



Janet Napolitano  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Stephen A. Owens  
Director

## ARIZONA HAZARDOUS WASTE MANAGEMENT ACT PERMIT APPROVAL FORM

In accordance with the State of Arizona Administrative Code (A.A.C.), Title 18, Chapter 8, Article 2, R18-8-260 et. seq. (hereinafter called Article 2), and pursuant to the Arizona Hazardous Waste Management Act, A.R.S. §49-921 et. seq. (hereinafter called AHWMA), this Permit is issued to the following (hereinafter called the Permittee):

FACILITY NAME: Safety-Kleen Chandler

FACILITY ADDRESS: 6625 West Frye Road  
Chandler, AZ 85226

FACILITY I.D. NO.: EPA ID No. AZD 981 969 504

PROPERTY OWNER: Safety-Kleen Systems, Inc.

OPERATOR: Safety-Kleen Systems, Inc.

Safety-Kleen Systems, Inc. (hereinafter referred to as Safety-Kleen, the facility, or the Permittee) is a commercial storage facility for spent solvents, aqueous-based cleaners, paint wastes, and dry cleaning waste collected from off-site generators. Safety-Kleen's customers are primarily engaged in automotive repair, industrial maintenance and dry cleaning.

The Permittee must comply with all terms and conditions of this Permit. This Permit consists of the conditions contained herein (including those in any attachments or appendices) and the applicable regulations contained in Article 2 as specified in the Permit. This Permit does not in any way release the Permittee from complying with the applicable requirements of any of the provisions of Article 2, AHWMA, or any other applicable state requirement promulgated by rule or statute. Unless modified, applicable regulations are those which are in effect on the date of issuance of this Permit pursuant to A.A.C. R18-8-264, 270 and 271, and the conditions therein are specified pursuant to A.A.C. R18-8-270.A (40 CFR §270 Subpart C), L, M, N, O, and P. All references to 40 CFR in this Permit refer to those regulations as adopted and modified by Article 2.

This Permit is based on the assumption that the information contained in the Permit Attachments and Appendices is accurate, and that the facility is constructed and operated as specified in the Permit Attachments and Appendices. Any inaccuracies found in this information may be grounds for the termination, modification, or revocation and reissuance of this Permit pursuant to A.A.C. R18-8-270.A (40 CFR §§270.41, 270.42 and 270.43) and 271.D and potential enforcement action. The Permittee shall inform the Director of any deviation from or changes in the

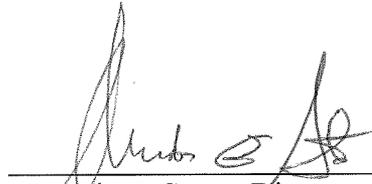
information in the application which would affect the Permittee's ability to comply with the applicable regulations or permit conditions.

This Permit is effective as of **March 20, 2006**, and shall remain in effect for ten years from this date, unless revoked and reissued, or terminated pursuant to A.A.C. R18-8-270.A (40 CFR §§270.41 and 270.43) or continued in accordance with A.A.C. R18-8-270.A and P (40 CFR §270.51).

For the Arizona Department of Environmental Quality:

Approved this 20 day of March, 2006

By



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Amanda E. Stone, Director  
Waste Programs Division  
Arizona Department of Environmental Quality

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## **PART I - GENERAL PERMIT CONDITIONS**

### **A. EFFECT OF PERMIT**

The Permittee is allowed to store on-site hazardous waste in accordance with the conditions of this Permit. Any storage, treatment, and/or disposal of hazardous waste not authorized in this Permit is prohibited. Subject to A.A.C. R18-8-270.A (40 CFR § 270.4), compliance with this Permit generally constitutes compliance, for purposes of enforcement with the AHWMA. Issuance of this Permit does not convey any 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. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*, commonly known as CERCLA), or any other law providing for protection of public health or the environment. [A.A.C. R18-8-270.A (40 CFR §§ 270.4, 270.30(g))]

### **B. PERMIT ACTIONS**

#### **1. Permit Modification, Revocation and Reissuance, and Termination**

This Permit may be modified, revoked and reissued, or terminated for cause, as specified in A.A.C. R18-8-270.A (40 CFR §§ 270.41, 270.42, and 270.43). The Permit may be modified by the Director at any time, following procedures outlined in A.A.C. R18-8-271.D in order to ensure compliance with applicable state and federal requirements. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any permit condition. [A.A.C. R18-8-270.A (40 CFR §§ 270.4(a) and 270.30(f))]

#### **2. Permit Renewal**

This Permit may be renewed as specified in A.A.C. R18-8-270A (40 CFR 270.30(b)) and Permit Condition I.E.2. Review of any application for a Permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations. [A.A.C. R18-8-270.A (40 CFR § 270.30(b), HSWA Sec. 212)]

### **C. 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. [A.A.C. R18-8-270A (40 CFR § 124.16(a))]

#### **D. DEFINITIONS**

For purposes of this Permit, terms used herein shall have the same meaning as those in A.A.C. R18-8-270A, (40 CFR Parts 124, 260, 264, 266, 268, and 270), unless this Permit specifically provides otherwise; where terms are not defined in the regulations or the Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

“AHWMA” means Arizona Hazardous Waste Management Act.

“A.A.C.” and “CFR.” means the Arizona Administrative Code (A.A.C.) Title 18, Chapter 8, Article 2 (A.A.C. R18-8-260 et seq.), updated December 30, 2005, which adopts and modifies portions of Title 40 Code of Federal Regulations Part 260 (40 CFR Part 260 et seq.), July 1, 2004 edition (See Attachment 10).

“Area of Concern” or “AOC” means a hazardous product storage unit or area, a one time hazardous material (product or waste) spill event, a hazardous material unit or area where management may have occurred whether the potential for release may have existed, but where insufficient evidence was found during the RCRA Facility Assessment (RFA) to verify the existence of a definable Solid Waste Management Unit (SWMU).

“Director” means the Director of ADEQ, or the Director’s designee or authorized representative

“Example” means, unless otherwise specified, that the form is a blank form that is mandatory to be used or followed. This term does not convey to the Permittee that the statements are optional to be performed or are at their discretion.

“Facility” means all contiguous land and structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal units.

For the purpose of implementing corrective action under Part V of this Permit, facility means all contiguous property under the control of the owner or operator and subject to this Permit and the AHWMA.

“Hazardous constituent” means any constituent identified in A.A.C. R18-8-261.A (40 CFR Part 261 Appendix VIII), or any constituent identified in A.A.C. R18-8-264 (40 CFR Part 264 Appendix IX).

“Hazardous waste” means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, and increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The term hazardous waste includes hazardous constituent as defined above.

“Qualified” means that the individual or group shall have the same training, education, experience, and other necessary skills required by this Permit, as the person(s) or group who normally performs that function.

“Release” includes the definition of “discharge” and “disposal” as found in A.A.C. R18-8-260.A (40 CFR § 260.10) and means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents) or into secondary containment.

“Shall,” “Must,” “Will,” and factual statements denote mandatory requirements.

“Should” or “May” denote a recommendation or permission, respectively, which is not mandatory.

“Solid Waste Management Unit” or “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. SWMUs include those units defined as “regulated units”[see A.A.C. R18-8-264.A (40 CFR § 264.90(a)(2))], as well as other units which have generally been exempted from standards applicable to hazardous waste management units, such as recycling units and wastewater treatment units, and areas contaminated by routine, and systematic, discharges from process areas.

## **E. DUTIES AND REQUIREMENTS**

### **1. Duty to Comply**

The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency Permit. Any Permit noncompliance, other than noncompliance authorized by an emergency Permit, constitutes a violation of RCRA and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application. [A.A.C. R18-8-270.A (40 CFR § 270.30(a))]

### **2. Duty to Reapply**

If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new Permit at least 180 days prior to Permit expiration. [A.A.C. R18-8-270.A (40 CFR § 270.10(h), 270.30(b))]

### **3. Permit Expiration**

Pursuant to A.A.C. R18-8-270.A (40 CFR § 270.50), this Permit shall be effective for a fixed term not to exceed ten (10) years. This Permit and all conditions herein will remain in effect beyond the Permit’s expiration date if the Permittee has submitted a timely, complete

application pursuant to A.A.C. R18-8-270.A, E, F, G, H, and J (40 CFR §§ 270.10, 270.13 through 270.29) and, through no fault of the Permittee, the Director has not issued a new Permit, as set forth in A.A.C. R18-8-270.A (40 CFR § 270.51).

4. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee, in an enforcement action that it would have been necessary, to halt or reduce the Permitted activity in order to maintain compliance with the conditions of this Permit. [A.A.C. R18-8-270.A (40 CFR § 270.30(c))]

5. Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures, as are reasonable, to prevent significant adverse impacts on human health or the environment. [A.A.C. R18-8-270.A (40 CFR § 270.30(d))]

6. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit. [A.A.C. R18-8-270.A (40 CFR § 270.30(e))]

7. Duty to Provide Information

The Permittee shall furnish to the Director, within a reasonable 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 shall also furnish to the Director, upon request, copies of records required to be kept by this Permit. [A.A.C. R18-8-264.A (40 CFR § 264.74(a)) and A.A.C. R18-8-270.A (40 CFR § 270.30(h))]

8. Inspection and Entry

Pursuant to A.A.C. R18-8-270.A (40 CFR § 270.30(i)), the Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents, as may be required by law, to:

- (a) Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- (d) Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by AHWMA or RCRA, any substances or parameters at any location.

9. Monitoring and Records

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved by the Director. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, Standard Methods of Wastewater Analysis, or an equivalent method, as specified in the Waste Analysis Plan (See Permit Attachment 2) [A.A.C. R18-8-270.A (40 CFR § 270.30(j)(1))].
- (b) The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the certification required by A.A.C. R18-8-270.A (40 CFR § 264.73(b)(9)), and records of all data used to complete the application for this Permit for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application. These periods may be extended by request of the Director at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. [A.A.C. R18-8-264.A (40 CFR § 264.74(b)) and A.A.C. R18-8-270.A (40 CFR §270.30(j)(2))]
- (c) Pursuant to A.A.C. R18-8-270.A (40 CFR § 270.30(j)(3)), records of monitoring information shall specify:
  - i. The dates, exact place, and times of sampling or measurements;
  - ii. The individuals who performed the sampling or measurements;
  - iii. The dates analyses were performed;

- iv. The individuals who performed the analyses;
  - v. The analytical techniques or methods used; and
  - vi. The results of such analyses.
- (d) Each parameter test that an in-state or out-of-state laboratory can perform for hazardous waste analysis must be certified by the Arizona Department of Health Services (ADHS) [A.R.S. Title 36, Chapter 4.3, Article 11, Section 36-495.01]. Additionally, if a contract laboratory is used to perform analyses, then the Permittee shall inform the laboratory in writing that it must operate under the conditions set forth in this Permit. For notification and certification verification purposes, a copy of that letter will be included with the final analytical report.

