INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
HAZARDOUS WASTE MANAGEMENT PERMIT

Name of Permittee: Tradebe Treatment and Recycling, LLC

Facility Location: 4343 Kennedy Avenue, East Chicago, Indiana

EPA Identification Number: IND000646943

Issuance Date: FILL IN ON FINAL PERMIT

Expiration Date: EXPIRATION DATE (Issuance Date + 5 Years)

Authorized Activities

Pursuant to Indiana Environmental Statutes (IC 13) and the rules promulgated thereunder and codified in Title 329 of the Indiana Administrative Code, Article 3.1 (329 IAC 3.1), the State permit conditions (hereinafter called the permit) of the Resource Conservation and Recovery Act of 1976 (RCRA) permit are issued to Tradebe Treatment and Recycling, LLC (hereinafter called the Permittee or Tradebe) to operate a hazardous waste facility located in East Chicago, Indiana, Section 28, Township 37 North, Range 9 West at latitude 41° 38′ N and longitude 87° W, Whiting Quadrangle, on the U.S. Geological Survey topographic map.

The State RCRA program is authorized under 40 CFR Part 271 and Section 3006 of RCRA to administer the hazardous waste management program in lieu of the Federal program, including administration of most of the Hazardous and Solid Waste Amendments (HSWA) of 1984.

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The Permittee is authorized to conduct the following hazardous waste management activities:

	STORAGE		TREATMENT		DISPOSAL
X	Container	X	Tank		Injection Well
X	Tanks		Surface Impoundments		Landfill
	Waste Pile		Incinerator		Land Application
	Surface Impoundment	X	Other		

Federal regulations 40 CFR Parts 260 through 270 have been incorporated by reference. Where exceptions to incorporated Federal regulations are necessary, these exceptions will be noted in the text of the State rule. 329 IAC 3.1-1-7

The conditions of this permit were developed in accordance with the following applicable provisions of 329 IAC 3.1:

☑ ID & Listing of Hazardous Waste
329 IAC 3.1-6
40 CFR 261 Subparts A, B, C, D, and Appendices I, II, III, VII, VIII, IX, X

☑ Standards for Owners and Operators of Treatment, Storage, and Disposal Facilities
329 IAC 3.1-9
40 CFR 264 Subparts A, B, C, D, and E

☑ Closure and Post-Closure
329 IAC 3.1-9
40 CFR 264 Subpart G

☑ Financial Requirements
329 IAC 3.1-15

☑ Use and Management of Containers
329 IAC 3.1-9
40 CFR 264 Subpart I

☑ Tank Systems
329 IAC 3.1-9
40 CFR 264 Subpart J

☑ Corrective Action for Solid Waste Management Units
329 IAC 3.1-9
40 CFR 264 Subpart S

☑ Air Emission Standards for Process Vents
329 IAC 3.1-9
40 CFR 264 Subpart AA

☑ Air Emission Standards for Equipment Leaks
329 IAC 3.1-9
40 CFR 264 Subpart BB

☑ Air Emission Standards for Tanks Surface Impoundments and Containers
329 IAC 3.1-9
40 CFR 264 Subpart CC

☑ Hazardous Waste Permit Programs
329 IAC 3.1-13
40 CFR 270 Subparts A, B, C, and D

☑ Inspection and Investigation
329 IAC 3.1-1-3 and 329 IAC 3.1-1-4

☑ Enforcement
329 IAC 3.1-1-5

Permit Approval

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 rules and requirements contained in 329 IAC 3.1 and 40 CFR 260 through 270 as specified in the permit. Applicable rules are those which are in effect on the date of issuance of this permit. 329 IAC 3.1-13; 40 CFR 270.32

This permit is based on the assumption that the information submitted in the permit application attached to the Permittee's letter dated July 28, 2016 (VFC #80330135), and any subsequent amendments (including but not limited to VFC numbers 80378160, 80393027, 80405948) is accurate and that the facility has been or will be constructed and/or operated as specified in the application. Virtual File Cabinet (VFC) documents may be viewed online at vfc.idem.IN.gov.

Any inaccuracies found in the application may be grounds for the modification, revocation and reissuance, or termination of this permit (329 IAC 3.1-13-7), and potential enforcement action. The Permittee must inform the Indiana Department of Environmental Management (IDEM) of any deviation from, or changes in, the information in the application which would affect the Permittee's ability to comply with the applicable rules or permit conditions.

Pursuant to IC 13-15-5-3 and IC 4-21.5-3-5(f), this permit takes effect 15 days from receipt of this notice. If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 require that you file a Petition for Administrative Review. If you seek to have the effectiveness of the permit stayed during administrative review, you must also file a Petition for Stay. The petition(s) must be submitted to the Office of Environmental Adjudication, Government Center North, Room 501, 100 North Senate Avenue, Indianapolis, Indiana 46204, within 15 days after your receipt of this notice. The petition(s) must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision, or otherwise entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice will expedite review of the petition. Additionally, IC 13-15-6-2 requires that a Petition for Administrative Review must include:

1. The name and address of the person making the request.
2. The interest of the person making the request.
3. Identification of any persons represented by the person making the request.
4. The reasons, with particularity, for the request.

5. The issues, with particularity, proposed for consideration at the hearing.

6. Identification of the terms of the permit which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing licenses of the type granted or denied by the Commissioner.

Pursuant to IC 4-21.5-3-1(f) any document serving as a petition for review or review and stay must be filed with the Office of Environmental Adjudication. Filing of such a document is complete on the earliest of the following dates:

1. the date on which the petition is delivered to the Office of Environmental Adjudication, Government Center North, Room 501, 100 North Senate Avenue, Indianapolis, Indiana 46204;

2. the date of the postmark on the envelope containing the petition, if the petition is mailed by United States mail; or

3. the date on which the petition is deposited with a private carrier, as shown by a receipt issued by the carrier, if the petition is sent by private carrier.

The portions of the permit for which a Petition for Stay has been filed will take effect at the expiration of the additional 15 day period unless or until an Environmental Law Judge stays the permit in whole or in part. This permit will remain in effect until the expiration date unless revoked and reissued, modified, or terminated (329 IAC 3.1-13-7), or continued in accordance with IC 13-15-6-3.

This permit terminates and supersedes any other State hazardous waste management permit.

Issued this_____day of_____2017.

By: _____
Jeffrey L. Sewell, Chief
Permits Branch
Office of Land Quality

Tradebe Treatment and Recycling, LLC
East Chicago, Indiana
EPA ID# IND000646943

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I. STANDARD CONDITIONS

A. EFFECT OF PERMIT

The Permittee is allowed to store and treat hazardous waste in accordance with the conditions of this RCRA permit. Any storage or treatment of hazardous waste not authorized in this permit or the regulations is prohibited.

Pursuant to 329 IAC 3.1 and 40 CFR 260 through 270 (for HSWA Provisions), compliance with the conditions of this RCRA Permit generally constitutes compliance for purposes of enforcement, with the Indiana Environmental Management Act and RCRA, as amended by HSWA, except for those requirements not included in the Permit which become effective by statute, or which are promulgated under 329 IAC 3.1 and 40 CFR 260 through 270, restricting the placement of hazardous wastes in or on the land.

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 Federal, State, or local laws or regulations.

Compliance with the terms of this permit does not constitute a defense to any Order issued or any action brought under Section 3013 or Section 7003 of RCRA; Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 601), commonly known as CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9606(a)), commonly known as SARA, or any other law providing for protection of public health or the environment.
329 IAC 3.1-13; 40 CFR 270.4; IC 13

B. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause as specified in 329 IAC 3.1-13-7. The filing of a request by the Permittee 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.

