

**SAFETY-KLEEN SYSTEMS, INC.  
TULSA, OKLAHOMA  
RCRA OPERATIONS PERMIT**

**FACT SHEET**

Type of Action: Oklahoma Department of Environmental Quality (DEQ) Resource Conservation and Recovery Act (RCRA) Operations Permit (Permit) renewal for managing hazardous waste under the Hazardous and Solid Waste Amendments to RCRA of 1984 and the Oklahoma Hazardous Waste Management Act (OHWMA).

Type of Facility: Safety-Kleen Systems, Inc. (Safety-Kleen) owns and operates a hazardous waste management facility whose activities include storage and consolidation of hazardous wastes from off-site industrial and commercial generators. The facility stores up to 13,560 gallons of hazardous wastes in containers and 16,000 gallons in tanks. The types of wastes managed are primarily from businesses that provide automotive repairs, industrial maintenance, and dry-cleaning services. The facility has been in operation since January 1, 1978.

EPA ID Number: OKD000763821

Location: 16319 East Marshall Street  
Tulsa, OK 74116

Legal Description: The facility's legal description is as follows: Lot Five (5), Six (6), Seven (7) and Eight (8), Block (1) THE NORTH 161<sup>ST</sup> EAST INDUSTRIAL PARK, a subdivision in Section 35, Township 20 North, Range 14 East of the I.B.&M. Rogers County, Oklahoma, according to the recorded Plat thereof.

Geographic Location: Latitude: 36.172962  
Longitude: -95.795151

Landowner: Safety-Kleen Systems, Inc.

Facility Operator: Safety-Kleen Systems, Inc.

Comment Period: 45 days from the date of publication

**Basis of the Draft Permit:**

On May 14, 2024, DEQ received a RCRA Part B Permit Application (Application) for the renewal of the Safety-Kleen RCRA Operations Permit. DEQ determined the Application to be incomplete on August 15, 2024, after an administrative review. Safety-Kleen provided additional information on September 12, 2024, and DEQ determined the Application to be administratively complete.

After a technical review, DEQ requested additional information in correspondence dated September 19, 2024. Safety-Kleen responded with all required information on November 14, 2024.

The requirements of OHWMA; the Oklahoma Administrative Code hazardous waste management regulations (OAC 252:205), as amended; RCRA; and Title 40 of the Code of Federal Regulations (40 C.F.R.) have been met, and DEQ has prepared proposed Permit Conditions. The proposed Permit allows the Permittee to continue managing hazardous waste in accordance with the Permit.

The administrative record supporting the potential Permit Conditions consists of the initial Application, including all supplemental information submitted that relates to the Application or is referenced in the Draft Permit and this Fact Sheet.

The proposed Permit Conditions incorporate the applicable requirements of OAC 252:205 and 40 C.F.R. Parts 264 and 270 and other such conditions as are required to achieve environmentally sound hazardous waste management.

### **Information Resources**

Copies of the proposed draft Permit Conditions, this Fact Sheet, and the Application are available for review during normal business hours at the locations listed below:

The Catoosa Public Library  
105 East Oak Street  
Catoosa, OK 74015  
Phone: (918) 266-1684

Oklahoma Department of Environmental Quality  
Office of Central Records  
707 North Robinson Ave., 2<sup>nd</sup> Floor  
Oklahoma City, Oklahoma 73102  
Phone: (405) 702-1188

DEQ Website:  
<https://www.deq.ok.gov/land-protection-division/permit-public-participation-process/>

Telephone inquiries may be directed to:

DEQ: Hillary Young, Chief Engineer  
Land Protection Division, DEQ  
Phone: (405) 702-5100

Safety-Kleen: Ms. Emilly DeVore  
Sr. Environmental Compliance Manager  
Safety-Kleen Systems, Inc.  
Phone: (417) 324-8838

### **Comment Period and Procedures**

Persons wishing to comment on the proposed Permit Conditions may submit written comments to DEQ at the address listed below. DEQ will consider and formally respond to all relevant comments in the issuance of the final permit decision. Comments should be directed to the appropriateness of the permit decision and the Permit Conditions and should be factual in nature. All comments must be received at DEQ no later than forty-five (45) days after the publication of the Notice for the Draft Permit.

Hillary Young, P.E.  
Chief Engineer  
Land Protection Division  
Oklahoma Department of Environmental Quality  
707 N. Robinson, Ave,  
P. O. Box 1677  
Oklahoma City, OK 73101-1677

The applicable comment period and public meeting procedures may be found at OAC 252:4 and 40 C.F.R. Part 124. The comment period during which written comments on the Draft Permit may be submitted extends for forty-five (45) days from the date of notice of the proposed action.

### **Notice of Final Determination**

DEQ will notify the applicant and each person who has submitted written comments or requested notice when the final permit decision is made. Within thirty (30) days after a RCRA permit decision has been made, any person who filed comments on the draft permit or participated in the public meeting/hearing, if any, may petition the Executive Director of DEQ to review any condition of the permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period and, when appropriate, a showing that the condition in question is based on a finding of fact or conclusion of law which is clearly erroneous or an exercise of discretion or important policy consideration which DEQ should review. A petition to DEQ is a prerequisite to judicial review under OAC 252:205-3-2 which incorporates 40 C.F.R. § 124.19 and should be directed to the address listed below:

Robert Singletary, Executive Director  
Department of Environmental Quality  
707 N. Robinson Ave  
Oklahoma City, Oklahoma 73101-1677

If no comments are received during the comment period, the Permit will become final and effective immediately upon issuance.

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY  
RESOURCE CONSERVATION AND RECOVERY ACT PERMIT FOR  
A HAZARDOUS WASTE MANAGEMENT FACILITY**

<b>EPA ID:</b>	OKD000763821	<b>Permit Number:</b>	000763821
<b>Permittee:</b>	Safety-Kleen Systems, Inc. 16319 East Marshall Street Tulsa, OK 74116	<b>Effective Date:</b>	January __, 2025
		<b>Expiration Date:</b>	January __, 2035

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Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. §§ 6901 et seq., commonly known as RCRA), including the Hazardous and Solid Waste Amendments of 1984 (HSWA), and regulations promulgated thereunder by the U.S. Environmental Protection Agency (EPA) codified in Title 40 of the Code of Federal Regulations (C.F.R.), and the Oklahoma Hazardous Waste Management Act (OHWMA), 27A O.S. §§ 2-7-101 through 2-7-134, as amended, and regulations promulgated thereunder, a RCRA Permit to conduct hazardous waste management activities is reissued by the Oklahoma Department of Environmental Quality (DEQ) to Safety-Kleen Systems, Inc. (hereafter called the Permittee).

This legal description of the facility is: Lot Five (5), Six (6), Seven (7) and Eight (8), Block (1) THE NORTH 161ST EAST INDUSTRIAL PARK, a subdivision in Section 35, Township 20 North, Range 14 East of the I.B.&M. Rogers County, Oklahoma, according to the recorded Plat thereof.

The Permittee is a hazardous waste storage facility whose activities include storage and consolidation of hazardous wastes from off-site industrial and commercial generators. The facility stores up to 13,560 gallons of hazardous wastes in containers and 16,000 gallons in tanks. The types of wastes managed are primarily aqueous and organic cleaning solutions from businesses that provide automotive repairs, industrial maintenance, and dry-cleaning services.

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); the applicable regulations contained in 40 C.F.R. Parts 124, 260 through 264, 266, and 270, as specified in the Permit; and other applicable state and federal statutes and regulations. Applicable regulations are those which are in effect on the date of issuance of the Permit, in accordance with 40 C.F.R. § 270.32(c). Primary responsibility for the enforcement of the provisions of this Permit lies with DEQ.

This Permit is based upon the assumption that all the information submitted in the Part B Permit Application received on May 14, 2024, as modified by subsequent amendments, the last one dated November 14, 2024, (hereafter referred to as the Application) is accurate and that the facility will be operated as specified in the Application and this Permit.

Any inaccuracies found in the submitted Application may be grounds for the termination, revocation and reissuance, or modification of this Permit in accordance with 40 C.F.R. §§ 270.41, 270.42, and 270.43 and for enforcement action.

This Permit is effective as of January \_\_\_, 2025, and shall remain in effect until January \_\_\_, 2035, unless revoked and reissued under 40 C.F.R. § 270.41, terminated under 40 C.F.R. § 270.43, or continued in accordance with 40 C.F.R. § 270.51(a) and Title 252, Oklahoma Administrative Code, Chapter 205, otherwise known as the hazardous waste management rules, and the Oklahoma Administrative Procedures Act 75 O.S. §§ 250 *et seq.*

Issued this \_\_\_ day of January 2025.