10. Reporting Requirements

- (a) Planned Changes. The Permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the Permitted facility. [A.A.C. R18-8-270.A and L (40 CFR § 270.30(1)(1))]
- (b) Transfers. This Permit is not transferable to any person or any other corporation, except after notice to the Director. The Director may require modification or revocation and reissuance of the Permit to change the name of the Permittee and incorporate such other requirements as may be necessary pursuant to A.A.C. R18-8-270.A (40 CFR § 270.40). [A.A.C. R18-8-270.A and L (40 CFR § 270.30 (1)(3)) and A.A.C. R18-8-264.A (40 CFR § 264.12(c))]
- (c) Monitoring Reports. Monitoring results shall be reported at the intervals specified elsewhere in this Permit. [A.A.C. R18-8-270.A and L (40 CFR § 270.30(1)(4))]
- (d) Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than 14 calendar days following each schedule date. [A.A.C. R18-8-270.A and L (40 CFR § 270.30(1)(5))]
- (e) Manifest Discrepancy Report. If a discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved within 15 calendar days, the Permittee must submit a letter report, including a copy of the manifest, to the Director (See A.A.C. R18-8-264.A (40 CFR § 264.72)). [A.A.C. R18-8-270.A and L (40 CFR § 270.30(1)(7))]
- (f) Unmanifested Waste Report. This report must be submitted to the Director within 15 days of receipt of unmanifested waste (See A.A.C. R18-8-264.A (40 CFR § 264.76)). [A.A.C. R18-8-270.A and L (40 CFR § 270.30(1)(8))]

- (g) Annual Report. The Permittee must submit an annual report pursuant to and as described in A.A.C. R18-8-264.H.
- (h) Other Noncompliance. The Permittee shall report all instances of noncompliance not required under A.A.C. R18-8-270.A (40 CFR § 270.30(1)(4)(5) and (6)), at the time monitoring (including annual) reports are submitted. Reports shall contain the information listed in A.A.C. R18-8-270.A (40 CFR § 270.30(1)(6)). [A.A.C. R18-8-270.K and L (40 CFR § 270.30(1)(10))]

11. Reporting Anticipated Noncompliance

The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements. [A.A.C. R18-8-270.A and L (40 § CFR 270.30(1)(2))]

- (a) The Permittee may not commence storage of hazardous waste until the Permittee has submitted to the Director by certified mail or hand delivery a letter signed by the Permittee and a registered professional engineer stating that the waste management unit has been constructed or modified in compliance with the Permit; and
- (b) The Director has inspected the modified or newly constructed waste management unit, and finds it is in compliance with the conditions of this Permit; or

If within 15 days of the date of submission of the letter, the Permittee has not received notice from the Director of its intent to inspect, prior inspection is waived and the Permittee may commence storage of hazardous waste.

12. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privilege as specified in A.A.C. R18-8-270.A (40 CFR §§ 270.4(b) and 270.30(g)).

13. Twenty-Four Hour Reporting

- (a) The Permittee shall immediately report to the Director any noncompliance which may endanger human health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. The report shall include the following: [A.A.C. R18-8-270.A and L (40 CFR § 270.30(1)(6))]
  - i. Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.

- ii. Any information of a release or discharge of hazardous waste or of a fire or explosion from the hazardous waste management facility which could threaten the environment or human health outside the facility.
- (b) The description of the occurrence and its cause shall include:
- i. Name, address, and telephone number of the owner or operator;
  - ii. Name, address and telephone number of the facility;
  - iii. Date, time and type of incident;
  - iv. Name and quantity of materials involved;
  - v. The extent of injuries, if any;
  - vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
  - vii. Estimated quantity and disposition of recovered material that resulted from the incident.
- (c) A written submission shall also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Director may waive the five-day written notice requirement in favor of a written report within 15 days.

14. Other Information

- (a) Whenever the Permittee becomes aware that it failed to submit any relevant fact in the permit application, or submitted incorrect information in a permit application or in any report to the Director, the Permittee shall promptly submit such facts or information. [A.A.C. R18-8-270.A and L (40 CFR § 270.30(1)(11))]
- (b) Noncompliance with terms and conditions of the Permit that result in letters of warning, compliance orders from the Director, a civil consent judgment, or criminal enforcement of environmental laws by the state of Arizona shall be used to document the reliability, expertise, integrity and competence of the Permittee, pursuant to A.A.C. R18-8-270.J, and would be considered by the Director in making future changes to the Permit, pursuant to A.A.C. R18-8-270.A (40 CFR Part 270 Subpart

D); and when issuing a new Permit as set forth in A.A.C. R18-8-270.A and P. (40 CFR § 270.51)

**F. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to or requested by the Director, his designee, or authorized representative, shall be signed and certified in accordance with A.A.C. R18-8-270.A (40 CFR §§ 270.11 and 270.30(k)).

**G. CONFIDENTIAL INFORMATION**

In accordance with A.A.C. R18-8-270.H (40 CFR § 270.12), the Permittee may claim confidential any information required to be submitted by this Permit.

**H. DOCUMENTS TO BE SUBMITTED**

The Permittee shall submit the following documents to the Director by the dates shown: [A.A.C. R18-8-270.A (40 CFR § 270.33)]

DOCUMENT	DUE DATE
A revised Appendix C-16, "Warehouse Plan Showing Example Inventory Storage Plan", indicating the location of the 10-day storage transfer area.	30 days from permit approval
A revised Closure Cost Estimate in the amount of not less than \$120,000.	120 days from permit approval

**I. DOCUMENTS TO BE MAINTAINED AT THE FACILITY**

The Permittee shall maintain at the facility, until closure is completed and certified by an independent, registered professional engineer, the following documents and all amendments, revisions and modifications to these documents:

1. Waste Analysis Plan, contained in Attachment 2, as required by A.A.C. R18-8-264.A (40 CFR § 264.13) and this Permit.
2. Inspection schedules, contained in Attachment 3, as required by A.A.C. R18-8-264.A (40 CFR § 264.15(b)(2)) and this Permit.
3. Personnel training documents and records, contained in Attachment 5, as required by A.A.C. R18-8-264.A (40 CFR § 264.16(d)) and this Permit.
4. Contingency Plan, contained in Attachment 4, as required by A.A.C. R18-8-264.A (40 CFR § 264.53(a)) and this Permit.

5. Operating record, contained in Attachment 9 (Manifesting and Record Retention), as required by A.A.C. R18-8-264.A (40 CFR § 264.73) and this Permit.
6. Closure Plan, contained in Attachment 6, as required by A.A.C. R18-8-264.A (40 CFR § 264.112(a)) and this Permit.
7. Records required by Permit Part I Condition E.9.
8. Annually-adjusted closure cost estimate as required by A.A.C. R18-8-264.A (40 CFR § 264.142) and Permit Part II Condition O.4.
9. The names, addresses, and phone numbers of the Emergency Coordinator (EC) and all persons designated as alternate EC, as required by Permit Part II Condition I.4 and as shown in Attachment 4 (Contingency Plan).
10. A list of all equipment, as contained in the Permit Attachments 3 and 4 (Preparedness and Prevention Plan and Contingency Plan) which must be inspected as required by A.A.C. R18-8-264.A (40 CFR Part 264 Subparts BB and CC).
11. A signed duplicate copy of the liability policy required under Permit Part II Condition Q.

**J. PERMIT MODIFICATIONS**

1. General Conditions - For Permit modifications (including re-applications), the Permittee shall follow, as applicable:
  - (a) Permit Condition I.B.1 “Permit Modification, Reissuance, and Termination”;
  - (b) Permit Condition I.E.10(a) “Reporting Requirements - Planned Changes”;
  - (c) Permit Condition II.A “Design and Operation of Facility”;
  - (d) Signatory and document liability certification requirements as described in Permit Condition I.F. “Signatory Requirements”; and
  - (e) Confidentiality rules, if desired, pursuant to Permit Condition I.E. “Confidential Information.”
2. Facility Mailing List - The Permittee shall use a mailing list provided by ADEQ pursuant to A.A.C. R18-8-270.A and 40 CFR §270.42 when processing all Permittee-requested Permit modifications. [A.R.S. §49-941, A.A.C. R18-8-271.I(c)]
3. Changes to Key Employees - For the following key personnel changes, the Permittee shall submit to ADEQ a completed character/background reference form. [A.R.S. § 49-922.C, A.A.C. R18-8-270.J]:

- (a) Training Director (see Permit Attachment 5, “Personnel Training”);
- (b) Signatories (see Permit Condition I.E., “Signatory Requirements”);
- (c) Emergency Coordinators (see Permit Attachment 4, “Contingency Plan”);

## **PART II - GENERAL FACILITY CONDITIONS**

### **A. DESIGN AND OPERATION OF FACILITY**

The Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, as required by A.A.C. R18-8-264.A (40 CFR § 264.31).

### **B. REQUIRED NOTICES**

#### **1. Hazardous Waste Imports**

The Permittee shall notify the Director in writing at least four weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source, as required by A.A.C. R18-8-264.A (40 CFR § 264.12(a)). Notice of subsequent shipments of the same waste from the same foreign source in the same calendar year is not required.

#### **2. Hazardous Waste from Off-Site Sources**

When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), the Permittee must inform the generator in writing that the Permittee has the appropriate Permit(s) for and will accept the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record. [A.A.C. R18-8-264.A (40 CFR § 264.12(b))]

### **C. GENERAL WASTE ANALYSIS**

The Permittee shall follow the waste analysis procedures required by A.A.C. R18-8-264.A (40 CFR § 264.13), as described in the attached Waste Analysis Plan (Permit Attachment 2). The Permittee shall conduct any additional sampling that the Director determines necessary to ensure that there are no significant impacts on human health or the environment. [A.A.C. R18-8-264.A (40 CFR § 264.13)]

The Permittee shall verify the analysis of each waste stream annually as part of its quality assurance program, in accordance with Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846, or equivalent methods approved by the Director. At a minimum, the Permittee shall maintain proper functional instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations. If the Permittee uses a contract laboratory to perform analyses, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit.

Each parameter test that the in-state or out-of-state laboratory can perform for hazardous waste analysis must be licensed (certified) by the Arizona Department of Health Services as stated in the

Waste Analysis Plan (Permit Attachment 2) [A.R.S. Title 36, Chapter 4.3, Article 1, Section 36-495.01]

**D. SECURITY**

The Permittee shall comply with the security provisions of A.A.C. R18-8-264.A (40 CFR § 264.14(b) and (c)) and those contained in the Preparedness and Prevention Plan (Permit Attachment 3).

**E. GENERAL INSPECTION REQUIREMENTS**

The Permittee shall follow the inspection schedule set out in the Preparedness and Prevention Plan, Permit Attachment 3). The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by A.A.C. R18-8-264.A (40 CFR § 264.15(c)). Records of inspection shall be kept, as required by A.A.C. R18-8-264.A (40 CFR § 264.15(d)).

**F. PERSONNEL TRAINING**

The Permittee shall conduct personnel training, as required by A.A.C. R18-8-264.A (40 CFR § 264.16). This training program shall follow the outline contained in Permit Attachment 5 (“Personnel Training”). The Permittee shall maintain training documents and records, as required by A.A.C. R18-8-264.A (40 CFR § 264.16(d) and (e)).