C. SEVERABILITY

The provisions of the 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 will not be affected thereby. In the event that a condition of this permit is stayed for any reason, all provisions of the permit severable from the stayed provisions will take effect. With regard to stayed provisions of the permit, the Permittee shall continue to comply with the related applicable and relevant permitted standards in 329 IAC 3.1-9 and 329 IAC 3.1-15 from the previously issued permit until final resolution of the stayed condition, unless the Commissioner of the Indiana Department of Environmental Management (Commissioner) determines that compliance with the related applicable and relevant standards would be technologically incompatible with other conditions of this permit which have not been stayed. 329 IAC 3.1-13; 40 CFR 270.32

D. DUTIES AND REQUIREMENTS

1. Duty to Comply The Permittee must comply with all conditions of the RCRA 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 IC 13 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. 329 IAC 3.1-13; 40 CFR 270.30(a); 270.61

2. Duty to Reapply The Permittee must submit a complete application for a new permit at least 180 days before this permit expires unless: a) the Permittee no longer wishes to operate a hazardous waste management facility and all remaining corrective action obligations have been met; or, b) permission for submittal on a later date has been granted by the Commissioner. The Commissioner shall not grant permission for applications to be submitted later than the expiration date of the existing permit. 329 IAC 3.1-13; 329 IAC 3.1-13-3(h)

3. Permit Expiration The duration of this permit shall not exceed the expiration date of the permit, except as provided by 329 IAC 3.1-13-15. This permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely, complete application for a new permit and through no fault of the Permittee, the Commissioner has not issued a new permit with an effective date under 329 IAC 3.1-13-14 on or before the expiration date of the previous permit. 329 IAC 3.1-13-16

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. 329 IAC 3.1-13; 40 CFR 270.30(c)

5. Duty to Mitigate In the event of non-compliance 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. 329 IAC 3.1-13; 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 procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit. 329 IAC 3.1-13; 40 CFR 270.30(e)

7. Duty to Provide Information The Permittee shall furnish to the Commissioner, within a reasonable time, any relevant information which the Commissioner 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 Commissioner, upon request, copies of records required to be kept by this permit. 329 IAC 3.1-13; 40 CFR 270.30(h); 264.74

8. Inspection and Entry The Permittee shall allow the Commissioner, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

   a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit (329 IAC 3.1-13; 40 CFR 270.30(i)(1));

   b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit (329 IAC 3.1-13; 40 CFR 270.30(i)(2));

c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit (329 IAC 3.1-13; 40 CFR 270.30(i)(3)); and

d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by IC 13, any substances or parameters at any location (329 IAC 3.1-13; 40 CFR 270.30(i)(4)).

9. Monitoring and Reporting

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from 329 IAC 3.1-6; 40 CFR 261, Appendix I. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846, (Third Edition as amended by updates) (as referenced in 40 CFR 260.11); Standard Methods for the Examination of Water and Wastewater, (the 19th Edition, 1995); or an equivalent method as specified in the attached Waste Analysis Plan. 329 IAC 3.1-13; 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, or record or for a period of time greater than 3 years as specified elsewhere in this permit. This period may be extended by request of the Commissioner at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. 329 IAC 3.1-13; 40 CFR 270.30(j)(2) and 40 CFR 264.74(b)

c. Records of monitoring information shall include:

i. The date(s), exact place, and times of sampling or measurements (329 IAC 3.1-13-1; 40 CFR 270.30(j)(3)(i));

ii. The individual(s) who performed the sampling or measurements (329 IAC 3.1-13-1; 40 CFR 270.30(j)(3)(ii));

iii. The date(s) analyses were performed (329 IAC 3.1-13-1; 40 CFR 270.30(j)(3)(iii));

iv. The individual(s) and laboratory who performed the analyses (329 IAC 3.1-13-1; 40 CFR 270.30(j)(3)(iv));

v. The analytical technique(s) or method(s) used. Analytical technique(s) or method(s) is defined as encompassing both the sampling technique (method) and method of chemical analysis used. This information must be provided in the Waste Analysis Plan (329 IAC 3.1-13-1; 40 CFR 270.30(j)(3)(v)); and

vi. The result(s) of such analyses, including QA/QC documentation (329 IAC 3.1-13-1; 40 CFR 270.30(j)(3)(vi)).

d. Monitoring results shall be reported to the Commissioner at the intervals specified elsewhere in this permit. 329 IAC 3.1-13; 40 CFR 270.30(l)(4)

10. Reporting Planned Changes The Permittee shall give notice to the Commissioner as soon as possible of any planned physical alterations or additions to the permitted facility. 329 IAC 3.1-13; 40 CFR 270.30(l)(1)

11. Certification of Construction or Modification The Permittee may not treat, store or dispose of hazardous waste in a modified portion of the facility except as provided in 40 CFR 270.42 until:

a. The Permittee has submitted to the Commissioner by certified mail or hand delivery a letter signed by the Permittee and a qualified professional engineer stating that the facility has been constructed or modified in compliance with the permit (329 IAC 3.1-13; 40 CFR 270.30(l)(2)(i)); and

The Commissioner has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit (329 IAC 3.1-13; 40 CFR 270.30(l)(2)(ii)(A)); or

Within 15 days of the date of submission of the letter described in I.D.11.a., the Permittee has not received notice from the Commissioner of his or her intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste (329 IAC 3.1-13; 40 CFR 270.30(l)(2)(ii)(B)).

12. Transfer of Permits This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to 329 IAC 3.1-13; 40 CFR 270.40(b) or 40 CFR 270.41(b)(2) to identify the new Permittee and incorporate such other requirements as may be necessary under IC 13. Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator, in writing, of the requirements of 329 IAC 3.1 and IC 13, including all applicable corrective action requirements. 329 IAC 3.1-13; 40 CFR 270.40

13. Reporting Anticipated Noncompliance The Permittee shall give advance notice to the Commissioner of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Such notification does not excuse the Permittee's duty to comply with permit requirements. 329 IAC 3.1-13; 40 CFR 270.30(l)(2)

14. Compliance Schedules Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. 329 IAC 3.1-13; 40 CFR 270.30(l)(5)

15. Twenty-four Hour Reporting The Permittee shall report to the Commissioner any noncompliance with the permit which may endanger health or the environment. Any such information must be reported orally to IDEM 24 hour emergency telephone number (888) 233-7745, within 24 hours from the time the Permittee becomes aware of the circumstances. This report must include the following:

    a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies.

    b. Information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the 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.

A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee need not comply with the 5 day written notice requirement if the Commissioner waives the requirement and the Permittee submits a written report within 15 days of the time the Permittee becomes aware of the circumstances. 329 IAC 3.1-13-1; 40 CFR 270.30(l)(6)

16. Other Noncompliance The Permittee shall report all instances of noncompliance not otherwise required to be reported under Condition I.D.15, at the time monitoring reports, as required by this permit, are submitted. The reports shall contain the information listed in Condition I.D.15. 329 IAC 3.1-13; 40 CFR 270.30(l)(10)

17. Other Information When the Permittee becomes aware that the facility failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Commissioner, the Permittee shall promptly submit such facts or information. 329 IAC 3.1-13; 40 CFR 270.30(l)(11)

18. Submittal of Reports or Other Information All reports or other information required to be submitted by the terms of this permit must be sent to:

    Indiana Department of Environmental Management
    Office of Land Quality
    Hazardous Waste Permit Section
    Attn: Chief Hazardous Waste Permit Section
    IGCN 1101
    100 N. Senate Avenue
    Indianapolis, IN 46204
    (800) 451-6027

19. All other requirements contained in 40 CFR 270.30 not set forth herein are hereby fully incorporated in this permit.

E. SIGNATORY REQUIREMENT All reports or other information requested by the Commissioner shall be signed and certified. 329 IAC 3.1-13; 40 CFR 270.11

F. CONFIDENTIAL INFORMATION The Permittee may claim confidential any information required to be submitted by this permit. Confidential claims must be submitted in accordance with 329 IAC 6.1. 329 IAC 3.1-13-4; 329 IAC 6.1; IC 13-14-11-1

G. WASTE MINIMIZATION The Permittee must certify at least annually that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that the Permittee generates to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment. The certifications must be recorded, as they become available, and maintained in the operating record. 40 CFR 264.73(b)(9)

H. DOCUMENTS TO BE MAINTAINED AT FACILITY SITE Except as noted in the regulations, until closure is completed and certified by the owner/operator and a qualified professional engineer, the Permittee must maintain at the facility the most recent version of the following documents required by this permit:

1. Waste Analysis Plan and any document(s) referenced therein to describe on-site procedures (329 IAC 3.1-9, 40 CFR 264.13);