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Hillary Young, P.E.  
Chief Engineer  
Land Protection Division

Date

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Kelly Dixon  
Director  
Land Protection Division

Date

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**PERMIT ATTACHMENTS**

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- Attachment 2 – Waste Analysis Plan
- Attachment 3 – Preparedness and Prevention Plan
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- Appendix A – Part A Application



Appendix B – Process Flow Diagrams

Appendix C – Maps and Facility Drawings

Appendix D – Analytical Data

Appendix E – Equipment Information

Appendix F – Emergency Information

Appendix G – Training Information

Appendix H – Financial Requirements

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## SECTION I GENERAL PERMIT CONDITIONS

### A. GENERAL

The Permittee shall monitor, maintain and operate the Safety-Kleen Systems, Inc. facility (Facility) in compliance with the provisions of the Oklahoma Hazardous Waste Management Act (OHWMA), 27A Oklahoma Statutes (O.S.) §§ 2-7-101 through 2-7-134, as amended; the Oklahoma Administrative Code (OAC) 252:205 and 252:515; the federal Hazardous Waste Management Regulations in Title 40 of the Code of Federal Regulations (C.F.R.) Parts 260-279; the Resource Conservation and Recovery Act (RCRA); the Hazardous and Solid Waste Amendments of 1984 (HSWA); and the approved Permit Application as further modified through Permit Conditions set herein.

### B. BASIS OF PERMIT

This Permit is granted based on the information submitted and the design criteria presented in the application. Any inaccuracies found in this information could provide cause for the termination or modification of this Permit and for enforcement action. The Permittee is to inform the Land Protection Division of the Oklahoma Department of Environmental Quality (DEQ) of any deviation from or changes in the design or operation of the facility that could affect the Permittee's ability to comply with the applicable regulations or Permit Conditions.

### C. INCORPORATION BY REFERENCE

All the referenced federal regulations (40 C.F.R. Parts 124, 260 through 266, 268, 270, 273 and 279) as specified in the Permit are, unless otherwise stated, incorporated in their entirety by OAC 252:205-3-2.

### D. DEFINITIONS

For purposes of this Permit and the special conditions pursuant to the 1984 Hazardous and Solid Waste Amendments to RCRA terms used herein shall have the same meaning as those in 40 C.F.R. Parts 124 and 260 through 270 and OAC 252:205 unless this Permit specifically provides otherwise. Where terms are not defined in the Oklahoma Administrative Code 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.

**“Action Levels”** means health and environmental-based levels of constituent concentrations determined by DEQ to be indicators for protection of human health and the environment. Oklahoma drinking water maximum contaminant levels (MCLs), or an alternate limit established by DEQ per 40 C.F.R. § 264.94(b), will be considered Action Levels for groundwater and surface water. The calculation of action levels is specified in the EPA RFI guidance.

**“Area of Concern” (AOC)** means any discernable unit or area which, in the opinion of DEQ, may have received solid or hazardous waste or waste containing hazardous constituents at any time. DEQ may require investigation of the unit as if it were a solid waste management unit (SWMU). If shown to be a SWMU by the

investigation, the AOC must be reported by the Permittee as a newly identified SWMU. If the AOC is shown not to be a SWMU by the investigation, DEQ may determine that no further action is necessary and notify the Permittee in writing.

“**CMS**” means Corrective Measures Study.

“**DEQ**” means the Oklahoma Department of Environmental Quality.

“**Director**” means the Executive Director of DEQ, or his/her designee or authorized representative.

“**Division Director**” means the Director of the Land Protection Division of DEQ, or his/her designee or authorized representative.

“**DOT**” means the United States Department of Transportation.

“**EPA**” means the United States Environmental Protection Agency.

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

“**HSWA**” means the 1984 Hazardous and Solid Waste Amendments to RCRA.

“**Hazardous Constituent**” means any constituent identified in Appendix VIII of 40 C.F.R. Part 261 or any constituent identified in Appendix IX of 40 C.F.R. Part 264.

“**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.

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

“**Land Protection Division**” (**LPD**) means the Land Protection Division of DEQ.

“**Permit**” means this Permit, all Permit Attachments, and all provisions and documents that are incorporated herein.

“**Permittee**” means Safety-Kleen Systems, Inc., Tulsa, Oklahoma, EPA ID# OKD000763821.

“**RCRA**” means the Resource Conservation and Recovery Act of 1980, as amended by HSWA in 1984.

“**RFA**” means RCRA Facility Assessment.

“**RFI**” means RCRA Facility Investigation.

**“Regional Administrator”** means the Regional Administrator of EPA Region VI, or his/her designee or authorized representative.

**“Release”** means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes or 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”** means the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

**“Solid Waste Management Unit” (SWMU)** means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released. The definition includes regulated units (i.e., landfills, surface impoundments, waste piles, and land treatment units) but does not include passive leakage or one-time spills from production areas and units in which wastes have not been managed (e.g., product storage areas).

If subsequent to the issuance of this Permit, regulations are promulgated which redefine any of the above terms, DEQ may, at its discretion, apply the new definition to this Permit by modifying the Permit in accordance with 40 C.F.R. § 270.41.

## **E. EFFECT OF PERMIT**

The Permittee is allowed to store hazardous waste received from off-site in accordance with the conditions of this Permit. Any storage, treatment, or disposal of hazardous waste not authorized in this Permit is prohibited, unless exempted from permit requirements or approved by DEQ under a separate Administrative Order.

Subject to 40 C.F.R. § 270.4, compliance with this Permit generally constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the Permit which become effective by statute or are promulgated under 40 C.F.R. Part 268 restricting the placement of hazardous wastes in or on the land.

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 laws or regulations. 40 C.F.R. §§ 270.4(b), 270.4(c), and 270.30(g).

Compliance with the terms of this Permit does not constitute a defense to orders issued or actions brought under the OHWMA to address an imminent and substantial endangerment, Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; §§ 104, 106(a), 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 from an imminent and substantial endangerment.

## F. 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 40 C.F.R. §§ 270.41, 270.42, and 270.43. 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. 40 C.F.R. §§ 270.4(a)(2) and 270.30(f). Except as provided in Permit Condition I.F.4, the term of this Permit shall not be extended by modification beyond the expiration date appearing on the face of this Permit. 40 C.F.R. § 270.50.

### 2. Permit Review

This Permit may be reviewed by DEQ at any time after the date of permit issuance and may be modified as necessary, as provided in 40 C.F.R. § 270.41.

### 3. Permit Renewal

This Permit may be renewed as specified in 40 C.F.R. § 270.30(b), OAC 252:205, and Permit Condition I.H.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. 40 C.F.R. § 270.32(d) and HSWA Sec. 212.

### 4. Permit Expiration

Pursuant to 40 C.F.R. § 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 (see 40 C.F.R. §§ 270.10(h)(1) and 270.13 through 270.29) and, through no fault of the Permittee, DEQ has not issued a new permit, as set forth in 40 C.F.R. § 270.51. Permits continued under this section (Continued Permit) remain fully effective and enforceable. Pursuant to 40 C.F.R. § 270.51(c), when the Permittee is not in compliance with the conditions of the expired or expiring Permit, DEQ may choose to do any one or more of the following:

- a. Initiate enforcement action based upon the Continued Permit.
- b. Issue a notice of intent to deny the new permit under 40 C.F.R. § 124.6. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the Continued Permit and be subject to enforcement action for operating without a permit.
- c. Issue a new permit under 40 C.F.R. Part 124 with appropriate conditions.
- d. Take other actions authorized by these regulations.

### 5. Permit Enforcement

When the Permittee is not in compliance with the conditions of the Permit, DEQ may do any or all of the following:

- a. Pursuant to 27A O.S. §§ 2-7-126, 2-7-127, 2-7-129, 2-7-130, 2-7-131 and/or 2-7-134, issue an order with penalties; require corrective action; temporarily suspend the Permit; revoke the Permit; and/or cause proceedings to be instituted in the district court for civil or criminal penalties.
- b. Issue a final denial of the new permit. If the permit is denied, the owner or operator shall cease the activities authorized by the Permit or be subject to enforcement action for operating without a permit.
- c. Take other actions authorized by 27A O.S. §§ 2-7-101 through 2-7-134, OAC 252:205-1 through 252:205-25, or other applicable laws or regulations.

6. Transfer of Permit

This Permit is not transferrable to any person, except after notice to DEQ. DEQ may require modification or revocation and reissuance of the Permit pursuant to 40 C.F.R. § 270.40. Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of 40 C.F.R. Parts 264 and 270 and this Permit. 40 C.F.R. §§ 270.30(1)(3) and 264.12(c).

**G. 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, except as otherwise provided by 40 C.F.R. § 124.16, be affected thereby.

