

MODULE 2
GENERAL FACILITY CONDITIONS

2.A. DESIGN AND OPERATION OF FACILITY

The Permittee shall maintain and operate the container management areas, the treatment and storage tank systems, the incineration system, and any other waste management areas in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Should one of these incidents occur, the Permittee shall investigate and determine the cause of the incident and implement corrective measures to prevent future occurrences. The Director of the Division of Waste Management and Radiation Control (Division) may consider appropriate enforcement action, to include the cessation of waste management activities, until adequate resolution of the problem occurs.

2.B. OFF-SITE WASTE RECEIPT NOTICE

When the Permittee is to receive hazardous waste from an off-site source, prior to the waste being shipped by the generator, the Permittee must inform the generator in writing that Clean Harbors Aragonite (Aragonite) has the appropriate permits for, and will accept, the waste the generator is planning on shipping. The Permittee must keep a copy of this written notice as part of the operating record required by Condition 2.L.

2.C. PERMITTED AND PROHIBITED WASTE

2.C.1. The Permittee may accept for management at the facility, subject to the conditions in this permit, wastes identified by the waste codes in Utah Administrative Code (UAC) R315-261-21 (Ignitable), R315-261-22 (Corrosive), R315-261-23 (Reactive), R315-261-24 (Toxicity Characteristic), R315-261-31 (Non-Specific Sources), R315-261-32 (Specific Sources), R315-261-33(e) (Acute Commercial Chemical Products), and R315-261-33(f) (Commercial Chemical Products).

The Permittee may accept for management at the facility, subject to the terms of this permit, wastes identified by the waste code F999 as listed in UAC R315-261-31. If a generator of F999 waste requests that the Permittee manage F999 waste in a manner inconsistent with current permit requirements, e.g., containers remain closed with no waste inspection or sampling on-site, the waste may only be managed at the Aragonite facility after receiving written approval from the Director. The Permittee shall request these alternative management practices by following the approval procedures for P999 outlined below.

The Permittee may accept for management at the facility, wastes identified by the waste code P999 as listed in UAC R315-261-33(e) on a case-by-case basis with prior Director approval. Prior to accepting any waste identified by the waste code

P999, the Permittee must provide the Director, in writing, a detailed description of the waste and proposed procedures for management of the waste at Aragonite. Details outlining how Aragonite will determine acceptability of the waste upon arrival and how the waste will be characterized for the storage and incineration parameters must also be provided. The Permittee shall not manage the waste at the facility until written approval is received from the Director.

Chemical agent-related waste generated outside of Utah that meets the definition of F999 or P999 is subject to Utah rules and regulations when the waste is managed in Utah. The requirements specified in this permit for F999 and P999 wastes apply to all wastes meeting applicable definitions in this permit and Utah rule regardless of location where generated.

The Permittee may also accept, subject to the conditions of this permit, infectious waste, industrial waste, household hazardous waste, site-generated waste, regulated and non-regulated PCB waste.

Materials in compressed gas cylinders that the Permittee may accept for management at the facility include flammable gases (gaseous/liquified states), corrosive gases (gaseous/liquified states), oxidizing gases (gaseous/liquified states), and toxic gases (gaseous/liquified states) as defined by the International Fire Code. Compressed gas cylinders containing cryogenic fluids, as defined by the International Fire Code, may be accepted but may not be fed to the incinerator until the Permittee has replaced the necessary valves in the compressed gas feed system with those required by the International Fire Code and provided written notification to the Director. Written approval to feed cryogenic fluids from compressed gas cylinders will come as an approval of a Class 1 permit modification.

Highly toxic gases (gaseous/liquid states) in compressed gas cylinders may not be accepted until the Permittee has installed an approved gas cabinet, exhausted enclosure or fume hood as required by the International Fire Code, provided written notification, and received approval from the Director. This written approval will come as an approval of a Class 1 permit modification.

2.C.2. The following shall not be accepted for management at the facility at any time (regardless of the waste codes identified in Condition 2.C.1.):

- a. Water reactive wastes or materials (defined as DOT Division 4.3, and in UAC R315-261-23(a)(2)-(4)). However, small quantities (less than four liters) may be accepted in lab packs as described in Attachment 1.
- b. Pyrophoric wastes or materials (defined as DOT Division 4.2(1) (49 CFR 173.124(b)(1)).
- c. The following explosive wastes or materials: DOT Forbidden, DOT Division 1.1, 1.2, 1.3C, 1.3F, 1.3H, 1.3J, 1.3K, and 1.3L explosives, DOT Division 4.1(2) Type A and Type B (49 CFR 173.124(a)(2)(ii)(A) and (B)) materials

and wastes or materials exhibiting the characteristics in UAC R315-261-23(a)(6)-(7).