2. Personnel Training documents and records (329 IAC 3.1-9, 40 CFR 264.16(d) and (e));

3. Contingency Plan (329 IAC 3.1-9, 40 CFR 264.53(a));

4. Closure Plan (329 IAC 3.1-9, 40 CFR 264.112(a)(2));

5. Cost estimate for facility closure (329 IAC 3.1-15-3);

6. Operating record (329 IAC 3.1-9, 40 CFR 264.73);

7. Inspection schedules (329 IAC 3.1-9, 40 CFR 264.15(b)(2));

8. Record of facility inspections kept for at least 3 years from the date of the inspection (329 IAC 3.1-9, 40 CFR 264.15(d));

9. Copies of all manifests for shipments of hazardous waste received at and originating from this facility, kept for at least 3 years (329 IAC 3.1-7, 329 IAC 3.1-9-2(6), 40 CFR 262.40, 40 CFR 264.71);

10. Notifications from generators subject to 40 CFR Part 268, Subtitle C, that specify treatment standards (40 CFR 264.73, 268.7);

11. Waste minimization certifications must be part of the operating record (40 CFR 264.73(b)(9));

12. Corrective Action reports and records as required by Permit Conditions VI of this permit, maintained for at least 3 years after all Corrective Action Activities have been completed;

13. Records regarding closed-vent systems and control devices, and equipment leaks, and/or tank, surface impoundments and containers as required by Permit Condition V of this permit;

II. GENERAL FACILITY CONDITIONS

A. DESIGN AND OPERATION OF FACILITY The Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

B. Required Notice

1. The Permittee must notify the Commissioner in writing at least 4 weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source. Notice of subsequent shipments of the same waste having the same EPA hazardous waste number from the same foreign source is not required. 329 IAC 3.1-9; 40 CFR 264.12(a)

2. When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), it must inform the generator in writing that it has the appropriate permits for, and will accept, the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record. (See Permit Condition II.K.1) 329 IAC 3.1-9; 40 CFR 264.12(b)

C. GENERAL WASTE ANALYSIS The Permittee must comply with the procedures described in the attached Waste Analysis Plan, Attachment C, which is incorporated herein by reference.

D. SECURITY The Permittee must comply with the security provisions described in the Procedures to Prevent Hazards, Attachment F, which is incorporated herein by reference. 329 IAC 3.1-9; 40 CFR 264.14(b) and (c)

E. GENERAL INSPECTION REQUIREMENTS The Permittee must follow the inspection schedule in the Procedures to Prevent Hazards, Attachment F. The Permittee must remedy any deterioration or malfunction discovered by an inspection. 329 IAC 3.1-9; 40 CFR 264.15(c)

F. PERSONNEL TRAINING The Permittee must conduct personnel training. This training program must follow the attached outline in the Personnel Training Plan, Attachment H, which is incorporated herein by reference.
329 IAC 3.1-9; 40 CFR 264.16

G. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE The Permittee must comply with the requirements of 329 IAC 3.1-9 and 40 CFR 264.17.

H. PREPAREDNESS AND PREVENTION

1. Required Equipment The Permittee must equip the facility with the equipment set forth in the attached Contingency Plan, Attachment G, which is incorporated herein by reference. 329 IAC 3.1-9; 40 CFR 264.32

2. Testing and Maintenance of Equipment The Permittee must test and maintain the equipment specified in Attachment G (see the previous permit condition) as necessary to assure its proper operation in time of emergency. Such testing and maintenance activities are set forth in the inspection schedule in Attachment F. 329 IAC 3.1-9; 40 CFR 264.33

3. Access to Communications or Alarm System The Permittee must maintain access to the communications or alarm systems. 329 IAC 3.1-9; 40 CFR 264.34

4. Required Aisle Space The Permittee must maintain sufficient aisle space. 329 IAC 3.1-9; 40 CFR 264.35

5. Arrangements with Local Authorities The Permittee must attempt to make arrangements with State and local authorities. If State or local officials refuse to enter into preparedness and prevention arrangements, the Permittee must document this refusal in the operating record. 329 IAC 3.1-9; 40 CFR 264.37

I. CONTINGENCY PLAN

1. Implementation of Plan. The Permittee must immediately comply with the provisions of the Contingency Plan, Attachment G, and follow the emergency procedures described by 329 IAC 3.1-9-2(3) and (4) and 40 CFR 264.56 whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which threatens or could threaten human health or the environment.

2. Copies of Plan The Permittee must maintain a copy of the Contingency Plan at the facility and submit a copy to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services. 329 IAC 3.1-9; 40 CFR 264.53

3. Amendments to Plan The Permittee must review and immediately amend, if necessary, the Contingency Plan, when required by 329 IAC 3.1-9 and 40 CFR 264.54.

4. Emergency-Coordinator The Permittee must comply with the requirements of 329 IAC 3.1-9 and 40 CFR 264.55, concerning the Emergency Coordinator.

J. MANIFEST SYSTEM The Permittee must comply with the manifest requirements. 329 IAC 3.1-9; 40 CFR 264.71, 264.72, 264.76

K. RECORD KEEPING AND REPORTING In addition to the record keeping and reporting requirements specified elsewhere in this Permit, the Permittee must comply with the following record keeping and reporting requirements:

1. Operating Record Maintain a written operating record at the facility. 329 IAC 3.1-9; 40 CFR 264.73

2. Sampling and Analysis Records Keep original or exact copies of all sampling and analysis records available for inspection. 329 IAC 3.1-9; 40 CFR 264.74

3. Biennial Report Comply with the biennial report requirements. 329 IAC 3.1-9; 40 CFR 264.75

L. CLOSURE

1. Performance Standard The Permittee must close the facility as required by 329 IAC 3.1-9, 40 CFR 264.111 and the Closure Plan, Attachment I, which is incorporated herein by reference.

2. Amendment to Closure Plan The Permittee must amend the Closure Plan whenever necessary, and whenever requested by the Commissioner. 329 IAC 3.1-9; 40 CFR 264.112(c)

3. Notification of Closure The Permittee must notify the Commissioner in writing at least 45 days prior to the date on which he expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. 329 IAC 3.1-9; 40 CFR 264.112(d)

4. Time Allowed for Closure After receiving the final volume of hazardous waste, the Permittee must treat or remove from the site all hazardous waste in accordance with the schedule specified in the Closure Plan, Attachment I. After receiving the final volume of hazardous waste, the Permittee must complete closure activities in accordance with the schedule specified in the Closure Plan. 329 IAC 3.1-9; 40 CFR 264.113

5. Disposal and/or Decontamination of Equipment When closure is completed, the Permittee must properly decontaminate and/or dispose of all facility equipment contaminated with hazardous waste as required by the Closure Plan. 329 IAC 3.1-9, 40 CFR 264.114

6. Certification of Closure When closure is completed, the Permittee and a qualified professional engineer must certify to the Commissioner that the facility has been closed in accordance with the specifications in the Closure Plan. 329 IAC 3.1-9; 40 CFR 264.115

   For a partial closure, the Permittee shall submit a permit modification no later than 45 days after certification approval that removes the unit from service, replaces the unit, proposes new unit to be permitted, or requests to the Commissioner that a time extension to submit the permit modification be granted for good cause.

M. COST ESTIMATE FOR FACILITY CLOSURE The Permittee's closure cost estimate, prepared in accordance with 329 IAC 3.1-15-3, is specified in the Closure Plan. The Permittee must comply with the following:

1. Adjust the closure cost estimate for inflation within 60 days prior to each anniversary date of the establishment of the financial instrument. 329 IAC 3.1-15-3(b)

2. When using the financial test or corporate guarantee, adjust the closure cost estimate for inflation within 30 days after the close of the Permittee's fiscal year and before the submission of updated information to the Commissioner. 329 IAC 3.1-15-3(b)

3. Revise the closure cost estimate whenever there is a change in the facility's closure plan. The cost estimate must also be revised within 30 days after a change that would increase the costs associated with management of hazardous secondary materials. 329 IAC 3.1-15-3(c); 329 IAC 3.1-6-1

4. Keep at the facility the latest closure cost estimate. The estimate must also include the cost of disposing of any hazardous secondary material as

hazardous waste, and the potential cost of decontaminating the unit utilized to manage the hazardous secondary material. 329 IAC 3.1-15-3(d); 329 IAC 3.1-6-1

N. FINANCIAL ASSURANCE FOR FACILITY CLOSURE The Permittee must maintain financial assurance in at least the amount of the cost estimates required by Permit Condition II.M, and provide documentation as required. Changes in financial assurance mechanisms must be approved by the Commissioner. 329 IAC 3.1-15-4

O. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS The Permittee must comply with 329 IAC 3.1-15-9 whenever necessary.