**H. 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 that noncompliance is authorized by an emergency permit as noted by 40 C.F.R. § 270.61(b)(6). Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of OHWMA and RCRA and is grounds for enforcement action, Permit termination, revocation and reissuance, modification, or denial of a permit renewal application. 40 C.F.R. § 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. 40 C.F.R. §§ 270.10(h) and 270.30(b).

3. 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. 40 C.F.R. § 270.30(c).

4. 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. 40 C.F.R. § 270.30(d).

5. Proper Operation and Maintenance

The Permittee shall always 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 include 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. 40 C.F.R. § 270.30(e).

6. Duty to Provide Information

The Permittee shall furnish to DEQ, within a reasonable time, any relevant information which DEQ 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 DEQ, upon request, copies of records required to be kept by this Permit. 40 C.F.R. § 270.30(h).

7. Inspection and Entry

Pursuant to 40 C.F.R. § 270.30(i) and 27A O.S. § 2-3-501(A), the Permittee shall allow DEQ, 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.
- d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

8. Monitoring and Records

- a. Pursuant to 40 C.F.R. § 270.30(j)(1), 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 C.F.R. Part 261 or an equivalent method approved by DEQ. 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 approved method.

- 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 40 C.F.R. § 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 DEQ at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. 40 C.F.R. §§ 264.74(b) and 270.30(j)(2).
- c. Pursuant to 40 C.F.R. § 270.30(j)(3), records of monitoring information shall specify:
  - i. The date(s), exact place, and times of sampling or measurements.
  - ii. The individual(s) who performed the sampling or measurements.
  - iii. The date(s) analyses were performed.
  - iv. The individual(s) who performed the analyses.
  - v. The analytical techniques or methods used.
  - vi. The results of such analyses.

## **I. REPORTING REQUIREMENTS**

### **1. Reporting Planned Changes**

The Permittee shall give notice to DEQ, as soon as possible, of any planned physical alterations or additions to the permitted facility. 40 C.F.R. § 270.30(l)(1).

### **2. Reporting Anticipated Noncompliance**

The Permittee shall give advance notice to DEQ of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements. 40 C.F.R. § 270.30(l)(2).

### **3. Incident Reporting**

- a. Upon release of materials that are or become hazardous waste whether by spillage, leakage, or discharge to soils or to air or to surface or to groundwaters (outside the limits of a discharge permit), or by other means, and which could threaten human health or the environment, the owner or operator shall immediately notify DEQ and take all necessary action to contain, remediate, and mitigate hazards from the release. OAC 252:205-13-1(a) and 40 C.F.R. § 270.30(l)(6).



- b. Pursuant to 40 C.F.R. § 270.30(l)(6)(ii) 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.
    - 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. DEQ may waive the five-day written notice requirement in favor of a written report within fifteen (15) days. 40 C.F.R. § 270.30(l)(6)(iii).
4. Twenty-Four Hour Reporting
- a. The Permittee shall report to DEQ any noncompliance which may endanger health or the environment in accordance with 40 C.F.R. § 270.30(l)(6). Any such information shall be reported orally within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. The report shall include the following:
    - 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. Pursuant to 40 C.F.R. § 270.30(l)(6)(ii) 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.
    - 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 DEQ may waive the five-day written notice requirement in favor of a written report within fifteen (15) days. 40 C.F.R. § 270.30(l)(6)(iii).

5. Monthly Reports

The Permittee shall submit monthly reports required by OAC 252:205-9-2.

6. Biennial Reports

The Permittee shall comply with the biennial reporting requirements of 40 C.F.R. § 264.75.

7. Manifest Reports

The Permittee shall comply with the manifest discrepancy reporting requirements of 40 C.F.R. § 264.72 and the unmanifested waste reporting requirements of 40 C.F.R. § 264.76.

8. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported in this section at the time monitoring reports are submitted. The reports shall contain the information listed in Permit Condition I.I.4. 40 C.F.R. § 270.30(l)(10).

9. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit Application or submitted incorrect information in the Permit Application or in any report to DEQ, the Permittee shall promptly submit such facts or information. 40 C.F.R. § 270.30(l)(11).

**J. SIGNATORY REQUIREMENT**

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 40 C.F.R. §§ 270.11 and 270.30(k).

**K. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO DEQ**

The Permittee shall ensure that all plans, reports, notifications, and other submissions to DEQ required in this Permit are signed and certified in accordance with 40 C.F.R. § 270.11. All reports, notifications, or other submissions which are required by this Permit should be sent by certified mail or hand-delivered to:

Chief Engineer  
Land Protection Division  
Oklahoma Department of Environmental Quality  
P.O. Box 1677  
707 North Robinson  
Oklahoma City, Oklahoma 73101-1677  
Phone Number (405) 702-5100

#### **L. CONFIDENTIAL INFORMATION**

In accordance with 40 C.F.R. § 270.12 and OAC 252:4-1-5(d) and 252:205-1-4, the Permittee may claim confidential any information required to be submitted by this Permit. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of the submission, EPA and DEQ may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 C.F.R. Part 2 (Public Information) and the Oklahoma Open Records Act, Title 51 O.S. § 24A.5. Claims of confidentiality for the name and address of any permit applicant or permittee will be denied.

#### **M. 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:

- Waste Analysis Plan, as required by 40 C.F.R. § 264.13 and this Permit (Permit Attachment 2).
- Inspection schedules, as required by 40 C.F.R. § 264.15(b)(2) and this Permit (Permit Attachment 3).
- Personnel training documents and records, as required by 40 C.F.R. § 264.16(d) and this Permit (Permit Attachment 5).
- Current versions of procedures, structures, and equipment for prevention of hazards, mentioned in the Permit Application and as required by 40 C.F.R. §§ 270.14(b)(8) and (9).
- Contingency Plan, as required by 40 C.F.R. § 264.53(a) and this Permit (Permit Attachment 4).
- Operating record, as required by 40 C.F.R. § 264.73, and this Permit.
- Closure Plan, as required by 40 C.F.R. § 264.112(a) and this Permit (Permit Attachment 6).
- Annually adjusted cost estimate for facility closure, as required by 40 C.F.R. § 264.142(d) and OAC 252:205-9-5.

- A copy of this Permit, complete Permit Application, Notices of Deficiencies (NODs), Responses to NODs, and Permit modifications.

## SECTION II GENERAL FACILITY CONDITIONS

### A. DESIGN AND OPERATION OF FACILITY

The Permittee shall construct, 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, groundwater, or surface water which could threaten human health or the environment, as required by 40 C.F.R. § 264.31 and OAC 252:205-9-1(a).

### B. REQUIRED NOTICES

#### 1. Hazardous Waste Imports

When receiving hazardous waste subject to 40 C.F.R. Part 262, Subpart H from a foreign source, the Permittee must comply with 40 C.F.R. §§ 264.12(a), 264.71(a)(3), and 264.71(d).

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

When the Permittee is to receive hazardous waste from an off-site source it must inform the generator in writing that it has the appropriate permits and will accept the type of waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record. 40 C.F.R. § 264.12(b).

### C. GENERAL WASTE ANALYSIS

#### 1. Test Methods

The Permittee shall follow the waste analysis procedures required by 40 C.F.R. § 264.13 and as described in the attached Waste Analysis Plan (WAP), Permit Attachment 2. The Permittee must notify DEQ of any changes to its WAP before implementing them. Changes to the WAP may require a permit modification in accordance with Permit Condition I.F.1. The Permittee shall repeat the analysis when it is notified or has reason to believe that the process or operation generating the waste has changed. 40 C.F.R. § 264.13(a)(3)(i) and OAC 252:205-9-6(a).

#### 2. Quality Assurance

The Permittee shall verify the analysis of each waste stream annually, at a minimum, 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 DEQ. 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.

#### 3. Contract Laboratories

If the Permittee uses a contract laboratory to perform the analyses, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit. All analytical reports, chain-of-custody forms, and records related to contract laboratories must be maintained as part of the Permittee's operating record.

4. Hazardous Waste Inspections

The Permittee must inspect and, if necessary, analyze each hazardous waste shipment received at the Facility to determine whether it matches the identity of waste specified on the accompanying manifest or shipping paper. The analysis must be repeated if these inspections indicate that the hazardous wastes collected or received at the Facility does not match the identity of the waste designated on the accompanying manifest or shipping paper. 40 C.F.R. § 264.13(a)(3)(ii).

5. Recordkeeping

The Permittee shall maintain the results of all waste analyses and waste determinations in the facility operating record as required by 40 C.F.R. § 264.73(b)(3).

