

MODULE I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. ATK is allowed to store hazardous waste in containers and treat hazardous waste by open burning at the Naval Industrial Reserve Ordnance Plant (NIROP) which is owned by the US Navy and operated by ATK Launch Systems Incorporated (ATK). ATK is the parent company of ATK Launch Systems Incorporated which operates Bacchus Facility that includes the Plant 1, Bacchus West and NIROP operations. The Permittees operate NIROP as a Government Owned Contractor Operated (GoCo) facility in accordance with the conditions of this Permit. Any storage, treatment or disposal of hazardous waste not authorized in this Permit, is prohibited.
- I.A.2. Compliance with this Permit, during its term, constitutes compliance for purposes of enforcement with applicable sections of Utah Administrative Code (UAC) R315 only for those management practices specifically authorized by this Permit.
- I.A.3. Issuance of this Permit does not convey 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.
- I.A.4. This Permit has been developed in accordance with the applicable requirements of UAC R315-1 through 101. All conditions in this Permit supercede conflicting statements, requirements, or procedures found in UAC R315-1 through 101 or Attachments to this Permit.

I.B. ENFORCEABILITY

- I.B.1. Violation of this Permit may be considered a violation subject to Utah Code Annotated (UCA) 19-6-113.

I.C. OTHER AUTHORITY

- I.C.1. The Executive Secretary expressly reserves all rights of entry provided by law and the authority to order or perform emergency or other response activities as authorized by law.

I.D. PERMIT ACTIONS

- I.D.1. This Permit may be modified, revoked and reissued, or terminated for cause, as specified in UAC R315-4-1.5 and UAC R315-3-4.4.
- I.D.2. The filing of a request for a Permit modification, revocation and reissuance or termination, or the notification of planned changes, requiring prior approval, or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any Permit condition.
- I.D.3. All Permit conditions supersede conflicting statements, requirements or procedures found in the Attachments.
- I.D.4. If a conflict exists between conditions in this Permit, the most stringent condition, as determined by the Executive Secretary, shall be met.

- I.D.5. The Executive Secretary may modify this Permit in accordance with UAC R315-3-4.2.
- I.D.6. This Permit may be modified at the request of the Permittee in accordance with the procedures of UAC R315-3-4.3.
- I.D.7. In accordance with the Utah Code Annotated (UCA), Utah Solid and Hazardous Waste Act, 19-6-108(13), this Permit shall be reviewed no later than five years from the date of issuance or renewal and modified, if necessary.

I.E. SEVERABILITY

- I.E.1. The provisions of this Permit are severable and if any provision, or the application of any provision 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. Invalidation of any state or federal statutory or regulatory provision which forms the basis for any condition of this Permit does not affect the validity of any other State or federal statutory or regulatory basis for said condition.

I.F. DUTIES TO COMPLY

- I.F.1. The Permittees shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an Emergency Permit issued in accordance with UAC R315-3-6.2. Any Permit noncompliance, other than noncompliance authorized by an Emergency Permit, constitutes a violation of the Utah Solid and Hazardous Waste Act, and is grounds for enforcement action, Permit modification, revocation and reissuance termination, or denial of a Permit renewal application, or a combination of an enforcement action and any of the other listed remedies.
- I.F.2. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3007, 3008, 3013, or 7003 of RCRA (42 U.S.C. Sections 6927, 6928, 6934 and 6973), Section 106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606(a), 9604, and 9607, commonly known as CERCLA) as amended by the Superfund Amendments and Re-authorization Act of 1986 (SARA), or any other state or federal law providing for protection of human health or the environment from any imminent and substantial endangerment to human health or the environment.

I.G. DUTY TO REAPPLY

- I.G.1. If the Permittees wish to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittees shall apply for a new Permit in accordance with UAC R315-3-3.1(b) a minimum of 180 calendar days prior to the expiration date.

I.H. PERMIT EXPIRATION

- I.H.1. This Permit shall be effective for ten years from the date of issuance.

I.I. CONTINUATION OF EXPIRING PERMIT

I.I.1. This Permit, and all conditions herein, shall continue in force until the effective date of a new Permit, if the Permittees have submitted a timely and complete application under the applicable requirements of UAC R315-3 and R315-4, and through no fault of the Permittees, the Executive Secretary has neither issued nor denied a new Permit under UAC R315-3-5.2 on or before the expiration date.

