

## **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 HWMUs**

- II.B.1. The Permittee shall design, construct, maintain and operate 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 air, soil, groundwater 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 in accordance with R315-264-100 to prevent future occurrences. The Director may consider appropriate enforcement action, to include the cessation of waste management activities, until adequate resolution of the problem occurs.
- II.B.2. The Permittee shall maintain all HWMUs in accordance with the approved designs and as-built drawings and specifications contained in this Permit.
- II.B.3. Any request for modifications to the existing HWMUs or proposals for new HWMUs shall be in accordance with R315-270-42. Any modification to a HWMU shall be documented on as-built drawings and with professional engineering certifications as required by Condition I.O.
- II.B.4. After review of the as-built drawings and field verification of the new or modified units, the Director will notify the Permittee in writing of any change which he concludes is not in accordance with the approved design. The Director may notify the Permittee and may require the Permittee to remove and replace any construction not in accordance with the designs and specifications approved in this Permit.
- II.B.4.a. If more than fifteen (15) calendar days have elapsed since the date of the Director's receipt of a letter required by Condition II.B.3 and the Permittee has not received notice from the Director of the Director's intent to either perform or waive a pre-operational verification inspection, the Permittee may commence treatment, storage or disposal of hazardous waste in the permitted unit(s) certified in accordance with Condition I.O.1.

## **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 thirty (30) days 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 Univar has the appropriate permit(s) for and may accept the waste the generator is shipping. This shall be accomplished by sending the generator a statement of these facts once for each waste stream. As required by R315-264-12(b) and Condition II.K.1., the Permittee shall keep a copy of this written notice as part of the operating record.

## **II.D.            WASTE ANALYSIS PLAN**

- II.D.1.            The Permittee shall comply with all applicable requirements of R315-264-13 and the procedures of the Waste Analysis Plan included as Attachment 1 of this Permit. The Permittee shall adhere to the following requirements:
- II.D.1.a.            The contents of each container to be placed on the container storage pads are evaluated and classified in accordance with R315-264-1105 to determine possible incompatible storage conditions. These classifications shall be recorded in the Facility operating record.
- II.D.1.b.            Any liquid collected from secondary containment systems shall be managed as hazardous waste unless the Permittee determines otherwise in accordance with the Waste Analysis Plan. The Permittee shall document in the operating record, any knowledge-based determination by recording, 1) the date liquid is recovered, 2) the quantity of liquid recovered, and 3) the basis for generator knowledge, including results of any tests, screening or analyses used to support that knowledge.
- II.D.1.c.            The method used to obtain a representative sample of the waste to be analyzed shall be the appropriate sampling method specified in the Waste Analysis Plan, Attachment 1 from R315-261-1090 or an equivalent method approved by the Director. Laboratory methods shall be specified in the Waste Analysis Plan, Attachment 1 from the latest edition of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846 (hereafter, referred to as SW-846), or Standard Methods for the Examination of Water and Wastewater (prevailing edition). Other analytical methods may be allowed as approved in the Waste Analysis Plan, Attachment 1 to this Permit.