**D. PROHIBITED WASTES**

The following waste types from off-site sources are prohibited:

1. Explosive DOT Class 1 materials as defined in 49 C.F.R. § 173.50.
2. Radioactive DOT Class 7 materials as defined in 49 C.F.R. § 173.403.
3. Regulated medical wastes as defined in OAC 252:515-1-2.
4. Municipal solid waste from households. Household hazardous waste is allowed.

**E. SECURITY**

The Permittee shall comply with the security provisions of 40 C.F.R. § 264.14 and the Security Measures in Permit Attachment 3.

**F. GENERAL INSPECTION REQUIREMENTS**

The Permittee shall follow the inspection schedule set out in Attachment 3. The Permittee shall remedy any deterioration or malfunction discovered during an inspection, as required by 40 C.F.R. § 264.15(c). Records of inspections shall be kept, as required by 40 C.F.R. § 264.15(d).

**G. PERSONNEL TRAINING**

The Permittee shall conduct personnel training, as required by 40 C.F.R. § 264.16. This training program shall follow the training requirements in Appendix G of the Permit Application. The Permittee shall maintain training documents and records required by 40 C.F.R. §§ 264.16(d) and (e).

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

The Permittee shall comply with the requirements of 40 C.F.R. § 264.17. The Permittee shall follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in the Permit Application.

## **I. PREPAREDNESS AND PREVENTION**

The Permittee shall follow the procedures in the Permit Application and comply with 40 C.F.R. §§ 264.31 through 264.37.

### **1. Site Security and Fencing**

The Permittee shall comply with the security provisions of 40 C.F.R. § 264.14(b)(2) and (c), OAC 252:515-19-32, and Attachment 3. Fencing, gates, and signs shall be maintained to restrict access by unauthorized personnel.

### **2. Required Equipment**

At a minimum, the Permittee shall maintain at the Facility the equipment set forth in the Contingency Plan (Attachment 4) and as required by 40 C.F.R. § 264.32.

### **3. Testing and Maintenance of Equipment**

The Permittee shall test and maintain the equipment specified in Attachment 4, as necessary, to assure its proper operation in time of emergency, as required by 40 C.F.R. § 264.33.

### **4. Access to Communications or Alarm System**

The Permittee shall maintain access to the communication or alarm system, as required by 40 C.F.R. § 264.34.

### **5. Required Aisle Space**

At a minimum, the Permittee shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the Facility in an emergency as required by 40 C.F.R. § 264.35 and as specified in Attachment 3.

### **6. Arrangements with Local Authorities**

The Permittee shall maintain arrangements with state and local authorities, as required by 40 C.F.R. § 264.37(a). 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 in accordance with 40 C.F.R. § 264.37(b).

## **J. CONTINGENCY PLAN**

### **1. Requirement for Contingency Plan**

The Permittee must have a contingency plan designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. 40 C.F.R. § 264.51(a).

### **2. Implementation of Contingency Plan**

The Permittee shall immediately carry out the provisions of the Contingency Plan whenever there is a fire, explosion, or release of hazardous waste or

constituents that could threaten human health or the environment. 40 C.F.R. § 264.51(b).

3. Copies of Contingency Plan

The Permittee shall comply with the requirements of 40 C.F.R. § 264.53 by maintaining a current copy of the Contingency Plan at the Facility and submitting copies to all local police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services.

4. Amendments to Contingency Plan

The Permittee shall review and immediately amend the Contingency Plan, if necessary, as required by 40 C.F.R. § 264.54. Such amendment may require permit modification in accordance with 40 C.F.R. § 270.42. Copies of the amended plan shall be distributed as required by 40 C.F.R. § 264.53.

5. Emergency Coordinator

A trained emergency coordinator shall always be available in case of an emergency, as required by 40 C.F.R. § 264.55. The names, addresses, and phone numbers of all persons qualified to act as emergency coordinators shall be supplied to DEQ at the time of certification. This list is to be revised and promptly submitted to DEQ in case of personnel changes. 40 C.F.R. § 264.52(d).

**K. MANIFEST SYSTEM**

The Permittee shall comply with the manifest requirements of 40 C.F.R. Part 262 Subpart B and Part 264 Subpart E and OAC 252:205-5-5.

**L. GENERAL CLOSURE REQUIREMENTS**

1. Performance Standard

The Permittee shall close the Facility, as required by 40 C.F.R. § 264.111 and OAC 252:205-9-5 in accordance with Attachment 6.

2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan, in accordance with 40 C.F.R. § 264.112(c), whenever necessary. Such amendment may require permit modification in accordance with 40 C.F.R. § 270.42.

3. Notification of Closure

The Permittee shall notify DEQ in writing at least forty-five (45) days prior to the date on which it expects to begin final closure of the Facility, as required by 40 C.F.R. § 264.112(d).

4. Time Allowed for Closure

Within ninety days (90) after receiving the final volume of hazardous waste, the Permittee shall treat or remove from the unit or facility all hazardous waste and



shall complete closure activities, in accordance with 40 C.F.R. § 264.113 and the schedules specified in Attachment 6.

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

The Permittee shall decontaminate and dispose of all contaminated equipment, structures, and soils as required by 40 C.F.R. § 264.114 and Attachment 6.

6. 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 40 C.F.R. § 264.115.

7. Partial Closure

Partial closure of any permitted storage or treatment unit(s) requires a permit modification using the procedure specified in I.F1. The request for a modification for partial closure must include a partial closure plan that meets the requirements of 40 C.F.R. Subpart G.

**M. COST ESTIMATE FOR FACILITY CLOSURE**

The Permittee must adjust the closure cost estimate for inflation within sixty (60) days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with 40 C.F.R. § 264.143 or upon such date as required by DEQ. 40 C.F.R. § 264.142(b).

The Permittee must revise the closure cost estimate whenever there is a change in the Facility's Closure Plan, as required by 40 C.F.R. § 264.142(c). A copy of the updated Closure Plan shall be submitted to and approved by DEQ prior to operation of a newly constructed unit. 40 C.F.R. § 264.112(c).

**N. FINANCIAL ASSURANCE FOR FACILITY CLOSURE**

The Permittee shall demonstrate continuous compliance with 40 C.F.R. § 264.143 by providing documentation of financial assurance, as required by 40 C.F.R. § 264.149 or 264.151, in at least the amount of the cost estimates required by Permit Condition II.M. Changes in financial assurance mechanism(s) must be approved by DEQ pursuant to 40 C.F.R. Part 264 Subpart H.

Prior to operation of a newly permitted or constructed unit, the Permittee shall update the closure financial assurance mechanism(s) as necessary and demonstrate that an adequately funded financial assurance mechanism(s) for closure is in effect.

**O. LIABILITY REQUIREMENTS**

The Permittee shall demonstrate continuous compliance with the requirement of 40 C.F.R. § 264.147(a) to have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million, exclusive of legal defense costs.

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

The Permittee shall comply with 40 C.F.R. § 264.148, whenever necessary.

## **Q. SOLID WASTE (NON-HAZARDOUS) MANAGEMENT ACTIVITIES**

In addition to the hazardous waste activities described in this Permit, the Permittee is also permitted to operate this Facility as a Solid Waste Transfer/Processing Station for Non-Hazardous Industrial Waste (NHIW) as defined under OAC 252:515-31-2.

All solid waste operations shall comply with the rules in OAC 252:515.

In accordance with OAC 252:205-9-6(b), prior to receipt of any NHIW not identified as hazardous waste, the Permittee must obtain the following records and maintain them in the facility operating record:

### **1. Knowledge of Waste**

Information regarding the chemical and physical nature of the waste which reasonably, considering the source, establishes that the waste does not exhibit any characteristic of hazardous waste as described by 40 C.F.R. Part 261, Subpart C. This information may include generator knowledge, laboratory analyses, material safety data sheets, analysis of raw materials or feedstocks, and process descriptions.

### **2. Generator Statement**

An affidavit by the original waste generator stating that the waste does not include any listed hazardous waste.

The Permittee may not receive, store, process, or otherwise manage any waste materials meeting the description of Municipal Solid Waste, Used Tires, or Regulated Medical Waste, except for Household Hazardous Waste and solid wastes generated by the Facility (e.g., office trash, kitchen food waste, boxes, pallets, etc.). OAC 252:515-3-1(a) and 252:515-19-31.

## **R. DEPARTMENT OVERSIGHT AUTHORITY**

The principal function of the Permittee is waste management. DEQ reserves regulatory oversight authority to inspect and observe all activities and facilities that are or may be related to waste management at the Facility regardless of whether the activities or facilities are permitted by DEQ. Accordingly, no operations or structures which are or may be related to waste management shall be added or used without notice to DEQ and obtaining appropriate permit(s) as required.