**G. SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE**

The Permittee shall comply with the requirements of A.A.C. R18-8-264.A (40 CFR § 264.17(a)). The Permittee shall follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in the Procedures to Prevent Hazards Plan (Permit Attachment 3).

**H. PREPAREDNESS AND PREVENTION**

1. Required Equipment

At a minimum, the Permittee shall maintain at the facility the equipment set forth in Permit Attachments 3 (Preparedness and Prevention Plan) and 4 (Contingency Plan) and in Appendix E, as required by A.A.C. R18-8-264.A (40 CFR § 264.32).

2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Permit Condition II.H.1, as necessary, to ensure its proper operation in time of emergency, as required by A.A.C. R18-8-264.A (40 CFR § 264.33).

3. Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system, as required by A.A.C. R18-8-264.A (40 CFR § 264.34).

4. Required Aisle Space

At a minimum, the Permittee shall maintain aisle space, as required by A.A.C. R18-8-264.A (40 CFR § 264.35) and the plans and specifications contained in Permit Part III.A (“Container Management Summary”), Permit Attachment 7, Section 7.4.5 (“Container Storage Configurations”), and Appendix C-16 (“Warehouse Plan Showing Example Inventory Storage Plan.”)

5. Arrangements with Local Authorities

The Permittee shall maintain arrangements with state and local authorities, as required by A.A.C. R18-8-264.A (and 40 CFR § 264.37). If state or local officials refuse to enter into preparedness and prevention arrangements with the Permittee, the Permittee must document this refusal in the operating record. All correspondence related to these arrangements must be kept with the contingency plan as required by A.A.C. R18-8-264.A (40 CFR § 264.52(c)).

**I. CONTINGENCY PLAN**

1. Implementation of Plan

- (a) The Permittee shall immediately carry out the provisions of the Contingency Plan (Permit Attachment 4) and follow the emergency procedures described in A.A.C. R18-8-264.A and C (40 CFR § 264.56) whenever there is a fire, explosion, or release of hazardous waste or constituents which could threaten human health or the environment.
- (b) As part of remedial action taken in response to a fire, release or explosion of hazardous materials, the Permittee shall sample and analyze, to detect the extent and depth of any soil contamination. The sampling and analytical methods used must be consistent with those published in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA publication SW-846 (most current edition). A report of the sampling and analysis must be kept on file. The report shall include:
  - i. The number of samples taken;
  - ii. The location and size of each sample;
  - iii. The depth of each sample;
  - iv. The specific analytical methods used;

- v. A description of the sampling tools, containers, filling, sealing, and preservation methods; and

In addition, each parameter test that the in-state or out-of-state laboratory can perform for hazardous waste analysis must be licensed (certified) by the Arizona Department of Health Services as stated in the Contingency Plan (Permit Attachment 4). [A.R.S. Title 36, Chapter 4.3, Article 1, Section 36-495.01]

If the samples indicate that there is soil contamination, then the report must also include the following information:

- vi. Description of the statistical methods used;
  - vii. Soil type and permeability information;
  - viii. Groundwater depth and quality information; and
  - ix. Procedures for establishing background contaminant concentrations.
- (c) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he/she must immediately notify the Director, and either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center in accordance with A.A.C. R18-8-264.A and F (40 CFR § 264.56(d)).
2. Copies of Plan. The Permittee shall comply with the requirements of A.A.C. R18-8-264.A (40 CFR § 264.53).
  3. Amendments to Plan. The Permittee shall review and immediately amend, if necessary, the Contingency Plan, as required by A.A.C. R18-8-264.A (40 CFR § 264.54).
  4. Emergency Coordinator. A trained emergency coordinator shall be available at all times in case of an emergency, as required by A.A.C. R18-8-264.A (40 CFR § 264.55). The names, addresses, and phone numbers of all persons qualified to act as emergency coordinators shall be supplied to the Director at the time of certification. A.A.C. R 18-8-264.A (40 CFR § 264.52 (d)).

**J. MANIFEST SYSTEM**

The Permittee shall comply with the manifest requirements of A.A.C. R18-8-264.A and G (40 CFR §§ 264.71, 72, and 76), and an annual report shall be submitted to the Director as required by A.A.C. R18-8-264.H.

**K. RECORD KEEPING AND REPORTING**

In addition to the record keeping and reporting requirements specified elsewhere in this Permit, the Permittee shall do the following:

1. Operating Record. The Permittee shall maintain a written operating record at the facility until closure of the facility, in accordance with A.A.C. R18-8-264.A (40 CFR § 264.73), to include but not be limited to:
  - (a) A description and the quantity of each hazardous waste received and the method(s) and date(s) of its treatment, storage, and/or disposal at the facility as required by A.A.C. R18-8-264.A (40 CFR § 264.73(b)(1)) (including 40 CFR Part 264 Appendix I);
  - (b) The location of each hazardous waste within the facility and the quantity at each location pursuant to A.A.C. R18-8-264.A (40 CFR § 264.73(b)(2));
  - (c) Records and results of waste analysis performed pursuant to A.A.C. R18-8-264.A (40 CFR § 264.73(b)(3));
  - (d) Summary reports and details of all incidents pursuant to A.A.C. R18-8-264.A (40 CFR § 264.73(b)(4));
  - (e) Records and results of inspections pursuant to A.A.C. R18-8-264.A (40 CFR § 264.73(b)(5));
  - (f) Monitoring, testing or analytical data, and corrective action pursuant to A.A.C. R18-8-264.A (40 CFR § 264.73(b)(6));
  - (g) Notices to generators pursuant to A.A.C. R18-8-264.A (40 CFR § 264.73(b)(7));
  - (h) Copies of waste minimization documents required in Permit Conditions II.T and II.U.
2. Annual Report

The Permittee shall comply with the annual reporting requirements of A.A.C. R18-8-264.H.

**L. GENERAL CLOSURE REQUIREMENTS**

1. Performance Standard

The Permittee shall close the facility, as required by A.A.C. R18-8-264.A (40 CFR § 264.111) and in accordance with the Closure Plan (Permit Attachment 6).

2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan, in accordance with A.A.C. R18-8-264.A (40 CFR § 264.112(c)), whenever necessary.

3. Notification of Closure

The Permittee shall notify the Director in writing at least 45 days prior to the date on which the Permittee expects to begin final closure of the facility, as required by A.A.C. R18-8-264.A (40 CFR § 264.112(d)).

4. Time Allowed For Closure

After receiving the final volume of hazardous waste, the Permittee shall treat, remove from the unit or facility all hazardous waste and shall complete closure activities, in accordance with A.A.C. R18-8-264.A (40 CFR § 264.113) and the schedules specified in the Closure Plan (Permit Attachment 6).

5. Disposal or Decontamination of Equipment, Structures, and Soils

The Permittee shall decontaminate or dispose of all contaminated equipment, structures, and soils, as required by A.A.C. R18-8-264.A (40 CFR § 264.114) and the Closure Plan (Permit Attachment 6). In addition, each parameter test that the laboratory performs for hazardous waste analysis during closure must be licensed (certified) by the Arizona Department of Health Services as stated in the Closure Plan (Permit Attachment 6). [A.R.S. Title 36, Chapter 4.3, Article 1, Section 36-495.01].

6. Closure Report

Within sixty (60) days of completion of closure of the unit(s), the Permittee shall submit a closure report that includes, at a minimum, the following information:

- (a) A summary of results, significant observations, and conclusions.
- (b) A detailed discussion of the closure procedures followed for each unit. Include a description of:

- i. The procedures followed for decontamination of the hazardous waste management unit (including disposition of residues);
  - ii. The equipment used for decontamination of the hazardous waste management unit;
  - iii. The sampling procedures used;
  - iv. The equipment used for sampling;
  - v. The remedial procedures (if applicable) used;
  - vi. The equipment used for remediation (if applicable);
  - vii. The analytical procedures and methods used;
  - viii. The analytical equipment used;
  - ix. The quality assurance program used;
  - x. The procedures used to prevent hazards and protect field personnel during closure;
  - xi. The equipment used to prevent hazards and protect field personnel during closure.
  - xii. Drawings and photographs where appropriate
  - xiii. Description of any deviations from the approved closure plan.
- (c) Data generated from sampling and analysis activities performed pursuant to the plan, including field notes, manifests, bills of lading, LDR forms, laboratory submittal forms, chain-of-custody forms, laboratory reports, and drilling logs.
- (d) Risk assessment discussion (if applicable), including methodology, data, references, and assumptions.
- (e) Certifications from the engineer and owner/operator.
- (f) Other information requested by the Director.

7. Certification of Closure

The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan, as required by A.A.C. R18-8-264.A (40 CFR § 264.115).

**M. LAND DISPOSAL RESTRICTIONS**

The Permittee shall comply with all the applicable requirements of R18-8-268.A (40 CFR Part 268), and all applicable land disposal requirements which become effective by statute (Section 3004 of RCRA).

**N. TOXICITY CHARACTERISTICS**

The Permittee must use the Toxicity Characteristic Leaching Procedures (TCLP) (Appendix II of 40 CFR Part 261), or use knowledge of the waste to determine whether a waste exhibits the characteristic of toxicity, as defined in A. A. C. R18-8-261.A (40 CFR § 261.24).

**O. COST ESTIMATE FOR FACILITY CLOSURE**

1. Cost Estimates. The Permittee's most recent closure cost estimate, prepared in accordance with A.A.C. R18-8-264.A (40 CFR §§ 264.142 and 264.197(c)(3)), is specified in Permit Attachment 6 and Appendix G-2.
2. Cost Adjustments. The Permittee must adjust the closure cost estimate for inflation within 60 days prior to the anniversary of the financial instrument used to comply with A.A.C. R18-8-264.A, 40 CFR § 264.143 (40 CFR § 264.142(b)).
3. Cost Revisions. The Permittee must revise the closure cost estimate in accordance with Permit Condition I.H. and whenever there is a change in the facility's Closure Plan, as required by A.A.C. R18-8-264.A (40 CFR § 264.142(c)).
4. Maintenance of Cost Revisions. The Permittee shall maintain at the facility the latest closure cost estimate prepared in accordance with A.A.C. R18-8-264.A (40 CFR 264.142(a) and (c)), and, if the closure cost estimated was adjusted, the date of the adjustment in the facility operating record during the operating life of the facility as required by A.A.C. R18-8-264.A (40 CFR § 264.142(d)).

**P. FINANCIAL ASSURANCE FOR FACILITY CLOSURE**

The Permittee shall demonstrate compliance with this Permit Condition by submitting the required documentation to the Director at least 60 days before first receiving hazardous waste for storage, and thereafter demonstrating continuous compliance with A.A.C. R18-8-264.A (40 CFR § 264.143 and 264.146) by providing documentation of financial assurance, as required by A.A.C. R18-8-264.A (40 CFR § 264.151), in at least the amount of the cost estimates required by Permit Condition II.O. Changes in financial assurance mechanisms must be approved by the Director pursuant to A.A.C. R18-8-264.A (40 CFR § 264.143).

