

**MODULE I**

**STANDARD PERMIT CONDITIONS**

DRAFT

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## MODULE I - STANDARD PERMIT CONDITIONS

### I.A. EFFECT OF PERMIT

1. The Permittee, Clean Harbors Grassy Mountain, LLC (CHGM), is allowed to treat and store hazardous waste in tanks and containers, to dispose of hazardous waste in hazardous waste landfill cells, and to store hazardous waste in surface impoundments, in accordance with the conditions of this permit. Any storage, treatment, or disposal of hazardous waste not authorized in this permit or other permits is prohibited.
2. Compliance with this permit constitutes compliance, for purposes of enforcement, with the Utah Hazardous Waste Management Rules, except for those requirements not included in this permit that become effective by statute. Specifically, compliance with this permit during its term constitutes compliance, for purposes of enforcement, with Utah Administrative Code (-Utah Admin. CodeUAC) R315-264 only for those management practices specifically authorized by this permit. ~~The Permittee~~ CHGM is also required to comply with Utah Admin. CodeUAC R305-7, R315-101, R315-124, R315-260, R315-261, R315-262, R315-263, R315-265, R315-266, R315-268, R315-270, R315-273 and R315-316, as applicable.
3. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations.
4. Attachments incorporated by reference are enforceable conditions of this permit, as are documents incorporated by reference in the attachments. Language in the modules of this permit supersedes any conflicting language in the attachments or documents incorporated into the attachments.

### I.B. ENFORCEABILITY

Violations duly documented through the enforcement process pursuant to Utah Code Annotated § 19-6-112, may result in penalties assessed in accordance with Utah Admin. CodeUAC R315-102.

### I.C. NO WAIVER OF AUTHORITY

The Director of the Division of Solid and Hazardous Waste Waste Management and Radiation Control (the Director) expressly reserves any right of entry provided by law and any authority to order or perform emergency or other response activities as authorized by law.

#### **I.D. PERMIT ACTIONS**

1. This permit may be modified, revoked, and reissued, or terminated for cause, as specified in Utah Admin. Code UAC R315-270-40, R315-270-41, R315-270-42, R315-~~270~~-270-43, and R315-270-50.
2. CHGM~~The filing of a request by the Permittee~~CHGM for a permit modification, revocation and reissuance, or termination, or the notification of planned changes, requiring prior agency approval or anticipated noncompliance on the part of ~~the Permittee~~CHGM, does not stay the applicability or enforceability of any permit condition.
3. CHGM may request a permit modification ~~This permit may be modified at the request of the Permittee~~CHGM in accordance with the procedures of Utah Admin. Code UAC R315-270-42. All modification requests involving design drawings, calculations, sketches, etc., shall be reviewed and stamped by a qualified Utah-registered professional engineer. All relevant drawings, calculations, sketches, etc., shall be included with the modification request.
4. If a conflict exists between conditions within this permit, the most stringent condition, as determined by the Director, shall be met.
5. In accordance with Utah Admin. Code UAC R315-270-50(d), the Director shall review each permit for a land disposal facility ~~shall be reviewed by the Director~~ at least once every five years.

#### **I.E. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. Invalidation of any ~~s~~State or federal statutory or regulatory provision, which forms the basis for any condition of this permit, does not affect the validity of any other state or federal statutory or regulatory basis for said condition.

#### **I.F. DUTY TO COMPLY**

1. ~~The Permittee~~CHGM shall comply with all conditions of this permit, except to the extent and for the duration an emergency permit issued in accordance with Utah Admin. Code UAC R315-270-61 authorizes such noncompliance. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the Utah Solid and Hazardous Waste Act, and may be grounds for enforcement action, for permit modification, revocation and reissuance, termination, denial of a permit renewal application, or a combination of enforcement action and any of the other listed remedies.

2. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under ~~§§Sections~~ 3007, 3008, 3013, or 7003 of RCRA (42 U.S.C. ~~§§Sections~~ 6927, 6928, 6934 and 6973), ~~§§ Section~~ 106, 104, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (42 U.S.C. ~~§§~~ 9606(a), 9604, and 9607, commonly known as CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), or any other state or federal law providing for protection of public health or the environment from any imminent and substantial endangerment to human health or the environment.