## SECTION III CONTAINER STORAGE

### A. SECTION HIGHLIGHTS

There are three container storage areas permitted at this Facility. The east and west warehouses each have a container storage area and there is one freestanding metal storage shelter. Details of the container storage areas are included in Attachment 1, Attachment 7, and Appendix E.

The container storage areas are used to store wastes with Process Codes of S01, container storage, as shown in Appendix A - RCRA Part A Application. All container storage areas may be used to hold non-hazardous waste, 10-day transfer waste, and household hazardous waste provided the maximum storage capacity in each area is not exceeded. The container storage areas may also be used to store products that the Permittee uses or sells provided appropriate precautions are taken to separate incompatible materials and storage capacity limits are not exceeded.

#### 1. West Warehouse

The container storage in the west warehouse is 1,140 square feet (30' x 38') within a metal-framed building. The secondary containment consists of a diamond-plated steel liner within a 6" x 4" steel-reinforced concrete curb and a trench. The dimensions of the trench are 12' x 2' x 2.5' with a total containment volume of 448 gallons. Total secondary containment (including the curbing and trench) is 3,416 gallons. No more than 4,464 gallons of waste materials shall be stored in the area at any time. Wastes shall be stored in DOT-approved containers, ranging in size from 5 to 350 gallons.

#### 2. East Warehouse

The container storage in the east warehouse is 600 square feet (20' x 30') within a metal-framed building with a steel-reinforced concrete floor. The secondary containment consists of a diamond-plated steel liner within a 6" x 4" steel-reinforced concrete curb and two (2) trenches. The dimensions of the trenches are 12' x 2' x 2.5' with a total containment volume of 897 gallons. Total secondary containment (including the curbing and trench) is 4,076 gallons. No more than 6,912 gallons of waste materials shall be stored in the area at any time. Wastes shall be stored in DOT-approved containers, ranging in size from 5 to 350 gallons.

#### 3. Metal Shelter Drum Storage Area

The metal shelter container storage area is in a freestanding metal building that is located on the northeast side of the west warehouse building. The metal shelter is 300 square feet (20' x 15') and sits on a 20' x 36' concrete pad. The secondary containment consists of six (6) 10' x 5' x 0.5' metal pans for a total capacity of 1,122 gallons. No more than 2,184 gallons of waste shall be stored in this metal shelter at any time. Wastes shall be stored in DOT-approved containers, ranging in size from 5 to 85 gallons.

## **B. PERMITTED AND PROHIBITED WASTES**

### **1. Prohibited Waste**

The Permittee cannot accept waste identified in Permit Condition II.D and hazardous waste not listed in the Part A Application for storage in the container areas. Accepting hazardous waste means a transfer of custody after signing the manifest as the designated facility.

### **2. Storage of Incompatible Wastes**

The Permittee may not store waste which is incompatible with other wastes stored within a container management area unless precautions are taken to isolate the incompatible waste such as berms, containment pallets, or other appropriate methods.

## **C. CONDITION OF CONTAINERS**

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. 40 C.F.R. § 264.171.

## **D. COMPATIBILITY OF WASTE WITH CONTAINERS**

The Permittee shall use containers made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste being stored, so that the ability of the container to contain the waste is not impaired, as required by 40 C.F.R. § 264.172.

The Permittee shall not store waste in containers which do not meet the specifications established by the DOT in 49 C.F.R. Parts 171 through 179.

## **E. MANAGEMENT OF CONTAINERS**

The Permittee shall keep all containers closed during storage, except when it is necessary to inspect, 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. 40 C.F.R. § 264.173.

## **F. SECONDARY CONTAINMENT SYSTEMS**

The Permittee shall maintain the secondary containment system in accordance with the design plans and specifications as submitted and approved. The secondary containment shall be maintained free of cracks or gaps, providing an impervious surface to contain leaks until the accumulated liquid can be removed. 40 C.F.R. § 264.175.

Spilled or leaked waste and accumulated precipitation must be removed from sumps or collection areas in a timely manner as required by 40 C.F.R. § 264.175(b)(5).

The Permittee may only store wastes that are compatible with the coating and construction materials used for that storage area.

## **G. REQUIRED AISLE SPACE AND STACKING ARRANGEMENTS**

The Permittee shall maintain aisle space in the container storage area sufficient to allow the unobstructed movements of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any portion of the container storage area. At a minimum, two (2) feet aisle spaces shall be maintained.

Thirty-gallon containers and larger sizes shall not be stacked more than two (2) high. Smaller containers may be stacked higher if precautions are taken to prevent accidental falls.

## **H. INSPECTION SCHEDULES AND PROCEDURES**

The Permittee shall inspect the containers and container storage areas each operating day in accordance with the inspection schedules in Attachment 3 and 40 C.F.R. § 264.174, to detect leaking containers, deterioration of containers, and the integrity of the containment system.

The Permittee shall place the results of all inspections in the facility operating record. 40 C.F.R. § 264.73(b)(5).

## **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. 40 C.F.R. § 264.178.

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

The Permittee shall not locate containers holding ignitable or reactive waste within fifty (50) feet of the facility's property line. 40 C.F.R. § 264.176.

The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and follow the procedures outlined in Attachment 3. 40 C.F.R. § 264.17(a)

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

1. The Permittee shall not place incompatible wastes in the same container, without the proper precautions. 40 C.F.R. § 264.177(a).
2. The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material. 40 C.F.R. § 264.177(b).
3. The Permittee shall separate containers of incompatible wastes. 40 C.F.R. § 264.177(c).
4. No incompatible waste storage locations shall utilize common sumps or collection areas for secondary containment.

## **L. SUBPART CC AIR EMISSIONS REQUIREMENTS FOR CONTAINERS**

The Permittee's containers are subject the provisions of 40 C.F.R. § 264.1086 when the average volatile organic concentration (VOC) of the waste is equal to or greater than 500 parts per million by weight (ppmw) at the point of waste origination.

1. Waste Determination

The Permittee must determine the average VOC for each waste stream as specified in Attachment 2 and required by 40 C.F.R. § 264.1083(a)(2).

2. Required Controls

The Permittee shall use controls specified in 40 C.F.R. § 264.1086 and Attachment 7 for waste with VOC equal to or greater than 500 ppmw at the point of origination.

- a. The Permittee shall manage hazardous wastes in containers greater than 26 gallons using the Level 1 controls required by 40 C.F.R. § 264.1086(c).
- b. The Permittee shall not manage hazardous wastes in light material service as defined by 40 C.F.R. § 264.1031 in containers greater than 122 gallons unless the appropriate Level 2 controls required by 40 C.F.R. § 264.1086(d) are used.

3. Reporting Requirements

In accordance with 40 C.F.R. § 264.1090(a), the Permittee shall report to DEQ each occurrence when hazardous waste is managed in a container in noncompliance with the conditions specified in 40 C.F.R. §§ 264.1082(c)(1) or (2). The Permittee shall submit a written report within fifteen (15) calendar days of the time that the Permittee becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by signatory for the permittee that meets the requirements of 40 C.F.R. § 270.11(a). 40 C.F.R. § 264.1090.

## **SECTION IV TANK STORAGE**

### **A. SECTION HIGHLIGHTS**

Spent aqueous and organic cleaning solutions from parts washers are accumulated in two (2) 8,000-gallon above-ground storage tanks via the Return and Fill Station, which includes drum washer/dumpster units. Containers of spent cleaning solutions are emptied into the drum washer/dumpster units. The drum washer/dumpster units are fitted with screens that filter out debris which is removed and placed in satellite accumulation containers. Sediment that accumulates in the bottom of drum washer/dumpster units is periodically removed and placed in satellite accumulation containers. The satellite accumulation containers are transferred to one of the permitted container storage areas when they are full. The Return and Fill Stations, including the drum washer/dumpster units, are ancillary equipment and subject to applicable requirements of 40 C.F.R. Part 264, Subpart J.

There is one (1) other tank within the contiguous secondary containment area that is not permitted for hazardous waste. This tank is used for storage of parts washer products the Permittee uses and sells to customers.

The above-ground tanks used for hazardous waste were designed in accordance with National Fire Protection Association standards and constructed of carbon steel painted white to reflect sunlight. The secondary containment includes a steel reinforced concrete slab and dike measuring 41' x 30' x 2' which holds 17,110 gallons. The dimensions of the hazardous waste tanks are 21' L x 8' D. The Return and Fill Station has secondary containment in the form a concrete slab and curb with the dimensions of 40' x 15' x 0.33'. The capacity of this containment is 1,495 gallons.

The tank system was installed before July 14, 1986, and is subject to the existing tank system design and installation requirements in 40 C.F.R. § 264.191. The definition of "existing tank system or existing component" is in 40 C.F.R. § 260.10.