I.J. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

I.J.1. It shall not be a defense for the Permittees 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.

I.K. DUTY TO MITIGATE

I.K.1. The Permittees shall take all reasonable steps to minimize releases of solid and hazardous wastes, hazardous waste constituents, and perchlorate salts to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

I.L. PROPER OPERATION AND MAINTENANCE

I.L.1. The Permittees shall, at all times, properly operate and maintain all facilities, treatment systems and ancillary controls (and related appurtenances) which are installed or used by the Permittees to achieve compliance with the conditions of this Permit. This provision requires the operation of back-up or auxiliary equipment or similar systems when necessary to achieve compliance with this Permit.

I.M. DUTY TO PROVIDE INFORMATION

I.M.1. The Permittees shall furnish to the Executive Secretary, within a reasonable time, any relevant information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittees shall also furnish to the Executive Secretary upon request, copies of records required to be kept by this Permit.

I.N. INSPECTION AND ENTRY

I.N.1. Pursuant to the Utah Solid and Hazardous Waste Act, 19-6-109, the Permittees shall allow the Board, the Executive Secretary, or its authorized officer, employee, or representative, upon the presentation of credentials and other documents, as may be required by law, to:

I.N.1.a. Enter, at any reasonable time, the Permittees' premises where a regulated facility or activity is located or conducted, or where records are kept as required by the conditions of this Permit;

I.N.1.b. Have access to and a copy of, at reasonable times, any records that are kept as required by the conditions of this Permit;

- I.N.1.c. Inspect, at reasonable times, any portion of the facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit;
- I.N.1.d. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance, or as otherwise authorized by the Utah Solid and Hazardous Waste Act, any substances or parameters at any location; and
- I.N.1.e. Make a record of the inspection by photographic, electronic, videotape, or any other reasonable medium.
- I.N.2. No audio recording devices shall be used without notice to all individuals in recording range prior to activation of the recording device. Photographic and video recording shall comply with the safety and security requirements of the Permittees to the extent those requirements are compatible with the Utah Solid and Hazardous Waste Act.

I.O. MONITORING AND RECORDS

- I.O.1. The Permittees shall retain records of all sampling, monitoring and waste analysis information, including calibration and maintenance records and, where applicable, all original strip chart recordings (or equivalent recordings) for continuous monitoring instruments, copies of all reports and records required by this Permit, the waste minimization certification required by UAC R315-8-5.3 and records of all data used to comply with the conditions of this Permit, including any and all data to support the human health and ecological risk assessments for cleanup and closure activities. All of the above referenced material shall be retained for a period of at least three years from the date of the sample, measurement, report, certification, or recording unless a longer retention period for certain information is required by other conditions of this Permit. The three-year period may be extended by the Executive Secretary at any time by written notification to the Permittees. The retention times are automatically extended during the course of any unresolved enforcement action regarding the facility to three years beyond the conclusion of the enforcement action. Recordkeeping may be accomplished using original documents, xerographic copies, document replicas, electronic facsimiles, electronic disk, CD-ROM computer drive files, microfilm, microfiche, photograph, magnetic tape or any other reasonable medium or similar recordkeeping technique. Any recordkeeping system shall be capable of reproducing complete, accurate and legible records.
- I.O.2. Pursuant to UAC R315-3-3.1(j)(3), records of monitoring information shall specify at a minimum:
 - I.O.2.a. The date(s), exact place, and times of sampling or measurements;
 - I.O.2.b. The name(s), title(s), and affiliation of individual(s) who performed the sampling or measurements;
 - I.O.2.c. The date(s) analyses were performed;
 - I.O.2.d. The individual(s) who performed the analyses;

- I.O.2.e. The analytical techniques or methods used; and
- I.O.2.f. The results of such analyses.
- I.O.3. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed shall be the appropriate method from UAC R315-50-6 or an equivalent method approved by the Executive Secretary. Laboratory methods shall be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846 (prevailing edition, hereafter referred to as SW-846), or Standard Methods of Examination of Water and Wastewater (prevailing edition). Other alternate methods approved in this Permit, or an equivalent method, in accordance with Condition I.O.4. of this Permit will be allowed if approved by the Executive Secretary and the Permit is modified in accordance with Condition I.D.
- I.O.4. When requesting substitute or additional analytical methods, the Permittee shall submit to the Executive Secretary a request for substitution of an analytical method(s) which is equivalent to the method(s) currently approved or listed in UAC R315-2-15. The request shall provide information demonstrating that the proposed method(s) requested is equivalent or superior in terms of sensitivity, accuracy, and precision (e.g., reproducibility).
- I.O.5. This permit contains and refers to documents and forms on which information and data is recorded. The Permittees may request changes to the format of documents and forms as necessary to carry out administrative duties. Changes pertaining to a document or form shall only be changed in accordance with the provisions of Condition I.D.6.

