conditions III.G and III.H pertaining to ignitable, reactive, or incompatible waste.

II.J. RESERVED

II.K. PREPAREDNESS AND PREVENTION

- II.K.1. The Permittee shall comply with the procedures in the Preparedness and Prevention Plan, Attachment 8.
- II.K.2. At a minimum, the Permittee shall provide and maintain in good operating condition at the Facility the equipment set forth in Attachment 8, as required by R315-264-32.
- II.K.3. The Permittee shall test and maintain the equipment specified in Condition II.K.2 as required to ensure its proper operation in time of emergency.
- II.K.4. The Permittee shall maintain records of the preventative maintenance and repair activities specified in Condition II.K.3. and shall keep schedules, reflecting minimum and planned frequency for the performance of preventative maintenance activities in the Operating Record at the Facility in accordance with Condition I.O.

- II.K.5. The Permittee shall maintain access to the communications or alarm system as required by R315-264-34.
- II.K.6. At a minimum, the Permittee shall maintain 30 inches of aisle space between containers or pallets of containers at storage areas M-186 and E-501.
- II.K.7. The Permittee shall attempt to make arrangements (Coordination Agreements) with State and local authorities as required by R315-264-37. Copies of the Coordination Agreements shall be kept in the Operating Record. The attempts to make such agreements, any refusals and all final agreements shall be documented in the Operating Record.

II.L. CONTINGENCY PLAN

- II.L.1. The Permittee shall comply with Attachment 4, and the emergency procedures described by R315-264-56 whenever there is a fire, explosion, or release of hazardous waste or hazardous constituents which threaten or could threaten human health or the environment. The Permittee shall comply with R315-263-30 and Condition I.T. in reporting releases to the Director.
- II.L.2. The Permittee shall provide copies of the Contingency Plan to emergency agencies who may be called in an emergency, shall maintain a copy of the Plan at the facility, and shall provide a copy upon request in accordance with R315-264-53.
- II.L.3. The Permittee shall review Attachment 4 (Contingency Plan), in accordance with R315-264-54, when (a) the Permit is revised, (b) the Contingency Plan fails in an emergency, or (c) changes to the Facility materially increase the potential for fires, explosions or releases of hazardous constituents. The Permittee shall modify Attachment 4 in accordance with Condition I.D. and R315-270-42, if necessary.
- II.L.4. A trained emergency coordinator shall be available at the Facility or on call at all times in case of an emergency, in accordance with R315-264-55 and identified in Attachment 4.

II.M. MANIFEST SYSTEM

- II.M.1. The Permittee shall comply with the manifest requirements of R315-264-71, R315-264-72 and R315-264-76. The manifest tracking number shall be recorded in the Operating Record with each waste load that arrives or leaves the Permittee's facility.
- II.M.2. If the waste load is refused and returned to the generator, the Permittee shall document such actions in the Operating Record.
- II.M.3. The Permittee shall comply with R315-262-217 and R315-264-70 for the movement of each waste load off-site. The Permittee shall record the manifest number in the Operating Record with each waste load that leaves the Permittee's Facility.

II.N. RECORDKEEPING AND REPORTING

- II.N.1. The Permittee shall maintain an accurate written Operating Record at the facility in accordance with R315-264-73 and R315-264 1103.
- II.N.2. The Permittee shall, by March 1 of each year, submit to the Director a certification pursuant to R315-264-73(b)(9), signed in accordance with R315-270-11 by the owner or operator of the facility or an authorized representative, that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the Permittee to be economically practicable; and that the proposed method of treatment, storage, or disposal is the most practicable method currently available to the Permittee which minimizes the present and future threat to human health or the environment.
- II.N.3. The Permittee shall comply with the biennial report requirements of R315-264-75, by March 1 of each even-numbered reporting year. The report shall include wastes generated, treated or stored at the Permittee's facility during the previous odd-numbered year.
- II.N.4. The Permittee shall submit additional reports to the Director in accordance R315-264-77.
- II.N.5. All reports, notifications, applications, or other materials required to be submitted to the Director shall be submitted in accordance with Condition I.DD.
- II.N.6. The Permittee shall maintain a copy of the certifications required in Conditions II.N. in the operating record and sign each certification in accordance with R315-264-73(b)(9) and R315-270-11(d)(1).

II.O. CLOSURE/POST-CLOSURE

- II.O.1. The Permittee shall comply with R315-264-110 through 120 as applicable and close the facility in accordance with the Closure Plan in Attachment 5 and Condition II.O.3.
- II.O.2. The Permittee shall notify the Director in writing of its intent to conduct partial or final closure of any portion of the facility in accordance with R315-264-110. The Permittee shall notify the Director at least 60 days prior to the commencement of final or partial Facility closure.
- II.O.3. The Permittee shall review its closure plans for the HWMUs contained in Attachment 5 and submit updated closure plans for the closure or partial closure of each individual hazardous waste management unit to the Director for approval no less than 60 days prior to the commencement of closure activities. No closure activities shall take place that have not received prior approval from the Director.
- II.O.4. The Permittee shall amend the Closure Plan in Attachment 5, in accordance with R315-124-5, R315-270-42 and Condition I.D. whenever necessary, or when required to do so by the Director.
- II.O.5. After receiving the final volume of hazardous waste at the burn grounds or at a hazardous waste storage facility, the Permittee shall treat or remove from the site all

hazardous waste and complete closure activities in accordance with the schedule specified in Attachment 5 or the updated Closure Plan if the schedule was revised.