### **B. DESIGN, INSTALLATION, AND REPAIRS**

#### **1. Replacement Tanks**

A replacement tank is a "new tank" and subject to the requirements of 40 C.F.R. § 264.192. The Permittee shall obtain a written assessment required by 40 C.F.R. § 264.192(a) for each new tank system, including replacement tanks, that is reviewed and certified by a qualified Professional Engineer, in accordance with 40 C.F.R. § 270.11(d), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.

#### **2. Inspections**

The Permittee shall obtain a written inspection prior to placing a new tank system or component in use by an independent, qualified, installation inspector or a qualified Professional Engineer, either of whom is trained and experienced in the proper installation of tanks systems or components, in accordance with 40 C.F.R. § 264.192(b).

3. Major Repairs

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the Permittee must satisfy all requirements under 40 C.F.R. § 264.196 before returning the tank system to use. When a tank system requires extensive repairs, the Permittee shall obtain and submit to DEQ a written certification from a qualified professional engineer, that attests the repaired system is capable of handling hazardous wastes without release for the intended life of the system as required by 40 C.F.R. § 264.196(f).

**C. PERMITTED AND PROHIBITED WASTES**

The Permittee is prohibited from storing waste in the tank that is not identified on the Part A Application with a process code of S02. The Permittee is prohibited from treating hazardous wastes in tanks. The Permittee shall not store more than 16,000 gallons of hazardous waste in the tank system.

**Tank Inventory within Secondary Containment**

<b>Tank Type</b>	<b>Capacity (gallons)</b>	<b>Dimensions</b>	<b>Hazardous Waste Storage</b>
Hazardous Waste Tank <sup>1</sup>	8,000	21' L x 8' D	Yes
Hazardous Waste Tank <sup>1</sup>	8,000	21' L x 8' D	Yes
Clean Product Tank <sup>2</sup>	8,000	21' L x 8' D	No

1. Includes waste codes D004, D005, D006, D007, D008, 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, D043.
2. The clean product tank is not subject to this Permit except as required to ensure adequate secondary containment for the tank system is provided.

**D. SECONDARY CONTAINMENT SYSTEMS**

The Permittee shall maintain the secondary containment systems in accordance with the design plans and specifications contained in Attachment 8 and Appendix E. The concrete floor, curbs, and walls shall be maintained free of cracks or gaps, providing an impervious surface to contain leaks until the accumulated liquid can be removed. 40 C.F.R. § 264.193.

Spilled or leaked waste and accumulated precipitation must be removed from sumps or collection area in a timely manner as required by 40 C.F.R. § 264.196(b).

**E. OPERATING REQUIREMENTS**

1. The Permittee shall operate and maintain the tanks in accordance with the Permit Application, including all attachments.



2. The Permittee shall not place hazardous wastes, non-hazardous wastes, or products in the tank system if they could cause the tank, its ancillary equipment, or a containment system to rupture, leak, corrode, or otherwise fail. 40 C.F.R. § 264.194(a).
3. The Permittee shall prevent spills and overflows from the tank and containment systems as required by 40 C.F.R. § 264.194(b).
4. The Permittee shall obtain and maintain a detailed chemical analysis of the contained waste and must use analysis and knowledge of ignitability, corrosivity, reactivity, and toxicity of a waste, and other available information, to determine if the waste stream is compatible with the tank system. 40 C.F.R. § 264.17(b).
5. Non-hazardous waste, reagents, or products placed in tanks must be subsequently managed as a hazardous waste unless the Permittee first completes a closure of the tank in accordance with all applicable requirements of 40 C.F.R. Part 264 Subpart G, including a Closure Plan and Permit modification approved by DEQ. 40 C.F.R. §§ 261.3(a)(2)(iv), 264.112, and 270.42 and OAC 252:205-9-5.
6. The Permittee shall maintain and operate the secondary containment system, in accordance with the detailed design plans and descriptions contained in Attachment 8 and Appendix E. 40 C.F.R. §§ 264.193(b) through (f).
7. Valves in the common manifold between tanks shall remain closed unless actively adding or removing waste from a tank.

**F. SUBPART BB AND CC AIR EMISSIONS REQUIREMENTS FOR EQUIPMENT AND TANKS**

1. The Permittee has determined that the waste managed in the tank system is subject to “in heavy liquid service” requirements of 40 C.F.R. Part 264, Subpart BB and Level 1 requirements of 40 C.F.R. Part 264, Subpart CC. The Permittee shall comply with the controls, monitoring, maintenance, and recordkeeping requirements of these Subparts unless the Permit is modified in accordance with the procedures in 40 C.F.R. § 270.42.
2. Subpart BB monitoring and control requirements include, but are not limited to, the following:
  - a. Open-ended valves or lines – Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or second valve, which is in place to seal the opening except during operations requiring waste to flow through the line as required by 40 C.F.R. § 264.1056.
  - b. Pumps, valves, flanges, and other connectors – Any leak observed based on visual, audible, or olfactory inspection shall be assumed to be a leak detected as defined in 40 C.F.R. 264.1058(b). The equipment must be tagged with a weatherproof and readily visible identification, marked with the equipment identification number and the date the leak was detected. The tag shall be attached to the leaking equipment.

- i. When a leak is detected, it shall be repaired as soon as practicable, but not later than fifteen (15) calendar days after it is detected, except as provided in 40 C.F.R. § 264.1059.
  - ii. The first attempt at repair shall be made no later than five (5) calendar days after each leak is detected.
  - iii. After a valve has been repaired, it shall be visually monitored as part of the daily facility inspection. After two (2) successive months with no leak detection, the valve leak detection identification tag may be removed. For other equipment, such as pumps, the tag may be removed after a successful repair as provided in 40 C.F.R. § 264.1064(c)(2).
  - iv. When each leak is detected, the information required by 40 C.F.R. § 264.1064(d) shall be kept in the facility inspection log and operating record. The records shall reflect a leak was detected by visual, audible, or olfactory inspection in lieu of the information required by 40 C.F.R. § 264.1064(d)(5).
3. The Permittee shall comply with the Tank Level 1 controls required by 40 C.F.R. § 264.1084(c).

#### **G. RESPONSE TO LEAKS OR SPILLS**

As required by 40 C.F.R. §§ 264.196(a) through (f), 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:

1. Stop the flow of hazardous waste into the system and inspect the system to determine the cause of the release. 40 C.F.R. § 264.196(a).
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 DEQ and demonstrate that a longer time period is required. 40 C.F.R. § 264.196(b).
3. If the collected material is a RCRA hazardous waste, it must be managed in accordance with all applicable requirements of 40 C.F.R. Parts 262-264. The Permittee shall note that if the collected material is discharged through a point source to U.S. waters or to a publicly owned treatment works, 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 C.F.R. Part 302.
4. 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: (1) prevent further migration of the leak or spill to air, soils, or surface water and (2) remove and properly dispose of any visible contamination of the soil or surface water. 40 C.F.R. § 264.196(c).

5. 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 above-ground portion of the tank system that does not have secondary containment, and can be visually inspected, the Permittee shall repair the tank system before returning it to service.
6. For all major repairs to eliminate leaks or restore the integrity of the tank system, the Permittee shall not return a tank system to service unless it obtains certification by a qualified Professional Engineer in accordance with 40 C.F.R. § 270.11(d) that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. 40 C.F.R. § 264.196(f).

#### **H. INSPECTION SCHEDULES AND PROCEDURES**

1. The Permittee shall inspect the tank systems in accordance with Permit Attachment 3 and shall complete the items in Permit Conditions IV.H.2 and IV.H.3 as part of those inspections.
2. The Permittee shall inspect the overfill controls in accordance with the Inspection Procedures in Permit Attachment 3. 40 C.F.R. § 264.195(a).
3. The Permittee shall inspect the following components of the tank system once each operating day:
  - a. Above-ground portions of the tank system to detect deterioration, corrosion, or releases of waste in accordance with 40 C.F.R. § 264.195(c)(1).
  - b. Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges) to ensure that the tank system is being operated according to its design in accordance with 40 C.F.R. § 264.195(b).
  - 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) in accordance with 40 C.F.R. § 264.195(c)(2).
4. The Permittee shall document compliance with Permit Conditions IV.H.1 through IV.H.3 and place this documentation in the operating record for the facility. 40 C.F.R. § 264.195(h).
5. The Permittee is not required to perform inspections for a specific tank if the tank is emptied, drained, and purged of all hazardous waste. The Permittee is required

to document in the operating record the presence or absence of hazardous waste in each tank.

