CONFIDENTIAL SETTLEMENT COMMUNICATION

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:	)	
US ECOLOGY TEXAS, INC., and TD*X ASSOCIATES LP	)	DOCKET NOS. RCRA-06-2012-0936 and RCRA-06-2012-0937
RESPONDENTS	)	

CONSENT AGREEMENT AND FINAL ORDER

The Director of the Compliance Assurance and Enforcement Division of the United States Environmental Protection Agency (EPA), Region 6 (Complainant) and US Ecology Texas, Inc. and TD*X Associates L.P. (Respondents) in the above-referenced proceeding, hereby agree to resolve this matter through the issuance of this Consent Agreement and Final Order (CAFO).

I. PRELIMINARY STATEMENT

1. This proceeding for the assessment of civil penalties and the issuance of a compliance order is brought by EPA pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), and is simultaneously commenced and concluded through the issuance of this Consent Agreement and Final Order (CAFO) pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3), and 22.37.

2. Notice of this action was given to the State of Texas prior to the issuance of this CAFO, as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. For the purposes of this proceeding, the Respondents deny any liability to the United States arising out of the transaction or occurrences alleged in this CAFO. Respondents also deny the truth of any allegations in this CAFO except the allegations pertaining to venue and subject matter jurisdiction in Section II.A. of this CAFO ~~admits the jurisdictional allegations herein; however, the Respondents neither admits nor denies the specific factual allegations contained in this CAFO.~~

4. The Respondents explicitly waives any right to contest the allegations and their right to appeal the proposed Final Order set forth therein, and waive all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

5. Compliance with all the terms and conditions of this CAFO shall resolve only those violations which are either specifically set forth herein, or are alleged violations of 40 C.F.R. Part 61; Subpart FF, for which injunctive relief is specified in Section IV.C of this CAFO.

6. The Respondents consent to the issuance of the CAFO hereinafter recited and consents to the issuance of the Compliance Order contained therein.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. PRELIMINARY ALLEGATIONS

7. US Ecology Texas, Inc. (USET) is a corporation incorporated under the laws of the State of Delaware and authorized to do business in the State of Texas.

8. TD*X Associates LP (TD*X) is a limited partnership authorized to do business in the State of Texas.

9. "Person" is defined in 30 T.A.C. § 3.2(25) [40 C.F.R. §§ 260.10 and 270.2], and Section 1004(5) of RCRA, 42 U.S.C. § 6903(15) as "an individual, corporation, organization,

government or government subdivision or agency, business trust, partnership, association, or any other legal entity."

~~10.~~The Respondent USET is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. ~~11.~~10. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903 (15).

~~11.~~The Respondent TD*X is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. ~~13.~~11. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903 (15).

~~14.~~12. "Owner" is defined in 30 T.A.C. § 335.1(107) (40 C.F.R. § 260.10) as "the person who owns a facility or part of a facility."

~~15.~~13. "Operator" is defined in 30 T.A.C. § 335.1(108) (40 C.F.R. § 260.10) as "whoever has legal authority and responsibility for a facility that generates, transports, processes, stores or disposes of any hazardous waste."

~~16.~~14. "Owner or operator" is defined in 40 C.F.R. § 270.2 as "the owner or operator of any facility or activity subject to regulation under RCRA."

~~17.~~15. "Facility" is defined in 30 T.A.C. § 335.1(59) (40 C.F.R. § 260.10) as meaning "all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of municipal hazardous waste or industrial solid waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations thereof)."

~~18.~~16. The Respondent USET owns and operates a hazardous waste treatment, storage, and disposal (TSD) facility located at 3327 County Route 69, Robstown, TX 78380, EPA I.D. No. TSD069452340, Permit No. HW-50052-001.

~~19.~~17. The TSD identified in Paragraph 16 is a "facility" as that term is defined in 30 T.A.C. § 335.1(59) (40 C.F.R. § 260.10).

~~20.~~18. The Respondent USET is the "owner" and/or "operator" of the facility identified in Paragraph 16, as those terms are defined in 30 TAC § 335.1(107) & (108) [40 C.F.R. § 260.10] and 40 C.F.R. § 270.2.

~~21.~~19. ~~The Respondent USET has a~~An oil reclamation unit is located ~~on~~at the facility identified in Paragraph 16.

~~22.~~20. The Respondent TD*X owns and operates a thermal desorption unit (TDU), as well as the feed preparation system that includes a shaker tank (T-30) three mix tanks (T-31, T-32, and T-33), a centrifuge, and a surge tank (T-34) at the oil reclamation unit.

~~23.~~21. The Respondent TD*X began operating the TDU and related equipment on or about June 15, 2008.

~~24.~~22. On or about June 8 – 11, 2010, June 14 – 17, 2010, and August 9 – 11, 2010, the Respondent USET's TSD facility and the oil reclamation unit was inspected by representatives of EPA pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

B. ALLEGED VIOLATIONS

Count One – Processing Hazardous Waste Without a Permit or Interim Status

~~25.~~23. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment),[1] storage, or disposal of hazardous waste.

~~26.~~24. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal

[1] The Texas Administrative Code uses the term "processing" instead of "treatment". The term "processing" as used by Texas is essentially equivalent to the term "treatment" as used in the federal statute and regulations.

Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

~~27.~~25. "Recyclable materials" is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as "hazardous wastes that are recycled".

~~28.~~26. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

27. The Respondent USET receives "recyclable materials" from off-site generators, as *that* term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)].

28. Recyclable materials identified in 30 T.A.C. § 335.24(c) [40 C.F.R. §261.6(a)(3)] are not subject to regulation under Subchapters B-I or O of Chapter 335, 30 T.A.C. Chapters 1, 3, 10, 17, 20, 31, 39, 40, 50, 70, 80, 86, 261 or 305, except as provided in 30 T.A.C. § 335.24(g) and (h) [40 C.F.R. Parts 262 through 268, 270 or 124].

29. The Respondent USET notified the Texas Commission on Environmental Quality (TCEQ) ~~of this activity~~that it reclaims oil from oil-bearing hazardous wastes from petroleum refining, production and transportation practices in accordance with 40 C.F.R. § 261.6(a)(3)(iv)(C).

~~30.~~EPA has not promulgated a definition of "oil bearing hazardous wastes from petroleum refining, production and transportation practices" in its regulations.

30. ~~Hazardous wastes~~ Recyclable materials destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

31. Processing (treatment) is defined in 30 T.A.C. § 335.1(117) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the

> treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

32. On various dates ~~between~~ after June 15, 2008, ~~and the present,~~ certain recyclable materials ~~hazardous wastes~~ were processed in the tanks identified in Paragraph 20.

33. Some of ~~T~~the ~~hazardous waste identified~~ recyclable materials referred to in Paragraph 30 did not meet the exemption ~~definition of "recyclable materials" as that term is defined in 430 T.A.C. § 335.24(a) [~~ in 40 C.F.R. § 261.6(a)(3~~1~~)(iv)(C)~~]~~ because the hazardous wastes were not "oil-bearing hazardous wastes from petroleum refining, production, and transportation practices." ~~EPA has not promulgated a definintiondefinition of "oil bearing hazardous wastes from petroleum refining, production and transportation practices in its regulations. Recyclable materials identified in 30 T.A.C. § 335.24(c) [40 C.F.R. §261.6(a)(3)] are not subject to regulation under Subchapters B-I or O of Chapter 335, 30 T.A.C. Chapters 1, 3, 10, 17, 20, 31, 39, 40, 50, 70, 80, 86, 261 or 305, except as provided in 30 T.A.C. § 335.24(g) and (h) [parts 262 through 268, 270 or 124].~~

~~34. The exemption for recyclable materials in 30 T.A.C. §335.24(c) [40 C.F.R.~~

~~§ 261.6(a)(3)] is not applicable for the hazardous waste identified in Paragraphs 30 – 31.~~ Respondent USET ceased the receipt of the hazardous waste identified in Paragraphs ~~32~~33~~1~~.

~~35~~34. The Respondent~~s~~ TD*X "processed" (treated) hazardous waste as that term is defined in 30 T.A.C. § 335.1(117) (40 C.F.R. § 260.10) in the tanks identified in Paragraph 20.

~~36~~35. To date, neither the Respondent USET or Respondent TD*X ha~~ves~~s applied for nor received a RCRA permit or interim status to allow the storage of hazardous waste in the tanks identified in Paragraph 20.

~~37~~36. Therefore, the Respondent USET and the Respondent TD*X have violated ~~and continue to violate~~ Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] ~~by processing (treating) hazardous waste without a permit~~.

Count Two – Processing Hazardous Waste Without a Permit or Interim Status

~~38~~37. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

~~39~~38. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

~~40.~~39. "Recyclable materials" is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as "hazardous wastes that are recycled".

~~41.~~40. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

41. The Respondent USET receives "recyclable materials" from off-site generators, as that term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)]. ~~The Respondent USET notified the TCEQ of this activity.~~

42. Recyclable materials identified in 30 T.A.C. § 335.24(c) [40 C.F.R. §261.6(a)(3)] are not subject to regulation under Subchapters B-I or O of Chapter 335, 30 T.A.C. Chapters 1, 3, 10, 17, 20, 31, 39, 40, 50, 70, 80, 86, 261 or 305, except as provided in 30 T.A.C. § 335.24(g) and (h) [parts 262 through 268, 270 or 124].

43. The Respondent USET notified the ~~Texas Commission on Environmental Quality (TCEQ)~~ that it reclaims oil from oil-bearing hazardous wastes from petroleum refining, production and transportation practices in accordance with 40 C.F.R. § 261.6(a)(3)(iv)(C)

~~42.~~44. EPA has not promulgated a definition of "oil bearing hazardous wastes from petroleum refining, production and transportation practices" in its regulations.

~~43.~~45. Recyclable materials ~~Hazardous wastes~~ destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

46. On various dates ~~between~~ after June 15, 2008 ~~and the present~~, certain ~~hazardous wastes~~Recyclable Materials were fed into the TDU that did not meet the exemption in 40 C.F.R. § 261.6(a)(3)(iv)(C) ~~definition of "recyclable materials" as that term is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)]~~ because the hazardous wastes were not "oil-bearing

hazardous wastes from petroleum refining, production, and transportation practices."

Respondent USET ceased the receipt of these hazardous wastes.

~~47. The exemption for recyclable materials in 30 T.A.C. §335.24(c) [40 C.F.R. 47. § 261.6(a)(3)] is not applicable for to the hazardous waste identified in Paragraph 42.~~

~~45.~~47. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) (40 C.F.R. § 260.10) as follows:

> the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning.").

~~46.~~48. Processing (treatment) is defined in 30 T.A.C. § 335.1(117) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

~~47.~~49. The TDU uses heat from an indirect heated rotary dryer to separate the organic contaminants ~~and to remove them~~ from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents, ~~and transfers them~~ to a gas treatment

system~~ using a nitrogen carrier gas~~. The oil is ~~then~~ recovered by condensing ~~it~~ vapor phase organic constituents in the gas treatment system. The noncondensable gases are recirculated to the heated rotary dryer. ~~The~~ An approximate 100 cfm vent stream of noncondensable gases is extracted to balance pressures within the system, filtered and injected into the combustion chamber of the TDU. ~~filtered, then nitrogen, along with non-condensable gases, is injected into the combustion chamber of the TDU, and burned~~

~~48.~~50. The separation of the organic contaminants from the hazardous waste in the TDU's indirectly heated rotary dryer constitutes thermal processing (thermal treatment) as that term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].

~~49.~~51. To date, neither the Respondent USET nor Respondent TD*X has~~ve~~ applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in the TDU.

~~50.~~52. Therefore, the Respondent USET and the Respondent TD*X have violated ~~and continue to violate~~ Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] ~~by thermally processing (thermally treating) hazardous waste without a permit~~.

Count Three - Processing Hazardous Waste Without a Permit or Interim Status

~~51.~~53. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

~~52.~~54. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal

Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

~~53.~~55. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) (40 C.F.R. § 260.10) as follows:

> the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning.")

~~54.~~56. Processing (treatment) is defined in 30 T.A.C. § 335.1(117) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

~~54. The burning of gases in the TDU's combustion chamber constitutes thermal processing (thermal treatment), as term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].~~

~~55.~~57. An incinerator is defined in 30 T.A.C. § 335.1(75) [40 C.F.R. § 260.10] as

"any enclosed device that: (A) uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or (B) meets the definition of infrared incinerator or plasma arc incinerator."

~~56.~~58. The combustion chamber of the TDU is an enclosed device that uses controlled flame combustion to indirectly heat a rotary dryer.

~~57.~~59. The TDU does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; nor meets the definition of infrared incinerator or plasma arc incinerator."

~~58.~~60. The TDU is an "incinerator" as that term is defined in 30 T.A.C. § 335.1(75) [40 C.F.R. § 260.10] because it ~~thermally processes (thermally treats) hazardous waste by burning hazardous waste using controlled flame combustion~~meets the criteria established in Paragraphs II.B.57 and 58.

[EPA NEEDS TO LAY OUT ITS ARGUMENT THAT WE ARE BURNING HAZARDOUS WASTE TO GET TO PARAGRAPH 60].

~~59.~~61. To date, neither the Respondent USET nor Respondent TD*X has~~ve~~ applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in an incinerator.

~~60.~~62. Therefore, the Respondent USET and the Respondent TD*X have violated ~~and continue to violate~~ Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e) and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] ~~by thermally processing (thermally treating) hazardous waste in an unpermitted incinerator.~~ The Respondent USET and the Respondent TD*X have proposed to reconfigure the TDU so that the vent stream of noncondensable gases is

routed to a thermal oxidizer unit (TOU) instead of the external combustion chamber of the TDU rotary dryer.

Count Four – Storing Hazardous Waste Without a Permit Or Interim Status

~~61.~~63. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

~~62.~~64. Between on or about March 9, 2010, and June 11, 2010, the Respondent USET stored roll-off boxes in the area called the "Y" at the facility.

~~63.~~65. The roll-off boxes identified in Paragraph 6~~2~~3 contained material which ~~was destined for the TDU~~had entered the oil reclamation process and was~~ere~~ being temporarily staged ~~to~~ before undergoing subsequent stages of the reclamation process. The Respondent USET discontinued the use of the area called the "Y" for this purpose.

~~64.~~66. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

~~65.~~67. The roll-off boxes identified in Paragraph 6~~2~~3 contained "hazardous waste" as that term is defined in T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

~~66.~~68. ~~To date, t~~The Respondent USET has~~d~~ not applied for nor received a RCRA permit or interim status to allow the storage of hazardous waste at the area called the "Y" between on or about March 9, 2010, and June 11, 2010.

~~67.~~69. Therefore, the Respondent USET has violated Sections 3005(a) and (e) of RCRA,

42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] ~~by storing hazardous waste without a RCRA permit or interim status~~.

III. COMPLIANCE ORDER

~~68.~~70. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), the Respondents are hereby **ORDERED** to take the following actions and provide evidence of compliance within the time period specified below:

A. Interim Operating Requirements

1. As of the effective date of this CAFO, feedstock into the TDU shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production and ~~transporation~~transportation practices. Oil-bearing hazardous waste from petroleum refining, production or transportation practices includes listed waste from specific Petroleum Refining Sources (~~F037, F038, K048,~~ K049, K050, K051, K052, K169, and K170~~, K171, AND K172~~). Also acceptable are materials generated from processes meeting the definition established for ~~facilities whose primary~~ Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) ~~are~~ as follows:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site	213112	Support Activities for Oil and Gas Operations

	preparation and related construction activities performed on a contract or fee basis)		
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products
4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

2. Using feedstock from the processes meeting the definition of aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to ~~obtain a certification from the generator that the hazardous waste in question is oil-bearing hazardous waste from petroleum refining, production and transportation practices and~~ make a ~~separate, independent~~ determination ~~based on information provided by the generator as to~~ whether the hazardous waste in question is "oil-bearing," and that the hazardous waste actually came from petroleum refining, production, or transportation practices ~~at the generator's facility~~.

3. ~~Within seven (7)~~ 14 ~~days of~~ Beginning on the effective date of this CAFO, the Respondents shall ~~submit to EPA and TCEQ for approval~~operate the TDU with~~,~~ the following interim limits on operating parameters~~, including, but not limited, to the following~~:

a. the maximum hazardous waste feed rate to the rotary dryer shall be ~~310~~13 tons per ~~day~~hour based on an hourly rolling average;

b. ~~limits on ash, semivolatile metals, low volatile metals, mercury, and total chlorine (organic and inorganic) (Cl_2 and HCl);~~ dryer feed material shall be limited as follows:

1. ~~to a~~ maximum organic halogen content of~~at 4000~~1500 ppm,

2. maximum mercury concentration ~~in~~ of ~~260~~50 ppm in feed to TDU,

3. no limit on Semi-Volatile Metals concentration in feed to TDU,

4. no limit on Low-Volatile Metals concentration in feed to TDU,

5. no limit on ash content of feed to TDU.

~~i~~

c. a minimum solids discharge temperature of 650°F from the rotary dryer or that treated product desorber solids must be considered to be untreated, be separately collected, and be reprocessed through the rotary dryers, except for the first two hours after start-up of feed when the product material does not contact the product thermocouple ~~temperature~~;

d. ~~-~~maximum internal pressure in the rotary dryer of 0.00 inches (W.C.) with a 60-second time delay while~~en~~ the dryer feed is on; ~~gas/vapor flow rate to the Off-Gas Condensing Recovery System;~~

e. maximum Off-Gas Condensing Recovery System outlet temperature of 1~~3~~20°F based on an hourly rolling average~~with a 51-minute delay~~ when the dryer feed is on;

f. minimum combustion chamber temperature of 1400°F based on an hourly rolling average~~with a 5-minute delay~~ in the rotary dryer external furnace while the dryer feed is on; ~~and~~

g. maximum gas/vapor flow rate to the combustion chamber of 180 scfm on an hourly rolling average basis with a continuous supply of air to the process vent injectors including 20%

or more excess air required to completely combust the process vent gas while the dryer feed is on; and.

h. a HEPA filter shall be in service at all times on the TDU process vent stream and the HEPA filter shall be confirmed as functioning with a measurable pressure drop once per operating shift while the dryer feed is on.

h. other Off Gas Condensing Recovery Systems operating parameter limits; and

i. any other operating parameter limits for air pollution control devices used.

The submittal shall include monitoring and recordkeeping requirements. The Respondents shall perform implement the monitoring and maintain records relating to these operating parameter limits, as approved or modified by EPA and TCEQ.

4. Within ninety 180 (180) 90 days of the effective date of this CAFO, the Respondents shall install, monitor, and operate an automatic hazardous waste feed cutoff at the TDU that immediately and automatically cuts off the hazardous waste feed when any of the following conditions occurs: in accordance with the requirements of 40 C.F.R. § 63.1206(c)(3).

a. Ooxygen content in the process vent greater than 7% with 1-minute delay;

b. internal pressure in the dryer feed breach greater than 0.0 inches W.C. with 1-minute delay;

c. temperature at the outlet of the gas treatment system condensers greater than 1320°F based on an hourly rolling averagewith 51-minute delay;

d. temperature in the combustion zone of the dryer's external furnace less than 1,400°F based on an hourly rolling averagewith a 5-minute delay;

e. loss of operation of the gas treatment system carrier gas recirculation blower; and

f. valve position of the process vent injection verified as directing the process vent away from the dryer's external furnace combustion zone with a 1-minute delay;~~.~~

g. feed rate to the TDU exceeding ~~310~~13 ton/~~day~~hr based on an ~~twenty-four-hour~~hourly rolling average;~~.~~ and

h. process vent flow rate exceeding 180 scfm based on a one-hour rolling average.

5. Within 120 days after the effective date of this CAFO, Respondents shall submit to the TCEQ an application for the construction and operation of the thermal oxidizer under Texas Health and Safety Code Chapter 382. Within ~~ninety 180 (180) days~~one year of the effective date of this CAFO, or within ninety (90) days after issuance of the permit required for installation of the reconfigured TDU under Tex. Health and Safety Code Chapter 382, whichever is later, the Respondents shall reconfigure the TDU so that the non-condensable vent gases and the tank vent closed-vent system gases are routed to a thermal oxidizer unit (TOU) instead of the external combustion chamber of the TDU rotary dryer. After the reconfiguration has occurred, for the purposes of Section III and IV.C of this CAFO only, references to the TDU shall include the TOU, unless otherwise indicated.

6. ~~Within ninety 180 (180) days of~~Beginning on the ~~effective~~ date of ~~this CAFO~~initial operation of the TOU, ~~the~~ Respondents shall comply with ~~also submit to EPA and TCEQ for approval,~~ the following interim operating parameters for the TOU ~~including, but not limited to~~:

a. minimum ~~operating~~ temperature of 1,400°F based on an hourly rolling average in the TOU combustion chamber when the feed to the dryer is on;~~ and~~

b. maximum flue gas flow rate based on a residence time of 0.5 seconds at 1400°F, as determined by engineering calculations at the measured process flow rate when the feed to the dryer is on; and.

c. maximum process vent gas/vapor flow rate to the TOU combustion chamber of 250 scfm based on an hourly rolling average, based on the design capacity of the TOU, with a continuous supply of air including 20% or more excess air required to completely combust the process vent gas while the dryer feed is on.

The Respondents shall implement the operating parameter limits as approved or modified by EPA and TCEQ.

7. Within thirty (30)ninety 180 (180) days of the effective date of this CAFO, the Respondents shall install, calibrate, and operate continuous emissions monitors in accordance with the requirements of 40 C.F.R. § 264.1033(pf) applicable to process heaters63.1209(a). Within sixty (60) days of the initial operation of the reconfigured TDU, Tthe Respondents shall also install, calibrate and operate temporary continuous monitors to verify that use carbon monoxide and or hydrocarbon CEMS to demonstrate and monitor is in compliance with the following carbon monoxide andor hydrocarbon standards: (i) carbon monoxide less than 100 ppm by volume, or (ii) hydrocarbons less than 10 ppm by volume as propane, both over an hourly rolling average, dry basis corrected to 7 percent oxygen of 40 C.F.R. Part 63, Subpart EEE§63.1203(a)(5), provided that any compliance demonstration required by that subsection shall be conducted pursuant to the performance test specified in Section III.D. of this CAFO. The Respondents shall also use oxygen CEMS to continuously correct the carbon monoxide or hydrocarbon level to 7 percent oxygen. These CEMS shall be located in compliance with 40

C.F.R. Part 60, Appendix B requirements ~~for rotary dryer emission point (EP-1),~~ for the combustion chamber emission point (EP2)~~, and~~~~following~~ for the TOU. The Respondents shall operate the TDU and the TOU in a manner that the ~~one minute and~~ hourly rolling averages are not exceeded. The rolling averages shall be calculated in accordance with 40 C.F.R. § 63.1209(a)(6). After the compliance demonstration test required by Section III.D of this CAFO ~~thirty (30) days of operation of temporary CEMS,~~ the Respondents are allowed to remove ~~those~~the temporary CEMS instruments provided that both the data from the compliance demonstration test confirm compliance with the CO or hydrocarbon standards of 40 C.F.R. §63.1203(a)(5), and the CEMS required by §264.1033(f) actuates the AWFCO. The Respondents shall submit a written demonstration as to these findings to the ~~TCEQ~~EPA in the compliance demonstration test report .

~~8. Within one hundred twenty~~270 ~~(120~~270~~) days of the effective date of this CAFO, the Respondents shall submit to EPA and TCEQ for approval, a feedstream analysis plan prepared in accordance with 40 C.F.R. § 63.1209(e)(2). The Respondents shall implement the plan as approved or modified by EPA and TCEQ.~~

8~~9~~. Within six (6) months after the effective date of this CAFO, and every six months thereafter until this CAFO is terminated, the Respondents shall send a report to EPA, ~~with a copy to TCEQ~~, which contains ~~. The Report shall include~~ the following:

a. Identification of~~y~~ the customer, the customer's SIC and NAICS code, copies ~~of the relevant~~ waste approval documents, ~~including the generator's certification that the oil-bearing hazardous waste is from petroleum refining, production and transportation practices.~~ and manifests for the previous six month period.

[NEED TO DISCUSS DETAILS AND FORMAT OF INFORMATION NEEDED BY EPA]

~~b. All time periods in where there were exceedances of the one minute and hourly rolling averages required under Paragraph 68.A.7.~~

b~~e~~. ~~The initial Report shall include d~~Documentation ~~showing the~~ of installation ~~dates~~ of the equipment required by Paragraphs 6~~9~~8.A.4, A5, and A.7.

The Report may be submitted in an electronic format (i.e., compact disk). The Respondents may claim the report as confidential business information, in accordance with the requirements of 40 C.F.R. Part 2.

B. RCRA Permit Modification

1. Within ~~ninety (90) days~~ one year of the effective date of this CAFO, the Respondents shall submit to TCEQ ~~and EPA~~, an application for a Class 3 RCRA Permit Modification to permit the TDU as a miscellaneous unit under 40 C.F.R. Part 264, Subpart X in accordance with 30 T.A.C. § 335.152(a)(16) (40 C.F.R. Part 264, Subpart X), 30 T.A.C. Chapter 305 (40 C.F.R. §§ 270.10 – 270.14, ~~270.19,~~ 270.23, and 270.30 – 270.33). ~~This permit application will serve as the Documentation of Compliance required by 40 C.F.R. § 63.1211(c).~~ A copy of this permit modification application shall also be submitted to EPA.

2. The permit application shall also include ~~relevant~~ requirements of 40 C.F.R. Part 264 that are appropriate for the operation of the TDU, the TOU, and the oil reclamation unit, ~~including~~relating to ~~an engineering report,~~ waste analysis, monitoring and inspection requirements, and closure requirements set forth in 30 T.A.C. § 335.152(a)(13) (40 C.F.R. §§ 264.341, 264.347, and 264.351), except that with regard to continuous monitoring required by §264.347(a)(1) and (2), only continuous monitoring of combustion temperature shall be required.

3. The Respondents shall also request that the ~~final~~ issued RCRA permit ~~also~~ include the following:

a. ~~The relevant~~ Appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC and 40 C.F.R. Part 63, Subparts ~~A and~~ EEE;

b. ~~The f~~Feedstock limitations ~~set forth in Paragraph 68.F~~; and

c. Operating parameters for the condensers from the Off-Gas Condensing Recovery System, including appropriate monitoring and recordkeeping requirements for the condensers~~; and~~.

~~d. Any risk-based terms and conditions necessary to protect human health and the environment.~~

4. The failure to timely submit a Class 3 Permit Modification to TCEQ ~~and EPA~~ within the deadline set forth in Paragraph 6~~9~~8.B.1 shall result in the termination of the Respondents' authorization to operate the TDU on that date unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

5. By no later than ~~two~~ three and one-half years (~~30~~42 months) from the effective date of this CAFO, the Respondents must complete all permitting requirements and ~~have a final~~ obtain issuance from the TCEQ of a RCRA Subpart X permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) (40 C.F.R. Part 264, Subpart X), 30 T.A.C. Chapter 305 (40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33), and which incorporates ~~the applicable~~ appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC and 40 C.F.R. Part 63, Subparts ~~A and~~ EEE. In the event that TCEQ does not issue a final RCRA Subpart X permit for the TDU as described above by the above deadline, the Respondents' authorization to operate the TDU terminates on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

~~C. Public NoticePublic Notice of Intent to Comply (NIC)/Public Participation~~

~~1. Within seven (7) days of the effective date of this CAFO, the Respondents shall submit to TCEQ and EPA a draft Notice of Intent to Comply (NIC) pursuant to 40 C.F.R. § 63.1210(b), and an initial notification pursuant to 40 C.F.R. § 63.9(b).~~

~~2. The Respondents shall make the draft NIC available to the public either (a) at least thirty (30) days prior to the public meeting pursuant to 40 C.F.R. § 63.1210(b)(2), or (b) at a time approved by EPA and TCEQ.~~

~~3~~1. ~~The Respondents shall provide the following notices to the public:~~

~~a. Notice of Receipt of Application and Intent to Obtain Permit pursuant to 30 T.A.C. §§ 39.418 and 39.509. Notice of the public meeting required by 30 T.A.C. § 305.69(d)(4) shall be included with the Notice of Receipt of Application and Intent to Obtain Permit, as required by 30 T.A.C. § 39.418;~~ and

~~b. Notice to the public of the Notice of Application and Preliminary Decision pursuant to 30 T.A.C. §§ 39.419 and 39.509; and~~.

~~c. NIC public meeting required by 40 C.F.R. § 63.1210(e)(3).~~

~~4~~2. ~~The Respondents shall hold a public meeting pursuant to 30 T.A.C. § 305.69(d)(4) [40 C.F.R. § 270.42(c)] no earlier than fifteen (15) days following publication of the notice and no later than fifteen (15) days before the close of the sixty (60) day comment period. This public meeting shall also be coordinated with the NIC public meeting required by 40 C.F.R. § 63.1210(e).~~

~~5. The Respondents shall submit to TCEQ and EPA the final NIC pursuant to 40 C.F.R. § 63.1210(b)(3) no later than 60 days following the public meeting.~~

~~6. The failure to timely submit the final NIC to TCEQ and EPA no later than 60 days following the public meeting shall result in the termination of the Respondents' authorization to operate the TDU on that date.~~

C~~D~~. Startup, Shutdown, and Malfunction Plan

1. Prior to operation of the reconfigured TDU, ~~Within one hundred twenty (120)~~240 ~~days of the effective date of this CAFO,~~ the Respondents shall submit a Startup, Shutdown, and Malfunction Plan to TCEQ for approval. This plan shall be prepared in accordance with 40 C.F.R. §§ 63.6(e)(3) and ~~63.1206(e)(2)~~include provisions to comply with AWFCOs as per Section 698.A.4 of this CAFO during Startup, Shutdown and Malfunctions. The Respondents shall implement the Startup, Shutdown and Malfunction Plan as approved by TCEQ~~EC~~~~comply with any instructions or directives from TCEQ regarding approval, disapproval, or submission of any additional information~~. A copy of the Startup, Shutdown, and Malfunction Plan shall also be submitted to EPA.

D~~E~~. ~~Comprehensive Performance~~ Compliance Demonstration **Test (CD~~P~~T)**

1. The Respondents shall perform a ~~comprehensive performance~~ compliance demonstration test (CD~~P~~T) as set forth below. The CD~~P~~T is required to demonstrate compliance with the appropriate emissions standards of 40 C.F.R. Part ~~63~~264, Subparts O and AA, and Part 63 Subpart EEE ~~EEE~~, establish limits for the operating parameters ~~provided by 40 C.F.R. § 61.1209, identified in the RCRA permit modification application required by Section III.B,~~ and demonstrate compliance with the performance specifications for continuous monitoring systems.

2. Within one hundred twenty (90~~120~~) days of the effective date of this CAFO, the Respondents shall submit to ~~TCEQ and~~ EPA for approval a ~~complete and approvable~~

~~comprehensive performance test~~C~~P~~DT plan and a continuous monitoring system (CMS) performance test plan pursuant to the appropriate requirements of 40 C.F.R. §~~§ 63.7, 63.1207, and 63.1209~~270.62(b)(2). The CD~~P~~T plan shall ~~also~~ provide for a performance test to determine the ~~efficiency and~~ operating parameters of the condensers from the Off-Gas Condensing Recovery System, the overall equivalent~~capture efficiency,~~ destruction and removal efficiency of the TDU system including the TOU~~, and the actual nature, pattern, and quantity of emissions from EPN EP-2, the TOU, and any other fugitive or point source emissions of the TDU system capable of routing off-gas from the TDU to the atmosphere, including its air contaminant control systems, product recovery systems, and treated material handling system.~~ Based on the principal operation of the TDU being the reclamation of oil-bearing hazardous waste from petroleum refining, production and transportation practices, the POHC for the DRE determination shall be the sum of all polynuclear aromatic hydrocarbon (PAH) compounds in the listings for K048-K052, K169-K172, F037 and F038, because PAH compounds have the highest difficulty of incineration of the organic constituents that are the basis for listing of these wastes. ~~Copies of the CDT plan and CMS test plan shall also be submitted to EPA.~~

~~3. The Respondents shall make the CPT plan and CMS performance test plan available for public review upon issuance of the notice of NIC public meeting.~~

~~4~~3. The Respondents shall implement the CD~~P~~T Plan and the CMS performance test plan as approved by ~~TCEQ and~~ EPA, within ninety (90) days after approval of the CD~~P~~T Plan and the CMS performance test plan, or within sixty (60) days after installation of the TOU, whichever is later. During the testing, the Respondents shall ~~comply with 40 C.F.R. §§ 63.7(e) and 63.1207(g)~~ assure that each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions

specified in the relevant standard. For the purpose of determining compliance with a relevant standard, the arithmetic mean of the results of the three runs shall apply. Ats a minimum during the CDPT, the Respondents shall demonstrate that the TDU and TOU achieve the following performance standards:

a. the equivalent "destruction and removal efficiency" (DRE) must be greater than 99.99% for ~~one~~the designated POHC fed to the TDU, as per 40 CFR 264, Subpart O, based on the mass feed rate of the POHC fed to the TDU and the mass emission rate of the same POHC present in the exhaust emissions from the combusted process vent, and the POHC shall be the total of the PAH compounds that are the basis for listing for waste codes K048-K052, K169-K172, F037 and F038;

b. the process vent must be controlled by combustion in a control device in accordance with RCRA emissions control standards for process vents as per 40 CFR Part 264, Subpart AA, by providing a minimum residence time of 0.50 seconds at a minimum temperature of 760°C;

c. the closed vent system emissions shall be controlled by combustion in a device that provides a minimum residence time of 0.5 seconds at a minimum temperature of 760°C (1,400°F), as per 40 CFR Part 61, Subpart FF; ~~and~~

d. d~~D~~ioxins and furans emissions shall be less than 0.240 ng TEQ/dscm corrected to 7 percent oxygen from the combusted process vent gas emission stream;

e. mercury emissions less than 8.1 µg/dscm corrected to 7% oxygen in the TOU stack;~~,~~

f. semi-volatile metals (Cd, Pb) emissions less than 10 µg/dscm corrected to 7% oxygen in the TOU stack;~~,~~

g. low-volatile metals (As, Be, Cr) emissions less than 23 µg/dscm combined emissions corrected to 7% oxygen in the TOU stack;~~,~~

h. carbon monoxide emissions less than 100 ppmV, or hydrocarbons emissions less than 10 ppmV as propane, over an hourly rolling average, dry basis, corrected to 7% oxygen in the TOU stack;~~,~~

i. hydrogen chloride and chlorine gas emissions less than 21 ppmV, combined emissions, expressed as chloride equivalent, dry basis, corrected to 7% oxygen in the TOU stack;~~,~~

j. particulate matter emissions less than 0.0016 gr/dscf corrected to 7% oxygen in the TOU stack;~~.~~ and

k. during one run of the CDT, the organic compounds reduction efficiency for the TOU shall demonstrated to be greater than 95%, based on Method 18 organic concentration samples taken from the process vent, the tank vent closed vent system, and the TOU stack, and flow measurements made from these same points, using the equation as per 40 CFR § 61.355(i)(4).

4~~5~~. If the Respondents determine (based on CEM recordings, results of analyses of stack samples, or results of CMS performance evaluations) that they have exceeded any emission standard for a mode of operation, they must cease hazardous waste burning immediately under that mode of operation, except that the Respondents may burn hazardous waste for the purpose of conducting demonstration tests under revised operating conditions for the emission standard exceeded ~~except as provided in 40 C.F.R. § 63.1207(j)(1)~~. The Respondents must make this determination within ~~forty-five (45)~~ninety (90) days following completion of the C~~P~~DT. ~~The Respondents' authorization to operate the TDU terminates on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).~~

~~6~~5. All analyses required by the CD~~P~~T plan shall be performed by a NELAC -accredited laboratory or by a laboratory pre-approved by TCEQ.

~~7~~6. ~~Pursuant to 40 C.F.R. §§ 63.7(g), 63.9(h), 63.1207(j), and 63.1210(d), w~~Within ninety (90) days from completion of the C~~P~~DT and the CMS performance test, the Respondents shall prepare and submit to ~~TCEQ and~~ EPA a ~~comprehensive test report~~ CDT report that includes results for the analysis of samples, determination of emissions, and raw data, as well as the results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted. ~~Submit a Notification of Compliance (NOC) to TCEQ and EPA~~ The report shall documen~~ting~~ compliance with the emission standards and continuous monitoring system requirements, and identify~~ing~~ the operating parameter limits ~~under 40 C.F.R. § 63.1209~~ for the minimum combustion chamber temperature. All data collected during the CD~~P~~T and the CMS performance test (including, but not limited to, field logs, chain-of-custody documentation, monitoring data, sampling and analytical results, and any other data or calculations supporting the emissions calculations or operating parameter limits) must be submitted as part of the CDT report~~to TCEQ and EPA along with the NOC test report. A copy of the CDT report shall also be submitted to the EPA.~~

~~8~~7. As of the date of the submission of the demonstration test report, the Respondents shall comply with all operating requirements of the CDT ~~demonstration NOC~~ report~~and the requirements of 40 C.F.R. §§ 63.1209 AND 63.1210~~.

~~9~~8. The failure to timely submit ~~an NOC~~ CDT report to ~~TCEQ and~~ EPA within ninety (90) days from completion of the CD~~P~~T and the CMS performance test shall result in the

termination of the Respondents' authorization to operate the TDU on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

F. Compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C)

1. If the Respondent desires to comply with 40 C.F.R. § 261.6(a)(3)(iv)(C) after it receives its RCRA Permit Modification, during that mode of operation under §261.6(a)(3)(iv)(C), feedstock to the TDU shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production and transportation practices. Oil-bearing hazardous waste from petroleum refining, production or transportation practices includes listed waste from specific petroleum refining sources (~~F037, F038, K048,~~ K049, K050, K051, K052, K169 and~~,~~ K170~~, K171 AND K172~~). Also acceptable are materials generated from processes meeting the definition established for ~~facilities whose primary~~ Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) ~~are~~ as follow:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site preparation and related construction activities performed on a contract or fee basis)	213112	Support Activities for Oil and Gas Operations
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products

4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

Nothing in this Section III.F shall be construed to preclude Respondents from seeking authorization to process oil-bearing materials outside the scope of §261.6(a)(3)(iv)(C).

2. Using feedstock from the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to ~~obtain a certification from the generator that the hazardous waste in question is oil-bearing hazardous waste from petroleum refining, production and transportation practices and~~ make a ~~separate, independent~~ determination ~~based on information provided by the generator as to~~ whether the hazardous waste in question is "oil-bearing,"; and that the hazardous waste actually came from petroleum refining, production, or transportation practices ~~at the generator's facility~~. The Respondents shall request that this provision be placed in the issued ~~its Final~~ RCRA permit.

G. Submission, Revision, and Approval Process

1. For all applications or plans required be submitted to TCEQ and/or EPA approval under this CAFO, TCEQ/EPA will review these applications or plans ~~and issue only one Notice of Deficiency (NOD) to the Respondents~~ in accordance with 30 T.A.C. §§ 281.3(c) and 281.19(a). The Respondents must ~~provide an approvable~~ respon~~s~~ed to any Notice of Deficiency

(NOD) ~~TCEQ and EPA~~ within the ~~thirty (30) days of receipt of~~ time period specified ~~by TCEQ~~ in the NOD unless extended~~ceented by the TCEQ~~. In the event that the Respondents fail to submit a timely and complete~~good faith~~ ~~approvable~~ NOD response, the Respondents' authorization to operate the TDU shall terminate on the NOD response deadline unless that deadline has been extended pursuant to Section V.F (Force Majeure). ~~[thirty (30) days from the date of receipt of the NOD].~~

H. Additional Conditions

1. To comply with this CAFO, the Respondents must obtain a RCRA permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) (40 C.F.R. Part 264, Subpart X), 30 T.A.C. Chapter 305 (40 C.F.R. §§ 270.10 – 270.14, ~~270.19,~~ 270.23, and 270.30 – 270.33), and which incorporates ~~the applicable~~ appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC and 40 C.F.R. Part 63, Subpart~~s A and~~ EEE.

2. The Respondents may seek relief under the provisions of Section IV.F of this~~e~~ CAFO (Force Majeure) for any delay in the performance of any such obligations resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if the Respondent has submitted a timely and complete application and has taken all other actions necessary to obtain such permit or approval.

I. EPA Review and Comment

1. Nothing in this CAFO shall limit EPA's rights under applicable environmental laws or regulations, including, but not limited to, Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), 40 C.F.R. § 270.32 and 40 C.F.R. § 271.19, to review, comment, and incorporate applicable and appropriate requirements of 40 C.F.R. Parts 264 and 40 C.F.R. Part 63, Subpart~~s A and~~ EEE directly into the permit or establish other permit conditions that are based on those parts; or take

action under Section 3008(a)(3) of RCRA,42 U.S.C. § 6928(a)(3), against the Respondents on the ground that the RCRA permit for the TDU does not comply with a condition that the EPA Region 6 Regional Administrator in commenting on the permit application or draft permit stated was necessary to implement approved State program requirements, whether or not that condition was included in the final permit. If the Respondent disputes an action taken by EPA pursuant to 40 C.F.R.

§ 270.32 or 40 C.F.R. § 271.19, the Defendant may invoke Dispute Resolution in accordance with Section IV.E of this CAFO.

J. Submissions

In all instances in which this Compliance Order requires written submissions to EPA, each submission must be accompanied by the following certification:

> "I certify under penalty of law to the best of my knowledge and belief that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondents by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

IV. TERMS OF SETTLEMENT

A. CIVIL PENALTY

~~69.~~71. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the seriousness of the alleged violations, the Respondents' good faith efforts to comply with the applicable regulations, and the June 2003 RCRA Civil Penalty Policy, it is hereby

ORDERED that the Respondent U.S. Ecology Texas, Inc. be assessed a civil penalty of _____ **DOLLARS ($_____)**, and the Respondent TD*X Associates L.P. be assessed a civil penalty of _____ **DOLLARS ($_____)**.

~~70.~~72. Within thirty (30) days of the effective date of this CAFO, the Respondents shall pay the assessed civil penalty by certified check, cashier's check, or wire transfer, made payable to "Treasurer, United States of America, EPA - Region 6". Payment shall be remitted in one of three (3) ways: regular U.S. Postal mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check(s) should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check(s) should be remitted to:

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Phone No. (314) 418-1028

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

PLEASE NOTE: Docket numbers RCRA-06-2012-0936 (Respondent USET) and RCRA-06-2012-0937 (Respondent TD*X) shall be clearly typed on the respective checks to ensure proper credit. If payment is made by check, the check shall also be accompanied by a transmittal letter and shall reference the Respondent's name and address, the case name, and docket number of the CAFO. If payment is made by wire transfer, the wire transfer instructions shall reference the Respondent's name and address, the case name, and docket number of the CAFO. The Respondents shall also send a simultaneous notice of such payment, including a copy of the check and transmittal letter, or wire transfer instructions to the following:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Lorena Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

The Respondents' adherence to this request will ensure proper credit is given when penalties are received in the Region.

~~71.~~73. The Respondents agree not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

~~72.~~74. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the

effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. *See* 40 C.F.R. § 13.11(b).

~~73.~~75. EPA will also assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. *See* 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. *See* 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

B. PARTIES BOUND

~~74.~~76. The provisions of this CAFO shall apply to and be binding upon the parties to this action, their officers, directors, agents, employees, successors, and assigns. The undersigned representative of each party to this CAFO certifies that he or she is fully authorized by the party whom he or she represents to enter into the terms and conditions of this CAFO and to execute and to legally bind that party to it. To the extent that this CAFO imposes obligations that are to be fulfilled specifically by one of the Respondents (including without limitation civil penalties imposed specifically against one Respondent or specific compliance actions that this CAFO indicates are to be taken specifically by one Respondent), only such Respondent shall be liable

for the failure to fulfill such obligations. The other Respondent shall be required to use commercially reasonable efforts to mitigate and limit the effects of such failure.

C. ADDITIONAL REQUIREMENTS

~~75.~~77. The Respondents shall undertake the following additional requirements:

~~A. The Respondents agree that the oil reclamation unit and the TDU are subject to the requirements of 40 C.F.R. Part 61, Subparts V and FF.~~

~~B~~A. ~~Within thirty (30) days of the effective date of the CAFO, the Respondents shall identify the following equipment in the oil reclamation unit and the TDU that is in "volatile hazardous air pollutant" (VHAP) service, as that term is defined by 40 C.F.R. § 61.241:~~

~~1. pumps;~~

~~2. compressors;~~

~~3. pressure relief devices;~~

~~4. sampling connection systems;~~

~~5. open ended valves or lines;~~

~~6. valves;~~

~~7. connectors;~~

~~8. surge control vessels;~~

~~9. bottoms receivers; and~~

~~10. control devices and systems.~~

~~The Respondents shall assume all~~that ~~the~~ above described ~~equipment is in VHAP service unless otherwise demonstrated in accordance with the requirements of § 261.245(d).~~

~~C. Within ninety (90)~~ 180 ~~days of the effective date of the CAFO, the Respondents shall implement a fugitive monitoring program in accordance with the requirements of 40 C.F.R.~~

~~Part 61, Subpart V.~~

~~D. Within ninety (90) 180 days of the effective date of the CAFO, the Respondent shall submit the notice required by 40 C.F.R. § 61.247(a) to TCEQ.~~

~~E~~A. Pursuant to 40 C.F.R. § 61.343(a)(1), within ~~ninety (90)~~180 days of the effective date of the CAFO, the Respondents shall install, operate, and maintain a fixed roof and closed-vent system that routes all organic vapors from the following tanks set forth below to a control device: 1. Shaker Tank (T-30);

2. Surge Tank (T-34);
3. Condensate Water Tanks (T-3A, T3-B);
4. T-10 Series Tanks (T-10, T-11, T-12, T-13);
5. T-30 Series Tanks (T-31, T-32, T-33);
6. Filtrate Mix Tank (T-5);
7. Filtrate Tank (T-6);
8. Filtrate Skim Tank (T-6A); and
9. ~~Waste Water Tanks (M3, M6, S1,S2); and~~
10. Centrifuge.

The fixed-roofs shall meet the requirements of 40 C.F.R. § 61.343(a)(1)(i), and the control devices shall be designed and operated in accordance with the requirements of 40 C.F.R. § 61.349. The emissions from the tanks shall be routed to a carbon adsorption system when the TOU is not operating or out of service. The carbon in the carbon adsorption systems used as control device shall be replaced immediately when carbon breakthrough is indicated. The devices shall be monitored ~~on a daily basis when emissions are routed to the device,~~ as required by 40 C.F.R. § 61.354(d).

~~F~~B. Pursuant to 40 C.F.R. § 61.354(c), within ~~ninety (90)~~ 180 days of the effective date of this CAFO, the Respondents shall install, calibrate, maintain, and operate according to manufacturer's specifications, devices to continuously monitor the control devices operations required by 40 C.F.R. § 61.349.

~~G~~C. Pursuant to 40 C.F.R. § 61.345(a), within ~~ninety (90)~~180 days of the effective date of the CAFO, the Respondents shall install, operate and maintain covers on Bins 1, 2, 3, 4, and the Centrifuge solid bins that meet the requirements of 40 C.F.R. § 61.345(a)(1). The cover and openings shall be closed and secured at all time except for waste loading, removal, inspection or sampling, as required by 40 C.F.R. § 61.345(a)(1)(ii).

~~H~~D. The Respondents shall use a submerge fill pipe when transferring waste into the containers by pumping, as required by 40 C.F.R. § 61.345(a)(2).

~~I~~E. ~~Within ninety (90)~~ 180 ~~days of the effective date of the CAFO, the Respondents shall conduct performance tests for the TOU and the carbon adsorption system to demonstrate compliance with the requirements of 40 C.F.R. § 61.349. The performance tests shall be conducted in accordance with the requirements of 40 C.F.R. § 61.355.~~

~~J~~F~~E~~. Within six (6) months of the effective date of the CAFO, the Respondents shall submit a written report to EPA. The Report shall include ~~the following:~~

~~1. A copy of the equipment list required by Paragraph 75.B;~~

~~2. A copy of the fugitive emission program required by Paragraph 75.C;~~

~~3. A copy of the notice required by Paragraph 75.D;~~

~~4. D~~documentation showing compliance with Paragraphs 75.~~E~~A, 75.~~F~~B, 75.~~G~~C, and 75.~~H~~D. This includes documentation that the control devices meet the requirements set forth in 40 C.F.R. § 61.349(a)(2).~~; and~~

~~52. A copy of the performance tests required by Paragraph 75.E.~~

~~K~~E. The report must be accompanied by the following certification:

"I certify to the best of my knowledge and belief that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondents by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

~~L~~G. The Report shall be sent to the following:

Craig Lutz
Toxics Enforcement Section (6EN-AT)
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

D. STIPULATED PENALTIES

~~76.~~78. In addition to any other remedies or sanctions available to EPA, the Respondent(s) shall pay stipulated penalties in the following amounts for each day during which each failure or refusal to comply continues:

a. Failure to Timely Submit Reports, Notices, or Plans - Paragraphs 6~~8~~9.A.3, 6~~8~~9.A.6, 6~~8~~9.A.8, 6~~8~~9.A.9, 6~~8~~9.C.1, 6~~8~~9.C.5, 6~~8~~9.D.1, and 6~~8~~9.E.2

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,000
16th through 30th day	$ 1,500
31st day and beyond	$ 2,500

b. Failure to Comply with Certain Interim Operating Requirements – Paragraphs 6~~8~~9.A.4, 6~~8~~9.A.5, and 6~~8~~9.A.7

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,500
16th through 30th day	$ 2,500

31st day and beyond	$ 5,000

c. Failure to Comply with any Other Provision of Section III of this CAFO

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 500
16th through 30th day	$ 1,000
31st day and beyond	$ 1,500

d. Failure to Comply with Additional Requirements – Section IV.C

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,500
16th through 30th day	$ 2,500
31st day and beyond	$ 5,000

Penalties shall accrue from the date of the noncompliance until the date the violation is corrected, as determined by EPA.

~~77.~~79. For the violations described in Paragraph IV.D.a.-d., "Noncompliance" shall not be deemed to have commenced, and the associated penalties shall not begin to accrue, unless such noncompliance remains uncured following seven (7) days written notice from EPA. The Respondent(s) shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Paragraph 70 herein. Interest and late charges shall be paid as stated in Paragraphs 72 - 73 herein.

~~79. Nothing in this agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of the Respondent(s) violation of this CAFO or of the statutes and regulations upon which this agreement is based, or for the Respondent's violation of any applicable provision of law.~~

E. DISPUTE RESOLUTION

~~78.~~80. If the Respondents object to any decision or directive of EPA in regard to Section III or IV.C, the Respondents shall notify each other and the following persons in writing of its objections, and the basis for those objections, within ~~fifteen (15)~~ 30 calendar days of receipt of EPA's decision or directive:

Associate Director
Hazardous Waste Enforcement Branch (6EN-H)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Chief, RCRA Enforcement Branch (6RC-ER)
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

~~79.~~81. The Associate Director of the Hazardous Waste Enforcement Branch or his/her designee (Associate Director), and the Respondents shall then have an additional ~~fifteen (15)~~ 30 calendar days from EPA's receipt of the Respondents' written objections to attempt to resolve the dispute. If an agreement is reached between the Associate Director and the Respondents, the agreement shall be reduced to writing and signed by the Associate Director and the Respondents and incorporated by reference into this CAFO.

~~80.~~82. If no agreement is reached between the Associate Director and the Respondents within that time period, the dispute shall be submitted to the Director of the Compliance Assurance and Enforcement Division or his/her designee (Division Director). The Division Director and the Respondents shall then have a second ~~15~~30-day period to resolve the dispute. If an agreement is reached between the Division Director and the Respondents, the resolution shall be reduced to writing and signed by the Division Director and the Respondents and incorporated by reference into this CAFO. If the Division Director and the Respondents are unable to reach

agreement within this second ~~15~~30-day period, the Division Director shall provide a written statement of EPA's decision to the Respondents, which shall be binding upon the Respondents and incorporated by reference into the CAFO.