#### **I.G. PERMIT EXPIRATION**

1. If ~~the Permittee~~CHGM wishes to continue an activity regulated by this permit after the expiration date of this permit, ~~the Permittee~~CHGM must apply for and obtain a new permit, subject to Condition 1.G.2.
2. This permit shall expire ten years from the date of issuance. However, this permit and all conditions herein shall remain in force until the effective date of a new permit, if ~~the Permittee~~CHGM has submitted a timely (at least ~~180~~ 365 days prior to permit expiration or by an alternate date if requested by the Director) and complete application under ~~Utah Admin. Code~~UAC R315-270-14 and the applicable requirements of ~~Utah Admin. Code~~UAC R315-270-15 through R315-270-17 and R315-270-21, and through no fault of ~~the Permittee~~CHGM, the Director does not issue a new permit with an effective date on or before the expiration date of the previous permit.
3. ~~When the permit is reissued, The post-closure period of the cells at the facility may be extended at the Director's may, at his discretion when the permit is reissued, extend the post-closure period of cells at the facility.~~ See Module IX.

#### **I.H. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**

~~In an enforcement action, It~~ shall not be a defense, for ~~the Permittee~~CHGM ~~in an enforcement action~~, that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit.

#### **I.I. DUTY TO MITIGATE**

In the event of noncompliance with the permit, ~~the Permittee~~CHGM shall take all reasonable steps to minimize releases to the environment resulting from the noncompliance and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

## **I.J. PROPER OPERATION AND MAINTENANCE**

~~The Permittee~~CHGM shall, at all times, properly operate and maintain all facilities, treatment systems, and ancillary controls (and related appurtenances) which are installed or used by ~~the Permittee~~CHGM to achieve compliance with the conditions of this permit. Proper operation and maintenance ~~includes~~include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary equipment or similar systems when necessary to achieve compliance with the conditions of this permit.

## **I.K. DUTY TO PROVIDE INFORMATION**

~~Permittee~~CHGM shall furnish to the Director within a reasonable amount of time any relevant information which the Director may request to determine whether cause exists for modifying; revoking and reissuing; or terminating this permit; or to determine compliance with this permit. ~~The Permittee~~CHGM shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

## **I.L. INSPECTION AND ENTRY**

Pursuant to ~~the Utah Admin. Code~~UAC R315-~~260-5270-30(h)(i)~~, ~~the Permittee~~CHGM shall allow, the Director, or authorized representative, upon the presentation of credentials and other documents, as may be required by law, to:

1. Enter at reasonable times upon ~~the Permittee~~CHGM's premises where a regulated unit or activity is located or conducted, or where records must be kept as required by the conditions of this permit;
2. Have access to and copy, at reasonable times, any records, including electronic data, that must be kept as required by the conditions of this permit;
3. Inspect, at reasonable times, any portion of the facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
4. Sample or monitor any substances or parameters at any location, and at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Utah Solid and Hazardous Waste Act;
5. Make record of inspection through photographic, electronic, video, or any other reasonable medium. ~~The Permittee~~CHGM will be given duplicate copies of these items should ~~the Permittee~~CHGM make this request by letter.

## I.M. MONITORING AND RECORDS

1. ~~The Permittee~~CHGM shall retain, at the facility, all records of all monitoring, including all calibration and maintenance records and, where applicable, all original strip chart recordings (or equivalent recordings) for continuous monitoring instruments, copies of all reports and records required by this permit, the waste minimization certification required by ~~Utah Admin. Code~~UAC R315-264-73(b)(9), and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, certification, or recording unless a longer retention period for certain information is required by other conditions of this permit.

All records that are required to be maintained under this permit may be converted to retrievable electronic media for storage, under a plan and using formats expressly approved by the Director. However, all records, regardless of storage medium, must be available for review when requested by regulatory personnel. Once converted, the electronic media may be retained in place of the hard copy originals of the records. These periods may be extended at the request of the Director at any time by written notification to ~~the Permittee~~CHGM. The retention times are automatically extended during the course of any unresolved enforcement action regarding the facility to three years beyond the conclusion of the enforcement action.

2. ~~The Permittee~~CHGM shall maintain, at ~~the facility~~, monitoring well records of all groundwater quality and groundwater elevations for the active life of the facility and all post-closure care periods.
3. Pursuant to ~~Utah Admin. Code~~UAC R315-270-30(j)(3) records of monitoring information shall specify at a minimum:
  - a. The date(s), exact place, and times of sampling or measurements;
  - b. The name(s), title(s), and affiliation of individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses, including all Quality Assurance/Quality Control data.