- II.D.1.d. When requesting an equivalent, substitute or additional analytical method, the Permittee shall submit to the Director, for review and approval. The request for substitution must include a justification of equivalency of the analytical method which is currently approved for use in this Permit or SW-846. The request shall provide information demonstrating that the proposed method is equal to or superior to any corresponding method in terms of sensitivity, accuracy, and precision (i.e., reproducibility).
- II.D.1.d. The Permittee shall confirm the analysis of each incoming waste stream when a generator notifies the Facility that the process generating the waste has changed, the Facility has reason to suspect the waste is in non-conformance with the profile, or annually, in accordance with Attachment 1, or equivalent methods approved by the Director in accordance with II.D.1.c. The Permittee shall document in the operating record the basis of hazardous waste determinations using generator knowledge.
- II.D.2. The Permittee shall, at a minimum:
- II.D.2.a. Maintain proper functional instruments;
- II.D.2.b. Use approved sampling and analytical methods as specified in the Waste Analysis Plan;
- II.D.3. The Permittee shall use a laboratory certified by the State of Utah to perform the contracted analyses. Provisional certification (conditional or probationary certification until permanently certified) is not acceptable as certification under this condition. For parameters for which certification is unavailable, the laboratory shall provide quality control/quality assurance data sufficient to assess the validity of the data. The Permittee shall inform the laboratory in writing that it is required to follow the Waste Analysis Plan conditions set forth in Attachment 1.
- II.D.4. The Permittee shall inspect the integrity of all samples provided by generators and shall document the results of this assessment in the operating record. The inspection shall include evaluation of the following: 1) type of sample container, 2) quantity of sample, 3) integrity of sample container, 4) integrity of preservation techniques (i.e., temperature of container at time of receipt), 5) head-space tolerance, and 6) hold time with respect to sample collection date. All criteria shall be evaluated by EPA SW-846 standards and must meet the regulatory detection limit. The Permittee shall maintain the integrity of samples judged acceptable.
- II.D.5. Parameter ranges reported on generator waste profile sheets (WPS) for pH may not be accepted by the Permittee if the reported range for pH exceeds 3.0 standard

units (SU) for pH. The acceptance tolerance for specific gravity (SG) will be  $\pm$  the WPS reported range unless the reported range for SG exceeds 0.20 standard units for SG. If an end value for a reported pH range is 3 or less, or 11.5 or more, the Permittee shall verify the presence or absence of the characteristic of corrosivity through analytical measurement during inspection of incoming waste shipments.

**II.E. SECURITY**

- II.E.1. The Permittee shall comply with security conditions and procedures contained in Attachment 2.
- II.E.2. The Permittee shall maintain an electronically controlled gate at the main truck entrance operated by Univar personnel only.

**II.F. GENERAL INSPECTION REQUIREMENTS**

- II.F.1. The Permittee shall conduct inspections in accordance with R315-264-15, follow the procedures and inspection schedule specified in Attachment 3 and keep records of inspections as required by R315-264-15(d). In addition, the Permittee shall comply with the conditions pertaining to inspections in Module III, and the following conditions:
  - II.F.1.a. 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 seventy-two (72) hours to implement from the time that the problem is detected, the Permittee shall submit to the Director, before the expiration of the seventy-two (72) hour period, a written report that shall include a proposed time schedule for correcting the problem.
  - II.F.1.b. Any problem which could endanger human health or the environment (e.g., tank rupture, dike failure, transportation spills, etc.) 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 twenty-four (24) hours.
  - II.F.1.c. Problems found during scheduled inspections conducted under this Module or Module III shall be corrected within the time frame stipulated in Conditions II.F.1.a. and II.F.1.b. If, upon determination by the Director or the Permittee, continued operation of the HWMU 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.G. PERSONNEL TRAINING**

II.G.1. The Permittee shall conduct personnel training as required by R315-264-16. The Permittee shall comply with the training procedures specified in Attachment 6. New personnel working with or around hazardous waste shall complete the required personnel training within six 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 the training requirements. In addition, the Permittee shall comply with the following conditions:

II.G.1.a. 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 employees.

II.G.1.b. The Permittee shall maintain training documents and records as required by R315-264-16(d), R315-264-16(e) and in accordance with Attachment 6. At a minimum, these records shall include employee names, dates of hire, positions, training received, and dates when introductory, on-the-job, and annual training are completed. These records shall be documented and maintained in either printed form in the plant files or electronically.

II.G.1.c. The Permittee shall maintain a current copy of the approved Training Plan (Attachment 6) at the Facility until the Facility is fully closed and closure is certified in accordance with R315-264-115 and Condition II.M.

**II.H. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE**

II.H.1. The Permittee shall comply with the requirements of R315-264-17 and the requirements of all applicable National Fire Protection Association (NFPA) codes.