83. If the Dispute Resolution process results in a modification of this CAFO, the modified CAFO must be approved by the Regional Judicial Officer and filed pursuant to Section IV.G (Modifications).

~~81.~~84. Any period of noncompliance and associated monetary penalties, shall be tolled during the period of any dispute resolution under this section IV.E., provided that such period shall not be tolled if the Associate Director or the Division Director, as applicable, determines in his or her reasonable discretion that the Respondents' objection was trivial or frivolous.

F. FORCE MAJEURE

~~82.~~85. A "force majeure event" is any event beyond the control of ~~the~~ either Respondents, ~~their~~ its contractors, or any entity controlled by ~~the~~ a Respondents that delays the performance of any obligation under this CAFO despite ~~Defendant's~~ the Respondent's ~~best~~ commercially reasonable efforts to fulfill the obligation. "Commercially Reasonable~~Best~~ efforts" includes anticipating any ~~potential~~ reasonably foreseeable force majeure event and addressing the effects of any such event (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting delay to the greatest extent possible. "Force Majeure" does not include ~~the~~ a Respondent's~~'~~ financial inability to perform any obligation under this CAFO.

86. The Respondents shall provide notice orally or by electronic or facsimile transmission as soon as possible, but not later than 72 hours after the time the Respondent's~~'~~ first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event. The Respondents shall also provide written notice, as provided in Section IV.F of

this CAFO, within seven days of the time the Respondents first knew of, or by the exercise of due diligence, reasonably should have known of, the event. The notice shall state the anticipated duration of any delay; its cause(s); the ~~Respondent's'~~ past and proposed actions of the Respondent(s) to prevent or minimize any delay; a schedule for carrying out those actions; and the ~~Respondents'~~ rationale of the Respondent(s)for attributing any delay to a force majeure event. Failure to give such notice shall preclude the Respondent(s) from asserting any claim of force majeure.

~~83.~~87. The Respondent also shall provide notice orally or by electronic or facsimile transmission to the other Respondent not later than 24 hours after the time Respondent first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event, provided that the failure to give such notice shall not limit either Respondent's responsibilities under this CAFO.

~~84.~~88. If the Complainant agrees that a force majeure event has occurred, the Complainant may agree to extend the time for the Respondent(s) to perform the affected requirements for the time necessary to complete those obligations. An extension of time to perform the obligations affected by a force majeure event shall not, by itself, extend the time to perform any other obligation. Where the Complainant agrees to an extension of time, the appropriate modification shall be made pursuant to Section IV.G of this CAFO.

~~85.~~89. If the Complainant does not agree that a force majeure event has occurred, or does not agree to the extension of time sought by the Respondent(s), the Complainant's position shall be binding, unless the Respondent(s) invokes Dispute Resolution under Section IV.D of this CAFO. In any such dispute, the Respondent(s) bears the burden of proving, by a preponderance of the evidence, that each claimed force majeure event is a force majeure event; that the

Respondent(s) gave the notice required by the paragraph above, that the force majeure event caused any delay ~~the Respondents'~~ claimed by the Respondent(s) ~~was~~ to be attributable to that event; and that the Respondent(s) exercised their reasonable best efforts to prevent or minimize any delay caused by the event. If the Respondent(s) carry this burden, the delay at issue shall be deemed not to be a violation of the affected obligation of this CAFO.

G. NOTIFICATION

~~86.~~ 90. Unless otherwise specified elsewhere in this CAFO, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other parties that another individual has been designated to receive the communication:

Complainant:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Respondent U.S. Ecology Texas, Inc.:

Mary Reagan
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue
Suite 2100
Austin, Texas 78701

Respondent TD*X Associates, L.P.:

J.D. Head
Fritz, Bryne, Head & Harrison, PLLC
98 San Jacinto Boulevard
Suite 2000

Austin, TX 78701

Texas Commission on Environmental Quality

Section Manager
Industrial and Hazardous Permits Section
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13087 MC 130
Austin, TX 78711

H. MODIFICATION

~~87.~~91. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except as otherwise specified in this CAFO, or upon the written agreement of the Complainant and Respondent(s), and approved by the Regional Judicial Officer, and such modification or amendment being filed with the Regional Hearing Clerk.

I. ~~RETENTION OF ENFORCEMENT RIGHTS~~EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS

~~88.~~92. This CAFO resolves the claims of the United States for the violations alleged in this CAFO and for any other alleged violation or area of concern under RCRA identified by EPA resulting from the June 8-11, 2010, June 14-17, 2010 and August 9-11, 2010 inspection and resulting investigation and any claims for injunctive relief relating to alleged violations of 40 C.F.R. Part 61, Subpart FF. EPA does not waive any rights or remedies available to EPA for any other violations by the Respondents of Federal or State laws, regulations, or permitting conditions.

~~89.~~93. Except as herein provided, ~~N~~nothing in this CAFO shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health,

welfare, or the environment, or prevent, abate or minimize an actual or threatened release of hazardous substances, pollutants, contaminants, hazardous substances on, at or from the Respondent USET's facility or Respondent TD*X's oil reclamation unit and related equipment. ~~Furthermore, nothing in this CAFO shall be construed~~ or to prevent or limit EPA's ~~civil and criminal~~ authoritiesy, or that of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

~~90.~~94. The Complainant reserves all legal and equitable remedies available to enforce the provisions of this CAFO. Except as herein provided, ~~T~~this CAFO shall not be construed to limit the rights of the United States to obtain penalties or injunctive relief under RCRA or under other federal or state laws, regulations, or permit conditions.

~~91.~~95. In any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, other appropriate relief relating to this Facility or the oil reclamation unit, the Respondents shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the Complainant or the United States in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to ~~Section~~Paragraph I.92 of this CAFO.

~~92.~~96. This CAFO is not a permit, or a modification of any permit, under any federal, State, or local laws or regulations. The Respondents are responsible for achieving and maintaining complete compliance with all applicable federal, State, and local laws, regulations, and permits. The Respondents' compliance with this CAFO shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The

Complainant, does not warrant or aver in any manner that the Respondents' compliance with any aspect of this CAFO will result in compliance with provisions of the RCRA or with any other provisions of federal, State, or local laws, regulations, or permits.

J. INDEMNIFICATION OF EPA

~~93.~~97. Neither EPA nor the United States Government shall be liable for any injuries or damages to person or property resulting from the acts or omissions of the Respondents, their officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this CAFO, nor shall EPA or the United States Government be held out as a party to any contract entered into by the Respondents in carrying out the activities required by this CAFO.

K. COSTS

~~94.~~98. Each party shall bear its own costs and attorney's fees. Furthermore, the Respondents specifically waive~~s~~ its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.

L. TERMINATION

~~95.~~99. At such time as the Respondents believe they have completed all of the requirements of this CAFO, they may request that EPA concur whether all of the requirements of this CAFO have been satisfied. Such request shall be in writing and shall provide the necessary documentation to establish whether there has been full compliance with the terms and conditions of this CAFO. EPA will respond to said request in writing within ninety (90) days of receipt of the request. This CAFO shall terminate when all actions required to be taken by this CAFO have been completed, and the Respondents have been notified by the EPA in writing that this CAFO has been satisfied and terminated.

M. EFFECTIVE DATE

~~96.~~100. This CAFO, and any subsequent modifications, become effective upon filing with the Regional Hearing Clerk.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:

FOR THE RESPONDENT:

Date: _____ _____

US Ecology Texas, Inc.

FOR THE RESPONDENT:

Date: _____ _____

TD*X Associates, L.P.

FOR THE COMPLAINANT:

Date: _____

_____
John Blevins
Director
Compliance Assurance and
Enforcement Division

FINAL ORDER

Pursuant to the Section 3008 of RCRA, 42 U.S.C. § 6928, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. ~~This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.~~ This Final Order shall resolve only those ~~causes of action alleged herein~~claims identified in Section I.89 of the foregoing Consent Agreement. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any other violations of law.. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect the Respondents' (or their officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondents are ordered to comply with the Compliance Order and terms of settlement as set forth in the Consent Agreement. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: _____

_____
Patrick Rankin
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 2012, the original and one copy of the foregoing Consent Agreement and Final Order (CAFO) was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copies of the CAFO were placed in the United States Mail, certified mail, return receipt requested, _____ addressed to the following:

Mary Reagan
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue
Suite 2100
Austin, Texas 78701

J.D. Head
Fritz, Bryne, Head & Harrison, PLLC
98 San Jacinto Boulevard
Suite 2000
Austin, TX 78701

_____

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USET/TD*X
DRAFT – 7/13/12

CONFIDENTIAL SETTLEMENT COMMUNICATION

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:	)	
US ECOLOGY TEXAS, INC., and TD*X ASSOCIATES LP	)	DOCKET NOS. RCRA-06-2012-0936 and RCRA-06-2012-0937
RESPONDENTS	)	

CONSENT AGREEMENT AND FINAL ORDER

The Director of the Compliance Assurance and Enforcement Division of the United States Environmental Protection Agency (EPA), Region 6 (Complainant) and US Ecology Texas, Inc. and TD*X Associates L.P. (Respondents) in the above-referenced proceeding, hereby agree to resolve this matter through the issuance of this Consent Agreement and Final Order (CAFO).

I. PRELIMINARY STATEMENT

1. This proceeding for the assessment of civil penalties and the issuance of a compliance order is brought by EPA pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), and is simultaneously commenced and concluded through the issuance of this Consent Agreement and Final Order (CAFO) pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3), and 22.37.

2. Notice of this action was given to the State of Texas prior to the issuance of this CAFO, as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. For the purposes of this proceeding, the Respondents deny any liability to the United States arising out of the transaction or occurrences alleged in this CAFO. Respondents also deny the truth of any allegations in this CAFO except the allegations pertaining to venue and subject matter jurisdiction in Section II.A. of this CAFO.~~admits the jurisdictional allegations herein; however, the Respondents neither admits nor denies the specific factual allegations contained in this CAFO.~~

4. The Respondents explicitly waives any right to contest the allegations and their right to appeal the proposed Final Order set forth therein, and waive all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

5. Compliance with all the terms and conditions of this CAFO shall resolve only those violations which are either specifically set forth herein, or are alleged violations of 40 C.F.R. Part 61; Subpart FF, for which injunctive relief is specified in Section IV.C of this CAFO.

6. The Respondents consent to the issuance of the CAFO hereinafter recited and consents to the issuance of the Compliance Order contained therein.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. PRELIMINARY ALLEGATIONS

7. US Ecology Texas, Inc. (USET) is a corporation incorporated under the laws of the State of Delaware and authorized to do business in the State of Texas.

8. TD*X Associates LP (TD*X) is a limited partnership authorized to do business in the State of Texas.

9. "Person" is defined in 30 T.A.C. § 3.2(25) [40 C.F.R. §§ 260.10 and 270.2], and Section 1004(5) of RCRA, 42 U.S.C. § 6903(15) as "an individual, corporation, organization,

government or government subdivision or agency, business trust, partnership, association, or any other legal entity."

~~10.~~The Respondent USET is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. ~~11.~~10. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903 (15).

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~~11.~~The Respondent TD*X is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. ~~13.~~11. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903 (15).

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~~14.~~12. "Owner" is defined in 30 T.A.C. § 335.1(107) (40 C.F.R. § 260.10) as "the person who owns a facility or part of a facility."

~~15.~~13. "Operator" is defined in 30 T.A.C. § 335.1(108) (40 C.F.R. § 260.10) as "whoever has legal authority and responsibility for a facility that generates, transports, processes, stores or disposes of any hazardous waste."

~~16.~~14. "Owner or operator" is defined in 40 C.F.R. § 270.2 as "the owner or operator of any facility or activity subject to regulation under RCRA."

~~17.~~15. "Facility" is defined in 30 T.A.C. § 335.1(59) (40 C.F.R. § 260.10) as meaning "all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of municipal hazardous waste or industrial solid waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations thereof)."

~~18.~~16. The Respondent USET owns and operates a hazardous waste treatment, storage, and disposal (TSD) facility located at 3327 County Route 69, Robstown, TX 78380, EPA I.D. No. TSD069452340, Permit No. HW-50052-001.

~~19.~~17. The TSD identified in Paragraph 16 is a "facility" as that term is defined in 30 T.A.C. § 335.1(59) (40 C.F.R. § 260.10).

~~20.~~18. The Respondent USET is the "owner" and/or "operator" of the facility identified in Paragraph 16, as those terms are defined in 30 TAC § 335.1(107) & (108) [40 C.F.R. § 260.10] and 40 C.F.R. § 270.2.

~~21.~~19. ~~The Respondent USET has a~~An oil reclamation unit is located ~~on~~at the facility identified in Paragraph 16.

~~22.~~20. The Respondent TD*X owns and operates a thermal desorption unit (TDU), as well as the feed preparation system that includes a shaker tank (T-30) three mix tanks (T-31, T-32, and T-33), a centrifuge, and a surge tank (T-34) at the oil reclamation unit.

~~23.~~21. The Respondent TD*X began operating the TDU and related equipment on or about June 15, 2008.

~~24.~~22. On or about June 8 – 11, 2010, June 14 – 17, 2010, and August 9 – 11, 2010, the Respondent USET's TSD facility and the oil reclamation unit was inspected by representatives of EPA pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

B. ALLEGED VIOLATIONS

Count One – Processing Hazardous Waste Without a Permit or Interim Status

~~25.~~23. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment),[1] storage, or disposal of hazardous waste.

~~26.~~24. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal

[1] The Texas Administrative Code uses the term "processing" instead of "treatment". The term "processing" as used by Texas is essentially equivalent to the term "treatment" as used in the federal statute and regulations.

Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

~~27.~~25. "Recyclable materials" is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as "hazardous wastes that are recycled".

~~28.~~26. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

27. The Respondent USET receives "recyclable materials" from off-site generators, as *that* term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)].

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28. Recyclable materials identified in 30 T.A.C. § 335.24(c) [40 C.F.R. §261.6(a)(3)] are not subject to regulation under Subchapters B-I or O of Chapter 335, 30 T.A.C. Chapters 1, 3, 10, 17, 20, 31, 39, 40, 50, 70, 80, 86, 261 or 305, except as provided in 30 T.A.C. § 335.24(g) and (h) [40 C.F.R. Parts 262 through 268, 270 or 124].

29. The Respondent USET notified the Texas Commission on Environmental Quality (TCEQ) ~~of this activity~~that it reclaims oil from oil-bearing hazardous wastes from petroleum refining, production and transportation practices in accordance with 40 C.F.R. § 261.6(a)(3)(iv)(C).

~~30.~~EPA has not promulgated a definition of "oil bearing hazardous wastes from petroleum refining, production and transportation practices" in its regulations.

30. ~~Hazardous wastes~~ Recyclable materials destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

31. Processing (treatment) is defined in 30 T.A.C. § 335.1(117) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the

> treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

32. On various dates ~~between~~ after June 15, 2008, ~~and the present,~~ certain recyclable materials ~~hazardous wastes~~ were processed in the tanks identified in Paragraph 20.

33. Some of ~~T~~the ~~hazardous waste identified~~ recyclable materials referred to in Paragraph 30 did not meet the exemption ~~definition of "recyclable materials" as that term is defined in 430 T.A.C. § 335.24(a)~~ [in 40 C.F.R. § 261.6(a)(3~~1~~)(iv)(C)] because the hazardous wastes were not "oil-bearing hazardous wastes from petroleum refining, production, and transportation practices." ~~EPA has not promulgated a defininitiondefinition of "oil bearing hazardous wastes from petroleum refining, production and transportation practices in its regulations. Recyclable materials identified in 30 T.A.C. § 335.24(c) [40 C.F.R. §261.6(a)(3)] are not subject to regulation under Subchapters B-I or O of Chapter 335, 30 T.A.C. Chapters 1, 3, 10, 17, 20, 31, 39, 40, 50, 70, 80, 86, 261 or 305, except as provided in 30 T.A.C. § 335.24(g) and (h) [parts 262 through 268, 270 or 124].~~

~~34. The exemption for recyclable materials in 30 T.A.C. §335.24(c) [40 C.F.R.~~

~~§ 261.6(a)(3)] is not applicable for the hazardous waste identified in Paragraphs 30 – 31.~~ Respondent USET ceased the receipt of the hazardous waste identified in Paragraphs ~~30-33~~1.

~~35.~~34. The Respondents TD*X "processed" (treated) hazardous waste as that term is defined in 30 T.A.C. § 335.1(117) (40 C.F.R. § 260.10) in the tanks identified in Paragraph 20.

~~36.~~35. To date, neither the Respondent USET or Respondent TD*X ha~~ve~~s applied for nor received a RCRA permit or interim status to allow the storage of hazardous waste in the tanks identified in Paragraph 20.

~~37.~~36. Therefore, the Respondent USET and the Respondent TD*X have violated ~~and continue to violate~~ Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] ~~by processing (treating) hazardous waste without a permit~~.

Count Two – Processing Hazardous Waste Without a Permit or Interim Status

~~38.~~37. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

~~39.~~38. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

~~40.39.~~ "Recyclable materials" is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as "hazardous wastes that are recycled".

~~41.40.~~ The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

41. The Respondent USET receives "recyclable materials" from off-site generators, as that term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)]. ~~The Respondent USET notified the TCEQ of this activity.~~

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42. Recyclable materials identified in 30 T.A.C. § 335.24(c) [40 C.F.R. §261.6(a)(3)] are not subject to regulation under Subchapters B-I or O of Chapter 335, 30 T.A.C. Chapters 1, 3, 10, 17, 20, 31, 39, 40, 50, 70, 80, 86, 261 or 305, except as provided in 30 T.A.C. § 335.24(g) and (h) [parts 262 through 268, 270 or 124].

43. The Respondent USET notified the ~~Texas Commission on Environmental Quality (TCEQ)~~ that it reclaims oil from oil-bearing hazardous wastes from petroleum refining, production and transportation practices in accordance with 40 C.F.R. § 261.6(a)(3)(iv)(C)

~~42.44.~~ EPA has not promulgated a definition of "oil bearing hazardous wastes from petroleum refining, production and transportation practices" in its regulations.

~~43.45.~~ Recyclable materials ~~Hazardous wastes~~ destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

46. On various dates ~~between~~ after June 15, 2008 ~~and the present~~, certain ~~hazardous wastes~~Recyclable Materials were fed into the TDU that did not meet the exemption in 40 C.F.R. § 261.6(a)(3)(iv)(C) ~~definition of "recyclable materials" as that term is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)]~~ because the hazardous wastes were not "oil-bearing

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hazardous wastes from petroleum refining, production, and transportation practices."

Respondent USET ceased the receipt of these hazardous wastes.

~~47.The exemption for recyclable materials in 30 T.A.C. §335.24(c) [40 C.F.R. 47.§ 261.6(a)(3)] is not applicable for to the hazardous waste identified in Paragraph 42.~~

~~45.~~47. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) (40 C.F.R. § 260.10) as follows:

> the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning.").

~~46.~~48. Processing (treatment) is defined in 30 T.A.C. § 335.1(117) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

~~47.~~49. The TDU uses heat from an indirect heated rotary dryer to separate the organic contaminants ~~and to remove them~~ from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents, ~~and transfers them~~ to a gas treatment

system ~~using a nitrogen carrier gas~~. The oil is ~~then~~ recovered by condensing ~~it~~ vapor phase organic constituents in the gas treatment system. The noncondensable gases are recirculated to the heated rotary dryer. ~~The~~ An approximate 100 cfm vent stream of noncondensable gases is extracted to balance pressures within the system, filtered and injected into the combustion chamber of the TDU. ~~filtered, then nitrogen, along with non-condensable gases, is injected into the combustion chamber of the TDU, and burned~~

~~48.~~ 50. The separation of the organic contaminants from the hazardous waste in the TDU's indirectly heated rotary dryer constitutes thermal processing (thermal treatment) as that term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].

~~49.~~ 51. To date, neither the Respondent USET nor Respondent TD*X has~~ve~~ applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in the TDU.

~~50.~~ 52. Therefore, the Respondent USET and the Respondent TD*X have violated ~~and continue to violate~~ Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] ~~by thermally processing (thermally treating) hazardous waste without a permit~~.

Count Three - Processing Hazardous Waste Without a Permit or Interim Status

~~51.~~ 53. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

~~52.~~ 54. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal

Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

~~53.~~55. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) (40 C.F.R. § 260.10) as follows:

> the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning.")

~~54.~~56. Processing (treatment) is defined in 30 T.A.C. § 335.1(117) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

~~54. The burning of gases in the TDU's combustion chamber constitutes thermal processing (thermal treatment), as term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].~~

~~55.~~57. An incinerator is defined in 30 T.A.C. § 335.1(75) [40 C.F.R. § 260.10] as

"any enclosed device that: (A) uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or (B) meets the definition of infrared incinerator or plasma arc incinerator."

~~56.~~58. The combustion chamber of the TDU is an enclosed device that uses controlled flame combustion to indirectly heat a rotary dryer.

~~57.~~59. The TDU does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; nor meets the definition of infrared incinerator or plasma arc incinerator."

~~58.~~60. The TDU is an "incinerator" as that term is defined in 30 T.A.C. § 335.1(75) [40 C.F.R. § 260.10] because it ~~thermally processes (thermally treats) hazardous waste by burning hazardous waste using controlled flame combustion~~meets the criteria established in Paragraphs II.B.57 and 58.

[EPA NEEDS TO LAY OUT ITS ARGUMENT THAT WE ARE BURNING HAZARDOUS WASTE TO GET TO PARAGRAPH 60].

~~59.~~61. To date, neither the Respondent USET nor Respondent TD*X has~~ve~~ applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in an incinerator.

~~60.~~62. Therefore, the Respondent USET and the Respondent TD*X have violated ~~and continue to violate~~ Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e) and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] ~~by thermally processing (thermally treating) hazardous waste in an unpermitted incinerator.~~ The Respondent USET and the Respondent TD*X have proposed to reconfigure the TDU so that the vent stream of noncondensable gases is

routed to a thermal oxidizer unit (TOU) instead of the external combustion chamber of the TDU rotary dryer.

Count Four – Storing Hazardous Waste Without a Permit Or Interim Status

~~61.~~63. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

~~62.~~64. Between on or about March 9, 2010, and June 11, 2010, the Respondent USET stored roll-off boxes in the area called the "Y" at the facility.

~~63.~~65. The roll-off boxes identified in Paragraph 6~~2~~3 contained material which ~~was destined for the TDU~~had entered the oil reclamation process and was~~ere~~ being temporarily staged ~~to~~ before undergoing subsequent stages of the reclamation process. The Respondent USET discontinued the use of the area called the "Y" for this purpose.

~~64.~~66. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

~~65.~~67. The roll-off boxes identified in Paragraph 6~~2~~3 contained "hazardous waste" as that term is defined in T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

~~66.~~68. ~~To date, t~~The Respondent USET has~~d~~ not applied for nor received a RCRA permit or interim status to allow the storage of hazardous waste at the area called the "Y" between on or about March 9, 2010, and June 11, 2010.

~~67.~~69. Therefore, the Respondent USET has violated Sections 3005(a) and (e) of RCRA,

42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by storing hazardous waste without a RCRA permit or interim status.

III. COMPLIANCE ORDER

68 70. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), the Respondents are hereby **ORDERED** to take the following actions and provide evidence of compliance within the time period specified below:

A. Interim Operating Requirements

1. As of the effective date of this CAFO, feedstock into the TDU shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production and transporationtransportation practices. Oil-bearing hazardous waste from petroleum refining, production or transportation practices includes listed waste from specific Petroleum Refining Sources (F037, F038, K048, K049, K050, K051, K052, K169, and K170, K171, AND K172). Also acceptable are materials generated from processes meeting the definition established for facilities whose primary Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) are as follows:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site	213112	Support Activities for Oil and Gas Operations

	preparation and related construction activities performed on a contract or fee basis)		
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products
4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

2. Using feedstock from the processes meeting the definition of aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to ~~obtain a certification from the generator that the hazardous waste in question is oil-bearing hazardous waste from petroleum refining, production and transportation practices and~~ make a ~~separate, independent~~ determination ~~based on information provided by the generator as to~~ whether the hazardous waste in question is "oil-bearing," and that the hazardous waste actually came from petroleum refining, production, or transportation practices ~~at the generator's facility~~.

3. ~~Within seven (7)~~ ~~14 days of~~ Beginning on the effective date of this CAFO, the Respondents shall ~~submit to EPA and TCEQ for approval~~operate the TDU with~~,~~ the following interim limits on operating parameters~~, including, but not limited, to the following~~:

a. the maximum hazardous waste feed rate to the rotary dryer shall be 31013 tons per day hour based on an hourly rolling average;

b. limits on ash, semivolatile metals, low volatile metals, mercury, and total chlorine (organic and inorganic) (Cl_2 and HCl); dryer feed material shall be limited as follows:

1. to a maximum organic halogen content of at 40001500 ppm,
2. maximum mercury concentration in of 26050 ppm in feed to TDU,
3. no limit on Semi-Volatile Metals concentration in feed to TDU,
4. no limit on Low-Volatile Metals concentration in feed to TDU,
5. no limit on ash content of feed to TDU.

;

c. a minimum solids discharge temperature of 650°F from the rotary dryer or that treated product desorber solids must be considered to be untreated, be separately collected, and be reprocessed through the rotary dryers, except for the first two hours after start-up of feed when the product material does not contact the product thermocouple temperature;

d. maximum internal pressure in the rotary dryer of 0.00 inches (W.C.) with a 60-second time delay whileen the dryer feed is on; gas/vapor flow rate to the Off-Gas Condensing Recovery System;

e. maximum Off-Gas Condensing Recovery System outlet temperature of 1320°F based on an hourly rolling averagewith a 51-minute delay when the dryer feed is on;

f. minimum combustion chamber temperature of 1400°F based on an hourly rolling averagewith a 5-minute delay in the rotary dryer external furnace while the dryer feed is on; and

g. maximum gas/vapor flow rate to the combustion chamber of 180 scfm on an hourly rolling average basis with a continuous supply of air to the process vent injectors including 20%

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or more excess air required to completely combust the process vent gas while the dryer feed is on; and~~.~~

h. a HEPA filter shall be in service at all times on the TDU process vent stream and the HEPA filter shall be confirmed as functioning with a measurable pressure drop once per operating shift while the dryer feed is on.

~~h. other Off-Gas Condensing Recovery Systems operating parameter limits; and~~

~~i. any other operating parameter limits for air pollution control devices used.~~

~~The submittal shall include monitoring and recordkeeping requirements.~~ The Respondents shall perform ~~implement the~~ monitoring and maintain records relating to these operating parameter limits. ~~as approved or modified by EPA and TCEQ.~~

4. Within ninety ~~180 (180)~~ 90 days of the effective date of this CAFO, the Respondents shall install, monitor, and operate an automatic hazardous waste feed cutoff at the TDU that immediately and automatically cuts off the hazardous waste feed when any of the following conditions occurs: ~~in accordance with the requirements of 40 C.F.R. § 63.1206(c)(3).~~

a. ~~O~~oxygen content in the process vent greater than 7% with 1-minute delay;

b. internal pressure in the dryer feed breach greater than 0.0 inches W.C. with 1-minute delay;

c. temperature at the outlet of the gas treatment system condensers greater than 1320°F based on an hourly rolling average~~with 51-minute delay~~;

d. temperature in the combustion zone of the dryer's external furnace less than 1,400°F based on an hourly rolling average~~with a 5-minute delay~~;

e. loss of operation of the gas treatment system carrier gas recirculation blower; ~~and~~

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f. valve position of the process vent injection verified as directing the process vent away from the dryer's external furnace combustion zone with a 1-minute delay;.

g. feed rate to the TDU exceeding ~~31~~13 ton/~~day~~hr based on an ~~twenty-four-hour~~hourly rolling average;. and

h. process vent flow rate exceeding 180 scfm based on a one-hour rolling average.

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5. Within 120 days after the effective date of this CAFO, Respondents shall submit to the TCEQ an application for the construction and operation of the thermal oxidizer under Texas Health and Safety Code Chapter 382. Within ~~ninety 180 (180) days~~one year of the effective date of this CAFO, or within ninety (90) days after issuance of the permit required for installation of the reconfigured TDU under Tex. Health and Safety Code Chapter 382, whichever is later, the Respondents shall reconfigure the TDU so that the non-condensable vent gases and the tank vent closed-vent system gases are routed to a thermal oxidizer unit (TOU) instead of the external combustion chamber of the TDU rotary dryer. After the reconfiguration has occurred, for the purposes of Section III and IV.C of this CAFO only, references to the TDU shall include the TOU, unless otherwise indicated.

6. ~~Within ninety 180 (180) days of~~Beginning on the ~~effective~~ date of ~~this CAFO~~initial operation of the TOU, ~~the~~ Respondents shall comply with ~~also submit to EPA and TCEQ for approval,~~ the following interim operating parameters for the TOU ~~including, but not limited to~~:

a. minimum ~~operating~~ temperature of 1,400°F based on an hourly rolling average in the TOU combustion chamber when the feed to the dryer is on; ~~and~~

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b. maximum flue gas flow rate based on a residence time of 0.5 seconds at 1400°F, as determined by engineering calculations at the measured process flow rate when the feed to the dryer is on; and.

c. maximum process vent gas/vapor flow rate to the TOU combustion chamber of 250 scfm based on an hourly rolling average, based on the design capacity of the TOU, with a continuous supply of air including 20% or more excess air required to completely combust the process vent gas while the dryer feed is on.

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The Respondents shall implement the operating parameter limits as approved or modified by EPA and TCEQ.

7. Within thirty (30)ninety 180 (180) days of the effective date of this CAFO, the Respondents shall install, calibrate, and operate continuous emissions monitors in accordance with the requirements of 40 C.F.R. § 264.1033(pf) applicable to process heaters63.1209(a). Within sixty (60) days of the initial operation of the reconfigured TDU, Tthe Respondents shall also install, calibrate and operate temporary continuous monitors to verify that use carbon monoxide and or hydrocarbon CEMS to demonstrate and monitor is in compliance with the following carbon monoxide andor hydrocarbon standards: (i) carbon monoxide less than 100 ppm by volume, or (ii) hydrocarbons less than 10 ppm by volume as propane, both over an hourly rolling average, dry basis corrected to 7 percent oxygen of 40 C.F.R. Part 63, Subpart EEE§63.1203(a)(5), provided that any compliance demonstration required by that subsection shall be conducted pursuant to the performance test specified in Section III.D. of this CAFO. The Respondents shall also use oxygen CEMS to continuously correct the carbon monoxide or hydrocarbon level to 7 percent oxygen. These CEMS shall be located in compliance with 40

C.F.R. Part 60, Appendix B requirements ~~for rotary dryer emission point (EP-1),~~ for ~~-~~the combustion chamber emission point (EP2)~~, and~~~~following~~ for the TOU. The Respondents shall operate the TDU and the TOU in a manner that the ~~one minute and~~ hourly rolling averages are not exceeded. The rolling averages shall be calculated in accordance with 40 C.F.R. § 63.1209(a)(6). After the compliance demonstration test required by Section III.D of this CAFO ~~thirty (30) days of operation of temporary CEMS~~, the Respondents are allowed to remove ~~those~~the temporary CEMS instruments provided that both the data from the compliance demonstration test confirm compliance with the CO or hydrocarbon standards of 40 C.F.R. §63.1203(a)(5), and the CEMS required by §264.1033(f) actuates the AWFCO. The Respondents shall submit a written demonstration as to these findings to the ~~TCEQ~~EPA in the compliance demonstration test report .

~~8. Within one hundred twenty270 (120270) days of the effective date of this CAFO, the Respondents shall submit to EPA and TCEQ for approval, a feedstream analysis plan prepared in accordance with 40 C.F.R. § 63.1209(c)(2). The Respondents shall implement the plan as approved or modified by EPA and TCEQ.~~

8~~9~~. Within six (6) months after the effective date of this CAFO, and every six months thereafter until this CAFO is terminated, the Respondents shall send a report to EPA, ~~with a copy to TCEQ~~, which contains ~~. The Report shall include~~ the following:

a. Identification of~~y~~ the customer, the customer's SIC and NAICS code, copies ~~of the relevant~~ waste approval documents, ~~including the generator's certification that the oil-bearing hazardous waste is from petroleum refining, production and transportation practices,~~ and manifests for the previous six month period.

[NEED TO DISCUSS DETAILS AND FORMAT OF INFORMATION NEEDED BY EPA]

~~b. All time periods in where there were exceedances of the one minute and hourly rolling averages required under Paragraph 68.A.7.~~

be. ~~The initial Report shall include d~~Documentation ~~showing the~~ of installation ~~dates~~ of the equipment required by Paragraphs 6~~9~~8.A.4, A5, and A.7.

The Report may be submitted in an electronic format (i.e., compact disk). The Respondents may claim the report as confidential business information, in accordance with the requirements of 40 C.F.R. Part 2.

B. RCRA Permit Modification

1. Within ~~ninety (90) days~~ one year of the effective date of this CAFO, the Respondents shall submit to TCEQ ~~and EPA~~, an application for a Class 3 RCRA Permit Modification to permit the TDU as a miscellaneous unit under 40 C.F.R. Part 264, Subpart X in accordance with 30 T.A.C. § 335.152(a)(16) (40 C.F.R. Part 264, Subpart X), 30 T.A.C. Chapter 305 (40 C.F.R. §§ 270.10 – 270.14, ~~270.19,~~ 270.23, and 270.30 – 270.33). ~~This permit application will serve as the Documentation of Compliance required by 40 C.F.R. § 63.1211(c).~~ A copy of this permit modification application shall also be submitted to EPA.

2. The permit application shall also include ~~relevant~~ requirements of 40 C.F.R. Part 264 that are appropriate for the operation of the TDU, the TOU, and the oil reclamation unit, ~~including~~relating to ~~an engineering report,~~ waste analysis, monitoring and inspection requirements, and closure requirements set forth in 30 T.A.C. § 335.152(a)(13) (40 C.F.R. §§ 264.341, 264.347, and 264.351), except that with regard to continuous monitoring required by §264.347(a)(1) and (2), only continuous monitoring of combustion temperature shall be required.

3. The Respondents shall also request that the ~~final~~ issued RCRA permit ~~also~~ include the following:

a. ~~The relevant~~ Appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC and 40 C.F.R. Part 63, Subparts ~~A and~~ EEE;

b. ~~The f~~Feedstock limitations ~~set forth in Paragraph 68.F~~; and

c. Operating parameters for the condensers from the Off-Gas Condensing Recovery System, including appropriate monitoring and recordkeeping requirements for the condensers~~; and~~.

~~d. Any risk-based terms and conditions necessary to protect human health and the environment.~~

4. The failure to timely submit a Class 3 Permit Modification to TCEQ ~~and EPA~~ within the deadline set forth in Paragraph 6~~9~~8.B.1 shall result in the termination of the Respondents' authorization to operate the TDU on that date unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

5. By no later than ~~two~~ three and one-half years (~~30~~42 months) from the effective date of this CAFO, the Respondents must complete all permitting requirements and ~~have a final~~ obtain issuance from the TCEQ of a RCRA Subpart X permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) (40 C.F.R. Part 264, Subpart X), 30 T.A.C. Chapter 305 (40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33), and which incorporates ~~the applicable~~ appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC and 40 C.F.R. Part 63, Subparts ~~A and~~ EEE. In the event that TCEQ does not issue a final RCRA Subpart X permit for the TDU as described above by the above deadline, the Respondents' authorization to operate the TDU terminates on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

~~**C. Public NoticePublic Notice of Intent to Comply (NIC)/Public Participation**~~

~~1. Within seven (7) days of the effective date of this CAFO, the Respondents shall submit to TCEQ and EPA a draft Notice of Intent to Comply (NIC) pursuant to 40 C.F.R. § 63.1210(b), and an initial notification pursuant to 40 C.F.R. § 63.9(b).~~

~~2. The Respondents shall make the draft NIC available to the public either (a) at least thirty (30) days prior to the public meeting pursuant to 40 C.F.R. § 63.1210(b)(2), or (b) at a time approved by EPA and TCEQ.~~

~~3~~1. ~~The Respondents shall provide the following notices to the public:~~

~~a. Notice of Receipt of Application and Intent to Obtain Permit pursuant to 30 T.A.C. §§ 39.418 and 39.509. Notice of the public meeting required by 30 T.A.C. § 305.69(d)(4) shall be included with the Notice of Receipt of Application and Intent to Obtain Permit, as required by 30 T.A.C. § 39.418;~~ and

~~b. Notice to the public of the Notice of Application and Preliminary Decision pursuant to 30 T.A.C. §§ 39.419 and 39.509; and.~~

~~c. NIC public meeting required by 40 C.F.R. § 63.1210(c)(3).~~

~~4~~2. ~~The Respondents shall hold a public meeting pursuant to 30 T.A.C. § 305.69(d)(4) [40 C.F.R. § 270.42(c)] no earlier than fifteen (15) days following publication of the notice and no later than fifteen (15) days before the close of the sixty (60) day comment period. This public meeting shall also be coordinated with the NIC public meeting required by 40 C.F.R. § 63.1210(c).~~

~~5. The Respondents shall submit to TCEQ and EPA the final NIC pursuant to 40 C.F.R. § 63.1210(b)(3) no later than 60 days following the public meeting.~~

~~6. The failure to timely submit the final NIC to TCEQ and EPA no later than 60 days following the public meeting shall result in the termination of the Respondents' authorization to operate the TDU on that date.~~

C~~D~~. Startup, Shutdown, and Malfunction Plan

1. Prior to operation of the reconfigured TDU, ~~Within one hundred twenty (120)~~240 ~~days of the effective date of this CAFO,~~ the Respondents shall submit a Startup, Shutdown, and Malfunction Plan to TCEQ for approval. This plan shall be prepared in accordance with 40 C.F.R. §§ 63.6(e)(3) and ~~63.1206(c)(2)~~include provisions to comply with AWFCOs as per Section 698.A.4 of this CAFO during Startup, Shutdown and Malfunctions. The Respondents shall implement the Startup, Shutdown and Malfunction Plan as approved by TCEQ~~EC comply with any instructions or directives from TCEQ regarding approval, disapproval, or submission of any additional information~~. A copy of the Startup, Shutdown, and Malfunction Plan shall also be submitted to EPA.

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D~~E~~. **~~Comprehensive Performance~~ Compliance Demonstration Test (CD~~P~~T)**

1. The Respondents shall perform a ~~comprehensive performance~~ compliance demonstration test (CD~~P~~T) as set forth below. The CD~~P~~T is required to demonstrate compliance with the appropriate emissions standards of 40 C.F.R. Part ~~63~~264, Subparts O and AA, and Part 63 Subpart EEE ~~EEE~~, establish limits for the operating parameters ~~provided by 40 C.F.R. § 61.1209, identified in the RCRA permit modification application required by Section III.B,~~ and demonstrate compliance with the performance specifications for continuous monitoring systems.

2. Within one hundred twenty (90~~120~~) days of the effective date of this CAFO, the Respondents shall submit to ~~TCEQ and~~ EPA for approval a ~~complete and approvable~~

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~~comprehensive performance test~~CP~~P~~DT plan and a continuous monitoring system (CMS) performance test plan pursuant to the appropriate requirements of 40 C.F.R. §~~§ 63.7, 63.1207, and 63.1209~~270.62(b)(2). The CD~~P~~T plan shall ~~also~~ provide for a performance test to determine the ~~efficiency and~~ operating parameters of the condensers from the Off-Gas Condensing Recovery System, the overall equivalent~~capture efficiency,~~ destruction and removal efficiency of the TDU system including the TOU~~, and the actual nature, pattern, and quantity of emissions from EPN EP-2, the TOU, and any other fugitive or point source emissions of the TDU system capable of routing off-gas from the TDU to the atmosphere, including its air contaminant control systems, product recovery systems, and treated material handling system.~~ Based on the principal operation of the TDU being the reclamation of oil-bearing hazardous waste from petroleum refining, production and transportation practices, the POHC for the DRE determination shall be the sum of all polynuclear aromatic hydrocarbon (PAH) compounds in the listings for K048-K052, K169-K172, F037 and F038, because PAH compounds have the highest difficulty of incineration of the organic constituents that are the basis for listing of these wastes. ~~Copies of the CDT plan and CMS test plan shall also be submitted to EPA.~~

~~3. The Respondents shall make the CPT plan and CMS performance test plan available for public review upon issuance of the notice of NIC public meeting.~~

~~4~~3. The Respondents shall implement the CD~~P~~T Plan and the CMS performance test plan as approved by ~~TCEQ and~~ EPA, within ninety (90) days after approval of the CD~~P~~T Plan and the CMS performance test plan, or within sixty (60) days after installation of the TOU, whichever is later. During the testing, the Respondents shall ~~comply with 40 C.F.R. §§ 63.7(e) and 63.1207(g).~~ assure that each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions

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specified in the relevant standard. For the purpose of determining compliance with a relevant standard, the arithmetic mean of the results of the three runs shall apply. At~~s~~ a minimum during the CD~~P~~T, the Respondents shall demonstrate that the TDU and TOU achieve the following performance standards:

a. the equivalent "destruction and removal efficiency" (DRE) must be greater than 99.99% for ~~one~~the designated POHC fed to the TDU, as per 40 CFR 264, Subpart O, based on the mass feed rate of the POHC fed to the TDU and the mass emission rate of the same POHC present in the exhaust emissions from the combusted process vent, and the POHC shall be the total of the PAH compounds that are the basis for listing for waste codes K048-K052, K169-K172, F037 and F038;

b. the process vent must be controlled by combustion in a control device in accordance with RCRA emissions control standards for process vents as per 40 CFR Part 264, Subpart AA, by providing a minimum residence time of 0.50 seconds at a minimum temperature of 760°C;

c. the closed vent system emissions shall be controlled by combustion in a device that provides a minimum residence time of 0.5 seconds at a minimum temperature of 760°C (1,400°F), as per 40 CFR Part 61, Subpart FF; ~~and~~

d. d~~D~~ioxins and furans emissions shall be less than 0.240 ng TEQ/dscm corrected to 7 percent oxygen from the combusted process vent gas emission stream;

e. mercury emissions less than 8.1 µg/dscm corrected to 7% oxygen in the TOU stack;~~,~~

f. semi-volatile metals (Cd, Pb) emissions less than 10 µg/dscm corrected to 7% oxygen in the TOU stack;~~,~~

g. low-volatile metals (As, Be, Cr) emissions less than 23 µg/dscm combined emissions corrected to 7% oxygen in the TOU stack;~~,~~

h. carbon monoxide emissions less than 100 ppmV, or hydrocarbons emissions less than 10 ppmV as propane, over an hourly rolling average, dry basis, corrected to 7% oxygen in the TOU stack;~~,~~

i. hydrogen chloride and chlorine gas emissions less than 21 ppmV, combined emissions, expressed as chloride equivalent, dry basis, corrected to 7% oxygen in the TOU stack;~~,~~

j. particulate matter emissions less than 0.0016 gr/dscf corrected to 7% oxygen in the TOU stack;~~.~~and

k. during one run of the CDT, the organic compounds reduction efficiency for the TOU shall demonstrated to be greater than 95%, based on Method 18 organic concentration samples taken from the process vent, the tank vent closed vent system, and the TOU stack, and flow measurements made from these same points, using the equation as per 40 CFR § 61.355(i)(4).

4~~5~~. If the Respondents determine (based on CEM recordings, results of analyses of stack samples, or results of CMS performance evaluations) that they have exceeded any emission standard for a mode of operation, they must cease hazardous waste burning immediately under that mode of operation, except that the Respondents may burn hazardous waste for the purpose of conducting demonstration tests under revised operating conditions for the emission standard exceeded ~~except as provided in 40 C.F.R. § 63.1207(*l*)(1)~~. The Respondents must make this determination within ~~forty-five (45)~~ninety (90) days following completion of the C~~P~~DT. ~~The Respondents' authorization to operate the TDU terminates on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).~~

~~6~~5. All analyses required by the CD~~P~~T plan shall be performed by a NELAC -accredited laboratory or by a laboratory pre-approved by TCEQ.

~~7~~6. ~~Pursuant to 40 C.F.R. §§ 63.7(g), 63.9(h), 63.1207(j), and 63.1210(d), w~~Within ninety (90) days from completion of the C~~P~~DT and the CMS performance test, the Respondents shall prepare and submit to ~~TCEQ and~~ EPA a ~~comprehensive test report~~ CDT report that includes results for the analysis of samples, determination of emissions, and raw data, as well as the results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted. ~~Submit a Notification of Compliance (NOC) to TCEQ and EPA~~ The report shall document~~ing~~ compliance with the emission standards and continuous monitoring system requirements, and identify~~ing~~ the operating parameter limits ~~under 40 C.F.R. § 63.1209~~ for the minimum combustion chamber temperature. All data collected during the CD~~P~~T and the CMS performance test (including, but not limited to, field logs, chain-of-custody documentation, monitoring data, sampling and analytical results, and any other data or calculations supporting the emissions calculations or operating parameter limits) must be submitted as part of the CDT report~~to TCEQ and EPA along with the NOC test report. A copy of the CDT report shall also be submitted to the EPA.~~

~~8~~7. As of the date of the submission of the demonstration test report, the Respondents shall comply with all operating requirements of the CDT ~~demonstration NOC~~ report~~and the requirements of 40 C.F.R. §§ 63.1209 AND 63.1219~~.

~~9~~8. The failure to timely submit a~~n~~ ~~NOC~~ CDT report to ~~TCEQ and~~ EPA within ninety (90) days from completion of the CD~~P~~T and the CMS performance test shall result in the

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termination of the Respondents' authorization to operate the TDU on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

F. Compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C)

1. If the Respondent desires to comply with 40 C.F.R. § 261.6(a)(3)(iv)(C) after it receives its RCRA Permit Modification, during that mode of operation under §261.6(a)(3)(iv)(C), feedstock to the TDU shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production and transportation practices. Oil-bearing hazardous waste from petroleum refining, production or transportation practices includes listed waste from specific petroleum refining sources (~~F037, F038, K048,~~ K049, K050, K051, K052, K169 and~~,~~ K170~~, K171 AND K172~~). Also acceptable are materials generated from processes meeting the definition established for ~~facilities whose primary~~ Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) ~~are~~ as follow:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site preparation and related construction activities performed on a contract or fee basis)	213112	Support Activities for Oil and Gas Operations
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products

4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

Nothing in this Section III.F shall be construed to preclude Respondents from seeking authorization to process oil-bearing materials outside the scope of §261.6(a)(3)(iv)(C).

2. Using feedstock from the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to ~~obtain a certification from the generator that the hazardous waste in question is oil-bearing hazardous waste from petroleum refining, production and transportation practices and~~ make a ~~separate, independent~~ determination ~~based on information provided by the generator as to~~ whether the hazardous waste in question is "oil-bearing,"~~;~~ and that the hazardous waste actually came from petroleum refining, production, or transportation practices ~~at the generator's facility~~. The Respondents shall request that this provision be placed in the issued ~~its Final~~ RCRA permit.

G. Submission, Revision, and Approval Process

1. For all applications or plans required be submitted to TCEQ and/or EPA approval under this CAFO, TCEQ/EPA will review these applications or plans ~~and issue only one Notice of Deficiency (NOD) to the Respondents~~ in accordance with 30 T.A.C. §§ 281.3(c) and 281.19(a). The Respondents must ~~provide an approvable~~ respons~~e~~d to any Notice of Deficiency

(NOD) ~~TCEQ and EPA~~ within the ~~thirty (30) days of receipt of~~ time period specified ~~by TCEQ~~ in the NOD unless extended~~deemed by the TCEQ~~. In the event that the Respondents fail to submit a timely and complete~~good-faith~~ ~~approvable~~ NOD response, the Respondents' authorization to operate the TDU shall terminate on the NOD response deadline unless that deadline has been extended pursuant to Section V.F (Force Majeure).~~[thirty (30) days from the date of receipt of the NOD].~~

H. Additional Conditions

1. To comply with this CAFO, the Respondents must obtain a RCRA permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) (40 C.F.R. Part 264, Subpart X), 30 T.A.C. Chapter 305 (40 C.F.R. §§ 270.10 – 270.14, ~~270.19,~~ 270.23, and 270.30 – 270.33), and which incorporates ~~the applicable~~ appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC and 40 C.F.R. Part 63, Subparts~~ A and~~ EEE.

2. The Respondents may seek relief under the provisions of Section IV.F of this~~e~~ CAFO (Force Majeure) for any delay in the performance of any such obligations resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if the Respondent has submitted a timely and complete application and has taken all other actions necessary to obtain such permit or approval.

I. EPA Review and Comment

1. Nothing in this CAFO shall limit EPA's rights under applicable environmental laws or regulations, including, but not limited to, Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), 40 C.F.R. § 270.32 and 40 C.F.R. § 271.19, to review, comment, and incorporate applicable and appropriate requirements of 40 C.F.R. Parts 264 and 40 C.F.R. Part 63, Subparts~~ A and~~ EEE directly into the permit or establish other permit conditions that are based on those parts; or take

action under Section 3008(a)(3) of RCRA,42 U.S.C. § 6928(a)(3), against the Respondents on the ground that the RCRA permit for the TDU does not comply with a condition that the EPA Region 6 Regional Administrator in commenting on the permit application or draft permit stated was necessary to implement approved State program requirements, whether or not that condition was included in the final permit. If the Respondent disputes an action taken by EPA pursuant to 40 C.F.R.

§ 270.32 or 40 C.F.R. § 271.19, the Defendant may invoke Dispute Resolution in accordance with Section IV.E of this CAFO.

J. Submissions

In all instances in which this Compliance Order requires written submissions to EPA, each submission must be accompanied by the following certification:

> "I certify under penalty of law to the best of my knowledge and belief that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondents by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

IV. TERMS OF SETTLEMENT

A. CIVIL PENALTY

69-71. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the seriousness of the alleged violations, the Respondents' good faith efforts to comply with the applicable regulations, and the June 2003 RCRA Civil Penalty Policy, it is hereby

ORDERED that the Respondent U.S. Ecology Texas, Inc. be assessed a civil penalty of _____ **DOLLARS ($_____)**, and the Respondent TD*X Associates L.P. be assessed a civil penalty of _____ **DOLLARS ($_____).**

70.72. Within thirty (30) days of the effective date of this CAFO, the Respondents shall pay the assessed civil penalty by certified check, cashier's check, or wire transfer, made payable to "Treasurer, United States of America, EPA - Region 6". Payment shall be remitted in one of three (3) ways: regular U.S. Postal mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check(s) should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check(s) should be remitted to:

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Phone No. (314) 418-1028

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

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PLEASE NOTE: Docket numbers RCRA-06-2012-0936 (Respondent USET) and RCRA-06-2012-0937 (Respondent TD*X) shall be clearly typed on the respective checks to ensure proper credit. If payment is made by check, the check shall also be accompanied by a transmittal letter and shall reference the Respondent's name and address, the case name, and docket number of the CAFO. If payment is made by wire transfer, the wire transfer instructions shall reference the Respondent's name and address, the case name, and docket number of the CAFO. The Respondents shall also send a simultaneous notice of such payment, including a copy of the check and transmittal letter, or wire transfer instructions to the following:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Lorena Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

The Respondents' adherence to this request will ensure proper credit is given when penalties are received in the Region.

~~74.~~73. The Respondents agree not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

~~73.~~74. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the

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effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. *See* 40 C.F.R. § 13.11(b).