4. Samples and measurements taken for the purpose of monitoring shall be accurate and representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed shall be the appropriate method from ~~Utah Admin. Code~~ UAC R315-261-1090 Appendix I or an equivalent method approved in writing by the Director. Laboratory methods shall be those specified in ~~ASTM, Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846 (or current edition, hereafter referred to as SW-846)~~, ASTM, Standard Methods of Examination of Water and Wastewater (current edition). ~~The prevailing edition will be determined by the Director.~~ Other alternate methods approved in this permit, or an equivalent method, ~~in accordance with permit Condition I.M.5. of this permit~~ will be allowed if approved in writing by the Director in accordance with Condition I.M.5.
5. When requesting substitute or additional analytical methods, ~~the Permittee~~ CHGM shall submit to the Director a permit modification request consistent with the requirements of UAC R315-270-42. The request shall provide information demonstrating that the proposed method requested is equivalent or superior in terms of sensitivity, accuracy, and precision (i.e., reproducibility).
6. ~~The Permittee~~ CHGM shall maintain a current copy of this permit at the CHGM facility ~~a current copy of this permit~~.

#### **I.N. REPORTING ANTICIPATED NONCOMPLIANCE**

~~The Permittee~~ CHGM shall give advance written notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with requirements of this permit ~~(as per Utah Admin. Code in accordance with UAC R315-270-30(1)(2))~~. Advance notice shall not constitute a defense for any noncompliance.

#### **I.O. REPORTING PLANNED CHANGES**

In accordance with UAC R315-270-30(1)(1), ~~The Permittee~~ CHGM shall give oral notice to the Director, in advance, of any planned changes ~~(Utah Admin. Code R315-270-30(1)(1))~~ to a permitted hazardous waste management unit or activity that ~~the~~ Permittee CHGM does not consider as requiring a permit modification. The Director will notify ~~the Permittee~~ CHGM orally that either it is agreed that no permit modification is required, or the proposed changes require a permit modification. The Director may determine that the changes require a permit modification if the proposed changes modify the original design or operation that was represented in the application even though those portions of the application (i.e., design specifications, drawings, calculations, etc.) may not have been incorporated into the permit.

~~The Permittee~~ CHGM shall follow the requirements of Condition I.D. for any physical alterations or additions to hazardous waste management units or systems being modified. Planned physical alterations or additions shall include all changes in any facility hazardous waste equipment. Neither construction nor operation of new or modified hazardous waste units shall begin unless authorization is granted by the Director ~~the~~



Director grants authorization.

## **I.P. CERTIFICATION OF CONSTRUCTION OR MODIFICATION**

~~The Permittee~~CHGM shall not commence storage, treatment, or disposal of hazardous waste in a new hazardous waste management unit or in a Class 2 or Class 3 modified portion of an existing permitted hazardous waste management unit except as provided in ~~Utah Admin. Code~~UAC R315-270-42, until:

1. ~~The Permittee~~CHGM has submitted to the Director:
  - a. A letter signed by ~~the Permittee~~CHGM and an independent Utah-registered professional engineer qualified by experience and education in the appropriate engineering field certifying that the unit(s) has (have) been constructed or modified in compliance with the modification request and with the conditions of this permit, and
  - b. As-built engineering drawings and specifications as appropriate.
2. The Director or designated representative has reviewed and inspected the modified or newly constructed unit(s) and has notified ~~the Permittee~~CHGM in writing that the unit(s) was were found to be in compliance with permit modification request and the conditions of this permit; or
3. If ~~the Director has not notified CHGM of the intent to inspect~~ within 15 calendar days of the date of receipt of the letter in permit Condition I.P.1., then ~~Permittee has not received notice from the Director, of the intent to inspect,~~ prior inspection is waived and ~~the Permittee~~CHGM may commence treatment, storage, or disposal of hazardous waste in the permitted unit certified in accordance with permit Condition I.P.

## **I.Q. TRANSFER OF PERMIT**

This permit is not transferable to any person except after notice to the Director and in accordance with ~~Utah Admin. Code~~UAC R315-270-40.

## **I.R. TWENTY-FOUR HOUR REPORTING**

1. In accordance with ~~Utah Admin. Code~~UAC R315-270-30(l)(6)(i), ~~the Permittee~~CHGM shall orally report to the Director any noncompliance with this permit which may endanger human health or the environment. CHGM shall report ~~Any~~ such information ~~shall be reported~~ as soon as possible, but not later than 24 hours from the time ~~the Permittee~~CHGM becomes aware of the noncompliance.

