

MODULE II
GENERAL FACILITY CONDITIONS

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MODULE II - GENERAL FACILITY CONDITIONS

II.A. APPLICABILITY

The requirements of this permit module pertain to all regulated hazardous waste management units identified within this permit.

II.B. DESIGN AND OPERATION OF FACILITY

1. Clean Harbors Grassy Mountain, LLC (CHGM) shall design, construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or release of hazardous waste to the air, soil, groundwater, or surface water which could threaten human health or the environment.
2. CHGM shall document any construction changes associated with a permitted waste management unit by as-built drawings, and if a Class 2 or Class 3 modification, professional engineering certifications as required by the Director of the Division of Waste Management and Radiation Control (Director). After review of the as-built drawings and field verification of the facility's regulated waste management units, the Director will notify the Permittee in writing of any change which the Director concludes does not satisfy the operating requirements specified in this permit.
3. A facility plan view that is applicable to the execution of this permit is in Attachment II-1.

II.C. REQUIRED NOTICE

When CHGM is to receive hazardous waste from an off-site source, CHGM shall inform the generator in writing that it has the appropriate permits for, and will accept, the waste that the generator is shipping. CHGM shall keep an electronic or physical copy of this written notice as part of the Operating Record as required by UAC R315-264-73.

II.D. PERMITTED AND PROHIBITED WASTE

The following wastes are acceptable for treatment, storage and/or disposal at CHGM, except where noted:

- a. Solid waste including household hazardous waste and non-RCRA regulated wastes.
- b. Hazardous waste regulated under the Resource Conservation and Recovery Act (RCRA).
- c. Hazardous waste regulated under the Hazardous and Solid Waste Amendments (HSWA).

- d. Waste generated from Superfund (CERCLA) cleanups.
- e. PCBs and other wastes as authorized by the Toxic Substances Control Act (TSCA).
- f. RCRA/TSCA combined wastes.
- g. Waste with the codes identified in Appendix 2 of Attachment II RCRA-TSCA Waste Analysis Plan (WAP).
- h. Corrective Action Management Unit–eligible (CAMU-eligible) waste as provided for in 40 C.F.R. § 264.555. CAMU-eligible wastes may be accepted for treatment and/or disposal at the CHGM, provided that the conditions of UAC R315-264-550 through 555 (40 C.F.R. § 264.555) have been met, (which includes approval by the Director).
- i. Waste bearing the waste code F999. Wastes bearing a P999 waste code shall only be accepted if they are treatment residues which also bear the F999 waste.
- j. Wastes are accepted in a variety of physical forms, including liquids, sludges, and solids. These wastes may not arrive in a 100% homogenous form.
- k. CHGM may also temporarily (ten days or less) hold wastes manifested to another facility similar to that allowed in UAC R315-263-12. The first of the ten days will be counted as the first calendar day after the waste has been received at the CHGM and end at midnight on the tenth day. This will be referred to as transfer operations. There are no restrictions on waste codes for transfer operations.

4. Prohibited Waste.

CHGM is prohibited from managing the following wastes and wastes that exhibit the following characteristics:

- a. Explosive wastes or materials defined as Department of Transportation (DOT) Forbidden, DOT Division 1.1, 1.2, 1.3, 1.4, 1.5, and 1.6 explosives.
- b. DOT Division 4.1(2) Type A and Type B materials, and in UAC R315-261-23(a)(6) through R315-261-23(a)(8), except for wastes that do not meet the RCRA definition of ignitability (D001) and/or reactivity (D003).
- c. Spontaneously combustible (pyrophoric and self-heating) wastes and materials, DOT Division 4.2 (Except in Lab Pack Quantities for storage only).
- d. Water reactive materials, DOT Division 4.3 (Except in Lab Pack Quantities for storage only or for treatment with prior approval of the Director).
- e. Shock sensitive materials.
- f. Radioactive waste, unless authorized for acceptance by the Nuclear Regulatory Commission or Utah Division of Waste Management and Radiation Control, whichever has jurisdiction over the waste.

- g. Infectious waste, as defined in Utah Code Title 19 Section 6 Subsection 102 and Condition I.F.F (Definitions).