II.H.2. In addition to the requirements of R315-264-17, the Permittee shall comply with the conditions of Module III pertaining to ignitable, reactive, or incompatible waste.

**II.I. PREPAREDNESS AND PREVENTION**

II.I.1. The Permittee shall follow the procedures in the Preparedness and Prevention

Plan in Attachment 5.

- II.I.2. At a minimum, the Permittee shall equip and maintain in good operating condition at the Facility the equipment set forth in Attachment 5, as required by R315-264-33.
- II.I.3. The Permittee shall test and maintain the equipment specified in Condition II.I.2 as required by the NFPA to assure its proper operation in time of emergency.
- II.I.4. The Permittee shall maintain records of these preventative maintenance and repair activities specified in Condition II.I.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 II.L.
- II.I.5. The Permittee shall maintain access to the communications or alarm system as required by R315-264-34.
- II.I.6. The Permittee shall maintain aisle space as required by R315-264-35. Aisle space shall be maintained at a minimum of 30 inches to allow the unobstructed movement of personnel, fire protection equipment, discharge control equipment, and decontamination equipment to any area of Facility operation in an emergency.
- II.I.7. The Permittee shall attempt to make arrangements (Coordination Agreements) with State and local authorities as required by R315-264-37. Any refusals to enter into an agreement shall be documented in the Operating Record.

**II.J. CONTINGENCY PLAN**

- II.J.1. The Permittee shall comply with the Contingency Plan, Attachment 4, and the emergency procedures specified in R315-264-56 whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which threatens or could threaten human health or the environment. The Permittee shall comply with R315-263-30 and Condition I.Q. in reporting releases to the Director.
- II.J.2. The Permittee shall maintain copies of the Contingency Plan and Quick Reference Guide, Attachment 4, at the Facility and provide copies to the local police departments, fire departments, hospitals, and State and local emergency response teams that may provide emergency services in accordance with the requirements of R315-264-53.
- II.J.3. In accordance with R315-264-54, the Permittee shall review the Contingency Plan, Attachment 4, when (a) the Permit is revised, (b) the Contingency Plan fails

in an emergency, (c) changes to the Facility materially increase the potential for fires, explosions or releases of hazardous constituents, (d) the list of emergency coordinators change, or (e) the list of emergency equipment change. The Permittee shall immediately amend, if necessary, the Contingency Plan, Attachment 4, and modify the Permit in accordance with R315-270-42.

II.J.4. A trained emergency coordinator shall be available at the Facility or on call at all times in case of an emergency, as required by R315-264-55. The names, addresses, and telephone numbers of all persons qualified to act as emergency coordinators shall be updated in accordance with Condition II.J.3 and as required by R315-264-52(d).

## **II.K. MANIFEST SYSTEM**

II.K.1. The Permittee shall comply with the manifest requirements of R315-264-71, R315-264-72, and R315-264-76. In addition, the Permittee shall comply with the manifest requirements of 40 CFR Parts 260, 262 through 264, and 271. The Permittee shall sign manifests immediately upon arrival at the Facility. The manifest number shall be recorded in the operating record with each waste load that arrives at the Facility. Hazardous wastes shall not be placed in storage before the completion of the pre-acceptance procedures outlined in the Waste Analysis Plan, Attachment 1.

II.K.2. If the waste load is refused and returned to the generator, such action shall be documented in the Operating Record.

II.K.3. Copies of all manifests received by the Permittee shall be placed in the Operating Record.

II.K.4. Copies of all manifests for waste generated by the Permittee shall be placed in the Operating Record.

## **II.L. RECORDKEEPING AND REPORTING**

II.L.1. The Permittee shall maintain a written Operating Record at the Facility in accordance with R315-264-73 and R315-264-1103.

II.L.2. The Permittee shall, certify annually pursuant to R315-264-73(b)(9), signed in accordance with R315-270-11, that the Permittee has a waste minimization 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 that present and future threat to human health or the environment.