2. In accordance with ~~Utah Admin. Code~~UAC R315-263-30, ~~the Permittee~~CHGM shall orally report to the Director, within 24 hours, ~~to the Director~~ any spill of any hazardous waste or material which, when spilled, becomes a hazardous waste if the spilled quantity:
  - a. Exceeds 100 kilograms; or
  - b. Exceeds one kilogram of material listed in ~~paragraph Utah Admin. Code~~UAC R315- 261-31, which includes ~~F999~~F999, and which is an acute hazardous waste identified with a hazard code of (H), or is listed in ~~Utah Admin. Code~~UAC R315-261-33(e).
  - c. A lesser amount if there is a potential for endangerment to human health or the environment.
3. The oral report shall include, but not be limited to, the following:
  - a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies; and
  - b. Any information of a release or discharge of a reportable hazardous waste, or of a fire, or explosion at the facility.
  - c. The description of the occurrence and its cause shall include:
    - i. Name, title, and telephone number of individual reporting;
    - ii. Name, address, and telephone number of the owner or operator;
    - iii. Name, address, and telephone number of the facility;
    - iv. Date, time, and type of incident;
    - v. Location and cause (if known) of the incident;
    - vi. Name and quantity of materials involved;
    - vii. The extent of injuries, if any;
    - viii. An assessment of actual or potential hazard to the environment and human health, when this is applicable;
    - ix. Description of any emergency action taken to minimize threat to human health and the environment;
    - x. Estimated quantity and disposition of recovered material that resulted from the incident; and
    - xi. Any other information necessary to fully evaluate the situation and to develop an appropriate course of action.
4. ~~CHGM shall provide to the Director a written submission w~~CHGM shall provide to the Director a written submission wWithin 15 days of the time they ~~y-P ermittee is are~~ are required to provide the oral report, as specified in Conditions I.R.1. through I.R.3., ~~the Permittee shall provide to the Director a written submission~~
  - a. The written submission shall include, but not be limited to, the following:
    - i. Name, title, address, and telephone number of the individual reporting;

- ii. A description of the reported incident, (including cause, location, extent of injuries, if any, and an assessment of actual or potential hazard to the environment and human health on and off the facility, when this is applicable.) ~~of the reported incident;~~
- iii. The period(s) in which the incident occurred (including exact dates and times);
- iv. Name and quantity of material(s) involved;
- v. Estimated quantity of recovered material that resulted from the incident;
- vi. Whether the results of the incident remain a threat to human health and the environment (whether the noncompliance has been corrected and the release has been adequately cleaned up); and
- vii. If the release or noncompliance has not been adequately corrected or cleaned up, the anticipated time that the noncompliance or cleanup is expected to continue; the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and the steps taken or planned to adequately clean up the release.

#### **I.S. OTHER DOCUMENTS**

~~Permittee~~CHGM shall keep one current copy ~~, at the Grassy Mountain site,~~ of each environmentally related permit issued to them at the facility.

#### **I.T. COMPLIANCE SCHEDULES**

~~To continue the use of put-piles in authorized landfill cells, CHGM must submit a No Migration Variance (NMV) petition to EPA in accordance with 40 CFR § 268.6 six months from the effective date of this permit. There are no compliance schedules associated with the Permit.~~

#### **I.U. MANIFEST DISCREPANCY REPORT**

Manifest discrepancies shall be defined as differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste ~~the Permittee~~CHGM ~~actually~~ receives.

Significant discrepancies in quantity are: (1) for batch waste (containerized loads), any variation in piece count, such as a discrepancy of one drum in a truckload, and (2) for bulk waste, variations greater than ten percent in weight.

Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

If a significant discrepancy is discovered in a manifest, ~~the Permittee~~CHGM shall attempt

to reconcile the discrepancy. If not resolved within 15 days after receiving the waste, ~~the Permittee~~CHGM shall submit a written report to the Director that includes, including a legible copy of the manifest, and efforts to reconcile the discrepancy, to the Director. in accordance with (see Utah Admin. CodeUAC R315-264-72).

#### **I.V. UNMANIFESTED WASTE REPORT**

CHGM shall submit an unmanifested waste report This report shall be submitted to the Director within 15 days of receipt of unmanifested waste - in accordance with (See Utah Admin. CodeUAC R315-264-76).

#### **I.W. BIENNIAL REPORT**

CHGM shall submit ~~A~~ a biennial report to the Director that shall be submitted coveringdescribes facility activities during odd-numbered calendar years. CHGM shall submit ~~This report shall be submitted~~ by March 1 of the following even numbered year in accordance with - (See Utah Admin. CodeUAC R315-264-75).

#### **I.X. OTHER NONCOMPLIANCE**

The PermitteeCHGM shall report all other instances of noncompliance with this permit not otherwise required to be reported ~~- in accordance with~~by Condition I.R. to the Director; within seven days of discovering the noncompliance. The reports shall contain all applicable information necessary to describe the noncompliance. Reporting shall not constitute a defense for any noncompliance. ~~( in accordance with See Utah Admin. CodeUAC R315- 270-30(1)(10)).~~

#### **I.Y. OTHER INFORMATION**

Whenever ~~the Permittee~~CHGM becomes aware that they failed to submit any relevant facts in the permit ~~application, or application or~~ submitted incorrect information in a permit application (except minor deviations as allowed by II.B.2.), or in any report submitted to the Director, ~~the Permittee~~CHGM shall submit such facts or corrected information within the next seven days.