II.E. GENERAL WASTE ANALYSIS

1. CHGM shall comply with the procedures in Attachment II RCRA-TSCA WAP (WAP). If a Standard Operating Procedure used to comply with the WAP is updated, a copy will be provided to the director and to the Environmental Protection Agency (EPA) if applicable within 30 days of the update. In addition, CHGM shall comply with any other conditions involving waste analysis in Modules II, III, IV, V, VI, and VII.
2. Any laboratory CHGM uses to perform analyses that involve final waste disposal decisions shall be a Utah Certified Laboratory or a laboratory that the Director has approved in writing to perform those analyses.
 - a. CHGM shall inform all outside contract laboratories performing analyses that they must analyze waste in accordance with the WAP.
 - b. If a laboratory does not meet the conditions of CHGM's WAP, CHGM shall request formal approval from the Director to use that lab.
 - c. For parameters for which certification is unavailable, the laboratory shall provide quality control/quality assurance data sufficient to assess the validity of the data.
 - d. CHGM shall assess the quality of all data to assure that it meets or exceeds the requirements of the WAP.
3. A unique number shall tie all analysis or data sheets produced by CHGM to the profile sheet and the uniform hazardous waste manifest upon which that shipment of waste arrived at CHGM. CHGM shall record fingerprint analysis of shipments in the Operating Record and compare it to tolerance ranges prescribed in the WAP. Tolerance exceeding these ranges (load discrepancy) shall be explained in the Operating Record if the waste in question is accepted. CHGM shall manage all load discrepancies in accordance with the WAP.
4. The Director may reject any data if it is determined to be unreliable for any reason.
5. CHGM shall only use test methods described in the WAP or those equivalent procedures that satisfy Condition I.M.4. CHGM may implement changes in test methods described in the WAP without modification of the permit if the changes are due to an improvement or refinement by the EPA or the State of Utah.

6. CHGM may accept F020, F021, F022, F023, F026, F027, and F028 wastes for treatment and/or disposal only if the following conditions are met:
 - a. The wastes (F020, F021, F022, F023, F026, F027, & F028) shall be compliant or rendered compliant with UAC R315-268-40 - Land Disposal Restrictions (LDR), other land disposal requirements, or both, using permitted treatment and management techniques available at the facility prior to disposal.
 - b. The wastes (F020, F021, F022, F023, F026, F027, & F028) shall be managed in accordance with the latest approved version of the Supplemental Waste Management Plan, Attachment II-8.
 - c. If treated at the facility, the stabilization units in which the treatment occurred are emptied to meet the definition of empty prior to placing a different waste in the tank in accordance with UAC R315-261-7(b)(1).
7. If the facility accepts and treats TSCA/RCRA waste, the stabilization units in which treatment occurred are emptied by meeting the definition of empty for RCRA purposes and by triple-rinsing with a suitable solvent for TSCA purposes. The third and final rinsate shall be tested and confirmed to be < 50 ppm to be considered clean for TSCA purposes. Alternatively, the surfaces may be wipe sampled and confirmed to be < 10 ug/100 cm² to be considered clean.

II.F. SECURITY

CHGM shall comply with security conditions and procedures contained in Attachment II-2.

II.G. GENERAL INSPECTION REQUIREMENTS

CHGM shall follow the inspection schedule found in Attachment II-3 and other modules in this permit.

1. CHGM shall correct any malfunction or deterioration discovered by an inspection within 72 hours. If the remedy requires more time, CHGM shall submit to the Director, before the expiration of the 72-hour period, a proposed time schedule for correcting the problem. All corrective actions shall be completed in a timely manner. If a malfunction or deterioration is documented with a piece of equipment or a tank, the equipment/tank will be declared out-of-service. This will be noted on the inspection logs.
2. CHGM shall keep records of inspections as required by UAC R315-264-15(d).
3. All tests for tanks, landfill or impoundment leakage, corrosion or foundation integrity shall be certified by an independent, Utah registered, professional engineer qualified by experience and education in the appropriate engineering field.

