ARIZONA HAZARDOUS WASTE MANAGEMENT ACT PERMIT

EPA ID NUMBER AZR 000 520 304 - PLACE ID #148568 - LICENSE TIMEFRAMES #92113

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

Facility Name & Address: AA Sydcol Waste Transfer Facility
2264 East 13th Street
Yuma, AZ 85365

Facility EPA I.D. No: AZR 000 520 304

Location: 2264 East 13th Street
Yuma, AZ 85365

Land Owner: Syd-Cole Properties, LLC

Facility Owner: AA Sydcol, LLC

Facility Operator: AA Sydcol, LLC
2264 East 13th Street
Yuma, Arizona 85365

The AA Sydcol Waste Transfer Facility (Facility) is situated on 4.75 acres of developed property, outside of the City of Yuma city limits. The Facility is operated by AA Sydcol, LLC (Permittee), a domestic limited liability company, registered with the Arizona Corporation Commission -- Entity ID L11975749. The Facility is used as a hazardous waste storage and solid waste transfer facility involved in storing, consolidating, and repackaging hazardous and non-hazardous wastes and shipping them off site to reuse, treatment, and/or disposal facilities. Permittee also plans to use a portion of the Facility as a transfer station for hazardous wastes. The Facility is registered as a large quantity generator of hazardous waste under RCRA regulations and the Arizona Administrative Code.

This permit authorizes the storage of hazardous wastes in three container storage units (HWMU1, HWMU2, and HWMU3). This permit does not authorize the treatment or disposal of hazardous wastes in any of the container storage units, or elsewhere at the facility. This permit does not authorize the use of landfills, waste piles, surface impoundments, or land treatment units.

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

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

The Permittee shall inform the Director of any deviation from or changes in the information in the application which would affect the Permittee's ability to comply with the applicable regulations or permit conditions.

This Permit is effective as of _____________, 2022 and shall remain in effect for ten (10) years from this date, unless revoked and reissued, or terminated pursuant to A.A.C. R18-8-270.A (40 CFR §270.41 and 270.43) or continued in accordance with A.A.C. R18-8-270.A (40 CFR §270.51) and P (40 CFR §270.51(a)).

For the Arizona Department of Environmental Quality,

Signed this _______ day of _____________, 2022

by

Laura L. Malone, Director
Waste Programs Division
Arizona Department of Environmental Quality
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PART I – GENERAL PERMIT CONDITIONS

A. EFFECT OF PERMIT

The Permittee is allowed to manage hazardous waste in accordance with the conditions of this Permit. Any additional storage, treatment, and/or disposal of hazardous waste not specifically authorized in this Permit is prohibited.

Subject to Arizona Administrative Code (A.A.C.) R18-8-270.A and 40 CFR 270.4, compliance with this Permit generally constitutes compliance, for purposes of enforcement, with the Arizona Hazardous Waste Management Act (AHWMA). Issuance of this Permit does not convey any property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA (42 U.S.C. 6921 et seq.); Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA), or any other law providing for protection of public health or the environment.

In case of conflicts between the Permit Application and the Permit, the Permit conditions take precedence.

[B.A.C. R18-8-270.A and 40 CFR 270.4, 270.30(g)]

B. DEFINITIONS

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

1. A.A.C. means the Arizona Administrative Code (A.A.C.) Title 18, Chapter 8, Article 2 (A.A.C. R18-8-260 et seq.), which adopts and modifies portions of Title 40 Code of Federal Regulations Part 260 (40 CFR 260 et seq.), and is contained in Permit Attachment K.

2. ADEQ means the Arizona Department of Environmental Quality.

3. ADEQ Contact means the hazardous waste permit writer for the Arizona Department of Environmental Quality. The email address for the ADEQ Contact is hazwastepermits@azdeq.gov.


5. Area of Concern or AOC is defined as:
Hazardous product storage unit or area, or

Any area where a one-time hazardous material (product or waste) spill event occurred, or

Any hazardous material unit or area where management may have occurred, whether the potential for release may have existed, but where insufficient evidence was found during the RCRA Facility Assessment (RFA) to verify the existence of a definable Solid Waste Management Unit (SWMU).

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

7. CFR means the Code of Federal Regulations, as adopted and modified by the A.A.C.

8. Debris means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in 40 CFR 268, Subpart D, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by 40 CFR §268.45 and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

9. Director means the Director of ADEQ or the Director’s designee or authorized representative.

10. EPA means the United States Environmental Protection Agency.

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

12. Facility or Activity means any HWM facility or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the RCRA program.

13. Hazardous constituent means:

   (a) Any constituent identified in A.A.C. R18-8-261.A (Appendix VIII of 40 CFR Part 261) that have been detected in groundwater in the uppermost aquifer underlying a Regulated Unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the Director has excluded them under (b).

   (b) The Director will exclude an Appendix VIII constituent from the list of hazardous constituents specified in this Permit if he finds that the constituent is not capable
of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the Director will consider the following: (1) Potential adverse effects on groundwater quality, considering: (i) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration; (ii) The hydrogeological characteristics of the facility and surrounding land; (iii) The quantity of groundwater and the direction of groundwater flow; (iv) The proximity and withdrawal rates of groundwater users; (v) The current and future uses of groundwater in the area; (vi) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality; (vii) The potential for health risks caused by human exposure to waste constituents; (viii) The potential damage to wildlife, corps, vegetation, and physical structures caused by exposure to waste constituents; (ix) The persistence and permanence of the potential adverse effects; and (2) Potential adverse effects on hydraulically-connected surface water quality, considering: (i) The volume and physical and chemical characteristics of the waste in the regulated unit; (ii) The patterns of rainfall in the region; (v) The proximity of the regulated unit to surface waters; (vi) The current and future uses of surface waters in the area and any water quality standards established for those surface waters; (vii) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface-water quality; (ix) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and (x) The persistence and permanence of the potential adverse effects.

(c) In making any determination under 40 CFR §264.93(b), as incorporated by R18-8-264, about the use of groundwater in the area around the facility, the Director shall consider any identification of underground sources of drinking water and exempted aquifers made under 40 CFR 144.7, and any identification of uses of groundwater made pursuant to 18 AAC 9 or 11.

14. **Hazard classification** means the United States Department of Transportation (DOT) hazard classification given to a designated material for the purpose of classifying the material for transport.

15. **Hazardous debris** means debris that contains a hazardous waste listed in 40 CFR 261, Subpart D, or that exhibits a characteristic of hazardous waste identified in 40 CFR 261, Subpart C. Any deliberate mixing of prohibited hazardous waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in 40 CFR §268.3.

16. **Hazardous waste** means a hazardous waste as defined in R18-8-261.A (40 CFR 261.3).
17. **Hazardous Waste Management facility** or **HWM facility** means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. An HWM facility may consist of several treatment, storage, or disposal operational units.

18. **IDW** or **Investigation Derived Waste** or **Investigative Derived Waste** means media or solid waste generated during environmental site investigations and sampling activities including soil cuttings and other soil wastes; fluids from well drilling, aquifer testing, well purging, sampling, and decontamination; and disposable sampling and personal protection equipment.

19. **Learning Site** means any existing public school, charter school, and private school at the K-12 level, and all planned sites for schools, that have been approved by the State of Arizona School Facilities Board (http://sfb.az.gov).

20. **Performance-Oriented packaging (POP)** means those containers meeting the performance-oriented packaging standards as defined by the United States Department of Transportation HM-181 Standards document.

21. **Permittee** is the person so designated on the Permit Approval Form.

22. **Property Owner** is the person so designated on the Permit Approval Form.

23. **Qualified** means that the individual or group has the reliability, expertise, integrity, competence, training, education, and other necessary skills to perform tasks as required by this Permit.

24. **QAPP** or **Quality Assurance Project Plan** refers to the plan (or plans) containing the policies and procedures; project organization and objectives; and the quality assurance (QA) requirements and quality control activities designed to achieve the desired type and quality of environmental data necessary to support the project objectives.


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

29. **Shall, Must, and Will**, denote a mandatory requirement.

30. **Should or May** denotes a recommendation or permission, respectively, which is not mandatory.

31. **Solid Waste Management Unit or SWMU** means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. SWMUs include any area at a facility at which solid wastes have been routinely and systematically released.

32. **Treatment, Storage, and Disposal** are defined in R18-8-270.A (40 CFR §270.2).

33. **Waste Acceptance** refers to the time when hazardous waste that is designated for storage at the Facility is permitted within its secured boundary and has passed the Permittee’s determination of acceptability. Waste Acceptance does not apply to hazardous waste that will be temporarily held at a transfer facility located at the Facility, for less than the timeframe allowed by the timeframe specified in R18-8-263.A (40 CFR 263.12) (Transfer Facility Requirements).

34. **Waste Receipt** means hazardous waste that has been received at the Facility. It refers to the time when hazardous waste that is designated for storage at the Facility is first allowed within its secured boundary. Waste Receipt does not include the time for evaluating Waste Acceptance as described in this Permit. Waste Receipt does not apply to any hazardous waste that will be temporarily held at a transfer facility located at the Facility, for less than the timeframe allowed by R18-8-263.A (40 CFR 263.12) (Transfer Facility Requirements).

C. **PERMIT ACTIONS**

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

   (b) In accordance with Arizona Revised Statutes, Title 41, Chapter 6, Article 10, a final determination regarding any Permit Modification (the approval of the Permittee’s Permit Modification request, the approval of the Permittee’s Permit Modification request with changes, the denial of the Permittee’s
2. **Permit Renewal**

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

   [A.A.C. R18-8-270.A and 40 CFR 270.30(b), and HSWA Sect. 212]

3. **Permit Expiration**

   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 permit application for renewal and through no fault of the Permittee, the Director has not issued a new Permit. For purposes of this requirement, a complete application for renewal must be in accordance with requirements of A.A.C. R18-8-270.A, E, F, G, I, and J (40 CFR 270.10, 270.13 through 270.29)

   [A.A.C. R18-8-270.A and 40 CFR 270.50(a), 40 CFR 270.51]

4. **Transfers**

   (a) This Permit is not transferable to any person, except after notice to the Director and approval as follows. The Permittee must inform the Director in writing and obtain prior written approval from the Director before transferring ownership or operational control of the Facility. In addition, the Permittee must inform the new owner or operator that they must submit a revised permit application no later than ninety (90) days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new Permittee must also be submitted to the Director. The Director may require modification or revocation and reissuance of the Permit to change the name of a Permittee and incorporate such other requirements as may be necessary in accordance with R18-8-270.A (40 CFR §270.40). Before transferring ownership or operation of the Facility during its operating life, or of a disposal facility during the post-closure care period, the Permittee shall notify the new owner or operator in writing of the requirements of R18-8-270.A (40 CFR Parts 264 and 270 and this Permit).

   (b) Any new owner or operator must submit an ADEQ Character/Background Reference Form. The Director may deny a permit to a person if any of the following applies:
(i) The person fails to demonstrate sufficient reliability, expertise, integrity, and competence to operate an HWM Facility;

(ii) The person has been convicted of or pled guilty or no contest to, a felony in any state or federal court during the five years before the date of the Permit Modification request;

(iii) In the case of a corporation or business entity, if any officer, director, partner, key employee, other person or business entity who holds ten percent or more of the equity or debt liability has been convicted of, or pled guilty or no contest to a felony in any state or federal court during the five years before the date of the Permit Modification request.

[A.A.C. R18-8-270.A, J, and L, and 40 CFR 270.30(l)(3); R18-8-264.A and 40 CFR 264.12(c)]

D. SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

[A.A.C. R18-8-270.A]

E. DUTIES AND REQUIREMENTS

1. Duty to Comply

The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any Permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of AHWM and/or RCRA and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application.

[A.A.C. R18-8-270.A and 40 CFR 270.30(a)]

2. Duty to Reapply

If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new Permit at least one hundred eighty (180) days prior to Permit expiration.

[A.A.C. R18-8-270.A, 40 CFR 270.10(h), and 40 CFR 270.30(b)]

3. Permit Expiration

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 permit application for renewal and through no fault of the Permittee, the Director has not issued a new Permit. For purposes of this requirement a complete application for renewal must be in
according with requirements of A.A.C. R18-8-270.A, E, F, G, H, I, and J (40 CFR 270.10, 270.13 through 270.29)

[A.A.C. R18-8-270.A (40 CFR 270.50(a), 40 CFR 270.51]

4. **Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the Permitted activity in order to maintain compliance with the conditions of this Permit.

[A.A.C. R18-8-270.A and 40 CFR 270.30(c)]

5. **Duty to Mitigate**

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

[A.A.C. R18-8-270.A and 40 CFR 270.30(d)]

6. **Proper Operation and Maintenance**

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

[A.A.C. R18-8-270.A and 40 CFR 270.30(e)]

7. **Property Rights**

This Permit does not convey any property rights of any sort, or any exclusive privilege.

[A.A.C. R18-8-270.A, 40 CFR 270.4(b) and 270.30(g)]

8. **Duty to Provide Information**

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

[A.A.C. R18-8-264.A and 270.A, and 40 CFR 264.74(a) and 270.30(h)]
9. Inspection and Entry

The Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents, as maybe required by law, to:

(a) Enter at reasonable times upon the Permittee’s premises where a regulated waste management unit 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 waste management unit, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

(d) Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by AHWMA and RCRA, any substances or parameters at any location.

[A.A.C. R18-8-270.A (40 CFR 270.30(i))]

10. Monitoring and Records

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity (e.g., air emissions). The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from A.A.C. R18-8-261.A, Appendix I of 40 CFR 261 or an equivalent or better method approved by the Director. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846 (current edition), or an equivalent or better method, or as approved by the Director.