## **I. REPORTING REQUIREMENTS**

### **1. Releases of Hazardous Waste**

Releases of hazardous waste from the tank system or secondary containment system to the environment must be immediately reported to DEQ. 40 C.F.R. § 264.196(d)(1) and OAC 252:205-13-1(a). A leak or spill of one (1) pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported. 40 C.F.R. § 264.196(d)(2). In accordance with OAC 252:205-13-1(b), releases that are contained within a secondary containment system need not be reported. If the Permittee has reported the release pursuant to 40 C.F.R. Part 302, this report satisfies the requirements of this Permit condition. 40 C.F.R. § 264.196(d)(1).

Within thirty (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 DEQ in accordance with 40 C.F.R. § 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 DEQ 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 downgradient drinking water, surface water, and populated areas.
- e. Description of response actions taken or planned.

### **2. Major Tank Repairs**

The Permittee shall submit to DEQ all certifications required by IV.B.3 for major repairs to correct leaks within seven (7) days from returning the tank system to use.

### **3. Air Emissions Non-Compliance**

In accordance with 40 C.F.R. § 264.1090(a), the Permittee shall report to DEQ each occurrence when hazardous waste is managed in a tank in noncompliance with the conditions specified in 40 C.F.R. §§ 264.1082(c)(1) or (2). The Permittee shall submit a written report within fifteen (15) calendar days of the time that the Permittee becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the

noncompliance. The report shall be signed and dated by an authorized representative of the Permittee.

**J. CLOSURE AND POST-CLOSURE CARE**

1. At closure of the tank system(s), the Permittee shall follow the procedures in Attachment 6. 40 C.F.R. § 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, then the Permittee shall close the tank system(s) and perform post-closure care. 40 C.F.R. §§ 264.197(b) and (c).

**K. SPECIAL TANK PROVISIONS FOR IGNITABLE OR REACTIVE WASTES**

1. The Permittee shall not place ignitable or reactive waste in the tank system or in the secondary containment system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail. The procedures specified in Permit Attachment 2 and 3 for ignitable and reactive wastes shall be followed. 40 C.F.R. § 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). 40 C.F.R. § 264.198(b).

**L. SPECIAL TANK PROVISIONS FOR INCOMPATIBLE WASTES**

1. The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same tank system or the same secondary containment system. 40 C.F.R. § 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. 40 C.F.R. § 264.199(b).
3. No incompatible wastes stored in tanks shall utilize common sumps or collection areas for secondary containment.

## SECTION V SPECIAL CONDITIONS PURSUANT TO THE 1984 HAZARDOUS AND SOLID WASTE AMENDMENTS (HSWA) TO RCRA

### A. STANDARD CONDITIONS

#### 1. Waste Minimization

Annually, by March 1, for the previous year ending December 31, the Permittee shall enter into the operating record as required by 40 C.F.R. § 264.73(b)(9), a statement certified according to 40 C.F.R. § 270.11(d) specifying that the Permittee has a program in place to reduce the volume and toxicity of hazardous wastes generated by the facility's operation to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment. A current description of the program shall be maintained in the operating record and a copy of the annual certified statement shall be submitted to DEQ. The following are suggested criteria for the program:

- a. Any written policy or statement that outlines goals, objectives, and/or methods for source reduction and recycling of hazardous waste at the facility.
- b. Any employee training or incentive programs designed to identify and implement source reduction and recycling opportunities.
- c. Any source reduction and/or recycling measures implemented in the last five (5) years or planned for the near future.
- d. An itemized list of the dollar amounts of capital expenditures (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste.
- e. Factors that have prevented implementation of source reduction and/or recycling.
- f. Sources of information on source reduction and/or recycling received at the facility (e.g., local government, trade associations, suppliers, etc.).
- g. An investigation of additional waste minimization efforts that could be implemented at the facility. This investigation would analyze the potential for reducing the quantity and toxicity of each waste stream through production reformulation, recycling, and all other appropriate means. The analysis would include an assessment of the technical feasibility, cost, and potential waste reduction for each option.
- h. A flow chart or matrix detailing all hazardous wastes it produces by quantity, type, and building/area.
- i. A demonstration of the need to use those processes that produce a particular hazardous waste due to a lack of alternative processes or available technology that would produce less hazardous waste.

- j. A description of the waste minimization methodology employed for each related process at the facility. The description should show whether source reduction or recycling is being employed.
- k. A description of the changes in volume and toxicity of waste achieved during the year in comparison to previous years.

2. Dust Suppression

Pursuant to 40 C.F.R. § 266.23(b), and the Toxic Substances Control Act, the Permittee shall not use waste or used oil or any other material which is contaminated with dioxin, polychlorinated biphenyls, or any other hazardous waste (other than a waste identified solely based on ignitability), for dust suppression or road treatment.

3. Request for Permit Modification

a. DEQ-Initiated Modifications

If at any time DEQ determines that modification of this Permit is necessary, DEQ may initiate Permit modification proceedings in accordance with the regulations set forth at 40 C.F.R. § 270.41.

b. Permittee-Initiated Modifications

The Permittee may, where appropriate, initiate Permit modifications in accordance with the regulations set forth at 40 C.F.R. § 270.42. The Permittee shall follow all applicable requirements and procedures in initiating such proceedings.

c. Modification of Corrective Action Schedules of Compliance

The Permittee shall adhere to Corrective Action Schedules of Compliance (CASC) developed for newly identified and previously identified SWMUs covered by this Permit. If at any time the Permittee determines that such schedules cannot be met, the Permittee shall notify DEQ and submit a request for an extension of time with a justification as to why the current CASC cannot be met. Such extension is only effective if approved in writing by DEQ or otherwise approved in accordance with the provisions of this Permit.

4. Permit Review

This Permit may be reviewed by DEQ at any time after the date of Permit issuance and may be modified, as necessary. 40 C.F.R. § 270.41. Nothing in this section shall preclude DEQ from reviewing and modifying the Permit at any time during its term.

5. Compliance with Permit

In accordance with 40 C.F.R. § 270.4, compliance with a RCRA Permit during its term constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the Permit which:

- a. Become effective by statute.

- b. Are promulgated under 40 C.F.R. Part 268 restricting the placement of hazardous wastes in or on the land.
  - c. Are promulgated under 40 C.F.R. Part 264 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, construction quality assurance programs, monitoring action leakage rates, and response action plans, and will be implemented through the procedures of 40 C.F.R. § 270.42 Class 1 Permit modifications.
  - d. Are promulgated under 40 C.F.R. Part 265 Subparts AA, BB, or CC limiting air emissions.
6. Specific Waste Ban
- a. The Permittee shall not place in any land disposal unit the wastes specified in 40 C.F.R. Part 268 after the effective date of the prohibition unless the Regional Administrator has established disposal or treatment standards for the hazardous waste and the Permittee meets such standards and other applicable conditions of this Permit.
  - b. The Permittee may store waste restricted under 40 C.F.R. Part 268 solely for the purpose of accumulation of quantities necessary to facilitate proper recovery, treatment, or disposal if it meets the requirements of 40 C.F.R. 268.50(a)(2) including, but not limited to, clearly marking each tank or container.
  - c. The Permittee is required to comply with all requirements of 40 C.F.R. § 268.7 as amended. Changes to the WAP will be considered a Permit modification at the request of the Permittee, pursuant to 40 C.F.R. § 270.42.
  - d. The Permittee shall perform a waste analysis at least biennially, when a process changes, when the results of the inspection require under 40 C.F.R. § 264.13(a)(4), or when requested by DEQ to determine whether the waste meets applicable treatment standards. The results shall be maintained in the operating record.
  - e. The Permittee must comply with requirements restricting placement of hazardous wastes in or on land which become effective by statute or promulgated under 40 C.F.R. Part 268, regardless of the requirements in this Permit. Failure to comply with the regulations may subject the Permittee to an enforcement action. 40 C.F.R. § 270.4(a)(1)(ii).

7. Information Submittal

Failure to comply with any condition of the Permit, including information submittal, constitutes a violation of the Permit and is grounds for enforcement action, permit amendment, termination, revocation, suspension, or denial of Permit renewal application. Falsification of any submitted information is grounds



for enforcement action, modification, or termination of this Permit. 40 C.F.R. § 270.43.

The Permittee shall ensure that all plans, reports, notifications, and other submissions to DEQ required in this Permit are signed and certified in accordance with 40 C.F.R. § 270.11. One (1) hard copy and one (1) electronic copy for each of these plans, reports, notifications, or other submissions shall be submitted to DEQ by Certified Mail or hand-delivered to:

Chief Engineer  
Land Protection Division  
Oklahoma Department of Environmental Quality  
707 North Robinson  
P.O. Box 1677  
Oklahoma City, Oklahoma 73101-1677

8. Plans and Schedules Incorporated into Permit

All plans and schedules required by this Permit are, upon approval by DEQ, incorporated into this Permit by reference and become an enforceable part of this Permit. Since required items are essential elements of this Permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action under Section 3008 of RCRA which may include fines, suspension, or revocation of the Permit.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this Permit. Written requests for extensions of due dates for submittals may be granted by DEQ.