4. CHGM shall continuously monitor wind speed and direction and daily precipitation. This information shall be kept as part of the Operating Record.
5. CHGM shall correct problems found during periodic inspections conducted under this module within 72 hours. If, upon determination by the Director or CHGM, continued operation of the waste management unit involved in the inspection could endanger human health or the environment, CHGM shall cease operation of the unit until the problem has been corrected. CHGM shall be allowed to undertake those operations, which are part of corrective activities.
6. CHGM may make the following revisions to the Inspection Procedures (included as Attachment II-3 of this permit) in accordance with the procedures for Class 1 permit modifications, which require pre-approval from the Director, in accordance with UAC R315-270-42.
 - a. Upon certification of closure of an individual hazardous waste management unit, CHGM may delete any portion of the Inspection Plan specific to that unit, and not subject to post-closure activities, from the inspection procedure.
 - b. CHGM may modify inspection requirements in an existing inspection form, table, figure, or record in cases where such modifications will result in more comprehensive or detailed inspection procedures.
 - c. If necessary, CHGM shall create additional inspection forms, tables, figures, or records to address inspection requirements for equivalent replacement equipment that will be routinely inspected.

II.H. PERSONNEL TRAINING

CHGM shall conduct personnel training as required by UAC R315-264-16. This training program shall follow the outline found in Attachment II-4. New personnel working with or around hazardous waste shall complete the required training within six months after their hire date or assignment to the facility. Personnel assigned to a different job function shall receive training in their new job function(s) within 30 days of re-assignment. In addition, CHGM shall comply with the following conditions:

1. Facility personnel shall take part in an annual review of their initial training for contingency, radiation control (if applicable), and hazardous waste management procedures relevant to the positions in which they are employed.
2. CHGM shall maintain training documents and records as required by UAC R315-264-16(d) and R315-264-16(e), in accordance with the Training Plan in Attachment II-4. These records shall clearly indicate the person being trained, the employee's position, job description, and the type and amount of training received.

3. CHGM shall maintain a copy of the Training Plan at the facility until the facility is fully closed and closure is certified.

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

1. CHGM shall comply with the requirements of UAC R315-264-17 and the requirements of all applicable National Fire Protection Association codes.
2. In addition to the requirements of UAC R315-264-17, CHGM shall comply with the conditions of Modules III, IV, V, VI, and VII pertaining to ignitable, reactive, or incompatible wastes.

II.J. LOCATION STANDARDS

It has been determined that this facility has met the location standards specified by UAC R315-264-18.

II.K. PREPAREDNESS AND PREVENTION

1. Required Equipment. At a minimum, CHGM shall equip and maintain at CHGM, the emergency equipment set forth in Attachment II-5 as required by UAC R315-264-32.
2. Testing and Maintenance of Equipment. CHGM shall test and maintain the equipment specified in Condition II.K.1. as required by UAC R315-264-33.
3. Records and preventative maintenance. CHGM shall maintain records of preventative maintenance and repair activities specified in Condition II.K.2. CHGM 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.M.
4. Inspection of Safety and Emergency Equipment. CHGM shall inspect the safety and emergency equipment as required by UAC R315-264-15(b) and at the frequencies defined in Attachment II-3.
5. Access to Communications or Alarm System. CHGM shall maintain access to the communications or alarm systems as required by UAC R315-264-34.
6. Required Aisle Space. At a minimum, CHGM shall maintain aisle space as specified in Condition III.F.2 as required by UAC R315-264-35.

7. Arrangements with Local Authorities. CHGM shall attempt to make emergency plan arrangements with state and local authorities as required by UAC R315-264-37. If state or local officials refuse to enter into preparedness and prevention arrangements with CHGM or the arrangements change, CHGM shall document this refusal or change in the Operating Record. The Director shall be notified in writing within 30 days of any change to local emergency agreements.

II.L. CONTINGENCY PLAN

1. Implementation of Plan. CHGM shall immediately carry out the provisions of the Contingency Plan, Attachment II-6, and follow the emergency procedures described by UAC R315-264-56 whenever there is a fire, explosion, or release of a reportable quantity of hazardous waste. CHGM shall comply with Condition I.R. in reporting releases to the Director.
2. Copies of Plan. CHGM shall comply with the requirements of UAC R315-264-53 by providing copies of the Contingency Plan to emergency agencies who may be called in an emergency, maintaining a copy of the Plan at the facility, and by providing a copy upon request.
3. Amendments to Plan. CHGM shall review the Contingency Plan in accordance with UAC R315-264-54. CHGM shall modify, if necessary, the Contingency Plan as specified by UAC R315-270-41 and R315-270-42.
4. Emergency Coordinator. CHGM shall always have a trained emergency coordinator available in case of an emergency, as required by UAC R315-264-55. The names, addresses, and telephone numbers of all persons qualified to act as emergency coordinators shall be supplied to the Director and shall be kept up to date.