**Q. LIABILITY REQUIREMENTS**

The Permittee shall demonstrate compliance with this Permit Condition by submitting the required documentation to the Director at least 60 days before first receiving hazardous waste for storage, and thereafter demonstrating continuous compliance with A.A.C. R18-8-264.A (40 CFR § 264.147(a)) to have and maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars (\$1,000,000) per occurrence, with an annual aggregate of at least two million dollars (\$2,000,000), exclusive of legal defense costs. The Permittee's liability coverage must be effective before the Permittee's first receipt of hazardous waste.

**R. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS**

The Permittee shall comply with A.A.C. R18-8-264.A (40 CFR § 264.148) whenever necessary.

**S. AIR EMISSIONS STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS**

The Permittee shall comply with the requirements of A.A.C. R18-8-264.A (40 CFR Part 264, Subpart BB (for equipment leaks) and Subpart CC (for containers and tanks)).

**T. SOURCE REDUCTION PLANS AND REPORTS**

1. Source Reduction Evaluation Review and Plan

Within one (1) year of the effective date of this Permit, and every four (4) years thereafter, the Permittee shall submit a source reduction evaluation review and plan to the Director. The review and plan should be conducted and prepared in accordance with the procedures and format provided in the EPA Facility Pollution Prevention Guide dated May 1992 (EPA/600-R-92/088) or other equivalent or better source reduction guidance. Additional industry specific source reduction guidance is available from both the EPA and the State. The review and plan shall include at a minimum the following: [A. A. C. R18-8-270.N (40 CFR § 270.32(b))]

- (a) The name and location of the facility.
- (b) The SIC Code of the facility.
- (c) A copy of any written Safety-Kleen Systems, Inc., policy or statement that outlines the general goals, objectives, and methods of source reduction to be implemented within the next five (5) years.
- (d) Identification of all routinely generated waste streams which result from ongoing processes or operations. Waste streams to be identified include both hazardous and solid waste which are discharged or emitted to the air, solid and aqueous environmental mediums. For the purposes of this paragraph, a solid waste stream is to be included if it is generated from ongoing processes or operations and has a yearly volume exceeding five (5) percent of the total yearly volume of solid waste generated at the facility. A hazardous waste stream is to be included if it is generated on an ongoing basis and meets the following criteria:
  - i. It is a hazardous waste stream processed in a wastewater treatment unit which discharges to a publicly owned treatment works or under an Arizona pollutant discharge elimination system (AZPDES) Permit and its weight

- before treatment exceeds five (5) percent of the weight of the total yearly volume of hazardous waste generated at the site.
- ii. It is a hazardous waste stream which is not processed in a wastewater treatment unit and its weight before treatment exceeds five (5) percent of the weight of the total yearly volume of hazardous waste generated at the site.
- (e) For each waste stream identified in Permit Condition II.T.1.d the following information shall be included:
- i. An estimate of the quantity of wastes generated.
  - ii. An evaluation of viable source reduction approaches available to the Permittee. The evaluation shall consider at a minimum the following source reduction approaches:
    - (1) Input change;
    - (2) Operational improvement;
    - (3) Production process change; and
    - (4) Product reformulation.
- (f) Any source reduction and/or recycling measure implemented by the Permittee in the last five (5) years.
- (g) A specification of, and a rationale for, the technically feasible and economically practicable source reduction measures which will be taken by the Permittee with respect to each waste stream identified. The review and plan shall fully document any statement explaining the Permittee's rationale for rejecting any available source reduction approach identified in Permit Condition II.T.1.(e.) Note: ADEQ does not consider a source reduction method to be valid if it merely switched the waste load from one environmental medium (air, water, or land) to another.
- (h) A detailed description of any programs the Permittee may have to assist generators of hazardous waste in reducing the volume or quantity and toxicity of waste they produce.
- (i) An evaluation, and, to the extent practicable, a quantification, of the effects of the chosen source reduction method on emissions and discharges to the air, water, or land environmental mediums.
- (j) A description of employee training programs and employee incentive programs for source reduction which may be in effect at the facility.

- (k) A timetable for making responsible and measurable progress towards implementation of the selected source reduction measures identified on Permit Condition II.T.1.(g.)
- (l) A summary of the source reduction evaluation review and plan.
- (m) Certification of the review and plan and the summary by a professional engineer, or by an individual who is responsible for the processes and operation of the facility, or by an environmental assessor, who was demonstrated expertise in hazardous waste management. The engineer, individual, or assessor shall certify the review and plan and the summary only if the review and plan and the summary meet all the requirements of Permit Condition II.T.1. Certification shall be made in accordance with A.A.C. R18-8-270.A (40 CFR § 270.11(d)).

2. Certification of Plan Implementation

At the time the review and plan required by Permit Condition II.T.1 is submitted to the Director, the Permittee shall also submit a written statement from a responsible official of the facility certifying that the Permittee has implemented, is implementing, or will be implementing, the source reduction measures identified in the plan according to the implementation schedule contained in the plan.

A Permittee may determine not to implement a measure selected pursuant to Permit Condition II.T.1.g only if the Permittee determines, upon conducting further analysis or due to unexpected circumstances, that the selected measure is not technically feasible or economically practicable, or if attempts to implement that measure reveal that the measure would result in, or has resulted in, any of the following: [A.A.C. R18-8-264.A (40 CFR § 264.73(b)(9))]

- (a) An increase in the generation of waste (hazardous and solid).
- (b) An increase in the release of hazardous chemicals to other environmental media.
- (c) Adverse impacts on product quality.
- (d) A significant increase in the risk of an adverse impact to human health or the environment.

3. Plan and Plan Summary Amendments

If the Permittee elects not to implement the measures selected pursuant to Permit Condition II.T.1.(f), the Permittee shall amend its review and plan and its summary to reflect this rejection and include in the review and plan and in the summary proper documentation identifying the rationale for this rejection. Any amendments to the review and plan or the

plan summary shall be submitted prior to implementation of the changes. [A.A.C. R18-8-270.N (40 CFR § 270.32 (b))]

4. Waste Management Performance Report

Within one (1) year of the effective date of this Permit and every year thereafter, the Permittee shall prepare a waste management performance report documenting waste management approaches implemented at the facility. The report shall be prepared in accordance with the EPA Facility Pollution Prevention Guide dated May 1992 (EPA/600/R-92/088) or other equivalent or better source reduction guidance. The report shall include at a minimum the following: [A.A.C. R18-8-270.N (40 CFR § 270.32(b))]

- (a) The name and location of the facility.
- (b) The SIC Code for the facility.
- (c) The following information for each waste stream identified pursuant to Permit Condition II.T.1.(d.)
  - i. An estimate of the quantity of waste (hazardous and solid) generated and the quantity of waste managed by the Permittee during the current reporting year and baseline year. The current reporting year is the calendar year immediately proceeding the year in which the report is to be prepared. For the initial report, the baseline year is any calendar year selected by the Permittee for which substantial data is available on waste generation, for onsite or offsite management. Alternatively, the Permittee may select the current reporting year as the initial baseline year. For all subsequent reports, the baseline year is the current reporting year of the immediately preceding report.
  - ii. An assessment of the effect, during the current year, of each waste management measure implemented since the baseline year, upon the generation and the onsite and offsite management of waste. For the initial report, the assessment of the effect required by this condition shall be made for the current year in general terms for any waste management measures implemented in the preceding five (5) years. The report shall consider, but shall not be limited to, measures which use the following approaches:
    - (1) Source reduction.
    - (2) Recycling.
    - (3) Treatment.

- iii. A description of factors during the current reporting year that have affected waste generation and onsite and offsite waste management since the baseline year. For the initial report, the description of factors shall be made in general terms for those factors affecting generation and management in the preceding five (5) years. The description shall include, but is not limited to, any of the following:
    - (1) Changes in research and laboratory ties.
    - (2) Changes in waste classification.
    - (3) Natural phenomena.
    - (4) Other factors that have affected either the quantity of waste generated or onsite and offsite waste management requirements.
  - iv. A description of any factors which may have prevented implementation of any aspect of the source reduction plan.
- (d) A summary of the waste management performance report.
  - (e) Certification of the report and summary by a professional engineer, or by an individual who is responsible for the processes and operations of the facility, or by an environmental assessor, who has demonstrated expertise in hazardous waste management. The engineer, individual, or assessor shall certify the report and summary only if the report and summary meet all the requirements of Permit Condition II.T.4. Certification shall be made in accordance with A.A.C. R18-8-270.A (40 CFR § 270.11(d)).

**U. WASTE MINIMIZATION CERTIFICATION**

- 1. The Permittee shall annually certify pursuant to A.A.C. R18-8-264.A (40 CFR § 264.73 (b)(9)):
  - (a) That the Permittee has a program in place to reduce the volume and toxicity of all hazardous waste which are generated by the facility operations to the degree, determined by the Permittee, to be economically practicable; and
  - (b) That the method of treatment, storage or disposal is the only practicable method or combination of methods currently available to the facility which minimizes the present and future threat to human health and the environment.
- 2. This certification shall be retained with the facility's operating record and shall comply with the signatory requirement of Permit Condition I.F pursuant to A.A.C. R18-8-264.A (40 CFR § 264.73 (b) (9)).

AZ HWMA PERMIT  
EPA ID NO. AZD981969504  
SAFETY-KLEEN CHANDLER

PERMIT PART II  
GENERAL FACILITY CONDITIONS  
FINAL PERMIT

**PART III - CONTAINER STORAGE**

**A. CONTAINER MANAGEMENT SUMMARY**

The Permittee’s container storage facilities description, design and plans are described in Attachments 1, “Facility Description,” and 7 “Management of Wastes in Containers”, and Appendices C-16 (“Inventory Storage Plan”) and E-5, (“Facility Construction Details”).

The warehouse container storage area consists of an approximately 48 feet by 80 feet area located within an 8000-square-foot building. The floor slab and collection trenches are made of steel-reinforced concrete, poured without cracks or gaps between them. The floor is 5 inches thick and the trench sump is 12 inches thick and both have a 6 mil vapor barrier. The floors and trenches are sloped to drain standing liquids away from containers to the trench in the center of the warehouse. The container storage area has a total secondary containment area of 2,160 square feet in the form of a sloped floor with a capacity of 1,703 gallons and a 12-foot by 2-foot by 3-foot 457-gallon collection trench. The floor and trench are coated with an impervious and chemically resistant coating. The concrete trench has a stainless steel liner welded without gaps between the floor and the liner. The building construction and impervious coating details are provided in Appendices E-5 (“Facility Construction Details”) and E- 11 (“Product Data Sheet for ICO-GUARD 51 Epoxy Floor Coating”). No more than 6,912 gallons of spent solvents will be stored in the container storage area at any one time.