P. LIABILITY REQUIREMENTS The Permittee must maintain liability coverage for sudden accidental occurrences in the amount of at least $1 million per occurrence with an annual aggregate of at least $2 million, exclusive of legal defense costs. 329 IAC 3.1-15-8

Q. LAND DISPOSAL RESTRICTIONS

1. The Permittee shall comply with all the applicable self-implementing requirements of 40 CFR Part 268 and all applicable land disposal requirements which become effective by federal statute.

2. The Permittee shall comply with the dilution prohibition requirements described in 40 CFR 268.3.

3. The Permittee shall comply with all testing, tracking, and recordkeeping requirements for treatment facilities described in 40 CFR 268.7.

4. The Permittee shall comply with all the applicable prohibitions on storage of restricted wastes specified in 40 CFR 268 Subpart E.

5. If the Permittee applies to the Administrator of the EPA for an exemption from land disposal restrictions described in 329 IAC 3.1-12-2, the Permittee must submit copies of such request and all supporting documents to the IDEM Commissioner. If the Permittee obtains an exemption from the administrator of the EPA, the Permittee must apply to the Commissioner for concurrence that such an exemption is consistent with the policies outlined in IC 13.

R. HAZARDOUS SECONDARY MATERIALS For hazardous secondary materials received and managed under the 40 CFR 261.4(a)(24) exclusion, the Permittee shall comply with the requirements of 40 CFR 261.4(a)(24)(vi), and comply with 40 CFR 261.4(a)(24)(vi)(D-G) by management of the waste under the same Permit Standards for hazardous waste detailed in this permit.

S. EQUIPMENT OR SECONDARY CONTAINMENT MATERIAL PERFORMANCE STANDARD An equipment or secondary containment material performance standard is a measurable standard which meets or exceeds the applicable regulatory requirements, and which has been developed by recognizing, identifying and addressing the critical application and purpose of the subject equipment or secondary containment material in a manner acceptable to the Commissioner. Through the application of these considerations, the permittee has established language in Attachment D of this Permit for equipment-specific and secondary containment material-specific standards for the purpose of allowing greater flexibility and speed in the course of replacing equipment or secondary containment materials.

A performance standard is, in every aspect, equivalent to a prescriptive requirement. It is a standard for which "functional equivalence" has been carefully considered, established and specified in the permit to accommodate future needs. For this reason, implementation of this provision requires no further permit requirements or actions other than a notation in the operating records of the facility and a letter of notification to IDEM, OLQ, Permits Branch, specifying the action taken and the equipment or secondary containment material that was selected for this purpose. The letter of notification must be submitted to IDEM, OLQ, Permits Branch, no later than fifteen (15) days after the new equipment or secondary containment material meeting the identified performance standard is brought into operation, applied or installed. However, if the use of equipment or a secondary containment material meeting the performance standard will result in additional changes to the permit (e.g., inspection requirements, etc.), then Tradebe shall submit the appropriate permit modification request prior to replacing the equipment or secondary containment materials.

III. CONTAINER STORAGE CONDITIONS

A. WASTE IDENTIFICATION

1. The Permittee may store and/or treat a total volume of 756,250 gallons of wastes (including 346,060 gallons of liquid wastes plus additional liquids as per the compliance schedule) identified in Attachment C in containers at the facility, subject to the terms of this permit.

2. The Permittee is prohibited from storing hazardous waste that is not identified in Attachment C, except as otherwise authorized by the U.S. EPA.

B. UNIT LOCATION The container handling and storage facility is located as shown in the site plan in Attachment B.

C. CONDITION OF CONTAINERS If a container holding hazardous waste is not in good condition (e.g., appreciable rusting, apparent structural defects) or if it begins to leak, the Permittee must 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. 329 IAC 3.1-9; 40 CFR 264.171

D. COMPATIBILITY OF WASTE WITH CONTAINERS The Permittee must assure that the ability of the container to contain the waste is not impaired. 329 IAC 3.1-9; 40 CFR 264.172

E. MANAGEMENT OF CONTAINERS

1. The Permittee must manage containers as follows:

a. A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. 329 IAC 3.1-9; 40 CFR 264.173(a)

b. A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak. 329 IAC 3.1-9 and 40 CFR 264.173(b)

c. Containers of 30 gallons or more must be stored so that they can be inspected for leaks and for deterioration caused by corrosion or other factors, without having to move the containers during the

inspection and must have adequate aisle space between rows (approximately 2 ½ feet) to facilitate inspection.

2. (a) Containerized hazardous waste or hazardous secondary materials either being transferred from one permitted unit to another (such as from container storage to tank storage) or being removed from one permitted unit followed by replacement back into that same unit shall remain outside of permitted units only for the minimum time necessary to either transfer the containers to a different storage unit or to remove the containers, perform the activities that required the staging to occur, and return the containers to a permitted storage unit. In no instance shall this time period exceed 12 hours. The containers will be managed in accordance with applicable conditions in Attachment D. Documentation of container movement from a permitted storage area to a staging area followed by placement into a permitted storage area will include the identification of the container, the date of movement, the time the first container was removed from permitted storage, the location of the staging area, and the time the first container was removed from the staging area and placed into permitted storage. This documentation shall be maintained for 30 days.

(b) The Permittee shall ensure that transport vehicles loaded with non-processed hazardous waste for shipment off-site leave the facility (or contiguous property controlled by the Permittee) within 72 hours of the time the hazardous waste is first moved out of permitted storage areas for loading onto the transport vehicle. If the shipment is cancelled, the waste must be placed back into permitted storage within the original 72 hour period.

The Permittee will document the time the first container is placed into an outbound trailer. The document identifying the time will be attached to a copy of the outbound manifest and placed inside the loaded trailer.

(c) The Permittee shall not have more than 756,250 gallons (including 346,060 gallons of liquid wastes plus additional liquids as per the compliance schedule) of containerized hazardous waste and hazardous secondary materials (excluding Tradebe-generated hazardous waste subject to the 90-day generator storage requirements) at the facility at any one time. The maximum capacity of each container storage area is listed in Table D-1, Attachment D. All containers of hazardous waste and hazardous secondary

materials at the facility shall be counted towards the permitted capacity, excluding Tradebe's generated waste, exempt scrap metal, and other exempt wastes.

(d) Incoming hazardous secondary materials must be placed in permitted units within 3 operating days after entering the facility boundary (or contiguous property controlled by the permittee). Incoming hazardous waste from an off-site generator shall be placed in permitted units within 72 hours, not including non-operating days, of entering the facility boundary (or contiguous property controlled by the permittee) unless the permittee rejects all or part of an incoming shipment. In the case of rejected loads the permittee shall have an additional 60 days to ship the waste off-site to an alternate TSDF or to the generator, in accordance with the requirements of 40 CFR 264.72. During this timeframe the Permittee must ensure that the rejected load is maintained in a secure location and clearly labeled. An operating day is any 24 hour period during which at least a partial shift is worked by employees who process, treat, or place into storage hazardous waste at the facility.

All incoming dropped loaded trailers will be logged in by a member of the Permittee's Receiving Team or other designated individual; the log will be located in the Receiving Team's office. Information to the "Incoming Trailer Log" must be filled out immediately (within the hour) upon the truck entering the facility boundary (or contiguous property controlled by the Permittee). Included on the log will be the following information: Time and Date the trailer entered the Permittee's property; Trailer Number; Confirmation and initials of the person logging the trailer. The old logs will be kept for 30 days in the receiving office.

The requirement that incoming hazardous waste be placed in permitted units within 72 hours, not including non-operating days, of entering the facility boundary (or contiguous property controlled by the permittee) does not apply to Tradebe-generated waste (i.e., processed waste) that has been rejected by the designated facility. Rail cars containing Tradebe-generated waste that have been rejected by the designated facility are managed according to the applicable language contained in Attachment B. Other containers containing Tradebe-generated waste that have been rejected by the designated facility shall be managed pursuant to the generator requirements.