If DEQ determines that actions beyond those provided for, or changes to what is stated herein, are warranted, DEQ may modify this Permit.

9. Data Retention

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 Permit shall be maintained at the facility during the term of this Permit, including any reissued Permits.

10. Management of Wastes

All solid wastes which are managed pursuant to a remedial measure taken under the corrective action process or as an interim measure addressing a release or the threat of release from a solid waste management unit shall be managed in a manner protective of human health and the environment and in compliance with all applicable federal, state, and local requirements. Approval of units for managing wastes and conditions for operating the units, if approved, shall be granted through the permitting process.

## **B. SPECIFIC CONDITION – CLOSURE AND POST-CLOSURE**

### 1. Closure

The Permittee shall close the hazardous waste management areas in accordance with the Closure Plan, Permit Attachment 6. As required by 40 C.F.R. § 264.112(d)(1), the Permittee shall notify DEQ in writing at least forty-five (45) days prior to commencement of closure activities. Within sixty (60) days of completion of closure activities, the Permittee will submit certification to DEQ that the unit has been closed according to the approved Closure Plan. 40 C.F.R. § 264.115.

### 2. Post-Closure

DEQ will require post-closure care requirements should permitted units not achieve satisfactory closure standards.

## **C. CORRECTIVE ACTION**

### 1. Corrective Action for Releases

Section 3004(u) of RCRA, as amended by HSWA, and 40 C.F.R. § 264.101 require that Permits issued after November 8, 1984, address corrective action for releases of hazardous waste or hazardous constituents from any SWMU at the facility, regardless of when the waste was placed in the unit.

### 2. Releases Beyond Facility Boundary

- a. The Permittee shall notify DEQ verbally within twenty-four (24) hours of discovery of any release of hazardous waste or hazardous constituents that has potential to migrate off-site.
- b. Section 3004(v) of RCRA, as amended by HSWA, and Federal regulations promulgated as 40 C.F.R. § 264.101(c) require corrective actions beyond the facility property boundary where necessary to protect human health and the environment, unless the Permittee demonstrates that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where offsite access is denied.

### 3. Financial Responsibility

Assurance of financial responsibility for corrective action shall be provided as specified in the Permit following major modification for remedy selection.

## **D. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY IDENTIFIED SWMU(S) AND POTENTIAL AOC(S)**

The Permittee shall notify DEQ in writing of any newly identified SWMU(s) and potential AOC(s) (i.e., a unit or area not specifically identified during the RFA) discovered during ground water monitoring, field investigations, environmental

audits, or other means, no later than thirty (30) calendar days after discovery. The Permittee shall also notify DEQ of any newly constructed land-based SWMUs (including but not limited to surface impoundments, waste piles, landfills, land treatment units) and newly constructed SWMUs where any release of hazardous constituents may be difficult to identify (e.g., underground storage tanks) no later than thirty (30) days after construction. The notification shall include the following items, to the extent available:

- a. The location of the newly identified SWMU or potential AOC on the topographic map required in 40 C.F.R. § 270.14(b)(19). Indicate all existing units (in relation to other SWMUs).
- 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, to the extent available, on all wastes that have been or are being managed at the SWMU or potential AOC.
- f. Results of any sampling and analysis required for the purpose of determining whether releases of hazardous waste including hazardous constituents have occurred, are occurring, or are likely to occur from the SWMU or whether the AOC should be considered a SWMU.

Based on the results of this notification, DEQ will designate the newly identified AOC(s). Based on the results of this notification or investigation conducted, DEQ will determine the need for further investigation or corrective measures at any newly identified SWMU(s) or AOC(s). If DEQ determines that such investigations are needed, DEQ may require the Permittee to prepare a plan for such investigations.

#### **E. NOTIFICATION REQUIREMENTS FOR NEWLY DISCOVERED RELEASES AT SWMU(s) AND AOC(s)**

The Permittee shall notify DEQ in writing, no later than fifteen (15) calendar days after discovery, of any release(s) from a SWMU or AOC of hazardous waste or hazardous constituents discovered during the course of ground water monitoring, field investigation, environmental auditing, or other means. Such newly discovered releases may be from newly identified SWMUs or AOCs, newly constructed SWMUs, or from SWMUs or AOCs for which, based on the findings of the RFA, completed RFI, or investigation of an AOC(s), DEQ had previously determined no further investigation was necessary. The notification shall include information concerning actual and/or potential impacts beyond the facility boundary and on human health and the environment, if available at the time of the notification. DEQ may require further investigation and/or interim measures for the newly identified release(s) and may require the Permittee to prepare a plan for the investigation and/or interim measure. The plan will be reviewed for approval as part of the RFI Workplan or a new RFI Workplan. The Permit will be modified to incorporate the investigation, if required.

## **F. INTERIM MEASURES**

### **1. Permit Incorporation**

If, during the course of any activity initiated under the Permit, DEQ determines that a release or potential release of hazardous constituents poses a threat to human health and the environment, DEQ may require interim measures. DEQ shall determine the specific measures or require the Permittee to propose measures that control or minimize the threat. The interim measures may include a Permit modification, a schedule for implementation, and a written plan. DEQ shall notify the Permittee in writing of the requirement to perform interim measures. DEQ shall modify this Permit to incorporate interim measures into the Permit.

### **2. Factors to be Considered by DEQ in Determining the Need for Interim Measures**

- a. Time required to develop and implement a final remedy.
- b. Actual and potential exposure to human and environmental receptors.
- c. Actual and potential contamination of drinking water supplies and sensitive ecosystems.
- d. The potential for further degradation of the medium in the absence of interim measures.
- e. Presence of hazardous wastes in containers that may pose a threat of release.
- f. Presence and concentration of hazardous waste including hazardous constituents in soil that has the potential to migrate to ground water or surface water.
- g. Weather conditions that may affect the current levels of contamination.
- h. Risks of fire, explosion, or accident.
- i. Other situations that may pose threats to human health and the environment.

## **G. RFI WORKPLAN**

For any newly identified SWMU(s), an RFI Workplan shall be submitted to DEQ within one hundred and eighty (180) days of identification. The RFI Workplan must address releases from SWMU(s) of hazardous waste or hazardous constituents to all media. DEQ will review for approval the RFI Workplan and any supplement plans and documentation.

## **H. RFI IMPLEMENTATION**

Upon receipt of written approval from DEQ for the RFI Workplan, the Permittee shall implement the RFI in accordance with the schedules and information outlined in the approved Workplan. Deviations from the approved RFI Workplan which are necessary during implementation of activities must be approved by DEQ and fully documented and described in the RFI Final Report.

**I. RFI FINAL REPORT AND SUMMARY**

Within ninety (90) calendar days after completion of the RFI, or in accordance with an alternative schedule approved by DEQ, the Permittee shall submit an RFI Final Report and Summary. The RFI Final Report shall describe the procedures, methods, and results of all investigations.

**J. DETERMINATION OF NO FURTHER ACTION**

Should an RFI be required, the Permittee may, based on the results of the RFI and/or other relevant information, apply to DEQ for a Class III Permit modification under 40 C.F.R. § 270.42(c) to terminate the RFI/CMS process for a specific unit. This Permit modification application must contain information demonstrating that there are no releases of hazardous waste including hazardous constituents from a particular SWMU at the Facility that pose a threat to human health and/or the environment, as well as additional information required in 40 C.F.R. § 270.42(c). 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 any public comment period required for Class III Permit modifications, DEQ determines that releases or suspected releases which were investigated either are non-existent or do not pose a threat to human health and/or the environment, DEQ may grant the requested modification.

If necessary to protect human health or the environment, a determination of no further action shall not preclude DEQ from requiring continued or periodic monitoring of air, soil, groundwater, or surface water when site-specific circumstances indicate that releases of hazardous waste or hazardous constituents are likely to occur.

A determination of no further action shall not preclude DEQ 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, DEQ shall initiate a modification to the Permit.

**K. CORRECTIVE MEASURES STUDY (CMS) PLAN**

If CMS work is required, this Permit shall be modified to include requirements for a CMS Plan.

**L. CMS IMPLEMENTATION**

If CMS work is required, this Permit shall be modified to include requirements for CMS implementation.

**M. CMS FINAL REPORT AND SUMMARY**

If the Permittee identifies additional SWMUs or AOCs, this Permit may be modified to include requirements for a CMS Final Report and Summary.

**N. CORRECTIVE MEASURE SELECTION AND IMPLEMENTATION**

If the Permittee is required to perform additional corrective measures, this Permit may be modified to include corrective measure selection and implementation requirements.