**B. PERMITTED AND PROHIBITED WASTE IDENTIFICATION**

**1. Hazardous Waste**

The Permittee may store the following wastes in USDOT-approved containers at the facility, subject to the terms of this Permit and as follows:

<b>DESCRIPTION OF HAZARDOUS WASTE</b>	<b>EPA HAZARDOUS WASTE CODE</b>	<b>MAXIMUM VOLUME (GAL.)</b>	<b>TYPE OF CONTAINERS</b>
Waste parts washer sludge	D001, D039	6,912	Varies
Waste immersion cleaner	D006, D008, D018, D027, D039, D040	Included in 6,912 above	16 gallon steel
Waste aqueous parts cleaner solution	None	Included in 6,912 above	Varies
Waste aqueous brake cleaner solution	D039	Included in 6,912 above	Varies
Waste dry cleaner filter powder	D039, F002	Included in 6,912 above	16- and 30-gallon
Waste paint gun cleaner	D001, D018, D035, D039, D040, F003, F005	Included in 6,912 above	Varies
Waste paint other	D001, D018, D035, D039, D040, F003, F005	Included in 6,912 above	Varies
Waste dry cleaner bottoms	D007, D039, D040, F002	Included in 6,912 above	15-gallon poly
Waste parts washer tank bottoms	D039	Included in 6,912 above	16- and 30-gallon
Silver containing film	D011	Included in 6,912 above	Varies

DESCRIPTION OF HAZARDOUS WASTE	EPA HAZARDOUS WASTE CODE	MAXIMUM VOLUME (GAL.)	TYPE OF CONTAINERS
Other similar toxic wastes may include	D004, D005, D007, D009, D010, D011, D019, D021, D022, D023, D024, D025, D026, D028, D029, D030, D032, D033, D034, D036, D037, D038, D041, D042, D043	Included in 6,912 above	Varies

2. Waste and Product Maximum Storage Volumes

- (a) The Permittee shall not store more than a combined total of 17,280 gallons of liquid products and liquid wastes in the warehouse container storage area at any time.
- (b) The Permittee shall not store more than 1375 gallons of flammable liquid in the warehouse storage area at any time (see Permit Attachment 3, Section 3.2.3).
- (c) If the Permittee stores liquid product and hazardous wastes within the same secondary containment area, the products shall be subject to the maximum storage capacities listed in. Permit Attachment 1 and Permit Condition III.B.1.

3. Waste Segregation, Labels, and Container Types

The Permittee shall store hazardous waste only in correct sized, lined, and treated USDOT-approved containers as shown in the Permit Conditions III.B.1 and III.D. The Permittee shall not mix waste on site, and shall segregate the waste and product. All hazardous waste containers shall have a “Hazardous Waste” label to indicate their contents.

4. Container Configuration, Spacing, Stacking, Location

The Permittee shall store containers in the configurations shown on the plans contained in Appendix C, and as described in Permit Attachment 7, “Management of Wastes in Containers”:

- (a) Maintain two (2) feet of aisle space (four feet between flammable and ignitable waste), and other aisle spacing considerations as required by Permit Attachment 7, Section 7.4.5.
- (b) Number of containers to be stacked on pallets, number of pallets and stacking height limitations are given in Permit Attachment 7, Section 7.4.5, “Container Storage Limitations,” and Appendix C-16, (“Warehouse Plan Showing Example Inventory Storage Plan”).

- (c) Containers shall be placed on pallets and moved with hand carts, forklift trucks equipped with drum grappling tongs or forks and pallet jack in and out of containment areas.
- (d) Ignitable waste shall be stored at least 50 feet from all property boundaries.
- (e) Containers of non-permitted hazardous waste may not be stored in the warehouse container storage area.

5. Further Storage and Land Disposal Prohibitions

- (a) The Permittee shall follow the prohibition on storage of hazardous waste in containers, including the storage time limitation, as listed in A.A.C. R18-8-268 (40 CFR § 268.50).
- (b) The Permittee is prohibited from storing hazardous waste that is not identified in Permit Condition III.B.1.
- (c) The Permittee is prohibited from storing the following materials:
  - (i) Medical waste as defined in A.R.S. § 49-701.19 or biohazardous medical waste (see A.A.C. R18-13-1401(5));
  - (ii) Mixed waste (wastes that contain both a hazardous component regulated under AHWMA and a radioactive component consisting of source, special nuclear, or byproduct material regulated under the Atomic Energy Act); and
  - (iii) Polychlorinated biphenyls of a type or level regulated by the Toxic Substances Control Act (TSCA) (see 40 CFR Part 761), unless exempted, excluded or otherwise authorized pursuant to TSCA regulations.

**C. CONDITION OF CONTAINERS**

- 1. If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit. [A.A.C. R18-8-264.A (40 CFR § 264.171)]
- 2. Containers or liners that are to be disposed shall be decontaminated prior to disposal pursuant to A.A.C. R18-8-261.A (40 CFR § 261.7). Containers or liners that are not decontaminated, shall be considered by the Permittee to be a hazardous waste, and shall be managed as a hazardous waste. Disposal of containers and liners in sanitary landfills is prohibited, unless approved by the Director.

**D. COMPATIBILITY OF WASTE WITH CONTAINERS**

The Permittee shall assure that the ability of the container to contain the waste is not impaired, as required. [A.A.C. R18-8-264.A (40 CFR § 264.172)] Hazardous waste container and container liner information is provided in Permit Attachment 7, Sections 7.4.3 and 7.4.5 and Appendix D-4, (“Qualitative Acceptance Criteria”).

**E. MANAGEMENT OF CONTAINERS**

The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak. [A.A.C. R18-8-264.A (40 CFR § 264.173)]

**F. CONTAINMENT SYSTEMS**

The Permittee shall maintain the containment system in accordance with the descriptions contained in Permit Attachment 7, Section 7.1 and attached plans and specifications in Appendices C-16 (“Warehouse Plan Showing Example Inventory Storage Plan”), and E-5 (“Facility Construction Details”), E-6 (“General Construction Notes”), E-7 (“Warehouse Area Steel Trench Grating Certification”), E-11 (“Product Data Sheet for ICO-GUARD 51 Epoxy Floor Coating”) and E-12 (“Installation Instructions For ICO-GUARD Coating”). [A.A.C. R18-8-264.A (40 CFR § 264.175)]

**G. INSPECTION SCHEDULES AND PROCEDURES**

1. The Permittee shall inspect the container storage area on all work days, in accordance with the inspection schedule and procedures contained in Permit Attachment 3, “Preparedness and Prevention Plan”, Section 3.2 and in Appendix E-4 (“Example Inspection Forms”) to detect leaking containers, and deterioration of containers and the containment system caused by corrosion and other factors.
2. The Permittee shall inspect the container storage area on all work days for visible signs of residue, and shall remove all visible signs of residue from the floor surface on a daily basis.

**H. RECORD KEEPING**

The Permittee shall place the results of all waste analyses and trial tests and any other documentation showing compliance with the requirements of Permit Conditions III.K.1 and III.K.2 and A.A.C. R18-8-264.A (40 CFR §§ 264.17(b) and 264.177) in the facility operating record. [A.A.C. R18-8-264.A (40 CFR § 264.73)].

**I. CLOSURE**

At closure of the container area, the Permittee shall remove all hazardous waste and hazardous waste residues from the containment system, in accordance with the procedures in the Closure Plan, Permit Attachment 6. [A.A.C. R18-8-264.A (40 CFR § 264.178)]

**J. SPECIAL CONTAINER PROVISIONS FOR IGNITABLE OR REACTIVE WASTE**

1. The Permittee shall not locate containers holding ignitable or reactive waste within 15 meters (50 feet) of the facility's property line. [A.A.C. R18-8-264.A (40 CFR § 264.176)].
2. The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and follow the procedures specified in Permit Attachment 3, "Preparedness and Prevention Plan," Section 3.4.3. [A.A.C. R18-8-264.A (40 CFR §§ 264.17(a) and 264.176)]
3. The Permittee shall locate containers holding water reactive wastes in areas not subject to water contact. [A.A.C. R18-8-264A (40 CFR § 264.17(b))]

**K. SPECIAL CONTAINER PROVISIONS FOR INCOMPATIBLE WASTE**

1. The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same container. [A.A.C. R18-8-264.A (40 CFR § 264.177(a))].
2. The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material. [A.A.C. R18-8-264.A (40 CFR § 264.177(b))]
3. The Permittee shall separate containers of incompatible wastes. [A.A.C. R18-8-264.A (40 CFR § 264.177(c))]

## **PART IV - TANK STORAGE**

### **A. TANK MANAGEMENT SUMMARY**

The Permittee's tank storage facilities description, design and plans are presented in Attachments 1, "Facility Description" and 8, "Tank System Assessment," and Appendices C-7 ("Water Main, Fire Hydrant and Storm Sewer Map of Facility"), C-15 ("Site Plan Showing Construction Soil Samples"), C-17 (Dumpster [Drum Washer] Plans"), E-16 ("12,000 Gallon, 10'6"  $\Phi$  Flanged and Dished Bottom Vertical Storage Tank With Flanged Fittings Fabrication Details"), E-17 ("Used Solvent Vertical Tank Installation Details"), E-18 (Varec Tank Gauge Installation Details"), E-19 ("Emergency & Gate Valve Installation Details), E-20 ("Vertical Tank Grounding Plan and Details"), E-21 ("Tanker Access Container [Galv]"), E-22 ("Milltronics Airing DPL With 2 Transducers Outline Dimensions And External Connection Airing DPL"), E-23 ("Milltronics ST25C Flanged Transducer Installation Procedure Transducers"), E-24 ("Milltronics Airing DPL Dual Point Level System Instruction Manual"), E-27 ("Drum Washer Construction Details"), E-28 ("Dumpster Valve & Hose Assembly"), E-29 ("Parallel Steel Joist Pipe Bridge"), E-30 ("Pipe Bridge"), E-31 ("Solvent Pump Piping Installation Details"), E-32 ("Design Assessments Used Solvent Tank Storage System, Tera, Inc. 91-159"), E-33 ("Installation Assessment Used Solvent Tank Storage System, Tera, Inc. 93-409-089"), E-34 ("Albi Clad 800 Fireproofing Application Manual and Field Guide").

The Hazardous Waste Storage and Facility (HWSF) includes a tank farm with two 12,000-gallon vertical above ground storage tanks, one with hazardous waste, a 12,000 gallon horizontal tank outside the tank farm with stored product, and a loading dock with a solvent return and fill station and two drum washer units, attached to the warehouse.

The Permittee may store waste in one aboveground tank system to accumulate waste solvent. The system works as follows:

#### **Waste Solvent (WS) Return and Fill Area Station**

The return and fill area station (RAFAS) serves a dual function: (1) one for receiving and transporting waste solvent to the waste storage tank; and (2) the other for receiving product solvent from the product storage tank and dispensing it to containers for customer use.

The collected waste solvent, consisting of a sink affixed to a USDOT-approved container containing parts washing solvents, shall be initially contained in two drum washer units at the return and fill station located between the container storage area and office areas within the building.