F. CONTAINMENT The Permittee must construct, operate, and maintain the containment system as specified in Process Information, Attachment D, which is incorporated herein by reference. 329 IAC 3.1-9; 40 CFR 264.175

G. INSPECTION The Permittee must inspect the container storage areas, at least weekly, to detect leaking containers and deterioration of containers and the containment system caused by corrosion or other factors. 329 IAC 3.1-9; 40 CFR 264.174

H. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE The Permittee shall not locate containers holding ignitable or reactive waste within 15 meters (50 feet) of the facility's property line, as required by 329 IAC 3.1-9 and 40 CFR 264.176. The railcars will not be required to be stored at least 50 feet from the facility's property line, as long as the land use of the property adjacent to the railcars does not change. Additionally, ignitable solids in containers may be stored within the 50-foot setback as specified in Condition VII.G and Attachment B.

I. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTE

1. Prior to placing incompatible waste or incompatible waste and materials in the same container, the Permittee must comply with 329 IAC 3.1-9 and 40 CFR 264.17(b) as specified in the Process Information, Attachment D. 329 IAC 3.1-9; 40 CFR 264.177(a)

2. The Permittee must not place hazardous waste in an unwashed container that previously held an incompatible waste or materials. 329 IAC 3.1-9; 40 CFR 264.177(b)

3. The Permittee must separate containers of incompatible wastes as indicated in the Process Information, Attachment D. 329 IAC 3.1-9; 40 CFR 264.177(c).

4. The Permittee must document compliance with Permit Condition III.I.3. and place this documentation in the operating record (Permit Condition II.K.1.). 329 IAC 3.1-9; 40 CFR 264.17(c)

J. CLOSURE REQUIREMENTS

1. At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed in

accordance with the Closure Plan, Attachment I.
329 IAC 3.1-9; 40 CFR 264.178

2. At closure, as throughout the operating period, unless the Permittee can demonstrate in accordance with 329 IAC 3.1-6 and 40 CFR 261.3(d) that the solid waste removed from the containment system is not a hazardous waste, the Permittee becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 329 IAC 3.1 and 40 CFR 262 through 266. 329 IAC 3.1-9; 40 CFR 264.178

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IV. TANK STORAGE CONDITIONS

A. WASTE IDENTIFICATION

1. The Permittee may store and/or treat a total volume of 201,007 gallons of wastes identified in Attachment C in tanks, subject to the terms of this permit:

2. The Permittee is prohibited from storing hazardous waste that is not identified in Permit Condition IV.A.1, except as otherwise authorized by the U.S. EPA.

B. LOCATION OF TANKS The tanks are located as shown in the site plan in Attachment B.

C. DESIGN OF TANKS The Permittee must construct, operate, and maintain all tanks as specified in the Tank Storage Plan, Attachment D, which is incorporated herein by reference. 329 IAC 3.1-9; 40 CFR 264.191 and 264.192

D. GENERAL OPERATING REQUIREMENTS

1. The Permittee must not place hazardous wastes in the tank system if they could cause the tank, its ancillary equipment, or a containment system to rupture, leak, corrode, or otherwise fail. 329 IAC 3.1-9; 40 CFR 264.194(a)

   Hazardous waste or treatment reagents must not be placed in a tank system if they could cause the tank system to rupture, leak, corrode, or otherwise fail within the projected life expectancy of the tank, to which the hazardous waste or treatment reagent is regularly and routinely exposed. The projected life expectancy is the time period in which the tank shell thickness is reduced to a point where it no longer meets industrial standards. The Permittee must be able to document and demonstrate, upon inspection by Agency representatives, compliance with the following:

   Demonstrate compliance with 40 CFR 264.194(a) for tanks by maintaining minimum design shell and bottom plate thicknesses or other tank structural integrity maintenance mechanism based on accepted industrial tank standards such as American Petroleum Institute (API), American Society of Mechanical Engineers (ASME) and Underwriters Laboratory (UL). Compliance may be demonstrated by any of the following methods:

   a. Routine and systematic tank wall thickness testing utilizing industrial standards and methodology conducted at a time interval of no more than 5 years between each testing.

b. Valid corrosivity testing data confirming that the waste or reagents in the tank will not cause failure within the projected life, based on the projected maximum corrosion rate.

c. Any other method which is determined to be essentially equivalent to either of the above methods and is an accepted industrial practice.

Tanks that fail any of the above test methods must be immediately removed from service and replaced, repaired or serviced.

2. The total normal venting capacity must be at least the sum of the venting requirements for solvent movement and thermal effect. The total inbreathing (vacuum) venting capacity and the total outbreathing (pressure) venting capacity must be the following as specified in the table below in cubic feet of free air per hour (CFH). The actual capacity of the vent must be determined by Section 1.5 of the API Standard 2000.

Tank	Inbreathing venting capacity (SCFH)	Outbreathing venting capacity (SCFH)
1R	301	319
4	298	316
5D-1	63	71
5R-1	23	41
6	960	979
7	80	98
18	460	479
19	460	479
20	444	463
21	460	479
22	460	479
23	460	479
29	496	514
HP24	88	107
52	287	306
53	287	306
54	287	306

3. The maximum input and output of the tank system must not exceed 120 gallons per minute.

4. The information contained in Permit Condition IV.D.2 and 3 is solely to determine venting capacity for tank design. The Permittee is not required to monitor for nor demonstrate compliance with the information in Permit Condition IV.D.2 and 3. Furthermore, Permit Condition IV.D.2 and 3 are not enforceable except for calculating the venting capacity for tank design.

5. The Permittee must prevent spills and overflows from the tank or containment systems using the methods described in Procedures to Prevent Hazards, Attachment F. 329 IAC 3.1-9; 40 CFR 264.194(b)

E. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES

1. The Permittee must not place ignitable or reactive waste in a tank system or in the secondary containment system, unless the procedures described in Attachment D are followed. 329 IAC 3.1-9; 40 CFR 264.198(a)

2. The Permittee shall document compliance with Permit Condition IV.E.1. as required by 329 IAC 3.1-9 and 40 CFR 264.17(c) and place this documentation in the operating record (Permit Condition II.K.1.).

3. The Permittee must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection Association's Flammable and Combustible Liquids Code. 329 IAC 3.1-9; 40 CFR 264.198(b)

F. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES

1. The Permittee must not place incompatible wastes in the same tank system or place hazardous waste in a tank system that previously held an incompatible waste or material unless the procedures specified in Attachment D are followed. 329 IAC 3.1-9; 40 CFR 264.199(b)

2. The Permittee must document compliance with Permit Condition IV.F.1. and place this documentation in the operating record (Permit Condition II.K.1.). 329 IAC 3.1-9; 40 CFR 264.17(c)

G. CONTAINMENT AND DETECTION OF RELEASES

1. In order to prevent the release of hazardous waste or hazardous constituents to the environment, the Permittee must provide secondary containment as specified in the Tank Storage Plan, Attachment D, which is incorporated herein by reference. 329 IAC 3.1-9; 40 CFR 264.193

2. In the event of a leak or a spill from the tank system, from a secondary containment system, or if a system becomes unfit for continued use, the Permittee must remove the system from service immediately and complete the following actions (329 IAC 3.1-9; 40 CFR 264.196):

   a. Stop the flow of hazardous waste into the system and inspect the system to determine the cause of the release.

   b. Remove waste from the system within 24 hours of the detection of the leak to prevent further release and to allow inspection and repair of the system. If the Permittee finds that it will be impossible to meet this time period, notify the Commissioner and demonstrate that a longer time period is required.