[A.A.C. R18-8-270.A (40 CFR 270.30(j)(1))]

(b) The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, and records of all data used to complete the application for this Permit for a period of at least 3 years from the date of the sample, measurement, report, record, certification, or application. These periods may be extended by request of the Director at any time and are automatically extended during the course of any unresolved enforcement action regarding this Facility.

[A.A.C. R18-8-264.A and 270.A, and 40 CFR 264.74(b) and 270.30(j)(2)]

(c) Pursuant to A.A.C. R18-8-270.A and 40 CFR 270.30(j)(3), records of monitoring information shall specify:
(i) The dates, exact place, and times of sampling or measurements;
(ii) The individual(s) who performed the sampling or measurements;
(iii) The dates analyses were performed;
(iv) The individual(s) who performed the analyses;
(v) The analytical techniques or methods used; and
(vi) The results of such analyses.

[A.A.C. R18-8-270.A (40 CFR 270.30(j)(3)]

(d) Each parameter test that an in-state or out-of-state laboratory performs directly for the Permittee to comply with the requirements of the permit must be licensed by the Arizona Department of Health Services (ADHS) [Arizona Revised Statutes (A.R.S.) Title 36, Chapter 4.3, Article 1, Section 36-495.01]. Additionally, if a contract laboratory is used to perform analyses, then the Permittee shall inform the laboratory in writing that it must operate under the applicable conditions set forth in this Permit.

[A.R.S. Title 36, Chapter 4.3, Article 1, 36-495.01]

11. Signatory and Certification Requirements

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

[A.A.C. R18-8-270.A (40 CFR 270.30(k))]

12. Reporting Requirements

(a) Planned Changes

The Permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the permitted Facility.

[A.A.C. R18-8-270.A and 270.L (40 CFR 270.30(l)(1))]

(b) Anticipated Noncompliance

The Permittee shall give advance notice to the Director of any planned changes (e.g., physical alterations) in the permitted Facility or activity which may result in noncompliance with Permit requirements.

[A.A.C. R18-8-270.A and 270.L (40 CFR 270.30(l)(2))]

(c) Transfers

This Permit may be transferred by the Permittee to a new owner or operator only if the Permit has been modified or revoked and reissued. The Director may require such modification or revocation and reissuance of the Permit to change the name of the Permittee and incorporate such other requirements as necessary pursuant to A.A.C. R18-8-270.A and 40 CFR § 270.40.

(d) **Monitoring Reports**

Monitoring results shall be reported at the intervals specified elsewhere in this Permit.

[A.A.C. R18-8-270.A and 270.L (40 CFR 270.30(l)(4))]

(e) **Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than fourteen (14) calendar days following each schedule date.

[A.A.C. R18-8-270.A (40 CFR 270.30(l)(5))]

(f) **Manifest Discrepancy Report**

If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved within fifteen (15) days, the Permittee must submit a letter report, including a copy of the manifest, to the Director.


(g) **Unmanifested Waste Report**

The Permittee shall submit an unmanifested waste report to the Director within fifteen (15) days of the receipt of unmanifested waste.


(h) **Biennial Report**

The Permittee must submit a Biennial Report pursuant to, and as described in A.A.C. R18-8-264.I (40 CFR 264.75).

(i) **Other Noncompliance**

The Permittee shall report all instances of noncompliance not required under A.A.C. R18-8-270.A and 40 CFR 270.30(l)(4), (l)(5) and (l)(6), at the time monitoring reports are submitted. Reports shall contain the information listed in A.A.C. R18-8-270.A and 40 CFR 270.30(l)(6).

[A.A.C. R18-8-270.K and 270.L (40 CFR 270.30(l)(10))]

13. **Twenty-Four Hour Reporting**

The Permittee shall immediately report to the Director any noncompliance which may endanger health or the environment. Any such information shall be reported orally as soon as possible but not later than twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. The report shall include the following:
(a) Information concerning the release of any hazardous waste that may cause an endangerment to public drinking water supplies.

(b) Any information of a release or discharge of hazardous waste, or of a fire or explosion from the HWM Facility, which could threaten the environment or human health outside the Facility. 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 material(s) involved;
(v) The extent of injuries, if any;
(vi) An assessment of actual or potential hazards to the environment and human health outside the Facility, where this is applicable; and
(vii) Estimated quantity and disposition of recovered material that resulted from the incident.

(c) A written submission of the occurrence shall also be provided within five (5) calendar days of the time the Permittee becomes aware of the circumstances. The written submission shall contain:

(i) A description of the noncompliance and its cause;
(ii) The period(s) of noncompliance (including exact dates and times); and
(iii) Whether the noncompliance has been corrected; and, if not corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

The Director may waive the five (5) day written notice requirement in favor of a written report within fifteen (15) days.

[A.A.C. R18-8-270.A (40 CFR 270.30(l)(6))]

14. Other Information

(a) Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit application, or submitted incorrect information in a Permit application or in any report to the Director, the Permittee shall promptly submit such facts or information.

[A.A.C. R18-8-270.A and 270.L (40 CFR 270.30(l)(11))]

(b) Noncompliance with terms and conditions of the Permit that result in letters of warning, compliance orders from the Director, a civil consent judgment, or criminal enforcement of environmental laws by the State of Arizona shall be used to document the reliability, expertise, integrity and competence of the Permittee, pursuant to A.A.C. R18-8-270.J, and would be considered by the
Director in making future changes to the Permit, pursuant to A.A.C. R18-8-270.A (40 CFR 270 Subpart D); and, when issuing a new Permit as set forth in A.A.C. R18-8-270.A (40 CFR 270.51).

F. CONFIDENTIAL INFORMATION

1. In accordance with R18-8-260(D)(2), any information submitted to ADEQ pursuant to this Permit may be claimed as confidential by the applicant. Such a claim shall be asserted at the time of submission in the manner prescribed in R18-8-260(D)(2)(c)(ii). If no such claim is made at the time of submission, ADEQ may make the information available to the public without further notice. If a claim is asserted, the information shall be treated in accordance with the procedures in R18-8-260(D)(2)(d) and (e).

2. Claims of confidentiality for the name and address of the Permit Applicant, or for any Permittee will be denied.

[A.A.C. R18-8-270.A and H (40 CFR 270.12)]

G. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the Facility, until closure is completed a current, updated version of the following documents:

1. Waste Analysis Plan and records, as required by A.A.C. R18-8-264.A, 40 CFR 264.13 and this Permit;

2. Inspection schedules and records, as required by A.A.C. R18-8-264.A, 40 CFR 264.15(b) and this Permit;

3. Personnel training documents and records, as required by A.A.C. R18-8-264.A, 40 CFR 264.16(d) and this Permit;

4. Contingency Plan, as required by A.A.C. R18-8-264.A, 40 CFR 264.53(a) and this Permit;

5. Closure Plan, as required by A.A.C. R18-8-264.A, 40 CFR 264.112(a) and this Permit;

6. Annually-adjusted cost estimate for facility closure and a copy of the corresponding financial assurance mechanism, as required by A.A.C. R18-8-264.A, 40 CFR 264.101 and this Permit;

7. Certificate of liability insurance;

8. Corrective action plans and reports as required by A.A.C. R18-8-264.A, 40 CFR 264.100 and 264.101, and this Permit.
The Permittee shall maintain at the Facility for a period of not less than three years the following documents:

9. Operating record, as required by A.A.C. R18-8-264.A, 40 CFR 264.73 and this Permit;

10. All other documents required by Permit Condition I.E.10 (Monitoring and Records).

H. PERMIT MODIFICATIONS

1. General Conditions

For Permit Modifications (including re-applications), the Permittee shall follow A.A.C. R18-8-270.A and 40 CFR 270.42 and, as applicable:

   (a) Permit Condition I.C.1 (Permit Modification, Revocation, Reissuance, and Termination);

   (b) Permit Condition I.E.12(b) (Reporting Requirements – Anticipated Noncompliance);

   (c) Permit Condition I.E.12(a) (Reporting Requirements – Planned Changes);

   (d) Permit Condition II.A (Design and Operation of Facility);

   (e) Signatory and document liability certification requirements as described in Permit Condition I.E.11 (Signatory and Certification Requirements);

   (f) Confidentiality rules, if desired, pursuant to Permit Condition I.F (Confidential Information); and

   (g) Fees required to be submitted with the application for Permit modification as required by A.A.C. R18-8-270.G.

2. Facility Mailing List

The Permittee shall obtain (from the ADEQ Contact) and use an updated facility mailing list, pursuant to A.A.C. R18-8-270.A and 40 CFR 270.42 when processing all Permittee-requested Permit modifications.

[A.R.S. 49-941, A.A.C. R18-8-271.I(c)]

3. Changes to Key Employee(s)

For the following key personnel changes, the Permittee shall also submit an ADEQ Character/Background Reference Form:

   (a) Signatories – See Permit Condition I.E.11 (Signatory and Certification Requirements); and
(b) Emergency Coordinators – See Permit Attachment G (Contingency Plan).

4. **Changes to Contingency Plan**

   Modifications to Permit Attachment G (Contingency Plan) have additional
   notification requirements as described in that plan.
   [A.A.C. R18-8-264.A and 40 CFR § 264.54]

5. **Updates to Financial Assurance Mechanisms**

   (a) Changes to the financial assurance mechanism contained in Permit
       Attachment J, Exhibit J-1 (Liability Assurance) shall be subject to the Permit
       Modification Requirements of this Permit. However, Director approval of
       the permit modification would not be required for changes consisting of
       normal annual extensions to the effective date of the instrument, and where
       no change to the amount of the financial assurance mechanism is proposed.

   (b) Changes to the financial assurance mechanism(s) contained in Permit
       Attachment J, Exhibits J-2 (Financial Assurance for Closure) shall be subject
       to the Permit Modification Requirements of this Permit. A Permit
       Modification request is required for any change to the type or the contents
       of the mechanism, as well as the issuer of the mechanism, or the amount of the
       financial assurance mechanism (see also Permit Condition II.L). However,
       Director approval of the permit modification would not be required for
       changes consisting of normal annual extensions to the effective date of the
       instrument, and where no change to the amount of the financial assurance
       mechanism is proposed.
PART II – GENERAL FACILITY CONDITIONS

A. DESIGN AND OPERATION OF FACILITY

The Permittee shall construct, maintain and operate the Facility (see Permit Attachment B - Facility Description), to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

[A.A.C. R18-8-264.A and 40 CFR 264.31]

B. REQUIRED NOTICES

1. Hazardous Waste Imports
   The Permittee shall notify the Director, in writing, at least four weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source.
   [A.A.C. R18-8-264.A and 40 CFR 264.12(a)].

2. Hazardous Waste from Off-Site Sources
   When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), he/she must inform the generator in writing that he/she has the appropriate Permits, and will accept the waste the generator is having transported. The Permittee must keep a copy of this written notice as part of the operating record.
   [A.A.C. R18-8-264.A and 40 CFR 264.12(b)]

C. GENERAL WASTE ANALYSIS

The Permittee shall follow the waste analysis procedures, as described in Permit Attachment C (Waste Analysis Plan).

1. Annual Waste Stream Evaluation
   The Permittee shall perform waste stream evaluation in accordance with Permit Attachment C (Waste Analysis Plan). Laboratory testing shall be conducted in accordance with the methods described in Permit Attachment C, the Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846 (current edition adopted by the laboratory performing the testing), or any equivalent or better methods approved by the Director. At a minimum, the Permittee shall maintain proper functioning instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations. If the Permittee uses a contract laboratory to perform analyses, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit.
2. **ADHS Certification**

   All testing performed directly for the Permittee at off-site laboratories, in-state or out-of-state, must be conducted by laboratories licensed (certified) by the Arizona Department of Health Services for the applicable analytical methods in use at the offsite laboratory.

   [A.R.S. Title 36, Chapter 4.3, Article I, Section 36-495.01]

3. **Annual Waste Stream Re-evaluation**

   Waste stream re-evaluation will be performed in accordance with Permit Attachment C (Waste Analysis Plan).

   [R18-8-264.A (40 CFR 264.13(b)(4))]

4. **Waste Stream Certification**

   (a) Waste stream acceptance activities for incoming waste streams shall commence in accordance with Permit Attachment C (Waste Analysis Plan).

   (b) Wastes received at the Facility will be placed in permitted storage within 24 hours of Waste Receipt, in accordance with Permit Attachment D, Exhibit D-1. (Container Management Plan).

   [R18-8-264.A (40 CFR 264.13(c)(1))]

D. **SECURITY**

The Permittee shall comply with the security provisions of A.A.C. R18-8-264.A, 40 CFR 264.14(b)(2) and those contained in Permit Attachment F (Procedures to Prevent Hazards). Information concerning the Electronic Security Systems is in Permit Attachment F, Exhibits F-1 and F-2 (confidential).

E. **GENERAL INSPECTION REQUIREMENTS**

1. The Permittee shall follow the inspection schedule set out in Permit Attachment F (Procedures to Prevent Hazards) and ensure that no waste container received at the Facility resides at the Facility for more than 1 year. The Permittee may store waste beyond the 1-year limit only if such storage is solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal. The Permittee must prepare a written justification to the ADEQ Director each time a container is stored at the Facility for more than 1 year.

2. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by A.A.C. R18-8-264.A and 40 CFR 264.15(c). Records of inspection shall be kept as required by A.A.C. R18-8-264.A and 40 CFR 264.15(d), and Permit Conditions I.E.10, I.E.12, I.E.13, I.E.14, and I.G.

   [R18-8-264.A (40 CFR 268.15)].
F. **PERSONNEL TRAINING**

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

G. **SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE, AND BULKING OF WASTES**

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

2. The Permittee shall ensure that at least one of the following titled personnel, properly trained in waste receipt and determination of waste compatibility, is on-site and available to oversee any compatibility determination that is made for the purposes of receiving, bulking, combining, or transferring wastes: Facility Manager, Operations Manager, Foreman, Environmental Compliance Manager, or Chemist.