~~73.~~75. EPA will also assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. *See* 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. *See* 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

B. PARTIES BOUND

~~74.~~76. The provisions of this CAFO shall apply to and be binding upon the parties to this action, their officers, directors, agents, employees, successors, and assigns. The undersigned representative of each party to this CAFO certifies that he or she is fully authorized by the party whom he or she represents to enter into the terms and conditions of this CAFO and to execute and to legally bind that party to it. To the extent that this CAFO imposes obligations that are to be fulfilled specifically by one of the Respondents (including without limitation civil penalties imposed specifically against one Respondent or specific compliance actions that this CAFO indicates are to be taken specifically by one Respondent), only such Respondent shall be liable

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for the failure to fulfill such obligations. The other Respondent shall be required to use commercially reasonable efforts to mitigate and limit the effects of such failure.

C. ADDITIONAL REQUIREMENTS

~~75.~~77. The Respondents shall undertake the following additional requirements:

~~A. The Respondents agree that the oil reclamation unit and the TDU are subject to the requirements of 40 C.F.R. Part 61, Subparts V and FF.~~

~~B~~A. ~~Within thirty (30) days of the effective date of the CAFO, the Respondents shall identify the following equipment in the oil reclamation unit and the TDU that is in "volatile hazardous air pollutant" (VHAP) service, as that term is defined by 40 C.F.R. § 61.241:~~

~~1. pumps;~~

~~2. compressors;~~

~~3. pressure relief devices;~~

~~4. sampling connection systems;~~

~~5. open-ended valves or lines;~~

~~6. valves;~~

~~7. connectors;~~

~~8. surge control vessels;~~

~~9. bottoms receivers; and~~

~~10. control devices and systems.~~

~~The Respondents shall assume all~~that the ~~above-described equipment is in VHAP service unless otherwise demonstrated in accordance with the requirements of § 261.245(d).~~

~~C. Within ninety (90)~~ 180 ~~days of the effective date of the CAFO, the Respondents shall implement a fugitive monitoring program in accordance with the requirements of 40 C.F.R.~~

~~Part 61, Subpart V.~~

~~D. Within ninety (90) 180 days of the effective date of the CAFO, the Respondent shall submit the notice required by 40 C.F.R. § 61.247(a) to TCEQ.~~

~~E~~A. Pursuant to 40 C.F.R. § 61.343(a)(1), within ~~ninety (90)~~180 days of the effective date of the CAFO, the Respondents shall install, operate, and maintain a fixed roof and closed-vent system that routes all organic vapors from the following tanks set forth below to a control device: 1. Shaker Tank (T-30);

2. Surge Tank (T-34);
3. Condensate Water Tanks (T-3A, T3-B);
4. T-10 Series Tanks (T-10, T-11, T-12, T-13);
5. T-30 Series Tanks (T-31, T-32, T-33);
6. Filtrate Mix Tank (T-5);
7. Filtrate Tank (T-6);
8. Filtrate Skim Tank (T-6A); and
9. ~~Waste Water Tanks (M3, M6, S1,S2); and~~

~~10.~~ Centrifuge.

The fixed-roofs shall meet the requirements of 40 C.F.R. § 61.343(a)(1)(i), and the control devices shall be designed and operated in accordance with the requirements of 40 C.F.R. § 61.349. The emissions from the tanks shall be routed to a carbon adsorption system when the TOU is not operating or out of service. The carbon in the carbon adsorption systems used as control device shall be replaced immediately when carbon breakthrough is indicated. The devices shall be monitored ~~on a daily basis when emissions are routed to the device,~~ as required by 40 C.F.R. § 61.354(d).

~~F~~B. Pursuant to 40 C.F.R. § 61.354(c), within ~~ninety (90)~~ 180 days of the effective date of this CAFO, the Respondents shall install, calibrate, maintain, and operate according to manufacturer's specifications, devices to continuously monitor the control devices operations required by 40 C.F.R. § 61.349.

~~G~~C. Pursuant to 40 C.F.R. § 61.345(a), within ~~ninety (90)~~180 days of the effective date of the CAFO, the Respondents shall install, operate and maintain covers on Bins 1, 2, 3, 4, and the Centrifuge solid bins that meet the requirements of 40 C.F.R. § 61.345(a)(1). The cover and openings shall be closed and secured at all time except for waste loading, removal, inspection or sampling, as required by 40 C.F.R. § 61.345(a)(1)(ii).

~~H~~D. The Respondents shall use a submerge fill pipe when transferring waste into the containers by pumping, as required by 40 C.F.R. § 61.345(a)(2).

~~I~~E. ~~Within ninety (90)~~ 180 ~~days of the effective date of the CAFO, the Respondents shall conduct performance tests for the TOU and the carbon adsorption system to demonstrate compliance with the requirements of 40 C.F.R. § 61.349. The performance tests shall be conducted in accordance with the requirements of 40 C.F.R. § 61.355.~~

~~J~~F~~E~~. Within six (6) months of the effective date of the CAFO, the Respondents shall submit a written report to EPA. The Report shall include ~~the following:~~

~~1. A copy of the equipment list required by Paragraph 75.B;~~

~~2. A copy of the fugitive emission program required by Paragraph 75.C;~~

~~3. A copy of the notice required by Paragraph 75.D;~~

~~4. D~~documentation showing compliance with Paragraphs 75.~~E~~A, 75.~~F~~B, 75.~~G~~C, and 75.~~H~~D. This includes documentation that the control devices meet the requirements set forth in 40 C.F.R. § 61.349(a)(2).~~; and~~

~~52. A copy of the performance tests required by Paragraph 75.EI.~~

~~K~~F. The report must be accompanied by the following certification:

"I certify to the best of my knowledge and belief that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondents by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

~~L~~G. The Report shall be sent to the following:

Craig Lutz
Toxics Enforcement Section (6EN-AT)
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

D. STIPULATED PENALTIES

~~76.~~78. In addition to any other remedies or sanctions available to EPA, the Respondent(s) shall pay stipulated penalties in the following amounts for each day during which each failure or refusal to comply continues:

a. Failure to Timely Submit Reports, Notices, or Plans - Paragraphs 6~~8~~9.A.3, 6~~8~~9.A.6, 6~~8~~9.A.8, 6~~8~~9.A.9, 6~~8~~9.C.1, 6~~8~~9.C.5, 6~~8~~9.D.1, and 6~~8~~9.E.2

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,000
16th through 30th day	$ 1,500
31st day and beyond	$ 2,500

b. Failure to Comply with Certain Interim Operating Requirements – Paragraphs 6~~8~~9.A.4, 6~~8~~9.A.5, and 6~~8~~9.A.7

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,500
16th through 30th day	$ 2,500

31st day and beyond	$ 5,000

c. Failure to Comply with any Other Provision of Section III of this CAFO

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 500
16th through 30th day	$ 1,000
31st day and beyond	$ 1,500

d. Failure to Comply with Additional Requirements – Section IV.C

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,500
16th through 30th day	$ 2,500
31st day and beyond	$ 5,000

Penalties shall accrue from the date of the noncompliance until the date the violation is corrected, as determined by EPA.

~~77.~~79. For the violations described in Paragraph IV.D.a.-d., "Noncompliance" shall not be deemed to have commenced, and the associated penalties shall not begin to accrue, unless such noncompliance remains uncured following seven (7) days written notice from EPA. The Respondent(s) shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Paragraph 70 herein. Interest and late charges shall be paid as stated in Paragraphs 72 - 73 herein.

~~79. Nothing in this agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of the Respondent(s) violation of this CAFO or of the statutes and regulations upon which this agreement is based, or for the Respondent's violation of any applicable provision of law.~~

E. DISPUTE RESOLUTION

~~78.~~80. If the Respondents object to any decision or directive of EPA in regard to Section III or IV.C, the Respondents shall notify each other and the following persons in writing of its objections, and the basis for those objections, within ~~fifteen (15)~~ 30 calendar days of receipt of EPA's decision or directive:

Associate Director
Hazardous Waste Enforcement Branch (6EN-H)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Chief, RCRA Enforcement Branch (6RC-ER)
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

~~79.~~81. The Associate Director of the Hazardous Waste Enforcement Branch or his/her designee (Associate Director), and the Respondents shall then have an additional ~~fifteen (15)~~ 30 calendar days from EPA's receipt of the Respondents' written objections to attempt to resolve the dispute. If an agreement is reached between the Associate Director and the Respondents, the agreement shall be reduced to writing and signed by the Associate Director and the Respondents and incorporated by reference into this CAFO.

~~80.~~82. If no agreement is reached between the Associate Director and the Respondents within that time period, the dispute shall be submitted to the Director of the Compliance Assurance and Enforcement Division or his/her designee (Division Director). The Division Director and the Respondents shall then have a second ~~15~~30-day period to resolve the dispute. If an agreement is reached between the Division Director and the Respondents, the resolution shall be reduced to writing and signed by the Division Director and the Respondents and incorporated by reference into this CAFO. If the Division Director and the Respondents are unable to reach

agreement within this second ~~15~~30-day period, the Division Director shall provide a written statement of EPA's decision to the Respondents, which shall be binding upon the Respondents and incorporated by reference into the CAFO.

83. If the Dispute Resolution process results in a modification of this CAFO, the modified CAFO must be approved by the Regional Judicial Officer and filed pursuant to Section IV.G (Modifications).

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~~81.~~84. Any period of noncompliance and associated monetary penalties, shall be tolled during the period of any dispute resolution under this section IV.E., provided that such period shall not be tolled if the Associate Director or the Division Director, as applicable, determines in his or her reasonable discretion that the Respondents' objection was trivial or frivolous.

F. FORCE MAJEURE

~~82.~~85. A "force majeure event" is any event beyond the control of ~~the~~ either Respondent~~s~~, ~~their~~ its contractors, or any entity controlled by ~~the~~ a Respondent~~s~~ that delays the performance of any obligation under this CAFO despite ~~Defendant's~~ the Respondent's ~~best~~ commercially reasonable efforts to fulfill the obligation. "Commercially Reasonable~~Best~~ efforts" includes anticipating any ~~potential~~ reasonably foreseeable force majeure event and addressing the effects of any such event (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting delay to the greatest extent possible. "Force Majeure" does not include ~~the~~ a Respondent's~~'~~ financial inability to perform any obligation under this CAFO.

86. The Respondent~~s~~ shall provide notice orally or by electronic or facsimile transmission as soon as possible, but not later than 72 hours after the time the Respondent's~~'~~ first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event. The Respondent~~s~~ shall also provide written notice, as provided in Section IV.F of

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this CAFO, within seven days of the time the Respondent~~s~~ first knew of, or by the exercise of due diligence, reasonably should have known of, the event. The notice shall state the anticipated duration of any delay; its cause(s); the ~~Respondent's'~~ past and proposed actions of the Respondent(s) to prevent or minimize any delay; a schedule for carrying out those actions; and the ~~Respondents'~~ rationale of the Respondent(s)for attributing any delay to a force majeure event. Failure to give such notice shall preclude the Respondent(s) from asserting any claim of force majeure.

~~83.~~87. The Respondent also shall provide notice orally or by electronic or facsimile transmission to the other Respondent not later than 24 hours after the time Respondent first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event, provided that the failure to give such notice shall not limit either Respondent's responsibilities under this CAFO.

~~84.~~88. If the Complainant agrees that a force majeure event has occurred, the Complainant may agree to extend the time for the Respondent(s) to perform the affected requirements for the time necessary to complete those obligations. An extension of time to perform the obligations affected by a force majeure event shall not, by itself, extend the time to perform any other obligation. Where the Complainant agrees to an extension of time, the appropriate modification shall be made pursuant to Section IV.G of this CAFO.

~~85.~~89. If the Complainant does not agree that a force majeure event has occurred, or does not agree to the extension of time sought by the Respondent(s), the Complainant's position shall be binding, unless the Respondent(s) invokes Dispute Resolution under Section IV.D of this CAFO. In any such dispute, the Respondent(s) bears the burden of proving, by a preponderance of the evidence, that each claimed force majeure event is a force majeure event; that the

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Respondent(s) gave the notice required by the paragraph above, that the force majeure event caused any delay ~~the Respondents'~~ claimed by the Respondent(s) ~~was~~ to be attributable to that event; and that the Respondent(s) exercised their reasonable best efforts to prevent or minimize any delay caused by the event. If the Respondent(s) carry this burden, the delay at issue shall be deemed not to be a violation of the affected obligation of this CAFO.

G. NOTIFICATION

~~86~~ 90. Unless otherwise specified elsewhere in this CAFO, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other parties that another individual has been designated to receive the communication:

Complainant:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Respondent U.S. Ecology Texas, Inc.:

Mary Reagan
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue
Suite 2100
Austin, Texas 78701

Respondent TD*X Associates, L.P.~~-~~:

J.D. Head
Fritz, Bryne, Head & Harrison, PLLC
98 San Jacinto Boulevard
Suite 2000

Austin, TX 78701

Texas Commission on Environmental Quality

Section Manager
Industrial and Hazardous Permits Section
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13087 MC 130
Austin, TX 78711

H. MODIFICATION

~~87.~~91. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except as otherwise specified in this CAFO, or upon the written agreement of the Complainant and Respondent(s), and approved by the Regional Judicial Officer, and such modification or amendment being filed with the Regional Hearing Clerk.

I. ~~RETENTION OF ENFORCEMENT RIGHTS~~EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS

~~88.~~92. This CAFO resolves the claims of the United States for the violations alleged in this CAFO and for any other alleged violation or area of concern under RCRA identified by EPA resulting from the June 8-11, 2010, June 14-17, 2010 and August 9-11, 2010 inspection and resulting investigation and any claims for injunctive relief relating to alleged violations of 40 C.F.R. Part 61, Subpart FF. EPA does not waive any rights or remedies available to EPA for any other violations by the Respondents of Federal or State laws, regulations, or permitting conditions.

~~89.~~93. Except as herein provided, ~~N~~nothing in this CAFO shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health,

welfare, or the environment, or prevent, abate or minimize an actual or threatened release of hazardous substances, pollutants, contaminants, hazardous substances on, at or from the Respondent USET's facility or Respondent TD*X's oil reclamation unit and related equipment. ~~Furthermore, nothing in this CAFO shall be construed~~ or to prevent or limit EPA's ~~civil and criminal~~ authoritiesy, or that of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

~~90.~~94. The Complainant reserves all legal and equitable remedies available to enforce the provisions of this CAFO. Except as herein provided, ~~T~~this CAFO shall not be construed to limit the rights of the United States to obtain penalties or injunctive relief under RCRA or under other federal or state laws, regulations, or permit conditions.

~~91.~~95. In any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, other appropriate relief relating to this Facility or the oil reclamation unit, the Respondents shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the Complainant or the United States in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to ~~Section~~Paragraph 1.92 of this CAFO.

~~92.~~96. This CAFO is not a permit, or a modification of any permit, under any federal, State, or local laws or regulations. The Respondents are responsible for achieving and maintaining complete compliance with all applicable federal, State, and local laws, regulations, and permits. The Respondents' compliance with this CAFO shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The

Complainant, does not warrant or aver in any manner that the Respondents' compliance with any aspect of this CAFO will result in compliance with provisions of the RCRA or with any other provisions of federal, State, or local laws, regulations, or permits.

J. INDEMNIFICATION OF EPA

~~93.~~97. Neither EPA nor the United States Government shall be liable for any injuries or damages to person or property resulting from the acts or omissions of the Respondents, their officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this CAFO, nor shall EPA or the United States Government be held out as a party to any contract entered into by the Respondents in carrying out the activities required by this CAFO.

K. COSTS

~~94.~~98. Each party shall bear its own costs and attorney's fees. Furthermore, the Respondents specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.

L. TERMINATION

~~95.~~99. At such time as the Respondents believe they have completed all of the requirements of this CAFO, they may request that EPA concur whether all of the requirements of this CAFO have been satisfied. Such request shall be in writing and shall provide the necessary documentation to establish whether there has been full compliance with the terms and conditions of this CAFO. EPA will respond to said request in writing within ninety (90) days of receipt of the request. This CAFO shall terminate when all actions required to be taken by this CAFO have been completed, and the Respondents have been notified by the EPA in writing that this CAFO has been satisfied and terminated.

M. EFFECTIVE DATE

~~96.100~~ This CAFO, and any subsequent modifications, become effective upon filing with the Regional Hearing Clerk.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:

FOR THE RESPONDENT:

Date: _____ _____

US Ecology Texas, Inc.

FOR THE RESPONDENT:

Date: _____ _____
TD*X Associates, L.P.

FOR THE COMPLAINANT:

Date: _____

_____
John Blevins
Director
Compliance Assurance and
Enforcement Division

FINAL ORDER

Pursuant to the Section 3008 of RCRA, 42 U.S.C. § 6928, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. ~~This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.~~ This Final Order shall resolve only those ~~causes of action alleged herein~~claims identified in Section I.89 of the foregoing Consent Agreement. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any other violations of law.. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect the Respondents' (or their officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondents are ordered to comply with the Compliance Order and terms of settlement as set forth in the Consent Agreement. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: _____

_____
Patrick Rankin
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 2012, the original and one copy of the foregoing Consent Agreement and Final Order (CAFO) was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copies of the CAFO were placed in the United States Mail, certified mail, return receipt requested, _____ addressed to the following:

Mary Reagan
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue
Suite 2100
Austin, Texas 78701

J.D. Head
Fritz, Bryne, Head & Harrison, PLLC
98 San Jacinto Boulevard
Suite 2000
Austin, TX 78701

_____

TD*X Enforcement Summary and Summary of letters from FBH&F law firm

TD*X regulatory history in Region 6

In 2010 Region 6 conducted a RCRA inspection at the US Ecology hazardous waste landfill in Robstown, Texas. The inspectors found a thermal desorber operated by TD*X on the RCRA permitted site. The thermal desorber received oily wastes from oil and gas operations, refineries, chemical plants and other sources. The desorber worked by heating oily solids in a rotary kiln, volatilizing the VOCs, then chilling them to recover liquid oil. Non-condensables – gasses that did not condense in the chiller- were routed to the fire box and burned to provide further heat to desorb oils. At the time of the inspection the unit was operating as an "exempt recycling unit" under RCRA.

Following the inspection, an enforcement action establishing the unit as a RCRA Subpart X thermal treatment unit was obtained by TD*X. Following the enforcement action, the non-condensables are routed to a thermal oxidizer. The case was settled in approximately 2013.

In October 2015, the law firm that represented TD*X in the EPA enforcement action sent three letters requesting regulatory interpretation under RCRA and the CAA for three different thermal desorber scenarios. Each letter ends with the note that the client wishes to construct and install one or more of these units in Region 6. This summary of the letters does not touch on every question asked, but lists a few to establish the basic direction of the questioning.

1) Hazardous Waste Regulatory Standards for Thermal desorbers installed at petroleum refineries.

   - If the desorber treats refinery wastes exempted under 261.4 (a)(12) for oil bearing hazardous secondary materials would combustion of the vent gas be regulated thermal treatment? If combusted in the fire box for the unit? If combusted in a thermal oxidizer? If combusted in a flare?
   - Would combustion of the vent gas be regulated under 40 CFR Part 60 Subpart Ja? Part 63 Subpart DDDDD? MACT? Part 61 Subpart FF?
   - How would specific consent order affect regulation of the unit?

2) Hazardous Waste Regulatory Standards for Thermal desorbers installed at TSDFs
   - Is combustion of the vent gas (fire box, thermal oxidizer or flare) of a desorber that treats hazardous waste regulated as thermal treatment under RCRA?
   - Does thermal treatment of the vent gas require a RCRA permit?
   - For subpart X permitted units should RCRA subparts I though O, AA, BB and CC and MACT EEE be included?
   - Trial burn required?
   - Others…

3) Hazardous Waste Regulatory Standards for Thermal desorbers used as "verified recycler" facilities under the new DSW
   - TDUs recycling HSM at a RCRA TSDF under a Part B permit; would the waste be classified as HSM and not require manifesting as RCRA hazardous waste?
   - TDUs recycling HSM at an un-permitted facility; will EPA allow recycling of DSW HSM at un-permitted facilities using the "variance" process?

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2012 OCT -4 AM 9:20
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:	)	
US ECOLOGY TEXAS, INC., and TD*X ASSOCIATES LP	)	DOCKET NOS. RCRA-06-2012-0936 and RCRA-06-2012-0937
RESPONDENTS	)	

CONSENT AGREEMENT AND FINAL ORDER

The Director of the Compliance Assurance and Enforcement Division of the United States Environmental Protection Agency (EPA), Region 6 (Complainant) and US Ecology Texas, Inc. and TD*X Associates L.P. (Respondents) in the above-referenced proceeding, hereby agree to resolve this matter through the issuance of this Consent Agreement and Final Order (CAFO).

I. PRELIMINARY STATEMENT

1. This proceeding for the assessment of civil penalties and the issuance of a compliance order is brought by EPA pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), and is simultaneously commenced and concluded through the issuance of this Consent Agreement and Final Order (CAFO) pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3), and 22.37.

2. Notice of this action was given to the State of Texas prior to the issuance of this CAFO, as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. For the purposes of this proceeding, the Respondents admit the jurisdictional allegations contained herein; however, the Respondents neither admit nor deny the specific factual allegations contained in this CAFO.

4. The Respondents explicitly waive any right to contest the allegations and their right to appeal the proposed Final Order set forth therein, and waive all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

5. Compliance with all the terms and conditions of this CAFO shall resolve only those violations which are set forth herein.

6. The Respondents consent to the issuance of the CAFO hereinafter recited and consent to the issuance of the Compliance Order contained therein.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. PRELIMINARY ALLEGATIONS

7. US Ecology Texas, Inc. (USET) is a corporation incorporated under the laws of the State of Delaware and authorized to do business in the State of Texas.

8. TD*X Associates LP (TD*X) is a limited partnership authorized to do business in the State of Texas.

9. "Person" is defined in 30 T.A.C. § 3.2(25) [40 C.F.R. §§ 260.10 and 270.2], and Section 1004(5) of RCRA, 42 U.S.C. § 6903(15) as "an individual, corporation, organization, government or government subdivision or agency, business trust, partnership, association, or any other legal entity."

10. The Respondent USET is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903(15).

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11. The Respondent TD*X is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903 (15).

12. "Owner" is defined in 30 T.A.C. § 335.1(108) [40 C.F.R. § 260.10] as "the person who owns a facility or part of a facility."

13. "Operator" is defined in 30 T.A.C. § 335.1(107) [40 C.F.R. § 260.10] as "the person responsible for the overall operation of a facility".

14. "Owner or operator" is defined in 40 C.F.R. § 270.2 as "the owner or operator of any facility or activity subject to regulation under RCRA."

15. "Facility" is defined in 30 T.A.C. § 335.1(59) [40 C.F.R. § 260.10] as meaning "all contiguous land, and structures, other appurtenances, and improvements on the land, used for storing, processing, or disposing of municipal hazardous waste or industrial solid waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them)."

16. The Respondent USET owns and operates a hazardous waste treatment, storage, and disposal (TSD) facility located at 3327 County Road 69, Robstown, TX 78380, EPA I.D. No. TXD069452340, Permit No. HW-50052-001.

17. The TSD identified in Paragraph 16 is a "facility" as that term is defined in 30 T.A.C. § 335.1(59) [40 C.F.R. § 260.10].

18. The Respondent USET is the "owner" and/or "operator" of the facility identified in Paragraph 16, as those terms are defined in 30 TAC § 335.1(107) & (108) [40 C.F.R. § 260.10] and 40 C.F.R. § 270.2.

19. An oil reclamation unit is located at the facility identified in Paragraph 16.

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20. The Respondent TD*X owns and operates a thermal desorption unit (TDU), as well as the feed preparation system that includes a shaker tank (T-30), three mix tanks (T-31, T-32, and T-33), a centrifuge, and a surge tank (T-34) at the oil reclamation unit.

21. The Respondent TD*X began operating the TDU and related equipment on or about June 15, 2008.

22. On or about June 8 – 11, 2010, June 14 – 17, 2010, and August 9 – 11, 2010, the Respondent USET's TSD facility and the oil reclamation unit were inspected by representatives of EPA pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

B. VIOLATIONS

Count One – Processing Hazardous Waste Without a Permit or Interim Status

23. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment),[1] storage, or disposal of hazardous waste.

24. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

25. "Recyclable materials" is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as "hazardous wastes that are recycled".

---

[1] The Texas Administrative Code uses the term "processing" instead of "treatment". The term "processing" as used by Texas is essentially equivalent to the term "treatment" as used in the federal statute and regulations.

26. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

27. The Respondent USET receives "recyclable materials" from off-site generators, as that term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)].

28. Recyclable materials destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

29. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

30. On various dates after June 15, 2008, certain recyclable materials were processed in the tanks identified in Paragraph 20.

31. The recyclable materials identified in Paragraph 30 did not meet the exemption in 30 T.A.C. § 335.24(c)(4)(C) [40 C.F.R. § 261.6(a)(3)(iv)(C) because the hazardous wastes were not "oil-bearing hazardous wastes from petroleum refining, production, and transportation practices."

32. The Respondent TD*X processed (treated) hazardous waste as that term is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] in the tanks identified in Paragraph 20.

33. To date, neither the Respondent USED nor Respondent TD*X has applied for nor received a RCRA permit or interim status to allow the processing (treatment) of hazardous waste in the tanks identified in Paragraph 20.

34. Therefore, the Respondent USET and the Respondent TD*X have violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by processing (treating) hazardous waste without a RCRA permit or interim status.

Count Two – Processing Hazardous Waste Without a Permit or Interim Status

35. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

36. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

37. "Recyclable materials" is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as "hazardous wastes that are recycled".

38. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

39. The Respondent USET receives "recyclable materials" from off-site generators, as that term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)].

40. Recyclable materials destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

41. On various dates after June 15, 2008, certain recyclable materials were fed into the TDU that did not meet the exemption in 30 T.A.C. § 335.24(c)(4)(C) [40 C.F.R. § 261.6(a)(3)(iv)(C) because the hazardous wastes were not "oil-bearing hazardous wastes from petroleum refining, production, and transportation practices."

42. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

43. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10] as follows:

> the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air

oxidation, and microwave discharge. (See also "incinerator" and "open burning.").

44. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents to a gas treatment system. The oil is recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU's recirculating nitrogen carrier gas, along with non-condensable gases, is vented, filtered, and then injected into the combustion chamber of the TDU, where it is burned.

45. The separation of the organic constituents from the hazardous waste in the TDU's indirectly heated rotary dryer constitutes thermal processing (thermal treatment) as that term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].

46. To date, neither the Respondent USET nor Respondent TD*X has applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in the TDU.

47. Therefore, the Respondent USET and the Respondent TD*X have violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by thermally processing (thermally treating) hazardous waste without a RCRA permit or interim status.

Count Three - Processing Hazardous Waste Without a Permit or Interim Status

48. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

49. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States

Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

50. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

51. Hazardous wastes destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

52. On various dates after June 15, 2008, hazardous wastes were fed into the TDU.

53. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents to a gas treatment system. The oil is recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU's recirculating nitrogen carrier gas, along with non-condensable gases, is vented, filtered, and then injected into the combustion chamber of the TDU, where it is burned.

54. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in

> accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

55. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10] as follows:

> the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning.")

56. The burning of gases in the TDU's combustion chamber constitutes thermal processing (thermal treatment) as that term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].

57. The combustion chamber of the TDU is an enclosed device that uses controlled flame combustion.

58. The combustion chamber of the TDU does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; nor meets the definition of infrared incinerator or plasma arc incinerator."

59. To date, neither the Respondent USET nor Respondent TD*X has applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in the combustion chamber of the TDU.

60. Therefore, the Respondent USET and the Respondent TD*X have violated and continue to violate Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e) and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by thermally processing (thermally treating) hazardous waste without a RCRA permit or interim status.

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Count Four – Storing Hazardous Waste Without a Permit Or Interim Status

61. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

62. "Storage" is defined in 30 T.A.C. § 335.1(143) [40 C.F.R. § 260.10] as "the holding of solid waste for a temporary period, at the end of which the waste is processed, disposed of, recycled, or stored elsewhere."

63. Between on or about March 9, 2010, and June 11, 2010, the Respondent USET stored roll-off boxes in the area called the "Y" at the facility.

64. The roll-off boxes identified in Paragraph 63 contained material which had entered the oil reclamation process and was being temporarily staged before undergoing subsequent stages of the reclamation process. The Respondent USET discontinued the use of the area called the "Y" for this purpose.

65. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

66. The roll-off boxes identified in Paragraph 63 contained "hazardous waste" as that term is defined in T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

67. The Respondent USET had not applied for nor received a RCRA permit or interim status to allow the storage of hazardous waste at the area called the "Y".

68. Therefore, the Respondent USET has violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by storing hazardous waste without a RCRA permit or interim status.

III. COMPLIANCE ORDER

69. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), the Respondents are hereby **ORDERED** to take the following actions and provide evidence of compliance within the time period specified below:

A. Interim Operating Requirements

1. As of the effective date of this CAFO, feedstock for the oil reclamation unit shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production, and transportation practices. Oil-bearing hazardous waste from petroleum refining, production, or transportation practices includes the following listed hazardous waste from specific Petroleum Refining Sources (K049, K050, K051, K052, K169, and K170). Also acceptable is oil-bearing hazardous waste from processes which meet the definition of the following Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) as follows:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site	213112	Support Activities for Oil and Gas Operations

	preparation and related construction activities performed on a contract or fee basis)		
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products
4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

2. Using feedstock from processes meeting the definition of the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to make a separate determination whether the hazardous waste in question is "oil-bearing," and that the hazardous waste was originally generated from petroleum refining, production, or transportation practices.

3. As of the effective date of this CAFO, when the dryer feed is on, the Respondents shall operate the TDU in accordance with the interim operating parameters set forth in Appendix 1, Table A, which is attached and incorporated by reference into this CAFO. The Blending Protocols referenced in Appendix 1 is attached as Appendix 2, and incorporated by reference into this CAFO.

4. As of the effective date of this CAFO, Respondents shall comply with the Start-Up, Shutdown, and Malfunction Plan (SSM Plan) (CDT Plan, Appendix E). The Compliance Demonstration Test (CDT) Plan is attached as Appendix 3 and incorporated by reference into the CAFO.

5. Within sixty (60) days of the effective date of this CAFO, the Respondents shall conduct a tune-up of the external combustion chamber of the TDU in accordance with the following requirements:

a. As applicable, inspect the burner and clean or replace any components of the burner as necessary. The burner inspection may be delayed until the next scheduled or unscheduled unit shutdown.

b. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specification.

c. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly.

d. Optimize total emissions of carbon monoxide (CO). This optimization should be consistent with the manufacturer's specifications, if available.

e. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made. Measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made.

f. Perform sampling and analysis of both dryer furnace stacks using Method TO-15, "Determination of Volatile Organic Compounds (VOCs) In Air Collected In Specially-Prepared Canisters And Analyzed By Gas Chromatography/Mass Spectrometry (GC/MS)". If the total

organic matter result is greater than 10 ppmV for either stack, the analysis shall include speciation of the gas. This information shall be included in the report required in Paragraph 69.A.5.g below.

g. Maintain on-site a report documenting the concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume present, measured before and after the adjustments of the external combustion chamber of the TDU, and a description of any corrective actions taken as part of the combustion adjustment.

h. Subsequent tune-ups shall be conducted annually until the TDU is reconfigured.

6. Within sixty (60) days of the effective date of this CAFO, the Respondents shall conduct a fuel specification analysis of the purge vent gas for mercury and document that it does not exceed the maximum concentration of 40 micrograms/cubic meter of mercury using test methods ASTM D5954, ASTM D6350, ISO 6978-1:2003(E), or ISO 6978-2:2003(E), or an alternate test method approved by EPA. If the concentration of mercury exceeds 40 micrograms/cubic meter, the Respondents shall immediately notify EPA.

7. Within ninety (90) days of the effective date of this CAFO, the Respondents shall install, monitor, and operate an automatic hazardous waste feed cutoff (AWFCO) at the TDU in accordance with 40 C.F.R. § 63.1206(c)(3)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the interim operating parameters set forth in Appendix 1, Table A that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3)(v), (vi) and (vii).

8. Within one year of the effective date of this CAFO, the Respondents shall reconfigure the TDU so that the non-condensable vent gases are routed to a thermal oxidizing unit (TOU)

instead of the combustion chamber of the TDU (Reconfigured TDU). After reconfiguration, fuel for the TDU is limited to natural gas and propane.

9. The Respondents shall operate the Reconfigured TDU during the shakedown period in accordance with the operating parameters limits set forth in Appendix 1, Table B when the dryer feed is on. The Respondent shall not operate the Reconfigured TDU more than 720 hours (including the shakedown period and the Compliance Demonstration Test). The Respondents shall keep records of the hours of operation during the shakedown period. The Respondents shall operate a continuous emissions monitor system (CEMS) for carbon monoxide (CO) for the TOU during the shakedown period. The Respondents shall operate the Reconfigured TOU in a manner that the hourly rolling averages for CO are not exceeded. The rolling averages shall be calculated in accordance with 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

10. During the shakedown period, the Respondents shall monitor and operate an automatic hazardous waste feed cutoff (AWFCO) at the Reconfigured TDU in accordance with 40 C.F.R. § 63.1206(c)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the operating parameter limits set forth in Appendix 1, Table B that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3) (v), (vi) and (vii).

11. The Respondents shall conduct a test measuring the concentration of CO in the exhaust gases from the TOU. This test shall include three one-hour runs during which the TDU is operated on oil-bearing hazardous waste. The emissions from the TOU stack shall be monitored for carbon monoxide and oxygen using EPA Method 10. The emissions shall be

demonstrated to be less than 100 ppmV CO corrected to 7% O_2 in each run. The test frequency shall be once during each six-month period, January 1 – June 30 and July 1 - December 31, said time period to commence after conducting the CDT and continuing until the TCEQ issues a RCRA Subpart X permit for the Reconfigured TDU. Within forty-five (45) days after conducting the test, the Respondents shall submit a test report to EPA summarizing the test results. The time periods for conducting the test may be changed to once during each twelve (12) month calendar period, January 1 - December 31, if the Respondents submit to EPA, with a copy to TCEQ, a detailed feed stream analysis plan that characterizes the waste received by the facility, and EPA approves the plan. The detailed feedstream analysis plan shall be prepared in accordance with 40 C.F.R. § 264.13 and the EPA Guidance Document "Waste Analysis At Facilities That Generate, Treat, Store, And Dispose of Hazardous Waste", OSWER 9938.4-03 (April 1994). The Respondents will implement the detailed feedstream analysis plan, as approved or modified by EPA, immediately upon receipt of EPA's approval.

12. The Respondents shall prepare a report for the time period beginning on the effective date of this CAFO and ending June 30, 2013, and every six (6) months thereafter. The report shall be submitted to EPA, with a copy to TCEQ, within thirty (30) days of the end of the reporting period. The report shall include the following:

a. For each waste stream accepted by the oil reclamation unit, identify the customer, original generator, waste stream description, RCRA waste codes, the SIC or NAICS code of the process generating the waste, a summary of any analyses conducted by the Respondents to verify the waste stream profiles, and the total volume of waste accepted during the reporting period. If requested by EPA, the Respondents shall provide copies of relevant waste approval documents and manifests for the specific waste streams.

b. All time periods in which there were exceedances of the operating parameters and the AWFCO requirements set forth in Appendix 1, Tables A and B, and exceedances of the hourly rolling averages for CO (Paragraph 69.A.9).

c. All exceedances of the Reconfigured TDU Compliance Standards and the AWFCO requirements established in accordance with Paragraph 69.C.9.

d. The initial Report shall include documentation showing that the tune-up and fuel specification analysis required by Paragraphs 69.A.5 and 69.A.6 have been conducted, and provide documentation showing the date of installation and subsequent operation of the AWFCO system required by Paragraphs 69.A.7.

e. Documentation showing the installation of the TOU required by Paragraph 69.A.8, and the additional AWFCO requirements required by Appendix 1, Table B (Paragraph 69.A.10).

The Report may be submitted in an electronic format (i.e., compact disk). The Respondents may claim the report as confidential business information (CBI), in accordance with the requirements of 40 C.F.R. Part 2. However, information that is emissions data or a standard or limitation cannot be claimed as CBI. 40 C.F.R. § 2.301(e). If the Report contains any information that is claimed CBI, the Respondents shall provide a redacted version with all CBI deleted.

B. RCRA Permit Modification

1. Within one year of the effective date of this CAFO, the Respondents shall submit to TCEQ, with a copy to EPA, an application for a Class 3 RCRA Permit Modification to permit the Reconfigured TDU as a miscellaneous unit under 40 C.F.R. Part 264, Subpart X in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33].

2. The permit application shall also include relevant requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, 40 C.F.R. Part 270, and 40 C.F.R. Part 63, Subpart EEE that are appropriate for the operation of the Reconfigured TDU, including an engineering report, waste analysis, monitoring and inspection requirements, and closure requirements set forth in 30 T.A.C. § 335.152(a)(13) [40 C.F.R. §§ 264.341, 264.347, and 264.351].

3. The Respondents shall also request that the issued RCRA permit modification include the following:

a. The feedstock limitations applicable to the operation of the oil reclamation unit under 40 C.F.R. § 261.6(a)(3)(iv)(C) set forth in Paragraph 69.D;

b. The investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3) (v), (vi) and (vii);

c. Appropriate recordkeeping and reporting requirements; and

d. Any applicable risk-based terms and conditions necessary to protect human health and the environment.

4. The failure to timely submit a Class 3 Permit Modification to TCEQ and EPA within the deadline set forth in Paragraph 69.B.1 shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

5. By no later than three and one-half years (42 months) from the effective date of this CAFO, the Respondents must complete all permitting requirements and obtain issuance from the TCEQ of a final RCRA Subpart X permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33], and which

incorporates the appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, 40 C.F.R. Part 270, and 40 C.F.R Part 63, Subpart EEE. In the event that TCEQ does not issue a RCRA Subpart X permit for the Reconfigured TDU as described above by the above deadline, the Respondents' authorization to operate the Reconfigured TDU terminates on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

C. Compliance Demonstration Test

1. The Respondents shall perform a compliance demonstration test (CDT) in accordance with the approved CDT Plan, which is attached as Appendix C and incorporated by reference into the CAFO. The CDT requires the Respondents to demonstrate compliance with the emissions limits of 40 C.F.R. § 63.1219(b) set forth in Paragraph C.5, the destruction and removal efficiency standard of 40 C.F.R. § 63.1219(c)(1) set forth in Paragraph C.4, and establish limits for the operating parameters set forth in Paragraph 69.C.6 (Appendix 1, Table C).

2. Within sixty (60) days of the effective date of this CAFO, the Respondents shall submit to EPA for approval, with a copy to TCEQ, a Quality Assurance Project Plan (QAPP) for the CDT. The QAPP shall be prepared in accordance with the EPA Region 6 Guidance "Quick Reference Guide, Test Burn Program Planning for Hazardous Waste Combustion (HWC) Units" dated August 6, 2012. The Respondents shall implement the QAPP as approved or modified by EPA.

3. The Respondents shall implement the CDT in accordance with Appendix 3 within ninety (90) days after reconfiguration of the TDU pursuant to Paragraph 69.A.8 of this CAFO.

4. During the CDT, the Respondents must achieve a destruction and removal efficiency (DRE) of 99.99% for toluene, the designated principle organic hazardous constituent (POHC). The DRE shall be calculated in accordance with 40 C.F.R. § 63.1219(c)(1).

5. The emission limits that must be met during the CDT are set forth in 40 C.F.R. § 63.1219(b).

6. The operating parameters limits that will be established during the CDT are set forth in Appendix 1, Table C.

7. The Respondents must not exceed the emission limits set forth in 40 C.F.R. § 63.1219(b), and must achieve a DRE of 99.99% for toluene [as set forth in 40 C.F.R. § 63.1219(c)] for all three runs in order to have a successful CDT. If the Respondents determine, based on the results of analyses of stack samples, that they have exceeded any emission standard or failed to meet the DRE requirement during any of the three runs, they must immediately cease processing hazardous waste in the Reconfigured TDU. The Respondents must make this determination within forty-five (45) days following completion of the CDT. The Respondents may not resume operation of the Reconfigured TDU until the Respondents have submitted and received EPA approval of a revised CDT plan, at which time operations can resume to demonstrate compliance with the emission limits and DRE requirements during all of the three runs.

8. All analyses required by the CDT plan shall be performed by a NELAC accredited laboratory or by a laboratory pre-approved by TCEQ.

9. Within ninety (90) days from completion of the CDT, the Respondents shall submit a CDT Report to EPA and TCEQ prepared in accordance with requirements in the CDT Plan, documenting compliance with the DRE standard and emission limits set forth in Paragraphs 69.C.4 and 69.C.5, and identifying operating parameter limits and AWFCO settings for the parameters set forth in Appendix 1, Table C. The DRE standard, emission limits, operating parameter limits, and the AWFCO settings shall also be set forth in a separate Appendix entitled

"Reconfigured TDU Compliance Standards". All data collected during the CDT (including, but not limited to, field logs, chain-of-custody documentation, monitoring data, sampling and analytical results, and any other data or calculations supporting the emissions calculations or operating parameter limits) must be submitted to EPA and TCEQ as part of the CDT Report. However, information in the CDT Report that is emissions data or a standard or limitation cannot be claimed as CBI. 40 C.F.R. § 2.301(e). If the Report contains any information that is claimed CBI, the Respondents shall provide a redacted version with all CBI deleted.

10. As of the date of the submission of the CDT Report, the Respondent shall comply with all operating requirements set forth in the "Reconfigured TDU Compliance Standards", unless otherwise notified by EPA.

11. EPA will review the CDT Report. EPA will make a finding concerning compliance with the emissions standards, DRE requirements, and other requirements of the CDT. If EPA determines that the Respondents have met all the requirements, it shall issue a Finding of Compliance to the Respondents. If EPA determines that the Respondents did not meet all of the requirements, it shall issue a Finding of Non-Compliance. Subject to Paragraph 69.C.7 of this CAFO, the issuance of a Finding of Non-Compliance by EPA shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date.

12. The failure to timely submit a CDT Report to EPA and TCEQ within ninety (90) days from completion of the CDT shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

D. Compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C)

1. Unless the TDU and the tanks identified in Paragraph 20 are authorized by the RCRA Permit Modification required by Section III.B of this CAFO (or any subsequent permit amendment) to receive wastes that do not meet the requirements set forth in 40 C.F.R. § 261.6(a)(3)(iv)(C), feedstock for the oil reclamation unit shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production, and transportation practices. Oil-bearing hazardous waste from petroleum refining, production, or transportation practices includes the following listed hazardous waste from specific Petroleum Refining Sources (K049, K050, K051, K052, K169, and K170). Also acceptable is oil-bearing hazardous waste from processes which meet the definition of the following Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) as follows:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site preparation and related construction activities performed on a contract or fee basis)	213112	Support Activities for Oil and Gas Operations
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products

4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

Nothing in this Section III.D shall be construed to preclude Respondents from seeking authorization from the TCEQ to process oil-bearing materials outside the scope of 40 C.F.R. § 261.6(a)(3)(iv)(C). However, the definition of oil-bearing hazardous waste from petroleum refining, production, or transportation practices set forth in this Paragraph shall remain the same.

2. Using feedstock from processes meeting the definition of the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to make a separate determination whether the hazardous waste in question is "oil-bearing," and that the hazardous waste was originally generated from petroleum refining, production, or transportation practices. The Respondents shall request that this provision be placed in the issued RCRA permit as applicable to the oil reclamation unit operation under 40 C.F.R. § 261.6(a)(3)(iv)(C).

E. TCEQ Submission, Revision, and Approval Process

1. For the Class 3 RCRA Permit Modification required be submitted to TCEQ for approval under this CAFO, TCEQ will review the application in accordance with 30 T.A.C.

§§ 281.3(c), 281.18 and 281.19(a) and (b). The Respondents must respond to any Notice of Deficiency (NOD), with a copy to EPA, within the time period specified by the TCEQ. In the event that the Respondents fail to submit a timely and complete NOD response, the Respondents' authorization to operate the TDU shall terminate on the NOD response deadline unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

F. Additional Conditions

1. To comply with this CAFO, the Respondents must obtain a RCRA permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33], and which incorporates the appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, and 40 C.F.R. Part 270, and 40 C.F.R Part 63, Subpart EEE.

2. The Respondents may seek relief under the provisions of Section IV.F of this CAFO (Force Majeure) for any delay in the performance of any such obligations resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if the Respondent has submitted a timely and complete application and has taken all other actions necessary to obtain such permit or approval.

G. EPA Review and Comment on RCRA Permit

1. Nothing in this CAFO shall limit EPA's rights under applicable environmental laws or regulations, including, but not limited to, Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), 40 C.F.R. § 270.32 and 40 C.F.R. § 271.19, to review, comment, and incorporate appropriate requirements of 40 C.F.R. Parts 264, Subparts I through O and Subparts AA through CC, and

40 C.F.R. Part 63, Subpart EEE directly into the permit or establish other permit conditions that are based on those parts; or take action under Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), against the Respondents on the ground that the RCRA permit for the Reconfigured TDU does not comply with a condition that the EPA Region 6 Regional Administrator in commenting on the permit application or draft permit stated was necessary to implement approved State program requirements, whether or not that condition was included in the issued permit. If the Respondent disputes an action taken by EPA pursuant to 40 C.F.R. § 270.32 or 40 C.F.R. § 271.19, the Defendant may invoke Dispute Resolution in accordance with Section IV.E of this CAFO.

H. Submissions

In all instances in which this Compliance Order requires written submissions to EPA and TCEQ, each submission must be accompanied by the following certification:

> "I certify under penalty of law to the best of my knowledge and belief, that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondent(s) by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

I. Monitoring, Recordkeeping, and Record Retention Requirements

1. Upon the effective date of this CAFO, all interim operating parameters (Appendix 1, Table A), shakedown operating parameters (Appendix 1, Table B), and final operating parameters limits (Appendix 1, Table C and Paragraph 69.C.6) subject to AWFCO limits shall be monitored by the facility's Continuous Process Monitoring System (CPMS), which records data once per minute in an electronic data log (DLG). In addition, the Respondents shall keep copies

of all documents relating to compliance with the operating parameters limits not monitored by the CPMS, and all other documents relating to compliance with Section III of this CAFO. All records, including electronic records, shall be kept for a period of one year after termination of the CAFO. These monitoring and recordkeeping requirements are in addition to any other monitoring and/or recordkeeping requirements required by federal, state, or local laws, regulations, or permits. This information shall be made available to EPA and TCEQ upon request.

2. In addition, the Respondents shall preserve, for a period of one year after termination of the CAFO, all records and documents in its possession or in the possession of its divisions, employees, agents, contractors, or successors which in any way relate to this CAFO regardless of any document retention policy to the contrary. This information shall be made available to EPA and TCEQ upon request.

J. EPA Approval of Submissions

EPA will review the plans set forth in Paragraphs 69.A.11 (if applicable) and 69.C.2, and notify the Respondents in writing of EPA's approval or disapproval of the plan or any part thereof. Within the time specified, the Respondents shall address the deficiencies and submit a revised plan. EPA will approve, disapprove, or modify the revised submittal. EPA approved plans shall be incorporated by reference into this CAFO.

IV. TERMS OF SETTLEMENT

A. CIVIL PENALTY

70. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the

seriousness of the alleged violations, the Respondents' good faith efforts to comply with the applicable regulations, and the June 2003 RCRA Civil Penalty Policy, it is hereby **ORDERED** that the Respondent U.S. Ecology Texas, Inc. be assessed a civil penalty of **ONE HUNDRED SIXTY-FIVE THOUSAND, SIX HUNDRED FIFTY-SEVEN DOLLARS ($165,657)**, and the Respondent TD*X Associates L.P. be assessed a civil penalty of **SIX HUNDRED TWENTY-TWO THOUSAND, FOUR HUNDRED SIXTY-THREE DOLLARS ($622,463).** The Respondent USET shall pay the assessed civil penalty within thirty (30) days of the effective date of this CAFO. The Respondent TD*X Associates L.P. shall pay the assessed civil penalty in four (4) payments as follows:

Payment No. 1: $157,978.35 within thirty (30) days of the effective date of this CAFO.

Payment No. 2: $157,978.35 ($153,268.99 civil penalty plus interest of $4,709.36) within one year of the effective date of this CAFO.

Payment No. 3: $157,978.35 ($154,822.97 civil penalty plus interest of $3,155.38) within two years of the effective date of this CAFO.

Payment No. 4: $157,978.34 ($156,392.69 civil penalty plus interest of $1,585.65) within three years of the effective date of this CAFO.

71. The Respondents shall pay the assessed civil penalty by certified check, cashier's check, or wire transfer, made payable to "Treasurer, United States of America, EPA - Region 6". Payment shall be remitted in one of three (3) ways: regular U.S. Postal mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check(s) should be remitted to:

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U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check(s) should be remitted to:

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Phone No. (314) 418-1028

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

PLEASE NOTE: Docket numbers RCRA-06-2012-0936 (Respondent USET) and RCRA-06-2012-0937 (Respondent TD*X) shall be clearly typed on the respective checks to ensure proper credit. If payment is made by check, the check shall also be accompanied by a transmittal letter and shall reference the Respondent's name and address, the case name, and docket number of the CAFO. If payment is made by wire transfer, the wire transfer instructions shall reference the Respondent's name and address, the case name, and docket number of the CAFO. The Respondents shall also send a simultaneous notice of such payment, including a copy of the check and transmittal letter, or wire transfer instructions to the following:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Lorena Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

The Respondents' adherence to this request will ensure proper credit is given when penalties are received in the Region.

72. The Respondents agree not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

73. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. *See* 40 C.F.R. § 13.11(b).

74. EPA will also assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a

penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. *See* 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. *See* 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

B. PARTIES BOUND

75. The provisions of this CAFO shall apply to and be binding upon the parties to this action, their officers, directors, agents, employees, successors, and assigns. The undersigned representative of each party to this CAFO certifies that he or she is fully authorized by the party whom he or she represents to enter into the terms and conditions of this CAFO and to execute and to legally bind that party to it.

C. ADDITIONAL REQUIREMENTS

76. The Respondents shall undertake the following additional requirements:

A. The Respondents agree that the oil reclamation unit and the TDU are subject to the requirements of 40 C.F.R. Part 61, Subpart FF.

B. Within thirty (30) days of the effective date of the CAFO, the Respondents shall submit to EPA a certification that the following equipment in the oil reclamation unit and the TDU is not in "volatile hazardous air pollutant" (VHAP) service, as that term is defined by 40 C.F.R. § 61.241:

1. pumps;
2. compressors;
3. pressure relief devices;
4. sampling connection systems;
5. open-ended valves or lines;

6. valves;

7. connectors;

8. surge control vessels;

9. bottoms receivers; and

10. control devices and systems.

This certification shall be submitted in accordance with Paragraphs 76.H and 76.I.

C. Pursuant to 40 C.F.R. § 61.354(c), as of the effective date of this CAFO, the Respondents shall install, calibrate, maintain, and operate according to manufacturer's specifications, devices to continuously monitor the control devices operations required by 40 C.F.R. § 61.349.

D. Pursuant to 40 C.F.R. § 61.345(a), within 180 days of the effective date of the CAFO, the Respondents shall install, operate, and maintain covers on Bins 1, 2, 3, 4, and the Centrifuge solid bins that meet the requirements of 40 C.F.R. § 61.345(a)(1). The cover and openings shall be in a closed, sealed position at all times that waste is in the container except when it is necessary to use the opening for waste loading, removal, inspection or sampling, as required by 40 C.F.R. § 61.345(a)(1)(ii). The Respondents shall monitor the cover and all openings for no detectable emissions initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h).

E. The Respondents shall use a submerged fill pipe when transferring waste into the containers by pumping, as required by 40 C.F.R. § 61.345(a)(2).

F. Within ninety (90) days after the reconfiguration of the TDU pursuant to Paragraph 69.A.8 of this CAFO, the Respondents shall conduct performance tests for the TOU and the carbon adsorption system to demonstrate compliance with the requirements of 40 C.F.R.