Each drum washer unit has a nominal total volume of 162 gallons of waste solvent. The drum washer units are constructed of 14 gauge steel with a locking lid assembly and removable filter screens. The drum washer units are connected to a 2-inch diameter steel drain line, via 2-inch diameter fiber reinforced flexible hoses that are compatible with the waste solvent. The return and fill station shall have secondary containment of containing a minimum of the total volume of the two drum washer units.

### Transfer Operations of WS from RAFAS to the Waste Storage Tank

From the drain line the waste solvent flows by gravity through a basket strainer to a pump located within the return and fill station, and then is pumped from the drum washer unit(s) through schedule 40 galvanized piping that is 2 inches in diameter into a nominal 12,000-gallon above-ground storage tank. The waste solvent piping is strut supported on the wall inside the building station area and across the parking lot via a pipe bridge to the storage tank every 8 feet.

### Waste Solvent Tank Design and Containment

The 12,000-gallon waste solvent storage tank, located in a tank farm with a 12,000-gallon used antifreeze tank, is a nominal 10 feet 6-inches in diameter, 19 feet high, and constructed of 1/4-inch thick carbon steel, except for the top two-thirds 5 feet of the shell and the roof, which are constructed of nominal 3/16-inch thick carbon steel. Used antifreeze is neither ignitable, corrosive, nor reactive; it is not incompatible with other wastes stored in the tank farm area. The tanks have shell and roof manways, and are painted white to reflect sunlight. Each tank bottom is a dish elevated by a perimeter ring, such that no portion of the liquid containment vessel is in contact with the secondary containment. The supporting skirt (perimeter ring) is constructed of 3/8-inch carbon steel, and has at least four 6-inch diameter viewports to facilitate inspection, and is protected by materials having a fire resistance rating of not less than 2 hours. Each tank is placed on a sheet of 10 gauge stainless steel plate, which is caulked to the underlying sealed, steel reinforced concrete slab.

The tanks are equipped with a siren and strobe light high level alarm, to indicate when the tanks are at least 95 percent full, and a pressure vacuum vent that operates at two ounces of pressure and one ounce of vacuum. To prevent overflow, the power to each tank pump is electrically disabled upon that tank reaching 95 percent of capacity as determined by the high level alarm. The tank farm has a secondary containment capacity of not less than 23,650 gallons. The containment slab is not less than 6 inches thick, and the dike wall has a thickness of not less than 8 inches. The interior dike wall is 48.67 feet long, 20.5 feet wide, and not less than 3.46 feet high. The base and wall are steel-reinforced concrete. The base, trench, and partial dike wall were poured monolithically and a key was installed to connect and seal the rest of the wall to the base wall. Additionally, the secondary containment has been coated using a chemically resistant coating (see also Permit Condition IV.C.2).

### Removal of Tank Waste Solvent

Periodically a tanker truck shall be dispatched from a recycling center to transfer the accumulated waste solvent in the tank to the recycling center.

**B. PERMITTED AND PROHIBITED WASTE IDENTIFICATION**

1. The Permittee may store a total volume of 11,400 gallons of hazardous waste solvent (i.e., 95% of the 12,000-gallon tank) in the waste solvent storage tank and 162 gallons in each of the two drum washer units, subject to the terms of this Permit and as follows:

<b>Tank ID</b>	<b>Maximum Storage Capacity (Gal)</b>	<b>Dimensions of Tank</b>	<b>Secondary Containment (Gal)</b>	<b>Description of Hazardous Waste</b>	<b>Hazardous Waste Codes*</b>
Waste Solvent Tank	11,400	10' 6" diam., 19' high	20,296	Waste Parts Washer Solvent	D018, D039, D040
Drum Washer Units (2)	162 each	3'x5'x40" high	844	Waste Parts Washer Solvent, and Sludge	D018, D039, D040, D001

\* In addition to the above listed waste codes the Permittee may also store the following hazardous waste: D004, D005, D006, D007, D009, D010, D011, D018, D019, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042 and D043.

2. The Permittee is otherwise prohibited from storing hazardous waste in the tank system that is not identified in Permit Condition IV.B.1.
3. The Permittee is prohibited from storing the following materials:
  - (a) Medical waste as defined in A.R.S. § 49-701.19) or biohazardous medical waste (see A.A.C. R18-13-1401(5));
  - (b) Mixed waste (wastes that contain both a hazardous component regulated under AHWMA and a radioactive component consisting of source, special nuclear, or byproduct material regulated under the Atomic Energy Act); and
  - (c) Polychlorinated biphenyls of a type or level regulated by the Toxic Substances Control Act (TSCA) (see 40 CFR Part 761), unless exempted, excluded or otherwise authorized pursuant to TSCA regulations
4. The Permittee shall follow the maximum timeframe and land disposal prohibitions on storage of hazardous wastes in tanks as listed in A.A.C. R18-8-268.A (40 CFR § 268.50).

**C. SECONDARY CONTAINMENT AND INTEGRITY ASSESSMENTS**

1. For tank systems used to store materials that are defined as hazardous waste in the future, the Permittee must obtain a written assessment of the existing tank system integrity within 12 months from the date the waste is defined as hazardous. [A.A.C. R18-8-264.A (40 CFR § 264.191(c))] The assessment shall be certified by an independent, qualified, registered professional engineer. [A.A.C. R18-8-264.A (40 CFR § 264.191 (a) and (b))]
2. The Permittee shall design, construct, and operate the secondary containment system, in accordance with the design plans and descriptions contained in Appendix E, and elsewhere in this Permit. The secondary containment areas, including berms, shall be sealed using chemically resistant coating specified in Appendix E, or other chemically resistant sealers as approved by ADEQ. [A.A.C. R18-8-264.A (40 CFR §264.193(b)-(f))]

**D. OPERATING REQUIREMENTS**

1. The Permittee shall not place hazardous waste or treatment reagents in the tank system if they could cause the tank, its ancillary equipment, or a containment system to rupture, leak, corrode, or otherwise fail. [A.A.C. R18-8-264.A (40 CFR § 264.194(a))]
2. The Permittee shall prevent spills and overflows from the tank or containment systems using the methods described in the Preparedness and Prevention Plan (see Permit Attachment 3). [A.A.C. R18-8-264.A (40 CFR § 264.194(b))]

**E. RESPONSE TO LEAKS OR SPILLS**

In the event of a leak or a spill from the tank system, from a secondary containment system, or if a system becomes unfit for continued use, the Permittee shall remove the system from service immediately and complete the following actions: [A.A.C. R18-8-264.A (40 CFR §264.196(a) through (f))]

1. Stop the flow of hazardous waste into the system and inspect the system to determine the cause of the release.
2. Remove waste and accumulated precipitation from the system within 24 hours of the detection of the leak, to prevent further release, and to allow inspection and repair of the system. If the Permittee finds that it will be impossible to meet this time period, the Permittee shall notify the Director, and demonstrate that the longer time period is required.

If the collected material is a RCRA hazardous waste, it must be managed in accordance with all applicable requirements of A.A.C. R18-8-262 through 264 (40 CFR §§ 262-264). The Permittee shall note that if the collected material is discharged through a point source to U.S. waters or to a POTW, it is subject to requirements of the Clean Water Act. If the collected

material is released to the environment, it may be subject to reporting under 40 CFR Part 302.

3. Contain visible releases to the environment. The Permittee shall immediately conduct a visual inspection of all releases to the environment, and based on that inspection:
  - (a) Prevent further migration of the leak or spill to soils or surface water, and
  - (b) Remove and properly dispose of any visible contamination of the soil or surface water.
4. Close the system in accordance with the Closure Plan (Permit Attachment 6), unless the following actions are taken:
  - (a) For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste, and make any necessary repairs to fully restore the integrity of the system, before returning the tank system to service.
  - (b) For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning it to service
  - (c) For a release to the environment caused by a leak from the portion of the tank system component that is not readily available for visual inspection, the Permittee shall provide secondary containment that meets the requirements of A.A.C. R18-8-264.A (40 CFR §264.193), before the component can be returned to service.
  - (d) If the Permittee replaces a component of the tank system to eliminate the leak, that component must satisfy the requirements for new tank systems or components in A.A.C. R18-8-264.A (40 CFR §§264.192 and 264.193).
5. For all major repairs to eliminate leaks or restore the integrity of the tank system, the Permittee must obtain a certification by an independent, qualified, registered professional engineer that the repaired system is capable of handling hazardous waste without release for the intended life of the system, before returning the system to service. Examples of major repairs are: installation of an internal liner, repair of a ruptured tank, or repair or replacement of a secondary containment vault.

## **F. INSPECTION SCHEDULES AND PROCEDURES**

1. The Permittee shall inspect the tank systems, in accordance with the inspection schedule and procedures contained in the Preparedness and Prevention Plan (Permit Attachment 3) and Appendix E, and shall complete the items in Permit Conditions IV.F.2. and IV.F.3. as part of those inspections:

2. The Permittee shall inspect the overfill controls, in accordance with the schedule and procedures contained in the Preparedness and Prevention Plan (Permit Attachment 3) and in Appendix E-4. [A.A.C. R18-8-264.A (40 CFR §264.195(a))]
3. The Permittee shall inspect the following components of the tank system once each operating day: [A.A.C. R18-8-264.A (40 CFR §264.195(b))]
  - (a) Aboveground portions of the tank system to detect corrosion or releases of waste;
  - (b) Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and
  - (c) Construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).
4. The Permittee shall document compliance with Permit Conditions IV.F.2 and IV.F.3, and place this documentation in the operating record for the facility. [A.A.C. R18-8-264.A (40 CFR §264.195(d))]

**G. RECORDKEEPING AND REPORTING**

1. The Permittee shall report to the Director, within 24 hours of detection, when a leak or spill occurs from the tank system or secondary containment system to the environment. [A.A.C. R18-8-264.A (40 CFR §264.196(d)(1)) and C] (A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported.) [A.A.C. R18-8-264.A (40 CFR §264.196(d)(2))] (Releases that are contained within a secondary containment system need not be reported). If the Permittee has reported the release pursuant to 40 CFR Part 302 and A.R.S. §49-284, this report satisfies the requirements of this Permit Condition. [A.A.C. R18-8-264.A (40 CFR §264.196(d)(1))]
2. Within 30 days of detecting a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information to the Director: [A.A.C. R18 8 264.A (40 CFR §264.196(d)(3))]
  - (a) Likely route of migration of the release;
  - (b) Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
  - (c) Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee

should provide the Director with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;

- (d) Proximity of down gradient drinking water, surface water, and populated areas; and,
  - (e) Description of response actions taken or planned.
3. The Permittee shall submit to the Director all certifications [see A.A.C. R18-8-264.A (40 CFR §264.192(g))] of major repairs to correct leaks within seven days from returning the tank system to use. [A.A.C. R18-8-264.A (40 CFR §264.196(f))]
  4. The Permittee shall obtain, and keep on file at the facility, the written statements by those persons required to certify the design and installation of the tank system. [A.A.C. R18-8-264.A (40 CFR §264.192(g))]