II.M. MANIFEST SYSTEM

1. CHGM shall comply with the manifest requirements of UAC R315-262-50 and R315-264-70. The manifest number shall be recorded in the Operating Record with each load that arrives at CHGM's facility.
2. CHGM shall not receive wastes that have not completed the pre-acceptance notification outlined in Condition II.C.1.
3. CHGM shall either reject hazardous waste shipments that are received without a hazardous waste manifest from the site with the refusal documented in the Operating Record, or accept the shipments, and within 15 working days after receipt of the waste, file an Unmanifested Waste Report with the Director as required by Condition I.V. and UAC R315-264-76.

4. The Director may request copies of manifests or manifest summaries. The request will be submitted by letter and shall stipulate the format and the time frame for the facility's response to this request. CHGM shall maintain the manifests for a five-year period.

II.N. RECORDKEEPING AND REPORTING

1. CHGM shall maintain an accurate written Operating Record at the facility in accordance with UAC R315-264-73.
2. By March 1 of each year, CHGM shall submit to the Director a certification pursuant to UAC R315-264-73(b)(9) incorporated by reference, signed by the owner or operator of the facility or their authorized representative that CHGM has a waste minimization program in place to reduce the volume and toxicity of hazardous waste that it generates to the degree determined by CHGM to be economically practicable and that the proposed method of treatment, storage, or disposal is the most practicable method currently available to CHGM that minimizes the present and future threat to human health or the environment.
3. CHGM shall comply with the biennial report requirements of Condition I.W. by March 1 of each even-numbered reporting year. The report shall include wastes generated, treated, and stored at CHGM's facility during the previous odd-numbered year.
4. CHGM shall submit additional reports to the Director in accordance with UAC R315-264-77.
5. All reports, notifications, applications, or other materials required to be submitted to the Director shall be submitted at the address shown in Condition I.BB.
6. All reporting and activity days are calendar days unless noted otherwise.

II.O. CLOSURE/POST-CLOSURE

1. Performance Standard. CHGM shall close the facility as required by UAC R315-264-110 through R315-264-120 and Attachment II-7. For future management units not included in the Closure and Post Closure Plan in Attachment II-7, CHGM shall submit a new Closure Plan as part of the permit modification. Any requests for new hazardous waste management units, expansions or modifications to the operating plan shall be submitted with a revised Closure and Post Closure Plan.

2. Amendment to Closure/Post-Closure Plan. CHGM shall amend the Closure/post-Closure Plan in accordance with UAC R315-264-112 whenever necessary or when required to do so by the Director. CHGM shall submit the modified plan to the Director within 60 days of the Director's request or within 30 days if the change in facility conditions occurs during partial or final closure.
3. Minor Changes. For all hazardous waste management units, minor deviations from the permitted Closure Plan procedures necessary to accommodate proper closure shall be described in narrative form with the closure certification statements. CHGM shall describe the rationale for implementing minor changes as part of this narrative report. CHGM shall submit the certification statements and narrative report to the Director within 60 days after completion of closure of each hazardous waste management unit.
4. Notification of Closure. CHGM shall notify the Director in writing at least 90 days prior to the commencement of the final closure of any land disposal, treatment, or storage unit or of final closure of the facility in accordance with UAC R315-264-112. CHGM shall also notify the EPA Assistant Regional Administrator for Region 8 when any of the units identified in Attachment II-7 are to be closed.
5. Time Allowed for Closure. Within 180 days after receiving the final volume of hazardous waste from an off-site source, CHGM shall complete partial or final closure of a waste management unit(s) or the facility, unless an alternative schedule has been approved by the Director, in accordance with the conditions and closure techniques specified in Attachment II-7 and UAC R315-264-113. The Director may approve an extension to the closure period if the permit modification complies with the provisions listed in UAC R315-264-113(b).
6. Disposal of Contaminated Equipment, Structures and Soil. CHGM shall decontaminate all facility equipment, structures, and soil as outlined in Attachment II-7. Any facility equipment, structure, soil, and rinsate which has not been decontaminated and has not been landfilled on site shall be taken to a permitted hazardous waste treatment, storage, or disposal facility.
7. Certification of Closure. Within 60 days of completion of closure of a waste management unit or the facility, CHGM shall submit, by registered mail or other proof of delivery, certification that the facility has been closed in accordance with the specifications in the approved Closure Plan, Attachment II-7, and UAC R315-264-115. An independent, registered professional engineer qualified by experience and education in the appropriate engineering field shall sign the certification.