3. Compatibility Testing, as identified within the Attachment C, Waste Analysis Plan, Appendix C [Waste Compatibility (Bucket Test)] and/or ASTM Method D5058-90 – Standard Test Methods for Compatibility of Screening Analysis of Waste, shall be performed within the confines of the hazardous waste management units or in the facility laboratory. Mixing or combining of wastes for the purpose of making compatibility determinations shall not occur elsewhere at the facility. Should it be determined that wastes are compatible, the form documenting the determination of compatibility shall be reviewed and approved (signed) by a properly authorized individual as identified in Section II.G.2 above.

H. **PREPAREDNESS AND PREVENTION**

1. **Required Equipment**

   At a minimum, the Permittee shall maintain at the Facility the equipment set forth in Permit Attachment F (Procedures to Prevent Hazards) and Permit Attachment G (Contingency Plan).

   [A.A.C. R18-8-264.A (40 CFR 264.32)]

2. **Testing and Maintenance of Equipment**

   The Permittee shall test and maintain the equipment specified in Permit Condition II.G.1., as necessary, to assure its proper operation in time of emergency.

   [A.A.C. R18-8-264.A (40 CFR 264.33)]
3. Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system.

(a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the Director has ruled that such a device is not required under A.A.C. R18-8-264.A (40 CFR §264.32).

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a cell phone, a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the Director has ruled that such a device is not required under A.A.C. R18-8-264.A (40 CFR §264.32).

[A.A.C. R18-8-264.A (40 CFR 264.34)]

4. Required Aisle Space

At a minimum, the Permittee shall maintain aisle space and the plans and specifications contained in Attachments D (Container Management), and F (Procedures to Prevent Hazards), Section 4.2.

[A.A.C. R18-8-264.A (40 CFR 264.35)]

5. Arrangements with Local Authorities

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

[A.A.C. R18-8-264.A (40 CFR 264.52(c))]

I. CONTINGENCY PLAN

1. Implementation of Plan

(a) The Permittee shall immediately carry out the provisions of the Contingency Plan (Attachment G), and follow the emergency procedures described by A.A.C. R18-8-264.A and G, and 40 CFR 264.56 whenever there is a release, fire, or explosion involving hazardous waste or hazardous materials or to a situation that poses the risk of such an occurrence which could threaten human health or the environment.

[A.A.C. R18-8-264.A (40 CFR 264.51(b))]

(b) As part of the remedial action taken in response to a fire, release, or unplanned explosion of hazardous waste where hazardous waste is released from the Facility beyond the facility boundary and has impacted surface soil,
the Permittee shall sample and analyze to determine the extent and depth of any soil contamination present at concentrations which could threaten human health or the environment. Alternatively, the Permittee may conduct soil sampling after removal of soil contaminated with hazardous waste or hazardous constituents to verify that concentration of hazardous waste or constituents do not threaten human health and the environment. Sample types, locations, analytes and methods may be subject to the approval of the Director.

The sampling and analytical methods used must be consistent with those published in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846 (current edition). Each parameter test that the in-state or out-of-state laboratory can perform for hazardous waste analysis must be licensed by ADHS.

A report of the sampling and analysis must be kept on file. The report shall include:
(i) The number of samples taken;
(ii) The location and size of each sample;
(iii) The depth of each sample;
(iv) The specific analytical methods used;
(v) A description of the sampling tools, containers, filling, sealing, and preservation methods.


2. Copies of Plan

The Permittee shall maintain a copy of the Contingency Plan at the Facility and shall provide a copy to all police departments, fire departments, hospitals, and State and local emergency response teams that may be asked to provide emergency assistance. Documentation of timely submittal of Contingency Plans and revisions shall be in the form of a certified mail receipt, or similar documentation, and retained in the operating record for the Facility.

[A.A.C. R18-8-264.A (40 CFR 264.53)]

3. Amendments to Plan

The Permittee shall review and immediately amend, if necessary, the Contingency Plan. Any amendment shall be subject to Permit Condition I.H.

[A.A.C. R18-8-264.A (40 CFR 264.54)]

4. Emergency Coordinator

A Qualified (see definition I.B.23) Emergency Coordinator shall be available at all times in case of an emergency. Any change to the names, addresses, and phone numbers of all persons designated to act as emergency coordinators listed in the
Contingency Plan shall be supplied to the Director as a modification pursuant to Permit Condition I.H.

[A.A.C. R18-8-264.A (40 CFR 264.55)].

J. RECORD KEEPING AND REPORTING

In addition to the record keeping and reporting requirements specified elsewhere in this Permit, A.A.C. R18-8-264.A, and 40 CFR 264.77, the Permittee shall do the following:

1. Operating Record

The Permittee shall maintain a written (or electronic as noted below) operating record at the Facility in accordance with R18-8-264.A (40 CFR 264.73) and this Permit. The operating record shall include:

(a) A description and the quantity of each hazardous waste received and the method(s) and date(s) of its treatment, storage, and/or disposal at the facility (this may be a written record or an electronic record with written report provided upon request by the Director’s authorized representative);

[A.A.C. R18-8-264.A (40 CFR 264.73(b)(1) including Appendix I)]

(b) The location of each hazardous waste within the Facility, the quantity at each location, and cross references to specific manifest document numbers, if the waste was accompanied by a manifest (this may be a written record or an electronic record with written report provided upon request by the Director’s authorized representative);

[A.A.C. R18-8-264.A (40 CFR 264.73(b)(2))]

(c) The records and results of waste analyses and waste determinations (this may be a written record or an electronic record with written report provided upon request by the Director’s authorized representative);

[A.A.C. R18-8-264.A (40 CFR 264.73(b)(3))]

(d) The summary reports and details of all incidents that require implementing the Contingency Plan (this may be a written record or an electronic record with written report provided upon request by the Director’s authorized representative);

[A.A.C. R18-8-264.A (40 CFR 264.73(b)(4))]

(e) The records and results of inspections (this may be a written or an electronic record, however electronic records of any checklist must be identical electronic images of the original written record);

[A.A.C. R18-8-264.A (40 CFR 264.73(b)(5))]

(f) The monitoring, testing or analytical data, and corrective actions required by this Permit and R18-8-264.A (40 CFR §§264.19, 264.1063(d) through 1063(i), 264.1064, 264.1082 through 264.1090) (this may be a written record or an electronic record with written report provided upon request by the Director’s authorized representative);

[A.A.C. R18-8-264.A (40 CFR 264.73(b)(6))]

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(g) The notices, certification and demonstration, if applicable, required of generators (this may be a written record or an electronic record, however they must be an identical electronic image of the original written record).

[A.A.C. R18-8-264.A (40 CFR 264.73(b)(7))]

(h) All closure cost estimates required under R18-8-264.A (40 CFR 264.142). This information must be maintained in the operating record until completion of closure of the facility (this may be a written record or an electronic record with a written report provided upon request by the Director’s authorized representative);

[A.A.C. R18-8-264.A (40 CFR 264.73(b)(8))]

(i) Copies of waste minimization documents required in Permit Condition II.R. Copies may be a written record or an electronic record with a written report provided upon request by the Director’s authorized representative.

[A.A.C. R18-8-264.A (40 CFR 264.73(b)(9))]

2. Biennial Report
   The Permittee shall comply with the Biennial Report requirements of A.A.C. R18-8-264.I (40 CFR 264.75).

[A.A.C. R18-8-264.A (40 CFR 264.75)]

3. Inspection of Records
   The Permittee shall make applicable records available to any authorized representative of the Director conducting an inspection pursuant to Permit Condition I.E.9 (Inspection and Entry).

[A.A.C. R18-8-270.A (40 CFR 270.30(i))]

4. Manifests
   The Permittee shall comply with the manifest requirements of A.A.C. R18-8-264(H) and (J) and 40 CFR 264.71, 264.72, and 264.76.

[R18-8-264.A and 270.A (40 CFR 264.17, 264.31, 270.11(b), 270.32(b)(1), 270.32(b)(2))]

5. Annual Report on Equipment that Contains or Contacts Organic Waste For Less Than 300 Hours Per Calendar Year
   The Permittees shall submit a summary report of the equipment that contains or contacts hazardous waste with an organic concentration of at least ten (10) percent by weight for less than 300 hours per calendar year. The summary report shall include the logs maintained by the Permittee in accordance with Permit Condition II.J.1(j). The report shall be submitted by February 1 of each calendar year, and shall be certified in accordance with R18-8-270.A (40 CFR 270.11(b)).

[A.A.C. R18-8-264.A (40 CFR 264.1064(g)(6))]

6. List of Learning Sites
   The Permittee must maintain a contact list of Learning Sites within 1.0 mile of the Facility. The list shall include the Learning Site name, address, telephone number, and the name of a primary contact at each Learning Site. Upon implementation of the
emergency provisions of the Contingency Plan, the Permittee shall make this information available to the fire department. This list shall be updated annually. [A.A.C. R18-8-270.A (40 CFR 270.32(b))]

K. GENERAL CLOSURE REQUIREMENTS

1. Performance Standard
   The Permittee shall close the Facility, as required by A.A.C. R18-264.A, 40 CFR 264.111, and in accordance with Permit Attachment I (Closure Plan).

2. Amendment to Closure Plan
   The Permittee shall amend the Closure Plan in accordance with A.A.C. R18-8-264.A and 40 CFR 264.112(c), whenever necessary, and as required by Permit Condition II.K.1.

3. Notification of Closure
   The Permittee shall notify the Director in writing at least forty-five (45) days prior to the date on which he/she expects to begin partial closure of any permitted unit or units, or final closure of the facility. Partial Closure activities will follow the same steps as identified under Permit Condition II.K.1, except that partial closure plans and notifications shall be specific to the unit or units to be closed at that time. [A.A.C. R18-8-264.A (40 CFR 264.112(d)]

4. Time Allowed for Closure
   Within ninety (90) days after receiving the final volume of hazardous waste, the Permittee shall remove from the Facility all hazardous waste and shall complete closure activities, in accordance with A.A.C. R18-8-264.A, 40 CFR 264.113 and the schedules specified in (Permit Attachment I (Closure Plan)). [A.A.C. R18-8-264.A (40 CFR 264.113)]

5. Disposal or Decontamination of Equipment, Structures, and Soils
   (a) The Permittee shall decontaminate and/or dispose of all contaminated equipment, structures, and soils, as required by A.A.C. R18-8-264.A, 40 CFR 264.114 and Permit Attachment I (Closure Plan).

   (b) Each parameter test that the in-state or out-of-state laboratory performs for Hazardous Waste analysis during closure must be licensed (certified) by ADHS.
       [A.R.S. Title 36, Chapter 4.3, Article 1, Section 36-495.01]

6. Closure Report
   Within sixty (60) days of completion of closure of the unit(s), the Permittee shall submit a closure report that includes at least the following information:
(a) A summary of results, significant observations, deviations from the approved plan, and conclusions.

(b) A detailed discussion of the closure procedures followed for each unit. Include a description of:

(i) The procedures followed for decontamination of the hazardous waste management unit (including disposition of residues);

(ii) The equipment used for decontamination of the hazardous waste management unit;

(iii) The sampling procedures used;

(iv) The equipment used for sampling;

(v) The remedial procedures (if applicable) used;

(vi) The equipment used for remediation (if applicable);

(vii) The analytical procedures and methods used;

(viii) The analytical equipment used;

(ix) The quality assurance program used;

(x) The procedures used to prevent hazards and protect field personnel during closure;

(xi) The equipment used to prevent hazards and protect field personnel during closure;

(xii) Drawings and photographs where appropriate.

(c) Data generated from sampling and analysis activities performed pursuant to the plan, including field notes, manifests, bills of lading, LDR forms, laboratory submittal forms, chain-of-custody forms, laboratory reports, and drilling logs.

(d) Risk assessment discussion (if applicable), including methodology, data, references, and assumptions.

(e) Certifications from the engineer and owner/operator.

(f) Other information requested by the Director in writing.

7. Certification of Closure

The Permittee shall certify that the Facility has been closed in accordance with the specifications in Permit Attachment I Closure Plan).


L. COST ESTIMATE FOR FACILITY CLOSURE

1. Cost Estimates

The Permittee’s most recent closure cost estimate, prepared in accordance with A.A.C. R18-8-264.A, 40 CFR 264.142(a), is specified in Permit Attachment I, Section 5 (Financial Assurance), and Attachment I, Appendix D.

[A.A.C. R18-8-264.A (40 CFR 264.101) and A.A.C. R18-8-270.A, M, N, and O (40 CFR 270.32)]
2. **Cost Adjustments**

   The Permittee must adjust the cost estimate for inflation estimates within sixty (60) days prior to each anniversary date of the establishment of the financial instrument, and submit evidence of such an increase to the ADEQ Contact within 30 days after the adjustment.

   [A.A.C. R18-8-264.A and 40 CFR 264.142(b)]

3. **Cost Revisions**

   Revisions to the closure cost estimate shall be submitted as a Class 1 Permit Modification Request (C1 PMR) for Director Approval in accordance with Permit Condition I.H.

   [A.A.C. R18-8-264.A and 40 CFR 264.142(c)]

4. **Maintenance of Cost Revisions**

   The Permittee must maintain the current closure cost estimate in the operating record.

   [A.A.C. R18-8-264.A and 40 CFR 264.142(d)]

5. **Submittal of Cost Revisions**

   Revisions made to the closure cost estimates per L.2 or L.3, above shall be submitted to the ADEQ Contact within thirty (30) days of revision. The submittal shall provide the updated and prior cost estimates and show the method and calculations used in the update. The submittal shall be made as a Class 1 permit modification request with Director approval.