#### **H. CLOSURE CARE**

1. At closure of the tank system, the Permittee shall follow the procedures in the Closure Plan (Permit Attachment 6). [A.A.C. R18-8-264.A (40 CFR §264.197(a))]
2. If the Permittee demonstrates that not all contaminated soils can be practically removed or decontaminated, in accordance with the Closure Plan (Permit Attachment 6), then the Permittee shall close the tank system and perform post-closure care. [A.A.C. R18-8-264.A (40 CFR § 264.197(b))]

#### **I. SPECIAL TANK PROVISIONS FOR IGNITABLE OR REACTIVE WASTE**

1. The Permittee shall not place ignitable or reactive waste in the tank system or in the secondary containment system, unless the procedures specified in the Preparedness and Prevention Plan (Permit Attachment 3) are followed. [A.A.C. R18-8-264.A (40 CFR §264.198(a))]
2. The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981). [A.A.C. R18-8-264.A (40 CFR §264.198(b))]

#### **J. SPECIAL TANK PROVISIONS FOR INCOMPATIBLE WASTE**

1. The Permittee shall not place incompatible waste, or incompatible waste and materials, in the same tank system or the same secondary containment system, unless the procedures specified in A.A.C. R18-8-264.A (40 CFR §264.17(b)) are complied with. [A.A.C. R18-8-264.A (40 CFR §264.199(a))]

2. The Permittee shall not place hazardous waste in a tank system that has not been decontaminated, and that previously held an incompatible waste or material, unless the requirements of Permit Condition IV.J.1 are met. [A.A.C. R18-8-264.A (40 CFR §264.199(b))]

## **PART V – CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS**

### **A. SUMMARY OF RCRA FACILITY ASSESSMENT FINDINGS/RESULTS**

Over the life of the original permit there has neither been evidence of releases of hazardous waste nor any evidence of a significant exposure potential from any solid waste management unit at the facility.

### **B. DEFINITIONS**

For purposes of this Corrective Action Schedule of Compliance the following definitions shall apply:

“Facility” means all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA.

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

“Solid waste management unit” or “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 a facility at which solid wastes have been routinely and systematically released.

“Hazardous waste” means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The term hazardous waste includes hazardous constituent as defined below.

“Hazardous constituent” means any constituent identified in Appendix VIII A.A.C. R18-8-264.A (40 CFR Part 261), or any constituent identified in Appendix IX of 40 CFR Part 264.

### **C. STANDARD CONDITIONS**

1. Section 3004(u) of RCRA, as amended by HSWA, and A.A.C. R18-8-264.A (40 CFR § 264.101) require that permits issued after November 8, 1984, address corrective action for releases of hazardous wastes including hazardous constituents from any solid waste management unit (SWMU) at the facility, regardless of when the waste was placed in the unit.

2. Failure to submit the information required in this Corrective Action Schedule of Compliance, or falsification of any submitted information, is grounds for termination of this Permit [A.A.C. R18-8-270.A (40 CFR § 270.43)]. The Permittee shall ensure that all plans, reports, notifications, and other submissions required in this Corrective Action Schedule of Compliance are signed and certified in accordance with A.A.C. R18-8-270.A [40 CFR § 270.11(d)]. Three copies of all plans, reports, notifications or other submissions required shall be submitted to the Director.
3. All plans and schedules required by the conditions of this Corrective Action Schedule of Compliance are, upon approval of the Director, incorporated into this Schedule of Compliance by reference and become an enforceable part of this Permit. Any noncompliance with such approved plans and schedules shall be termed noncompliance with this Permit. Extensions of the due dates for submittals may be granted by the Director in accordance with the permit modification processes under A.A.C. R18-8-270.A (40 CFR § 270.41).
4. If the Director determines that further actions beyond those provided in this Permit are warranted, the Director shall modify the Permit either according to procedures in Section V.N. of this Permit, or according to the permit modification processes in A.A.C. R18-8-270.A (40 CFR § 270.41).
5. All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Corrective Action Schedule of Compliance shall be maintained at the facility during the term of this Permit, including any reissued Permits.

**D. REPORTING REQUIREMENTS**

1. The Permittee shall submit signed quarterly progress reports of all activities conducted pursuant to the provisions of this Permit, beginning no later than 90 calendar days after the Permittee is first required to begin implementation of any requirement herein. These reports shall contain:
  - (a) A description of the work completed;
  - (b) Summaries of all findings, including summaries of laboratory data;
  - (c) Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems; and
  - (d) Projected work for the next reporting period.
2. Copies of other reports (e.g., inspection reports), drilling logs and laboratory data shall be made available to the Director upon request.

3. As specified under Permit Condition V.E.3, the Director may require the Permittee to conduct new or more extensive assessments, investigations, or studies, as needed, based on information provided in these progress reports or other supporting information.

**E. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SOLID WASTE MANAGEMENT UNIT(S)**

1. The Permittee shall notify the Director in writing of any newly-identified SWMU(s) discovered during the course of ground-water monitoring, field investigations, environmental audits, or other means, no later than fifteen calendar days after discovery.
2. After such notification, the Director may request, in writing, that the Permittee prepare a Solid Waste Management Unit (SWMU) Assessment Plan and a proposed schedule of implementation and completion of the Plan for any additional SWMU(s) discovered subsequent to the issuance of this Permit.
3. Within ninety calendar days after receipt of the Director's request for a SWMU Assessment Plan, the Permittee shall prepare a SWMU Assessment Plan for determining past and present operations at the unit, as well as any sampling and analysis of ground water, land surface and subsurface strata, surface water or air, as necessary to determine whether a release of hazardous waste including hazardous constituents from such unit (s) has occurred, is likely to have occurred, or is likely to occur. The SWMU Assessment Plan must demonstrate that the sampling and analysis program, if applicable, is capable of yielding representative samples and must identify potential pathways for migration of hazardous waste including hazardous constituents from the newly-discovered SWMU(s) to the environment.
4. After the Permittee submits the SWMU Assessment Plan, the Director shall either approve or disapprove the Plan in writing.
  - (a) If the Director approves the Plan, the Permittee shall begin to implement the Plan within fifteen calendar days of receiving such written notification.
  - (b) If the Director disapproves the Plan, the Director shall either (1) notify the Permittee in writing of the Plan's deficiencies and specify a due date for submittal of a revised Plan, or (2) revise the Plan and notify the Permittee of the revisions. This Director-revised Plan becomes the approved SWMU Assessment Plan. The Permittee shall implement the Plan within fifteen calendar days of receiving written approval.
5. The Permittee shall submit a SWMU Assessment Report to the Director no later than thirty calendar days from completion of the work specified in the approved SWMU Assessment Plan. The SWMU Assessment Report shall describe all results obtained from the implementation of the approved SWMU Assessment Plan. At a minimum, the Report shall provide the following information for each newly-identified SWMU:

- (a) The location of the newly-identified SWMU in relation to other SWMUs (as indicated on a topographic map of appropriate scale);
  - (b) The type and function of the unit;
  - (c) The general dimensions, capacities, and structural description of the unit (supply any available drawings);
  - (d) The period during which the unit was operated;
  - (e) The specifics on all wastes that have been or are being managed at the SWMU, to the extent available; and
  - (f) The results of any sampling and analysis required for the purpose of determining whether releases of hazardous wastes including hazardous constituents have occurred, are occurring, or are likely to occur from the unit.
6. Based on the results of this SWMU Assessment Report, the Director shall determine the need for further investigations at specific unit(s) covered in the SWMU Assessment. If the Director determines that such investigations are needed, the Director may require the Permittee to prepare a plan for such investigations. This plan will be reviewed for approval as part of the RFI Workplan under Permit Condition V.G. of this Corrective Action Schedule of Compliance.

**F. NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT SWMUS**

The Permittee shall notify the Director, in writing, of any release(s) of hazardous waste including hazardous constituents discovered during the course of ground-water monitoring, field investigation, environmental auditing, or other activities no later than fifteen calendar days after discovery. Such newly-discovered releases may be from newly-identified units, or from units for which, based on the findings of an RFA, the Director had previously determined that no further investigation was necessary. The Director may require further investigation of the newly-identified release(s). A plan for such investigation will be reviewed for approval as part of the RFI Workplan under Permit condition V.G.

**G. RCRA FACILITY INVESTIGATION WORKPLAN**

1. The Permittee shall submit a RCRA Facility Investigation (RFI) Workplan to the Director no later than ninety working days after receipt of the Director's request for an RFI Workplan.
2. The Workplan shall describe the objectives of the investigation and the overall technical and analytical approach to completing all actions necessary to characterize the nature, direction, rate, movement, and concentration of releases of hazardous waste including hazardous constituents from specific units or groups of units, and their actual or potential receptors. The

Workplan shall detail all proposed activities and procedures to be conducted at the facility, the schedule for implementing and completing such investigations, the qualifications for personnel performing or directing the investigations, including contractor personnel, and the overall management of the RFI.

3. In addition, the Workplan shall discuss sampling and data collection, quality assurance and data management procedures, including formats for documenting and tracking data and other results of investigations, and health and safety procedures.
4. After the Permittee submits the RFI Workplan, the Director will either approve or disapprove the Workplan in writing.
  - (a) If the Director approves the Workplan, the Permittee shall begin to implement the Workplan within thirty (30) calendar days of receiving such written notification.
  - (b) If the Director disapproves the Workplan, the Director shall either (1) notify the Permittee in writing of the Workplan's deficiencies and specify a due date for submittal of a revised Plan, or (2) revise the Workplan and notify the Permittee of the revisions. This modified Workplan becomes the approved RFI Workplan. The Permittee shall implement the RFI Workplan within thirty (30) calendar days of receiving written approval.

#### **H. RCRA FACILITY INVESTIGATION REPORT**

1. The Permittee shall submit a RFI Report within sixty calendar days after the completion of all work required under the RFI Workplan. The RFI Report shall describe the procedures, methods, and results of all facility investigations of SWMUs and their releases, including information on the type and extent of contamination at the facility, sources and migration pathways, and actual or potential receptors. The RFI Report shall present all information gathered under the approved RFI Workplan. The Final Report must contain adequate information to support corrective action decisions at the facility.
2. After the Permittee submits the RFI Report, the Director shall either approve or disapprove the Report in writing. If the Director determines the RFI Final Report and Summary Report do not fully detail the objectives stated under Permit Condition G.2 and 3, the Director may disapprove the RFI Report. If the Director disapproves the Report, the Director shall notify the Permittee in writing of the Report's deficiencies and specify a due date for submittal of a revised Report.

#### **I. FURTHER ACTIONS**

No further actions have been identified by the Director as being needed at this time. The Director has determined that a Corrective Action Schedule of Compliance is not required.

#### **J. DETERMINATION OF NO FURTHER ACTION**

1. Based on the results of the RFI or other relevant information, the Permittee may submit an application to the Director for a Class 3 permit modification under A.A.C. R18-8-270.A [40 CFR § 270.42(c)] to terminate a Corrective Action Schedule of Compliance. This permit modification application must contain information demonstrating that there are no releases of hazardous wastes including hazardous constituents from SWMUs at the facility that pose a threat to human health and the environment, as well as information required in A.A.C. R18-8-270.A(40 CFR § 270.42(c), which incorporates by reference 40 CFR § 270.13 through §§ 270.21, 270.62 and 270.63).