I.P. REPORTING PLANNED CHANGES

- I.P.1. The Permittees shall give written notice to the Executive Secretary prior to any planned physical alterations or additions to any Hazardous Waste Management Unit (HWMU) or system being permitted or previously permitted in accordance with UAC R315-3-3.1(f) and UAC R315-3-3.1(l). Any changes or physical alterations or additions to any HWMU shall be in accordance with Condition I.D.6. Planned physical alterations or additions shall include all changes in any hazardous or solid waste activities, and to any non-waste underground storage tanks regulated under UAC R311-202. Neither construction nor operation of a new or modified HWMU shall begin unless the provisions of UAC R315-4-1.5 are met.

I.Q. REPORTING ANTICIPATED NONCOMPLIANCE

- I.Q.1. The Permittees shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with requirements of this Permit. Advance notice shall not constitute a defense for any noncompliance.

I.R. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

- I.R.1. The Permittees shall not commence storage, treatment, or disposal of hazardous waste in a new HWMU or in a modified portion of an existing permitted HWMU (except as provided in UAC R315-3-4.3), until:
 - I.R.1.a. The Permittees have submitted to the Executive Secretary:
 - I.R.1.a.i. A letter signed by the Permittees, and a independent Utah registered professional engineer qualified by experience and education in the appropriate engineering field, certifying that the unit(s) has been constructed or modified in compliance with this Permit; and
 - I.R.1.a.ii. As-built engineering drawings and specifications as appropriate.
 - I.R.1.b. The Executive Secretary or designated representative has reviewed and inspected the modified or newly constructed unit(s) and has notified the Permittees in writing that the unit(s) was found to be in compliance with the conditions of this Permit.
- I.R.2. If the Permittees have not received notice from the Executive Secretary of the intent to inspect within 15 calendar days of the date of receipt of the letter required by Condition I.R.1.a.i., then a prior inspection is waived and the Permittees may commence treatment, storage, or disposal of hazardous waste in the permitted unit certified in accordance with Condition I.R.1.

I.S. TRANSFER OF PERMIT

- I.S.1. This Permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to UAC R315-3-4.1 and UAC R315-3-4.2(b)(2). Prior to transferring ownership or operation of the facility during its operating life, the Permittees shall notify the new owner or operator, in writing, of the requirements of UAC R315-3, UAC R315-8 and this Permit. Failure by the Permittees to notify the new owner or operator of the requirements of UAC R315-8 and this Permit in no way relieves the new owner or operator of his obligation to comply with all applicable requirements of the Rules and this Permit.

I.T. TWENTY-FOUR HOUR REPORTING

- I.T.1. In accordance with UAC R315-3-3.1(1)(6)(i), ATK shall orally report to the Executive Secretary any noncompliance with this Permit which may endanger human health or the environment. Any such information shall be reported as soon as possible, but not later than 24 hours from the time ATK becomes aware of the noncompliance. Reporting shall not constitute a defense for any noncompliance.
- I.T.2. In accordance with UAC R315-9-1(b), ATK shall orally report to the Executive Secretary any spill of any hazardous waste or material which, when spilled becomes a hazardous waste if the spilled quantity exceeds 100 kilograms or a lesser amount if there is a potential for endangerment to human health or the environment, or exceeds 1 kilogram if the material and is an acute hazardous waste as defined by UAC R315-9-1(b)(2). Any such information shall be reported as soon as possible, but not later than 24 hours from the spill occurrence.