#### **I.Z. SIGNATORY REQUIREMENT**

All applications, reports, or other information requested by or submitted to the Director shall be signed and certified in accordance with ~~Utah Admin. CodeUAC R315-270-30(k)-~~

#### **IAA. CONFIDENTIAL INFORMATION**

The PermitteeCHGM may claim the confidentiality of any information submitted to the

Director in accordance with Government Records Access Management Act, Utah Code ~~Ann.~~ § 63G-2-101, et seq., Environmental Quality Code, Utah Code ~~Ann.~~ § 19-1-306, and ~~Utah Admin. Code~~ UAC R305-1, et seq. The Director will evaluate claims of confidentiality in accordance with applicable statutes and regulations and will administer those documents accordingly.

## **I.BB. REPORTS, NOTIFICATIONS, AND SUBMISSIONS**

All reports, notifications, or other submissions which are required by this permit to be transmitted to the Director should be sent by certified mail or other means of proof of delivery to:

Director  
Division of Waste Management and Radiation Control  
P.O. Box 144880  
Salt Lake City, Utah 84114-4880  
Phone (801) 536-0200

Or for non-confidential documents+:

Director  
Division of Waste Management and -Radiation Control  
dwmrcsubmit@utah.gov

During normal business hours (except Utah ~~s~~State holidays), required oral notifications shall be given only to the Director, ~~or~~ an Environmental Manager, an Environmental Scientist, or an Environmental Engineer employed by the Director to assist ~~him the~~ Director in administering the hazardous waste program. Notifications made at other times shall be made to one of the aforementioned persons if ~~the Permittee~~ CHGM can contact such person at the facility or at the office of the Division of Waste Management and Radiation Control at **801-536-0200**. Otherwise, notification shall be made to the 24-hour answering service at **801-536-4123**. Notifications made to the 24- hour answering service shall include all applicable information required by this permit. ~~The Permittee~~ CHGM shall give oral notification to the ~~Director~~ Director, ~~or~~ an Environmental Manager, an Environmental Scientist, or an Environmental Engineer employed by the Director to assist ~~him the~~ Director in administering the hazardous waste program on the first business day following notification to the ~~24-hour~~ 24-hour answering service.

## **I.CC. DOCUMENTS TO BE MAINTAINED AT THE CHGM SITE**

~~The Permittee~~ CHGM shall maintain at the facility, for the periods specified, the following documents, ~~and~~ amendments, ~~revisions,~~ and modifications to these ~~documents;~~ documents as stated in Condition I.M.; ~~E~~ electronically-stored versions may be used with ~~out~~ the prior approval of the Director:

1. Waste Analysis Plan, as required by ~~Utah Admin. Code~~UAC R315-264-13 and this permit, until facility closure is certified in accordance with Condition II.O.7.
2. Personnel training documents and records, as required by ~~Utah Admin. Code~~UAC R315-264-16(d) and this permit. Training records for current personnel must be kept until facility closure ~~for current employees;~~ training records for former employees must be kept, ~~or~~ for a period of three years ~~for former employees~~ in accordance with ~~Utah Admin~~CodeUAC R315-264-16(e).
3. Contingency Plan, as required by ~~Utah Admin. Code~~UAC R315-264-50 and this permit, until facility closure is certified in accordance with Condition II.O.7.
4. Closure Plan, as required by ~~Utah Admin. Code~~UAC R315-264-110(a) and this permit, until facility closure is certified in accordance with Condition II.O.7.
5. Cost estimates for the facility closure and post-closure as required by UAC R315-264-142.
6. Operating Record, as required by ~~Utah Admin. Code~~UAC R315-264-73 and this permit, until facility closure is certified in accordance with Condition II.O.7.
7. Inspection logs, as required by ~~Utah Admin. Code~~UAC R315-264-15 and this permit, for a period of three years in accordance with R315-264-15(d).
8. Manifest copies, as required by ~~Utah Admin. Code~~UAC R315-264-71(a)(2)(vi) and this permit, for at least three years from the date the waste shipment was accepted at the facility.
9. A copy of ~~the Permittee~~CHGM's waste minimization statement until facility closure is certified in accordance with Condition II.O.7.
10. A complete and current copy of the ~~facility~~CHGM Permit~~permit~~. All modifications shall be placed in the facility's copy of the permit within 30 days from the date the Director approves the permit modifications.
11. All independent tank system assessment, installation, and repair certifications, as required by ~~Utah Admin. Code~~UAC R315-264-192(b) and R315-264-196(f), until facility closure is certified in accordance with Condition II.O.7.