§ 61.349. The performance tests shall be conducted in accordance with the requirements of 40 C.F.R. § 61.355. A copy of the performance test results shall be submitted to EPA within ninety (90) days of completion of the performance tests. The performance tests results shall be submitted in accordance with Paragraphs 76.H and 76.I.

G. Within 210 days of the effective date of the CAFO, the Respondents shall submit a written report to EPA showing compliance with Paragraphs 76.C, 76.D, and 76.E.

H. The certification and report identified in this Section must be accompanied by the following certification:

> "I certify under penalty of law to the best of my knowledge and belief, that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondent(s) by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

I. The certification and report required under this Section shall be sent to the following:

Craig Lutz
Toxics Enforcement Section (6EN-AT)
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

D. STIPULATED PENALTIES

77. In addition to any other remedies or sanctions available to EPA, the Respondent(s) shall pay stipulated penalties in the following amounts for each day during which each failure or refusal to comply continues:

a. Failure to Timely Submit Reports or Plans - Paragraphs 69.A.11, 69.A.12, and 69.C.2

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,000
16th through 30th day	$ 1,500
31st day and beyond	$ 2,500

b. Failure to Comply with Certain Interim Operating Requirements – Paragraphs 69.A.5, 69.A.6, 69.A.7 (installation of AWFCO only), 69A.8, and 69.A.11

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,500
16th through 30th day	$ 2,500
31st day and beyond	$ 5,000

c. Failure to Comply with any Other Provision of Section III of this CAFO

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 500
16th through 30th day	$ 1,000
31st day and beyond	$ 1,500

d. Failure to Comply with Additional Requirements – Section IV.C

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,500
16th through 30th day	$ 2,500
31st day and beyond	$ 5,000

Penalties shall accrue from the date of the noncompliance until the date the violation is corrected, as determined by EPA.

78. The Respondent(s) shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Paragraph 71 herein. Interest and late charges shall be paid as stated in Paragraphs 73 - 74 herein.

79. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of the Respondent(s) violation of this CAFO or of the statutes and regulations upon which this agreement is based, or for the Respondent's violation of any applicable provision of law.

E. DISPUTE RESOLUTION

80. If the Respondents object to any decision or directive of EPA in regard to Section III or IV.C, the Respondents shall notify each other and the following persons in writing of its objections, and the basis for those objections, within thirty (30) calendar days of receipt of EPA's decision or directive:

Associate Director
Hazardous Waste Enforcement Branch (6EN-H)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Chief, RCRA Enforcement Branch (6RC-ER)
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

81. The Associate Director of the Hazardous Waste Enforcement Branch or his/her designee (Associate Director), and the Respondents shall then have an additional thirty (30) calendar days from EPA's receipt of the Respondents' written objections to attempt to resolve the dispute. If an agreement is reached between the Associate Director and the Respondents, the agreement shall be reduced to writing and signed by the Associate Director and the Respondents and incorporated by reference into this CAFO.

82. If no agreement is reached between the Associate Director and the Respondents within that time period, the dispute shall be submitted to the Director of the Compliance

Assurance and Enforcement Division or his/her designee (Division Director). The Division Director and the Respondents shall then have a second 30-day period to resolve the dispute. If an agreement is reached between the Division Director and the Respondents, the resolution shall be reduced to writing and signed by the Division Director and the Respondents and incorporated by reference into this CAFO. If the Division Director and the Respondents are unable to reach agreement within this second 30-day period, the Division Director shall provide a written statement of EPA's decision to the Respondents, which shall be binding upon the Respondents and incorporated by reference into the CAFO.

83. If the Dispute Resolution process results in a modification of this CAFO, the modified CAFO must be approved by the Regional Judicial Officer and filed pursuant to Section IV.H (Modifications).

84. The invocation of dispute resolution procedures under this Section shall not extend, postpone, or affect in any way, any obligations of the Respondents under this CAFO, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first day of noncompliance, but payment shall be stayed pending resolution of the dispute. If the Respondents do not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section IV.D.

F. FORCE MAJEURE

85. A "force majeure event" is any event beyond the control of the Respondents, their contractors, or any entity controlled by the Respondents that delays the performance of any obligation under this CAFO despite the Respondents' best efforts to fulfill the obligation. "Best efforts" includes anticipating any potential force majeure event and addressing the effects of any such event (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting

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delay to the greatest extent possible. "Force Majeure" does not include the Respondents' financial inability to perform any obligation under this CAFO, but does include any delays attributable to the TCEQ's permitting process and the conduct of the contested case hearing.

86. The Respondents shall provide notice orally or by electronic or facsimile transmission as soon as possible, but not later than 72 hours after the time the Respondents first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event. The Respondents shall also provide written notice, as provided in Section IV.G of this CAFO, within seven days of the time the Respondents first knew of, or by the exercise of due diligence, reasonably should have known of, the event. The notice shall state the anticipated duration of any delay; its cause(s); the Respondents' past and proposed actions to prevent or minimize any delay; a schedule for carrying out those actions; and the Respondents' rationale for attributing any delay to a force majeure event. Failure to give such notice shall preclude the Respondents from asserting any claim of force majeure.

87. The Respondent also shall provide notice orally or by electronic or facsimile transmission to the other Respondent not later than 24 hours after the time Respondent first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event, provided that the failure to give such notice shall not limit either Respondent's responsibilities under this CAFO.

88. If the Complainant agrees that a force majeure event has occurred, the Complainant may agree to extend the time for the Respondents to perform the affected requirements for the time necessary to complete those obligations. An extension of time to perform the obligations affected by a force majeure event shall not, by itself, extend the time to perform any other

obligation. Where the Complainant agrees to an extension of time, the appropriate modification shall be made pursuant to Section IV.H of this CAFO.

89. If the Complainant does not agree that a force majeure event has occurred, or does not agree to the extension of time sought by the Respondents, the Complainant's position shall be binding, unless the Respondents invokes Dispute Resolution under Section IV.D of this CAFO. In any such dispute, the Respondents bear the burden of proving, by a preponderance of the evidence, that each claimed force majeure event is a force majeure event; that the Respondents gave the notice required by the paragraph above, that the force majeure event caused any delay the Respondents' claimed was attributable to that event; and that the Respondents exercised their reasonable best efforts to prevent or minimize any delay caused by the event. If the Respondents carry this burden, the delay at issue shall be deemed not to be a violation of the affected obligation of this CAFO.

G. NOTIFICATION

90. Unless otherwise specified elsewhere in this CAFO, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other parties that another individual has been designated to receive the communication:

Complainant:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

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Respondent U.S. Ecology Texas, Inc.:

Mary Reagan
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue
Suite 2100
Austin, Texas 78701

Respondent TD*X Associates, L.P.:

J.D. Head
Fritz, Bryne, Head & Harrison, PLLC
98 San Jacinto Boulevard
Suite 2000
Austin, TX 78701

Texas Commission on Environmental Quality

Section Manager
Industrial and Hazardous Permits Section
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13087 MC 130
Austin, TX 78711

H. MODIFICATION

91. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except as otherwise specified in this CAFO, or upon the written agreement of the Complainant and Respondent(s), and approved by the Regional Judicial Officer, and such modification or amendment being filed with the Regional Hearing Clerk.

I. RETENTION OF ENFORCEMENT RIGHTS

92. EPA does not waive any rights or remedies available to EPA for any other violations by the Respondents of Federal or State laws, regulations, or permitting conditions.

93. Except as herein provided, nothing in this CAFO shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health, welfare, or the environment, or prevent, abate or minimize an actual or threatened release of hazardous

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substances, pollutants, contaminants, hazardous substances on, at or from the Respondent USET's facility or Respondent TD*X's oil reclamation unit and related equipment. Furthermore, nothing in this CAFO shall be construed or to prevent or limit EPA's civil and criminal authorities, or that of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

94. The Complainant reserves all legal and equitable remedies available to enforce the provisions of this CAFO. This CAFO shall not be construed to limit the rights of the EPA or United States to obtain penalties or injunctive relief under RCRA or under other federal or state laws, regulations, or permit conditions.

95. In any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other appropriate relief relating to this Facility or the oil reclamation unit, the Respondents shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the Complainant or the United States in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

96. This CAFO is not a permit, or a modification of any permit, under any federal, State, or local laws or regulations. The Respondents are responsible for achieving and maintaining complete compliance with all applicable federal, State, and local laws, regulations, and permits. The Respondents' compliance with this CAFO shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The Complainant does not warrant or aver in any manner that the Respondents' compliance with any aspect of this

CAFO will result in compliance with provisions of the RCRA or with any other provisions of federal, State, or local laws, regulations, or permits.

J. INDEMNIFICATION OF EPA

97. Neither EPA nor the United States Government shall be liable for any injuries or damages to person or property resulting from the acts or omissions of the Respondents, their officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this CAFO, nor shall EPA or the United States Government be held out as a party to any contract entered into by the Respondents in carrying out the activities required by this CAFO.

K. COSTS

98. Each party shall bear its own costs and attorney's fees. Furthermore, each Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.

L. TERMINATION

99. At such time as the Respondents believe they have completed all of the requirements of this CAFO, they may request that EPA concur whether all of the requirements of this CAFO have been satisfied. Such request shall be in writing and shall provide the necessary documentation to establish whether there has been full compliance with the terms and conditions of this CAFO. EPA will respond to said request in writing within ninety (90) days of receipt of the request. This CAFO shall terminate when all actions required to be taken by this CAFO have been completed, and the Respondents have been notified by the EPA in writing that this CAFO has been satisfied and terminated.

M. EFFECTIVE DATE

100. This CAFO, and any subsequent modifications, become effective upon filing with the Regional Hearing Clerk.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:

FOR THE RESPONDENT:

Date: 9/27/12

US Ecology Texas, Inc.

FOR THE RESPONDENT:

Date: September 26, 2012

Carl R. Palmer
TD*X Associates L.P.

FOR THE COMPLAINANT:

Date: 10·03·12

John Blevins
Director
Compliance Assurance and
Enforcement Division

FINAL ORDER

Pursuant to the Section 3008 of RCRA, 42 U.S.C. § 6928, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right or EPA or the United States to pursue appropriate injunctive relief or other equitable relief for criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect the Respondents' (or their officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondents are ordered to comply with the Compliance Order and terms of settlement as set forth in the Consent Agreement. Pursuant to 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 10/4/12

Patrick Rankin
Regional Judicial Officer

APPENDIX 1 – OPERATING PARAMETERS

TABLE A

TDU OIL RECLAMATION SYSTEM INTERIM REQUIREMENTS PRIOR TO TOU INSTALLATION

Tag No.	Equipment Operating Parameter	Operating Parameter Limit	Compliance Basis
TT-18/19	TDU Dryer, Minimum Combustion Chamber Temperature	Maintain Temperature > 1,400°F	AWFCO: CPMS[1], 60-sec time delay
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS, 6-min Rolling Average (RA)[2]
OE-1	Purge Vent Gas Stream Maximum O_2 Concentration	O_2 < 7%	AWFCO: CPMS, 60-sec time delay
FE-101	Maximum Purge Vent Rate	Purge Vent Rate < 180 scfm	AWFCO: CPMS, Hourly Rolling Average (HRA)[3]
M-100	Minimum Percent Excess Air, Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow
TE-28	Maximum Condenser System Exhaust Temperature	Temperature < 120°F	AWFCO: CPMS, HRA
	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[4]
	Maximum TDU Feed Organic Halide Concentration	[Total Organic Halides] < 1,500 ppm/Bin	Blending Protocols & Documentation

[1] Continuous Process Monitoring System – See Paragraph 69.I of CAFO.

[2] Previous six 1-minute readings are summed and divided by six.

[3] 40 C.F.R. §§ 63.1209(b)(5).

[4] See Paragraph 69.A.3 of the CAFO.

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TABLE B

TDU OIL RECLAMATION SYSTEM REQUIREMENTS AFTER TOU INSTALLATION PRE-COMPLIANCE DEMONSTRATION TEST OPERATIONS

Tag No.	Equipment Operating Parameter	Shakedown (Pre-Test) OPL	Compliance Basis
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS[5], 6-min RA[6]
M-05	TDU Dryer, Cylinder Rotation On	Motor Operating	AWFCO: CPMS, Instantaneous
M-18	Product Discharge System	Motor Operating	AWFCO: CPMS, Instantaneous
M-21	Recirculation Blower Operating	Motor Operating	AWFCO: CPMS, Instantaneous
TT-121	TOU, Minimum Combustion Chamber Temperature	Maintain Temperature > 1,400°F	AWFCO: CPMS, HRA[7]
KY-110	TOU, Minimum Residence Time (Calculated from Purge Vent Flow Rate, Exhaust T, and Air Ratio)	Residence Time > 0.5 seconds	AWFCO: CPMS, HRA
AE-5/ OE-5	TOU Exhaust Gas, Maximum CO Concentration	[CO] < 100 ppmV @ 7% O_2	AWFCO: CEMS for CO, HRA
OE-1	Purge Vent Gas Stream, Maximum O_2 Concentration	[O_2] < 7%	AWFCO: CPMS, Instantaneous
FE-101	Maximum Purge Vent Rate	Vent Flow < 250 scfm	AWFCO: CPMS, HRA
FCV-102	Valve Position to Ensure Purge Vent is not Directed Away from TOU	Valve Closed	AWFCO: CPMS, 60-sec delay
M-121	Minimum Percent Excess Air , Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow
TE-28	Maximum Condenser System Exhaust Temperature	Maintain Temperature < 120°F	AWFCO: CPMS, HRA

[5] Continuous Process Monitoring System – See Paragraph 69.I of the CAFO.

[6] Previous six 1-minute readings are summed and divided by six.

[7] 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

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	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[8], Feed Stream Analysis Plan (if applicable)[9]
	Maximum TDU Feed Organic Halide Concentration	[Total Organic Halides] < 1,500 ppm/Bin	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Semi-Volatile Metals Concentration[10]	N/A	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Low-Volatile Metals Concentration[11]	N/A	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)

[8] See Paragraph 69.A.3 of the CAFO.

[9] See Paragraph 69.A.11 of the CAFO.

[10] Semi-volatile metals means a combination of cadmium and lead.

[11] Low-volatile metals means a combination of Arsenic, Beryllium, and Chromium.

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TABLE C

TDU OIL RECLAMATION REQUIREMENTS AFTER TOU INSTALLATION POST-COMPLIANCE DEMONSTRATION TEST OPERATIONS

Tag No.	Equipment Operating Parameter	Interim/Final (Post-Test) OPL	Compliance Basis
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS[12], 6-min RA[13]
M-05	TDU Dryer, Cylinder Rotation On	Motor Operating	AWFCO: CPMS, Instantaneous
M-18	Product Discharge System	Motor Operating	AWFCO: CPMS, Instantaneous
M-21	Recirculation Blower Operating	Motor Operating	AWFCO: CPMS, Instantaneous
TT-121	TOU, Minimum Combustion Chamber Temperature	OPL Established @ > 3-Run Average from CDT	AWFCO: CPMS, HRA[14]
KY-110	TOU, Minimum Residence Time (Calculated from Purge Vent Flow Rate, Exhaust T, and Air Ratio)	Residence Time > 0.5 seconds	AWFCO: CPMS, HRA
AE-5/ OE-5	TOU Exhaust Gas, Maximum CO Concentration	Semi-Annual Testing until Waste Analysis Plan Approved, then Annual Testing	Performance Testing in lieu of CEMS; Waste Analysis Plan based with other OPLs
OE-1	Purge Vent Gas Stream, Maximum O_2 Concentration	$[O_2] < 7\%$	AWFCO: CPMS, Instantaneous
FE-101	Maximum Purge Vent Rate	Vent Flow < 250 scfm	AWFCO: CPMS, HRA
FCV-102	Valve Position to Ensure Purge Vent is not Directed Away from TOU	Valve Closed	AWFCO: CPMS, 60-sec time delay
M-121	Minimum Percent Excess Air, Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow

[12] Continuous Process Monitoring System – See Paragraph 69.I of CAFO.

[13] Previous six 1-minute readings are summed and divided by six.

[14] 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

TE-28	Maximum Condenser System Exhaust Temperature	OPL Established @ < 3-run Average Based on CDT	AWFCO: CPMS, HRA
	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[15], Feed Stream Analysis Plan (if applicable)[16]
	Maximum TDU Feed Organic Halide Concentration	OPL Established as Measured Ratio[17]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Semi-Volatile Metals Concentration[18]	OPL Established as Measured Ratio[19]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Low-Volatile Metals Concentration[20]	OPL Established as Measured Ratio[21]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)

[15] See Paragraph 69.A.3 of the CAFO.

[16] See Paragraph 69.A.11 of the CAFO.

[17] Maximum TDU Feed Concentration established as a measured ratio (not to exceed 4000 ppm/bin) from emissions data collected during CDT. See plan example calculations.

[18] Semi-volatile metals means a combination of cadmium and lead.

[19] Maximum TDU Feed Concentration established as measured ration from emissions data collected during CDT. See plan example calculations.

[20] Low-volatile metals means a combination of Arsenic, Beryllium, and Chromium.

[21] Maximum TDU Feed Concentration established as measured ratio from emissions data collected during CDT. See plan example calculations.

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APPENDIX 2 – BLENDING PROTOCOLS

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

DOCUMENT STORED IN FILE ROOM

APPENDIX 3

COMPLIANCE DEMONSTRATION TEST PLAN

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

DOCUMENT STORED IN FILE ROOM

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of October, 2012, the original and one copy of the foregoing Consent Agreement and Final Order (CAFO) was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that true and correct copies of the CAFO were sent to the following by the method indicated below:

For US Ecology Texas, Inc.

Certified Mail – Return Receipt Requested – 7007 0710 0002 1385 1491

Mary Reagan
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue, Suite 2100
Austin, Texas 78701

For TD*X Associates LP

Certified Mail – Return Receipt Requested – 7007 0710 0002 1385 1507

J.D. Head
Fritz, Bryne, Head & Harrison, PLLC
98 San Jacinto Boulevard
Suite 2000
Austin, TX 78701

Evan L Pearson

III. COMPLIANCE ORDER

69. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), the Respondents are hereby **ORDERED** to take the following actions and provide evidence of compliance within the time period specified below:

A. Interim Operating Requirements

1. As of the effective date of this CAFO, feedstock for the oil reclamation unit shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production, and transportation practices. Oil-bearing hazardous waste from petroleum refining, production, or transportation practices includes the following listed hazardous waste from specific Petroleum Refining Sources (K049, K050, K051, K052, K169, and K170). Also acceptable is oil-bearing hazardous waste from processes which meet the definition of the following Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) as follows:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site preparation and related construction activities performed on a contract or fee basis)	213112	Support Activities for Oil and Gas Operations
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil

4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products
4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

2. Using feedstock from processes meeting the definition of the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to make a separate determination whether the hazardous waste in question is "oil-bearing," and that the hazardous waste was originally generated from petroleum refining, production, or transportation practices.

3. As of the effective date of this CAFO, when the dryer feed is on, the Respondents shall operate the TDU in accordance with the interim operating parameters set forth in Appendix 1, Table A, which is attached and incorporated by reference into this CAFO. The Blending Protocols referenced in Appendix 1 is attached as Appendix 2, and incorporated by reference into this CAFO.

4. As of the effective date of this CAFO, Respondents shall comply with the Start-Up, Shutdown, and Malfunction Plan (SSM Plan) (CDT Plan, Appendix E). The Compliance Demonstration Test (CDT) Plan is attached as Appendix 3 and incorporated by reference into the CAFO.

5. Within sixty (60) days of the effective date of this CAFO, the Respondents shall conduct a tune-up of the external combustion chamber of the TDU in accordance with the following requirements:

a. As applicable, inspect the burner and clean or replace any components of the burner as necessary. The burner inspection may be delayed until the next scheduled or unscheduled unit shutdown.

b. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specification.

c. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly.

d. Optimize total emissions of carbon monoxide (CO). This optimization should be consistent with the manufacturer's specifications, if available.

e. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made. Measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made.

f. Perform sampling and analysis of both dryer furnace stacks using Method TO-15, "Determination of Volatile Organic Compounds (VOCs) In Air Collected In Specially-Prepared Canisters And Analyzed By Gas Chromatography/Mass Spectrometry (GC/MS)". If the total organic matter result is greater than 10 ppmV for either stack, the analysis shall include speciation of the gas. This information shall be included in the report required in Paragraph 69.A.5.g below.

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g. Maintain on-site a report documenting the concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume present, measured before and after the adjustments of the external combustion chamber of the TDU, and a description of any corrective actions taken as part of the combustion adjustment.

h. Subsequent tune-ups shall be conducted annually until the TDU is reconfigured.

6. Within sixty (60) days of the effective date of this CAFO, the Respondents shall conduct a fuel specification analysis of the purge vent gas for mercury and document that it does not exceed the maximum concentration of 40 micrograms/cubic meter of mercury using test methods ASTM D5954, ASTM D6350, ISO 6978-1:2003(E), or ISO 6978-2:2003(E), or an alternate test method approved by EPA. If the concentration of mercury exceeds 40 micrograms/cubic meter, the Respondents shall immediately notify EPA.

7. Within ninety (90) days of the effective date of this CAFO, the Respondents shall install, monitor, and operate an automatic hazardous waste feed cutoff (AWFCO) at the TDU in accordance with 40 C.F.R. § 63.1206(c)(3)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the interim operating parameters set forth in Appendix 1, Table A that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3)(v), (vi) and (vii).

8. Within one year of the effective date of this CAFO, the Respondents shall reconfigure the TDU so that the non-condensable vent gases are routed to a thermal oxidizing unit (TOU) instead of the combustion chamber of the TDU (Reconfigured TDU). After reconfiguration, fuel for the TDU is limited to natural gas and propane.

9. The Respondents shall operate the Reconfigured TDU during the shakedown period in accordance with the operating parameters limits set forth in Appendix 1, Table B when the dryer feed is on. The Respondent shall not operate the Reconfigured TDU more than 720 hours (including the shakedown period and the Compliance Demonstration Test). The Respondents shall keep records of the hours of operation during the shakedown period. The Respondents shall operate a continuous emissions monitor system (CEMS) for carbon monoxide (CO) for the TOU during the shakedown period. The Respondents shall operate the Reconfigured TOU in a manner that the hourly rolling averages for CO are not exceeded. The rolling averages shall be calculated in accordance with 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

10. During the shakedown period, the Respondents shall monitor and operate an automatic hazardous waste feed cutoff (AWFCO) at the Reconfigured TDU in accordance with 40 C.F.R. § 63.1206(c)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the operating parameter limits set forth in Appendix 1, Table B that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3) (v), (vi) and (vii).

11. The Respondents shall conduct a test measuring the concentration of CO in the exhaust gases from the TOU. This test shall include three one-hour runs during which the TDU is operated on oil-bearing hazardous waste. The emissions from the TOU stack shall be monitored for carbon monoxide and oxygen using EPA Method 10. The emissions shall be demonstrated to be less than 100 ppmV CO corrected to 7% O_2 in each run. The test frequency shall be once during each six-month period, January 1 – June 30 and July 1 - December 31, said

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time period to commence after conducting the CDT and continuing until the TCEQ issues a RCRA Subpart X permit for the Reconfigured TDU. Within forty-five (45) days after conducting the test, the Respondents shall submit a test report to EPA summarizing the test results. The time periods for conducting the test may be changed to once during each twelve (12) month calendar period, January 1 - December 31, if the Respondents submit to EPA, with a copy to TCEQ, a detailed feed stream analysis plan that characterizes the waste received by the facility, and EPA approves the plan. The detailed feedstream analysis plan shall be prepared in accordance with 40 C.F.R. § 264.13 and the EPA Guidance Document "Waste Analysis At Facilities That Generate, Treat, Store, And Dispose of Hazardous Waste", OSWER 9938.4-03 (April 1994). The Respondents will implement the detailed feedstream analysis plan, as approved or modified by EPA, immediately upon receipt of EPA's approval.

12. The Respondents shall prepare a report for the time period beginning on the effective date of this CAFO and ending June 30, 2013, and every six (6) months thereafter. The report shall be submitted to EPA, with a copy to TCEQ, within thirty (30) days of the end of the reporting period. The report shall include the following:

a. For each waste stream accepted by the oil reclamation unit, identify the customer, original generator, waste stream description, RCRA waste codes, the SIC or NAICS code of the process generating the waste, a summary of any analyses conducted by the Respondents to verify the waste stream profiles, and the total volume of waste accepted during the reporting period. If requested by EPA, the Respondents shall provide copies of relevant waste approval documents and manifests for the specific waste streams.

b. All time periods in which there were exceedances of the operating parameters and the AWFCO requirements set forth in Appendix 1, Tables A and B, and exceedances of the hourly rolling averages for CO (Paragraph 69.A.9).

c. All exceedances of the Reconfigured TDU Compliance Standards and the AWFCO requirements established in accordance with Paragraph 69.C.9.

d. The initial Report shall include documentation showing that the tune-up and fuel specification analysis required by Paragraphs 69.A.5 and 69.A.6 have been conducted, and provide documentation showing the date of installation and subsequent operation of the AWFCO system required by Paragraphs 69.A.7.

e. Documentation showing the installation of the TOU required by Paragraph 69.A.8, and the additional AWFCO requirements required by Appendix 1, Table B (Paragraph 69.A.10).

The Report may be submitted in an electronic format (i.e., compact disk). The Respondents may claim the report as confidential business information (CBI), in accordance with the requirements of 40 C.F.R. Part 2. However, information that is emissions data or a standard or limitation cannot be claimed as CBI. 40 C.F.R. § 2.301(e). If the Report contains any information that is claimed CBI, the Respondents shall provide a redacted version with all CBI deleted.

B. RCRA Permit Modification

1. Within one year of the effective date of this CAFO, the Respondents shall submit to TCEQ, with a copy to EPA, an application for a Class 3 RCRA Permit Modification to permit the Reconfigured TDU as a miscellaneous unit under 40 C.F.R. Part 264, Subpart X in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33].

2. The permit application shall also include relevant requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, 40 C.F.R. Part 270, and 40 C.F.R. Part 63, Subpart EEE that are appropriate for the operation of the Reconfigured TDU, including an engineering report, waste analysis, monitoring and inspection requirements, and closure requirements set forth in 30 T.A.C. § 335.152(a)(13) [40 C.F.R. §§ 264.341, 264.347, and 264.351].

3. The Respondents shall also request that the issued RCRA permit modification include the following:

a. The feedstock limitations applicable to the operation of the oil reclamation unit under 40 C.F.R. § 261.6(a)(3)(iv)(C) set forth in Paragraph 69.D;

b. The investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3) (v), (vi) and (vii);

c. Appropriate recordkeeping and reporting requirements; and

d. Any applicable risk-based terms and conditions necessary to protect human health and the environment.

4. The failure to timely submit a Class 3 Permit Modification to TCEQ and EPA within the deadline set forth in Paragraph 69.B.1 shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

5. By no later than three and one-half years (42 months) from the effective date of this CAFO, the Respondents must complete all permitting requirements and obtain issuance from the TCEQ of a final RCRA Subpart X permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33], and which

incorporates the appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, 40 C.F.R. Part 270, and 40 C.F.R Part 63, Subpart EEE. In the event that TCEQ does not issue a RCRA Subpart X permit for the Reconfigured TDU as described above by the above deadline, the Respondents' authorization to operate the Reconfigured TDU terminates on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

C. Compliance Demonstration Test

1. The Respondents shall perform a compliance demonstration test (CDT) in accordance with the approved CDT Plan, which is attached as Appendix C and incorporated by reference into the CAFO. The CDT requires the Respondents to demonstrate compliance with the emissions limits of 40 C.F.R. § 63.1219(b) set forth in Paragraph C.5, the destruction and removal efficiency standard of 40 C.F.R. § 63.1219(c)(1) set forth in Paragraph C.4, and establish limits for the operating parameters set forth in Paragraph 69.C.6 (Appendix 1, Table C).

2. Within sixty (60) days of the effective date of this CAFO, the Respondents shall submit to EPA for approval, with a copy to TCEQ, a Quality Assurance Project Plan (QAPP) for the CDT. The QAPP shall be prepared in accordance with the EPA Region 6 Guidance "Quick Reference Guide, Test Burn Program Planning for Hazardous Waste Combustion (HWC) Units" dated August 6, 2012. The Respondents shall implement the QAPP as approved or modified by EPA.

3. The Respondents shall implement the CDT in accordance with Appendix 3 within ninety (90) days after reconfiguration of the TDU pursuant to Paragraph 69.A.8 of this CAFO.

4. During the CDT, the Respondents must achieve a destruction and removal efficiency (DRE) of 99.99% for toluene, the designated principle organic hazardous constituent (POHC). The DRE shall be calculated in accordance with 40 C.F.R. § 63.1219(c)(1).

5. The emission limits that must be met during the CDT are set forth in 40 C.F.R. § 63.1219(b).

6. The operating parameters limits that will be established during the CDT are set forth in Appendix 1, Table C.

7. The Respondents must not exceed the emission limits set forth in 40 C.F.R. § 63.1219(b), and must achieve a DRE of 99.99% for toluene [as set forth in 40 C.F.R. § 63.1219(c)] for all three runs in order to have a successful CDT. If the Respondents determine, based on the results of analyses of stack samples, that they have exceeded any emission standard or failed to meet the DRE requirement during any of the three runs, they must immediately cease processing hazardous waste in the Reconfigured TDU. The Respondents must make this determination within forty-five (45) days following completion of the CDT. The Respondents may not resume operation of the Reconfigured TDU until the Respondents have submitted and received EPA approval of a revised CDT plan, at which time operations can resume to demonstrate compliance with the emission limits and DRE requirements during all of the three runs.

8. All analyses required by the CDT plan shall be performed by a NELAC accredited laboratory or by a laboratory pre-approved by TCEQ.

9. Within ninety (90) days from completion of the CDT, the Respondents shall submit a CDT Report to EPA and TCEQ prepared in accordance with requirements in the CDT Plan, documenting compliance with the DRE standard and emission limits set forth in Paragraphs 69.C.4 and 69.C.5, and identifying operating parameter limits and AWFCO settings for the parameters set forth in Appendix 1, Table C. The DRE standard, emission limits, operating parameter limits, and the AWFCO settings shall also be set forth in a separate Appendix entitled

"Reconfigured TDU Compliance Standards". All data collected during the CDT (including, but not limited to, field logs, chain-of-custody documentation, monitoring data, sampling and analytical results, and any other data or calculations supporting the emissions calculations or operating parameter limits) must be submitted to EPA and TCEQ as part of the CDT Report. However, information in the CDT Report that is emissions data or a standard or limitation cannot be claimed as CBI. 40 C.F.R. § 2.301(e). If the Report contains any information that is claimed CBI, the Respondents shall provide a redacted version with all CBI deleted.

10. As of the date of the submission of the CDT Report, the Respondent shall comply with all operating requirements set forth in the "Reconfigured TDU Compliance Standards", unless otherwise notified by EPA.

11. EPA will review the CDT Report. EPA will make a finding concerning compliance with the emissions standards, DRE requirements, and other requirements of the CDT. If EPA determines that the Respondents have met all the requirements, it shall issue a Finding of Compliance to the Respondents. If EPA determines that the Respondents did not meet all of the requirements, it shall issue a Finding of Non-Compliance. Subject to Paragraph 69.C.7 of this CAFO, the issuance of a Finding of Non-Compliance by EPA shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date.

12. The failure to timely submit a CDT Report to EPA and TCEQ within ninety (90) days from completion of the CDT shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

D. Compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C)

1. Unless the TDU and the tanks identified in Paragraph 20 are authorized by the RCRA Permit Modification required by Section III.B of this CAFO (or any subsequent permit amendment) to receive wastes that do not meet the requirements set forth in 40 C.F.R. § 261.6(a)(3)(iv)(C), feedstock for the oil reclamation unit shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production, and transportation practices. Oil-bearing hazardous waste from petroleum refining, production, or transportation practices includes the following listed hazardous waste from specific Petroleum Refining Sources (K049, K050, K051, K052, K169, and K170). Also acceptable is oil-bearing hazardous waste from processes which meet the definition of the following Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) as follows:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site preparation and related construction activities performed on a contract or fee basis)	213112	Support Activities for Oil and Gas Operations
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products

4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

Nothing in this Section III.D shall be construed to preclude Respondents from seeking authorization from the TCEQ to process oil-bearing materials outside the scope of 40 C.F.R. § 261.6(a)(3)(iv)(C). However, the definition of oil-bearing hazardous waste from petroleum refining, production, or transportation practices set forth in this Paragraph shall remain the same.

2. Using feedstock from processes meeting the definition of the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to make a separate determination whether the hazardous waste in question is "oil-bearing," and that the hazardous waste was originally generated from petroleum refining, production, or transportation practices. The Respondents shall request that this provision be placed in the issued RCRA permit as applicable to the oil reclamation unit operation under 40 C.F.R. § 261.6(a)(3)(iv)(C).

E. TCEQ Submission, Revision, and Approval Process

1. For the Class 3 RCRA Permit Modification required be submitted to TCEQ for approval under this CAFO, TCEQ will review the application in accordance with 30 T.A.C.

§§ 281.3(c), 281.18 and 281.19(a) and (b). The Respondents must respond to any Notice of Deficiency (NOD), with a copy to EPA, within the time period specified by the TCEQ. In the event that the Respondents fail to submit a timely and complete NOD response, the Respondents' authorization to operate the TDU shall terminate on the NOD response deadline unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

F. Additional Conditions

1. To comply with this CAFO, the Respondents must obtain a RCRA permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33], and which incorporates the appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, and 40 C.F.R. Part 270, and 40 C.F.R Part 63, Subpart EEE.

2. The Respondents may seek relief under the provisions of Section IV.F of this CAFO (Force Majeure) for any delay in the performance of any such obligations resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if the Respondent has submitted a timely and complete application and has taken all other actions necessary to obtain such permit or approval.

G. EPA Review and Comment on RCRA Permit

1. Nothing in this CAFO shall limit EPA's rights under applicable environmental laws or regulations, including, but not limited to, Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), 40 C.F.R. § 270.32 and 40 C.F.R. § 271.19, to review, comment, and incorporate appropriate requirements of 40 C.F.R. Parts 264, Subparts I through O and Subparts AA through CC, and

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40 C.F.R. Part 63, Subpart EEE directly into the permit or establish other permit conditions that are based on those parts; or take action under Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), against the Respondents on the ground that the RCRA permit for the Reconfigured TDU does not comply with a condition that the EPA Region 6 Regional Administrator in commenting on the permit application or draft permit stated was necessary to implement approved State program requirements, whether or not that condition was included in the issued permit. If the Respondent disputes an action taken by EPA pursuant to 40 C.F.R. § 270.32 or 40 C.F.R. § 271.19, the Defendant may invoke Dispute Resolution in accordance with Section IV.E of this CAFO.

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APPENDIX 1 – OPERATING PARAMETERS

TABLE A

TDU OIL RECLAMATION SYSTEM INTERIM REQUIREMENTS PRIOR TO TOU INSTALLATION

Tag No.	Equipment Operating Parameter	Operating Parameter Limit	Compliance Basis
TT-18/19	TDU Dryer, Minimum Combustion Chamber Temperature	Maintain Temperature > 1,400°F	AWFCO: CPMS[1], 60-sec time delay
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS, 6-min Rolling Average (RA)[2]
OE-1	Purge Vent Gas Stream Maximum O_2 Concentration	O_2 < 7%	AWFCO: CPMS, 60-sec time delay
FE-101	Maximum Purge Vent Rate	Purge Vent Rate < 180 scfm	AWFCO: CPMS, Hourly Rolling Average (HRA)[3]
M-100	Minimum Percent Excess Air, Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow
TE-28	Maximum Condenser System Exhaust Temperature	Temperature < 120°F	AWFCO: CPMS, HRA
	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[4]
	Maximum TDU Feed Organic Halide Concentration	[Total Organic Halides] < 1,500 ppm/Bin	Blending Protocols & Documentation

TABLE B

[1] Continuous Process Monitoring System – See Paragraph 69.I of CAFO.

[2] Previous six 1-minute readings are summed and divided by six.

[3] 40 C.F.R. §§ 63.1209(b)(5).

[4] See Paragraph 69.A.3 of the CAFO.

TDU OIL RECLAMATION SYSTEM REQUIREMENTS AFTER TOU INSTALLATION
PRE-COMPLIANCE DEMONSTRATION TEST OPERATIONS

Tag No.	Equipment Operating Parameter	Shakedown (Pre-Test) OPL	Compliance Basis
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS[5], 6-min RA[6]
M-05	TDU Dryer, Cylinder Rotation On	Motor Operating	AWFCO: CPMS, Instantaneous
M-18	Product Discharge System	Motor Operating	AWFCO: CPMS, Instantaneous
M-21	Recirculation Blower Operating	Motor Operating	AWFCO: CPMS, Instantaneous
TT-121	TOU, Minimum Combustion Chamber Temperature	Maintain Temperature > 1,400°F	AWFCO: CPMS, HRA[7]
KY-110	TOU, Minimum Residence Time (Calculated from Purge Vent Flow Rate, Exhaust T, and Air Ratio)	Residence Time > 0.5 seconds	AWFCO: CPMS, HRA
AE-5/ OE-5	TOU Exhaust Gas, Maximum CO Concentration	[CO] < 100 ppmV @ 7% O_2	AWFCO: CEMS for CO, HRA
OE-1	Purge Vent Gas Stream, Maximum O_2 Concentration	[O_2] < 7%	AWFCO: CPMS, Instantaneous
FE-101	Maximum Purge Vent Rate	Vent Flow < 250 scfm	AWFCO: CPMS, HRA
FCV-102	Valve Position to Ensure Purge Vent is not Directed Away from TOU	Valve Closed	AWFCO: CPMS, 60-sec delay
M-121	Minimum Percent Excess Air , Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow
TE-28	Maximum Condenser System Exhaust Temperature	Maintain Temperature < 120°F	AWFCO: CPMS, HRA
	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift

[5] Continuous Process Monitoring System – See Paragraph 69.I of the CAFO.

[6] Previous six 1-minute readings are summed and divided by six.

[7] 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[8], Feed Stream Analysis Plan (if applicable)[9]
	Maximum TDU Feed Organic Halide Concentration	[Total Organic Halides] < 1,500 ppm/Bin	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Semi-Volatile Metals Concentration[10]	N/A	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Low-Volatile Metals Concentration[11]	N/A	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)

TABLE C

TDU OIL RECLAMATION REQUIREMENTS AFTER TOU INSTALLATION

[8] See Paragraph 69.A.3 of the CAFO.

[9] See Paragraph 69.A.11 of the CAFO.

[10] Semi-volatile metals means a combination of cadmium and lead.

[11] Low-volatile metals means a combination of Arsenic, Beryllium, and Chromium.

POST-COMPLIANCE DEMONSTRATION TEST OPERATIONS

Tag No.	Equipment Operating Parameter	Interim/Final (Post-Test) OPL	Compliance Basis
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS[12], 6-min RA[13]
M-05	TDU Dryer, Cylinder Rotation On	Motor Operating	AWFCO: CPMS, Instantaneous
M-18	Product Discharge System	Motor Operating	AWFCO: CPMS, Instantaneous
M-21	Recirculation Blower Operating	Motor Operating	AWFCO: CPMS, Instantaneous
TT-121	TOU, Minimum Combustion Chamber Temperature	OPL Established @ > 3-Run Average from CDT	AWFCO: CPMS, HRA[14]
KY-110	TOU, Minimum Residence Time (Calculated from Purge Vent Flow Rate, Exhaust T, and Air Ratio)	Residence Time > 0.5 seconds	AWFCO: CPMS, HRA
AE-5/ OE-5	TOU Exhaust Gas, Maximum CO Concentration	Semi-Annual Testing until Waste Analysis Plan Approved, then Annual Testing	Performance Testing in lieu of CEMS; Waste Analysis Plan based with other OPLs
OE-1	Purge Vent Gas Stream, Maximum O_2 Concentration	$[O_2] < 7\%$	AWFCO: CPMS, Instantaneous
FE-101	Maximum Purge Vent Rate	Vent Flow < 250 scfm	AWFCO: CPMS, HRA
FCV-102	Valve Position to Ensure Purge Vent is not Directed Away from TOU	Valve Closed	AWFCO: CPMS, 60-sec time delay
M-121	Minimum Percent Excess Air, Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow
TE-28	Maximum Condenser System Exhaust Temperature	OPL Established @ < 3-run Average Based on CDT	AWFCO: CPMS, HRA
	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift

[12] Continuous Process Monitoring System – See Paragraph 69.I of CAFO.

[13] Previous six 1-minute readings are summed and divided by six.

[14] 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[15], Feed Stream Analysis Plan (if applicable)[16]
	Maximum TDU Feed Organic Halide Concentration	OPL Established as Measured Ratio[17]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Semi-Volatile Metals Concentration[18]	OPL Established as Measured Ratio[19]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Low-Volatile Metals Concentration[20]	OPL Established as Measured Ratio[21]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)

[15] See Paragraph 69.A.3 of the CAFO.

[16] See Paragraph 69.A.11 of the CAFO.

[17] Maximum TDU Feed Concentration established as a measured ratio (not to exceed 4000 ppm/bin) from emissions data collected during CDT. See plan example calculations.

[18] Semi-volatile metals means a combination of cadmium and lead.

[19] Maximum TDU Feed Concentration established as measured ration from emissions data collected during CDT. See plan example calculations.

[20] Low-volatile metals means a combination of Arsenic, Beryllium, and Chromium.

[21] Maximum TDU Feed Concentration established as measured ratio from emissions data collected during CDT. See plan example calculations.

APPENDIX 2 – BLENDING PROTOCOLS

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

APPENDIX 3

COMPLIANCE DEMONSTRATION TEST PLAN

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

APPENDIX 2 – BLENDING PROTOCOLS

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

DOCUMENT STORED IN FILE ROOM

APPENDIX 3

COMPLIANCE DEMONSTRATION TEST PLAN

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

DOCUMENT STORED IN FILE ROOM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733

[DATE]

Ms. Lina Kruth Saale
Louisiana Department of Environmental Quality
Office of Environmental Services
Waste Permits Division
Post Office Box 4313
Baton Rouge, LA 70821-4313

RE: Draft Hazardous Waste Modified Operating and Post Closure Permit
Chemical Waste Management, Inc.
7170 John Brannon Road
Carlyss, LA 70665
Permit# LAD00077201-OP-RN-MO-1
AI# 742/PER20140007

Dear Ms. Saale:

EPA has the following comments on the draft Hazardous Waste Operating and Post Closure Permit for the Chemical Waste Management, Inc. facility located at 7170 John Brannon Road, Carlyss, LA 70665 (Draft Permit). Chemical Waste Management, Inc. (Chem Waste) seeks to add two oil recovery units (ORUs), two thermal desorber units (TDUs), and 19 associated tanks to its operations at its Carlyss, Louisiana facility. The ORUs will be utilized to separate recoverable oils from drilling fluids, refinery tank bottoms, commercially exempt waste, and other non-hazardous and hazardous waste. The TDUs will treat contaminated tank bottoms, sludge, catalyst slurry oil, and other non-hazardous and hazardous waste. The TDUs will be designed to separate organic constituents from a waste stream by condensing the organic components, which would allow for the recovery or disposal of the contaminants. The non-condensable gases will be routed to a thermal oxidizer unit (TOU). The TDU is proposed to be permitted as a miscellaneous unit.

Condition II.E.25.e of the Draft Permit provides that "[o]ne hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Thermal Desorber Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and L.A.C. 33:V.Chapter 32, and all applicable regulations." Chapter 32 is entitled "Miscellaneous Units", and is the State equivalent of 40 C.F.R. Part 264, Subpart X.

The material being treated in the TDU and the TOU is already a hazardous waste. Thermal treatment after a material becomes a hazardous waste is fully regulated under RCRA. 54 Fed. Reg. 50968, 50973 (December 11, 1989). The combustion of the non-condensable gases in the TOU meets the definition of "thermal treatment" in L.A.C. 33:V.109 [40 C.F.R. § 260.10] and thus requires a RCRA permit. The TOU would meet the definition of incinerator in L.A.C. 33:V.109 [40 C.F.R. § 260.10] (an enclosed device that uses controlled flame combustion).

However, rather than permitting the TOU as an incinerator, LDEQ could permit the TDU and TOU together as a miscellaneous unit under L.A.C. 33:V.Chapter 32 [40 C.F.R. Part 264, Subpart X]. If this occurs, then LDEQ is required to include in the permit requirements from L.A.C. 33:V.Chapters 3, 5, 7, 17, 19, 21, 23, 25, 27, 29, 31, 4301.F, H, 4302, 4303 and 4305, all other applicable requirements of L.A.C. 33:V.Subpart 1, and of 40 C.F.R. Part 63, Subpart EEE and 40 C.F.R. Part 146 that are appropriate for the miscellaneous unit being permitted.[1]

The decisions as to what appropriate requirements would be included in the permit would be left to LDEQ. However, EPA would expect that the permit conditions would be similar to those set forth in the enclosed Consent Agreement and Final Order, In Re: US Ecology Texas, Inc. and TD*X Associates, LP, EPA Docket Nos. RCRA-06-2012-0936 and RCRA-06-2012-0937, filed October 4, 2012. These permit conditions would include, but not be limited to: (1) a startup, shutdown, and malfunction plan; (2) a performance test, which includes meeting a 99.99% destruction removal efficiency for each principle organic hazardous constituent and meeting certain emission limits; (3) automatic waste feed cutoff system; (4) operating parameters; and (5) investigation, recordkeeping, testing, and reporting requirements. This position was also previously communicated to LDEQ in a letter from EPA to Mr. J.D. Head dated May 2, 2016, in which a copy was sent to LDEQ. A copy of this letter is also enclosed.

If you have any questions, please feel free to call _____ at _____

Sincerely,

Name
Title

Enclosure

cc: Benjamin Dabadie (CWM)

[1] The equivalent Federal provisions are 40 C.F.R. Part 264, Subparts I through O, AA, BB, and CC, 40 C.F.R. Part 270, 40 C.F.R. Part 63, Subpart EEE, and 40 C.F.R. Part 146. 40 C.F.R. § 264.601.

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FACT SHEET – CHEM WASTE MANAGEMENT PERMIT COMMENT LETTER

1. TD*X operated a thermal desorber unit (TDU) as part of an oil reclamation unit at the U.S. Ecology facility in Robstown, Texas. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous feed material. A nitrogen carrier gas was used to transfer the vapor phase organic constituents to a gas treatment system. The oil was recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU's recirculating nitrogen carrier gas, along with non-condensable gases, was vented and injected into the combustion chamber of the TDU, where it was burned. The burning of the vent gas constitutes thermal treatment, and the TDU did not have a RCRA permit for the TDU.

2. On October 4, 2012, EPA entered into a Consent Agreement and Final Order (CAFO) with U.S. Ecology and TD*X, which required the parties to install a thermal oxidizer unit (TOU) to burn the vent gases. If a system has two or more hazardous waste treatment units in series, EPA policy allows the permitting authority to make a case-by-case determination of how the overall system is classified. Using this policy, EPA determined that the TDU and TOU could be permitted under 40 C.F.R. Part 264, Subpart X. EPA also required certain permit conditions, including: (1) a startup, shutdown, and malfunction plan; (2) a performance test, which includes meeting a 99.99% destruction removal efficiency for the principle organic hazardous constituent and meeting certain emission limits; (3) an automatic waste feed cutoff system; (4) operating parameters; and (5) investigation, recordkeeping, testing, and reporting requirements.

3. EPA received a letter from an attorney whose client wanted to install a TDU at other refineries. He wanted regulatory certainty on certain issues set forth in the letter.

4. On May 5, 2016, EPA sent to a letter to the attorney, stating that the TDUs operating at a refinery should have the same or similar provisions as set forth in EPA's CAFO.

5. EPA recently learned that the Chem Waste Management facility in Carlyss, Louisiana had a draft RCRA permit out for public comment. Chem Waste seeks to install two oil recovery units, two TDUs, and 19 tanks at its facility. The TDU will be permitted as a miscellaneous unit. However, the operating parameters for the TDU are not part of the draft permit. They will be submitted to LDEQ 180 days before construction. The non-condensable gas will be routed to a TOU. However, the TOU will not be a RCRA permitted unit. It will only have an air permit. It is unclear as to whether other Subpart X requirements will be required for the TDU and TOU.

6. Region 6 RCRA enforcement would like a comment letter sent to LDEQ, stating its position that the TOU needs to be part of the RCRA permit, and that a number of Subpart X provisions need to be included in the permit. This will help ensure a level playing field among the companies operating TDUs.

7. The public comment period ends Monday, June 27, 2016.

CONTACTS: Legal – Evan Pearson – 5-8074; Technical - Guy Tidmore – 5-3142

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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Dallas, Texas 75202-2733

[DATE]

Ms. Lina Kruth Saale
Louisiana Department of Environmental Quality
Office of Environmental Services
Waste Permits Division
Post Office Box 4313
Baton Rouge, LA 70821-4313

RE: Draft Hazardous Waste Modified Operating and Post Closure Permit
Chemical Waste Management, Inc.
7170 John Brannon Road
Carlyss, LA 70665
Permit# LAD00077201-OP-RN-MO-1
AI# 742/PER20140007

Dear Ms. Saale:

EPA has the following comments on the draft Hazardous Waste Operating and Post Closure Permit for the Chemical Waste Management, Inc. facility located at 7170 John Brannon Road, Carlyss, LA 70665 (Draft Permit). Chemical Waste Management, Inc. (Chem Waste) seeks to add two oil recovery units (ORUs), two thermal desorber units (TDUs), and 19 associated tanks to its operations at its Carlyss, Louisiana facility. The ORUs will be utilized to separate recoverable oils from drilling fluids, refinery tank bottoms, commercially exempt waste, and other non-hazardous and hazardous waste. The TDUs will treat contaminated tank bottoms, sludge, catalyst slurry oil, and other non-hazardous and hazardous waste. The TDUs will be designed to separate organic constituents from a waste stream by condensing the organic components, which would allow for the recovery or disposal of the contaminants. The non-condensable gases will be routed to a thermal oxidizer unit (TOU). The TDU is proposed to be permitted as a miscellaneous unit.

Condition II.E.25.e of the Draft Permit provides that "[o]ne hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Thermal Desorber Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and L.A.C. 33:V.Chapter 32, and all applicable regulations." Chapter 32 is entitled "Miscellaneous Units", and is the State equivalent of 40 C.F.R. Part 264, Subpart X.

The material being treated in the TDU and the TOU is already a hazardous waste. Thermal treatment after a material becomes a hazardous waste is fully regulated under RCRA. 54 Fed. Reg. 50968, 50973 (December 11, 1989). The combustion of the non-condensable gases in the TOU meets the definition of "thermal treatment" in L.A.C. 33:V.109 [40 C.F.R. § 260.10] and thus requires a RCRA permit. The TOU would meet the definition of incinerator in L.A.C. 33:V.109 [40 C.F.R. § 260.10] (an enclosed device that uses controlled flame combustion).