- I.T.3. ATK shall orally report to the Executive Secretary any spill that contains perchlorate if the perchlorate concentration is greater than 26 ug/l and the spilled quantity exceeds 100 kilograms. Any such information shall be reported as soon as possible, but not later than 24 hours from the spill occurrence.
- I.T.4. The oral report shall include, but not be limited to, the following:
 - I.T.4.a. Information concerning the release of any hazardous waste or material which may endanger public drinking water supplies; and
 - I.T.4.b. All information on a release or discharge of hazardous waste or material or a fire, or explosion at the facility, that could threaten human health or the environment.
 - I.T.4.c. The description of the occurrence and its cause shall include:
 - I.T.4.c.i. Name, title, and telephone number of individual reporting;
 - I.T.4.c.ii. Name, address, and telephone number of the owner or operator;
 - I.T.4.c.iii. Name, address, and telephone number of the facility;
 - I.T.4.c.iv. Date, time, and type of incident;
 - I.T.4.c.v. Location and cause of incident;
 - I.T.4.c.vi. Name and quantity of materials involved;
 - I.T.4.c.vii. The extent of injuries, if any;
 - I.T.4.c.viii. An assessment of actual or potential hazard to the environment and human health, when this is applicable;
 - I.T.4.c.ix. Description of any emergency action taken to minimize a threat to human health and the environment;
 - I.T.4.c.x. Estimated quantity and disposition of recovered material that resulted from the incident, and;
 - I.T.4.c.xi. All information necessary to fully evaluate the release or discharge, and develop a response that is appropriate and applicable to the situation.
- I.T.5. Within 15 days of the time ATK is required to provide the oral report, as specified in Conditions I.T.1. through I.T.4., ATK shall provide to the Executive Secretary a written report.
- I.T.6. The written report shall include, but not be limited to, the following:
 - I.T.6.a. The name, title, address, and telephone number of the individual reporting;
 - I.T.6.b. A description including the date, time, location and nature of the reported incident;

- I.T.6.c. The extent of injuries, if any;
- I.T.6.d. The name and quantity of material(s) involved in the spill;
- I.T.6.e. An estimated quantity and disposition of recovered material;
- I.T.6.f. Where applicable, an assessment of actual or potential hazards to human health and the environment will be completed. The report shall also include whether or not the results of the incident remain a threat to human health and the environment (whether the noncompliance has been corrected and the release has been adequately cleaned up); and
- I.T.6.g. If the release or noncompliance has not been adequately corrected or cleaned, the anticipated time that the noncompliance or remediation is expected to continue; the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and/or the steps taken or planned to adequately remediate the release.

I.U. MONITORING RECORDS

- I.U.1. Monitoring information shall be recorded and maintained as specified in Condition I.O.

I.V. COMPLIANCE SCHEDULES

- I.V.1. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than 14 days following each scheduled date.

I.W. MANIFEST DISCREPANCY REPORT

- I.W.1. Manifest discrepancies shall be defined as differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste the permittee actually receives. Significant discrepancies in quantity are: (1) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload, and (2) for bulk waste, variations greater than 10 percent in weight. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper. If a significant discrepancy is discovered on a manifest, ATK shall attempt to reconcile the discrepancy. If not resolved within 15 days, ATK shall submit a written report, including a copy of the manifest, and efforts to reconcile the discrepancy, to the Executive Secretary in accordance with UAC R315-8-5.4.

I.X. UNMANIFESTED WASTE REPORT

- I.X.1 This report shall be submitted to the Executive Secretary within 15 days of receipt of unmanifested waste in accordance with UAC R315-8-5.7.

I.Y. BIENNIAL REPORT

I.Y.1. A biennial report shall be submitted covering facility activities during odd numbered calendar years. This report shall be submitted by March 1 of the following even numbered year in accordance with UAC R315-8-5.6.

I.Z. OTHER NONCOMPLIANCE

I.Z.1 ATK shall notify the Executive Secretary of all other instances of noncompliance with this Permit not otherwise required to be reported in accordance with Condition I.T., within seven days of discovering the noncompliance. The notification shall contain the information listed in Condition I.T. of this Permit. ATK shall follow up all notifications under this Condition with a written report submitted within 15 days of the initial notification of noncompliance. Reporting shall not constitute a defense for any noncompliance.

I.AA. OTHER INFORMATION

I.AA.1. Whenever the Permittees become aware that they failed to submit all relevant facts in a permit modification, or submitted incorrect information in a permit modification, or in any report submitted to the Executive Secretary, the Permittees shall submit such facts or corrected information within seven working days of discovering the omissions.