   [A.A.C. R18-8-264.A (40 CFR 264.142(d)) and A.A.C. R18-8-270.A, M, N, and O (40 CFR 270.32(b)(2))]

M. **FINANCIAL ASSURANCE FOR FACILITY CLOSURE**

1. The Permittee shall provide documentation of financial assurance, as required by A.A.C. R18-8-264.A and 40 CFR 264.143 and 264.151 in at least the amount of the cost estimates required by Permit Condition II.L. The documentation for financial assurance shall be submitted in accordance with Permit Conditions II.T.1 and II.T.2.

2. Upon approval by the Director, a copy of the Permittee’s financial assurance mechanisms shall be contained in Permit Attachment J, Exhibits J-1 and J-2.

3. Upon approval by the Director, the Permittee shall maintain in the operating record documentation of financial assurance in at least the amount of the most recently revised closure cost estimate.

4. Changes in the financial assurance mechanism shall be submitted to ADEQ as a Class 1 Permit Modification request requiring the Director’s approval, pursuant to A.A.C. R18-8-264.A, L and 40 CFR 264.143.


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N. LIABILITY REQUIREMENTS

The Permittee shall maintain liability coverage for sudden and 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. The wording of the certificate of liability insurance must be identical to the wording specified in A.A.C. R18-8-264.A, M and 40 CFR 264.151(j). A copy of the Certificate of Liability Insurance is contained in Permit Attachment J, Exhibit J-1.

[A.A.C. R18-8-264.A and L (40 CFR 264.143) and A.A.C. R18-8-270.A, M, N, and O (40 CFR 270.32(b)(2))]

O. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS


P. LAND DISPOSAL RESTRICTIONS

The Permittee shall comply with all the applicable Land Disposal Restriction (LDR) requirements of 40 CFR Part 268, including, but not limited to: the required notices, use of the hazardous waste debris rule, and storage prohibitions of A.A.C. R18-8-268.A, and 40 CFR 268.7, 268.45, and 268.50.

[A.A.C. R18-8-268.A, (40 CFR 268.7, 268.45, and 268.50)]

Q. PROCESS VENTS, EQUIPMENT LEAKS AND AIR EMISSIONS STANDARDS

1. Process Vents

There are no operations at the Facility currently subject to the process vents requirements of R18-8-264.A (40 CFR 264, Subpart AA). In the event that the Facility decides to add process vents subject to Subpart AA, it shall request a permit modification, and update Permit Attachment M to include the requirements.

[A.A.C. R18-8-264.A, (40 CFR 264, Subpart AA)]

2. Equipment Leaks

The Permittee shall comply with the equipment leak requirements found in Permit Attachment N.

[A.A.C. R18-8-264.A, (40 CFR 264, Subpart BB)]

3. Air Emissions

The Permittee shall comply with the air emission requirements (for containers) found in Permit Attachment O.

[A.A.C. R18-8-264.A, (40 CFR 264, Subpart CC)]

R TRANSPORTATION ROUTES FOR HAZARDOUS WASTE SHIPMENTS

The Permittee shall instruct each driver transporting hazardous waste to or from the Facility on the means available to avoid to the greatest extent possible the use of any routes that are next to Learning Sites identified by the Permittee in its list of Learning Sites maintained per Permit Condition II.J.6.

[A.A.C. R18-8-270.A (40 CFR § 270.32(b))]

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S. **WASTE MINIMIZATION CERTIFICATION**

The Permittee shall annually certify that the Permittee has a program in place to reduce the volume and toxicity of all hazardous wastes which are generated by the Facility operations to the degree, determined by the Permittee, to be economically practicable; and that the method of treatment, storage, or disposal is the only practicable method or combination of methods currently available to the Facility which minimizes the present and future threat to human health and the environment. The annual certification shall be retained with the facility’s operating record

[A.A.C. R18-8-264.A (40 CFR 264.73(b)(9)]

T. **SCHEDULE OF COMPLIANCE**

1. **Notification and Submittal of Financial Assurance for Closure**
   
   (a) Within sixty (60) days prior to first receipt of hazardous waste, the Permittee shall submit a certificate of insurance demonstrating compliance with R18-8-264.A (40 CFR 264, Subpart H). The amount of the FA shall not be less than the most recent closure cost estimate, contained in Permit Attachment J, Exhibit J-2. The certificate shall be incorporated into the Permit at Permit Attachment J, Exhibit J-2, and the permit modified per Permit Condition I.H.

   (b) Within thirty (30) days prior to first receipt of hazardous waste, the Permittee shall submit an original signed copy of the insurance policy demonstrating compliance with R18-8-264.A (40 CFR 264, Subpart H). The original signed copy shall include all endorsements and riders for the policy. It shall specify an effective date before the date of the anticipated first receipt of hazardous waste at the Facility.

   [A.A.C. R18-8-264.A (40 CFR 264.142, 264.31 and 264.32), A.A.C. R18-8-270.A (40 CFR 270.32(b)(2) and 270.33)]

2. **Notification and Submittal of Liability Insurance**
   
   (a) Within sixty (60) days prior to first receipt of hazardous waste, the Permittee shall submit an updated certificate of liability insurance demonstrating compliance with R18-8-264.A (40 CFR 264.147).

   (b) The certificate of liability insurance shall be incorporated into the Permit at Permit Attachment J, Exhibit J-1. Any changes to the type of liability coverage is subject to the Permit Modification requirements specified in Permit Condition II.

   [A.A.C. R18-8-264.A (40 CFR 264.142, 264.31 and 264.32), A.A.C. R18-8-270.A (40 CFR 270.32(b)(2) and 270.33)]

3. **Construction Schedule for New Hazardous Waste Management Units**
   
   (a) Within thirty (30) days of Permit issuance the Permittee shall submit to ADEQ a written schedule for the construction of the new hazardous waste
management units, HWMU 1 and HWMU 2. The construction schedule shall provide the following dates for each unit:

(i) Grading and compaction of the dirt base;
(ii) Laying, welding, and strength testing of the geomembrane liner welds;
(iii) Laying and welding of the non-woven geotextile liner;
(iv) The application of the aggregate – the aggregate shall be inspected by the supervising engineer to verify that it meets the design requirements for aggregate size and the depth of base; and
(v) The pouring of concrete; the concrete will be inspected by the supervising engineer. The engineer will verify that it meets the design requirements for the fiber mesh reinforcement, the proper slump, and that the concrete surface preparation meets the design requirements.

The supervising engineer or a Qualified (see definition I.B.23) designee shall inspect each of the above phases of construction.

(b) Construction of HWMU 1 and HWMU 2 shall follow the specifications contained in Permit Attachment D (Container Management). Any changes to the specifications shall first be approved by the Director;

(c) Permittee shall submit monthly progress reports to the ADEQ Contact providing the status of the construction of each of the new hazardous waste management units. The progress reports shall provide a summary of the status of the construction, per the construction schedule elements, for each of the new hazardous waste management units. Such monthly progress reports shall be provided to the ADEQ Contact until such time that the construction is completed for all of the new hazardous waste management units.

(d) Completion Report:
(i) Within 60 days of completion of construction of the new hazardous waste management units the Permittee shall submit to the ADEQ a completion report (Report).
(ii) The Report shall be sealed by an engineer registered in Arizona, and include a certification in accordance with R18-8-270.A (40 CFR 270.11(d)).
(iii) The Report shall be submitted as a Class 1 permit modification request (C1 PMR) requiring Director approval. The C1 PMR and Report shall include final certified as-built diagrams for each of the hazardous waste management units, identify any deviations from the approved specifications, and shall include a request for Director approval to begin the storage of hazardous waste on each of the new hazardous waste management units.
The Permittee shall not store hazardous waste on the new hazardous waste management units until the Director approves the Report and the C1 PMR for each of the new hazardous waste management units.

Delays to Start of Construction and Delays to Completion of Construction:

(i) Permittee shall complete construction of the new hazardous waste management units within one year from Permit Issuance. Written requests to extend this deadline shall be submitted by the Permittee to the ADEQ Contact not later than thirty day prior to the deadline.

4. Study for the Determination of Background Concentrations of Heavy Metals in Soil

(a) Within 180 days of Permit issuance, Permittee shall submit a workplan to ADEQ for the determination of background concentrations of heavy metals in soil at the facility. The workplan shall be developed consistent with EPA’s Data Quality Objectives (DQO) process, EPA’s Guidance for Comparing Background and Chemical Concentrations in Soil for CERCLA Sites (EPA 540-R-01-003), and the ADEQ Site Investigation Guidance Manual, October 2014. The DQO process is described in the Guidance for the DQO Process (EPA QA/G-4). Supplemental DQO guidance that may be referenced includes the EPA Guidance for Quality Assurance Project Plans (EPA QA/G-5), the Guidance for Choosing a Sampling Design for Environmental Data Collection (EPA QA/G5S, and the Data Quality Assessment Statistical Methods for Practitioners (EPA QA/G-9S) guidance.

(b) The workplan shall be submitted as a Class 1 Permit Modification Request requiring Director approval. Upon approval by the Director the Workplan shall be incorporated into Permit Attachment L, Corrective Action Schedule of Compliance – Approved Workplans and Reports.

(c) Field work shall be completed in accordance with the approved workplan, and shall be completed within ninety days of approval. A report presenting the results of the field work (Report) shall be submitted within 180 days of completion of the field work. The Report shall follow the EPA Report Formatting and Presentation Guidelines, dated March 24, 2005, or later edition.

(d) The Report shall be submitted as a Class 1 Permit Modification Request requiring Director approval. Upon approval by the Director the Report shall be incorporated into Permit Attachment L, Corrective Action Schedule of Compliance – Approved Workplans and Reports.

[A.A.C. R18-8-101, R18-8-264.A (40 CFR 264.142, 264.31 and 264.32), A.A.C. R18-8-270.A (40 CFR 270.32(b)(2) and 270.33)]
5. Submittal of Documentation Related to Equipment Leaks (Attachment N) and Air Emissions Standards (Attachment O)

(a) Within sixty (60) days of Permit Issuance, Permittee shall update Permit Attachment N, Section 3.1 with the serial number(s) of all devices used to monitor for equipment leaks and used to comply with the air emissions standards. (e.g., the RAE MiniRAE 3000+ PID that was identified in the Section).

(b) Within sixty (60) days of Permit Issuance, Permittee shall update Permit Attachment N with the manufacturer’s instructions for instrument calibration for all devices used to monitor for equipment leaks and to comply with the air emissions standards (e.g., the RKI GX 6000, serial number 8Y3020239, and the RAE MiniRAE 3000+ PID instruments that were identified in the Section).

(c) Within sixty (60) days of Permit Issuance, Permittee shall update Permit Attachment N - Table 1 (Equipment Handling Organic Hazardous Waste) with the list of equipment required in the Table).
PART III – HAZARDOUS WASTE STORAGE IN CONTAINERS

This Permit authorizes the storage of hazardous wastes in containers within the Container Storage Areas (CSAs) described in III.A and in Permit Attachment D. This Permit does not authorize the treatment or disposal of hazardous waste at the facility.

A. CONTAINER MANAGEMENT SUMMARY

The Permittee’s container storage facilities description, design and plans are described in Permit Attachment B (Facility Description) and Permit Attachment D (Container Management). The CSAs are identified as: HWMU1, HWMU2, and HWMU3. A diagram showing the location of the CSAs is in Permit Attachment D, Exhibit D-1, Figure 2 (Site Plan). A complete listing of waste storage areas covered under this Permit is shown in Table III-A, below.

B. PERMITTED AND PROHIBITED WASTE STORAGE

1. Hazardous Waste Storage

The following briefly describes each storage and containment area including operational use, operating storage capacity, wastes stored in DOT approved containers and acceptable non-DOT approved containers at the Facility subject to the terms of this Permit, and containment capacities based on bermed or walled area dimensions.

(a) HWMU1

(i) Description

HWMU1 is a concrete pad located adjacent and west of the main warehouse, as shown in Permit Attachment D, Exhibit D-1 Figure 2. Its dimensions are 50 feet by 100 feet. HWMU1 is a new hazardous waste management unit. The containment floor is to be constructed as follows:

- Six inches of poured 4000psi concrete with fiber mesh to reduce cracking;
- Below the concrete, a 60-mil HDPE geomembrane liner;
- Below the liner, a four-inch base course of granular sized aggregate;
- Below the aggregate is the subgrade, compacted to a minimum of 95 percent of the maximum dry density as measured by standard proctor compaction.

A concrete containment curb will be poured around the perimeter of HWMU1 to facilitate construction of the concrete slab. A minimum 6-inch reinforced concrete slab will be constructed above the base course with chemically resistant water stops in all construction joints.
Construction joints are to be sealed with a chemically-resistant joint compound.

HWMU1 will be sloped 0.5 percent from the front to the back of the slab to facilitate surface drainage. The extended sides of the 60-mil HDPE geomembrane liner will be raised and anchored to the concrete containment curb with 2-inch battens as shown in Figure 3. Geomembrane seams at the corners of each HWMU will be extrusion welded so as to provide full containment within the HDPE geomembrane liner. A rolled curb with a 3:1 (horizontal to vertical) taper will be installed in HWMU2 to provide a smooth transition between HWMU1 and HWMU2 so as to facilitate transfer of containers between the units.

(ii) Container Storage in HWMU1

- Table III-A, below, shows the maximum number of containers that may be stored in HWMU1 at any time.

- Stacking will not exceed double stacking regardless of container size,

- Individual containers will always be stacked such that smaller containers are placed on larger containers.

- Total stacking height shall not exceed nine (9) feet.

- Hazardous wastes containing free liquids will be stored in containers of various sizes not to exceed 330 gallons.