However, rather than permitting the TOU as an incinerator, LDEQ could permit the TDU and TOU together as a miscellaneous unit under L.A.C. 33:V.Chapter 32 [40 C.F.R. Part 264, Subpart X]. If this occurs, then LDEQ is required to include in the permit requirements from L.A.C. 33:V.Chapters 3, 5, 7, 17, 19, 21, 23, 25, 27, 29, 31, 4301.F, H, 4302, 4303 and 4305, all other applicable requirements of L.A.C. 33:V.Subpart 1, and of 40 C.F.R. Part 63, Subpart EEE and 40 C.F.R. Part 146 that are appropriate for the miscellaneous unit being permitted.[1]

The decisions as to what appropriate requirements would be included in the permit would be left to LDEQ. However, EPA would expect that the permit conditions would be similar to those set forth in the enclosed Consent Agreement and Final Order, In Re: US Ecology Texas, Inc. and TD*X Associates, LP, EPA Docket Nos. RCRA-06-2012-0936 and RCRA-06-2012-0937, filed October 4, 2012. These permit conditions would include, but not be limited to: (1) a startup, shutdown, and malfunction plan; (2) a performance test, which includes meeting a 99.99% destruction removal efficiency for each principle organic hazardous constituent and meeting certain emission limits; (3) automatic waste feed cutoff system; (4) operating parameters; and (5) investigation, recordkeeping, testing, and reporting requirements. This position was also previously communicated to LDEQ in a letter from EPA to Mr. J.D. Head dated May 2, 2016, in which a copy was sent to LDEQ. A copy of this letter is also enclosed.

If you have any questions, please feel free to call _____ at _____

Sincerely,

Name
Title

Enclosure

cc: Benjamin Dabadie (CWM)

[1] The equivalent Federal provisions are 40 C.F.R. Part 264, Subparts I through O, AA, BB, and CC, 40 C.F.R. Part 270, 40 C.F.R. Part 63, Subpart EEE, and 40 C.F.R. Part 146. 40 C.F.R. § 264.601.

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FACT SHEET – CHEM WASTE MANAGEMENT PERMIT COMMENT LETTER

1. TD*X operated a thermal desorber unit (TDU) as part of an oil reclamation unit at the U.S. Ecology facility in Robstown, Texas. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous feed material. A nitrogen carrier gas was used to transfer the vapor phase organic constituents to a gas treatment system. The oil was recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU's recirculating nitrogen carrier gas, along with non-condensable gases, was vented and injected into the combustion chamber of the TDU, where it was burned. The burning of the vent gas constitutes thermal treatment, and the TDU did not have a RCRA permit for the TDU.

2. On October 4, 2012, EPA entered into a Consent Agreement and Final Order (CAFO) with U.S. Ecology and TD*X, which required the parties to install a thermal oxidizer unit (TOU) to burn the vent gases. If a system has two or more hazardous waste treatment units in series, EPA policy allows the permitting authority to make a case-by-case determination of how the overall system is classified. Using this policy, EPA determined that the TDU and TOU could be permitted under 40 C.F.R. Part 264, Subpart X. EPA also required certain permit conditions, including: (1) a startup, shutdown, and malfunction plan; (2) a performance test, which includes meeting a 99.99% destruction removal efficiency for the principle organic hazardous constituent and meeting certain emission limits; (3) an automatic waste feed cutoff system; (4) operating parameters; and (5) investigation, recordkeeping, testing, and reporting requirements.

3. EPA received a letter from an attorney whose client wanted to install a TDU at other refineries. He wanted regulatory certainty on certain issues set forth in the letter.

4. On May 5, 2016, EPA sent to a letter to the attorney, stating that the TDUs operating at a refinery should have the same or similar provisions as set forth in EPA's CAFO.

5. EPA recently learned that the Chem Waste Management facility in Carlyss, Louisiana had a draft RCRA permit out for public comment. Chem Waste seeks to install two oil recovery units, two TDUs, and 19 tanks at its facility. The TDU will be permitted as a miscellaneous unit. However, the operating parameters for the TDU are not part of the draft permit. They will be submitted to LDEQ 180 days before construction. The non-condensable gas will be routed to a TOU. However, the TOU will not be a RCRA permitted unit. It will only have an air permit. It is unclear as to whether other Subpart X requirements will be required for the TDU and TOU.

6. Region 6 RCRA enforcement would like a comment letter sent to LDEQ, stating its position that the TOU needs to be part of the RCRA permit, and that a number of Subpart X provisions need to be included in the permit. This will help ensure a level playing field among the companies operating TDUs.

7. The public comment period ends Monday, June 27, 2016.

CONTACTS: Legal – Evan Pearson – 5-8074; Technical - Guy Tidmore – 5-3142

Message

From: Tidmore, Guy [tidmore.guy@epa.gov]
Sent: 5/5/2016 3:26:53 PM
To: Pearson, Evan [Pearson.Evan@epa.gov]
CC: Robertson, David [robertson.david@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]
Subject: RE: Louisiana TDU activity - CWMLC [update]

I've reached out to Fruitwalla, and will get his take.

From: Pearson, Evan
Sent: Thursday, May 05, 2016 10:11 AM
To: Tidmore, Guy <tidmore.guy@epa.gov>
Cc: Robertson, David <robertson.david@epa.gov>
Subject: FW: Louisiana TDU activity - CWMLC [update]

Now that we got our TDX letters out, are we going to do anything about the Chem Waste issue?

From: JD Head [mailto:JDHead@fbhf.com]
Sent: Tuesday, March 15, 2016 11:34 AM
To: Pearson, Evan <Pearson.Evan@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: Louisiana TDU activity - CWMLC [update]

Gentlemen, the attachments and summary below concern Chem Waste's proposal in Louisiana to locate TDUs at a hazardous waste site and combust the non-condensible portion of the organic chemical constituents in an associated thermal oxidizer unit..No draft permit has been issued by the DEQ- however, Chem Waste is not proposing the appropriate technical standards set forth in Region 6"s recent CAFOs on similar units .My understanding is that Chem Waste's position is that uncontained gas is not a solid waste when combusted. I believe EPA should look into this situation , as it could become an outlier from the current regulatory regime concerning TDUs

Update on CWM Lake Charles TDU Permit:

Since May 2015 CWM and LDEQ have interacted with an NOD response, a second NOD and that response.

- CWMLC has not provided any technical documents, plans or commitments to incorporate any of the MACT EEE emission limits on the thermal oxidizer that combusts 100% of the TDU process vent emissions.
- CWMLC has responded that the vent gas is "uncontained gas" and not subject to any RCRA jurisdiction.
- LDEQ has received these comments, but as yet has not issued any questions or determinations that the TDU vent gas being combusted triggers the incorporation of any of the MACT EEE requirements into the Subpart X permit.

If this proceeds to Draft Permit without any further substantive interaction it is likely that no technical requirements to comply with MACT EEE will be in the draft permit. No AWFCO. No emission limits. No OPLs. No stack test. No WAP to identify air pollutants in the feed that will cause MACT EEE emission limits to be exceeded (i.e. chlorine, mercury, metals).

J. D. Head

Fritz, Byrne, Head & Fitzpatrick, PLLC
221 West Sixth Street, Suite 960
Austin, TX 78701
TEL: 512/476-2020
FAX: 512/477-5267

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Message

From: Pearson, Evan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D10433F23DD64BD2A3EFC03D6367856C-PEARSON, EVAN]
Sent: 5/23/2016 8:13:47 PM
To: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: FW: LDEQ public notice for Calcasieu Parish [Chem Waste Lake Charles TDU draft Part B permit]
Attachments: calcasieu PUBp-PN Chem Waste Mgt-Lake Charles Facility.doc

Are we going to do anything about it?

From: Carl Palmer [mailto:cpalmer@tdxassociates.com]
Sent: Monday, May 23, 2016 2:47 PM
To: Tidmore, Guy <tidmore.guy@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>
Cc: JD Head <JDHead@FBHf.com>
Subject: Re: LDEQ public notice for Calcasieu Parish [Chem Waste Lake Charles TDU draft Part B permit]

Guy and Evan,

In case you haven't seen, the LDEQ Draft RCRA permit is out for public comment for the two TDUs that CWM is requesting for installation at their Lake Charles, LA TSDF. The draft permit has no requirement for CWM to comply with any RCRA emission limit, in particular no requirement to meet MACT EEE emission limits. The only air emission requirement is a general one for CWM to comply with the State issued air permit for the units. Both TDUs vent 100% of the non-condensible gases from their hazwaste thermal treatment to an associated thermal oxidizer.

The public comment period closes on June 27, 2016.

The LDEQ draft permit has a condition that requires CWM to provide detailed plans for operating the TDUs 180 days prior to start of construction. That may be how LDEQ plans to implement compliance. However, the draft permit gives no technical requirements or specifications for these plans, and in particular gives no specification that they meet the appropriate technical requirements of MACT EEE, the draft permit does not require that they meet the MACT EEE emission limits, the draft permit does not require that CWM adopt OPLs to maintain compliance with MACT EEE emission limits, and the draft permit does not require that a comprehensive performance test be performed to demonstrate compliance with the MACT EEE emission limits.

Please plan to provide written comments to LDEQ. That may be one way to assure that CWM is required to implement the Region's policies.

Sincerely,
Carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile
http://www.tdxassociates.com

----- Forwarded Message -----

From: DEQ PUBLIC NOTICES <DEQ.PUBLICNOTICES@LA.GOV>
To: LDEQ-PN-CALCASIEU@LISTSERV.DOA.LA.GOV
Sent: Friday, May 13, 2016 10:26 AM
Subject: LDEQ public notice for Calcasieu Parish

Dear Concerned Citizen:

According to our records, you have expressed an interest in receiving electronic public notification of environmental permitting actions for facilities located in a specified parish or parishes within our state. The attached public notice document(s) either solicits your comments on an environmental permit action, or announces a scheduled public hearing.

Information included in the attached document identifies the facility and its location, along with a description of the environmental permit action or scheduling of a public hearing. The notice also includes directions on how to provide your comments or concerns to LDEQ about the permit action. You will also find contact information for agency personnel working on this matter, as well as information on finding files associated with this action through our online file system, EDMS using the Agency Interest (AI) and Permit Activity (PER) numbers provided. Please note: Some material associated with the draft permit will not be available for public review until the day of publication (*provided at the end of the public notice*).

More information on public participation for permitting activities can be found on DEQ's Public Participation Group webpage at: http://www.deq.louisiana.gov/portal/tabid/2198/Default.aspx

Please call LDEQ Customer Service Center at: (225) 219-LDEQ (219-5337) if you have questions related to permits public participation activities.

Thank you.

Message

From: Pearson, Evan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D10433F23DD64BD2A3EFC03D6367856C-PEARSON, EVAN]
Sent: 3/17/2016 3:15:28 PM
To: JD Head [JDHead@fbhf.com]
Subject: RE: Louisiana TDU activity - CWMLC [update]

I am having problems printing the document "9710826_NOD_20150409_crp_comments.pdf". Could you please resend this document? Thanks.

From: JD Head [mailto:JDHead@fbhf.com]
Sent: Tuesday, March 15, 2016 11:34 AM
To: Pearson, Evan <Pearson.Evan@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: Louisiana TDU activity - CWMLC [update]

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J. D. Head

Fritz, Byrne, Head & Fitzpatrick, PLLC
221 West Sixth Street, Suite 960
Austin, TX 78701

TEL: 512/476-2020
FAX: 512/477-5267

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2012 OCT -4 AM 9:20
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:	)	
US ECOLOGY TEXAS, INC., and TD*X ASSOCIATES LP	)	DOCKET NOS. RCRA-06-2012-0936 and RCRA-06-2012-0937
RESPONDENTS	)	

CONSENT AGREEMENT AND FINAL ORDER

The Director of the Compliance Assurance and Enforcement Division of the United States Environmental Protection Agency (EPA), Region 6 (Complainant) and US Ecology Texas, Inc. and TD*X Associates L.P. (Respondents) in the above-referenced proceeding, hereby agree to resolve this matter through the issuance of this Consent Agreement and Final Order (CAFO).

I. PRELIMINARY STATEMENT

1. This proceeding for the assessment of civil penalties and the issuance of a compliance order is brought by EPA pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), and is simultaneously commenced and concluded through the issuance of this Consent Agreement and Final Order (CAFO) pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3), and 22.37.

2. Notice of this action was given to the State of Texas prior to the issuance of this CAFO, as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. For the purposes of this proceeding, the Respondents admit the jurisdictional allegations contained herein; however, the Respondents neither admit nor deny the specific factual allegations contained in this CAFO.

4. The Respondents explicitly waive any right to contest the allegations and their right to appeal the proposed Final Order set forth therein, and waive all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

5. Compliance with all the terms and conditions of this CAFO shall resolve only those violations which are set forth herein.

6. The Respondents consent to the issuance of the CAFO hereinafter recited and consent to the issuance of the Compliance Order contained therein.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. PRELIMINARY ALLEGATIONS

7. US Ecology Texas, Inc. (USET) is a corporation incorporated under the laws of the State of Delaware and authorized to do business in the State of Texas.

8. TD*X Associates LP (TD*X) is a limited partnership authorized to do business in the State of Texas.

9. "Person" is defined in 30 T.A.C. § 3.2(25) [40 C.F.R. §§ 260.10 and 270.2], and Section 1004(5) of RCRA, 42 U.S.C. § 6903(15) as "an individual, corporation, organization, government or government subdivision or agency, business trust, partnership, association, or any other legal entity."

10. The Respondent USET is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903(15).

11. The Respondent TD*X is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903 (15).

12. "Owner" is defined in 30 T.A.C. § 335.1(108) [40 C.F.R. § 260.10] as "the person who owns a facility or part of a facility."

13. "Operator" is defined in 30 T.A.C. § 335.1(107) [40 C.F.R. § 260.10] as "the person responsible for the overall operation of a facility".

14. "Owner or operator" is defined in 40 C.F.R. § 270.2 as "the owner or operator of any facility or activity subject to regulation under RCRA."

15. "Facility" is defined in 30 T.A.C. § 335.1(59) [40 C.F.R. § 260.10] as meaning "all contiguous land, and structures, other appurtenances, and improvements on the land, used for storing, processing, or disposing of municipal hazardous waste or industrial solid waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them)."

16. The Respondent USET owns and operates a hazardous waste treatment, storage, and disposal (TSD) facility located at 3327 County Road 69, Robstown, TX 78380, EPA I.D. No. TXD069452340, Permit No. HW-50052-001.

17. The TSD identified in Paragraph 16 is a "facility" as that term is defined in 30 T.A.C. § 335.1(59) [40 C.F.R. § 260.10].

18. The Respondent USET is the "owner" and/or "operator" of the facility identified in Paragraph 16, as those terms are defined in 30 TAC § 335.1(107) & (108) [40 C.F.R. § 260.10] and 40 C.F.R. § 270.2.

19. An oil reclamation unit is located at the facility identified in Paragraph 16.

20. The Respondent TD*X owns and operates a thermal desorption unit (TDU), as well as the feed preparation system that includes a shaker tank (T-30), three mix tanks (T-31, T-32, and T-33), a centrifuge, and a surge tank (T-34) at the oil reclamation unit.

21. The Respondent TD*X began operating the TDU and related equipment on or about June 15, 2008.

22. On or about June 8 – 11, 2010, June 14 – 17, 2010, and August 9 – 11, 2010, the Respondent USET's TSD facility and the oil reclamation unit were inspected by representatives of EPA pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

B. VIOLATIONS

Count One – Processing Hazardous Waste Without a Permit or Interim Status

23. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment),[1] storage, or disposal of hazardous waste.

24. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

25. "Recyclable materials" is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as "hazardous wastes that are recycled".

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[1] The Texas Administrative Code uses the term "processing" instead of "treatment". The term "processing" as used by Texas is essentially equivalent to the term "treatment" as used in the federal statute and regulations.

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26. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

27. The Respondent USET receives "recyclable materials" from off-site generators, as that term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)].

28. Recyclable materials destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

29. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

30. On various dates after June 15, 2008, certain recyclable materials were processed in the tanks identified in Paragraph 20.

31. The recyclable materials identified in Paragraph 30 did not meet the exemption in 30 T.A.C. § 335.24(c)(4)(C) [40 C.F.R. § 261.6(a)(3)(iv)(C) because the hazardous wastes were not "oil-bearing hazardous wastes from petroleum refining, production, and transportation practices."

32. The Respondent TD*X processed (treated) hazardous waste as that term is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] in the tanks identified in Paragraph 20.

33. To date, neither the Respondent USED nor Respondent TD*X has applied for nor received a RCRA permit or interim status to allow the processing (treatment) of hazardous waste in the tanks identified in Paragraph 20.

34. Therefore, the Respondent USET and the Respondent TD*X have violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by processing (treating) hazardous waste without a RCRA permit or interim status.

Count Two – Processing Hazardous Waste Without a Permit or Interim Status

35. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

36. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

37. "Recyclable materials" is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as "hazardous wastes that are recycled".

38. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

39. The Respondent USET receives "recyclable materials" from off-site generators, as that term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)].

40. Recyclable materials destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

41. On various dates after June 15, 2008, certain recyclable materials were fed into the TDU that did not meet the exemption in 30 T.A.C. § 335.24(c)(4)(C) [40 C.F.R. § 261.6(a)(3)(iv)(C) because the hazardous wastes were not "oil-bearing hazardous wastes from petroleum refining, production, and transportation practices."

42. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

43. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10] as follows:

> the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air

oxidation, and microwave discharge. (See also "incinerator" and "open burning.").

44. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents to a gas treatment system. The oil is recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU's recirculating nitrogen carrier gas, along with non-condensable gases, is vented, filtered, and then injected into the combustion chamber of the TDU, where it is burned.

45. The separation of the organic constituents from the hazardous waste in the TDU's indirectly heated rotary dryer constitutes thermal processing (thermal treatment) as that term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].

46. To date, neither the Respondent USET nor Respondent TD*X has applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in the TDU.

47. Therefore, the Respondent USET and the Respondent TD*X have violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by thermally processing (thermally treating) hazardous waste without a RCRA permit or interim status.

Count Three - Processing Hazardous Waste Without a Permit or Interim Status

48. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

49. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States

Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

50. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

51. Hazardous wastes destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

52. On various dates after June 15, 2008, hazardous wastes were fed into the TDU.

53. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents to a gas treatment system. The oil is recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU's recirculating nitrogen carrier gas, along with non-condensable gases, is vented, filtered, and then injected into the combustion chamber of the TDU, where it is burned.

54. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in

> accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

55. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10] as follows:

> the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning.")

56. The burning of gases in the TDU's combustion chamber constitutes thermal processing (thermal treatment) as that term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].

57. The combustion chamber of the TDU is an enclosed device that uses controlled flame combustion.

58. The combustion chamber of the TDU does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; nor meets the definition of infrared incinerator or plasma arc incinerator."

59. To date, neither the Respondent USET nor Respondent TD*X has applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in the combustion chamber of the TDU.

60. Therefore, the Respondent USET and the Respondent TD*X have violated and continue to violate Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e) and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by thermally processing (thermally treating) hazardous waste without a RCRA permit or interim status.

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Count Four – Storing Hazardous Waste Without a Permit Or Interim Status

61. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

62. "Storage" is defined in 30 T.A.C. § 335.1(143) [40 C.F.R. § 260.10] as "the holding of solid waste for a temporary period, at the end of which the waste is processed, disposed of, recycled, or stored elsewhere."

63. Between on or about March 9, 2010, and June 11, 2010, the Respondent USET stored roll-off boxes in the area called the "Y" at the facility.

64. The roll-off boxes identified in Paragraph 63 contained material which had entered the oil reclamation process and was being temporarily staged before undergoing subsequent stages of the reclamation process. The Respondent USET discontinued the use of the area called the "Y" for this purpose.

65. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

66. The roll-off boxes identified in Paragraph 63 contained "hazardous waste" as that term is defined in T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

67. The Respondent USET had not applied for nor received a RCRA permit or interim status to allow the storage of hazardous waste at the area called the "Y".

68. Therefore, the Respondent USET has violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by storing hazardous waste without a RCRA permit or interim status.

III. COMPLIANCE ORDER

69. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), the Respondents are hereby **ORDERED** to take the following actions and provide evidence of compliance within the time period specified below:

A. Interim Operating Requirements

1. As of the effective date of this CAFO, feedstock for the oil reclamation unit shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production, and transportation practices. Oil-bearing hazardous waste from petroleum refining, production, or transportation practices includes the following listed hazardous waste from specific Petroleum Refining Sources (K049, K050, K051, K052, K169, and K170). Also acceptable is oil-bearing hazardous waste from processes which meet the definition of the following Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) as follows:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site	213112	Support Activities for Oil and Gas Operations

	preparation and related construction activities performed on a contract or fee basis)		
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products
4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

2. Using feedstock from processes meeting the definition of the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to make a separate determination whether the hazardous waste in question is "oil-bearing," and that the hazardous waste was originally generated from petroleum refining, production, or transportation practices.

3. As of the effective date of this CAFO, when the dryer feed is on, the Respondents shall operate the TDU in accordance with the interim operating parameters set forth in Appendix 1, Table A, which is attached and incorporated by reference into this CAFO. The Blending Protocols referenced in Appendix 1 is attached as Appendix 2, and incorporated by reference into this CAFO.

4. As of the effective date of this CAFO, Respondents shall comply with the Start-Up, Shutdown, and Malfunction Plan (SSM Plan) (CDT Plan, Appendix E). The Compliance Demonstration Test (CDT) Plan is attached as Appendix 3 and incorporated by reference into the CAFO.

5. Within sixty (60) days of the effective date of this CAFO, the Respondents shall conduct a tune-up of the external combustion chamber of the TDU in accordance with the following requirements:

a. As applicable, inspect the burner and clean or replace any components of the burner as necessary. The burner inspection may be delayed until the next scheduled or unscheduled unit shutdown.

b. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specification.

c. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly.

d. Optimize total emissions of carbon monoxide (CO). This optimization should be consistent with the manufacturer's specifications, if available.

e. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made. Measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made.

f. Perform sampling and analysis of both dryer furnace stacks using Method TO-15, "Determination of Volatile Organic Compounds (VOCs) In Air Collected In Specially-Prepared Canisters And Analyzed By Gas Chromatography/Mass Spectrometry (GC/MS)". If the total

organic matter result is greater than 10 ppmV for either stack, the analysis shall include speciation of the gas. This information shall be included in the report required in Paragraph 69.A.5.g below.

g. Maintain on-site a report documenting the concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume present, measured before and after the adjustments of the external combustion chamber of the TDU, and a description of any corrective actions taken as part of the combustion adjustment.

h. Subsequent tune-ups shall be conducted annually until the TDU is reconfigured.

6. Within sixty (60) days of the effective date of this CAFO, the Respondents shall conduct a fuel specification analysis of the purge vent gas for mercury and document that it does not exceed the maximum concentration of 40 micrograms/cubic meter of mercury using test methods ASTM D5954, ASTM D6350, ISO 6978-1:2003(E), or ISO 6978-2:2003(E), or an alternate test method approved by EPA. If the concentration of mercury exceeds 40 micrograms/cubic meter, the Respondents shall immediately notify EPA.

7. Within ninety (90) days of the effective date of this CAFO, the Respondents shall install, monitor, and operate an automatic hazardous waste feed cutoff (AWFCO) at the TDU in accordance with 40 C.F.R. § 63.1206(c)(3)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the interim operating parameters set forth in Appendix 1, Table A that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3)(v), (vi) and (vii).

8. Within one year of the effective date of this CAFO, the Respondents shall reconfigure the TDU so that the non-condensable vent gases are routed to a thermal oxidizing unit (TOU)

instead of the combustion chamber of the TDU (Reconfigured TDU). After reconfiguration, fuel for the TDU is limited to natural gas and propane.

9. The Respondents shall operate the Reconfigured TDU during the shakedown period in accordance with the operating parameters limits set forth in Appendix 1, Table B when the dryer feed is on. The Respondent shall not operate the Reconfigured TDU more than 720 hours (including the shakedown period and the Compliance Demonstration Test). The Respondents shall keep records of the hours of operation during the shakedown period. The Respondents shall operate a continuous emissions monitor system (CEMS) for carbon monoxide (CO) for the TOU during the shakedown period. The Respondents shall operate the Reconfigured TOU in a manner that the hourly rolling averages for CO are not exceeded. The rolling averages shall be calculated in accordance with 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

10. During the shakedown period, the Respondents shall monitor and operate an automatic hazardous waste feed cutoff (AWFCO) at the Reconfigured TDU in accordance with 40 C.F.R. § 63.1206(c)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the operating parameter limits set forth in Appendix 1, Table B that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3) (v), (vi) and (vii).

11. The Respondents shall conduct a test measuring the concentration of CO in the exhaust gases from the TOU. This test shall include three one-hour runs during which the TDU is operated on oil-bearing hazardous waste. The emissions from the TOU stack shall be monitored for carbon monoxide and oxygen using EPA Method 10. The emissions shall be

demonstrated to be less than 100 ppmV CO corrected to 7% O_2 in each run. The test frequency shall be once during each six-month period, January 1 – June 30 and July 1 - December 31, said time period to commence after conducting the CDT and continuing until the TCEQ issues a RCRA Subpart X permit for the Reconfigured TDU. Within forty-five (45) days after conducting the test, the Respondents shall submit a test report to EPA summarizing the test results. The time periods for conducting the test may be changed to once during each twelve (12) month calendar period, January 1 - December 31, if the Respondents submit to EPA, with a copy to TCEQ, a detailed feed stream analysis plan that characterizes the waste received by the facility, and EPA approves the plan. The detailed feedstream analysis plan shall be prepared in accordance with 40 C.F.R. § 264.13 and the EPA Guidance Document "Waste Analysis At Facilities That Generate, Treat, Store, And Dispose of Hazardous Waste", OSWER 9938.4-03 (April 1994). The Respondents will implement the detailed feedstream analysis plan, as approved or modified by EPA, immediately upon receipt of EPA's approval.

12. The Respondents shall prepare a report for the time period beginning on the effective date of this CAFO and ending June 30, 2013, and every six (6) months thereafter. The report shall be submitted to EPA, with a copy to TCEQ, within thirty (30) days of the end of the reporting period. The report shall include the following:

a. For each waste stream accepted by the oil reclamation unit, identify the customer, original generator, waste stream description, RCRA waste codes, the SIC or NAICS code of the process generating the waste, a summary of any analyses conducted by the Respondents to verify the waste stream profiles, and the total volume of waste accepted during the reporting period. If requested by EPA, the Respondents shall provide copies of relevant waste approval documents and manifests for the specific waste streams.

b. All time periods in which there were exceedances of the operating parameters and the AWFCO requirements set forth in Appendix 1, Tables A and B, and exceedances of the hourly rolling averages for CO (Paragraph 69.A.9).

c. All exceedances of the Reconfigured TDU Compliance Standards and the AWFCO requirements established in accordance with Paragraph 69.C.9.

d. The initial Report shall include documentation showing that the tune-up and fuel specification analysis required by Paragraphs 69.A.5 and 69.A.6 have been conducted, and provide documentation showing the date of installation and subsequent operation of the AWFCO system required by Paragraphs 69.A.7.

e. Documentation showing the installation of the TOU required by Paragraph 69.A.8, and the additional AWFCO requirements required by Appendix 1, Table B (Paragraph 69.A.10).

The Report may be submitted in an electronic format (i.e., compact disk). The Respondents may claim the report as confidential business information (CBI), in accordance with the requirements of 40 C.F.R. Part 2. However, information that is emissions data or a standard or limitation cannot be claimed as CBI. 40 C.F.R. § 2.301(e). If the Report contains any information that is claimed CBI, the Respondents shall provide a redacted version with all CBI deleted.

B. RCRA Permit Modification

1. Within one year of the effective date of this CAFO, the Respondents shall submit to TCEQ, with a copy to EPA, an application for a Class 3 RCRA Permit Modification to permit the Reconfigured TDU as a miscellaneous unit under 40 C.F.R. Part 264, Subpart X in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33].

2. The permit application shall also include relevant requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, 40 C.F.R. Part 270, and 40 C.F.R. Part 63, Subpart EEE that are appropriate for the operation of the Reconfigured TDU, including an engineering report, waste analysis, monitoring and inspection requirements, and closure requirements set forth in 30 T.A.C. § 335.152(a)(13) [40 C.F.R. §§ 264.341, 264.347, and 264.351].

3. The Respondents shall also request that the issued RCRA permit modification include the following:

a. The feedstock limitations applicable to the operation of the oil reclamation unit under 40 C.F.R. § 261.6(a)(3)(iv)(C) set forth in Paragraph 69.D;

b. The investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3) (v), (vi) and (vii);

c. Appropriate recordkeeping and reporting requirements; and

d. Any applicable risk-based terms and conditions necessary to protect human health and the environment.

4. The failure to timely submit a Class 3 Permit Modification to TCEQ and EPA within the deadline set forth in Paragraph 69.B.1 shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

5. By no later than three and one-half years (42 months) from the effective date of this CAFO, the Respondents must complete all permitting requirements and obtain issuance from the TCEQ of a final RCRA Subpart X permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33], and which

incorporates the appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, 40 C.F.R. Part 270, and 40 C.F.R Part 63, Subpart EEE. In the event that TCEQ does not issue a RCRA Subpart X permit for the Reconfigured TDU as described above by the above deadline, the Respondents' authorization to operate the Reconfigured TDU terminates on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

C. Compliance Demonstration Test

1. The Respondents shall perform a compliance demonstration test (CDT) in accordance with the approved CDT Plan, which is attached as Appendix C and incorporated by reference into the CAFO. The CDT requires the Respondents to demonstrate compliance with the emissions limits of 40 C.F.R. § 63.1219(b) set forth in Paragraph C.5, the destruction and removal efficiency standard of 40 C.F.R. § 63.1219(c)(1) set forth in Paragraph C.4, and establish limits for the operating parameters set forth in Paragraph 69.C.6 (Appendix 1, Table C).

2. Within sixty (60) days of the effective date of this CAFO, the Respondents shall submit to EPA for approval, with a copy to TCEQ, a Quality Assurance Project Plan (QAPP) for the CDT. The QAPP shall be prepared in accordance with the EPA Region 6 Guidance "Quick Reference Guide, Test Burn Program Planning for Hazardous Waste Combustion (HWC) Units" dated August 6, 2012. The Respondents shall implement the QAPP as approved or modified by EPA.

3. The Respondents shall implement the CDT in accordance with Appendix 3 within ninety (90) days after reconfiguration of the TDU pursuant to Paragraph 69.A.8 of this CAFO.

4. During the CDT, the Respondents must achieve a destruction and removal efficiency (DRE) of 99.99% for toluene, the designated principle organic hazardous constituent (POHC). The DRE shall be calculated in accordance with 40 C.F.R. § 63.1219(c)(1).

5. The emission limits that must be met during the CDT are set forth in 40 C.F.R. § 63.1219(b).

6. The operating parameters limits that will be established during the CDT are set forth in Appendix 1, Table C.

7. The Respondents must not exceed the emission limits set forth in 40 C.F.R. § 63.1219(b), and must achieve a DRE of 99.99% for toluene [as set forth in 40 C.F.R. § 63.1219(c)] for all three runs in order to have a successful CDT. If the Respondents determine, based on the results of analyses of stack samples, that they have exceeded any emission standard or failed to meet the DRE requirement during any of the three runs, they must immediately cease processing hazardous waste in the Reconfigured TDU. The Respondents must make this determination within forty-five (45) days following completion of the CDT. The Respondents may not resume operation of the Reconfigured TDU until the Respondents have submitted and received EPA approval of a revised CDT plan, at which time operations can resume to demonstrate compliance with the emission limits and DRE requirements during all of the three runs.

8. All analyses required by the CDT plan shall be performed by a NELAC accredited laboratory or by a laboratory pre-approved by TCEQ.

9. Within ninety (90) days from completion of the CDT, the Respondents shall submit a CDT Report to EPA and TCEQ prepared in accordance with requirements in the CDT Plan, documenting compliance with the DRE standard and emission limits set forth in Paragraphs 69.C.4 and 69.C.5, and identifying operating parameter limits and AWFCO settings for the parameters set forth in Appendix 1, Table C. The DRE standard, emission limits, operating parameter limits, and the AWFCO settings shall also be set forth in a separate Appendix entitled

"Reconfigured TDU Compliance Standards". All data collected during the CDT (including, but not limited to, field logs, chain-of-custody documentation, monitoring data, sampling and analytical results, and any other data or calculations supporting the emissions calculations or operating parameter limits) must be submitted to EPA and TCEQ as part of the CDT Report. However, information in the CDT Report that is emissions data or a standard or limitation cannot be claimed as CBI. 40 C.F.R. § 2.301(e). If the Report contains any information that is claimed CBI, the Respondents shall provide a redacted version with all CBI deleted.

10. As of the date of the submission of the CDT Report, the Respondent shall comply with all operating requirements set forth in the "Reconfigured TDU Compliance Standards", unless otherwise notified by EPA.

11. EPA will review the CDT Report. EPA will make a finding concerning compliance with the emissions standards, DRE requirements, and other requirements of the CDT. If EPA determines that the Respondents have met all the requirements, it shall issue a Finding of Compliance to the Respondents. If EPA determines that the Respondents did not meet all of the requirements, it shall issue a Finding of Non-Compliance. Subject to Paragraph 69.C.7 of this CAFO, the issuance of a Finding of Non-Compliance by EPA shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date.

12. The failure to timely submit a CDT Report to EPA and TCEQ within ninety (90) days from completion of the CDT shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

D. Compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C)

1. Unless the TDU and the tanks identified in Paragraph 20 are authorized by the RCRA Permit Modification required by Section III.B of this CAFO (or any subsequent permit amendment) to receive wastes that do not meet the requirements set forth in 40 C.F.R. § 261.6(a)(3)(iv)(C), feedstock for the oil reclamation unit shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production, and transportation practices. Oil-bearing hazardous waste from petroleum refining, production, or transportation practices includes the following listed hazardous waste from specific Petroleum Refining Sources (K049, K050, K051, K052, K169, and K170). Also acceptable is oil-bearing hazardous waste from processes which meet the definition of the following Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) as follows:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site preparation and related construction activities performed on a contract or fee basis)	213112	Support Activities for Oil and Gas Operations
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products

4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

Nothing in this Section III.D shall be construed to preclude Respondents from seeking authorization from the TCEQ to process oil-bearing materials outside the scope of 40 C.F.R. § 261.6(a)(3)(iv)(C). However, the definition of oil-bearing hazardous waste from petroleum refining, production, or transportation practices set forth in this Paragraph shall remain the same.

2. Using feedstock from processes meeting the definition of the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to make a separate determination whether the hazardous waste in question is "oil-bearing," and that the hazardous waste was originally generated from petroleum refining, production, or transportation practices. The Respondents shall request that this provision be placed in the issued RCRA permit as applicable to the oil reclamation unit operation under 40 C.F.R. § 261.6(a)(3)(iv)(C).

E. TCEQ Submission, Revision, and Approval Process

1. For the Class 3 RCRA Permit Modification required be submitted to TCEQ for approval under this CAFO, TCEQ will review the application in accordance with 30 T.A.C.

§§ 281.3(c), 281.18 and 281.19(a) and (b). The Respondents must respond to any Notice of Deficiency (NOD), with a copy to EPA, within the time period specified by the TCEQ. In the event that the Respondents fail to submit a timely and complete NOD response, the Respondents' authorization to operate the TDU shall terminate on the NOD response deadline unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

F. Additional Conditions

1. To comply with this CAFO, the Respondents must obtain a RCRA permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33], and which incorporates the appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, and 40 C.F.R. Part 270, and 40 C.F.R Part 63, Subpart EEE.

2. The Respondents may seek relief under the provisions of Section IV.F of this CAFO (Force Majeure) for any delay in the performance of any such obligations resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if the Respondent has submitted a timely and complete application and has taken all other actions necessary to obtain such permit or approval.

G. EPA Review and Comment on RCRA Permit

1. Nothing in this CAFO shall limit EPA's rights under applicable environmental laws or regulations, including, but not limited to, Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), 40 C.F.R. § 270.32 and 40 C.F.R. § 271.19, to review, comment, and incorporate appropriate requirements of 40 C.F.R. Parts 264, Subparts I through O and Subparts AA through CC, and

40 C.F.R. Part 63, Subpart EEE directly into the permit or establish other permit conditions that are based on those parts; or take action under Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), against the Respondents on the ground that the RCRA permit for the Reconfigured TDU does not comply with a condition that the EPA Region 6 Regional Administrator in commenting on the permit application or draft permit stated was necessary to implement approved State program requirements, whether or not that condition was included in the issued permit. If the Respondent disputes an action taken by EPA pursuant to 40 C.F.R. § 270.32 or 40 C.F.R. § 271.19, the Defendant may invoke Dispute Resolution in accordance with Section IV.E of this CAFO.

H. Submissions

In all instances in which this Compliance Order requires written submissions to EPA and TCEQ, each submission must be accompanied by the following certification:

> "I certify under penalty of law to the best of my knowledge and belief, that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondent(s) by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

I. Monitoring, Recordkeeping, and Record Retention Requirements

1. Upon the effective date of this CAFO, all interim operating parameters (Appendix 1, Table A), shakedown operating parameters (Appendix 1, Table B), and final operating parameters limits (Appendix 1, Table C and Paragraph 69.C.6) subject to AWFCO limits shall be monitored by the facility's Continuous Process Monitoring System (CPMS), which records data once per minute in an electronic data log (DLG). In addition, the Respondents shall keep copies

of all documents relating to compliance with the operating parameters limits not monitored by the CPMS, and all other documents relating to compliance with Section III of this CAFO. All records, including electronic records, shall be kept for a period of one year after termination of the CAFO. These monitoring and recordkeeping requirements are in addition to any other monitoring and/or recordkeeping requirements required by federal, state, or local laws, regulations, or permits. This information shall be made available to EPA and TCEQ upon request.

2. In addition, the Respondents shall preserve, for a period of one year after termination of the CAFO, all records and documents in its possession or in the possession of its divisions, employees, agents, contractors, or successors which in any way relate to this CAFO regardless of any document retention policy to the contrary. This information shall be made available to EPA and TCEQ upon request.

J. EPA Approval of Submissions

EPA will review the plans set forth in Paragraphs 69.A.11 (if applicable) and 69.C.2, and notify the Respondents in writing of EPA's approval or disapproval of the plan or any part thereof. Within the time specified, the Respondents shall address the deficiencies and submit a revised plan. EPA will approve, disapprove, or modify the revised submittal. EPA approved plans shall be incorporated by reference into this CAFO.

IV. TERMS OF SETTLEMENT

A. CIVIL PENALTY

70. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the

seriousness of the alleged violations, the Respondents' good faith efforts to comply with the applicable regulations, and the June 2003 RCRA Civil Penalty Policy, it is hereby **ORDERED** that the Respondent U.S. Ecology Texas, Inc. be assessed a civil penalty of **ONE HUNDRED SIXTY-FIVE THOUSAND, SIX HUNDRED FIFTY-SEVEN DOLLARS ($165,657)**, and the Respondent TD*X Associates L.P. be assessed a civil penalty of **SIX HUNDRED TWENTY-TWO THOUSAND, FOUR HUNDRED SIXTY-THREE DOLLARS ($622,463).** The Respondent USET shall pay the assessed civil penalty within thirty (30) days of the effective date of this CAFO. The Respondent TD*X Associates L.P. shall pay the assessed civil penalty in four (4) payments as follows:

Payment No. 1: $157,978.35 within thirty (30) days of the effective date of this CAFO.

Payment No. 2: $157,978.35 ($153,268.99 civil penalty plus interest of $4,709.36) within one year of the effective date of this CAFO.

Payment No. 3: $157,978.35 ($154,822.97 civil penalty plus interest of $3,155.38) within two years of the effective date of this CAFO.

Payment No. 4: $157,978.34 ($156,392.69 civil penalty plus interest of $1,585.65) within three years of the effective date of this CAFO.

71. The Respondents shall pay the assessed civil penalty by certified check, cashier's check, or wire transfer, made payable to "Treasurer, United States of America, EPA - Region 6". Payment shall be remitted in one of three (3) ways: regular U.S. Postal mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check(s) should be remitted to:

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U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check(s) should be remitted to:

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Phone No. (314) 418-1028

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

PLEASE NOTE: Docket numbers RCRA-06-2012-0936 (Respondent USET) and RCRA-06-2012-0937 (Respondent TD*X) shall be clearly typed on the respective checks to ensure proper credit. If payment is made by check, the check shall also be accompanied by a transmittal letter and shall reference the Respondent's name and address, the case name, and docket number of the CAFO. If payment is made by wire transfer, the wire transfer instructions shall reference the Respondent's name and address, the case name, and docket number of the CAFO. The Respondents shall also send a simultaneous notice of such payment, including a copy of the check and transmittal letter, or wire transfer instructions to the following:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Lorena Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

The Respondents' adherence to this request will ensure proper credit is given when penalties are received in the Region.

72. The Respondents agree not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

73. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. *See* 40 C.F.R. § 13.11(b).

74. EPA will also assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a

penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. *See* 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. *See* 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

B. PARTIES BOUND

75. The provisions of this CAFO shall apply to and be binding upon the parties to this action, their officers, directors, agents, employees, successors, and assigns. The undersigned representative of each party to this CAFO certifies that he or she is fully authorized by the party whom he or she represents to enter into the terms and conditions of this CAFO and to execute and to legally bind that party to it.

C. ADDITIONAL REQUIREMENTS

76. The Respondents shall undertake the following additional requirements:

A. The Respondents agree that the oil reclamation unit and the TDU are subject to the requirements of 40 C.F.R. Part 61, Subpart FF.

B. Within thirty (30) days of the effective date of the CAFO, the Respondents shall submit to EPA a certification that the following equipment in the oil reclamation unit and the TDU is not in "volatile hazardous air pollutant" (VHAP) service, as that term is defined by 40 C.F.R. § 61.241:

1. pumps;
2. compressors;
3. pressure relief devices;
4. sampling connection systems;
5. open-ended valves or lines;

6. valves;

7. connectors;

8. surge control vessels;

9. bottoms receivers; and

10. control devices and systems.

This certification shall be submitted in accordance with Paragraphs 76.H and 76.I.

C. Pursuant to 40 C.F.R. § 61.354(c), as of the effective date of this CAFO, the Respondents shall install, calibrate, maintain, and operate according to manufacturer's specifications, devices to continuously monitor the control devices operations required by 40 C.F.R. § 61.349.

D. Pursuant to 40 C.F.R. § 61.345(a), within 180 days of the effective date of the CAFO, the Respondents shall install, operate, and maintain covers on Bins 1, 2, 3, 4, and the Centrifuge solid bins that meet the requirements of 40 C.F.R. § 61.345(a)(1). The cover and openings shall be in a closed, sealed position at all times that waste is in the container except when it is necessary to use the opening for waste loading, removal, inspection or sampling, as required by 40 C.F.R. § 61.345(a)(1)(ii). The Respondents shall monitor the cover and all openings for no detectable emissions initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h).

E. The Respondents shall use a submerged fill pipe when transferring waste into the containers by pumping, as required by 40 C.F.R. § 61.345(a)(2).

F. Within ninety (90) days after the reconfiguration of the TDU pursuant to Paragraph 69.A.8 of this CAFO, the Respondents shall conduct performance tests for the TOU and the carbon adsorption system to demonstrate compliance with the requirements of 40 C.F.R.

§ 61.349. The performance tests shall be conducted in accordance with the requirements of 40 C.F.R. § 61.355. A copy of the performance test results shall be submitted to EPA within ninety (90) days of completion of the performance tests. The performance tests results shall be submitted in accordance with Paragraphs 76.H and 76.I.

G. Within 210 days of the effective date of the CAFO, the Respondents shall submit a written report to EPA showing compliance with Paragraphs 76.C, 76.D, and 76.E.

H. The certification and report identified in this Section must be accompanied by the following certification:

> "I certify under penalty of law to the best of my knowledge and belief, that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondent(s) by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

I. The certification and report required under this Section shall be sent to the following:

Craig Lutz
Toxics Enforcement Section (6EN-AT)
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

D. STIPULATED PENALTIES

77. In addition to any other remedies or sanctions available to EPA, the Respondent(s) shall pay stipulated penalties in the following amounts for each day during which each failure or refusal to comply continues:

a. Failure to Timely Submit Reports or Plans - Paragraphs 69.A.11, 69.A.12, and 69.C.2

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,000
16th through 30th day	$ 1,500
31st day and beyond	$ 2,500

b. Failure to Comply with Certain Interim Operating Requirements – Paragraphs 69.A.5, 69.A.6, 69.A.7 (installation of AWFCO only), 69A.8, and 69.A.11

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,500
16th through 30th day	$ 2,500
31st day and beyond	$ 5,000

c. Failure to Comply with any Other Provision of Section III of this CAFO

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 500
16th through 30th day	$ 1,000
31st day and beyond	$ 1,500

d. Failure to Comply with Additional Requirements – Section IV.C

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,500
16th through 30th day	$ 2,500
31st day and beyond	$ 5,000

Penalties shall accrue from the date of the noncompliance until the date the violation is corrected, as determined by EPA.

78. The Respondent(s) shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Paragraph 71 herein. Interest and late charges shall be paid as stated in Paragraphs 73 - 74 herein.

79. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of the Respondent(s) violation of this CAFO or of the statutes and regulations upon which this agreement is based, or for the Respondent's violation of any applicable provision of law.

E. DISPUTE RESOLUTION

80. If the Respondents object to any decision or directive of EPA in regard to Section III or IV.C, the Respondents shall notify each other and the following persons in writing of its objections, and the basis for those objections, within thirty (30) calendar days of receipt of EPA's decision or directive:

Associate Director
Hazardous Waste Enforcement Branch (6EN-H)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Chief, RCRA Enforcement Branch (6RC-ER)
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

81. The Associate Director of the Hazardous Waste Enforcement Branch or his/her designee (Associate Director), and the Respondents shall then have an additional thirty (30) calendar days from EPA's receipt of the Respondents' written objections to attempt to resolve the dispute. If an agreement is reached between the Associate Director and the Respondents, the agreement shall be reduced to writing and signed by the Associate Director and the Respondents and incorporated by reference into this CAFO.

82. If no agreement is reached between the Associate Director and the Respondents within that time period, the dispute shall be submitted to the Director of the Compliance

Assurance and Enforcement Division or his/her designee (Division Director). The Division Director and the Respondents shall then have a second 30-day period to resolve the dispute. If an agreement is reached between the Division Director and the Respondents, the resolution shall be reduced to writing and signed by the Division Director and the Respondents and incorporated by reference into this CAFO. If the Division Director and the Respondents are unable to reach agreement within this second 30-day period, the Division Director shall provide a written statement of EPA's decision to the Respondents, which shall be binding upon the Respondents and incorporated by reference into the CAFO.

83. If the Dispute Resolution process results in a modification of this CAFO, the modified CAFO must be approved by the Regional Judicial Officer and filed pursuant to Section IV.H (Modifications).

84. The invocation of dispute resolution procedures under this Section shall not extend, postpone, or affect in any way, any obligations of the Respondents under this CAFO, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first day of noncompliance, but payment shall be stayed pending resolution of the dispute. If the Respondents do not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section IV.D.

F. FORCE MAJEURE

85. A "force majeure event" is any event beyond the control of the Respondents, their contractors, or any entity controlled by the Respondents that delays the performance of any obligation under this CAFO despite the Respondents' best efforts to fulfill the obligation. "Best efforts" includes anticipating any potential force majeure event and addressing the effects of any such event (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting

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delay to the greatest extent possible. "Force Majeure" does not include the Respondents' financial inability to perform any obligation under this CAFO, but does include any delays attributable to the TCEQ's permitting process and the conduct of the contested case hearing.

86. The Respondents shall provide notice orally or by electronic or facsimile transmission as soon as possible, but not later than 72 hours after the time the Respondents first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event. The Respondents shall also provide written notice, as provided in Section IV.G of this CAFO, within seven days of the time the Respondents first knew of, or by the exercise of due diligence, reasonably should have known of, the event. The notice shall state the anticipated duration of any delay; its cause(s); the Respondents' past and proposed actions to prevent or minimize any delay; a schedule for carrying out those actions; and the Respondents' rationale for attributing any delay to a force majeure event. Failure to give such notice shall preclude the Respondents from asserting any claim of force majeure.

87. The Respondent also shall provide notice orally or by electronic or facsimile transmission to the other Respondent not later than 24 hours after the time Respondent first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event, provided that the failure to give such notice shall not limit either Respondent's responsibilities under this CAFO.

88. If the Complainant agrees that a force majeure event has occurred, the Complainant may agree to extend the time for the Respondents to perform the affected requirements for the time necessary to complete those obligations. An extension of time to perform the obligations affected by a force majeure event shall not, by itself, extend the time to perform any other

obligation. Where the Complainant agrees to an extension of time, the appropriate modification shall be made pursuant to Section IV.H of this CAFO.

89. If the Complainant does not agree that a force majeure event has occurred, or does not agree to the extension of time sought by the Respondents, the Complainant's position shall be binding, unless the Respondents invokes Dispute Resolution under Section IV.D of this CAFO. In any such dispute, the Respondents bear the burden of proving, by a preponderance of the evidence, that each claimed force majeure event is a force majeure event; that the Respondents gave the notice required by the paragraph above, that the force majeure event caused any delay the Respondents' claimed was attributable to that event; and that the Respondents exercised their reasonable best efforts to prevent or minimize any delay caused by the event. If the Respondents carry this burden, the delay at issue shall be deemed not to be a violation of the affected obligation of this CAFO.

G. NOTIFICATION

90. Unless otherwise specified elsewhere in this CAFO, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other parties that another individual has been designated to receive the communication:

Complainant:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

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Respondent U.S. Ecology Texas, Inc.:

Mary Reagan
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue
Suite 2100
Austin, Texas 78701

Respondent TD*X Associates, L.P.:

J.D. Head
Fritz, Bryne, Head & Harrison, PLLC
98 San Jacinto Boulevard
Suite 2000
Austin, TX 78701

Texas Commission on Environmental Quality

Section Manager
Industrial and Hazardous Permits Section
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13087 MC 130
Austin, TX 78711

H. MODIFICATION

91. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except as otherwise specified in this CAFO, or upon the written agreement of the Complainant and Respondent(s), and approved by the Regional Judicial Officer, and such modification or amendment being filed with the Regional Hearing Clerk.

I. RETENTION OF ENFORCEMENT RIGHTS

92. EPA does not waive any rights or remedies available to EPA for any other violations by the Respondents of Federal or State laws, regulations, or permitting conditions.

93. Except as herein provided, nothing in this CAFO shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health, welfare, or the environment, or prevent, abate or minimize an actual or threatened release of hazardous

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substances, pollutants, contaminants, hazardous substances on, at or from the Respondent USET's facility or Respondent TD*X's oil reclamation unit and related equipment. Furthermore, nothing in this CAFO shall be construed or to prevent or limit EPA's civil and criminal authorities, or that of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

94. The Complainant reserves all legal and equitable remedies available to enforce the provisions of this CAFO. This CAFO shall not be construed to limit the rights of the EPA or United States to obtain penalties or injunctive relief under RCRA or under other federal or state laws, regulations, or permit conditions.

95. In any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other appropriate relief relating to this Facility or the oil reclamation unit, the Respondents shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the Complainant or the United States in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

96. This CAFO is not a permit, or a modification of any permit, under any federal, State, or local laws or regulations. The Respondents are responsible for achieving and maintaining complete compliance with all applicable federal, State, and local laws, regulations, and permits. The Respondents' compliance with this CAFO shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The Complainant does not warrant or aver in any manner that the Respondents' compliance with any aspect of this

CAFO will result in compliance with provisions of the RCRA or with any other provisions of federal, State, or local laws, regulations, or permits.

J. INDEMNIFICATION OF EPA

97. Neither EPA nor the United States Government shall be liable for any injuries or damages to person or property resulting from the acts or omissions of the Respondents, their officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this CAFO, nor shall EPA or the United States Government be held out as a party to any contract entered into by the Respondents in carrying out the activities required by this CAFO.

K. COSTS

98. Each party shall bear its own costs and attorney's fees. Furthermore, each Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.