#### **I.DD. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT**

Pursuant to ~~Utah Admin. Code~~UAC R315-270-32(b)(2), this permit contains those terms and conditions determined necessary to protect human health and the environment.

## I.EE. COMPLIANCE

Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under ~~§ Section-3013~~ or ~~§ Section-7003~~ of RCRA, ~~§ Section 106(a)~~ of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. ~~§ 9606~~ (a), commonly known as CERCLA), or any other law providing for protection of human health or, the environment.

## I.FF. DEFINITIONS

Regulatory terms used in this permit have the same meaning as those in ~~Utah Admin. Code UAC~~ R315, or as outlined below, unless this permit specifically provides otherwise. Where terms are not defined in the regulations or the permit, a standard dictionary reference or the generally accepted scientific or industrial meaning of the term shall define the meaning associated with such terms.

~~Note:- (Note:-~~ When words which are also regulatory terms are not used as regulatory terms in this permit, they have the standard-dictionary-reference meaning or the generally accepted meaning as described above.

“Active life of a facility” means the period from the initial receipt of hazardous waste at the facility until the Director receives certification of final closure.

“Active portion” means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after the effective date of this permit and which is not a closed portion. ~~(See also “closed portion” and “inactive portion”)~~

“Ancillary equipment” means any device ~~(including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps)~~ in which hazardous waste is handled and ~~which-that~~ is used to distribute, meter, or control the flow of hazardous waste within a permitted unit or from the point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal on site, or to a point of shipment for disposal off site.

“Annual” or “Annually” means once every 12 months.

“Approved” means oral or written approval from the Director of the Division of ~~Solid and Hazardous Waste~~ Waste Management and Radiation Control. If oral approval is ~~obtained~~ given, written certification of that approval shall follow within 15 days.

“Aquifer” means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells.

“Arrival” means a waste load present at the gate of the facility.

“CAMU” means Corrective Action Management Unit.



“CAMU-Eligible Waste” is a waste stream that meets the requirements of ~~40 CFR 264.552(a)(1)~~; UAC R315-264-552(a)(1).

“Certification” means a statement of professional opinion based upon knowledge, observation, and belief.

“CHGM” means the Clean Harbors Grassy Mountain Facility and/or Clean Harbors Grassy Mountain, LLC, which owns and operates the Clean Harbors Grassy Mountain Facility.

“Clean debris surface” means the surface, when viewed without magnification, shall be free of all visible contaminated soil and hazardous waste except that residual staining from soil and waste consisting of light shadows, slight streaks, or minor discolorations, and soil and waste in cracks, crevices, and pits may be present provided that such staining and waste and soil in cracks, crevices, and pits shall be limited to no more than 5% of each square inch of surface area.

“Closed portion” means that portion of a facility which an owner or operator has closed in accordance with the approved facility Closure Plan and all applicable closure requirements. (See also “active portion” and “inactive portion.”)

“Component” means either the tank or ancillary equipment of a tank system, when used in reference to a tank system.

“Confined aquifer means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined ground water.

“Container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

“Continuous” in the context of data collection, means data is collected at intervals that do not exceed once per minute.

“Corrosion expert” means a person who, by reason of ~~his~~-~~their~~ knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (~~NACE~~) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

“Day” means calendar day unless specified otherwise.

“Debris” means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a



specific treatment standard is provided in Sections R315-268-40 through 49 UAC, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section R315-268-45 and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

“Director” means the Director of the Division of Waste Management and Radiation Control.

“Discharge” or hazardous waste discharge means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

“Disposal facility” means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure.

“EPA hazardous waste number” means the number assigned by EPA or the Director to each hazardous waste listed in ~~Utah Admin. Code~~ UAC R315-261-31, R315-261-32, R315-261-33 and to each characteristic waste identified in ~~Utah Admin. Code~~ UAC R315-261-21 through R315-261-24.

“EPA identification number” means the number assigned by EPA or the Director to each generator, transporter, and treatment, storage, or disposal facility.

“Equivalent method” means any testing or analytical method approved by the Director.

“Existing portion” means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

“Existing tank system” or “existing component” means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation as of May 1, 1997, or was in service prior to May 1, 1997, and is currently “inactive.”

“Facility” means all contiguous land, structures, other appurtenances, and/or improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units, (e.g., one or more landfills, surface impoundments, or combinations of them). In this permit and all supporting documents “the facility” refers to CHGM.

“Facility Plan Approval” means a written approval (referred to as a permit) to operate a hazardous waste treatment, storage, or disposal facility within the State of Utah.