If, based upon review of the Permittee's request for a permit modification, the results of the RFI, and other information, including comments received during the 60-day public comment period required for Class 3 permit modifications, the Director determines that releases or suspected releases which were investigated either are non-existent or do not pose a threat to human health and the environment, the Director will grant the requested modification.

2. A determination of no further action shall not preclude the Director from requiring continued or periodic monitoring of air, soil, ground water, or surface water, when site-specific circumstances indicate that releases of hazardous wastes including hazardous constituents are likely to occur, if necessary to protect human health and the environment.
3. A determination of no further action shall not preclude the Director from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates a release or likelihood of a release from a SWMU at the facility that is likely to pose a threat to human health or the environment. In such a case, the Director shall initiate either a modification to the Corrective Action Schedule of Compliance of this Permit, or a major permit modification to rescind the determination made in accordance with Permit Condition V.J.2.

**K. CORRECTIVE MEASURES STUDY PLAN**

1. Based on the RFI Report, if the Director determines that corrective measures are necessary, the Director may require a Corrective Measures Study (CMS) and shall notify the Permittee in writing. This notice shall identify the hazardous constituent(s) which have exceeded action levels, as well as those which have been determined to threaten human health and the environment given site-specific exposure conditions. The notification may also specify remedial alternatives to be evaluated by the Permittee during the CMS.
2. The Permittee shall submit a CMS Plan to the Director within 45 calendar days from notification of the requirement to conduct a CMS. The CMS Plan shall provide the following information:
  - (a) A description of the general approach to investigating and evaluating potential remedies;

- (b) A definition of the overall objectives of the study;
  - (c) The specific plans for evaluating remedies to ensure compliance with remedy standards;
  - (d) The schedules for conducting the study; and
  - (e) The proposed format for the presentation of information.
3. After the Permittee submits the CMS Plan, the Director shall either approve or disapprove the CMS Plan in writing.
- (a) If the Director approves the Plan, the Permittee shall begin to implement the CMS Plan within 30 calendar days of receiving such written notification.
  - (b) If the Director disapproves the CMS Plan, the Director shall either:
    - i. Notify the Permittee in writing of the CMS Plan's deficiencies and specify a due date for submittal of a revised CMS Plan, or
    - ii. Revise the CMS Plan and notify the Permittee of the revisions. This amended CMS Plan becomes the approved CMS Plan.

**L. CORRECTIVE MEASURES STUDY REPORT**

- 1. The Permittee shall begin to implement the approved CMS Plan according to the schedules specified, no later than 30 calendar days after receiving written approval from the Director.
- 2. Within 60 calendar days after completion of the approved CMS Plan, the Permittee shall submit a CMS Report. The CMS Report shall summarize the results of the investigations for each remedy studied and of any bench-scale or pilot tests conducted. The CMS Report must include an evaluation of each remedial alternative. The CMS Report shall present all information gathered under the approved CMS Plan. The CMS Report must contain adequate information to support the Director in the remedy selection decision making process, described under Permit Condition V.M of this Permit.
- 3. If the Director determines that the CMS Report does not fully satisfy the information requirements specified under Permit Condition V.K.2, the Director may disapprove the CMS Report, notify the Permittee in writing of deficiencies in the CMS Report and specify a due date for submittal of a revised CMS Report.
- 4. As specified under Permit Condition V.L.3, the Director may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

**M. REMEDY SELECTION**

1. Based on the results of the CMS Report and any further evaluations of additional remedies under this study, the Director shall select a remedy from the remedial alternatives evaluated in the CMS Report that will:
  - (a) Be protective of human health and the environment;
  - (b) Meet the concentration levels of hazardous constituents in each medium that the remedy must achieve to be protective of human health and the environment;
  - (c) Control the source(s) of release(s) so as to reduce or eliminate, to the maximum extent practicable, further releases that might pose a threat to human health and the environment; and
  - (d) Meet all applicable waste management requirements.
  
2. In selecting the remedy which meets the standards for remedies established under Permit Condition V.M.1, the Director shall consider the following evaluation factors, as appropriate:
  - (a) Long-term Reliability and Effectiveness. Any potential remedy(s) may be assessed for the long-term reliability and effectiveness it affords, along with the degree of certainty that the remedy will prove successful. Factors that shall be considered in this evaluation include:
    - i. Magnitude of residual risks in terms of amounts and concentrations of waste remaining following implementation of a remedy, considering the persistence, toxicity, mobility and propensity for bioaccumulation of such hazardous wastes including hazardous constituents;
    - ii. The type and degree of long-term management required, including monitoring and operation and maintenance;
    - iii. Potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, re-disposal or containment;
    - iv. Long-term reliability of the engineering and institutional controls, including uncertainties associated with land disposal of untreated wastes and residuals; and
    - v. Potential need for replacement of the remedy.
  - (b) Short-Term Reliability and Effectiveness. Any potential remedy may be assessed considering the magnitude of reduction of existing risks, time until full protection is

achieved, and the short-term risks that might be posed to the community, workers, or the environment during implementation of such a remedy. Short-term risks may also include potential threats to human health and the environment associated with excavation, transportation, and staging of contaminated soils.

- (c) Reduction of Toxicity, Mobility, and Volume. A potential remedy(s) may be assessed as to the degree to which it employs treatment that reduces toxicity, mobility, or volume of hazardous waste, including hazardous constituents. Factors that shall be considered in such assessments include:
  - i. The treatment processes the remedy(s) employs and materials it would treat;
  - ii. The amount of hazardous wastes including hazardous constituents that would be destroyed or treated;
  - iii. The degree to which the treatment is irreversible; and
  - iv. The residuals that will remain following treatment, considering the persistence, toxicity, mobility and propensity for bioaccumulation of such hazardous wastes, including hazardous constituents.
- (d) Implementability. The ease or difficulty of implementing a potential remedy may be assessed as to the degree of difficulty associated with constructing the technology, operational reliability of the technology, need to obtain necessary approvals and permits from other agencies, and the available capacity and location of needed treatment, storage, and disposal services.
- (e) Cost. The types of costs that may be assessed include capital costs, operation and maintenance costs, net present value of capital, operation and maintenance costs, and potential future remedial action costs.

**N. PERMIT MODIFICATION FOR REMEDY**

Based on information the Permittee submits in the RFI Report, the CMS Report, and other information, the Director will select a remedy and initiate a major permit modification to this Permit, pursuant to A.A.C. R18-8-270.A (40 CFR § 270.41).

The modification shall specify the selected remedy and include, at a minimum, the following:

1. Description of all technical features of the remedy that are necessary for achieving the standards for remedies established under Permit Condition V.M.1, including length of time for which compliance must be demonstrated at specified points of compliance;
2. All concentration levels of hazardous constituents in each medium, that the remedy must achieve to be protective of human health and the environment;

3. All requirements for achieving compliance with these concentration levels;
4. All requirements for complying with the standards for management of waste;
5. Requirements for removal, decontamination, closure, or post-closure of units, equipment, devices or structures that will be used to implement the remedy;
6. Schedules for initiating and completing technical features and milestones of the remedy; and
7. Requirements for submission of reports and other information.

**O. INTERIM MEASURES**

1. If the Permittee discovers, at any time, a potential or actual threat to human health or the environment, the Permittee shall implement interim measures to prevent releases or additional contamination, and to reduce, abate or remove the exposure threat presented by releases. This may involve implementation of Permit Condition II.I.1 as the initial response.
2. Unless the threat requires an immediate emergency response (see Permit Condition V.O.1 above), the Permittee shall submit a report to the Director for approval that shall include:
  - (a) Objectives of the interim measures (i.e., how the measure in mitigating a potential threat to human health and the environment and/or is consistent with and integrated into any long term solution at the facility);
  - (b) Design, construction, operation, and maintenance requirements;
  - (c) Schedules for design, construction, and monitoring; and
  - (d) Schedule for progress reports.
3. The Permittee shall submit a report to the Director discussing any interim measure(s) taken under Permit Condition V.I.4 within 30 days of the date the threat was discovered. This report shall describe the nature and extent of the threat, the measures taken, and the results of any monitoring or sampling taken to determine the results of the interim measure(s).

**P. MODIFICATION OF THE CORRECTIVE ACTION SCHEDULE OF COMPLIANCE**

1. Whenever the Permittee discovers, after submitting reports on SWMU(s) pursuant to Permit Condition V.E., that other relevant information about the SWMU(s) has not been incorporated in those reports, the Permittee shall submit such information to the Director within thirty (30) calendar days of making the discovery. If the Director determines, at any time that the RFI Workplan or the CMS Plan, required under Permit Conditions V.G and

V.K respectively, will not lead to abatement of potential or continued releases of hazardous waste or hazardous constituents from SWMU(s) pursuant to A.A.C. R18-8-264.A (40 CFR § 264.101) or this Permit, the Permittee may initiate a modification to the Director no later than 30 calendar days after the modification is requested by the Director. The Director shall:

- (a) Notify the Permittee in writing of the proposed modification and the date by which comments on the proposed modification must be received; and
  - (b) Publish a notice of the proposed modification in a locally distributed newspaper, mail a notice to all persons on the facility mailing list maintained according to A.A.C. R18-8-271.I.(c) (40 CFR § 124.10(c)(1)), and place a notice in the facility's information repository (i.e., a central source of all pertinent documents concerning the remedial action, usually maintained at the facility or some other public place, such as a public library, that is accessible to the public) if one is required.
    - i. If the Director receives no written comment on the proposed modification, the modification shall become effective five (5) calendar days after the close of the comment period.
    - ii. If the Director receives written comment on the proposed modification, the Director shall make a final determination concerning the modification after the end of the comment period.
  - (c) Notify the Permittee in writing of the final decision.
    - i. If no written comment was received, the Director shall notify individuals on the facility mailing list in writing that the modification has become effective, and shall place a copy of the modified plan in the information repository, if a repository is required for the facility.
    - ii. If written comment was received, the Director shall provide notice of the final modification decision in a locally distributed newspaper and place a copy of the modified plan in the information repository, if a repository is required for the facility.
2. Modifications that are initiated and finalized by the Director according to this procedure shall not be subject to administrative appeal.
  3. Modifications to the plan do not constitute a reissuance of this Permit.
  4. All reports must be signed and certified in accordance with A.A.C. R18-8-270.A (40 CFR § 270.11).
  5. All work performed pursuant to Part V of this Permit shall be conducted under the direction of a qualified Professional Engineer registered in the State of Arizona.

6. Each parameter test that the in-state or out-of-state laboratory can perform for hazardous waste analysis during corrective action activities must be licensed (certified) by the Arizona Department of Health Services (ADHS). [A.R.S. Title 36, Chapter 4.3, Article 1, Section 36-495.01]. Additionally, if a contractor or contractor laboratory is used to perform sampling or testing, the Permittee shall notify the party in writing that they must operate in accordance with this Permit. For verification purposes, a copy of that notification will be submitted to the Director with the appropriate data results package.