L. TERMINATION

99. At such time as the Respondents believe they have completed all of the requirements of this CAFO, they may request that EPA concur whether all of the requirements of this CAFO have been satisfied. Such request shall be in writing and shall provide the necessary documentation to establish whether there has been full compliance with the terms and conditions of this CAFO. EPA will respond to said request in writing within ninety (90) days of receipt of the request. This CAFO shall terminate when all actions required to be taken by this CAFO have been completed, and the Respondents have been notified by the EPA in writing that this CAFO has been satisfied and terminated.

M. EFFECTIVE DATE

100. This CAFO, and any subsequent modifications, become effective upon filing with the Regional Hearing Clerk.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:

FOR THE RESPONDENT:

Date: 9/27/12

US Ecology Texas, Inc.

FOR THE RESPONDENT:

Date: September 26, 2012

Carl R. Palmer
TD*X Associates L.P.

FOR THE COMPLAINANT:

Date: 10·03·12

John Blevins
Director
Compliance Assurance and
Enforcement Division

FINAL ORDER

Pursuant to the Section 3008 of RCRA, 42 U.S.C. § 6928, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right or EPA or the United States to pursue appropriate injunctive relief or other equitable relief for criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect the Respondents' (or their officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondents are ordered to comply with the Compliance Order and terms of settlement as set forth in the Consent Agreement. Pursuant to 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 10/4/12

Patrick Rankin
Regional Judicial Officer

APPENDIX 1 – OPERATING PARAMETERS

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TABLE A

TDU OIL RECLAMATION SYSTEM INTERIM REQUIREMENTS PRIOR TO TOU INSTALLATION

Tag No.	Equipment Operating Parameter	Operating Parameter Limit	Compliance Basis
TT-18/19	TDU Dryer, Minimum Combustion Chamber Temperature	Maintain Temperature > 1,400°F	AWFCO: CPMS[1], 60-sec time delay
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS, 6-min Rolling Average (RA)[2]
OE-1	Purge Vent Gas Stream Maximum O_2 Concentration	O_2 < 7%	AWFCO: CPMS, 60-sec time delay
FE-101	Maximum Purge Vent Rate	Purge Vent Rate < 180 scfm	AWFCO: CPMS, Hourly Rolling Average (HRA)[3]
M-100	Minimum Percent Excess Air, Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow
TE-28	Maximum Condenser System Exhaust Temperature	Temperature < 120°F	AWFCO: CPMS, HRA
	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[4]
	Maximum TDU Feed Organic Halide Concentration	[Total Organic Halides] < 1,500 ppm/Bin	Blending Protocols & Documentation

[1] Continuous Process Monitoring System – See Paragraph 69.I of CAFO.

[2] Previous six 1-minute readings are summed and divided by six.

[3] 40 C.F.R. §§ 63.1209(b)(5).

[4] See Paragraph 69.A.3 of the CAFO.

TABLE B

TDU OIL RECLAMATION SYSTEM REQUIREMENTS AFTER TOU INSTALLATION PRE-COMPLIANCE DEMONSTRATION TEST OPERATIONS

Tag No.	Equipment Operating Parameter	Shakedown (Pre-Test) OPL	Compliance Basis
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS[5], 6-min RA[6]
M-05	TDU Dryer, Cylinder Rotation On	Motor Operating	AWFCO: CPMS, Instantaneous
M-18	Product Discharge System	Motor Operating	AWFCO: CPMS, Instantaneous
M-21	Recirculation Blower Operating	Motor Operating	AWFCO: CPMS, Instantaneous
TT-121	TOU, Minimum Combustion Chamber Temperature	Maintain Temperature > 1,400°F	AWFCO: CPMS, HRA[7]
KY-110	TOU, Minimum Residence Time (Calculated from Purge Vent Flow Rate, Exhaust T, and Air Ratio)	Residence Time > 0.5 seconds	AWFCO: CPMS, HRA
AE-5/ OE-5	TOU Exhaust Gas, Maximum CO Concentration	[CO] < 100 ppmV @ 7% O_2	AWFCO: CEMS for CO, HRA
OE-1	Purge Vent Gas Stream, Maximum O_2 Concentration	[O_2] < 7%	AWFCO: CPMS, Instantaneous
FE-101	Maximum Purge Vent Rate	Vent Flow < 250 scfm	AWFCO: CPMS, HRA
FCV-102	Valve Position to Ensure Purge Vent is not Directed Away from TOU	Valve Closed	AWFCO: CPMS, 60-sec delay
M-121	Minimum Percent Excess Air , Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow
TE-28	Maximum Condenser System Exhaust Temperature	Maintain Temperature < 120°F	AWFCO: CPMS, HRA

[5] Continuous Process Monitoring System – See Paragraph 69.I of the CAFO.

[6] Previous six 1-minute readings are summed and divided by six.

[7] 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

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	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[8], Feed Stream Analysis Plan (if applicable)[9]
	Maximum TDU Feed Organic Halide Concentration	[Total Organic Halides] < 1,500 ppm/Bin	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Semi-Volatile Metals Concentration[10]	N/A	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Low-Volatile Metals Concentration[11]	N/A	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)

[8] See Paragraph 69.A.3 of the CAFO.

[9] See Paragraph 69.A.11 of the CAFO.

[10] Semi-volatile metals means a combination of cadmium and lead.

[11] Low-volatile metals means a combination of Arsenic, Beryllium, and Chromium.

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TABLE C

TDU OIL RECLAMATION REQUIREMENTS AFTER TOU INSTALLATION POST-COMPLIANCE DEMONSTRATION TEST OPERATIONS

Tag No.	Equipment Operating Parameter	Interim/Final (Post-Test) OPL	Compliance Basis
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS[12], 6-min RA[13]
M-05	TDU Dryer, Cylinder Rotation On	Motor Operating	AWFCO: CPMS, Instantaneous
M-18	Product Discharge System	Motor Operating	AWFCO: CPMS, Instantaneous
M-21	Recirculation Blower Operating	Motor Operating	AWFCO: CPMS, Instantaneous
TT-121	TOU, Minimum Combustion Chamber Temperature	OPL Established @ > 3-Run Average from CDT	AWFCO: CPMS, HRA[14]
KY-110	TOU, Minimum Residence Time (Calculated from Purge Vent Flow Rate, Exhaust T, and Air Ratio)	Residence Time > 0.5 seconds	AWFCO: CPMS, HRA
AE-5/ OE-5	TOU Exhaust Gas, Maximum CO Concentration	Semi-Annual Testing until Waste Analysis Plan Approved, then Annual Testing	Performance Testing in lieu of CEMS; Waste Analysis Plan based with other OPLs
OE-1	Purge Vent Gas Stream, Maximum O_2 Concentration	$[O_2] < 7\%$	AWFCO: CPMS, Instantaneous
FE-101	Maximum Purge Vent Rate	Vent Flow < 250 scfm	AWFCO: CPMS, HRA
FCV-102	Valve Position to Ensure Purge Vent is not Directed Away from TOU	Valve Closed	AWFCO: CPMS, 60-sec time delay
M-121	Minimum Percent Excess Air, Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow

[12] Continuous Process Monitoring System – See Paragraph 69.I of CAFO.

[13] Previous six 1-minute readings are summed and divided by six.

[14] 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

TE-28	Maximum Condenser System Exhaust Temperature	OPL Established @ < 3-run Average Based on CDT	AWFCO: CPMS, HRA
	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[15], Feed Stream Analysis Plan (if applicable)[16]
	Maximum TDU Feed Organic Halide Concentration	OPL Established as Measured Ratio[17]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Semi-Volatile Metals Concentration[18]	OPL Established as Measured Ratio[19]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Low-Volatile Metals Concentration[20]	OPL Established as Measured Ratio[21]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)

[15] See Paragraph 69.A.3 of the CAFO.

[16] See Paragraph 69.A.11 of the CAFO.

[17] Maximum TDU Feed Concentration established as a measured ratio (not to exceed 4000 ppm/bin) from emissions data collected during CDT. See plan example calculations.

[18] Semi-volatile metals means a combination of cadmium and lead.

[19] Maximum TDU Feed Concentration established as measured ration from emissions data collected during CDT. See plan example calculations.

[20] Low-volatile metals means a combination of Arsenic, Beryllium, and Chromium.

[21] Maximum TDU Feed Concentration established as measured ratio from emissions data collected during CDT. See plan example calculations.

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APPENDIX 2 – BLENDING PROTOCOLS

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

DOCUMENT STORED IN FILE ROOM

APPENDIX 3

COMPLIANCE DEMONSTRATION TEST PLAN

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

DOCUMENT STORED IN FILE ROOM

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of October, 2012, the original and one copy of the foregoing Consent Agreement and Final Order (CAFO) was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that true and correct copies of the CAFO were sent to the following by the method indicated below:

For US Ecology Texas, Inc.

Certified Mail – Return Receipt Requested – 7007 0710 0002 1385 1491

Mary Reagan
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue, Suite 2100
Austin, Texas 78701

For TD*X Associates LP

Certified Mail – Return Receipt Requested – 7007 0710 0002 1385 1507

J.D. Head
Fritz, Bryne, Head & Harrison, PLLC
98 San Jacinto Boulevard
Suite 2000
Austin, TX 78701

Evan L Pearson

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2012 OCT -4 AM 9:20
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:	)	
US ECOLOGY TEXAS, INC., and TD*X ASSOCIATES LP	)	DOCKET NOS. RCRA-06-2012-0936 and RCRA-06-2012-0937
RESPONDENTS	)	

CONSENT AGREEMENT AND FINAL ORDER

The Director of the Compliance Assurance and Enforcement Division of the United States Environmental Protection Agency (EPA), Region 6 (Complainant) and US Ecology Texas, Inc. and TD*X Associates L.P. (Respondents) in the above-referenced proceeding, hereby agree to resolve this matter through the issuance of this Consent Agreement and Final Order (CAFO).

I. PRELIMINARY STATEMENT

1. This proceeding for the assessment of civil penalties and the issuance of a compliance order is brought by EPA pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), and is simultaneously commenced and concluded through the issuance of this Consent Agreement and Final Order (CAFO) pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3), and 22.37.

2. Notice of this action was given to the State of Texas prior to the issuance of this CAFO, as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. For the purposes of this proceeding, the Respondents admit the jurisdictional allegations contained herein; however, the Respondents neither admit nor deny the specific factual allegations contained in this CAFO.

4. The Respondents explicitly waive any right to contest the allegations and their right to appeal the proposed Final Order set forth therein, and waive all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

5. Compliance with all the terms and conditions of this CAFO shall resolve only those violations which are set forth herein.

6. The Respondents consent to the issuance of the CAFO hereinafter recited and consent to the issuance of the Compliance Order contained therein.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. PRELIMINARY ALLEGATIONS

7. US Ecology Texas, Inc. (USET) is a corporation incorporated under the laws of the State of Delaware and authorized to do business in the State of Texas.

8. TD*X Associates LP (TD*X) is a limited partnership authorized to do business in the State of Texas.

9. "Person" is defined in 30 T.A.C. § 3.2(25) [40 C.F.R. §§ 260.10 and 270.2], and Section 1004(5) of RCRA, 42 U.S.C. § 6903(15) as "an individual, corporation, organization, government or government subdivision or agency, business trust, partnership, association, or any other legal entity."

10. The Respondent USET is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903(15).

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11. The Respondent TD*X is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903 (15).

12. "Owner" is defined in 30 T.A.C. § 335.1(108) [40 C.F.R. § 260.10] as "the person who owns a facility or part of a facility."

13. "Operator" is defined in 30 T.A.C. § 335.1(107) [40 C.F.R. § 260.10] as "the person responsible for the overall operation of a facility".

14. "Owner or operator" is defined in 40 C.F.R. § 270.2 as "the owner or operator of any facility or activity subject to regulation under RCRA."

15. "Facility" is defined in 30 T.A.C. § 335.1(59) [40 C.F.R. § 260.10] as meaning "all contiguous land, and structures, other appurtenances, and improvements on the land, used for storing, processing, or disposing of municipal hazardous waste or industrial solid waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them)."

16. The Respondent USET owns and operates a hazardous waste treatment, storage, and disposal (TSD) facility located at 3327 County Road 69, Robstown, TX 78380, EPA I.D. No. TXD069452340, Permit No. HW-50052-001.

17. The TSD identified in Paragraph 16 is a "facility" as that term is defined in 30 T.A.C. § 335.1(59) [40 C.F.R. § 260.10].

18. The Respondent USET is the "owner" and/or "operator" of the facility identified in Paragraph 16, as those terms are defined in 30 TAC § 335.1(107) & (108) [40 C.F.R. § 260.10] and 40 C.F.R. § 270.2.

19. An oil reclamation unit is located at the facility identified in Paragraph 16.

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20. The Respondent TD*X owns and operates a thermal desorption unit (TDU), as well as the feed preparation system that includes a shaker tank (T-30), three mix tanks (T-31, T-32, and T-33), a centrifuge, and a surge tank (T-34) at the oil reclamation unit.

21. The Respondent TD*X began operating the TDU and related equipment on or about June 15, 2008.

22. On or about June 8 – 11, 2010, June 14 – 17, 2010, and August 9 – 11, 2010, the Respondent USET's TSD facility and the oil reclamation unit were inspected by representatives of EPA pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

B. VIOLATIONS

Count One – Processing Hazardous Waste Without a Permit or Interim Status

23. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment),[1] storage, or disposal of hazardous waste.

24. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

25. "Recyclable materials" is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as "hazardous wastes that are recycled".

[1] The Texas Administrative Code uses the term "processing" instead of "treatment". The term "processing" as used by Texas is essentially equivalent to the term "treatment" as used in the federal statute and regulations.

26. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

27. The Respondent USET receives "recyclable materials" from off-site generators, as that term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)].

28. Recyclable materials destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

29. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

30. On various dates after June 15, 2008, certain recyclable materials were processed in the tanks identified in Paragraph 20.

31. The recyclable materials identified in Paragraph 30 did not meet the exemption in 30 T.A.C. § 335.24(c)(4)(C) [40 C.F.R. § 261.6(a)(3)(iv)(C) because the hazardous wastes were not "oil-bearing hazardous wastes from petroleum refining, production, and transportation practices."

32. The Respondent TD*X processed (treated) hazardous waste as that term is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] in the tanks identified in Paragraph 20.

33. To date, neither the Respondent USED nor Respondent TD*X has applied for nor received a RCRA permit or interim status to allow the processing (treatment) of hazardous waste in the tanks identified in Paragraph 20.

34. Therefore, the Respondent USET and the Respondent TD*X have violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by processing (treating) hazardous waste without a RCRA permit or interim status.

Count Two – Processing Hazardous Waste Without a Permit or Interim Status

35. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

36. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

37. "Recyclable materials" is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as "hazardous wastes that are recycled".

38. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

39. The Respondent USET receives "recyclable materials" from off-site generators, as that term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)].

40. Recyclable materials destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

41. On various dates after June 15, 2008, certain recyclable materials were fed into the TDU that did not meet the exemption in 30 T.A.C. § 335.24(c)(4)(C) [40 C.F.R. § 261.6(a)(3)(iv)(C) because the hazardous wastes were not "oil-bearing hazardous wastes from petroleum refining, production, and transportation practices."

42. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

43. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10] as follows:

> the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air

oxidation, and microwave discharge. (See also "incinerator" and "open burning.").

44. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents to a gas treatment system. The oil is recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU's recirculating nitrogen carrier gas, along with non-condensable gases, is vented, filtered, and then injected into the combustion chamber of the TDU, where it is burned.

45. The separation of the organic constituents from the hazardous waste in the TDU's indirectly heated rotary dryer constitutes thermal processing (thermal treatment) as that term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].

46. To date, neither the Respondent USET nor Respondent TD*X has applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in the TDU.

47. Therefore, the Respondent USET and the Respondent TD*X have violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by thermally processing (thermally treating) hazardous waste without a RCRA permit or interim status.

Count Three - Processing Hazardous Waste Without a Permit or Interim Status

48. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

49. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States

Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

50. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

51. Hazardous wastes destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

52. On various dates after June 15, 2008, hazardous wastes were fed into the TDU.

53. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents to a gas treatment system. The oil is recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU's recirculating nitrogen carrier gas, along with non-condensable gases, is vented, filtered, and then injected into the combustion chamber of the TDU, where it is burned.

54. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in

> accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

55. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10] as follows:

> the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning.")

56. The burning of gases in the TDU's combustion chamber constitutes thermal processing (thermal treatment) as that term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].

57. The combustion chamber of the TDU is an enclosed device that uses controlled flame combustion.

58. The combustion chamber of the TDU does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; nor meets the definition of infrared incinerator or plasma arc incinerator."

59. To date, neither the Respondent USET nor Respondent TD*X has applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in the combustion chamber of the TDU.

60. Therefore, the Respondent USET and the Respondent TD*X have violated and continue to violate Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e) and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by thermally processing (thermally treating) hazardous waste without a RCRA permit or interim status.

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Count Four – Storing Hazardous Waste Without a Permit Or Interim Status

61. Pursuant to Sections 3005(a) and (c) of RCRA, 42 U.S.C. §§ 6925(a) and (c), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

62. "Storage" is defined in 30 T.A.C. § 335.1(143) [40 C.F.R. § 260.10] as "the holding of solid waste for a temporary period, at the end of which the waste is processed, disposed of, recycled, or stored elsewhere."

63. Between on or about March 9, 2010, and June 11, 2010, the Respondent USET stored roll-off boxes in the area called the "Y" at the facility.

64. The roll-off boxes identified in Paragraph 63 contained material which had entered the oil reclamation process and was being temporarily staged before undergoing subsequent stages of the reclamation process. The Respondent USET discontinued the use of the area called the "Y" for this purpose.

65. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

66. The roll-off boxes identified in Paragraph 63 contained "hazardous waste" as that term is defined in T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

67. The Respondent USET had not applied for nor received a RCRA permit or interim status to allow the storage of hazardous waste at the area called the "Y".

68. Therefore, the Respondent USET has violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by storing hazardous waste without a RCRA permit or interim status.

III. COMPLIANCE ORDER

69. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), the Respondents are hereby **ORDERED** to take the following actions and provide evidence of compliance within the time period specified below:

A. Interim Operating Requirements

1. As of the effective date of this CAFO, feedstock for the oil reclamation unit shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production, and transportation practices. Oil-bearing hazardous waste from petroleum refining, production, or transportation practices includes the following listed hazardous waste from specific Petroleum Refining Sources (K049, K050, K051, K052, K169, and K170). Also acceptable is oil-bearing hazardous waste from processes which meet the definition of the following Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) as follows:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site	213112	Support Activities for Oil and Gas Operations

	preparation and related construction activities performed on a contract or fee basis)		
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products
4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

2. Using feedstock from processes meeting the definition of the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to make a separate determination whether the hazardous waste in question is "oil-bearing," and that the hazardous waste was originally generated from petroleum refining, production, or transportation practices.

3. As of the effective date of this CAFO, when the dryer feed is on, the Respondents shall operate the TDU in accordance with the interim operating parameters set forth in Appendix 1, Table A, which is attached and incorporated by reference into this CAFO. The Blending Protocols referenced in Appendix 1 is attached as Appendix 2, and incorporated by reference into this CAFO.

4. As of the effective date of this CAFO, Respondents shall comply with the Start-Up, Shutdown, and Malfunction Plan (SSM Plan) (CDT Plan, Appendix E). The Compliance Demonstration Test (CDT) Plan is attached as Appendix 3 and incorporated by reference into the CAFO.

5. Within sixty (60) days of the effective date of this CAFO, the Respondents shall conduct a tune-up of the external combustion chamber of the TDU in accordance with the following requirements:

a. As applicable, inspect the burner and clean or replace any components of the burner as necessary. The burner inspection may be delayed until the next scheduled or unscheduled unit shutdown.

b. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specification.

c. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly.

d. Optimize total emissions of carbon monoxide (CO). This optimization should be consistent with the manufacturer's specifications, if available.

e. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made. Measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made.

f. Perform sampling and analysis of both dryer furnace stacks using Method TO-15, "Determination of Volatile Organic Compounds (VOCs) In Air Collected In Specially-Prepared Canisters And Analyzed By Gas Chromatography/Mass Spectrometry (GC/MS)". If the total

organic matter result is greater than 10 ppmV for either stack, the analysis shall include speciation of the gas. This information shall be included in the report required in Paragraph 69.A.5.g below.

g. Maintain on-site a report documenting the concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume present, measured before and after the adjustments of the external combustion chamber of the TDU, and a description of any corrective actions taken as part of the combustion adjustment.

h. Subsequent tune-ups shall be conducted annually until the TDU is reconfigured.

6. Within sixty (60) days of the effective date of this CAFO, the Respondents shall conduct a fuel specification analysis of the purge vent gas for mercury and document that it does not exceed the maximum concentration of 40 micrograms/cubic meter of mercury using test methods ASTM D5954, ASTM D6350, ISO 6978-1:2003(E), or ISO 6978-2:2003(E), or an alternate test method approved by EPA. If the concentration of mercury exceeds 40 micrograms/cubic meter, the Respondents shall immediately notify EPA.

7. Within ninety (90) days of the effective date of this CAFO, the Respondents shall install, monitor, and operate an automatic hazardous waste feed cutoff (AWFCO) at the TDU in accordance with 40 C.F.R. § 63.1206(c)(3)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the interim operating parameters set forth in Appendix 1, Table A that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3)(v), (vi) and (vii).

8. Within one year of the effective date of this CAFO, the Respondents shall reconfigure the TDU so that the non-condensable vent gases are routed to a thermal oxidizing unit (TOU)

instead of the combustion chamber of the TDU (Reconfigured TDU). After reconfiguration, fuel for the TDU is limited to natural gas and propane.

9. The Respondents shall operate the Reconfigured TDU during the shakedown period in accordance with the operating parameters limits set forth in Appendix 1, Table B when the dryer feed is on. The Respondent shall not operate the Reconfigured TDU more than 720 hours (including the shakedown period and the Compliance Demonstration Test). The Respondents shall keep records of the hours of operation during the shakedown period. The Respondents shall operate a continuous emissions monitor system (CEMS) for carbon monoxide (CO) for the TOU during the shakedown period. The Respondents shall operate the Reconfigured TOU in a manner that the hourly rolling averages for CO are not exceeded. The rolling averages shall be calculated in accordance with 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

10. During the shakedown period, the Respondents shall monitor and operate an automatic hazardous waste feed cutoff (AWFCO) at the Reconfigured TDU in accordance with 40 C.F.R. § 63.1206(c)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the operating parameter limits set forth in Appendix 1, Table B that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3) (v), (vi) and (vii).

11. The Respondents shall conduct a test measuring the concentration of CO in the exhaust gases from the TOU. This test shall include three one-hour runs during which the TDU is operated on oil-bearing hazardous waste. The emissions from the TOU stack shall be monitored for carbon monoxide and oxygen using EPA Method 10. The emissions shall be

demonstrated to be less than 100 ppmV CO corrected to 7% O_2 in each run. The test frequency shall be once during each six-month period, January 1 – June 30 and July 1 - December 31, said time period to commence after conducting the CDT and continuing until the TCEQ issues a RCRA Subpart X permit for the Reconfigured TDU. Within forty-five (45) days after conducting the test, the Respondents shall submit a test report to EPA summarizing the test results. The time periods for conducting the test may be changed to once during each twelve (12) month calendar period, January 1 - December 31, if the Respondents submit to EPA, with a copy to TCEQ, a detailed feed stream analysis plan that characterizes the waste received by the facility, and EPA approves the plan. The detailed feedstream analysis plan shall be prepared in accordance with 40 C.F.R. § 264.13 and the EPA Guidance Document "Waste Analysis At Facilities That Generate, Treat, Store, And Dispose of Hazardous Waste", OSWER 9938.4-03 (April 1994). The Respondents will implement the detailed feedstream analysis plan, as approved or modified by EPA, immediately upon receipt of EPA's approval.

12. The Respondents shall prepare a report for the time period beginning on the effective date of this CAFO and ending June 30, 2013, and every six (6) months thereafter. The report shall be submitted to EPA, with a copy to TCEQ, within thirty (30) days of the end of the reporting period. The report shall include the following:

a. For each waste stream accepted by the oil reclamation unit, identify the customer, original generator, waste stream description, RCRA waste codes, the SIC or NAICS code of the process generating the waste, a summary of any analyses conducted by the Respondents to verify the waste stream profiles, and the total volume of waste accepted during the reporting period. If requested by EPA, the Respondents shall provide copies of relevant waste approval documents and manifests for the specific waste streams.

b. All time periods in which there were exceedances of the operating parameters and the AWFCO requirements set forth in Appendix 1, Tables A and B, and exceedances of the hourly rolling averages for CO (Paragraph 69.A.9).

c. All exceedances of the Reconfigured TDU Compliance Standards and the AWFCO requirements established in accordance with Paragraph 69.C.9.

d. The initial Report shall include documentation showing that the tune-up and fuel specification analysis required by Paragraphs 69.A.5 and 69.A.6 have been conducted, and provide documentation showing the date of installation and subsequent operation of the AWFCO system required by Paragraphs 69.A.7.

e. Documentation showing the installation of the TOU required by Paragraph 69.A.8, and the additional AWFCO requirements required by Appendix 1, Table B (Paragraph 69.A.10).

The Report may be submitted in an electronic format (i.e., compact disk). The Respondents may claim the report as confidential business information (CBI), in accordance with the requirements of 40 C.F.R. Part 2. However, information that is emissions data or a standard or limitation cannot be claimed as CBI. 40 C.F.R. § 2.301(e). If the Report contains any information that is claimed CBI, the Respondents shall provide a redacted version with all CBI deleted.

B. RCRA Permit Modification

1. Within one year of the effective date of this CAFO, the Respondents shall submit to TCEQ, with a copy to EPA, an application for a Class 3 RCRA Permit Modification to permit the Reconfigured TDU as a miscellaneous unit under 40 C.F.R. Part 264, Subpart X in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33].

2. The permit application shall also include relevant requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, 40 C.F.R. Part 270, and 40 C.F.R. Part 63, Subpart EEE that are appropriate for the operation of the Reconfigured TDU, including an engineering report, waste analysis, monitoring and inspection requirements, and closure requirements set forth in 30 T.A.C. § 335.152(a)(13) [40 C.F.R. §§ 264.341, 264.347, and 264.351].

3. The Respondents shall also request that the issued RCRA permit modification include the following:

a. The feedstock limitations applicable to the operation of the oil reclamation unit under 40 C.F.R. § 261.6(a)(3)(iv)(C) set forth in Paragraph 69.D;

b. The investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3) (v), (vi) and (vii);

c. Appropriate recordkeeping and reporting requirements; and

d. Any applicable risk-based terms and conditions necessary to protect human health and the environment.

4. The failure to timely submit a Class 3 Permit Modification to TCEQ and EPA within the deadline set forth in Paragraph 69.B.1 shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

5. By no later than three and one-half years (42 months) from the effective date of this CAFO, the Respondents must complete all permitting requirements and obtain issuance from the TCEQ of a final RCRA Subpart X permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33], and which

incorporates the appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, 40 C.F.R. Part 270, and 40 C.F.R Part 63, Subpart EEE. In the event that TCEQ does not issue a RCRA Subpart X permit for the Reconfigured TDU as described above by the above deadline, the Respondents' authorization to operate the Reconfigured TDU terminates on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

C. Compliance Demonstration Test

1. The Respondents shall perform a compliance demonstration test (CDT) in accordance with the approved CDT Plan, which is attached as Appendix C and incorporated by reference into the CAFO. The CDT requires the Respondents to demonstrate compliance with the emissions limits of 40 C.F.R. § 63.1219(b) set forth in Paragraph C.5, the destruction and removal efficiency standard of 40 C.F.R. § 63.1219(c)(1) set forth in Paragraph C.4, and establish limits for the operating parameters set forth in Paragraph 69.C.6 (Appendix 1, Table C).

2. Within sixty (60) days of the effective date of this CAFO, the Respondents shall submit to EPA for approval, with a copy to TCEQ, a Quality Assurance Project Plan (QAPP) for the CDT. The QAPP shall be prepared in accordance with the EPA Region 6 Guidance "Quick Reference Guide, Test Burn Program Planning for Hazardous Waste Combustion (HWC) Units" dated August 6, 2012. The Respondents shall implement the QAPP as approved or modified by EPA.

3. The Respondents shall implement the CDT in accordance with Appendix 3 within ninety (90) days after reconfiguration of the TDU pursuant to Paragraph 69.A.8 of this CAFO.

4. During the CDT, the Respondents must achieve a destruction and removal efficiency (DRE) of 99.99% for toluene, the designated principle organic hazardous constituent (POHC). The DRE shall be calculated in accordance with 40 C.F.R. § 63.1219(c)(1).

5. The emission limits that must be met during the CDT are set forth in 40 C.F.R. § 63.1219(b).

6. The operating parameters limits that will be established during the CDT are set forth in Appendix 1, Table C.

7. The Respondents must not exceed the emission limits set forth in 40 C.F.R. § 63.1219(b), and must achieve a DRE of 99.99% for toluene [as set forth in 40 C.F.R. § 63.1219(c)] for all three runs in order to have a successful CDT. If the Respondents determine, based on the results of analyses of stack samples, that they have exceeded any emission standard or failed to meet the DRE requirement during any of the three runs, they must immediately cease processing hazardous waste in the Reconfigured TDU. The Respondents must make this determination within forty-five (45) days following completion of the CDT. The Respondents may not resume operation of the Reconfigured TDU until the Respondents have submitted and received EPA approval of a revised CDT plan, at which time operations can resume to demonstrate compliance with the emission limits and DRE requirements during all of the three runs.

8. All analyses required by the CDT plan shall be performed by a NELAC accredited laboratory or by a laboratory pre-approved by TCEQ.

9. Within ninety (90) days from completion of the CDT, the Respondents shall submit a CDT Report to EPA and TCEQ prepared in accordance with requirements in the CDT Plan, documenting compliance with the DRE standard and emission limits set forth in Paragraphs 69.C.4 and 69.C.5, and identifying operating parameter limits and AWFCO settings for the parameters set forth in Appendix 1, Table C. The DRE standard, emission limits, operating parameter limits, and the AWFCO settings shall also be set forth in a separate Appendix entitled

"Reconfigured TDU Compliance Standards". All data collected during the CDT (including, but not limited to, field logs, chain-of-custody documentation, monitoring data, sampling and analytical results, and any other data or calculations supporting the emissions calculations or operating parameter limits) must be submitted to EPA and TCEQ as part of the CDT Report. However, information in the CDT Report that is emissions data or a standard or limitation cannot be claimed as CBI. 40 C.F.R. § 2.301(e). If the Report contains any information that is claimed CBI, the Respondents shall provide a redacted version with all CBI deleted.

10. As of the date of the submission of the CDT Report, the Respondent shall comply with all operating requirements set forth in the "Reconfigured TDU Compliance Standards", unless otherwise notified by EPA.

11. EPA will review the CDT Report. EPA will make a finding concerning compliance with the emissions standards, DRE requirements, and other requirements of the CDT. If EPA determines that the Respondents have met all the requirements, it shall issue a Finding of Compliance to the Respondents. If EPA determines that the Respondents did not meet all of the requirements, it shall issue a Finding of Non-Compliance. Subject to Paragraph 69.C.7 of this CAFO, the issuance of a Finding of Non-Compliance by EPA shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date.

12. The failure to timely submit a CDT Report to EPA and TCEQ within ninety (90) days from completion of the CDT shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

D. Compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C)

1. Unless the TDU and the tanks identified in Paragraph 20 are authorized by the RCRA Permit Modification required by Section III.B of this CAFO (or any subsequent permit amendment) to receive wastes that do not meet the requirements set forth in 40 C.F.R. § 261.6(a)(3)(iv)(C), feedstock for the oil reclamation unit shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production, and transportation practices. Oil-bearing hazardous waste from petroleum refining, production, or transportation practices includes the following listed hazardous waste from specific Petroleum Refining Sources (K049, K050, K051, K052, K169, and K170). Also acceptable is oil-bearing hazardous waste from processes which meet the definition of the following Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) as follows:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site preparation and related construction activities performed on a contract or fee basis)	213112	Support Activities for Oil and Gas Operations
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products

4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

Nothing in this Section III.D shall be construed to preclude Respondents from seeking authorization from the TCEQ to process oil-bearing materials outside the scope of 40 C.F.R. § 261.6(a)(3)(iv)(C). However, the definition of oil-bearing hazardous waste from petroleum refining, production, or transportation practices set forth in this Paragraph shall remain the same.

2. Using feedstock from processes meeting the definition of the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to make a separate determination whether the hazardous waste in question is "oil-bearing," and that the hazardous waste was originally generated from petroleum refining, production, or transportation practices. The Respondents shall request that this provision be placed in the issued RCRA permit as applicable to the oil reclamation unit operation under 40 C.F.R. § 261.6(a)(3)(iv)(C).

E. TCEQ Submission, Revision, and Approval Process

1. For the Class 3 RCRA Permit Modification required be submitted to TCEQ for approval under this CAFO, TCEQ will review the application in accordance with 30 T.A.C.

§§ 281.3(c), 281.18 and 281.19(a) and (b). The Respondents must respond to any Notice of Deficiency (NOD), with a copy to EPA, within the time period specified by the TCEQ. In the event that the Respondents fail to submit a timely and complete NOD response, the Respondents' authorization to operate the TDU shall terminate on the NOD response deadline unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

F. Additional Conditions

1. To comply with this CAFO, the Respondents must obtain a RCRA permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33], and which incorporates the appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, and 40 C.F.R. Part 270, and 40 C.F.R Part 63, Subpart EEE.

2. The Respondents may seek relief under the provisions of Section IV.F of this CAFO (Force Majeure) for any delay in the performance of any such obligations resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if the Respondent has submitted a timely and complete application and has taken all other actions necessary to obtain such permit or approval.

G. EPA Review and Comment on RCRA Permit

1. Nothing in this CAFO shall limit EPA's rights under applicable environmental laws or regulations, including, but not limited to, Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), 40 C.F.R. § 270.32 and 40 C.F.R. § 271.19, to review, comment, and incorporate appropriate requirements of 40 C.F.R. Parts 264, Subparts I through O and Subparts AA through CC, and

40 C.F.R. Part 63, Subpart EEE directly into the permit or establish other permit conditions that are based on those parts; or take action under Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), against the Respondents on the ground that the RCRA permit for the Reconfigured TDU does not comply with a condition that the EPA Region 6 Regional Administrator in commenting on the permit application or draft permit stated was necessary to implement approved State program requirements, whether or not that condition was included in the issued permit. If the Respondent disputes an action taken by EPA pursuant to 40 C.F.R. § 270.32 or 40 C.F.R. § 271.19, the Defendant may invoke Dispute Resolution in accordance with Section IV.E of this CAFO.

H. Submissions

In all instances in which this Compliance Order requires written submissions to EPA and TCEQ, each submission must be accompanied by the following certification:

> "I certify under penalty of law to the best of my knowledge and belief, that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondent(s) by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

I. Monitoring, Recordkeeping, and Record Retention Requirements

1. Upon the effective date of this CAFO, all interim operating parameters (Appendix 1, Table A), shakedown operating parameters (Appendix 1, Table B), and final operating parameters limits (Appendix 1, Table C and Paragraph 69.C.6) subject to AWFCO limits shall be monitored by the facility's Continuous Process Monitoring System (CPMS), which records data once per minute in an electronic data log (DLG). In addition, the Respondents shall keep copies

of all documents relating to compliance with the operating parameters limits not monitored by the CPMS, and all other documents relating to compliance with Section III of this CAFO. All records, including electronic records, shall be kept for a period of one year after termination of the CAFO. These monitoring and recordkeeping requirements are in addition to any other monitoring and/or recordkeeping requirements required by federal, state, or local laws, regulations, or permits. This information shall be made available to EPA and TCEQ upon request.

2. In addition, the Respondents shall preserve, for a period of one year after termination of the CAFO, all records and documents in its possession or in the possession of its divisions, employees, agents, contractors, or successors which in any way relate to this CAFO regardless of any document retention policy to the contrary. This information shall be made available to EPA and TCEQ upon request.

J. EPA Approval of Submissions

EPA will review the plans set forth in Paragraphs 69.A.11 (if applicable) and 69.C.2, and notify the Respondents in writing of EPA's approval or disapproval of the plan or any part thereof. Within the time specified, the Respondents shall address the deficiencies and submit a revised plan. EPA will approve, disapprove, or modify the revised submittal. EPA approved plans shall be incorporated by reference into this CAFO.

IV. TERMS OF SETTLEMENT

A. CIVIL PENALTY

70. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the

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seriousness of the alleged violations, the Respondents' good faith efforts to comply with the applicable regulations, and the June 2003 RCRA Civil Penalty Policy, it is hereby **ORDERED** that the Respondent U.S. Ecology Texas, Inc. be assessed a civil penalty of **ONE HUNDRED SIXTY-FIVE THOUSAND, SIX HUNDRED FIFTY-SEVEN DOLLARS ($165,657)**, and the Respondent TD*X Associates L.P. be assessed a civil penalty of **SIX HUNDRED TWENTY-TWO THOUSAND, FOUR HUNDRED SIXTY-THREE DOLLARS ($622,463).** The Respondent USET shall pay the assessed civil penalty within thirty (30) days of the effective date of this CAFO. The Respondent TD*X Associates L.P. shall pay the assessed civil penalty in four (4) payments as follows:

Payment No. 1: $157,978.35 within thirty (30) days of the effective date of this CAFO.

Payment No. 2: $157,978.35 ($153,268.99 civil penalty plus interest of $4,709.36) within one year of the effective date of this CAFO.

Payment No. 3: $157,978.35 ($154,822.97 civil penalty plus interest of $3,155.38) within two years of the effective date of this CAFO.

Payment No. 4: $157,978.34 ($156,392.69 civil penalty plus interest of $1,585.65) within three years of the effective date of this CAFO.

71. The Respondents shall pay the assessed civil penalty by certified check, cashier's check, or wire transfer, made payable to "Treasurer, United States of America, EPA - Region 6". Payment shall be remitted in one of three (3) ways: regular U.S. Postal mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check(s) should be remitted to:

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U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check(s) should be remitted to:

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Phone No. (314) 418-1028

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

PLEASE NOTE: Docket numbers RCRA-06-2012-0936 (Respondent USET) and RCRA-06-2012-0937 (Respondent TD*X) shall be clearly typed on the respective checks to ensure proper credit. If payment is made by check, the check shall also be accompanied by a transmittal letter and shall reference the Respondent's name and address, the case name, and docket number of the CAFO. If payment is made by wire transfer, the wire transfer instructions shall reference the Respondent's name and address, the case name, and docket number of the CAFO. The Respondents shall also send a simultaneous notice of such payment, including a copy of the check and transmittal letter, or wire transfer instructions to the following:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Lorena Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

The Respondents' adherence to this request will ensure proper credit is given when penalties are received in the Region.

72. The Respondents agree not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

73. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. *See* 40 C.F.R. § 13.11(b).

74. EPA will also assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a

penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. *See* 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. *See* 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

B. PARTIES BOUND

75. The provisions of this CAFO shall apply to and be binding upon the parties to this action, their officers, directors, agents, employees, successors, and assigns. The undersigned representative of each party to this CAFO certifies that he or she is fully authorized by the party whom he or she represents to enter into the terms and conditions of this CAFO and to execute and to legally bind that party to it.

C. ADDITIONAL REQUIREMENTS

76. The Respondents shall undertake the following additional requirements:

A. The Respondents agree that the oil reclamation unit and the TDU are subject to the requirements of 40 C.F.R. Part 61, Subpart FF.

B. Within thirty (30) days of the effective date of the CAFO, the Respondents shall submit to EPA a certification that the following equipment in the oil reclamation unit and the TDU is not in "volatile hazardous air pollutant" (VHAP) service, as that term is defined by 40 C.F.R. § 61.241:

1. pumps;
2. compressors;
3. pressure relief devices;
4. sampling connection systems;
5. open-ended valves or lines;

6. valves;

7. connectors;

8. surge control vessels;

9. bottoms receivers; and

10. control devices and systems.

This certification shall be submitted in accordance with Paragraphs 76.H and 76.I.

C. Pursuant to 40 C.F.R. § 61.354(c), as of the effective date of this CAFO, the Respondents shall install, calibrate, maintain, and operate according to manufacturer's specifications, devices to continuously monitor the control devices operations required by 40 C.F.R. § 61.349.

D. Pursuant to 40 C.F.R. § 61.345(a), within 180 days of the effective date of the CAFO, the Respondents shall install, operate, and maintain covers on Bins 1, 2, 3, 4, and the Centrifuge solid bins that meet the requirements of 40 C.F.R. § 61.345(a)(1). The cover and openings shall be in a closed, sealed position at all times that waste is in the container except when it is necessary to use the opening for waste loading, removal, inspection or sampling, as required by 40 C.F.R. § 61.345(a)(1)(ii). The Respondents shall monitor the cover and all openings for no detectable emissions initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h).

E. The Respondents shall use a submerged fill pipe when transferring waste into the containers by pumping, as required by 40 C.F.R. § 61.345(a)(2).

F. Within ninety (90) days after the reconfiguration of the TDU pursuant to Paragraph 69.A.8 of this CAFO, the Respondents shall conduct performance tests for the TOU and the carbon adsorption system to demonstrate compliance with the requirements of 40 C.F.R.

§ 61.349. The performance tests shall be conducted in accordance with the requirements of 40 C.F.R. § 61.355. A copy of the performance test results shall be submitted to EPA within ninety (90) days of completion of the performance tests. The performance tests results shall be submitted in accordance with Paragraphs 76.H and 76.I.

G. Within 210 days of the effective date of the CAFO, the Respondents shall submit a written report to EPA showing compliance with Paragraphs 76.C, 76.D, and 76.E.

H. The certification and report identified in this Section must be accompanied by the following certification:

> "I certify under penalty of law to the best of my knowledge and belief, that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondent(s) by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

I. The certification and report required under this Section shall be sent to the following:

Craig Lutz
Toxics Enforcement Section (6EN-AT)
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

D. STIPULATED PENALTIES

77. In addition to any other remedies or sanctions available to EPA, the Respondent(s) shall pay stipulated penalties in the following amounts for each day during which each failure or refusal to comply continues:

a. Failure to Timely Submit Reports or Plans - Paragraphs 69.A.11, 69.A.12, and 69.C.2

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,000
16th through 30th day	$ 1,500
31st day and beyond	$ 2,500

b. Failure to Comply with Certain Interim Operating Requirements – Paragraphs 69.A.5, 69.A.6, 69.A.7 (installation of AWFCO only), 69A.8, and 69.A.11

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,500
16th through 30th day	$ 2,500
31st day and beyond	$ 5,000

c. Failure to Comply with any Other Provision of Section III of this CAFO

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 500
16th through 30th day	$ 1,000
31st day and beyond	$ 1,500

d. Failure to Comply with Additional Requirements – Section IV.C

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,500
16th through 30th day	$ 2,500
31st day and beyond	$ 5,000

Penalties shall accrue from the date of the noncompliance until the date the violation is corrected, as determined by EPA.

78. The Respondent(s) shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Paragraph 71 herein. Interest and late charges shall be paid as stated in Paragraphs 73 - 74 herein.

79. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of the Respondent(s) violation of this CAFO or of the statutes and regulations upon which this agreement is based, or for the Respondent's violation of any applicable provision of law.

E. DISPUTE RESOLUTION

80. If the Respondents object to any decision or directive of EPA in regard to Section III or IV.C, the Respondents shall notify each other and the following persons in writing of its objections, and the basis for those objections, within thirty (30) calendar days of receipt of EPA's decision or directive:

Associate Director
Hazardous Waste Enforcement Branch (6EN-H)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Chief, RCRA Enforcement Branch (6RC-ER)
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

81. The Associate Director of the Hazardous Waste Enforcement Branch or his/her designee (Associate Director), and the Respondents shall then have an additional thirty (30) calendar days from EPA's receipt of the Respondents' written objections to attempt to resolve the dispute. If an agreement is reached between the Associate Director and the Respondents, the agreement shall be reduced to writing and signed by the Associate Director and the Respondents and incorporated by reference into this CAFO.

82. If no agreement is reached between the Associate Director and the Respondents within that time period, the dispute shall be submitted to the Director of the Compliance

Assurance and Enforcement Division or his/her designee (Division Director). The Division Director and the Respondents shall then have a second 30-day period to resolve the dispute. If an agreement is reached between the Division Director and the Respondents, the resolution shall be reduced to writing and signed by the Division Director and the Respondents and incorporated by reference into this CAFO. If the Division Director and the Respondents are unable to reach agreement within this second 30-day period, the Division Director shall provide a written statement of EPA's decision to the Respondents, which shall be binding upon the Respondents and incorporated by reference into the CAFO.

83. If the Dispute Resolution process results in a modification of this CAFO, the modified CAFO must be approved by the Regional Judicial Officer and filed pursuant to Section IV.H (Modifications).

84. The invocation of dispute resolution procedures under this Section shall not extend, postpone, or affect in any way, any obligations of the Respondents under this CAFO, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first day of noncompliance, but payment shall be stayed pending resolution of the dispute. If the Respondents do not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section IV.D.

F. FORCE MAJEURE

85. A "force majeure event" is any event beyond the control of the Respondents, their contractors, or any entity controlled by the Respondents that delays the performance of any obligation under this CAFO despite the Respondents' best efforts to fulfill the obligation. "Best efforts" includes anticipating any potential force majeure event and addressing the effects of any such event (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting

delay to the greatest extent possible. "Force Majeure" does not include the Respondents' financial inability to perform any obligation under this CAFO, but does include any delays attributable to the TCEQ's permitting process and the conduct of the contested case hearing.

86. The Respondents shall provide notice orally or by electronic or facsimile transmission as soon as possible, but not later than 72 hours after the time the Respondents first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event. The Respondents shall also provide written notice, as provided in Section IV.G of this CAFO, within seven days of the time the Respondents first knew of, or by the exercise of due diligence, reasonably should have known of, the event. The notice shall state the anticipated duration of any delay; its cause(s); the Respondents' past and proposed actions to prevent or minimize any delay; a schedule for carrying out those actions; and the Respondents' rationale for attributing any delay to a force majeure event. Failure to give such notice shall preclude the Respondents from asserting any claim of force majeure.

87. The Respondent also shall provide notice orally or by electronic or facsimile transmission to the other Respondent not later than 24 hours after the time Respondent first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event, provided that the failure to give such notice shall not limit either Respondent's responsibilities under this CAFO.

88. If the Complainant agrees that a force majeure event has occurred, the Complainant may agree to extend the time for the Respondents to perform the affected requirements for the time necessary to complete those obligations. An extension of time to perform the obligations affected by a force majeure event shall not, by itself, extend the time to perform any other

obligation. Where the Complainant agrees to an extension of time, the appropriate modification shall be made pursuant to Section IV.H of this CAFO.

89. If the Complainant does not agree that a force majeure event has occurred, or does not agree to the extension of time sought by the Respondents, the Complainant's position shall be binding, unless the Respondents invokes Dispute Resolution under Section IV.D of this CAFO. In any such dispute, the Respondents bear the burden of proving, by a preponderance of the evidence, that each claimed force majeure event is a force majeure event; that the Respondents gave the notice required by the paragraph above, that the force majeure event caused any delay the Respondents' claimed was attributable to that event; and that the Respondents exercised their reasonable best efforts to prevent or minimize any delay caused by the event. If the Respondents carry this burden, the delay at issue shall be deemed not to be a violation of the affected obligation of this CAFO.

G. NOTIFICATION

90. Unless otherwise specified elsewhere in this CAFO, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other parties that another individual has been designated to receive the communication:

Complainant:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

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Respondent U.S. Ecology Texas, Inc.:

Mary Reagan
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue
Suite 2100
Austin, Texas 78701

Respondent TD*X Associates, L.P.:

J.D. Head
Fritz, Bryne, Head & Harrison, PLLC
98 San Jacinto Boulevard
Suite 2000
Austin, TX 78701

Texas Commission on Environmental Quality

Section Manager
Industrial and Hazardous Permits Section
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13087 MC 130
Austin, TX 78711

H. MODIFICATION

91. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except as otherwise specified in this CAFO, or upon the written agreement of the Complainant and Respondent(s), and approved by the Regional Judicial Officer, and such modification or amendment being filed with the Regional Hearing Clerk.

I. RETENTION OF ENFORCEMENT RIGHTS

92. EPA does not waive any rights or remedies available to EPA for any other violations by the Respondents of Federal or State laws, regulations, or permitting conditions.

93. Except as herein provided, nothing in this CAFO shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health, welfare, or the environment, or prevent, abate or minimize an actual or threatened release of hazardous

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substances, pollutants, contaminants, hazardous substances on, at or from the Respondent USET's facility or Respondent TD*X's oil reclamation unit and related equipment. Furthermore, nothing in this CAFO shall be construed or to prevent or limit EPA's civil and criminal authorities, or that of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

94. The Complainant reserves all legal and equitable remedies available to enforce the provisions of this CAFO. This CAFO shall not be construed to limit the rights of the EPA or United States to obtain penalties or injunctive relief under RCRA or under other federal or state laws, regulations, or permit conditions.

95. In any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other appropriate relief relating to this Facility or the oil reclamation unit, the Respondents shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the Complainant or the United States in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

96. This CAFO is not a permit, or a modification of any permit, under any federal, State, or local laws or regulations. The Respondents are responsible for achieving and maintaining complete compliance with all applicable federal, State, and local laws, regulations, and permits. The Respondents' compliance with this CAFO shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The Complainant does not warrant or aver in any manner that the Respondents' compliance with any aspect of this

CAFO will result in compliance with provisions of the RCRA or with any other provisions of federal, State, or local laws, regulations, or permits.

J. INDEMNIFICATION OF EPA

97. Neither EPA nor the United States Government shall be liable for any injuries or damages to person or property resulting from the acts or omissions of the Respondents, their officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this CAFO, nor shall EPA or the United States Government be held out as a party to any contract entered into by the Respondents in carrying out the activities required by this CAFO.

K. COSTS

98. Each party shall bear its own costs and attorney's fees. Furthermore, each Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.

L. TERMINATION

99. At such time as the Respondents believe they have completed all of the requirements of this CAFO, they may request that EPA concur whether all of the requirements of this CAFO have been satisfied. Such request shall be in writing and shall provide the necessary documentation to establish whether there has been full compliance with the terms and conditions of this CAFO. EPA will respond to said request in writing within ninety (90) days of receipt of the request. This CAFO shall terminate when all actions required to be taken by this CAFO have been completed, and the Respondents have been notified by the EPA in writing that this CAFO has been satisfied and terminated.

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M. EFFECTIVE DATE

100. This CAFO, and any subsequent modifications, become effective upon filing with the Regional Hearing Clerk.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:

FOR THE RESPONDENT:

Date: 9/27/12

US Ecology Texas, Inc.

FOR THE RESPONDENT:

Date: September 26, 2012

Carl R Palmer
TD*X Associates L.P.

FOR THE COMPLAINANT:

Date: 10·03·12

John Blevins
Director
Compliance Assurance and
Enforcement Division

FINAL ORDER

Pursuant to the Section 3008 of RCRA, 42 U.S.C. § 6928, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right or EPA or the United States to pursue appropriate injunctive relief or other equitable relief for criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect the Respondents' (or their officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondents are ordered to comply with the Compliance Order and terms of settlement as set forth in the Consent Agreement. Pursuant to 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 10/4/12

Patrick Rankin
Regional Judicial Officer

APPENDIX 1 – OPERATING PARAMETERS

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TABLE A

TDU OIL RECLAMATION SYSTEM INTERIM REQUIREMENTS PRIOR TO TOU INSTALLATION

Tag No.	Equipment Operating Parameter	Operating Parameter Limit	Compliance Basis
TT-18/19	TDU Dryer, Minimum Combustion Chamber Temperature	Maintain Temperature > 1,400°F	AWFCO: CPMS[1], 60-sec time delay
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS, 6-min Rolling Average (RA)[2]
OE-1	Purge Vent Gas Stream Maximum O_2 Concentration	$O_2 < 7\%$	AWFCO: CPMS, 60-sec time delay
FE-101	Maximum Purge Vent Rate	Purge Vent Rate < 180 scfm	AWFCO: CPMS, Hourly Rolling Average (HRA)[3]
M-100	Minimum Percent Excess Air, Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow
TE-28	Maximum Condenser System Exhaust Temperature	Temperature < 120°F	AWFCO: CPMS, HRA
	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[4]
	Maximum TDU Feed Organic Halide Concentration	[Total Organic Halides] < 1,500 ppm/Bin	Blending Protocols & Documentation

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[1] Continuous Process Monitoring System – See Paragraph 69.I of CAFO.