“Federal agency” means any department, agency, or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation, and the Government Printing Office.

“Federal, State and local approvals or permits necessary to begin physical construction” means permits and approvals required under Federal, State, or local hazardous waste control statutes, regulations, or ordinances.

“Final closure” means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities in this permit are no longer conducted at the facility.

“Freeboard” means the distance between the top edge of a tank or surface impoundment and the surface of the waste contained therein.

“Generator” means any person, by site, whose act or process produces hazardous waste identified or listed in R315-261 or whose act first causes a hazardous waste to become subject to regulation.

“Groundwater” means water below the land surface in a zone of saturation.

“Hazardous debris” means debris that contains a hazardous waste listed in UAC R315-261-30 through 35, or that exhibits a characteristic of hazardous waste identified in UAC R315-261-20 through R315-261-24. Any deliberate mixing of prohibited hazardous waste with debris that changes its treatment classification, i.e., from waste to hazardous debris, is not allowed under the dilution prohibition in UAC R315-268-3.

“Hazardous waste” means a hazardous waste as defined in UAC R315-261-3.

“Hazardous waste constituent” means any constituent listed in R315-261 Appendix VIII.

“Halogenated organic compounds (HOCs)” means those compounds having a carbon-halogen bond which are listed under Appendix III to UAC R315-268.

“Hazardous Waste Management Unit (HWMU)” is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

“Immediately” means within 24 hours unless otherwise specified.

“Inactive portion” means that portion of a facility that is not currently operated and has not ~~under gone~~undergone closure.

“Infectious waste” means “a solid waste that contains or may reasonably be expected to contain pathogens of sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease.” This waste includes such materials as used sharps (needles, syringes, blades, pipettes, broken glass, and blood vials), body fluids or materials mixed with body fluids, bandages, or other materials that have come in contact with body fluids.

“Inner liner” means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or treatment reagents.

“International shipment” means the transportation of hazardous waste into or out of the jurisdiction of the United States.

“Landfill cell” means a discrete volume of a hazardous waste landfill, constructed in accordance with the permit, which uses a liner system to provide isolation of wastes from adjacent cells; or wastes, ~~that are constructed in accordance with the Permit.~~

“Land disposal” means placement in or on the land, except in a corrective action management unit or staging pile, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault, or bunker intended for disposal purposes.

“Leachate” means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste and/or water generated from naturally occurring storm events that has been in contact with waste listed in 40 CFR 261 Subpart D: UAC R315-261-30 through 35.

“Leak detection system for tanks” means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of above ground tanks) or consist of an interstitial monitoring device designed to detect, continuously and automatically, the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

“Like Wastes” means wastes exhibiting the same general characteristics.

“Liner” means a continuous layer of natural or ~~man-made~~manufactured materials, beneath or on the sides of a surface impoundment, landfill, or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

“Liquid” or “Liquid waste” means a material that fails the Paint Filter Liquids Test (PFLT) using EPA Method 9095 as described in *Test Methods for Evaluation of Solid Wastes, Physical/Chemical Methods (EPA Publication No. SW-846)*.

“Management” or “hazardous waste management” means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

“Manifest” means the shipping document EPA form 8700-22 and, if necessary, EPA form 8700-22A, or the electronic manifest, originated and signed by the generator in accordance with the instructions located in the R315-262-217.

“Miscellaneous unit” means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well, containment building, corrective action management unit, or unit eligible for a research, development, and demonstration permit.

“New tank system” or “new tank component” means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after May 1, 1997. A new tank system also means a tank system or component for which construction commences after May 1, 1997.

“On-site” means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along ~~the~~ right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that ~~they~~he controls and to which the public does not have access, is also considered on-site property.

“Partial closure” means the closure of one or more hazardous waste management units in accordance with this Ppermit while other units continue to operate.

“PCB” means Polychlorinated Biphenyls as defined in 40 CFR §761.3.

“Person” means an individual, trust, firm, joint stock company, Federal agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

“Personnel” or “facility personnel” means all persons who work, at, or oversee the operations of, a hazardous waste facility, and whose actions or failure to act may result in noncompliance with this permit.

“Permittee” means Clean Harbors Grassy Mountain, LLC.

“Precipitation run-off” means water generated from naturally occurring storm events. If water generated from naturally occurring storm events has been in contact with waste listed in R315-261 Appendix VIII, it is considered to be leachate.

“Pyrophoric waste” means a waste that can ignite within five minutes after coming in contact with air when tested according to 49 C.F.R. § 173, Appendix E, Paragraphs 3.1.1 - 3.1.3.

“Qualified Utah Registered Professional Engineer” means any individual who is qualified by experience and educated in the appropriate field and is licensed as a Professional Engineer by the Utah Department of Commerce.