- II.O.6. The Permittee shall decontaminate or dispose of all facility equipment, structures, soil and rinsate off-site as required by R315-264-114 and Attachment 5. Facility equipment, structures and soil which have not been decontaminated shall be disposed of only at a permitted hazardous waste Treatment, Storage or Disposal Facility (TSDF).
- II.O.7. The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan and Attachment 5, as required by R315-264-115. The Permittee shall also provide a certification by an independent, Utah registered professional engineer qualified by experience and education in the appropriate engineering field that the Facility has been closed in accordance with the approved Closure Plan.
- II.O.8. For all HWMUs, the Permittee shall describe in narrative form with the closure certification statements all minor deviations from the approved closure plan procedures, submitted in accordance with Condition II.O.3, necessary to accommodate proper closure. The Permittee shall describe the rationale for implementing minor changes as part of this narrative report. Within 60 days after completion of closure of each HWMU, the Permittee shall submit the certification statements required by Condition II.O.7. and narrative reports to the Director.
- II.O.9. In the event that any of the hazardous waste management units covered by this Permit cannot be clean closed by decontaminating or removing contaminated structures or soil, or releases have occurred which have impacted soil or groundwater, the Permittee shall modify the Closure Plan for that hazardous waste management unit in accordance with Condition I.D. Within 30 days of the date that the Director approves the modification, the Permittee shall close the unit in accordance with the applicable provision of R315-264-110 and R315-101.
- II.O.10. If a HWMU cannot be clean closed, the Permittee shall submit a survey plat and property description for the HWMU with the submission of the certification of closure for the HWMU, in accordance with R315-264-116 and R315-101.

II.P. COST ESTIMATES FOR HWMU CLOSURE

- II.P.1. The Permittee's closure cost estimate for each HWMU shall be prepared and maintained at the Facility in accordance with Attachment 5 and R315-264-142.
- II.P.2. By July 30 of each calendar year, the Permittee shall adjust the closure cost estimate for inflation or submit the latest adjusted closure cost estimate for review and approval by the Director. After approval, the Permittee shall maintain the latest adjusted closure cost estimate in the operating record. The closure cost estimates shall identify the costs, in current dollars, of the steps necessary to perform final closure for each HWMU in accordance with R315-264-143 and R315-264-142.
- II.P.3. On the five year anniversary date of the submittal of the closure cost estimates required by Condition II.P.2. above, the Permittee shall conduct a detailed evaluation of the closure cost estimates for each HWMU and determine whether the annual adjustments

for inflation have been adequate to update the closure cost estimates. The Permittee shall submit a report on this assessment and if necessary, a modification of the Permit in accordance with Condition I.D. to the Director 90 days after the report is submitted.

- II.P.4. The Permittee shall revise the closure cost estimate within 30 days after the Director has approved the request to modify the affected closure plan(s).
- II.P.5. For each new HWMU placed into operation, an updated closure cost estimate to the facility must be prepared which includes the new unit, 60 days prior to waste being placed on or into the new unit.

II.Q. FINANCIAL ASSURANCE FOR FACILITY CLOSURE

- II.Q.1 The Permittee shall demonstrate continuous compliance with R315-264-143 by providing documentation of financial assurance, as required by R315-264-143. Changes in financial assurance mechanisms shall be approved by the Director before the change is made effective.
- II.Q.2 The Permittee shall revise the financial assurance for facility closure whenever there is a change in the facility’s closure plan that would change the cost estimate as required by R315-264-143.

II.R. LIABILITY REQUIREMENTS

- II.R.1. The Permittee shall demonstrate continuous compliance with the liability requirements of R315-264-147. The Permittee shall have and maintain hazardous waste liability coverage for sudden accidental occurrences in the amount of at least one \$1 million U.S. dollars per occurrence with an annual aggregate of at least \$2 million U.S. dollars, exclusive of legal defense costs. The Permittee shall submit an approved certificate of hazardous waste liability insurance worded as required by R315-264-147.
- II.R.2. The Permittee shall demonstrate continuous compliance with the requirements of UAC R315-264-147 to have and maintain liability coverage for non-sudden accidental occurrences arising from operations of the two Hazardous Waste Management Units, designated as the M-136 and M-225 Thermal Treatment Areas.
- II.R.3. Changes in liability coverage mechanisms shall be approved in writing by the Director 60 before being made effective.

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

- II.S.1. The Permittee shall comply with R315-264-148 including notifying the Director by certified mail within ten days after commencement of a voluntary or involuntary proceeding under Title 11 Bankruptcy, U.S. Code naming the Permittee or owner or operator of the Facility as the debtor.