      If the collected material is a hazardous waste, it must be managed in accordance with all applicable requirements. The Permittee must note that if the collected material is discharged through a point source to U.S. waters or to a POTW, it is subject to requirements of the Clean Water Act. If the collected material is released to the environment, it may be subject to reporting under 40 CFR Part 302.

   c. Contain visible releases to the environment. The Permittee must immediately conduct a visual inspection of all releases to the environment and based on that inspection: (1) prevent further migration of the leak or spill to soils or surface water and (2) remove and properly dispose of any visible contamination of the soil or surface water.

   d. Close the system in accordance with the Closure Plan, Permit Attachment I, unless the following actions are taken:

      i. For a release caused by a spill that has not damaged the integrity of the system, the Permittee must remove the released waste and make any necessary repairs to fully restore integrity of the system before returning the tank system to service.

ii. For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee must repair the primary system prior to returning it to service.

e. For all major repairs to eliminate leaks or restore the integrity of the tank system, the Permittee must obtain a certification by an independent, qualified, registered professional engineer that the repaired system is capable of handling hazardous wastes without release for the intended life of the system before returning the system to service. Examples of major repairs are: installation of an internal liner, repair of a ruptured tank, or repair or replacement of a secondary containment vault.

H. INSPECTION SCHEDULES AND PROCEDURES

1. The Permittee must inspect the tank system, in accordance with Permit Attachment F.

2. The Permittee must inspect the overfill controls, in accordance with the schedule in Permit Attachment F. 329 IAC 3.1-9; 40 CFR 264.195(a)

3. The Permittee must inspect the following components of the tank system once each operating day (329 IAC 3.1-9; 40 CFR 264.195(b)):

   a. Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;

   b. Data gathered from monitoring equipment (e.g., pressure or temperature gauges) to ensure that the tank system is being operated according to its design; and

   c. Construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste (e.g., wet spots).

4. The Permittee must document compliance with the above inspection requirements and place this documentation in the operating record for the facility. 329 IAC 3.1-9; 40 CFR 264.195(d)

I. RECORD KEEPING AND REPORTING

1. The Permittee must report to the Commissioner, within 24 hours of detection, when a leak or spill occurs from the tank system or secondary containment system to the environment. A leak or spill of one pound or less of hazardous waste immediately contained and cleaned-up need not be reported. If the Permittee has reported the release pursuant to 40 CFR Part 302, this report satisfies the requirements of this Permit Condition. 329 IAC 3.1-9; 40 CFR 264.196(d)

2. Within 30 days of detecting a release to the environment from the tank system or secondary containment system, the Permittee must report the following information to the Commissioner (329 IAC 3.1-9; 40 CFR 264.196(d)(3)):

   a. Likely route of migration of the release;

   b. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);

   c. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, provide the Commissioner with a schedule of when the results will be available before the required 30 day reporting period expires;

   d. Proximity of downgradient drinking water, surface water, and populated areas; and

   e. Description of response actions taken or planned.

3. The Permittee must submit to the Commissioner all certifications of major repairs within 7 days after returning the tank system to use. 329 IAC 3.1-9; 40 CFR 264.196(f)

J. CLOSURE REQUIREMENTS

1. At closure of a tank system, the Permittee must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, structures, and equipment contaminated with waste, and manage them as hazardous waste, unless the Permittee can demonstrate in accordance with 329 IAC 3.1-6 and 40 CFR 261.3(d) that

the solid waste is not a hazardous waste. The procedures in the Closure Plan, Attachment I must be followed. 329 IAC 3.1-9; 40 CFR 264.197(a)

2. At closure or replacement of a tank or tanks within the tank system, the Permittee must remove or decontaminate all waste residues and contaminated containment system components (liners, etc.), and manage them as hazardous waste, unless the Permittee can demonstrate in accordance with 329 IAC 3.1-6 and 40 CFR 261.3(d) that the solid waste is not a hazardous waste. The procedures in the Closure Plan, Attachment I must be followed.

3. If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated as required by Permit Condition IV.J.1, then the Permittee must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (329 IAC 3.1-9, 40 CFR 264.310). In addition, for the purposes of closure, post-closure and financial responsibility, such a tank system is then considered to be a landfill and the Permittee must meet all of the requirements for landfills specified in 329 IAC 3.1-9, 329 IAC 3.1-15 and 40 CFR 264 Subpart G. 329 IAC 3.1-9; 40 CFR 264.197(b)

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V. AIR EMISSION STANDARD CONDITIONS

A. PROCESS VENTS

The Permittee must comply with all applicable requirements of 40 CFR Part 264, Subpart AA, regarding air emission standards for process vents as set forth in the attached Process Description, Attachment D, Appendix D-15.

B. EQUIPMENT LEAKS

The Permittee must comply with all applicable requirements of 40 CFR Part 264, Subpart BB, regarding air emission standards for equipment as set forth in the attached Process Description, Attachment D, Appendix D-15.

C. TANKS, SURFACE IMPOUNDMENTS AND CONTAINERS

The Permittee must comply with all applicable requirements of 40 CFR Part 264, Subpart CC, regarding air emission standards for (tanks, surface impoundments and/or containers). FOR TANKS: Air pollutant emissions from tanks shall be controlled in accordance with Tank Level 2 controls as set forth in the Process Description, Attachment D, Appendix D-15. 40 CFR 264.1084

FOR CONTAINERS: Air pollutant emissions from containers shall be controlled in accordance with Container Levels 1 and 2 standards as set forth in the Process Description, Attachment D, Appendix D-15. 40 CFR 264.1086

D. RECORDKEEPING

The Permittee must comply with all applicable recordkeeping and reporting requirements described in 40 CFR Subparts AA (40 CFR 264.1035, 264.1036), BB (40 CFR 264.1064, 264.1065) and CC (40 CFR 264.1089, 264.1090).

E. DUTY TO COMPLY WITH FUTURE REQUIREMENTS

The Permittee must comply with all self-implementing provisions of any future air regulations promulgated by RCRA, as amended by HSWA.

VI. CORRECTIVE ACTION CONDITIONS

A. STANDARD REQUIREMENTS

1. Corrective Action At The Facility

In accordance with Section 3004(u) of RCRA (IC13-22-2-5) and the regulations promulgated pursuant thereto, the Permittee must institute Corrective Action as necessary to protect human health and the environment for all releases of hazardous waste(s) and hazardous constituent(s) from any solid waste management unit (SWMU) or area of concern (AOC) at the facility, regardless of the time the waste was placed in such units.

The Permittee may use the principles and procedures set forth in IDEM's 2012 Remediation Closure Guide, and all revisions and additions thereto, or other risk-based methodologies approved by IDEM's Office of Land Quality Permits Branch, as the basis for selecting risk-based endpoints that will be used for the investigations, studies, interim measures, and corrective measures under the permit. The Permittee must perform all such work in a manner consistent with, at a minimum, the Remediation Closure Guide.

2. Corrective Action Beyond The Facility Boundary

In accordance with Section 3004(v) of RCRA (IC 13-22-2-5) and the regulations promulgated pursuant thereto, the Permittee must implement Corrective Action(s) beyond the facility property boundary, where necessary to protect human health and the environment, unless the Permittee demonstrates to IDEM's satisfaction that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be addressed under the RCRA Facility Investigation, Corrective Measures Study, and Corrective Measures Implementation phases, as determined to be necessary on a case-by-case basis.

3. Notification

a. Field Activities

The Permittee must notify IDEM at least 7 days before engaging in any field activities, such as well drilling, installation of equipment, or sampling. At IDEM's request, the Permittee must provide IDEM or its authorized

representative split samples of all samples collected by the Permittee pursuant to this permit. Similarly, at the Permittee's request, IDEM will allow the Permittee or its authorized representatives to take split or duplicate samples of all samples collected by IDEM under this permit.

b. Submittals

One hard copy and one PDF copy on CD of all reports, plans, and other submissions relating to or required by this permit must be sent to:

Indiana Department of Environmental Management
Office of Land Quality
Hazardous Waste Permit Section
IGCN 1101
100 N. Senate Avenue
Indianapolis, IN 46204

B. IDENTIFICATION OF SWMUs

1. Definitions

a. "Area of Concern (AOC)" means a unit or area, existing or historical, that could potentially produce unacceptable exposures or be a potential source of ground water contamination, but the unit or area does not meet the definition of a solid waste management unit.

b. "Facility" means all contiguous property under the control of the owner/operator of a facility seeking a permit under RCRA Subtitle C.

c. "Hazardous waste," as defined in IC 13-11-2-99, means a solid waste or combination of solid wastes that may cause or significantly contribute to an increase in: mortality, serious irreversible illness, or an incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment. This term is further defined in 40 CFR Part 261.3.

d. "Hazardous constituent" means any constituent identified in Appendix VIII of 40 CFR Part 261, or any constituent identified in Appendix IX of 40 CFR Part 264.

e. "Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes or hazardous constituents into the

environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents.

f. "Solid waste" means any garbage, refuse, sludge, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. This term is further defined in 40 CFR Part 261.2.

g. "Solid Waste Management Unit (SWMU)" means any discernable unit, permitted or unpermitted, existing or historical, at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

2. SWMUs and AOCs Requiring Corrective Action

Based on the information contained in the administrative record, corrective action is not currently required at any SWMUs and AOCs. A map showing the location of all known SWMUs and AOCs and a complete list of all SWMUs and AOCs is given in Attachment J.