I.BB. SIGNATORY REQUIREMENT

I.BB.1. All reports, notifications, submissions or other information required by this Permit, or requested by and submitted to the Executive Secretary shall be signed and certified in accordance with UAC R315-3-2.2.

I.CC. CONFIDENTIAL INFORMATION

I.CC.1. The Permittees may claim confidential any information required to be submitted by this Permit in accordance with Utah Code 63-2, the Government Records Access and Management Act, Section 19-1-306 of the Utah Environmental Quality Code, and implementing Rules.

I.DD. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

I.DD.1. All reports, notifications, or other submissions which are required by this Permit to be transmitted to the Executive Secretary should be sent by certified mail or other means of proof of delivery to:

Executive Secretary
Utah Solid and Hazardous Waste Control Board
Division of Solid and Hazardous Waste
P.O. Box 144880
Salt Lake City, Utah 84114-4880
Phone: (801) 538-6170

Normal business hours are 7 am to 6 pm, Monday through Thursday, except for Utah State holidays. Required oral notifications shall be given only to the Executive Secretary

or an authorized representative of the Executive Secretary. Notifications made at other times shall be made to the 24-hour answering service at 801-538-4123. Notifications made to the 24-hour answering service shall include all applicable information required by this Permit. The Permittees shall give oral notification to the Executive Secretary or an authorized representative of the Executive Secretary on the first business day following notification to the 24-hour answering service.

I.EE. DOCUMENTS TO BE MAINTAINED AT THE FACILITY SITE

- I.EE.1. ATK shall maintain at the facility, for the periods specified, current copies of the following documents and amendments, revisions and modifications to these documents:
 - I.EE.1.a. A copy of the Permit until closure is certified in accordance with Condition II.N.7.
 - I.EE.1.b. All analytical data generated by the Waste Analysis Plans (Attachment 3), as required by UAC R315-8-2.4 and this Permit until closure is certified in accordance with Condition II.N.7.
 - I.EE.1.c. Inspection logs (Attachment 5), as required by UAC R315-8-2.6 and this Permit, for a period of three years in accordance with UAC R315-8-2.6(d).
 - I.EE.1.d. Personnel training documents (Attachment 7), and records, as required by UAC R315-8-2.7(d) and this Permit until closure for current employees, or for a period of three years for former employees in accordance with UAC R315-8-2.7(e).
 - I.EE.1.e. The Contingency Plan (Attachment 6), as required by UAC R315-8-4 and this Permit until closure is certified in accordance with Condition II.N.7.
 - I.EE.1.f. The operating record, as required by UAC R315-8-5.3 and this Permit until closure is certified in accordance with Condition II.N.7.
 - I.EE.1.g. The Closure Plan (Attachment 8), as required by UAC R315-8-7 and this Permit until closure is certified in accordance with Condition II.N.7.
 - I.EE.1.h. Cost estimates (Attachment 8) for the closure and post-closure of the HWMUs covered by this permit in accordance with Condition II.N.7.
 - I.EE.1.i. Manifest copies, as required by UAC R315-8-5 and this Permit for at least three years from the date the waste shipment was accepted at the facility or shipped off site to an approved TSDF.
 - I.EE.1.j. A copy of the Permittees' waste minimization statement until closure is certified in accordance with Condition II.N.7.

I.FF. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

I.FF.1. Pursuant to Section 3005(C)(3) of RCRA (Section 212 of HSWA) and R315-3-3.3(b)(2) [40 CFR 270.32(b)(2)], this Permit contains those terms and conditions determined necessary to protect human health and the environment.

I.GG. REIMBRUSEMENT OF REVIEW AND OVERSIGHT COSTS

I.GG.1. ATK shall reimburse the Department of Environment Quality for costs incurred in conjunction with review and oversight of the Permit and all plans, reports, procedures and protocols identified in this Permit in accordance with UCA 19-1-201(2)(i). These fees will be assessed for the activities including, but not limited to, the following: Sampling and Analysis Plans, Permit Modifications and Renewals; Closure activities; Review and Oversight of Administrative Consent Orders and Consent Agreements, Judicial Orders, and related compliance activities; Review and Oversight of Construction Activities; and Review and Oversight of Corrective Action Activities of the regulated units.