[2] Previous six 1-minute readings are summed and divided by six.

[3] 40 C.F.R. §§ 63.1209(b)(5).

[4] See Paragraph 69.A.3 of the CAFO.

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TABLE B

TDU OIL RECLAMATION SYSTEM REQUIREMENTS AFTER TOU INSTALLATION PRE-COMPLIANCE DEMONSTRATION TEST OPERATIONS

Tag No.	Equipment Operating Parameter	Shakedown (Pre-Test) OPL	Compliance Basis
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS[5], 6-min RA[6]
M-05	TDU Dryer, Cylinder Rotation On	Motor Operating	AWFCO: CPMS, Instantaneous
M-18	Product Discharge System	Motor Operating	AWFCO: CPMS, Instantaneous
M-21	Recirculation Blower Operating	Motor Operating	AWFCO: CPMS, Instantaneous
TT-121	TOU, Minimum Combustion Chamber Temperature	Maintain Temperature > 1,400°F	AWFCO: CPMS, HRA[7]
KY-110	TOU, Minimum Residence Time (Calculated from Purge Vent Flow Rate, Exhaust T, and Air Ratio)	Residence Time > 0.5 seconds	AWFCO: CPMS, HRA
AE-5/ OE-5	TOU Exhaust Gas, Maximum CO Concentration	[CO] < 100 ppmV @ 7% O_2	AWFCO: CEMS for CO, HRA
OE-1	Purge Vent Gas Stream, Maximum O_2 Concentration	[O_2] < 7%	AWFCO: CPMS, Instantaneous
FE-101	Maximum Purge Vent Rate	Vent Flow < 250 scfm	AWFCO: CPMS, HRA
FCV-102	Valve Position to Ensure Purge Vent is not Directed Away from TOU	Valve Closed	AWFCO: CPMS, 60-sec delay
M-121	Minimum Percent Excess Air , Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow
TE-28	Maximum Condenser System Exhaust Temperature	Maintain Temperature < 120°F	AWFCO: CPMS, HRA

[5] Continuous Process Monitoring System – See Paragraph 69.I of the CAFO.

[6] Previous six 1-minute readings are summed and divided by six.

[7] 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[8], Feed Stream Analysis Plan (if applicable)[9]
	Maximum TDU Feed Organic Halide Concentration	[Total Organic Halides] < 1,500 ppm/Bin	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Semi-Volatile Metals Concentration[10]	N/A	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Low-Volatile Metals Concentration[11]	N/A	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)

[8] See Paragraph 69.A.3 of the CAFO.

[9] See Paragraph 69.A.11 of the CAFO.

[10] Semi-volatile metals means a combination of cadmium and lead.

[11] Low-volatile metals means a combination of Arsenic, Beryllium, and Chromium.

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TABLE C

TDU OIL RECLAMATION REQUIREMENTS AFTER TOU INSTALLATION POST-COMPLIANCE DEMONSTRATION TEST OPERATIONS

Tag No.	Equipment Operating Parameter	Interim/Final (Post-Test) OPL	Compliance Basis
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS[12], 6-min RA[13]
M-05	TDU Dryer, Cylinder Rotation On	Motor Operating	AWFCO: CPMS, Instantaneous
M-18	Product Discharge System	Motor Operating	AWFCO: CPMS, Instantaneous
M-21	Recirculation Blower Operating	Motor Operating	AWFCO: CPMS, Instantaneous
TT-121	TOU, Minimum Combustion Chamber Temperature	OPL Established @ > 3-Run Average from CDT	AWFCO: CPMS, HRA[14]
KY-110	TOU, Minimum Residence Time (Calculated from Purge Vent Flow Rate, Exhaust T, and Air Ratio)	Residence Time > 0.5 seconds	AWFCO: CPMS, HRA
AE-5/ OE-5	TOU Exhaust Gas, Maximum CO Concentration	Semi-Annual Testing until Waste Analysis Plan Approved, then Annual Testing	Performance Testing in lieu of CEMS; Waste Analysis Plan based with other OPLs
OE-1	Purge Vent Gas Stream, Maximum O_2 Concentration	$[O_2] < 7\%$	AWFCO: CPMS, Instantaneous
FE-101	Maximum Purge Vent Rate	Vent Flow < 250 scfm	AWFCO: CPMS, HRA
FCV-102	Valve Position to Ensure Purge Vent is not Directed Away from TOU	Valve Closed	AWFCO: CPMS, 60-sec time delay
M-121	Minimum Percent Excess Air, Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow

[12] Continuous Process Monitoring System – See Paragraph 69.I of CAFO.

[13] Previous six 1-minute readings are summed and divided by six.

[14] 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

TE-28	Maximum Condenser System Exhaust Temperature	OPL Established @ < 3-run Average Based on CDT	AWFCO: CPMS, HRA
	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[15], Feed Stream Analysis Plan (if applicable)[16]
	Maximum TDU Feed Organic Halide Concentration	OPL Established as Measured Ratio[17]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Semi-Volatile Metals Concentration[18]	OPL Established as Measured Ratio[19]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Low-Volatile Metals Concentration[20]	OPL Established as Measured Ratio[21]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)

[15] See Paragraph 69.A.3 of the CAFO.

[16] See Paragraph 69.A.11 of the CAFO.

[17] Maximum TDU Feed Concentration established as a measured ratio (not to exceed 4000 ppm/bin) from emissions data collected during CDT. See plan example calculations.

[18] Semi-volatile metals means a combination of cadmium and lead.

[19] Maximum TDU Feed Concentration established as measured ration from emissions data collected during CDT. See plan example calculations.

[20] Low-volatile metals means a combination of Arsenic, Beryllium, and Chromium.

[21] Maximum TDU Feed Concentration established as measured ratio from emissions data collected during CDT. See plan example calculations.

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APPENDIX 2 – BLENDING PROTOCOLS

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

DOCUMENT STORED IN FILE ROOM

APPENDIX 3

COMPLIANCE DEMONSTRATION TEST PLAN

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

DOCUMENT STORED IN FILE ROOM

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of October, 2012, the original and one copy of the foregoing Consent Agreement and Final Order (CAFO) was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that true and correct copies of the CAFO were sent to the following by the method indicated below:

For US Ecology Texas, Inc.

Certified Mail – Return Receipt Requested – 7007 0710 0002 1385 1491

Mary Reagan
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue, Suite 2100
Austin, Texas 78701

For TD*X Associates LP

Certified Mail – Return Receipt Requested – 7007 0710 0002 1385 1507

J.D. Head
Fritz, Bryne, Head & Harrison, PLLC
98 San Jacinto Boulevard
Suite 2000
Austin, TX 78701

Evan L Pearson

Message

From: Tidmore, Guy [tidmore.guy@epa.gov]
Sent: 12/7/2016 1:22:06 PM
To: Pearson, Evan [Pearson.Evan@epa.gov]; Luschek, Robert [Luschek.Robert@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]
CC: Spalding, Susan [Spalding.Susan@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: RE: Chem Waste Draft Permit

I will not have time to review this permit until after January 1st.

From: Pearson, Evan
Sent: Tuesday, December 06, 2016 10:44 AM
To: Luschek, Robert <Luschek.Robert@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>
Cc: Spalding, Susan <Spalding.Susan@epa.gov>; Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Subject: RE: Chem Waste Draft Permit

Here are my comments on the Chem Waste Draft Permit. Please note that these comments are limited to the relevant provisions pertaining to the Oil Recovery Unit and the Thermal Desorber Unit. Also, I am not a technical person, so I can't comment on the adequacy of the emission limits. Guy Tidmore may also be providing additional comments.

1. Page 10, Condition II.E.25.d and Condition II.E.25.e – These two Conditions reference Chapter 32 (Miscellaneous Units). L.A.C. 33:V.3203 provides that "Permit terms and provisions must include those requirements of LAC 33:V.Chapters 3, 5, 7, 17, 19, 21, 23, 25, 27, 29, 31, 4301.F, H, 4302, 4303 and 4305, all other applicable requirements of LAC 33:V.Subpart 1, and of 40 CFR 63 Subpart EEE and 40 CFR 146 that are appropriate for the miscellaneous unit being permitted." These two Conditions should reference the specific chapters from L.A.C. 33:V.3203 that are relevant to the particular unit.

2. Page 43, Condition V.A.4.f – Tank Covers – The Oil Recovery Unit off-loading pits (Tanks T-601 and T-602) and the Thermal Desorber Unit off-loading pits (T-701, T-702, T-703, and T-704) may be subject to Benzene Waste Operations NESHAP – 40 C.F.R. Part 61, Subpart FF. If this is the case, then tanks would be required to be covered, as required by 40 C.F.R. § 61.343(a).

3. Page 44, Condition V.A.4.i – Oil Recovery Unit Area and Condition V.A.4.j – Thermal Desorber Unit Area – One thermal oxidizer is listed in the Oil Recovery Unit Area and two thermal oxidizers are listed in the Thermal Desorber Unit Area. It appears that these thermal oxidizers are not being permitted. However, it appears that all three thermal oxidizers will be thermally treating hazardous waste. Therefore, the three thermal oxidizers must be part of the RCRA permit. See the June 24, 2016 EPA Letter to LDEQ. They, along with the TDUs, can be permitted together as a miscellaneous unit. However, the thermal oxidizers must be part of RCRA permit. Also, the two vapor recovery units may also have to be permitted (I don't know enough about these units to make a decision).

Question – would the TDU alone be able to meet the DRE and other emission requirements listed on pages 104 – 105 of the Draft Permit? If not, you couldn't rely on the TOU to enable CWM to meet these requirements because the TOU would not be part of the RCRA permit. Therefore, if this is the case, the TOU would need to be part of the RCRA permit in order to meet the DRE and other emission requirements.

4. Page 90, Condition V.F.3.a – This condition states that the units and associated equipment must be operated and maintained in accordance with L.A.C. 33:V.Chapter 32. However, Chapter 32 is very general and references other provisions. This Condition needs to be more specific and specify the particular provisions that must be met (e.g., L.A.C. 33:V.1761.B).

5. Page 97, Condition V.G.3.a – This condition states that the units and associated equipment must be operated and maintained in accordance with L.A.C. 33:V.Chapter 32. However, Chapter 32 is very general and references other provisions. This Condition needs to be more specific and specify the particular provisions that must be met (e.g., L.A.C. 33:V.1761.B).

From: Luschek, Robert
Sent: Friday, December 02, 2016 9:19 AM
To: Tidmore, Guy <tidmore.guy@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>
Cc: Spalding, Susan <Spalding.Susan@epa.gov>; Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Subject: RE: Chem Waste Draft Permit

FYI – LDEQ finalized the language for the revised draft permit. It is attached. The permit writer indicated that there were a few minor changes from the last version, and that she wanted to make sure we had the most up to date version.

As a reminder, Susan had asked for any input to me by Dec 8.

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Spalding, Susan
Sent: Wednesday, November 30, 2016 9:58 AM
To: Tidmore, Guy <tidmore.guy@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>
Cc: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: RE: Chem Waste Draft Permit

Mark – got your VM – yes we will be the lead on preparing comments on the draft permit, but since you all were the source of the original comments on the permit we would appreciate your input. We need any input by Dec 8, to Rob Luschek. Thanks.

Susan Spalding, Associate Director
Hazardous Waste Branch
EPA Region 6
(214) 665-8022

From: Spalding, Susan
Sent: Wednesday, November 30, 2016 9:25 AM
To: Tidmore, Guy <tidmore.guy@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Potts, Mark (Potts.Mark@epa.gov) <Potts.Mark@epa.gov>
Cc: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: Chem Waste Draft Permit

Attached is the draft permit from LDEQ. Do you plan to review/have comments?

Susan Spalding, Associate Director

Hazardous Waste Branch
EPA Region 6
(214) 665-8022

From: Luschek, Robert
Sent: Wednesday, November 30, 2016 9:18 AM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; Spalding, Susan <Spalding.Susan@epa.gov>
Subject: FW: CWMLC AI-742 REVISED Draft Modified HW Permit_11-10-16

I think we were hoping to get R6-EN input on the Chem Waste draft HW Permit below. I wasn't sure who in EN would be appropriate to review it though.

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Luschek, Robert
Sent: Monday, November 14, 2016 9:38 AM
To: Fruitwala, Kishor <fruitwala.kishor@epa.gov>; Spalding, Susan <Spalding.Susan@epa.gov>
Subject: FW: CWMLC AI-742 REVISED Draft Modified HW Permit_11-10-16

Below is the Draft Chem Waste Permit that LDEQ is working on.

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Lina Saale [mailto:Lina.Saale@LA.GOV]
Sent: Monday, November 14, 2016 9:32 AM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: CWMLC AI-742 REVISED Draft Modified HW Permit_11-10-16

Good morning Rob,

As previously discussed, attached is the "draft" revised draft permit for Chemical Waste Management, Lake Charles Facility (CWMLC). CWMLC submitted a Class 3 Permit Modification to add oil recovery units and thermal desorber units to their existing permit. Please forward to the appropriate staff for review. The revised permit language for the proposed units begins on Page 89, Permit Conditions V.F and V.G.

Also, one permit item that is still under discussion with the facility is below:

> **V.G.10.b.i.5.** The CPT plan and CMS performance evaluation test plan must be public noticed at least sixty (60) days prior to initiation of the test. All requirements of 40 CFR 63.1207.e must be met[A1] .

Please let me know if you have any questions. Thank you again for forwarding this.

Thanks,

Lina Kruth Saale
Environmental Scientist
LA Department of Environmental Quality
Office of Environmental Services
Waste Permits Division
(225) 219-0029
lina.saale@la.gov

FINAL
MODIFIED HAZARDOUS WASTE OPERATING AND POST-CLOSURE PERMIT
RENEWAL

CHEMICAL WASTE MANAGEMENT, INC.
TREATMENT, STORAGE, AND DISPOSAL
EPA ID# LAD 000 777 201
CARLYSS, LOUISIANA
CALCASIEU PARISH

Agency Interest No. 742
PER20050002PER20140007
Permit Number LAD 000 777 201-OP-RN-1-MO-1

For

CONTAINER STORAGE AREAS
Building 201
Building 202
Building 205
Building 204
Building 801
Building 802

CONTAINMENT BUILDING
Building 301

BIOPAD
Phase I
Phase II

TANKS

T-220	**T-303**	**T-502**	**T-505**	**T-905**
T-221	**T-304**	**T-503**	**T-506**	**T-906**
T-222	**T-305**	**T-504A**	**T-903**	**T-907**
T-223	**T-306**	**T-504B**	**T-904**	T-601
T-602	T-610	T-611	T-612	T-613
T-630	T-631	T-632	T-701	T-702
T-703	T-704	T-710	T-711	T-712
T-713	T-740	T-741		

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LANDFILL CELLS
Cell 5 (post-closure)
Cell 6 (post-closure)
Cell 7 (post-closure)
Cell 8 (operating and post-closure)
Cell 14 (post-closure)

OIL RECOVERY UNITS
ORU-1
ORU-2

THERMAL DESORBER UNITS
TDU-1
TDU-2

I. PERMIT PREAMBLE

This permit is issued to Chemical Waste Management, Inc., Lake Charles facility, Carlyss, Calcasieu Parish, Louisiana (hereinafter referred to as the "Permittee"), by the Louisiana Department of Environmental Quality (LDEQ) under authority of the Louisiana Hazardous Waste Control Law, La. R.S. 30:2171 et seq., and the regulations adopted thereunder, and by the United States Environmental Protection Agency (EPA) under the authority of the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA).

For the purposes of this permit, "Administrative Authority" shall mean the Secretary of the LDEQ or his/her designee.

This permit is based on information submitted in the permit application, and all subsequent amendments, and on the Permittee's certification that such information is accurate and that all facilities will be constructed, operated and maintained as specified in the application.

This permit is conditioned upon full compliance with all applicable provisions of the Louisiana Hazardous Waste Control Law, La. R.S. 30:2171 et seq., and the regulations adopted thereunder.

All definitions contained in this permit shall have the meaning as defined in the Louisiana Administrative Code (LAC), Title 33, Part V, Subpart 1 unless otherwise stated herein.

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All regulating citations are defined as being the regulation in effect on the date of issuance of this permit. New and/or amended regulations are not included as permit requirements until permit modification procedures, as specified in Condition II.C of this permit, are completed, except as provided by LAC 33:V.307.A.

GLOSSARY OF TERMS

For the purpose of this permit, terms used herein shall have the same meaning as those in LAC 33:V.Subpart 1 unless the contexts of use in this permit clearly indicates otherwise. Where terms are not otherwise defined, the meaning otherwise associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

"Administrative Authority" means the secretary of the Louisiana Department of Environmental Quality (LDEQ) or his designee or the appropriate assistant secretary or his designee.

"Application" refers to the RCRA Part B Permit Application and subsequent amendments submitted by the Permittee for obtaining a Permit.

"Area of Concern" (AOC) means any discernable unit or area, which, in the opinion of the Administrative Authority, may have received solid or hazardous waste or waste containing hazardous constituents at any time. The Administrative Authority may require investigation of the unit to determine if it is a Solid Waste Management Unit (SWMU). If shown to be a SWMU by the investigation, the AOC must be reported by the Permittee as a newly identified SWMU. If the AOC is shown not to be a SWMU by the investigation, the Administrative Authority may determine that no further action is necessary and notify the Permittee in writing.

"Area of Investigation" (AOI) is a zone contiguous to and including impacted media defined vertically and horizontally by the presence of one or more constituents in concentrations exceeding the limiting SS, MO-1 RS, or MO-2 RS (depending on the option being implemented).

"Biodegradation" is the removal of hazardous contaminants from debris surfaces and surface pores in an aqueous solution and biodegration of organic or nonmetallic inorganic compounds (i.e., inorganics that contain phosphorus, nitrogen, or sulfur) in units operated under either aerobic or anaerobic conditions.

"Bioremediation" is the treatment of organic chemicals with microorganisms to break them down into less toxic or non-toxic materials.

"CAS" means Corrective Action Strategy.

"CFR" means the Code of Federal Regulations.

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"CWA" means Clean Water Act.

"Conceptual Site Model" (CSM) is part of the Data Quality Objective (DQO) process that presents a three-dimensional picture of site conditions at a discrete point in time that conveys what is known about the facility, releases mechanisms, containment fate and exposure pathways, potential receptors, and risks. The information for the CSM is documented into six (6) profiles. The CSM evolves as data gaps in the profiles become more complete, and will be refined based upon results of site characterization data. The final CSM is documented in the Risk Management Plan (RMP).

"Constituents of Concern" (COC) means the COPC's that pose a significant risk.

"Constituents of Potential Concern" (COPC) means chemicals from hazardous waste and hazardous waste constituents that are potentially site related and have data of quality for use in the Screen or site-specific risk assessment. The facility should compile a list of COPC's for each release site based on existing sampling data, waste analysis reports, etc.

"Continuous Monitoring System (CMS)" is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for continuously sampling a parameter without interruption and evaluating the detector response as defined by this permit. The installation and operation of a CMS requires, at a minimum, to comply with the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system. The calibration of a CMS must be verified at a frequency and in a manner consistent with manufacturer specifications, but no less frequent than ~~once per year~~as specified in this permit. ~~CMS must sample the regulated parameter without interruption, evaluate the detector response at least once every 15 seconds, and compute and record the average values at least every 60 seconds when hazardous waste is in the unit.~~

~~**"Continuous Parameter Monitoring System (CPMS)"** means the total equipment that may be required to meet the data acquisition and availability requirements, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters (e.g., thermocouples, pressure transducers, flow meters, etc…).~~

~~"CWA" means Clean Water Act.~~

"Corrective Action" is an activity conducted to protect human health and the environment.

"Department" means the Louisiana Department of Environmental Quality (LDEQ).

"EPA" means the United States Environmental Protection Agency.

"HSWA" means the 1984 Hazardous and Solid Waste Amendments to RCRA.

"Hazardous constituent" means any constituent identified in LAC 33:V.Chapter 31. Table 1, or any constituent identified in LAC 33:V.3325. Table 4.

"LDEQ" means the Louisiana Department of Environmental Quality.

"LELAP" means the Louisiana Environmental Laboratory Accreditation Program.

"Macroencapsulation" is the application of surface coating materials such as polymeric organics (e.g. resins and plastics) or use a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media.

"Microencapsulation" is the stabilization of the debris with the following reagents (or waste reagents) such that the leachability of the hazardous contaminants is reduced: (1) Portland cement; and/or (2) lime/pozzolons (e.g. fly ash and cement kiln dust). Reagents (e.g. iron salts, silicates, and clays) may be added to enhance the set/cure time and/or compressive strength or to reduce the leachability of the hazardous constituents.

"Operating record" means written or electronic records of all maintenance, monitoring, inspection, calibration, or performance testing or other data as may be required--to demonstrate compliance with this Permit, document noncompliance with this Permit, or document actions taken to remedy noncompliance with this Permit. A minimum list of documents that must be included in the operating record are identified at LAC 33:V.1529.b.

"Permittee" means Chemical Waste Management, Inc., 7170 John Brannon Road, Sulphur, Louisiana 70665 (mailing address), and 7170 John Brannon Road, Carlyss, Calcasieu Parish, Louisiana (physical location).

"RCRA Permit" means the full permit, with the Resource Conservation and Recovery Act (RCRA) and 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA portions.

"RFA" means RCRA Facility Assessment.

"RFI" means RCRA Facility Investigation.

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

"SARA" means Superfund Amendments and Reauthorization Action of 1985.

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

"Stabilization" refers to treatment processes that involve chemical reactions that reduce the leachability of a waste. Stabilization chemically immobilizes hazardous materials or reduces their solubility through a chemical reaction. The physical nature of the waste may or may not be changed by this process.

"Thermal Treatment" refers to the process of treating hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste.

If, subsequent to the issuance of this Permit, regulations are promulgated which redefine any of the above terms, the Administrative Authority may, at its discretion, apply the new definition to this Permit.

II. GENERAL PERMIT CONDITIONS

II.A. DURATION OF PERMIT

This permit is effective as of the date indicated on the accompanying signature page and shall remain in effect for a period of ten (10) years from the effective date, unless suspended, modified, revoked and reissued or terminated for just cause.

II.B. EFFECT OF PERMIT

This permit authorizes the Permittee to treat, store and dispose of hazardous waste in accordance with the conditions of this permit. The Permittee is prohibited from any storage, treatment or disposal of hazardous waste not authorized by statute, regulation or this permit. Compliance with this permit during its term constitutes compliance for purposes of enforcement, with LAC 33:V.Subpart 1, except for those requirements not included in the permit under LAC 33:V.307.A.1-4, and with Subtitle C of RCRA, HSWA, and Chapter 9 of the Louisiana Environmental Quality Act (Act). However, 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, the Act (La. R.S.30:2001 et seq.) or under Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 {42 U.S.C. 9606 (a)}.

In accordance with LAC 33:V.307.B and C, 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 laws or regulations.

II.C. PERMIT ACTIONS

Any inaccuracies found in the permit application may be cause for revocation or modification of this permit. The Permittee must inform the Administrative Authority of any deviation from, changes in, or inaccuracies in the information in the permit application.

The Administrative Authority may suspend, modify, revoke and reissue, or terminate the permit for cause or when necessary to be protective of human health or the environment as specified in 40 CFR 270.41, 270.42, 270.43 or the LAC 33:V.309.F, 311.A, or 323. The Administrative Authority may modify the permit when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. The filing of a request for permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

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II.D. SEVERABILITY

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

II.E. DUTIES AND REQUIREMENTS

II.E.1. Duty to Comply

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance may be authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit (LAC 33:V.701), constitutes a violation of the LAC 33:V.Subpart 1 and the Act is grounds for enforcement action which may include permit termination, permit revocation and reissuance, permit modification, or denial of a permit renewal application.

II.E.2. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must reapply for the permit as required by LAC 33:V.303.N and 309.B. Notification shall be at least 180 calendar days before the permit expires.

II.E.3. Permit Extension

This permit and all conditions herein will remain in effect beyond the permit's expiration date until the Administrative Authority issues a final decision on the re-application, provided the Permittee has submitted a timely, complete new permit application as provided in the LAC 33:V.309.B and 315.A.

II.E.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.

II.E.5. Duty to Mitigate

The Permittee shall immediately take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the conditions of this permit as required by the LAC 33:V.309.D.

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II.E.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 ancillary equipment and/or appurtenances) that 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 and in accordance with LAC 33:V.309.E.

II.E.7. Duty to Provide Information

The Permittee shall furnish to the Administrative Authority, within a reasonable time, any information which the Administrative Authority 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 Administrative Authority upon request, copies of records required to be kept by this permit and in accordance with LAC 33:V.309.H.

II.E.8. Inspection and Entry

In accordance with LAC 33:V.309.I, the Permittee shall allow the Administrative Authority or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

II.E.8.a. enter upon the Permittee's premises where a regulated activity is located or conducted, or where records must be maintained under the conditions of this permit;

II.E.8.b. have access to and copy, at reasonable times, any records that must be maintained under the conditions of this permit;

II.E.8.c. inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

II.E.8.d. sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Administrative Authority any substances or parameters at any location.

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II.E.9. Monitoring and Records

II.E.9.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity, in accordance with LAC 33:V.309.J.1. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, "SW-846", latest version; Manual of Ground Water Quality Sampling Procedures, 1981, EPA-600/2-81-160, as revised; Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities, 1977, EPA-530/SW-611, as revised; or an equivalent method; or an equivalent method as specified in the attached Waste Analysis Plan as referenced in Attachment 1.

II.E.9.b. Records of monitoring information, in accordance with LAC 33:V.309.J.3, shall include, but are not limited to:

II.E.9.b.i. the date, exact place, and time of sampling or measurements;

II.E.9.b.ii. the name(s) and signature(s) of the individual(s) who performed the sampling or measurements;

II.E.9.b.iii. the date(s) analyses were performed;

II.E.9.b.iv. the name(s) and signature(s) of the individual(s) who performed the analysis;

II.E.9.b.v. the analytical techniques or methods used; and

II.E.9.b.vi. the results of such analyses; and

II.E.9.b.vii. associated quality assurance performance data.

II.E.9.c. Laboratory Quality Assurance/Quality Control

In order to ensure the accuracy, precision and reliability of data generated for use, the Permittee shall submit a statement, certified as specified in LAC 33:V.513 and included in the annual report, indicating that:

II.E.9.c.i. Any commercial laboratory providing analytical results and test data to the LDEQ required by this permit is accredited by the Louisiana Environmental Laboratory Accreditation Program (LELAP) in accordance with LAC 33:I.Subpart 3, Chapter 45. Laboratory data generated by commercial laboratories not accredited under LELAP will not be accepted

by the LDEQ.

LAC 33:I.Subpart 3 (Chapters 45-49) provides requirements for the accreditation program. Regulation and a list of labs that have applied for accreditation are available on the LDEQ website located at: http://www.deq.louisiana.gov/portal/tabid/2412/Default.aspx.

In accordance with LAC 33:I.4501, the requirements for LELAP accreditation apply whenever data is:

- submitted on behalf of a facility;
- required as part of a permit application;
- required by order of the LDEQ;
- required to be included in a monitoring report submitted to the LDEQ;
- required to be submitted by contract; or
- otherwise required by the LDEQ regulations.

II.E.9.c.ii. If the Permittee decides to use its own in-house laboratory for test and analysis, the laboratory is not required to be accredited by LELAP. However, the laboratory must document quality assurance/quality control procedures onsite.

II.E.9.c.iii. For approval of equivalent testing or analytical methods, the Permittee may petition for a regulatory amendment under LAC 33:V.105.I and LAC 33:I.Chapter 9. In cases where an approved methodology for a parameter/analyte is not available or listed, a request to utilize an alternate method shall be submitted to the Administrative Authority for approval. Documentation must be submitted to the LDEQ that will verify that the results obtained from the alternate method are equal to or better than those obtained from EPA-accepted methods, as well as those deemed equivalent by the LDEQ.

II.E.10. Retention of Records

The Permittee shall maintain records through the active life of the facility (including operation, closure and post-closure periods), where applicable, as required by LAC 33:V.309.J and LAC 33:V.1529.A, B, and C, and maintain records of all groundwater monitoring data and reports, boring logs, well completion data, associated potentiometric surface maps, and associated constituent isoconcentration maps from all sampling events covered by this permit, in accordance with LAC 33:V.3315.J. All records, including plans, must be furnished upon request and made available at all reasonable times as required by LAC 33:V.1529.C.

The Permittee shall retain records of all other monitoring information required by this permit, including all calibration records, field log notes, and maintenance records for LDEQ inspection for a period of not less than three (3) years, as required by LAC 33:V.317.B, from the date of the sample, measurement, report, or record except where otherwise required by the permit, or by order of the Administrative Authority. These periods may be extended by request of the Administrative Authority at any time and are automatically extended during the course of any unresolved enforcement action regarding the closed units.

The Permittee shall, for the life of the facility, maintain records of all data used to complete the application for this permit and any supplemental information submitted under the Louisiana Hazardous Waste Control Law (La. R.S. 30:2171 et seq.).

II.E.11. Notices of Planned Physical Facility Changes

The Permittee shall give notice to the Administrative Authority, as soon as possible, of any planned physical alterations or additions to the permitted facility, in accordance with LAC 33:V.309.L.1.

II.E.12. Physical Facility after Modification

For any new or existing unit being modified, the Permittee may not treat, store, or dispose of hazardous waste in modified portion of the unit until the unit is complete and:

> **II.E.12.a.** The Permittee has submitted to the Administrative Authority, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the unit is complete and has been constructed or modified in compliance with the permit; and
>
> **II.E.12.b.** The Administrative Authority has inspected the new or modified unit following a request to make a final inspection by the Permittee as required by LAC 33:V.303.I, and finds it is in compliance with the conditions of the permit and all applicable sections of LAC 33:V.Subpart 1, and has issued an Order to Proceed. The Permittee may then commence treatment, storage, or disposal of hazardous waste.

II.E.13. Anticipated Noncompliance

The Permittee shall give advance notice to the Administrative Authority of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

II.E.14. Transfer of Permits

This permit may be transferred to a new owner or operator with written approval by the Administrative Authority and if it is modified or revoked and reissued pursuant to the

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LAC 33:V.309.L.4, 321.B, 1531.D and LAC 33:I.Chapter 19.

The Permittee's failure to notify the new owner or operator of the requirements of LAC 33:V.Subpart 1 and LAC 33:I.Chapter 19 in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) prior to or no later than forty-five (45) days after the change. The Administrative Authority may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within forty-five (45) days after the change, in accordance with LAC 33:I.1909.B. The previous Permittee and the new Permittee must comply with all applicable requirements of LAC 33:I.1909.

II.E.15. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date as required by LAC 33:V.309.L.6.

II.E.16. Emergency Unauthorized Discharge Notification

In accordance with LAC 33:I.3915, in the event of an unauthorized discharge that results in an emergency condition (an emergency condition is any condition which could be reasonably expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property), the Permittee shall notify the DPS (Department of Public Safety) 24-hour Louisiana Emergency Hazardous Materials Hotline by telephone at (225) 925-6595 immediately, but in no case later than one (1) hour after learning of the discharge. The DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will subsequently notify the Department regarding the details of the discharge.

II.E.17. Non-Emergency Unauthorized Discharge Notification

In the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Chapter 39.Subchapter E but that does not cause an emergency condition, the Permittee shall promptly notify DPS by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) within twenty-four (24) hours after learning of the discharge.

Compliance with LAC 33:I.3917 does not relieve the Permittee of the necessity of following any applicable written notification procedures in LAC 33:I.3925 or any terms and conditions of any applicable permit or license issued under the Louisiana Environmental Quality Act.

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In the event of an unauthorized discharge that requires notification under LAC 33:I.3917.A, the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will notify the Department of Environmental Quality.

II.E.18. Unauthorized Discharge to Groundwater Notification

In the event that any unauthorized discharge results in the contamination of the groundwaters of the state or otherwise moves in, into, within, or on any saturated subsurface strata, the discharger (Permittee) shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC) within seven (7) days.

II.E.19. Written Notification Reports for Unauthorized Discharges

The Permittee shall submit written reports for any unauthorized discharging that requires notification, under Conditions, II.E.16, II.E.17 and II.E.18 of this permit, to the SPOC within seven (7) calendar days after notification required by Conditions II.16 through II.18, in accordance with LAC 33:I.3925.

II.E.20. Noncompliance Reporting

The Permittee shall report orally within twenty-four (24) hours any noncompliance with the permit not reported under Conditions II.E.16, II.E.17, and II.E.18 for confirmed releases to the groundwater that may endanger human health or the environment, in accordance with LAC 33:V.309.L.7. This report shall include the following:

II.E.20.a. information concerning the release of any hazardous waste that may endanger public drinking water supplies; and

II.E.20.b. information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, that could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

II.E.20.b.i. the name, address, and telephone number of the owner or operator;

II.E.20.b.ii. the name, address, and telephone number of the facility;

II.E.20.b.iii. the date, time, and type of incident;

II.E.20.b.iv. the name and quantity of materials involved;

II.E.20.b.v. the extent of injuries, if any;

II.E.20.b.vi. an assessment of actual or potential hazards to the

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environment and human health outside the facility, where this is applicable; and

II.E.20.b.vii. the estimated quantity and disposition of recovered material that resulted from the incident.

II.E.21. Follow-up Written Report of Noncompliance

The Permittee shall also provide a written submission within five (5) days after the time the Permittee becomes aware of any noncompliance which may endanger human health or the environment not reported under Condition II.E.20. The written submission shall contain a description of the noncompliance and its cause; the periods 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. If the Administrative Authority waives the requirement, then the Permittee shall submit a written report within fifteen (15) calendar days after the time Permittee becomes aware of the circumstances, as required by LAC 33:V.309.L.7.d.

II.E.22. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time required monitoring reports are submitted. The reports shall contain the information listed in Condition II.E.20.

II.E.23. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or that it submitted incorrect information in a permit application, or in any report to the Administrative Authority, the Permittee shall promptly submit such facts or information, in accordance with LAC 33:V.309.L.12.

II.E.24. Signatory Requirement

All applications, reports or other information submitted to the Administrative Authority shall be signed and certified according to LAC 33:V.507, 509, 511, and 513.

II.E.25. Schedule of Compliance

~~II.E.25.a. Within sixty (60) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, updated financial assurance for closure and post-closure estimates, in accordance with applicable sections of LAC 33:V Chapter 37.~~

II.E.25.~~b~~a. One hundred and eighty (180) days before planned construction, the Permittee must submit information pertaining to the design and operations and

certification (LAC 33:V.1802.C.2) of the proposed Containment Building 301 to the Administrative Authority for approval. The information submitted must comply with the requirements of LAC 33:V.Chapter 18, and all applicable regulations.

II.E.25.~~b.~~**c.** One hundred and eighty (180) days before planned construction, the Permittee must submit the tank assessment for the proposed tanks (~~T-220, 223,~~ T-220, T-221, T-223, ~~and~~ T-305, ~~T-505 and T-506~~ T-601, T-602, T-610, T-611, T-612, T-613, T-630, T-631, T-632, T-701, T-702, T-703, T-704, T-710, T-711, T-712, T-713, T-740, and T-741), in accordance with LAC 33:V.1905.A. Once installed, in accordance with LAC 33:V.1905.B, the tank installation reports must be submitted to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 19, and all applicable regulations.

II.E.25.~~c~~**d.** One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications for the proposed container storage areas to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 21, and all applicable regulations.

II.E.25.d. One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Oil Recovery Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 32 and all applicable regulations.

II.E.25.e. One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Thermal Desorber Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 32 and all applicable regulations.

II.E.25.f. Before placing the proposed Oil Recovery Units into service, the Permittee must submit to the Administrative Authority, a revised contingency plan, a revised personnel training plan, and a revised waste analysis plan for all proposed units. The Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321.

II.E.25.g. Before placing the proposed Thermal Desorber Units into service, the Permittee must submit to the Administrative Authority, a revised contingency plan, a revised personnel training plan, and a revised waste analysis plan for all proposed units. The Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321.

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II.E.25.~~h.~~. Before placing any proposed unit or units into service, the Permittee must submit to the Administrative Authority, a revised inspection plan, a revised closure plan, and the engineering details for the air emission controls for all proposed units. The revised plans must be submitted as a permit modification, in accordance with LAC 33:V.321.C and 322.

~~**II.E.25.f.** The Permittee must submit within sixty (60) days of the effective date of this permit a revised Groundwater Sampling and Analysis Plan, as a permit modification, in accordance with LAC 33:V.322 that includes the following information:~~

~~**II.E.25.f.i.** Revised tables for detection monitoring indicator parameters to include the following constituents present in leachate samples (i.e., May 7, 2009 leachate analysis report): carbon disulfide, 4-Methyl-2-pentanone, m-Cresol (3-Methylphenol), beta-BHC, gamma-BHC (Lindane), 4,4'-DDE, 2,4-D, 2,4,5-T with their respective practical quantitation limits (PQLs) and analytical methods for each, as stated in CWMI's Response to Geologic/Groundwater Comments, dated January 14, 2010.~~

~~**II.E.25.f.ii.** For any parameter with a proposed concentration increase (i.e., selenium), a justification and documentation for the proposed increase must be provided.~~

~~**II.E.25.f.iii.** Note that statistical analysis is not required for non-naturally-occurring parameters (e.g., VOC, SVOC, PAH), and that any detection of these parameters shall be cause for notification, resampling, and/or assessment monitoring. Background sampling shall not be conducted for these parameters. This language should be included in Section 7.1 of the revised GWSAP.~~ ~~**II.E.25.g.** Within sixty (60) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, a revised Closure Plan submitted as a permit modification in accordance with LAC 33:V.321.C. The revised Closure Plan must make no reference to applying RECAP soil screening standards to closure of aboveground units. The Permittee shall comply with the most recently approved Closure Plan until the revised plan has been approved by the Administrative Authority as a permit modification.~~

~~**II.E.25.h.** Within thirty (30) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, a revised Hazardous Waste Permit Information Form/Part A/I that designates the correct process code for the proposed containment building (Building 301) (i.e., process code S06 or T94 not S02).~~

II.E.26. Updated Documents To Be Submitted Prior To Operation

(RESERVED)

II.E.27. Documents To Be Maintained at Facility Site

II.E.27.a. The Permittee shall maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and amendments, revisions, and modifications to these documents. Any revision or changes shall be submitted with the annual report and in compliance with LAC 33:V.321, 322 and 323.

II.E.27.a.i. Waste Analysis Plan submitted in accordance with LAC 33:V.1519 (see Attachment 1);

II.E.27.a.ii. Contingency Plan submitted in accordance with LAC 33:V.1513 (see Attachment 1);

II.E.27.a.iii. Closure/Post-Closure Plan submitted in accordance with LAC 33:V.3511 and 3523 (see Attachment 1);

II.E.27.a.iv. Security Plan submitted in accordance with LAC 33:V.1507 and 1513 (see Attachment 1);

II.E.27.a.v. Closure/Post-Closure cost estimate for facility closure submitted in accordance with LAC 33:V.3705 and 3709 (see Attachment 1);

II.E.27.a.vi. Arrangements with the local authorities in accordance with LAC 33:V.1511.G;

II.E.27.a.vii. Personnel Training Plan and the training records required by LAC 33:V.1515 (see Attachment 1);

II.E.27.a.viii. Operating records required by LAC 33:V.1529, and

II.E.27.a.ix. Inspection Plan developed in accordance with LAC 33:V.517.G and 1509.B (see Attachment 1).

II.E.27.b. All proposed amendments, revisions and modifications to any plan or cost estimates required by this permit shall be submitted to the Administrative Authority for approval.

II.E.28. Annual Report

An annual report must be submitted by March 1 of each year covering all unit(s) listed in this permit and their activities during the previous calendar year as required by LAC

33:V.1529.D.

II.E.29. Manifest

The Permittee shall report manifest discrepancies and unmanifested waste as per LAC 33:V.309.L.8 and 9.

II.E.30. Emissions

Air emissions from any hazardous waste facility shall not violate the Louisiana Air Quality Regulations. If air quality standards are exceeded, the site will follow air regulation protocol.

II.E.31. Water Discharges

Water discharges, if any, must be in conformity with effluent limitations established by the Clean Water Act operating under a National Pollutant Discharge Elimination Systems (NPDES) permit and reported as required by that permit in accordance with LAC 33:V.1505.A.1.

II.E.32. Non-Listed Hazardous Waste Facilities

This permit is issued for those hazardous waste facilities listed in Condition IV (Permitted Facilities). If the Permittee determines that an unpermitted hazardous waste unit(s) exists, the Permittee must immediately notify the Administrative Authority in accordance with Condition II.E.23 of this permit.

II.E.33. Compliance with Land Disposal Restrictions

The Permittee shall comply with those land disposal restrictions set forth in La. R.S. 30:2193, and all regulations promulgated thereunder, and the HSWA portion of this permit (Condition VII and VIII).

II.E.34. Establishing Permit Conditions

Permits for facilities with pre-existing groundwater contamination are subject to all limits, conditions, remediation and corrective action programs designated under LAC 33:V.311.D and LAC 33:V.3303.

II.E.35. Obligation for Corrective Action

Owners or operators of hazardous waste management units must have all necessary permits during the active life of the unit and for any period necessary to comply with the corrective action requirements in Condition VII and VIII of this permit. The facility is obligated to complete facility-wide corrective action regardless of the operational status of the facility.

II.E.36. Attachments and Documents Incorporated by Reference

All attachments and documents required by this permit, including all plans and schedules, are incorporated, upon approval by the Administrative Authority, into this permit by reference and become an enforceable part of this permit. When applicable, the Permittee must modify the permit according to LAC 33:V.Chapter 3. Since required items are essential elements of this permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action, which may include fines, suspension, or revocation of the permit.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this permit. Written requests for extension of due dates for submittals may be granted by the Administrative Authority.

If the Administrative Authority determines that actions beyond those provided for, or changes to what is stated herein are warranted, the Administrative Authority may modify this permit according to procedures in LAC 33:V.321.

III. GENERAL FACILITY CONDITIONS

III.A. DESIGN AND OPERATION OF ALL FACILITIES

III.A.1. The Permittee must maintain and operate all facilities to minimize the possibility of a fire, explosion, or any unauthorized sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or water that could threaten human health or the environment.

III.A.2. (RESERVED)

III.A.3. The Permittee may receive only those off-site hazardous wastes which are listed in the Part A of this permit and approved off-site Corrective Action Management Unit (CAMU) waste, in accordance Condition V.E.2.g.

III.A.4. The Permittee must not manage new wastes in the units listed in Condition IV without submitting a permit modification, in accordance with LAC 33:V.321, and receiving approval from the Administrative Authority.

III.B. REQUIRED NOTICE

When the Permittee anticipates receipt of hazardous waste from an off-site source (except where the Permittee is also the generator), it must inform the generator in writing that the Permittee has the appropriate permits for, and will accept, the waste to be shipped by the generator. The Permittee must keep a copy of this written notice as part of the operating record as required by LAC 33:V.1527.E.

III.C. GENERAL WASTE ANALYSIS

The Permittee shall manage those wastes set forth in the Part A/I and Condition III.A.3 and follow the procedures described in the Waste Analysis Plan, referenced in Attachment 1, and in accordance with LAC 33:V.1519.

III.C.1. The Permittee shall review the Waste Analysis Plan annually and report to the Administrative Authority in the annual report whether any revision is required to stay abreast of changes in EPA methods and/or state regulatory provisions.

III.C.2. Annually, the Permittee shall submit a certified statement that indicates that any laboratory that provides chemical analyses, analytical results, or other test data to the LDEQ, by contract or by agreement, is accredited in accordance with the laboratory accreditation requirements of LAC 33:I.Chapter 45. This written statement shall be certified as specified in LAC 33:V.513 and included in the annual report. This documentation shall be resubmitted when a different laboratory is contracted for services.

III.C.3. If there is reason to believe that the hazardous waste has changed or the operation generating the hazardous waste has changed, the Permittee shall review and re-characterize all potentially impacted hazardous waste streams generated by the Permittee on-site and treated, stored, and/or disposed on-site. The Permittee must re-characterize wastes in accordance with LAC 33:V.1519.A.3. This re-characterization shall include laboratory analyses and/or process knowledge meeting the requirements of LAC 33:V.1519.A.2, which provide information needed to properly treat, store, and dispose of the hazardous waste, including, physical characteristics and chemical components of the waste. The results of this re-characterization for wastes that have exhibited change shall be summarized in the Permittee's Annual Report.

III.C.4. Annual review of the WAP must be certified in accordance with LAC 33:V.513. When revisions are made, the WAP must also be certified by a Louisiana licensed professional engineer (PE), in accordance with LAC 33:V.1519.

III.C.5. In accordance with LAC 33:V.1519.B, the Waste Analysis Plan must meet all the sampling and Quality Assurance/Quality Control (QA/QC) procedures and protocols contained in Condition II.E.9. All test procedures used by the Permittee shall be maintained on file by the Permittee and made available to the Administrative Authority upon request.

III.D. SECURITY

The Permittee shall comply with the security provisions of LAC 33:V.1507 and the Security Plan referenced in Attachment 1.

III.E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedule in the Inspection Plan referenced in Attachment 1 of this permit. The Permittee shall remedy any deterioration or malfunction discovered by an inspection as required by LAC 33:V.1509.C. Records of inspections shall be kept as required by LAC 33:V.1509.D. The inspection schedule shall address the regulatory requirements of LAC 33:V.517.G, 1509, 1802, 1911, 2109, 2307, 2309, and 2507.

III.F. PERSONNEL TRAINING

The Permittee shall conduct personnel training as required by LAC 33:V.1515.A, B and C. This training plan shall follow the outline in the Training Plan referenced in Attachment 1. The Permittee shall maintain all training documents and records as required by LAC 33:V.1515.D and E.

III.G. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall take precautions as required by LAC 33:V.1517 to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes.

III.H. LOCATION STANDARDS

III.H.1. The Permittee has furnished evidence that it is in compliance with seismic standards as required by LAC 33:V.517.T.

III.H.2. The Permittee must not manage any hazardous waste on any portion of the property that lies within the 100 year flood plain (as identified in the Flood Insurance Rating Map) unless such areas are raised above this flood level or other means (e.g., levees) are provided to protect such areas from washouts, overtopping by wave action, soil erosion or other effects of such a flood as required by LAC 33:V.1503.B.3. Such site improvements must be certified by independent licensed professional engineers and approved by Administrative Authority prior to any hazardous waste and/or hazardous waste units being placed thereon.

III.I. PRECIPITATION RUN-ON AND RUN-OFF

The Permittee must provide for the control and/or containment of run-on and run-off from the maximum rainfall occurring in twenty-four (24) hours from a 25-year storm as defined by local rainfall records and LAC 33:V.1503.B.2. The Permittee shall comply with the requirements of LAC 33:V.1503.B.2, 1907.E.1.b, 1802.A, 2111.B.4, B.5, B.6, 2309.B, 2503.C, D, and E, and 2521.

III.J. HURRICANE EVENTS

The Permittee shall initiate those applicable portions of the Contingency Plan during a hurricane as well as appropriate actions required by LAC 33:V.1507, 1509, and 1511.

III.K. PREPAREDNESS AND PREVENTION

III.K.1. Required Equipment

At a minimum, the Permittee shall install and maintain the equipment set forth in the Contingency Plan referenced in Attachment 1, as required by and which is in conformance with LAC 33:V.1511.C.

III.K.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Condition III.K.1 to insure its proper operation in time of emergency.

III.K.3. Access to Communications or Alarm Systems

The Permittee shall maintain access to the communications or alarm system, as required by LAC 33:V.1511.E.1 and 1511.E.2.

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III.K.4. Required Aisle Space

In no case shall aisle space be less than two (2) feet. In addition, the Permittee shall maintain adequate aisle space as required by LAC 33:V.1511.F and 2109.B.

III.K.5. Arrangements with Local Authorities

The Permittee shall document in the annual report that the requirements of LAC 33:V.1511.G have been met. This documentation shall include those State and Local agencies involved and those facilities and operations covered. Documentation of annual written renewal of arrangements with State and Local agencies shall also be included in this report. Where state or local authorities decline to enter into such arrangements, the Permittee must document the refusal in the operating record.

III.L. CONTINGENCY PLAN

III.L.1. Implementation of Plan

The Permittee shall immediately carry out the provisions of the Contingency Plan referenced in Attachment 1 of this permit, which complies with the emergency procedures described by LAC 33:V.1513.F, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that threaten or could threaten human health or the environment

III.L.2. Copies of Plan

The Permittee shall comply with the requirements of LAC 33:V.1513.C.

III.L.3. Amendments to Plan

The Permittee shall review and amend in a timely manner, if necessary, the Contingency Plan, as required by LAC 33:V.1513.D.

III.L.4. Emergency Coordinator

The Permittee shall comply with the requirements of LAC 33:V.1513.E concerning the emergency coordinator.

III.M. MANIFEST SYSTEM

III.M.1. Use of the Manifest System

The Permittee shall comply with the applicable manifest requirements of LAC 33:V. Chapter 11.

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III.N. RECORDKEEPING AND REPORTING

III.N.1. Operating Record

The Permittee shall maintain a written operating record at the facility in accordance with LAC 33:V.1529.A, B, and C.

III.N.2. Annual Report

The Permittee shall comply with the annual report requirements of LAC 33:V.1529.D.

III.N.3. Operations Manual

The Permittee shall compile and keep current an operations manual covering all aspects of the Permittee's treatment, storage and disposal facilities.

III.O. CLOSURE

The Closure/Post-closure Plan shall include the following responses by the Permittee to LAC 33:V.1915, 2117, 2315, 2521, 3503, 3505, 3507, 3509, 3511, 3513, 3515, and the approved TSCA closure plan.

III.O.1. Closure Performance Standard

The Permittee shall close the facility in accordance with the Closure Plan referenced in Attachment 1, and applicable requirements of LAC 33:V.3505, 3507, 3511, and the approved TSCA closure plan.

III.O.2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan where necessary, in accordance with LAC 33:V.3511.C. Any modification shall be subject to LAC 33:V.321, 322, and 323, where applicable.

III.O.3. Notification of Closure

The Permittee shall notify the Administrative Authority at least forty–five (45) days prior to the date he expects to begin closure, in accordance with LAC 33:V.3511.D.

III.O.4. Time Allowed For Closure

After receiving the final volume of hazardous waste, the Permittee shall treat, dispose or remove from the site all hazardous waste in accordance with the schedule specified in the Closure Plan referenced in Attachment 1 and LAC 33:V.3513. After receiving the final volume of hazardous waste, the Permittee shall complete closure activities in accordance with the schedule specified in the Closure Plan referenced in Attachment 1.

III.O.5. Disposal of Decontamination of Equipment

The Permittee shall decontaminate and/or dispose of all facility equipment in accordance with the Closure Plan referenced in Attachment 1, and LAC 33:V.3515.

III.O.6. Certification of Closure

The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan referenced in Attachment 1 and as required by LAC 33:V.3517.