“Quarterly” means once every three months.

“RCRA” means the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. ~~§ section~~ 6901 *et seq.*

“RCRA/TSCA” refers to the definition listed under TSCA/RCRA ~~c~~Combination ~~W~~waste ~~S~~streams.

“Received” refers to the point in time when a load of waste enters the fenced portion of the facility.

“Release” means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous waste constituents) into the environment (including the abandonment or discarding of barrels, containers, and other receptacles containing hazardous wastes or hazardous waste constituents).

“Run-off” means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

“Run-on” means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

“Saturated zone” or “zone of saturation” means that part of the earth's crust in which all voids are filled with water.

“Semi-Annually” means once every six months.

“Soil” means unconsolidated earth material composing the superficial geologic strata, material overlying bedrock, consisting of clay, silt, sand, or gravel size particles as classified by the U.S. Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges or solids which is inseparable by simple mechanical removal processes and is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited hazardous waste with soil that changes its treatment classification, i.e., from waste to contaminated soil, is not allowed under the dilution prohibition in Section R315-268-3.

“Soil cover” means any soil material, other than hazardous waste, ~~that~~which affords protection to a landfill cell liner.

“Solid Waste Management Unit (SWMU)” means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at the facility at which solid wastes have been routinely and systematically released.

“Solidify” means to treat a liquid waste by changing the liquid into a solid form using solidification agents, thereby reducing the hazard potential of the waste by decreasing its mobility. Solidification does not necessarily involve a chemical reaction or interaction between the waste constituent(s) and the solidification agent(s).

“Stabilize” or “Stabilization” means to treat, or the process of treating, a waste by adding stabilization reagents that will react with the contaminants to produce a less soluble, less toxic, or less mobile form of the contaminants. The physical form of the waste may or may not change. For purposes of this permit, stabilization will include reactions or processes which neutralize, deactivate, chemically oxidize, or chemically reduce waste contaminants, when they are accomplished in accordance with the applicable provisions herein.

“Storage” means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, stored elsewhere, or shipped off-site to another facility.

“Submit or Submission” means to be received and logged in at the offices of the Utah Division of ~~Solid and Hazardous Waste~~ Waste Management and Radiation Control, having been hand delivered or delivered by certified mail, mail, express mail, facsimile, electronic mail, computer diskette, or any combination thereof. The postmark or equivalent evidence shall be used as the date of submission. When a submission due date falls on a Saturday, Sunday or a Utah or federal holiday, the submission or report is due on the next business day.

“Sump” means any pit or reservoir that meets the R315 definition of a tank, and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal units of facilities.

“Tank” means a stationary device, designed to contain an accumulation of hazardous waste that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

“Tank system” means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

“Transfer facility” means any transportation related facility including loading docks, parking areas, and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

“Transport vehicle” means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

“Transportation” means the movement of hazardous waste by air, rail, highway, or water.

“Transporter” means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.



“Treatability Study” means a study in which a hazardous waste is subjected to a treatment process to determine: (1) Whether the waste is amenable to the treatment process, (2) what pretreatment (if any) is required, (3) the optimal process conditions needed to achieve the desired treatment, (4) the efficiency of a treatment process for a specific waste or wastes, or (5) the characteristics and volumes of residuals from a particular treatment process. Also included in this definition for the purpose of the R315-261-4(e) and R315-261-4(f) exemptions are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A “treatability study” is not a means to commercially treat or dispose of hazardous waste.

“Treatment” means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

“TSCA” means the Toxic Substances Control Act.

“TSCA/RCRA Combination Waste Streams” refers to those PCB-containing waste streams that may be placed in the stabilization unit when the presence of RCRA hazardous constituents in combined RCRA/TSCA waste requires treatment prior to land disposal. The treatment unit is not authorized for management of any combined waste streams in which the PCB component of the waste would not otherwise be authorized for land disposal in a TSCA land disposal unit.

“~~Utah Admin. Code~~UAC” means Utah Administrative Code.

“Unsaturated zone” means the zone between the land surface and the water table.

“Uppermost aquifer” means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

“Underlying hazardous constituent (UHC)” means any constituent listed in UAC R315-268-48, Table - Universal Treatment Standards (UTS), except fluoride, selenium, sulfides, vanadium, and zinc, which can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS.

“USHWA” means Utah Solid and Hazardous Waste Act, Utah Code ~~§ Annotated~~-19-6-101 *et seq.*, as amended.

“Waste” means hazardous waste or waste to be managed as hazardous waste in accordance with this permit unless otherwise specified. Non-hazardous waste will be described as “non-hazardous waste.”