C. NEWLY IDENTIFIED SWMUs OR RELEASES

1. Notification Requirements

The Permittee must notify IDEM, within 30 days of discovery, of the following information for any new SWMU identified at the facility, in accordance with 329 IAC 3.1-13-1 and 40 CFR 270.14(d):

a. the location of the unit on the site topographic map;

b. designation of the type of unit;

c. general dimensions and structural description (supply any available drawings);

d. when the unit was operated; and

e. specifications of all waste(s) that have been managed at the unit.

2. Release Information

The Permittee must submit to IDEM, within 30 days of discovery, all available information pertaining to any release of hazardous waste(s) and hazardous constituent(s) from any new or existing SWMU.

3. Corrective Action

IDEM will review the information provided as required in the above permit conditions, and may as necessary, require further investigations or corrective measures. The Permittee must submit a written RFI Work Plan to the Section Chief of the Hazardous Waste Permit Section in accordance with Condition VI.D.2.

D. CORRECTIVE ACTION ACTIVITIES

The major tasks and required submittal dates are shown below. Additional tasks and associated submittal dates may also be specified in the Corrective Action Activities Schedule (Condition VI.F.).

1. Interim Measures (IM)

a. The Permittee may undertake interim measure activities to prevent or minimize the further spread of contamination while long-term remedies are pursued. An IM Work Plan must be submitted to IDEM for approval before the Permittee initiates any remedial activity. The interim measure(s) must be capable of being integrated into any long-term solution at the facility.

b. In the event the Permittee identifies an immediate threat to human health or the environment, the Permittee must immediately notify the Section Chief, as listed in Permit Condition I.D.18, orally and in writing within 7 days summarizing the immediacy and magnitude of the potential threat to human health or the environment.

Upon receiving this information, IDEM will determine if an IM Work Plan is necessary. If one is necessary, the Section Chief will send a notice to the Permittee requiring the submission of an IM Work Plan. Within 21 days after receiving this notice, the Permittee must submit to the Section Chief a work plan for approval that identifies the interim measure(s).

The work plan should be consistent with and integrated into any long-term solution at the facility. In addition, the following Interim Measure schedule must be initiated:

i. Within 5 days of identifying an immediate threat to human health or the environment, the Permittee must provide an alternate water supply to parties that have a contaminated water supply well;

ii. Within 7 days of identifying an immediate threat to human health or the environment, the Permittee must submit a report to the Section Chief detailing the activity pursued and a plan for further Interim Measures activity;

iii. Within 7 days following the Section Chief's transmission of comments, the Permittee must revise the plan in accordance with the comments; and

iv. Within 7 days following IDEM's approval or modification of the plan, the Permittee must implement the revised plan in accordance with the schedule therein.

2. RCRA Facility Investigation (RFI)

The Permittee must conduct an RFI to thoroughly evaluate the nature and extent of the release of hazardous waste(s) and hazardous constituent(s) from all SWMUs and AOCs identified as requiring an RFI.

a. RFI Work Plan

The Permittee must submit a written RFI Work Plan to the Section Chief within 90 days after written notification by the Section Chief that further investigation is necessary.

IDEM will approve, modify and approve, or disapprove and provide comments on the work plan in writing to the Permittee. Within 60 days of receipt of such comments, the Permittee must provide a response to IDEM's comments.

b. RFI Implementation

Within 30 days of IDEM's written approval of the RFI Work Plan, the Permittee must implement the plan according to the terms and schedule contained therein.

c. RFI Report

Within 90 days after the completion of the RFI, the Permittee must submit an RFI Report to the Section Chief. The RFI Report must describe the procedures, methods, and results of the RFI. The report must contain adequate information to support further corrective action decisions at the facility. After the Permittee submits the RFI Report, IDEM will either approve or disapprove the report in writing. If IDEM disapproves the report, the Section Chief will notify the Permittee in writing of the deficiencies. The Permittee has 60 days after receipt of IDEM's comments to submit a revised RFI Report to the Section Chief.

3. Determination of No Further Action

a. Permit Modification

After completion of the RFI, and based on its results and other relevant information, the Permittee may submit an application to the Section Chief for a permit modification under 40 CFR 270.42 to terminate the corrective action tasks of the Corrective Action Activities Schedule for all or a portion of the facility. Tasks identified in Permit Condition VI.F. for the SWMUs, solid waste management areas (a group of SWMUs in an area to be addressed as a single unit), and/or the AOCs identified in the modification (for a determination of no further action) will be stayed pending a decision by IDEM. This permit modification must demonstrate that there are no releases of hazardous waste(s), including hazardous constituents, from SWMUs or AOCs that are the subject of the modification at the facility that pose a threat to human health or the environment.

If, based upon review of the Permittee's request for a permit modification, the results of the completed RFI, and other information, IDEM determines that releases or suspected releases that were investigated either are nonexistent or do not pose a threat to human

health or the environment, IDEM will grant the requested modification.

b. Further Investigations

A determination of no further action will not preclude IDEM from requiring further investigations, studies, or remediation at a later date, if new information (including different risk assumptions) or subsequent analysis indicates that a release or likelihood of a release from a SWMU or AOC at the facility is likely to pose a threat to human health or the environment. In such a case, IDEM will initiate a modification to the Corrective Action Activities Schedule to rescind the determination made in accordance with the above permit condition. Additionally, IDEM may determine that there is insufficient information on which to base a determination, and may require the Permittee to perform additional investigations as needed to generate the needed information.

4. Corrective Measures Study (CMS) and Remedy Selection

If IDEM determines, based on the results of the RFI and other relevant information, that corrective measures are necessary, the Section Chief will notify the Permittee in writing that the Permittee must conduct a CMS. The purpose of the CMS is to develop and evaluate the corrective action alternative(s) that will satisfy the performance objectives specified by IDEM. The CMS must be conducted within 60 days of notification by the Section Chief that the CMS is required. This period of time may be extended by the Section Chief if necessary to adequately complete the CMS. Note that this process can be significantly shortened by the selection of presumptive remedies (i.e., remedies that are known to be effective). Additional tasks and associated submittal dates may also be specified in the Corrective Action Activities Schedule (Condition VI.F.).

a. CMS Report

Within 60 days after the completion of the CMS, the Permittee must submit a CMS Report to the Section Chief. The CMS Report must summarize the results of the investigations for each remedy studied and must include an evaluation of each remedial alternative. After the Permittee submits the CMS Report, IDEM will either approve, modify and approve, or disapprove the Report. If IDEM disapproves the report, the Section Chief will notify the Permittee in writing of the deficiencies. The Permittee has 60 days after receipt of IDEM's

comments to submit a revised CMS Report to the Section Chief. The CMS Report, as approved, becomes an enforceable condition of this permit.

b. CMS Remedy Selection

IDEM will approve a corrective measure for implementation based on the following factors. The corrective measure selected for implementation must: (1) be protective of human health and the environment; (2) attain media cleanup standards; (3) control the source(s) of releases so as to reduce or eliminate further releases of hazardous waste(s) (including hazardous constituent(s)); (4) minimize the transfer of contamination from one environmental medium to another; and (5) comply with all applicable standards for management of wastes.

If two or more of the corrective measures studied meet the threshold criteria set out above, IDEM will choose among alternatives for implementation by considering remedy selection factors including: (1) long-term reliability and effectiveness; (2) the degree to which the corrective measure will reduce the toxicity, mobility or volume; (3) the corrective measure's short-term effectiveness; (4) the corrective measure's implementability; and (5) the relative cost associated with the alternative. In selecting the corrective measure(s), IDEM may also consider such other factors as may be presented by site-specific conditions.