- II.L.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 and/or stored at the Permittee's facility during the previous odd-numbered year as required by Condition I.T.
- II.L.4. The Permittee shall submit additional reports to the Director documenting (1) releases, fires, and explosions as specified in R315-264-56(j), (2) facility closures specified in R315-264-115, and (3) as required by R315-264-77(c).
- II.L.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.Y.

**II.M. CLOSURE/POST-CLOSURE**

- II.M.1. The Permittee shall comply with R315-264-110 through 120 as applicable and close the Facility in accordance with the Closure Plan, Attachment 7.
- II.M.2. For all HWMUs, minor deviations (a deviation that does not conflict with Permit conditions or regulations and is equally protective as what is written in the Permit) from the procedures specified in Attachment 7 that are necessary to accommodate proper closure shall be described in narrative form with the closure certification statements. The Permittee shall describe the rationale for implementing minor changes as part of this narrative report. Within sixty (60) days after completion of closure of each HWMU, the Permittee shall submit the certification statements and narrative report to the Director.
- II.M.3. The Permittee shall amend the closure/post-closure plan Attachment 7 in accordance with R315-264-112(c) whenever necessary, or when required to do so by the Director.
- II.M.4. The Permittee shall notify the Director in writing at least forty-five (45) days prior to the commencement of partial or final facility closure. Attachment 7 shall be reviewed by the Permittee, and modified if necessary, before commencing partial or final facility closure. If the Closure Plan, Attachment 7, requires modification, the plan shall be modified and submitted to the Director for approval, in accordance with R315-264-112(c), for each HWMU undergoing closure.
- II.M.5. The Permittee shall remove from the site all hazardous waste and complete closure activities in accordance with the schedule specified in Attachment 7.
- II.M.6. The Permittee shall decontaminate or dispose of off-site, all facility equipment, structures, soil and rinsate as required by R315-264-114 and Attachment 7. Facility equipment, structures, soil and rinsate which have not been



decontaminated will be managed as hazardous waste and shall be disposed of at a permitted Treatment, Storage and Disposal Facility (TSDF).

- II.M.7. The Permittee shall certify that the Facility has been closed in accordance with the specifications in the Closure Plan, Attachment 7, as required by R315-264-115, and shall also provide a certification by an independent, registered professional engineer qualified by experience and education in the appropriate engineering field that the Facility has been closed in accordance with Attachment 7.

**II.N. COST ESTIMATES FOR THE FACILITY CLOSURE**

- II.N.1. By March 1 of each calendar year, the Permittee shall adjust the closure cost estimate for inflation, in accordance with R315-264-142 and submit a copy of that adjusted closure cost estimate to the Director for approval and maintain the latest adjusted closure cost estimate in the Operating Record. For any new HWMU being placed into operation, an updated facility closure cost estimate must be prepared for the new unit(s), at least sixty (60) days prior to waste being placed on or into the new unit. The financial assurance mechanism shall be updated (a) to reflect any increase in the closure cost estimate within sixty (60) days after estimating the closure cost or (b) prior to any new unit being placed into operation.
- II.N.2. The Permittee shall revise the closure cost estimate whenever there is a change in the Facility's closure plan that would change the cost estimate as required by R315-264-142.

**II.O. FINANCIAL ASSURANCE FOR FACILITY CLOSURE**

- II.O.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.P. LIABILITY REQUIREMENTS**

- II.P.1. The Permittee shall demonstrate continuous compliance with the requirements of R315-264-147, including the requirements to have and maintain hazardous waste liability coverage 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.
- II.P.2. The Permittee shall submit a certificate of hazardous waste liability insurance

worded as required by R315-264-147, each year within thirty (30) days prior to the anniversary date of the policy issuance.

II.P.3. Changes in liability coverage mechanisms shall be approved in writing by the Director before being made effective.

**II.Q. INCAPABILITY OF OWNER OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS**

II.Q.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.