(b) HWMU2

(i) Description

HWMU2 is a concrete pad located northwest of the main warehouse, as shown in Permit Attachment D, Exhibit D-1, Figure 2. Its dimensions are 85 feet by 100 feet. HWMU2 is a new hazardous waste management unit. The containment floor is to be constructed as follows:

- Six inches of poured 4000psi concrete with fiber mesh to reduce cracking;
- Below the concrete, a 60-mil HDPE geomembrane liner.
- Below the liner, a four-inch base course of granular sized aggregate;
- Below the aggregate is the subgrade, compacted to a minimum of 95 percent of the maximum dry density as measured by standard proctor compaction.

A concrete containment curb will be poured around the perimeter of HWMU2 to facilitate construction of the concrete slab. A minimum 6-inch reinforced concrete slab will be constructed above the base course with chemically resistant water stops in all construction joints. Construction joints are to be sealed with a chemically-resistant joint compound. The slab will be sloped 1 percent from the front to the back of the slab to facilitate surface drainage. The extended sides of the 60-mil HDPE geomembrane liner will be raised and anchored to the concrete containment curb with 2-inch battens as shown in Figure 3. Geomembrane seams at the corners of each HWMU will be extrusion welded so as to provide full containment within the HDPE geomembrane liner. A rolled curb with a 3:1 (horizontal to vertical) taper will be installed in HWMU2 to provide a smooth transition between HWMU1 and HWMU2 to facilitate transfer of containers between HWMU1 and HWMU2. Secondary containment is provided by concrete curbs on three sides of the concrete pad, and the pad is sloped from east to west at 1 percent to provide a curb depth of 10.2 inches at the west end of the pad.

(ii) Container Storage in HWMU2

- Table III-A shows the maximum number of containers that may be stored in HWMU2 at any time;

- Stacking will not exceed double stacking regardless of container size;

- Individual containers will always be stacked such that smaller containers are placed on larger containers;

- Total stacking height shall not exceed nine (9) feet;

- Hazardous wastes containing free liquids will be stored in containers of various sizes up to 330 gallons.

(c) HWMU3

(i) Description

HWMU3 is an existing concrete pad located north of the main warehouse, as shown in Permit Attachment D, Exhibit D-1, Figure 3. Its dimensions are 50 feet by 200 feet. The floor is constructed of six
inches of poured 3000psi concrete with fiber mesh, to reduce cracking, and a 10-mil clear poly vapor barrier below the concrete base. It has secondary containment curbs on three sides - on the east and waste sides, the concrete curb is tapered, and on the north side the curb is not tapered. The floor surface is sloped to drain to the north side providing secondary containment. Permit Attachment D, Exhibit D-1, Figure 3 shows the slope of the concrete base is 1%.

(ii) Container Storage in HWMU3

- Table III-A shows the maximum number of containers that may be stored in HWMU3 at any time;
- Stacking will not exceed double stacking regardless of container size;
- Individual containers will always be stacked such that smaller containers are placed on larger containers;
- Total stacking height shall not exceed nine (9) feet;
- Hazardous wastes containing free liquids will be stored in containers of various sizes up to 330 gallons;
- Containers containing hazardous waste with waste codes F020 - F023, F026, and F027 will be always be stored on containment pallets;
- Permittee shall always use containment pallets for storage of hazardous waste containing liquids.

2. **Maximum Storage Volumes**

   (a) The Permittee shall not exceed the maximum allowed storage volume specified in Table III-B, below for each CSA at any time.

   (b) The Permittee shall not exceed the maximum allowed storage quantity specified in Table III-B, below for the total facility at any time.

   (c) Non-hazardous waste may be stored in any area permitted for the management of hazardous waste. When non-hazardous waste is stored with hazardous waste in a unit permitted for the storage of hazardous waste, storage of the non-hazardous waste is subject to the following conditions:

      (i) The non-hazardous waste must be compatible with the hazardous waste stored in the CSA;
(ii) The containers of non-hazardous waste must be labeled, and each label must describe the contents of the container;

(iii) The containers are stored consistent with the stacking guidelines described in Permit Attachment D, Exhibit D-1;

(iv) For non-hazardous waste stored in the same row or bay with hazardous waste, aisle spacing will be maintained consistent with the requirements of Permit Attachment D, Exhibit D-1;

(v) Non-hazardous waste containing free liquids stored in permitted hazardous waste storage areas with hazardous wastes is limited by the secondary containment capacity of the permitted storage area.

Table III-A - Hazardous Waste Storage in CSAs

<table>
<thead>
<tr>
<th>CSA</th>
<th>Description of Hazardous Waste</th>
<th>EPA Hazardous Waste Codes</th>
<th>Maximum Number of Containers and Maximum Volume in gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>HWMU1</td>
<td>ignitables, corrosives, reactives, heavy metals, pesticides/herbicides, toxic volatile organics, toxic semi-volatile organics, 2, 4-dinitrotoluene, nitrobenzene, halogenated compounds (degreasing), halogenated compounds (solvents), listed electroplating wastes, listed metal finishing wastes, chlorinated aliphatic hydrocarbons, listed wood-preserving wastes, refinery waste water treatment sludges, hazardous leachates, p-listed commercial chemicals, commercial grade acetone, commercial grade benzene, commercial grade 1-butanol, commercial grade methanol, commercial grade methyl-ethyl-ketone, other U-listed discarded commercial chemical products</td>
<td>D001 – D043, F001 – F012, F019, F024 – F025, F032, F034 – F035, F037 – F039, P001 – P205, U001 – U411</td>
<td>A combination of: Drums: 600 55-gallon drums or drum equivalents, or Totes: up to 180 totes</td>
</tr>
</tbody>
</table>

III-5
<table>
<thead>
<tr>
<th>CSA</th>
<th>Description of Hazardous Waste</th>
<th>EPA Hazardous Waste Codes</th>
<th>Maximum Number of Containers and Maximum Volume in gallons</th>
</tr>
</thead>
</table>
| HWMU2 | ignitables, corrosives, reactives, heavy metals, pesticides/herbicides, toxic volatile organics, toxic semi-volatile organics, 2, 4-dinitrotoluene, nitrobenzene, halogenated compounds (degreasing), halogenated compounds (solvents), listed electroplating wastes, listed metal finishing wastes, chlorinated aliphatic hydrocarbons, listed wood-preserving wastes, refinery waste water treatment sludges, hazardous leachates, p-listed commercial chemicals, commercial grade acetone, commercial grade benzene, commercial grade 1-butanol, commercial grade methanol, commercial grade methyl-ethyl-ketone, other U-listed discarded commercial chemical products | D001 – D043, F001 – F012, F019, F024 – F025, F032, F034 – F035, F037 – F039, P001 – P205, U001 – U411 | A combination of:  
Drums: 1,100 55-gallon drums or drum equivalents  
or  
Totes: up to 320 totes |
| HWMU3 | ignitables, corrosives, reactives, heavy metals, pesticides/herbicides, toxic volatile organics, toxic semi-volatile organics, 2, 4-dinitrotoluene, nitrobenzene, halogenated compounds (degreasing), halogenated compounds (solvents), listed electroplating wastes, listed metal finishing wastes, chlorinated aliphatic hydrocarbons, listed wood-preserving wastes, refinery waste water treatment sludges, hazardous leachates, p-listed commercial chemicals, commercial grade acetone, commercial grade benzene, commercial grade 1-butanol, commercial grade methanol, commercial grade methyl-ethyl-ketone, other U-listed discarded commercial chemical products | D001 – D043, F001 – F012, F019, F020 – F023, F024 – F025, F026-F027, F032, F034 – F035, F037 – F039, P001 – P205, U001 – U411 | A combination of:  
Drums: 1,512 55-gallon drums or drum equivalents  
or  
Totes: up to 252 totes |

**Table III-B - Maximum Permitted Storage Volumes of Hazardous Wastes**

<table>
<thead>
<tr>
<th>Container Storage Area</th>
<th>Maximum Volume of Hazardous Waste</th>
</tr>
</thead>
<tbody>
<tr>
<td>HWMU1</td>
<td>59,400 Gallons</td>
</tr>
<tr>
<td>HWMU2</td>
<td>105,600 Gallons</td>
</tr>
<tr>
<td>HWMU3</td>
<td>83,160 Gallons</td>
</tr>
<tr>
<td>TOTAL FACILITY</td>
<td>176,660 Gallons</td>
</tr>
</tbody>
</table>
3. **Waste Segregation, Labels, and Container Types**

   (a) The Permittee shall store hazardous waste in DOT approved containers and acceptable non-DOT approved containers. Non-DOT approved containers may be used if the container:

   (i) is compatible with the hazardous waste it contains;

   (ii) remains structurally sound (e.g., walls do not bulge) when full;

   (iii) when stacked is capable of withstanding the weight of the container above it -- remains structurally sound or when stacked does not tip over if placed on top of another container;

   (iv) can be covered with a tightly fitting lid or a cover that completely covers the contents when secured;

   (v) may be moved through the use of equipment that is available to the Permittee at the facility, such as forklift, drum truck, drum grabber, or similar form of drum lifter;

   (vi) if containing liquids, can withstand the impact force of a drop from the maximum storage height without rupturing;

   (vii) if containing volatile organic hazardous wastes subject to R18-8-264.A (40 CFR 264, Subpart CC), meets the container standards of R18-8-264 (40 CFR 264.1086);

   b) Roll-off containers may not be used for storage of hazardous waste until the Permittee prepares standard operating procedures (SOPs) as a condition of this Permit; such SOPs shall include procedures for the maintenance, management, and inspection of such containers.

   (c) All hazardous waste containers shall have a “Hazardous Waste” label to indicate their contents.

4. **Container Configuration, Spacing, Stacking, Location**

   The Permittee shall store containers in the configurations shown on the plans contained in Permit Attachment D, Exhibit D-1.

   (a) Aisle spacing will be provided in accordance with Permit Attachment D, Exhibit D-1.

   (b) Container stacking height is limited to no more than two containers per stack. The number of containers to be stored in each containment area, and stacking height limitations are given in Permit Attachment D, Exhibit D-1.
AZ HWMA PERMIT
EPA ID NO. AZR 000 520 304
A A SYDCOL WASTE TRANSFER FACILITY

PERMIT PART III
CONTAINER STORAGE
DRAFT PERMIT

(c) When moved outside of CSA, containers shall be placed on pallets and moved with hand carts, forklift trucks equipped with drum grappling tongs or forks, or with pallet jacks.

5. Specific Waste Storage Prohibitions and Land Disposal Prohibitions

(a) Storage of hazardous waste in containers shall not exceed one year from its date of receipt. If the Permittee stores waste beyond 1 year solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal, the Permittee shall first submit a written justification, meeting the requirements of R18-8-268.A (40 CFR 268.50(c)) to the ADEQ Contact for each waste that exceeds the storage time limit.

[A.A.C. R18-8-268.A (40 CFR 268.50(c)]

(b) The Permittee is prohibited from storing hazardous waste that is not identified in Permit Condition III.B.1, except for wastes that were generated by very small quantity generators, operating in compliance with the applicable portions of R18-8-262 (40 CFR Part 262).

(c) Notwithstanding the provisions of 5(b), above, the Permittee is prohibited from accepting or storing the waste types identified in Permit Attachment C, Section 3.2.

[A.A.C. R18-8-264.A (40 CFR 264.16, 264.31, 264.177), and 270.A (40 CFR 270.32(b))]

C. CONDITION OF CONTAINERS

1. In addition to routine documented inspections, containers will be visually inspected in frequency and manner as described in Permit Attachment F.

[A.A.C. R18-8-264.A (40 CFR § 264.175(b)(5)]

2. If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit.

[A.A.C. R18-8-264.A (40 CFR 264.171)]

D. COMPATIBILITY OF WASTE WITH CONTAINERS

The Permittee shall ensure that the ability of the container to contain the waste is not impaired.

[A.A.C. R18-8-264.A (40 CFR 264.172)]

E. MANAGEMENT OF CONTAINERS

1. The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak.

[A.A.C. R18-8-264.A (40 CFR 264.173)]
2. Any containers or inner liners which formerly held acutely hazardous waste are to be triple-rinsed with a suitable solvent capable of removing the residual acute hazardous waste, or the container or inner liner is to be disposed of as a regulated hazardous waste.

   [A.A.C. R18-8-264.A (40 CFR 261.7(b)(3)]

3. All containers are to be managed in accordance with any applicable emission control requirements of 40 CFR 264 Subpart CC, and Permit Attachment O.

   [A.A.C. R18-8-264.A (40 CFR 264.179]

F. CONTAINMENT SYSTEMS

1. The Permittee shall maintain the containment systems in accordance with the specifications contained in Permit Attachment D (Container Management).

   [A.A.C. R18-8-264.A (40 CFR § 264.175)]

2. The Permittee shall inspect each CSA’s containment system in accordance with the inspection schedule, procedures, and frequency described in Permit Attachment F. Accumulated liquids shall be removed from the containment areas within the timeframe specified in Permit Attachment D, Exhibit D-1, Section 4.4. For extenuating circumstances where it is not possible to remove the residue within those timeframes, Permittee will document the situation with an explanation in the operating record.

   [A.A.C. R18-8-264.A (40 CFR § 264.175)]

G. INSPECTION SCHEDULES AND PROCEDURES

1. The Permittee shall inspect containers in each CSA in accordance with the inspection schedule, procedures, and frequency described in Permit Attachment F to detect leaking containers, and deterioration of containers and the containment system caused by corrosion and other factors.

   [A.A.C. R18-8-264.A (40 CFR § 264.174)]

2. The Permittee shall inspect each CSA for visible signs of residue, and shall remove all visible signs of residue from the floor surface within the timeframe specified in Permit Attachment F. If there are extenuating circumstances where it is not possible to remove the residue within those timeframes, Permittee will document the situation with an explanation in the operating record.