8. Post-Closure. The post-closure period shall commence upon certification of closure as identified in Condition II.O.7 and shall continue for a minimum period of 30 years. Post-closure activities shall follow the requirements of UAC R315-264-117, Module IX, and Attachment II-7.
9. Survey Plat. Along with the certification of closure for either a disposal unit or the entire facility, CHGM shall provide a survey plat to the Director in accordance with UAC R315-264-116. CHGM shall submit this plat within the same time frame as the certification of closure defined in Condition II.O.7.

II.P. COST ESTIMATES FOR THE FACILITY CLOSURE/POST CLOSURE

1. CHGM's closure/post closure cost estimate shall be prepared and maintained in accordance with UAC R315-264-142 and R315-264-144.
2. CHGM shall adjust the closure/post-closure cost estimate for inflation as specified by UAC R315-264-142(b) and R315-264-144(b) each year and submit a copy of that adjusted cost estimate to the Division of Waste Management and Radiation Control (Division) by May 15th of each year. The latest adjusted closure/post-closure cost estimate shall be documented in the Operating Record. Before each new hazardous waste management unit is placed in operation, CHGM shall prepare an updated closure/post-closure cost estimate including the new unit. This revised cost shall be submitted at least 60 days prior to placing the unit in operation. CHGM shall submit a revised closure/post-closure cost estimate to the Director 60 days after an unexpected event that affects the Closure Plan.
3. CHGM shall revise the closure or post-closure cost estimate within 30 days after the Director has approved the request to modify the facility Closure Plan.
4. CHGM shall keep the latest, approved closure cost estimate at the facility.

II.Q. FINANCIAL ASSURANCE FOR FACILITY CLOSURE

1. CHGM shall demonstrate continuous financial assurance compliance by providing a third-party financial assurance certification of at least the amount of the closure/post-closure cost estimates established in Condition II.P. CHGM may substitute other instruments of financial assurance provided the method, funding, and wording requirements of UAC R315-264-140 through 151 are followed and approved by the Director.
2. CHGM shall update the financial assurance document within 60 days of the annual adjustment for inflation or within 60 days of the approval of a revised closure/post-closure cost estimate in accordance with UAC R315-264-142(b).

II.R. LIABILITY REQUIREMENTS

1. The Permittee shall demonstrate continuous compliance with the liability requirements of UAC R315-264147 and shall have and maintain hazardous waste liability coverage for sudden and accidental occurrences in the amount of at least \$1 million U.S. dollars per occurrence with an annual aggregate of at least \$2 million U.S. dollars, exclusive of legal defense costs, and maintain hazardous waste liability coverage for non-sudden and accidental occurrences in the amount of at least \$3 million U.S. dollars per occurrence with an annual aggregate of \$6 million U.S. dollars, exclusive of legal defense costs. CHGM shall maintain a total coverage of \$4 million U.S. dollars with an annual aggregate of \$8 million U.S. dollars for compliance. CHGM shall submit an approved certificate of hazardous waste liability insurance worded as required by UAC R315- 264-151 within 30 days of the receipt of the updated certificate of insurance.
2. The Director shall approve changes in liability coverage mechanisms 60 days prior to such a change.

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

CHGM shall comply with the notification and financial requirements of UAC R315-264-148.

II.T. POLYCHLORINATED BIPHENYL (PCB) MANAGEMENT

CHGM shall comply with the polychlorinated biphenyl (PCB) management procedures found in Module X, Attachment II RCRA-TSCA WAP, and the Attachments X-3, X-5, and X-6.