5. Permit Modification

Within 30 days of IDEM's approval of a corrective measure, the Permittee will initiate a permit modification, pursuant to 40 CFR 270.41 or 40 CFR 270.42, respectively, for the implementation of the corrective measure(s) selected. No permit modification fees are required for any modifications submitted under this condition.

6. Corrective Measures Implementation (CMI)

a. If the corrective measure(s) recommended in the Corrective Measures Study Report is (are) not the corrective measure(s) approved by IDEM after consideration of public comments, the Section Chief will inform the Permittee in writing of the reasons for

such decision. Within 30 days after the effective date of the permit modification, the Permittee must implement the corrective measure(s).

b. Financial Assurance

As part of the permit modification of this permit to incorporate the CMI, the Permittee must provide financial assurance in the amount specified in the IDEM-approved CMS Report as required by 40 CFR 264.101(b) and (c).

7. Incorporation of Plans and Reports

All approved plans and reports prepared for this permit will be incorporated into this permit on the date the Section Chief or his/her designee approves such plan or report.

E. DISPUTE RESOLUTION

1. If IDEM disapproves or modifies and approves any submission required by Condition VI of the permit, IDEM will provide the Permittee with a written notice setting forth the reasons for the disapproval or modification and approval.

2. If the Permittee disagrees, in whole or in part, with any written decision concerning IDEM's disapproval or modification and approval of any submission required by Condition VI of the permit, the Permittee must notify IDEM of the dispute. The Permittee and IDEM must informally, and in good faith, endeavor to resolve the dispute.

3. If the Permittee and IDEM cannot resolve the dispute informally, the Permittee may pursue the matter formally by submitting a written statement of position to the Commissioner or his/her designee, within 28 days of receipt of IDEM's written disapproval or modification and approval. The Permittee's statement of position must set forth the specific matters in dispute, the position that the Permittee asserts should be adopted as consistent with the requirements of the permit, the basis for the Permittee's position, and must include any supporting documentation. If the Permittee fails to follow any of the requirements contained in this paragraph, then it will have waived its right to further consideration of the disputed issue.

IDEM's decision to discontinue further consideration under this condition will constitute a final agency action, which is subject to review under IC 4-21.5.

4. IDEM and the Permittee will have an additional 14 days from the date of the Commissioner's receipt of the Permittee's statement of position to meet or confer to attempt to resolve the dispute. This time period may be extended by mutual agreement of the Permittee and IDEM. If agreement is reached, the Permittee must submit a revised submission, if necessary, and must implement the submission in accordance with such agreement.

5. If IDEM and the Permittee are not able to reach agreement within the 14 day period, or such longer period corresponding to IDEM's extension for good cause, the Permittee may submit any additional written arguments and evidence not previously submitted, or further explain any arguments or evidence previously submitted, to the Commissioner. Based on the record, the Commissioner, or delegate, will thereafter issue a written decision that will include a response to the Permittee's arguments and evidence. This written decision will constitute a final agency action, which is subject to review under IC 4-21.5.

6. Notwithstanding the invocation of this dispute resolution procedure, the Permittee must proceed to take any action required by those portions of the submission and of the permit that IDEM determines are not substantially affected by the dispute. The activity schedule for those portions of the submission and of the permit which are substantially affected by the dispute will be suspended during the period of dispute resolution.

F. CORRECTIVE ACTION ACTIVITIES SCHEDULE FOR NEWLY IDENTIFIED SWMUs

	Activity	Due Date
1.	IM Work Plan	21 days after notice by the Section Chief or his/her designee
2.	RFI Work Plan	90 days after notice by the Section Chief or his/her designee
3.	Notification of newly identified SWMUs	30 days after discovery

	Activity	Due Date
4.	RFI Work Plan for newly identified SWMUs	90 days after receipt of Section Chief's notification
5.	RFI Work Plan modification	60 days after receipt of Section Chief's comments
6.	RFI Implementation	30 days after RFI Work Plan approved
7.	RFI Report	90 days after completion of RFI
8.	RFI Report Modification	60 days after receipt of Section Chief's comments
9.	Progress Reports on Tasks I through IV (See Corrective Action Scope of Work)	Semi-annually; to coincide with ground water reporting if possible
10.	CMS Report	60 days after receipt of Section Chief's notification
11.	CMS Report Modification	60 days after receipt of Section Chief's comments
12.	Permit Modification for Corrective Measure Implementation	30 days after receipt of Section Chief's notification (modification may be a Class 1, 2, or 3 at Section Chief's discretion)
13.	CMI Program Plan	30 days after effective date of permit modification
14.	CMI Program Plan Modification	30 days after receipt of Section Chief's comments
15.	CMI Reports	Semi-annually; to coincide with ground water reporting if possible
16.	CMI Report Modification	30 days after receipt of Section Chief's comments

	Activity	Due Date
17.	Operation and Maintenance Progress Reports	Semi-annually; to coincide with ground water reporting if possible

IDEM may, at the facility's request, grant extensions to the time frames listed in this section. IDEM-approved time extensions will not require a permit modification.

G. FORCE MAJEURE

"Force Majeure," for purposes of this Permit, is defined as any event arising from causes beyond the control of the Permittee that delays or prevents the performance of any obligation under this Permit despite Permittee's best efforts to fulfill the obligation. The requirement that the Permittee exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event as it is occurring and best efforts to address the effects of any potential force majeure event as it is occurring and following the potential force majeure event, such that the delay is minimized to the greatest extent possible. "Force Majeure" does not include financial inability to complete the work required by this Permit nor any increases of costs to perform the work.

The Permittee must notify IDEM by calling within 3 calendar days and by writing no later than 7 calendar days after any event which the Permittee contends is a force majeure. Such notification must describe the anticipated length of the delay, the cause or causes of the delay, the measures taken or to be taken by the Permittee to minimize the delay, and the timetable by which these measures will be implemented. The Permittee must include with any notice all available documentation supporting its claim that the delay was attributable to a force majeure. Failure to comply with the above requirements will preclude the Permittee from asserting any claim of force majeure for that event. The Permittee will have the burden of demonstrating that the event is a force majeure. The decision of whether an event is a force majeure will be made by IDEM. Said decision will be communicated to the Permittee.

If a delay is attributable to a force majeure, IDEM will extend, verbally or in writing, the time period for performance under this Permit by the amount of time that is attributable to the event constituting the force majeure. Any final determination by IDEM under this section will be reviewable under IC 4-21.5. However, if the Permittee appeals an IDEM decision concerning force majeure, such appeal will not toll the accrual of penalties during the review of that appeal.

VII. COMPLIANCE SCHEDULE CONDITIONS

A. Within thirty (30) days of the effective date of this permit, provide the anticipated construction date of all of the proposed container storage area and tank systems. If the anticipated construction date is more than 365 days from the effective date of this permit, provide an annual update by December 31 of each year regarding the status of these units until completion of Conditions VII. B below.

B. For the proposed container storage areas for solids only (Area 4 South Pad – Solids, Area 7a5, Area 7a6 Apron, SDS I Shredder Room, and Area 10), and for solids and liquids (Area 4 South Pad – Liquid and Area 5 North Pad), the Permittee must comply with the following:

1. Fifteen (15) days prior to beginning construction, notify IDEM of the intended construction start date.

2. Within fifteen (15) days of completion of construction of each container storage area and its secondary containment system, as applicable, submit to IDEM:

   a. A letter, pursuant to Permit Condition I.D.11, confirming that the container storage area was constructed in accordance with Attachment D of this Permit.
   b. Updated financial assurance for the closure cost of the proposed unit (for all areas except for Area 4 South Pad (both) and Area 5 North Pad).

3. The Permittee may begin storing hazardous waste in these container storage areas, and the maximum permitted capacity for the storage of free liquids in containers will be increased as per the following table if:

Container Storage Area	Liquids (gallons)
Area 4 South Pad-Liquid	10,560
Area 5 North Pad	15,840

   a. the Permittee has received approval from IDEM for the installation of the container storage area and the applicable secondary containment system; or,

   b. fifteen (15) days has passed since the submittal of the letter specified in Condition VII. B.2 without any indication from IDEM of its plans to inspect or request additional information on the container storage area and its secondary containment system.