   [A.A.C. R18-8-264.A (40 CFR § 264.175(b)(5)) and Section F.2.1 of the Application]

H. RECORD KEEPING

The Permittee shall place the results of all waste analyses in the Facility’s operating record, in accordance with Permit Condition I.G.

   [A.A.C. R18-8-264.A (40 CFR 264.73)].
I. **CLOSURE**

At closure of each storage 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 I).

[A.A.C. R18-8-264.A (40 CFR 264.178)]

J. **SPECIAL PROVISIONS FOR MANAGING IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE**

1. **General Provisions**

The Permittee shall follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in Permit Attachment F.

[A.A.C. R18-8-264.A (40 CFR 264.17) and 264.176]

2. **Compatibility Testing**

   (a) The Permittee shall only perform compatibility testing under the supervision of a Qualified (see definition I.B.23) professional (e.g., a degreed chemist, supervisor, Environmental Compliance Manager).

   [A.A.C. R18-8-264.A, 40 CFR 264.13, 264.17, 264.31, 270.32(b)(1), 270.32(b)(2)]

   (b) The Permittee may perform compatibility testing at the Facility. Such compatibility test may only be performed at the CSAs, and within the facility laboratory, and in accordance with the methods specified in Permit Attachment C (Waste Analysis Plan).

   [A.A.C. R18-8-264.A, 40 CFR 264.13, 264.17, 264.31, 270.32(b)(1), 270.32(b)(2)]

3. **Consolidation & Treatment & Transfer of Wastes**

   (a) The Permittee shall only perform waste consolidation, blending, and bulking under the supervision of a Qualified (see definition I.B.23) professional (e.g., a degreed chemist, Supervisor, Environmental Compliance Manager).


4. **Locating Ignitable and Reactive Wastes Near Property Line**

   The Permittee shall not store containers holding ignitable or reactive (i.e., D001, D003) waste within 15 meters (50 feet) of the property line of the Facility.

   [A.A.C. R18-8-264.A (40 CFR 264.176)]

5. **Container Provisions for Incompatible Waste**

   (a) The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same container unless 40 CFR §264.17(b) is complied with.

   [A.A.C. R18-8-264.A (40 CFR 264.177(a))]

   (b) The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material.
(c) The Permittee shall separate storage containers of hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, or open tanks by means of a dike, berm, wall, or other device.
PART IV – CORRECTIVE ACTION FOR SOLID WASTE
MANAGEMENT UNITS – SCHEDULE OF COMPLIANCE

A. AUTHORITY

RCRA Section 3004(u), as amended by the HSWA, and A.A.C. R18-8-264.A (40 CFR 264.101 and 40 CFR Subpart S) requires that Permits issued after November 8, 1984, address corrective action for releases of hazardous waste and hazardous waste constituents from any Solid Waste Management Unit (SWMU) at the Facility, regardless of when the waste was placed in the unit.

When the Permittee discovers a new SWMU or an area of concern (AOC) at the Facility, or determines a release has occurred, the Facility will be governed by the conditions of this Permit Part (hereinafter referred to as the “Corrective Action Schedule of Compliance” or “CASOC”).

B. SUMMARY OF PREVIOUS CORRECTIVE ACTION ACTIVITIES

1. RCRA Facility Assessment

A RCRA Facility Assessment (RFA) Report is provided in Permit Attachment L, Exhibit L-1. The RFA Report identifies six Solid Waste Management Units (SWMUs). No Areas of Concern (AOCs) were identified at the Facility. The RFA Report provided a summary of the potential for release and three recommended actions, and are included in Table IV-A.

2. RCRA Facility Investigation Work Plans

No RCRA Facility Investigation (RFI) Work Plans have been prepared for the Facility’s operational areas after a detailed review of the Facility’s operational history.

3. RCRA Facility Investigation Report

No RFI Reports have been written for this Facility.

C. CASOC - SPECIFIC CONDITIONS

1. RFA Recommendation 1 – Submittal of SAP and SAR for SWMU2

(a) Within ninety (90) days of Permit issuance, Permittee shall submit to ADEQ a Class 1 Permit Modification Request requiring Director Approval, providing a written Site Assessment Plan (SAP) for the sampling of soils at SWMU2.

The SAP shall identify all locations where consolidation of liquid solid wastes have been documented to have occurred, or are otherwise known to
have occurred. It shall include details regarding the number of sampling locations, depths of sampling locations, methods used to collect the samples, analytical methods used to analyze samples, quality assurance and quality control methods and procedures, including the Quality Assurance Project Plan (QAPP) that will be used for the project, and the project schedule. The SAP shall specify the analysis of soil solids for heavy metals constituents and soil gas for VOC and SVOC constituents. Sampling locations shall initially be sited outside of the containment slab. Locations within the perimeter of the containment slab may also be proposed, when warranted, following review of analytical results of any initial soil sampling, or following review of any measurements of soil gas.

(b) Within ninety (90) days following completion of sampling, the Permittee shall submit to ADEQ a written Site Assessment Report (SAR) presenting the SAP’s findings. The SAR shall be submitted as a Class 1 Permit Modification Request requiring Director approval. The SAR shall include the following information:

(i) A narrative summary of the sampling and analytical results, any significant observations, any deviations from the approved SAP, and conclusions;

(ii) A detailed discussion of the sampling procedures, the equipment used for sampling, and the analytical procedures and methods used,

(iii) Drawings and photographs where appropriate;

(iv) Data generated from sampling and analysis activities performed pursuant to the plan, including field notes, manifests, bills of lading, LDR forms, laboratory submittal forms, chain-of-custody forms, laboratory reports, and drilling logs;

(v) Owner and engineer certifications, in accordance with R18-8-270.A (40 CFR 270.11(b)).

(c) The approved SAP and final, approved SAR will be incorporated into Permit Attachment L (CASOC – Approved Workplans and Reports).

2. RFA Recommendation 2 – Visual Survey of SWMU3 and AOCs

(a) Within 120 days of Permit issuance the Permittee shall complete a visual survey of SWMU3 and the Areas of Concern identified in the RFA Report. At a minimum, the survey shall evaluate the former and current concrete pads used for bulk storage (storage in roll-offs and storage in areas not associated with a storage pad). The visual survey shall include an examination of the concrete at existing containment pads and surrounding soils, to identify any significant staining at the pads or former pad locations, or other areas, and to identify any potential for the migration of contaminants to groundwater.
The visual survey shall be performed by a Qualified environmental professional and/or by a Qualified registrant of the State of Arizona (see definition I.B.23 for “Qualified”).

(b) The results of the visual survey shall be submitted to the ADEQ Contact as a written Technical Memo (TM) within 180 days of Permit Issuance. The TM shall include all photographs, records, and notes generated in the visual survey and any recommendations for follow-up, including sampling of soils, concrete, or groundwater.

(c) The TM shall be certified in accordance with R18-8-270.A (40 CFR 270.11(b)).

3. RFA Recommendation 3- SAP Submittal for SWMU6 (Septic System)

(a) Within 180 days of Permit Issuance, the Permittee shall submit a sampling and analysis plan (SAP) for SWMU 6 (Septic System). The SAP shall be submitted as a Class 1 Permit Modification Request requiring Director approval. It shall provide the procedures and methods that will be used to investigate the underground components of SWMU 6, including the septic tank, leach field, and the conduit(s) located between the Central Building and the Septic System. The procedures and methods will include those used to sample wastes contained within the Septic System tank, wastes that may remain in the underground conduit, and soils within the leach field. The SAP shall specify that wastes contained in the Septic System will be analyzed using EPA Method 1311 (for TCLP), for VOCs, SVOCs, and for heavy metals. Soils surrounding and beneath the septic tank and the underground conduit, and at the leach field shall be sampled for VOCs, SVOCs, and heavy metals. Soil vapors shall be sampled for VOCs at soil locations surrounding the septic tank.

(b) Following approval by the Director, the approved SAP shall be incorporated into the Final Closure Plan in Attachment I.

[A.A.C. R18-8-264.A (40 CFR 264.101) and A.A.C. R18-8-270.A, M, N, and O (40 CFR 270.32)]

D. GENERAL CORRECTIVE ACTION REQUIREMENTS

1. Record Keeping

As stated in Permit Condition I.E.9 (Monitoring and Records), 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 CASOC shall be maintained at the facility, or alternate location specified in the Permit, during the term of this Permit.
2. Reporting, Notifications and Submittals

(a) The Permittee shall submit to the Director signed monthly progress reports of all activities (i.e., SWMU Assessment, Interim Corrective Measures, RCRA Facility Investigation, Corrective Measures Study, Corrective Measures Implementation) conducted pursuant to the provisions of this CASOC. The reports shall contain:

(i) A description of the work completed;
(ii) Summaries of all findings, including summaries of laboratory data;
(iii) Summaries of all problems or potential problems encountered during the reporting period and actions taken to correct the problems; and
(iv) Projected work for the next reporting period with a detailed schedule for this work.

(b) Copies of other reports (e.g., inspection reports), drilling logs and laboratory data shall be made available to the Director upon request.

(c) The Director may require the Permittee to conduct new or more extensive assessments, investigations, or studies, as needed, based on information provided in these progress reports or other supporting information. These assessments, investigations or studies may be required following review of the Permittee’s Corrective Measures Study Workplan (see IV.I.3), or Corrective Measures Study Report (see IV.I.6), or Corrective Measures Implementation Program Plan (See IV.K), which will be submitted as Class 1 Permit Modification requests requiring the Director approval.

(d) The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Director required by this Permit are signed, certified, and submitted in accordance with Permit Condition I.E.10 (Signatory and Certification Requirements), and other applicable conditions. Technical work submitted to the Director shall be stamped by a professional Geologist and/or Engineer, as appropriate, registered in the State of Arizona.

3. Contamination that has Migrated Beyond the Facility Boundary

The Permittee shall implement corrective actions beyond the Facility boundary where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of the Director that, despite the Permittee’s best efforts, as determined by the Director, 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 off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for completion of off-site corrective action will be required. Any determination by the Director requiring the Permittee to
address such releases, including any associated financial responsibility requirements, will be made as a Permit Modification request, requiring the Director's approval.

4. **Quality Assurance and Control**

When performing Corrective Action, the Permittee shall meet the minimum requirements below for any sampling and sample testing:

(a) **Sample Collection and Management**

A sampling plan submitted by the Permittee shall include all elements of EPA SW-846, and A.A.C.R18-8-260 et seq. (40 CFR Part 260, et seq.), not limited to:

(i) Specifying the sampler and sampler procedure for use;
(ii) Specifying sampling points based on a statistical basis, logic, and strategy;
(iii) Trip blanks, duplicates, spikes, splits, and other field control samples; and
(iv) Sample management procedures for the field notebook, collection form, preservatives and capping, and other chain-of-custody components.

(b) **Laboratory Analysis and Chain-of-Custody**

Throughout all sample analysis activities, the Permittee shall ensure the use of Director-approved quality assurance, quality control, and chain-of-custody procedures.

In addition, the Permittee shall:

(i) Inform the Director’s Project Coordinator which laboratories will be used by the Permittee.
(ii) Ensure that all laboratories used by the Permittee for its analyses participate in a quality assurance/quality control program equivalent to that described in EPA SW-846. As part of such a program, and upon request by the Director, such laboratories shall perform analyses of a reasonable number of known samples provided by the Director to demonstrate the quality of the analytical data.
(iii) Ensure that the laboratory used is licensed by the Arizona Department of Health Services (ADHS) to perform the specific analyses for the specific analyte(s) of concern.
IV-6

(c) Evaluation of Sampling Data

The Permittee shall ensure that sampling plans contain provisions for review of all field and laboratory QA/QC notes and results, and shall use EPA SW-846 to evaluate all data developed in compliance with this Permit. Sampling plans must demonstrate the use of representative samples and must include parameters sufficient to identify migration of hazardous waste, hazardous constituents, and perchlorate to the environment.

5. Project Coordinator

Within fifteen (15) calendar days of the effective date of this Permit, the Permittee shall designate a Project Coordinator and shall notify ADEQ in writing of the Project Coordinator it has selected. The Permittee’s Project Coordinator shall be responsible for overseeing the implementing of corrective action at the Facility in accordance with this CASOC and for designating a person to act in his/her absence. ADEQ will also designate a Project Coordinator. All communications between the Permittee and ADEQ, and all documents, reports, approvals, and other correspondence concerning the activities performed pursuant to this Permit shall be directed through the Project Coordinators. The Permittee must provide at least seven (7) calendar days written notice to ADEQ prior to changing the Project Coordinator.

E. NOTIFICATION AND ASSESSMENT OF NEWLY IDENTIFIED SWMU(s) OR AOC(s)

1. Notification of Newly Identified SWMU(s) or AOC(s)

The Permittee shall notify the Director in writing of any newly identified SWMUs or AOCs (i.e., a unit not specifically identified during the RFA), discovered during the course of the groundwater monitoring, field investigations, environmental audits, or other means, no later than fifteen (15) calendar days after its discovery. The notification shall include, at a minimum, the location of the SWMU or AOC and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents and perchlorate released, magnitude of release).