- d. Shock sensitive wastes or materials.
- e. Radioactive wastes or materials that do not meet one or more of the exemptions listed in UAC R313-19-13 or that have a count rate greater than three times the background value as determined by the Aragonite Radioactivity Screen (Aragonite-6).
- f. Any waste or material exhibiting the property identified in UAC R315-261-23(a)(1).
- g. Any waste carrying a Utah State or EPA waste code not identified in Condition 2.C.1.
- h. Any waste or material containing anthrax.
- i. Compressed gas cylinders containing any of the following as defined by the International Fire Code: explosives and blasting agents, organic peroxides, pyrophorics, unstable (reactive) materials, water reactives, and highly toxic materials.

2.C.3. If the Permittee accepts a waste that the generator has characterized with a D003 waste code, the Permittee shall place in the operating record, sufficient evidence/documentation to demonstrate that the waste is not a reactive waste prohibited by Condition 2.C.2.

2.D. GENERAL WASTE ANALYSIS

The Permittee shall comply with the waste analysis procedures found in Attachment 1.

2.E. SECURITY

The Permittee shall comply with the security conditions and procedures found in Attachment 2.

2.F. GENERAL INSPECTION REQUIREMENTS

The Permittee shall comply with the inspection procedures found in Attachment 3.

2.G. PERSONNEL TRAINING

The Permittee shall comply with the personnel training procedures found in Attachment 4.

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

The Permittee shall comply with the requirements of UAC R315-264-17 and the requirements of all applicable National Fire Protection Association (NFPA) codes for those areas of the facility approved for operation before June 25, 2003. The Permittee shall comply with UAC R315-264-17 and the applicable requirements of the International Fire Code for modifications/additions approved for operation on or after this date.

2.I. PREPAREDNESS AND PREVENTION

The Permittee shall follow the procedures found in Attachment 5 and maintain at the facility, the emergency equipment and systems identified in Attachment 5.

2.J. CONTINGENCY PLAN AND EMERGENCY PROCEDURES

The Permittee shall comply with the procedures found in Attachment 6.

2.K. MANIFEST SYSTEM

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

2.L. RECORDKEEPING

The Permittee shall maintain a written Operating Record at the facility in accordance with UAC R315-264-73.

2.M. CLOSURE

The Permittee shall comply with UAC R315-264-110 through 120 and close the facility in accordance with Attachment 7.

2.N. COST ESTIMATES FOR THE FACILITY CLOSURE

2.N.1. The Permittee shall prepare the facility's closure cost estimate in accordance with UAC R315-264-142 and Attachment 7.

2.N.2. By May 15th of each year, the Permittee shall adjust the facility closure cost estimate for inflation for the previous calendar year in accordance with the procedures contained in UAC R315-264-142(b) and submit an updated copy of Attachment 7, Appendix 1 with this adjusted closure cost estimate incorporated to the Director for approval and incorporation into the permit. This annual updated closure cost estimate shall be submitted as a Class 1 modification request requiring agency approval. When this annual update is submitted in the 5th year (2028) following reissuance of this permit, it shall also include an evaluation of

and incorporation as applicable, updated, current 3rd party unit costs used in the estimate calculation. The Permittee shall maintain the latest adjusted closure cost estimate in the Operating Record.

If the permit is modified following the procedures outlined in Condition 1.D, and the permit modification would cause the closure cost estimate to increase, the Permittee shall prepare an updated closure/post-closure cost estimate for the facility as part of the permit modification request. Within 60 days of final approval of the modification request, the Permittee must either cause the face amount of the policy to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Director or obtain other financial assurance as specified in UAC R315-264-143.

2.N.3. The Permittee must revise the closure cost estimate whenever there is a change in the facility's closure plan as required by UAC R315-264-140 through 151.

2.O. FINANCIAL ASSURANCE FOR FACILITY CLOSURE

The Permittee shall demonstrate continuous compliance with the requirement to establish financial assurance for closure of the facility by obtaining and maintaining closure insurance. The closure insurance shall meet the requirements established in R-315-264.143(e). Changes in financial assurance mechanisms for closure must be approved by the Director in accordance with the permit modification procedures contained in Condition 1.D.2.

2.P. LIABILITY REQUIREMENTS

2.P.1. The Permittee shall demonstrate continuous compliance with the requirements of UAC R315-264-147, by obtaining and maintaining hazardous waste liability insurance for sudden accidental occurrences in the amount of at least one million U.S. dollars per occurrence with an annual aggregate of at least two million U.S. dollars, exclusive of legal defense costs.

2.P.2. The Permittee shall submit to the Director a Certificate of Liability Insurance worded as required by UAC R315-264-151(j). Each year, within 30 days prior to May 15th, the Permittee shall submit to the Director, a new certificate of liability insurance worded as required by UAC R315-264-151(j).

2.P.3. Changes in the limits of liability provided by the policy shall require the issuance of a new Certificate of Liability Insurance. The Permittee shall submit this new Certificate of Liability Insurance to the Director within 30 days after the effective date of the changes. Changes in liability coverage mechanisms must be approved by the Director in accordance with the permit modification procedures contained in Condition 1.D.2.

2.Q. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall comply with UAC R315-264-148, whenever necessary.

2.R. PCB MANAGEMENT

The Permittee shall comply with the polychlorinated biphenyl (PCB) management procedures found in Attachment 17.