2. Request for SWMU Assessment Plan

After such notification, the Director may require in writing, that the Permittee prepare a SWMU Assessment Plan and a proposed schedule of implementation and completion of the SWMU Assessment Plan for any additional SWMU(s) or AOC(s) discovered subsequent to the issuance of this Permit. This plan will be submitted as a Class 1 Permit Modification request requiring the Director approval.
3. **Content and Submittal of SWMU Assessment Plan**

Within sixty (60) calendar days after receipt of the Director’s request for a SWMU Assessment Plan, the Permittee shall prepare and submit a SWMU Assessment Plan for determining past and present operations at the unit, as well as any sampling and analysis of groundwater, land surface and subsurface strata, and surface water or air, as necessary to determine whether a release of hazardous waste including hazardous constituents and perchlorate from such unit(s) occurred, is likely to have occurred, or is likely to occur. The SWMU Assessment Plan must demonstrate that the sampling and analysis program, if applicable, is capable of yielding representative sampling and must include parameters sufficient to identify migration of hazardous waste including hazardous constituents and perchlorate from the newly discovered SWMU(s) to the environment.

4. **Review and Approval or Disapproval of SWMU Assessment Plan**

After the Permittee submits the SWMU Assessment Plan, the Director shall either approve or disapprove the plan in writing. If the Director disapproves of the SWMU Assessment Plan, the Director shall either:

(a) Notify the Permittee in writing of the SWMU Assessment Plan deficiencies and specify a due date for submittal of a revised SWMU Assessment Plan, or

(b) Revise the SWMU Assessment Plan and notify the Permittee of the revisions. The Director-revised SWMU Assessment Plan becomes the approved SWMU Assessment Plan, and constitutes the approval of the Class 1 Permit Modification request specified in Condition E.2, above.

(c) The approved SWMU Assessment Plan shall be incorporated into Permit Attachment H (CASOC - Approved Workplans and Reports).

5. **Implementation of the SWMU Assessment Plan**

The Permittee shall implement the SWMU Assessment Plan within fifteen (15) calendar days of receiving written approval.

6. **Content and Submittal of SWMU Assessment Report (SAR)**

The Permittee shall submit a SWMU Assessment Report (SAR) to the Director no later than thirty (30) calendar days from completion of work specified in the approved SWMU Assessment Plan. The Report will be submitted as Class 1 Permit Modification request, requiring the Director’s approval. The SAR shall describe all results obtained from the implementation of the approved SWMU Assessment Plan. At a minimum, the SAR shall provide the following information for each newly identified SWMU:
(a) The location of the newly identified SWMU in relation to other SWMUs;

(b) The type and function of the unit;

(c) The general dimensions, capacities, and structural description of the unit, including any available drawings;

(d) The period during which the unit was operated;

(e) The specifics on all wastes that have been or are being managed at the SWMU, to the extent available; and

(f) The results of any sampling and analysis required for the purpose of determining whether releases of hazardous waste including hazardous constituents and perchlorate have occurred, are occurring, or are likely to occur from the unit.

7. **SAR Approval and Determination of Further RFI Action**

   (a) Based on the results of the SAR, the Director shall determine the need for further investigations at specified unit(s) covered in the SWMU Assessment, and may require the Permittee to prepare an RFI Work Plan for such investigations. If the Director determines that investigations are needed, the Director shall incorporate his determination into the SAR approval. The SAR and SAR Approval shall constitute approval of the Permittee’s Class I Permit Modification request. The final approved SAR shall then be incorporated into Permit Attachment H (CASOC - Approved Workplans and Reports).

   (b) The RFI Work Plan described in Condition IV.E.7.(a) will be reviewed for approval pursuant to Condition H (RCRA Facility Investigation Work Plan and Report), as specified by the Director. The RFI Work Plan will be submitted to the Director as a Class I Permit Modification request, requiring the Director’s approval.

F. **NEWLY DISCOVERED RELEASES AND THREATS TO HEALTH AND THE ENVIRONMENT**

1. **Notification Requirements**

   The Permittee shall notify the Director, in writing, of any release(s) of hazardous waste, including hazardous constituents and perchlorate, from its historic or current operations, discovered during the course of groundwater monitoring, field investigation, environmental auditing, or other activities undertaken after commencement of the RFI, no later than fifteen (15) calendar days after their discovery. Such newly discovered releases may be from newly identified units, from units for which, based on the findings of the RFA, the Director had previously
determined that no further investigation was necessary, or from units investigated as part of RFI.

In the event the Permittee identifies a current and/or potential threat to human health or the environment, the Permittee shall immediately notify the Director orally, and in writing within seven (7) calendar days, summarizing immediacy and magnitude of these threats.

2. Interim Measures for Current or Potential Threats

Within forty-five (45) calendar days of notifying the Director, the Permittee shall submit to the Director an Interim Measures (IM) Work Plan, pursuant to Condition IV.G of this Permit (Interim Measures) that identifies interim measures which mitigate this threat and are consistent with, and integrated into, any long term solution at the facility. The Work Plan shall be submitted as a Class 1 request, requiring the Director’s approval. The approved IM Work Plan constitutes approval of the Permit Modification request. The approved IM Work Plan shall be incorporated into Permit Attachment H (CASOC – Approved Workplans and Reports).

3. Further Investigations

The Director may require further investigation of newly identified release(s). A plan for such investigation will submitted by the Permittee as a Class 1 Permit Modification request, requiring the Director’s approval. The Plan shall be reviewed pursuant to Condition IV.H (RCRA Facility Investigation Work Plan and Report) of this Permit.

G. INTERIM MEASURES

1. Determination that Interim Measures are Needed

If during the course of any activity initiated under this CASOC, the Director or Permittee determines that a release or potential release of hazardous waste, including hazardous constituents and perchlorate from a SWMU poses an actual, imminent, or potential threat to human health or the environment, the Director and Permittee may determine that interim measures are necessary. Interim stabilization measures consistent with final remedy may be deployed during ongoing investigations. The following factors should be considered in this determination:

(a) Time required to develop and implement a final remedy;

(b) Actual and potential exposure to the environment (e.g., animals, ecosystems) and/or human receptors;
(c) Actual and potential contamination of drinking water supplies and sensitive ecosystems;

(d) Potential for further degradation of the medium absent interim measures;

(e) Presence of hazardous waste in containers that may pose a threat of release;

(f) Presence and concentration of hazardous waste (including hazardous constituents and perchlorate, in soils having potential to migrate to ground or surface water);

(g) Weather conditions that may affect the current levels of contamination;

(h) Risks of fire, explosions, or accident; and

(i) Other situations that may pose threats to human health and the environment.

2. Specifying Interim Measures and Actions

(a) When it is determined that interim measures are needed, an Interim Measures (IM) Work Plan shall be developed that will include, but not be limited to, the following elements:

(i) What interim measures need to be taken;
(ii) Specific action(s) that must be taken to implement the interim measure;
(iii) Schedule for their implementation; and
(iv) Parameters or measurements by which to judge the completion of the measures.

(b) Either the Director or the Permittee shall develop the IM Work Plan as follows:

(i) The Director may notify the Permittee in writing of the need to perform specific interim measures. If the Permittee concurs, the Permittee shall begin to implement the interim actions within fifteen (15) calendar days after receiving notification. Interim Measures do not require a public comment period until the measures are incorporated into the Corrective Measures Study (CMS) Work Plan and Report Described in Condition IV.1 of this Permit.

(ii) The Director may notify the Permittee in writing that the Permittee is required to develop an IM Work Plan. In this event, the Permittee shall submit the IM Work Plan within thirty (30) calendar days after request. The IM Work Plan shall be submitted as a Class 1 Permit Modification request, requiring the Director’s approval.
3. **Review and Approval or Disapproval of IM Work Plan**

After the Permittee submits the IM work plan, the Director shall either approve or disapprove the IM Work Plan in writing. If the Director disapproves the IM Work Plan, the Director shall either:

(a) Notify the Permittee in writing of the IM Work Plan’s deficiencies and specify a due date for submittal of a revised Plan, or

(b) Revise the IM Work Plan (this revised Work Plan becomes the approved IM Work Plan) and notify the Permittee of the revisions. The approved IM Work Plan constitutes approval of the Class 1 Permit Modification request specified in Condition IV.G.2.(b)(ii). The final approved IM Work Plan shall then be incorporated into Permit Attachment H (CASOC – Approved Workplans and Reports).

4. **Implementation of the IM Work Plan**

The Permittee shall implement interim actions within fifteen (15) calendar days after receiving approval or notification of any revisions requested by the Director.

**H. RCRA FACILITY INVESTIGATION (RFI) WORK PLAN AND REPORTS**

1. **Submittal of RFI Work Plan**

The Permittee has submitted an RFI Work Plan as described in Permit Condition IV.B (Summary of Previous Corrective Action Activities). Additional RFI Work Plans may be required by the Director in the future to address updated information (e.g., newly-identified SWMUs) needed to determine potential or actual impacts on human health and the environment.

2. **Content and Submittal of RFI Work Plan**

Within sixty (60) days after receiving a request from the Director, the Permittee shall submit a complete RFI Work Plan to the Director. The RFI Work Plan shall be submitted as a Class 1 Permit Modification request, requiring the Director’s approval. The Work Plan shall address in detail SWMUs, releases of hazardous waste, hazardous constituents, perchlorate, and media of concern which require further investigations.

(a) The Work Plan shall describe the objectives of the investigation and the overall technical and analytical approach to completing all actions necessary to characterize the nature, direction, rate, movement, and concentration of releases of hazardous waste (including hazardous constituents and perchlorate) from specific units or groups of units, and their actual or potential receptors. The Work Plan shall detail all proposed activities and
procedures to be conducted at the facility, the schedule for implementation and completing such investigations, the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the RFI.

(b) The Plan shall discuss sampling and data collection quality assurance and data management procedures listed in Condition D.4 of this Permit Part (Quality Assurance and Control), including formats for documenting and tracking data and other results of investigation, and health and safety procedures.

3. **Review and Approval or Disapproval of RFI Work Plan**

The Director shall review the RFI Work Plan for proper content and those RFI Work Plan elements applicable to the facility. After review, the Director will either approve or disapprove the RFI Work Plan in writing. If the Director disapproves the RFI Work Plan, the Director shall either:

(a) Notify the Permittee in writing of the RFI Work Plan’s deficiencies and specify a due date for submittal of a revised RFI Work Plan; or

(b) Revise the RFI Work Plan and notify the Permittee of the revisions. This modified RFI Work Plan becomes the approved RFI Work Plan and constitutes approval of the Class 1 Permit Modification request in IV.H.2.

The Director shall also review for approval as part of the RFI Work Plan any plans developed addressing further investigations of newly identified SWMUs (Condition F of this Permit Part).

If approved, the RFI Workplan will be incorporated into Permit Attachment H (CASOC – Approved Workplans and Reports). If the Director approves the RFI Workplan, the Permittee shall, within ninety (90) calendar days of receipt of approval, send a Class 1 Permit Modification notice to all individuals on the facility mailing list maintained by the Director in accordance with R18-8-270.A and 270.I(c)(1)(ix) and (x) [40 CFR 124.10(c)(1)(ix) and (x)]. The notice shall include a summary of the approved RFI Workplan and describe the change made to Permit Attachment H (CASOC – Approved Workplans and Reports).

4. **Implementation of RFI Work Plan**

No later than thirty (30) calendar days after the Permittee has received written approval from the Director for the RFI Work Plan, the Permittee shall begin implementing the RCRA Facility Investigation according to the schedules and procedures specified in the RFI Work Plan.
5. **Content and Submittal of RFI Final Report**

Within sixty (60) calendar days after the completion of the RFI Work Plan or other schedule approved by the Director, the Permittee shall submit:

(a) **RFI Final Report**

The RFI Final Report shall be submitted as a Class 1 Permit Modification request, requiring the Director’s approval. The RFI Final Report shall describe the procedures, methods, and results of all facility investigations of SWMUs and their releases, including information on the type and extent of contamination at the facility, sources and migration pathways, and actual or potential receptors. The RFI Final Report shall present all information gathered under the approved RFI Work Plan. The RFI Final Report must contain adequate information to support further corrective action decisions at the facility.

(b) **Determination of No Further Actions with Modification**

Based on the results of the RFI and other relevant information, the Permittee may submit an RFI-based determination of No Further Action with a proposed Class 3 Permit Modification request to the Director requesting termination of any Corrective Action required. The NFA determination and proposed Class 3 Permit Modification, will be processed pursuant to requirements of Permit Parts I.C.1 and I.H) must contain information demonstrating that there are no releases of hazardous wastes, hazardous constituents, and perchlorate, from SWMUs at the facility that pose a threat to human health and the environment. It must also include information required in R18-8-270.A (40 CFR 270.42(c), which incorporates by reference 40 CFR 270.13 through 270.21, 270.62, and 270.63), and state if:

(i) Contamination is found to be non-existent;
(ii) Contaminant levels and subsequent risks are less than background levels (i.e. levels are naturally occurring);
(iii) Contamination results from releases originating from outside the facility or from a source not related to the Permittee’s historic operations or current remediation efforts at the site;
(iv) Groundwater is neither a current or potential source of drinking water, impacts potentially vulnerable Class I groundwaters, nor is potentially usable for other human purposes;
(v) Contamination is located adjacent to industrialized, non-residential areas.
6. **Review and Approval or Disapproval of RFI Final Report**

The Director shall review the RFI Final Report submittal (including the NFA Determination, if applicable), and either approve or disapprove the Report.

(a) If the Director disapproves the Report, the Director shall notify the Permittee in writing of the Report’s deficiencies and specify a due date for submittal of the revised Report.

(b) RFI Final Report without NFA Determination: If the Director approves the Report, the approval constitutes approval of the Permit Modification request of Condition IV.H.5(a). The Permittee shall, within ninety (90) calendar days of receipt of approval, send a Class 1 Permit Modification notice to all individuals on the facility mailing list maintained by the Director in accordance with A.A.C. R18-8-271.A and 271.I(c)(1)(ix) and (x) [40 CFR 124.10(c)(1)(ix) and (x)]. The notice shall include a summary of the approved RFI Final Report and describe the change made to Permit Attachment H (CASOC – Approved Workplans and Reports).

(c) RFI Final Report with NFA Determination: If, based upon review of the Permittee’s NFA determination and proposed Class 3 Permit Modification request, the results of the RFI, and other information (including comments received during the public comment period), the Director determines that releases or suspected releases which were investigated either are non-existent or do not pose a threat to human health and the environment, the Director may grant the requested modification. However, the NFA approval does not preclude the Director from initiating other modifications to the CASOC according to procedures in 40 CFR 270.41 (Director-initiated Permit Modifications), that may rescind the determination or require the Permittee to perform:

(i) Continued or periodic monitoring of air, soil, groundwater, or surface water, when site-specific circumstances indicate that releases of hazardous wastes (including hazardous constituents and perchlorate) are likely to occur, if necessary to protect human health and the environment;

(ii) 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 is likely to pose a threat to human health or the environment.

Upon approval of the RFI Final Report with NFA Determination and Class 3 Permit Modification request, the RFI Final Report and NFA Determination will be incorporated into Permit Attachment H (CASOC – Approved Workplans and Reports).
I. CORRECTIVE MEASURES STUDY

1. Call-in of the Corrective Measures Study

(a) For existing SWMUs: Within forty-five (45) calendar days after the Director’s written approval of the RFI Report required by Condition IV.C.8, (reviewed and approved in accordance with Condition IV.H), the Permittee shall submit a CMS Workplan and Class 1 Permit Modification request requiring the Director’s approval in accordance with Condition IV.I.2, below.

(b) For newly-identified SWMUs: If the Director has reason to believe, after review of the RFI Final Report, that a SWMU has released concentrations of hazardous constituents and perchlorate in excess of any action level, or determines that contaminations present at levels below those action levels pose a threat to human health and the environment given site specific exposure conditions, the Director may require a Class 1 Permit Modification, for a Corrective Measures Study (CMS), and shall so notify the Permittee in writing.

2. Content and Submittal of the CMS Workplan

The Permittee shall submit a Class 1 Permit Modification request requiring the Director’s approval and CMS Workplan to the Director within forty-five (45) calendar days after notification of the requirement to conduct a CMS. The CMS Workplan shall provide the following information:

(a) Description of general approach to investigate and evaluate potential remedies;

(b) Definition of the overall study objectives;

(c) The specific plans and factors for evaluating remedies to ensure compliance with remedy standards, as stated in Permit Condition IV.J (Remedy Selection);

(d) The schedules for conducting the study; and

(e) Proposed format for presentation of the information.

3. Review and Approval or Disapproval of CMS Workplan

The Director shall review the CMS Workplan to ensure it contains all necessary contents.

(a) If the Director disapproves the CMS Workplan, the Director shall either:
(i) Notify the Permittee in writing of the Workplan’s deficiencies and specify a due date for submittal of a revised Workplan, or

(ii) Revise the CMS Workplan and notify the Permittee of the revisions. This modified CMS Workplan becomes the approved CMS Workplan, and the approval to the Permit Modification request specified in Condition IV.I.2).

(b) If the Director approves the CMS Workplan, the Permittee shall, within ninety (90) calendar days of receipt of approval, send a Class 1 Permit Modification notice to all individuals on the facility mailing list maintained by the Director in accordance with R18-8-270.A and 270.I(c)(1)(ix) and (x) [40 CFR 124.10(c)(1)(ix) and (x)]. The notice shall include a summary of the approved CMS Workplan and describe the change made to Permit Attachment H (CASOC – Approved Workplans and Reports).

4. **Implementation of CMS Workplan**

The Permittee shall implement the CMS Workplan no later than fifteen (15) calendar days after the Permittee has received written approval from the Director for the CMS Workplan. The CMS shall be conducted in accordance with the approved CMS Workplan.

5. **Content and Submittal of CMS Report**

No later than March 15, 2012 (see Condition IV.C.9), the Permittee shall submit a Class 1 Permit Modification request requiring the Director’s approval and the CMS Report. (For newly-discovered SWMU’s, the Permit Modification request and CMS Report shall be submitted within sixty (60) calendar days after the completion of the CMS tasks). The CMS Report must contain adequate information to support the Director in the remedy selection decision-making process and shall include, at a minimum:

(a) A summary of results of investigations, and any bench-scale or pilot tests conducted for each remedy studied;

(b) A description and evaluation of each remedial alternative which passed through the initial screening of corrective measure technologies;

(c) All information gathered under the approved CMS Plan with Performance standards streamlined;

(d) The recommended corrective measure(s), and a justification for selection of the corrective measure(s) recommended.
6. **Review and Approval or Disapproval of CMS Report and Remedy**

The Director shall approve, approve with modifications, or disapprove the CMS Report and will advise the Permittee of the determination in writing. The Director shall select the remedy according to Condition J (Remedy Selection) of this Permit Part. In all cases, the Director may require the Permittee to evaluate additional remedies or particular elements of the proposed remedies.

(a) If the Director disapproves the CMS Report, the Director shall notify the Permittee in writing of deficiencies in the CMS Report and specify a due date for submittal of a revised draft CMS Report.

(b) If the Director approves or approves with modifications, the CMS Report, the approved CMS Report constitutes approval of the Permit Modification request of Condition I.5). The CMS Report will be incorporated into Permit Attachment H (CASOC – Approved Workplans and Reports). If the Director approves the CMS Report, the Permittee shall, within ninety (90) calendar days of receipt of approval, send the Class 1 Permit Modification notice to all individuals on the facility mailing list maintained by the Director in accordance with R18-8-270.A and 270.I(c)(1)(ix) and (x) [40 CFR 124.10(c)(1)(ix) and (x)]. The notice shall include a summary of the approved CMS Report and describe the change made to Permit Attachment H (CASOC – Approved Workplans and Reports).

(c) Within forty-five (45) calendar days of receipt of the Director’s approval, or approval with modifications, of the proposed corrective measure(s), the Permittee shall submit a corrective Measures Implementation (CMI) Program Plan for the remedy selected pursuant to Permit Condition IV.K (Corrective Measures Implementation).

**J. REMEDY SELECTION**

1. **Remedy Standards**

Based on results of the CMS and any further evaluations of additional remedies, the Director shall select a remedy from the remedial alternatives evaluated in the CMS that will protect human health and the environment; meet the concentration levels of hazardous constituents and perchlorate in each medium that the remedy must achieve to be protective of human health and the environment; control the course(s) of release(s) so as to reduce or eliminate, to the maximum extent practicable, further releases that might pose a threat to human health and the environment; and meet all applicable waste management requirements.

The Director’s selection of a remedy is an appealable agency action. Should the Permittee exercise its right to appeal the Director’s selection of a remedy, all further obligations regarding the implementation of a remedy are stayed until such a time as
the administrative appeal has concluded and the Director has issued a final decision accepting, rejecting, or accepting with modifications the Administrative Law Judge’s decision (see A.R.S. §41-1092.08).

2. Technical Evaluation Factors of Remedy

In approving the recommended remedy(s) which meets the standards for remedies established above, the Director shall consider the following evaluation factors, as appropriate:

(a) Long-term reliability and effectiveness

To establish the degree of certainty that the remedy will prove successful, evaluate the:

- Magnitude of residual risks in terms of amounts and concentrations of waste remaining following remedy implementation, considering the persistence, toxicity, mobility and propensity to bio-accumulate of such hazardous wastes including hazardous constituents and perchlorate;

- Type and degree of long-term management required, including monitoring, operation and maintenance;

- Exposure potential of humans and environmental receptors to remaining wastes, considering potential threats to human health/environment associated with excavation, transportation, re-disposal or containment;

- Long-term reliability of the engineering and institutional controls, including uncertainties associated with land disposal of untreated wastes and residuals;

- Potential need for replacement of the remedy.

(b) Reduction of toxicity, mobility, and volume

The degree to which a potential remedy employs treatment that reduces toxicity, mobility, or volume of hazardous wastes (including hazardous constituents and perchlorate) that shall be considered include:

- The treatment processes the remedy(s) employs and materials it would treat;

- Amount of hazardous wastes (including hazardous constituents and perchlorate) that would be destroyed or treated;

- The degree to which the treatment is irreversible; and
• The residuals that will remain following treatment, considering the persistence, toxicity, mobility and propensity to bio-accumulate of such hazardous wastes (including hazardous constituents and perchlorate).

(c) **Short-term effectiveness.**

Assess potential remedy(s) for short-term effectiveness considering:

• Magnitude of reduction of existing risks;

• Short-term risks that might be posed on the community, workers, or environment during implementation of such remedy, including potential threats to human health and the environment associated with excavation, transportation, re-disposal or containment; and

• Time until full protection is achieved.

(d) **Implementability.**

The ease or difficulty of implementing a potential remedy(s) may be assessed by considering the following types of factors:

• Degree of difficulty associated with constructing the technology;

• Expected operational reliability of the technologies;

• Need to coordinate/obtain necessary approvals and permits from other agencies;

• Availability of necessary equipment and specialists; and

• Available capacity, location of needed treatment, storage and disposal services.

(e) **Cost.**

The types of costs assessed include:

• Capital, and Operation and Maintenance costs;

• Net present value of capital and operation and maintenance costs; and

• Potential future remedial action costs.
K. CORRECTIVE MEASURES IMPLEMENTATION (CMI) PROGRAM PLAN

1. Content and Submittal of CMI Program Plan

Within forty-five (45) calendar days after receipt of the Director’s Remedy Selection, the Permittee shall submit a Class 1 Permit Modification request, requiring Director’s approval and a draft Corrective Measures Implementation (CMI) Program Plan. All corrective action requirements of 40 CFR 264.99(h) and 264.100 shall be addressed, not limited to:

(a) Details of specific remedies (i.e. remove-and-treat or treat-in-place) to be taken which achieve compliance with the standards, and a description of remedy’s technical features that are necessary to achieve the standards, not limited to:

   (i) Requirements for quality sampling and analysis; including a plan for CMI groundwater monitoring that demonstrates an effective post-closure compliance or assessment monitoring program;
   (ii) Requirements for removal, decontamination, closure, or post-closure of units, equipment, devices or structures used to implement remedy;
   (iii) Requirements for achieving compliance with concentration limits and levels;

(b) Basic standards including, but not limited to:

   (i) List of hazardous constituents and perchlorate;
   (ii) All concentration levels or limits of hazardous constituents and perchlorate in each medium (i.e. soil, groundwater) that the remedy must achieve to protect human health and environment;
   (iii) Compliance points and compliance period;
   (iv) Management of hazardous waste.

(c) A schedule for initiating and completing all major technical features and milestones of remedy, and required length of Corrective Actions taken, including when CMI groundwater monitoring is initiated in lieu of post-closure groundwater compliance or assessment monitoring;

(d) Requirements for submission of semi-annual reports, other information, and modifications if above regulations cannot be met.

2. Review and Approval or Disapproval of CMI Program Plan

The Director shall approve, approve with modifications, or disapprove the draft CMI Plan and will advise the Permittee of its determination in writing.
(a) If the Director disapproves of the CMI Program Plan, the Director shall notify the Permittee in writing of deficiencies in the CMI Program Plan and specify a due date for submittal of a revised CMI Program Plan.

(b) If the Director approves (or approves with modifications) the CMI Program Plan, the CMI Program Plan will be incorporated into Permit Attachment H (CASOC – Approved Workplans and Reports). If the Director approves the CMI Program Plan, the Permittee shall, within ninety (90) calendar days of receipt of approval, send the Class 1 Permit Modification notice to all individuals on the facility mailing list maintained by the Director in accordance with R18-8-270.A and 270.I(c)(1)(ix) and (x) [40 CFR 124.10(c)(1)(ix) and (x)]. The notice shall include a summary of the approved CMI Program Plan and describe the change made to Permit Attachment H (CASOC – Approved Workplans and Reports). The Director’s approval of the CMI Program Plan constitutes approval of the Permit Modification request.

(c) Within forty-five (45) calendar days of receipt of Director’s approval, or approval with modifications, of the proposed corrective measure(s), the Permittee shall submit to the Director a final CMI Program Plan consistent with the Director’s written notification.

3. Implementation of CMI Program Plan

No later than fifteen (15) calendar days after the Permittee has received written approval from the Director for the CMI Program Plan, the Permittee shall begin to implement the CMI Program Plan according to the schedules and procedures specified in the CMI Program Plan.
## TABLE IV-A – SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN

<table>
<thead>
<tr>
<th>SWMU or AOC Number</th>
<th>SWMU or AOC Name</th>
<th>Media</th>
<th>Potential for Release</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>SWMU 1</td>
<td>Central Building</td>
<td>Soil</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
<td>SWMU 2</td>
<td>Main Outdoor Storage Pad / HWMU3</td>
<td>Soil, Soil Gas</td>
<td>High</td>
<td>Sample soils at locations where liquid consolidation has occurred. Soil solids should be analyzed for metal constituents, soil gas for VOCs and Semi-VOCs</td>
</tr>
<tr>
<td>SWMU 3</td>
<td>Concrete Pads Used for Bulk Storage</td>
<td>Soil</td>
<td>Medium</td>
<td>Conduct a follow-up visual survey of the former locations of pads, and current locations. Sample soils at any locations with visible staining.</td>
</tr>
<tr>
<td>SWMU 4</td>
<td>Outdoor Storage Pad / HWMU1</td>
<td>Soil</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
<td>SWMU 5</td>
<td>Outdoor Storage Pad / HWMU2</td>
<td>Soil</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
<td>SWMU 6</td>
<td>Septic System</td>
<td>Soil, Soil Vapor</td>
<td>Medium</td>
<td>Include in closure plan sampling of areas surrounding septic tank and below underground conduit to the septic tank. Analyze for VOCs, Semi-VOCs, and metals.</td>
</tr>
</tbody>
</table>