III.O.7. Inventory at Closure

The Permittee shall be responsible for closure cost based upon the maximum permitted facility inventories (including the less than ninety (90) day storage area and TSCA waste storage area) listed below in Tables 1, 3, 5, 7, and 8 (cost estimates for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste):

TABLE 1
Existing Container Storage Areas

Container Storage Area	Containment Capacity (Gallons)	Volume of Largest Container Allowed (Gallons)	Maximum Permitted Storage Capacity
Container Management Unit 1			
Building 201[2]	44,468	6,000	Liquid Storage: 2,457 drums (135,135 gallons) AND Solid Storage: 1,956 drums (107,580 gallons) **Combined Total: 242,715 gallons**
Building 202	13,367	6,000	
Building 204	17,809	6,000	
Transportation Staging Building			
Building 801	35,600	6,000	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)
Leachate Loading Building			
Building 501[1]	9,865	6,000	38,610 gallons

[1]Building 501 is not a permitted container storage area. Building 501 only stores hazardous waste for less than ninety (90) days.

[2]Building 201 stores TSCA waste in Area 2. At final closure, the Permittee must close Area 2 in accordance with the approved TSCA closure plan. Approved cost estimates for closure must be updated accordingly

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TABLE 2
Proposed Container Storage Areas

Container Storage Area	Containment Capacity (Gallons)	Volume of Largest Container Allowed (Gallons)	Maximum Permitted Storage Capacity
Container Management Unit 2			
Building 205	See Condition II.E.25.a~~d~~ of this Permit	6,000	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)~~Liquid Storage: 1,052 drums (57,860 gallons) AND~~ ~~Solid Storage: 640 drums (35,200 gallons)~~ ~~**Total: 93,060 gallons**~~
Transportation Staging Building			
Building 802	See Condition II.E.25.a~~d~~ of this Permit	6,000	80 roll-off boxes (484,704 gallons)

TABLE 3
Existing Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-502	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-503	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-504 A	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-504 B	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-505	Wastewater Holding Tank	1,006,900	956,555
T-506	Wastewater Holding Tank	1,006,900	956,555
T-903	Leachate Collection Storage Only	17,000	16,150
T-904	Leachate Collection Storage Only	16,990	16,150

T-905	Leachate Collection Storage Only	13,000	12,350
T-906	Leachate Collection Storage Only	33,874	32,180
T-907	Leachate Collection Storage Only	33,874	32,180

TABLE 4
Proposed Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-220	Receiving Tank	400	380
T-221	Solvent Flush Tank	400	380
T-222	Waste Holding Tank	14,500	13,775
T-223	Waste Holding Tank	14,500	13,775
~~T-505~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~T-506~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~Oil Recovery Unit Area~~			
T-630	Recovered Water Tank No. 1	21,000	19,950
T-631	Recovered Water Tank No. 2	21,000	19,950
T-632	Recovered Water Tank No. 3	21,000	19,950
~~Thermal Desorber Unit Area~~			
T-710	Recovered Water Tank No. 1	21,000	19,950
T-711	Recovered Water Tank No. 2	21,000	19,950
T-712	Recovered Water Tank No. 3	21,000	19,950
T-713	Recovered Water Tank No. 4	21,000	19,950
T-740	Sludge Holding Tank	5,000	4,750
T-741	Sludge Holding Tank	5,000	4,750

TABLE 5
Existing Hazardous Waste Treatment Tanks ~~in Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-303	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440

T-304	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-306	Pre-Treatment Tank Treatment Only	20,625	19,594

TABLE 6
Proposed Hazardous Waste Treatment Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-305	Pre-Treatment Tank Treatment Only	20,625	19,594
Oil Recovery Unit Area			
T-601	Off-loading Pit	38,776	36,837
T-602	Off-loading Pit	38,776	36,837
T-610	Feed Mix Tank	31,500	29,925
T-611	Feed Mix Tank	31,500	29,925
T-612	Feed Mix Tank	31,500	29,925
T-613	Feed Mix Tank	31,500	29,925
Thermal Desorber Unit Area			
T-701	Off-loading Pit	53,020	50,369
T-702	Off-loading Pit	53,020	50,369
T-703	Off-loading Pit	53,020	50,369
T-704	Off-loading Pit	53,020	50,369

TABLE 7
Landfill Cell

Landfill Cell	Maximum Permitted Storage Capacity
Cell 8	6,270,000 cubic yards

TABLE 8
Existing Biopads

UNIT NAME	SERVICE	CAPACITY

Biopad Phase I	Biological Treatment	342.5 tons/day
Biopad Phase II	Biological Treatment	342.5 tons/day

~~TABLE 9~~
~~Proposed Biopad~~

~~UNIT NAME~~	~~SERVICE~~	~~CAPACITY~~
~~Biopad Phase II~~	~~Biological Treatment~~	~~342.5 tons/day~~

TABLE 9~~10~~
Proposed Containment Building Storage

CONTAINMENT BUILDING	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Building 301	See Condition II.E.25.a~~b~~ of this Permit	Solid Storage only and Treatment; Macroencapsulation	504,900 gallons

TABLE 10
Proposed Oil Recovery Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Oil Recovery Unit-1	Recoverable Liquid Oil Separation	126,000 gallons/day
Oil Recovery Unit-2	Recoverable Liquid Oil Separation	126,000 gallons/day

TABLE 11
Proposed Thermal Desorber Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Thermal Desorber Unit-1	Organic Solid Constituents Separation	165 tons/day
Thermal Desorber Unit-2	Organic Solid Constituents Separation	165 tons/day

III.P. POST-CLOSURE

The Permittee will attempt to clean close all hazardous waste units (except for closed landfill cells). If the facility cannot be clean closed, the Permittee shall submit a post-closure plan for approval by the Administrative Authority. If some waste residues or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527; including maintenance and monitoring throughout the post-closure care period (including the landfill cells).

III.P.1. Inventory of Post-Closure

The Permittee shall be responsible for post-closure care costs for the following permitted facilities:

Table 12~~1~~
Post-Closure Landfill Cells

Landfill Cell	Status	Maximum Permitted Capacity
Cell 5	Post-Closure	309.9 Acre-Feet or 500,000 cubic yards
Cell 6	Post-Closure	2,519.01 Acre-Feet or 4,064,000 cubic yards
Cell 7	Post-Closure	1,466.53 Acre-Feet or 2,366,000 cubic yards
Cell 14	Post-Closure	325.42 Acre-Feet or 525,000 cubic yards
Cell 8 [1]	Currently operating	3,886.36 Acre-Feet or 6,270,000 cubic yards

[1]Post-Closure care for Landfill Cell 8 will begin after final closure.

III.P.2. Amendments to the Post-Closure Plan

The Permittee shall amend the Post-Closure Plan when necessary in accordance with LAC 33:V.3523.D. Any modifications shall be subject to the permit modification requirements in LAC 33:V.321.

III.Q. COST ESTIMATES FOR CLOSURE/POST-CLOSURE

III.Q.1. The Permittee must maintain cost estimates for closure of all facilities in accordance with LAC 33:V.3705.B and 3707.

III.Q.2. The Permittee shall maintain and adjust the closure cost for inflation, as specified in LAC 33:V.3705.B, 3705.C, and for other circumstances that increase the cost of closure.

III.Q.3. The Permittee must adjust the closure cost estimate within thirty (30) days after approval by the Administrative Authority of any request to modify the closure plan in accordance with LAC 33:V.3705.C. The Permittee shall consider the impact of any inventory and or process changes on the closure cost estimate.

III.Q.4. The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure most expensive in accordance with LAC 33:V.3705.A.1-4. The closure cost estimate shall be based on the maximum permitted inventory of each facility as specified in Tables 1, 3, 5, 7, and 8 (cost estimates for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste). The closure cost must include allowance for decontaminating the Stabilization Building 302, any associated contaminated equipment, and the adjacent areas of Mixing Basins (Tanks T-303 and T-304) in the stabilization building, listed in Table 5. The closure cost estimate must include an allowance for decontaminating the Oil Recovery Units, any associated contaminated equipment, and the adjacent areas of the Oil Recovery Area (Tanks T-601, T-602, T-610, T-611, T-612, T-613, T-630, T-631, and T-632), listed in Table 4, 6, and 10. The closure cost estimate must also include an allowance for decontaminating the Thermal Desorber Units, any associated contaminated equipment, and the adjacent areas of the Thermal Desorber Unit Area (Tanks T-701, T-702, T-703, T-704, T-711, T-712, T-713, T-740, and T-741), listed in Table 4, 6, and 11. Closure cost estimates must include less than ninety (90) day storage areas, loading and unloading areas (i.e., wastewater loading/unloading), and cost associated with the closure of the TSCA waste storage area.

III.Q.5. The Permittee's post-closure cost estimate of all facilities as specified in Table 12~~11~~, and as required by LAC 33:V.3709.A shall be included in separate post-closure plan.

III.Q.6. The Permittee shall maintain and adjust the post-closure cost estimate for inflation in accordance with LAC 33:V.3709.B.

III.Q.7. The Permittee shall adjust the post-closure estimate within thirty (30) days after approval by the Administrative Authority of any request to modify the post-closure plan in accordance with LAC 33:V.3709.C. The Permittee shall consider the impact of any inventory and/or process changes on the post-closure cost estimate.

III.Q.8. The post-closure cost estimate must equal the annual post-closure cost multiplied by the number of years in the post-closure period as specified in LAC 33:V.3521.A.

III.Q.9. Any closure/post-closure modifications are subject to LAC 33:V.321.

III.Q.10. If the Permittee is unable to complete clean closure of all facilities specified in Tables 1-11~~0~~ as per LAC 33:V.Chapter 35 and as acceptable by the Administrative Authority, a post-closure plan must be submitted for each facility unable to achieve clean closure (except for the closed landfill cells) within ninety (90) days from the date the Permittee or Administrative Authority determines that the unit must be closed as a landfill. The post-closure plan must meet the requirements of LAC 33:V.3523.B (including the closed landfill cells).

III.R. FINANCIAL ASSURANCE FOR FACILITY CLOSURE AND POST-CLOSURE

The Permittee shall have and maintain financial assurance for closure in accordance with LAC 33:V.3707 for all units listed under Tables 1, 3, 5, 7, and 8 (financial assurance for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste):

The Permittee shall have and maintain financial assurance for post-closure in accordance with LAC 33:V.3711 for all units listed under Table 12~~4~~.

III.S. LIABILITY REQUIREMENTS

The Permittee shall have and maintain liability coverage for sudden accidental occurrences for treatment, storage, and disposal facilities or a group of such facilities in accordance with LAC 33:V.3715.A.

III.T. INCAPACITY OF THE PERMITTEE

The Permittee shall comply with LAC 33:V.3717 whenever bankruptcy is~~is~~ initiated for the Permittee or its institutions providing financial assurance. If insurance is used for compliance with LAC 33:V.3715, the Permittee shall immediately notify the Administrative Authority if the insurance company is placed in receivership. The Permittee must establish other financial assurance or liability coverage within sixty (60) days after such an event.

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IV. PERMITTED FACILITIES

IV.A. TANKS

Details of the existing and proposed hazardous waste storage and treatment tanks listed in Tables 13-16~~12-15~~, including design and operational specifications, are contained in Condition V.A of this Permit.

TABLE ~~12~~13
(11~~9~~) Existing Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-502	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-503	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-504 A	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-504 B	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-505	Wastewater Holding Tank	1,006,900	956,555
T-506	Wastewater Holding Tank	1,006,900	956,555
T-903	Leachate Collection Storage Only	17,000	16,150
T-904	Leachate Collection Storage Only	17,000 ~~16,900~~	16,150
T-905	Leachate Collection Storage Only	13,000	12,350
T-906	Leachate Collection Storage Only	33,874	32,180
T-907	Leachate Collection Storage Only	33,874	32,180

TABLE 143
(136) Proposed Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-220	Receiving Tank	400	380
T-221	Solvent Flush Tank	400	380
T-222	Waste Holding Tank	14,500	13,775
T-223	Waste Holding Tank	14,500	13,775
~~T-505~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~T-506~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
Oil Recovery Unit Area			
T-630	Recovered Water Tank No. 1	21,000	19,950
T-631	Recovered Water Tank No. 2	21,000	19,950
T-632	Recovered Water Tank No. 3	21,000	19,950
Thermal Desorber Unit Area			
T-710	Recovered Water Tank No. 1	21,000	19,950
T-711	Recovered Water Tank No. 2	21,000	19,950
T-712	Recovered Water Tank No. 3	21,000	19,950
T-713	Recovered Water Tank No. 4	21,000	19,950
T-740	Sludge Holding Tank	5,000	4,750
T-741	Sludge Holding Tank	5,000	4,750

TABLE 154
(3) Existing Hazardous Waste Treatment Tanks ~~in the Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-303	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-304	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-306	Pre-Treatment Tank Treatment Only	20,625	19,594

TABLE 16~~5~~
(11) Proposed Hazardous Waste Treatment Tanks ~~in the Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-305	Pre-Treatment Tank Treatment Only	20,625	19,594
Off-loading Unit Area			
T-601	Off-loading Pit	38,776	36,837
T-602	Off-loading Pit	38,776	36,837
T-610	Feed Mix Tank	31,500	29,925
T-611	Feed Mix Tank	31,500	29,925
T-612	Feed Mix Tank	31,500	29,925
T-613	Feed Mix Tank	31,500	29,925
Thermal Desorption Unit Area			
T-701	Off-loading Pit	53,020	50,369
T-702	Off-loading Pit	53,020	50,369
T-703	Off-loading Pit	53,020	50,369
T-704	Off-loading Pit	53,020	50,369

IV.B. CONTAINER STORAGE AREAS

Details of the existing and proposed container storage areas in Tables 17-18~~16-17~~ including design and operational specifications, are contained in Permit Condition V.B of this Permit.

TABLE 17~~6~~
(4) Existing Container Storage Areas

CONTAINER STORAGE AREA	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Container Management Unit 1			
Building 201	140′ x 160′	Liquid and Solid Storage; Macroencapsulation	Liquid Storage: 2,457 drums (135,135 gallons) AND Solid Storage: 1,956 drums
Building 202	80′ x 120′		

Building 204	50′ x 50′ and southern quarter extending eastward 75′		(107,580 gallons) **Combined Total: 242,715 gallons**
Transportation Staging Building			
Building 801	500′ x 50′	Liquid and Solid Storage; Macroencapsulation; Biotreatment	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)

TABLE 18~~7~~

(2) Proposed Container Storage Areas

CONTAINER STORAGE AREA	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Container Management Unit 2			
Building 205	See Condition II.E.25.d of this Permit	Liquid and Solid Storage; Macroencapsulation	Liquid Storage: 1,052 drums (57,860 gallons) AND Solid Storage: 640 drums (35,200 gallons) **Total: 93,060 gallons**
Transportation Staging Building			
Building 802	See Condition II.E.25.d of this Permit	Liquid and Solid Storage Only; Macroencapsulation	80 roll-off boxes (484,704 gallons)

IV.C. CONTAINMENT BUILDING

Details of the proposed containment building storage and treatment in Table 19~~8~~, including design and operational specifications, are contained in Permit Condition V.C of this Permit.

TABLE 19~~8~~
(1) Proposed Containment Building

CONTAINMENT BUILDING	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Building 301	See Condition II.E.25.a~~b~~ of this Permit	Solid Storage only and Treatment; Macroencapsulation	504,900 gallons

IV.D. BIOPADS

Details of the existing ~~and proposed container storage~~Biopads in Tables 20~~19~~, including design and operational specifications, are contained in Permit Condition V.D of this Permit.

TABLE 20~~19~~
(2~~1~~) Existing Biopad~~s~~

UNIT NAME	SERVICE	CAPACITY
Biopad Phase I	Biological Treatment	342.5 tons/day
Biopad Phase II	Biological Treatment	342.5 tons/day

~~**TABLE 20**~~
~~**(1) Proposed Biopad**~~

~~UNIT NAME~~	~~SERVICE~~	~~CAPACITY~~
~~Biopad Phase II~~	~~Biological Treatment~~	~~342.5 tons/day~~

IV.E. LANDFILL DISPOSAL

Details of the existing landfill listed in Table 21, including design and operational specifications, are contained in Condition V.E of this Permit.

TABLE 21
(1) Active Landfill

UNIT NAME	SERVICE	CAPACITY
Cell 8	Active Hazardous Waste Landfill	6,270,000 cubic yards

IV.F. POST-CLOSURE LANDFILLS{ TC "IV.E. PERMITTED POST-CLOSURE UNITS" \f C \l "2" }

Details of the existing post-closure landfills listed in Table 22, including design and operational specifications, are contained in Condition V.~~G~~I of this Permit.

TABLE 22
(4) Closed Landfills

UNIT NAME	SERVICE	CAPACITY
Cell 5	Closed Hazardous Waste Landfill	500,000 cubic yards
Cell 6	Closed Hazardous Waste Landfill	4,064,000 cubic yards
Cell 7	Closed Hazardous Waste Landfill	2,366,000 cubic yards
Cell 14	Closed Hazardous Waste Landfill	525,000 cubic yards

IV.G. OIL RECOVERY UNITS

Details of the proposed Oil Recovery Units listed in Table 23, including design and operational specifications, are contained in Condition V.F of this Permit.

TABLE 23
(2) Proposed Oil Recovery Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Oil Recovery Unit-1	Recoverable Liquid Oil Separation	126,000 gal/day
Oil Recovery Unit-2	Recoverable Liquid Oil Separation	126,000 gal/day

IV.H. THERMAL DESORBER UNITS

Details of the proposed Thermal Desorber Units listed in Table 24, including design and operational specifications, are contained in Condition V.G of this Permit.

TABLE 24
(2) Proposed Thermal Desorber Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Thermal Desorber Unit-1	Organic Solid Constituents Separation	165 tons/day
Thermal Desorber Unit-2	Organic Solid Constituents	165 tons/day

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	Separation	

V. PERMIT CONDITIONS APPLICABLE TO PERMITTED FACILITIES

V.A. TANKS

V.A.1. Description of Tank Systems

The conditions set forth in Permit Condition V.A, shall apply, as applicable, to the permitted tank systems designated in Tables 13-16.~~12-15~~.

V.A.1.a. Permitted Tanks

V.A.1.a.i. The tanks listed in Table 27~~25~~ are permitted for hazardous waste storage or treatment as designated in Tables 13-16~~12-15~~. These tanks have been certified by an independent, professional engineer licensed in the State of Louisiana and have sufficient structural integrity for the storage of hazardous waste.

V.A.1.a.ii. The tanks listed in Table 27~~5~~ must be clearly marked with the words "Hazardous Waste" in accordance with LAC 33:V.1109.E.1.d.

V.A.1.a.iii. The Permittee is prohibited from storing or treating hazardous waste in any tank storage system not listed in Table 27~~5~~ for greater than ninety (90) days, unless an extension is granted by the Administrative Authority in accordance with LAC 33:V.1109.E.2.

V.A.2. Permitted and Prohibited Wastes

V.A.2.a. Permitted Waste

Subject to the terms of this permit, the Permittee is allowed to store or treat hazardous waste in the tanks as described in Condition V.A.1.a of this permit, and the hazardous wastes identified in the most current RCRA Subtitle C Site Identification Form (Part A Permit Application).

V.A.2.b. Prohibited Waste

The Permittee is prohibited from storing or treating hazardous waste that is not identified in the most current RCRA Subtitle C Site Identification Form (Part A Permit Application) and as described in Condition V.A.2.a of this permit.

V.A.3. Secondary Containment

V.A.3.a. Duty to Comply with LAC 33:V.1907

The Permittee shall design, construct, operate, and maintain the secondary containment system, including Building 302 (as the secondary containment

system for Tanks T-303 and T-304), the Oil Recovery Building (as the secondary containment system for the off-loading pits T-601 and T602), and the Thermal Desorber Building (as the secondary containment system for the off-loading pits of T-701, T-702, T-703, and T-704) in accordance with LAC 33:V.1907, and Table 27~~5~~.

V.A.3.b. Prevention of Migration

V.A.3.b.i. Secondary containment systems must be maintained and operated to prevent any migration of wastes or accumulated liquid out of the systems to the soil, groundwater, or surface water at any time during the use of the tank system, in accordance with LAC 33:V.1907.B.1.

If wastes or accumulated liquid is detected to migrate out of the secondary containment system to the soil or groundwater, or if groundwater is detected to migrate into the secondary containment system at any time, the entire tank system shall be considered unfit for use, and the procedures of LAC 33:V.1913 shall be followed.

V.A.3.b.ii. Ancillary equipment must be provided with secondary containment, except as excluded by LAC 33:V.1907.F.

V.A.3.b.iii. Secondary containment systems must be free of cracks or gaps and other surface defects that would allow liquid to migrate out of the containment system, in accordance with LAC 33:V.1907.E.

V.A.3.b.iv. Spilled or leaked waste and/or accumulated precipitation must be removed from the secondary containment system within twenty-four (24) hours or in as timely a manner as is possible to prevent harm to human health and the environment, if it can demonstrated to the Administrative Authority that removal of the spilled or leaked waste and/or accumulated precipitation cannot be accomplished within twenty-four (24) hours.

V.A.4. Operating Requirements

V.A.4.a. All permitted tanks and associated piping, pumps, instruments, containments, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 19 and the specification and design criteria provided in the Permit Application and Table 27~~5~~.

V.A.4.b. The design temperature and pressure for each tank listed in Table 27~~5~~ shall not change unless a permit modification is requested by the Permittee and subsequently approved by the Administrative Authority.

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V.A.4.c. Duty to Comply with LAC 33:V.1909.A

The Permittee shall comply with LAC 33:V.1909.A. Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

V.A.4.e. Duty to Comply with LAC 33:V.1909.B

The Permittee shall comply with LAC 33:V.1909.B and Tables 13-16~~12-15~~ and Table 27~~5~~ of this permit. The Permittee must use appropriate controls and practices to prevent spills and overflows from tanks and containment systems.

V.A.4.f. Tank Covers

All hazardous waste storage tanks listed in Table 27~~5~~ shall be covered, except for the stabilization mixing basins (Tanks T-303 and T-304), the Oil Recovery Unit off-loading pits (Tanks T-601 and T-602), and the Thermal Desorber Unit off-loading pits (T-701, T-702, T-703, and T-704)~~, shall be covered~~. Tanks T-303 and T-304 shall remain enclosed within Building 302. The Oil Recovery Unit off-loading pits (Tanks T-601 and T-602) shall remain enclosed within the Oil Recovery Building. The Thermal Desorber Unit off-loading pits (Tanks T-701, T-702, T-703, and T-704) shall remain enclosed within the Thermal Desorber Unit Off-Loading Building. All tanks shall not be vented directly to the atmosphere if the tanks are used to store, or if a possibility exists that they may be used to store, volatile or malodorous waste.

V.A.4.g. Maintenance

The Permittee shall maintain the permitted tank systems according to the design code specified for each tank as listed in Table 27~~5~~ and not exceed the listed operating conditions.

V.A.4.h. Stabilization Unit

The Stabilization Unit consists of two mixing basins, Tanks T-303 and T-304, and a pre-treatment tank, Tank T-306. Tanks T-303 and T-304 are both enclosed in Building 302. Tank T-306 is immediately adjacent to Building 302. The Stabilization Unit is permitted to conduct the following stabilization technologies:

V.A.4.h.i. Macroencapsulation

V.A.4.h.ii. Microencapsulation

V.A.4.h.iii. Chemical oxidation for cyanide or sulfide-bearing wastes

V.A.4.h.iv. Deactivation of corrosives and oxidizers

V.A.4.h.v. Any other stabilization technologies as discussed in the 2005 Permit Renewal Application and/or approved by the Department.

V.A.4.i. Oil Recovery Unit Area

The Oil Recovery Unit Area consists of the Oil Recovery Building that contains the two off-loading pits (Tanks T-601 and T-602), two carbon canister units; four feed mix tanks (Tanks T-610, T-611, T-612, and T-613); three recovery water tanks (Tanks T-630, T-631, and T-632); two centrifuge units; a thermal oxidizer; an area for roll-off boxes; and a truck loading area. The Oil Recovery Units technology will separate recoverable oils from drilling fluids, refinery tank bottoms, commercially exempt oil-bearing waste, and other hazardous and non-hazardous oil-bearing waste.

V.A.4.j. Thermal Desorber Unit Area

The Thermal Desorber Unit Area consists of the Thermal Desorber Unit Off-loading Building that contains the four off-loading pits (Tanks T-701, T-702, T-703, and T-704); four carbon canister units; two thermal desorber units; two vapor recovery units; two thermal oxidizers; two solids discharge areas that contain roll off boxes; four recovered water tanks (Tank T-710, T-711, T-712, and T-713); and two sludge holding tanks (Tank T-740 and T-741). The Thermal Desorber Units technology will treat contaminated tank bottoms, sludge, catalyst slurry oil, organic contaminated soils, and other organic hazardous ~~and non-hazardous~~ waste requiring thermal treatment to meet Land Disposal Restrictions (LDR).

V.A.5. Ignitable, Reactive, and Incompatible Wastes

The Permittee shall store ignitable, reactive, or incompatible wastes only in accordance with LAC 33:V.1517.B, 1917 and 1919.

V.A.6. Inspections

V.A.6.a. Inspection Schedule

The Permittee shall comply with LAC 33:V.1911.A through C by following the inspection schedule submitted in the Inspection Plan (see Attachment 1).

V.A.6.b. Daily Inspection

V.A.6.b.i. At least once per day while the tank is operating in hazardous waste service, the Permittee shall inspect the following:

V.A.6.b.i.(1) Aboveground portions of the tank system, as applicable, including the tank, ancillary piping, valves, and vent controls, to detect corrosion, cracks or releases of waste.

V.A.6.b.i.(2) Data gathered from monitoring and leak detection equipment.

V.A.6.b.i.(3) The construction materials and area immediately surrounding the externally accessible portion of the tank system and ancillary equipment, e.g. secondary containment system, to detect erosion, cracks and signs of hazardous waste releases.

V.A.6.b.i.(4) For the control of leakage of defective internal heating coils, monitor the steam return and exhaust line to detect contamination from internal heating coals that are utilized in oil recovery tanks.

V.A.6.b.ii. All deficiencies noted during daily inspections must be recorded and remedied in a timely manner.

V.A.6.c. External Inspection

At a minimum, external inspection of each tank covered by this permit shall be performed annually. The inspection shall be performed by a person meeting the minimum qualifications required under the inspection standard in Table 27~~5~~. The inspection checklist shall be comparable to that in API Standard 510 or 653, as applicable.

If the result of such an inspection reveals that the tank is unfit for continued service, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.d. Internal Inspection

Internal inspection of each tank covered by this permit shall be performed at the frequencies specified in Table 25~~3~~. The inspection shall be performed by a person meeting the minimum qualifications required under the inspection standard in Table 27~~5~~. The inspection checklist shall be comparable to that in API Standard 510 or 653, as applicable.

If the result of such an inspection reveals that the tank is unfit for continued service, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.e. Thickness Testing

V.A.6.e.i. An authorized inspector shall take tank thickness measurements on tank roofs, as applicable, and shells and shall be taken at least on each tank quadrant at the frequencies specified in Table 264. Tank thickness readings shall be taken in the same place during each testing event in order to form a comparison of readings for corrosion rate determination.

V.A.6.e.ii. Tank thickness readings shall also be taken at any spot where visual corrosion or compromised integrity is evident.

V.A.6.e.iii. An authorized inspector shall perform tank thickness measurements on tank bottoms at the frequencies specified in Table 264.

V.A.6.e.iv. When any tank shell thickness measurement at a single point is less than that required in Table 275, the Permittee shall immediately comply with either Condition V.A.6.e.iv.(1) or (2) below. Condition V.A.6.e.iv.(2) shall not be used for any tank where the shell thickness measurement is less than 0.100 inches.

V.A.6.e.iv.(1) When a tank is deemed unfit for use, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The tank shall be repaired or replaced and the certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.e.iv.(2) An engineering evaluation shall be performed, conforming to the appropriate standard or standards, as allowed by the design or inspection standard in Table 275. If the evaluation determines that the tank is unfit for service, the Permittee shall comply with Condition V.A.6.e.iv.(1) immediately. The evaluation must be submitted to the Waste Permits Division for approval within forty-five (45) days of the initial measurement.

V.A.6.e.v. Tank thickness measurements shall not be averaged, unless allowed under the tank inspection standard in Table 275. Averaging of tank thickness measurements shall be reported to the Administrative Authority.

V.A.6.f. Overfill Controls

Tank levels shall be checked daily and overfill controls shall be visually inspected along with other aboveground portions of the tanks daily. Function of the overfill

controls shall be tested annually.

V.A.7. Response to Leaks and Spills

V.A.7.a. Duty to Comply with LAC 33:V.1913.A through E

In the event of a leak or spill from a tank system, secondary containment system, or if a system becomes unfit for use, the Permittee shall comply with LAC 33:V.1913.A through E.

V.A.7.b. Leaks and Spills

V.A.7.b.i. Upon discovering a leak or spill, the Permittee must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

V.A.7.b.ii. Within twenty-four (24) hours of detecting a leak from the tank system, or in as timely a manner as is practical if the Permittee demonstrates that it is not possible to remove the waste within twenty-four (24) hours, the Permittee must remove as much waste as necessary to prevent further release from the tank or secondary containment system and to allow inspection and repair of the tank system, in accordance with LAC 33:V.1913.B.1.

V.A.7.b.iii. Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste must be cleaned up in a timely manner, as required by LAC 33:V.1505.C.3.

V.A.7.b.iii.(1) If the collected material is discharged through a point source to United States waters or to a Publicly Owned Treatment Works, it is subject to the requirements of the Clean Water Act.

V.A.7.b.iii.(2) If the collected material is released to the environment, it may be subject to reporting under applicable requirements of LAC 33:V.1505, LAC 33:I.Chapter 39, and 40 CFR Part 302.

V.A.7.b.iv. When a leak or spill occurs, the Permittee shall remove and properly dispose of any visible contamination of the soil or surface water, in accordance with LAC 33:V.1913.C.2.

V.A.7.b.v. A tank system from which a leak or spill has occurred must be closed in accordance with the approved Closure Plan and LAC 33:V.1915, unless the requirements of LAC 33:V.1913.E.2-3 are satisfied.

V.A.7.b.v.(1) For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service, in accordance with LAC 33:V.1913.E.2.

V.A.7.b.v.(2) For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning the tank to service, in accordance with LAC 33:V.1913.E.3.

V.A.7.b.vi. If the Permittee replaces a component of the tank system to eliminate a leak, that component must satisfy the requirements for new tank systems or components in LAC 33:V.1905 and 1907. An engineer's certification shall not be required for such day-to-day routine maintenance or service practices as replacement or repair of worn portions of tank system components (e.g. valves, bearings, seals), adjustment or repairs to instruments, etc.

V.A.7.b.vii. All leaks and spills shall be documented in the daily inspection log.

V.A.7.c. Major Repairs

V.A.7.c.i. The Permittee shall comply with LAC 33:V.1913.F when performing major repairs to a tank system.

V.A.7.c.ii. Major repairs shall include, but not be limited to, installation of an internal liner, repair of a ruptured tank, repair of a ruptured secondary containment area, and removal of a tank from its foundation for any reason.

V.A.7.c.iii. The Permittee shall conform to the appropriate portion of the most recent inspection code listed in Table 2~~73~~ for maintenance, inspection, re-rating, repair, and alteration of all tanks.

V.A.7.c.iv. The tank shall not be returned to service unless the Permittee has obtained a certification by an independent professional engineer licensed in the State of Louisiana that the system is capable of handling hazardous waste without release for the intended life of the system. The certification of repairs shall include an inspection in accordance with the requirements of any applicable codes, such as API 510 or API 653. The certification required in accordance with LAC 33:V.1913.F shall be submitted to the Administrative Authority within seven (7) days of returning the tank system to use. ~~in accordance with LAC 33:V.1913.F.~~

V.A.8. Air Emission Control Equipment Standards

The Permittee shall comply with Condition V.[illegible].2 of this Permit for air emission control equipment for all permitted hazardous waste tanks.

V.A.9. Recordkeeping

V.A.9.a. New Tanks

The Permittee shall obtain, and keep on file at the facility, the written statements by those persons required to certify the design and installation of new tank systems, in accordance with LAC 33:V.1905.G.

V.A.9.b. Written Assessment

The Permittee shall keep on file at the facility, written assessments of the tank systems' integrity. Assessments shall be updated at the time of submittal of the Permit Renewal Application and at any other time deemed necessary by the Administrative Authority (i.e., permit modifications, tank replacements, tank repairs, etc.).

V.A.9.c. Inspections

V.A.9.c.i. The Permittee shall document in the operating record for the facility inspection of those items in Conditions V.A.6.b-e of this Permit.

V.A.9.c.i.(1) The daily log sheets shall include all monitored parameters for the prevention of spills and overflows, which may include temperature, pressures, and either levels or pump flows into and out of the tanks.

V.A.9.c.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.A.9.c.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.A.9.c.ii. The Permittee shall document in the operating record all tests and inspections of overfilling controls.

V.A.9.c.iii. The Permittee shall keep on file at the facility the results of the internal and external inspections required by Conditions V.A.6.c-d of this Permit. The Permittee shall note all deficiencies discovered during the inspection in the inspection log. Corrective action taken in response to

deficiencies must be included as part of the operating record for the facility.

V.A.9.c.iv. The Permittee shall keep on file all information related to tank thickness testing required under Condition V.A.6.e of this Permit.

V.A.9.c.iv.(1) This information shall include, at a minimum, the date(s) of assessment, the location where measurement readings are taken, the raw measurement data, comparison of actual reading to minimum thickness requirements, the corrosion rate, and calculation of remaining tank life.

V.A.9.c.iv.(2) If an engineering evaluation is performed in accordance with Condition V.A.6.e.iv.(2) of this Permit, the results of such an evaluation shall be kept in the operating record.

The engineering evaluation must include: at a minimum, details on how the evaluation was performed, references to applicable tank codes, raw data, calculations performed, and an explanation of why the tank is or is not fit for continued service.

V.A.9.c.iv.(3) Any tank thickness measurements that are averaged under Condition V.A.6.e.iv. of this Permit must be supported by documentation with references to the applicable tank codes. The documentation shall include all raw measurement data, calculations, and results of averaging. This information shall be kept as a part of the operating record for the facility.

V.A.9.c.v. The Permittee shall keep on file at the facility the records of repairs required under Condition V.A.7.c of this Permit.

V.A.9.d. Releases

V.A.9.d.i. The Permittee shall keep on file at the facility, notification reports submitted under LAC 33:V.1913.D.

V.A.9.d.ii. Within twenty-four (24) hours of detecting a reportable leak or spill from a tank system or secondary containment system to the environment, the Permittee shall report the leak or spill in accordance with either Condition II.E.16 (Emergency Unauthorized Discharge) or Condition II.E.17 (Non-Emergency Unauthorized Discharge) of this Permit.

V.A.9.d.iii. Within thirty (30) days of detecting a reportable release to the environment from a tank system or secondary containment system, the Permittee shall report the following information to the Administrative

Authority's Single Point of Contact (SPOC):

V.A.9.d.iii.(1) Likely route of migration of the release;

V.A.9.d.iii.(2) Characteristics of the surrounding soil, including soil composition, geology, hydrogeology, and climate;

V.A.9.d.iii.(3) Results of any monitoring or sampling conducted in connection with the release (if available). If the Permittee finds it will be impossible to meet this time schedule, the Permittee must provide the Administrative Authority with a schedule of when the results will be available. This schedule must be provided before the required thirty (30) day submittal period expires;

V.A.9.d.iii.(4) Proximity of downgradient drinking water, surface water, and populated areas; and

V.A.9.d.iii.(5) A description of response actions taken or planned.

V.A.9.e. Repairs

The Permittee shall keep on file at the facility all certifications required by Condition V.A.7.c of this Permit.

V.A.10. Closure and Post-Closure Care

V.A.10.a. Duty to Comply with LAC 33:V.1915.A

The Permittee shall comply with LAC 33:V.1915.A by following the procedures specified in the Closure Plan, Attachment 1.

V.A.10.b. Duty to Comply with LAC 33:V.1915.B

If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated in accordance with Condition V.A.10.a of this Permit, the Permittee shall comply with LAC33:V.1915.B.

V.A.10.c. Post-Closure

The Permittee shall attempt to clean close all tank systems. If a tank cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-

closure care period.

TABLE 2~~5~~9
Internal Inspection Frequencies

Tank No.	Visual Internal Inspection Frequency	Complete Internal Inspection Frequency
T-220	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-221	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-222	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-223	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-303	Annually	As often as required by the inspection standard in Table 2~~7~~5[1]
T-304	Annually	As often as required by the inspection standard in Table 2~~7~~5[1]
T-305	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-306	Every three (3) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-502	Every two (2) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-503	Every two (2) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-504 A	Every two (2) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-504 B	Every two (2) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-505	Every two (2) years ~~See Condition II.E.25.e of this Permit~~	As often as required by the inspection standard in Table 2~~7~~5[1]
T-506	Every two (2) years ~~See Condition II.E.25.e of this Permit~~	As often as required by the inspection standard in Table 2~~7~~5[1]
T-601	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-602	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-610	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-611	Every two (2) years	As often as required by the inspection standard in Table 27[1]

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T-612	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-613	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-630	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-631	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-632	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-701	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-702	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-703	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-704	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-710	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-711	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-712	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-713	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-740	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-741	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-903	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-904	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-905	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-906	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-907	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]

[1] The required frequency of inspection with reference to the applicable section of the standard shall be kept on site and available for review by the Administrative Authority upon request.

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TABLE 26~~4~~
Tank Thickness Measurements Frequencies

TANK	ROOF AND SHELL	BOTTOM
T-220	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-221	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-222	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-223	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-303	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-304	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-305	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-306	Every three (3) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-502	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-503	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 A	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 B	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-505	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-506	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-601	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-602	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-610	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-611	See Condition II.E.25.b of this	As often as required by the

	Permit	inspection standard in Table 27[1]
T-612	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-613	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-630	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-631	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-632	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-701	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-702	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-703	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-704	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-710	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-711	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-712	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-713	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-740	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-741	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-903	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-904	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-905	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-906	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-907	Every two (2) years	As often as required by the inspection standard in Table 27[1]

[1] The required frequency of inspection with reference to the applicable section of the standard shall be kept on site and available for review by the Administrative Authority upon request.

TABLE 2~~75~~
Design and Operating Parameters for RCRA Tank Systems

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-220	Proposed	N/A	4′ x 6′	400	380	API-620	API-653	150	ATM	Carbon Steel	1/4	1/8	See Condition II.E.25.~~b~~e of this Permit
T-221	Proposed	N/A	4′ x 6′	400	380	API-620	API-653	150	ATM	Carbon Steel	1/4	~~1/8~~ ~~3/16~~	See Condition II.E.25.~~b~~e of this Permit
T-222	Proposed	N/A	12′ x 21′	14,500	13,775	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	See Condition II.E.25.~~b~~e of this Permit
T-223	Proposed	N/A	12′ x 21′	14,500	13,775	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	External Concrete Liner
T-303	Existing	1995	12′ x 21′ x 10′	17,309	16,440	API-650	API-653	150	ATM	Carbon Steel	1	3/8	External Concrete Liner; Building 302
T-304	Existing	1995	12′ x 21′ x 10′	17,309	16,440	API-650	API-653	150	ATM	Carbon Steel	1	3/8	External Concrete Liner; Building 302
T-305	Proposed	N/A	~~12′ x 21′ See Condition II.E.25.be of this Permit~~	20,625	19,594	API-~~650~~620	API-653	150	ATM	Carbon Steel	3/8	1/4	See Condition II.E.25.~~b~~e of this Permit
T-306	Existing	1993	12′ x 21′	20,625	19,594	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	External Concrete Liner; Building 302

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-502	Existing	1993	69′ x 36′	1,006,900	956,555	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner
T-503	Existing	1999	69′ x 36′	1,006,900	956,555	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner
T-504 A	Existing	2001	24′ x 24′	~~87,00075,000~~	~~75,00074,250~~	API-620	API-653	150	ATM	Carbon Steel	Roof - 5/16 Ring 1 - 5/16 Ring 2 - 1/4 Ring 3 - 1/4 Cone Bottom - 3/8	Roof - 5/16 Ring 1 - ~~3/16 5/16~~ Ring 2 - ~~2/64 1/4~~ Ring 3 - ~~2/64 1/4~~ Cone Bottom - ~~19/64 3/8~~	External Concrete Liner

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-504 B	Existing	2001	24′ x 24′	87,00075,000	75,00021,250	API-620	API-653	150	ATM	Carbon Steel	Roof - 5/16 Ring 1 - 5/16 Ring 2 - 1/4 Ring 3 - 1/4 Cone Bottom - 3/8	Roof - 5/16 Ring 1 - 3/16 5/16 Ring 2 - 9/64 1/4 Ring 3 - 9/64 1/4 Cone Bottom - 19/64 3/8	External Concrete Liner
T-505	Existing Proposed	2015 N/A	69′ x 36′	1,006,900	956,955	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner See Condition II.E.25.c of this Permit
T-506	Existing Proposed	2015 N/A	69′ x 36′	1,006,900	956,955	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner See Condition II.E.25.c of this Permit

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-601[1]	Proposed	N/A	30' x 18' x 12' (sloping floor)	38,776	36,837	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-602[1]	Proposed	N/A	30' x 18' x 12' (sloping floor)	38,776	36,837	N/A	N/A	Ambient	N/A	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-610	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-611	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-612	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-613	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-630	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-631	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-632	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-701[2]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-702[2]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-703[2]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-704[2]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1"	3/8	See Condition II.E.25.b of this Permit
T-710	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-711	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-712	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-713	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-740	Proposed	N/A	96' x 160'	5,000	4,750	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-741	Proposed	N/A	96' x 160'	5,000	4,750	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-903	Existing	1991	10′ x 30′	17,000	16,150	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-904	Existing	1993	10′ x 30′	17,000 16,990	16,150	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-905	Existing	1991	8' x 30' ~~10' x 28'~~	13,000	12,350	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-906	Existing	2008	15.5′ x 24′	33,874	32,180	API-650	API-653	150	ATM	Carbon Steel	3/8	3/16	External Concrete Liner
T-907	Existing	2008	15.5′ x 24′	33,874	32,180	API-650	API-653	150	ATM	Carbon Steel	3/8	3/16	External Concrete Liner

[1]The proposed tanks are permitted for the capacities listed in Tables 14 and 16. ~~13 and 15.~~

[2]The proposed pits are part of the Oil Recovery Units.

[3]The proposed pits are part of the Thermal Desorber Units.

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V.B. CONTAINER STORAGE AREAS

The permit conditions as set forth under this Condition shall apply where applicable, to the permitted container storage facilities as designated in Condition IV, Tables ~~16~~ 17-18.

V.B.1. Conditions and Operations

V.B.1.a. Conditions of Containers

V.B.1.a.i. The Permittee shall be in compliance with all appropriate conditions set forth in LAC 33:V.Chapter 21.

V.B.1.a.ii. The Permittee shall maintain the condition of all containers in accordance with LAC 33:V.2103. If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the hazardous waste to a container that is in good condition or manage the waste in some other way that complies with the requirements of LAC 33:V.Chapter 21.

V.B.1.a.iii. The Permittee shall maintain the integrity of all containers in accordance with LAC 33:V.2105. Hazardous wastes or treatment reagents must not be placed in containers if they could impair the ability of the container to contain the wastes or treatment reagents.

V.B.1.b. Management of Containers

V.B.1.b.i. The Permittee shall manage the containers in accordance with LAC 33:V.2107.A and B.

V.B.1.b.ii. The Permittee shall store all wastes in containers that are compatible with the hazardous wastes as required by LAC 33:V.2105. Hazardous wastes being transported offsite must be packaged and labeled in accordance with DOT standards listed in 49 CFR 173 and 178 as required by LAC 33:V.1109 and LAC 33:V.1759.F.

V.B.1.b.iii. The Permittee must place and store incompatible, ignitable, and reactive wastes only in accordance with LAC 33:V.1517, 2113, and 2115.

V.B.1.b.iv. If any hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined by RCRA and in accordance with LAC 33:V.109. In this event, management of the container is exempt from the requirements of LAC 33:V.Chapter 21.

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V.B.1.b.v. Containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

V.B.1.b.vi. Containers holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

V.B.1.b.vii. Pallets shall be placed in rows with a minimum of two (2) feet of access aisle space between the rows, or the width necessary to get emergency equipment to any area of the aisle, whichever is greater.

V.B.1.b.viii. All containers must be placed so that hazardous waste identification labels may be read from the access aisle.

V.B.1.b.viv. No drums or pallets may be stored directly over any sump area.

V.B.1.b.x. Containers holding thirty (30) gallons or more must be placed on pallets not more than two (2) containers high with no more than four (4) containers per tier on each pallet.

V.B.1.b.xi. If any hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined in LAC 33:V.109. In this event, management of the container is exempt from the requirements of LAC 33:V.Chapter 21.

V.B.1.c. Operations

V.B.1.c.i. All permitted container storage areas and associated piping, pumps, instruments, containments, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 21 and the specifications, design criteria, and design limits specified in the Permit Application.

V.B.1.c.ii. Unloading, Loading and Receiving/Staging

V.B.1.c.ii.(1) All trucks containing hazardous waste shall be managed in accordance with LAC 33:V.1527 and in accordance with the approved Waste Analysis Plan.

V.B.1.c.ii.(2) Sufficient pumping capacity such as portable pumps or vacuum trucks shall be provided to remove any spilled material from the sumps located in each of the unloading areas in a timely manner and to prevent any overflow from the contaminated area.

V.B.1.c.ii.(3) All loads that have entered the security gate will be inspected, prior to their leaving the sampling station(s), for leaks and any load found leaking will be responded to immediately, and moved to a contained area as soon as possible.

V.B.1.c.ii.(4) All hazardous waste trucks containing liquids that have been accepted for management, and are being held beyond the sampling station(s) for longer than twenty-four (24) hours, must be located in an area having the capability of holding the entire liquid contents of the trucks unless being transported to or from on-site treatment, storage or disposal.

V.B.1.c.ii.(5) A representative sample of the waste for each waste stream to be treated or disposed at the facility must be analyzed to verify the information on the manifest when required by, and in the manner specified by, the approved Waste Analysis Plan.

V.B.1.c.ii.(6) The quantity of waste received must be recorded and chemical and physical characteristics identified in accordance with the approved Waste Analysis Plan with regard to ignitability, reactivity or incompatibility. Only compatible wastes shall be stored in common containment or tanks.

V.B.1.c.iii. Biotreatment in Containers

Biotreatment in containers shall only be conducted in Building 801 and the proposed Building 802 in tarp-covered, twenty (20) to twenty-five (25) cubic yard roll-off boxes.

V.B.1.c.iv. Macroencapsulation in Containers

Macroencapsulation in containers shall only be conducted in existing Buildings 201, 202, 204, and 801, and the proposed Buildings 205, and 802 in one of the following:

V.B.1.c.iv.(1) specifically designed , one-piece, high-strength and high-density polyethylene (HDPE) containment units;

V.B.1.c.iv.(2) polyethylene bladder bags;

V.B.1.c.iv.(3) overlapped closure polyethylene box liners; or

V.B.1.c.iv.(4) other suitable technologies that are specifically formulated and designed to resist contaminants and leachate.

V.B.1.c.v. Container Decant/Filling/Processing

V.B.1.c.v.(1) Container decant/filling/processing shall be conducted in the existing Building 204, and the proposed Building 205.

V.B.1.c.v.(2) The Permittee must use appropriate controls and practices to prevent spills and overflows from the vessels and containment systems.

V.B.1.c.v.(3) At a minimum, overfill prevention controls for hazards waste will include, where applicable; level sensing devices, high level alarm, automatic feed cutoff or bypass to a standby truck.

V.B.1.c.v.(4) The Permittee must inspect the container decant/filling/processing units according to the inspection schedules specified in the approved inspection plan, referenced in Attachment 1.

V.B.1.c.v.(5) At closure, the Permittee must remove or decontaminate all waste residues from the system, in accordance with the approved closure/post-closure plan, referenced in Attachment 1.

V.B.2. Permitted and Prohibited Wastes

V.B.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to store in the container storage areas as described in Condition V.B of this Permit, the hazardous waste described in the most current Part A permit application, in the containers as described in Condition IV, Tables ~~16~~ 17-18.

V.B.2.b. Prohibited Wastes

The Permittee is prohibited from storing hazardous waste that is not identified in Condition V.B.2.a.

V.B.3. Secondary Containment

V.B.3.a. The Permittee shall always maintain enough secondary containment capacity to contain at least ten percent (10%) of the total volume of containers or the volume of the largest container, whichever is greater, in accordance with LAC 33:V.2111.B.3. Containers that do not contain free liquids (per the Paint Filter Liquids Test) do not need to be considered in this determination.

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V.B.3.b. Container storage systems must have a containment system that is designed and operated in accordance with LAC 33:V.2111.B. The containment system must be designed and operated as follows:

V.B.3.b.i. a base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

V.B.3.b.ii. the base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

V.B.3.b.iii. run-on into the containment system must be prevented unless the containment system has sufficient excess capacity in addition to that required in LAC 33:V.2111.B.3 to contain any run-on which might enter the system;

V.B.3.b.iv. spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system; and

V.B.3.b.v. if the collected material is a hazardous waste, it must be managed in accordance with all applicable requirements.

V.B.4. Requirements for Ignitable, Reactive, and Incompatible Waste

V.B.4.a. The Permittee must store ignitable, incompatible, or reactive waste in accordance with LAC 33:V.1517 and LAC 33:V.2113, LAC 33:V.2115.A, B, C, and D.

V.B.4.b. Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility property line.

V.B.4.c. Hazardous wastes must not be placed in an unwashed container that previously held an incompatible waste or material.

V.B.4.d. A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers must be separated from the other materials or protected from them by means of a dike, berm, wall, other device, or approved management technique.

V.B.4.e. The Permittee must place the results of each waste analysis and any documented information regarding compatibility testing in the operating record of the facility.

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V.B.5. Inspections

V.B.5.a. The Permittee shall inspect the containers and containment area(s) in accordance with LAC 33:V.2109 and LAC 33:V.1509. Results of such inspections must be placed in the operating record (for a minimum of three years). All incidents involving leaking containers and spilled materials reportable under applicable regulations (the Clean Water Act [CWA], RCRA, and the Superfund Amendments and Reauthorization Act of 1986 [SARA]) shall be detailed in the annual report (due March 1 of each year).

V.B.5.b. At least weekly, the Permittee must inspect where containers are stored for leaking containers and for deterioration of containers and containment systems caused by corrosion or other factors (including sealants used to maintain a base free of cracks or gaps). Remedial action shall be taken in accordance with LAC 33:V.1509.C and LAC 33:V.1513, when applicable.

V.B.5.c. All containers shall be stacked in such a fashion that each container identification label can be read from the access aisle.

V.B.5.d. All inspection records shall be maintained according to the recordkeeping requirements of LAC 33:V.1529.

V.B.6. Leaks and Spills

V.B.6.a. The Permittee shall manage spilled or leaked waste and accumulated precipitation according to LAC 33:V.2111.B.5.

V.B.6.b. Storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority.

V.B.6.c. The Permittee shall manage any collected material as required by LAC 33:V.2111.B.6. Spilled or leaked material shall be handled in a timely manner as required by LAC 33:V.2111.B.5.

V.B.7. Air Emission Control Equipment Standards

The Permittee shall comply with Condition V.~~H~~F.3 of this permit for air emission control equipment for all permitted container storage areas.

V.B.8. Recordkeeping

V.B.8.a. Inspections

The Permittee shall document in the operating record for the facility inspection of those items in Condition V.B.5 of this Permit.

V.B.8.a.i. The weekly log sheets shall include all inspected areas.

V.B.8.a.ii. The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.B.8.a.iii. Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.B.9. Closure and Post-Closure Care

V.B.9.a. At closure, the Permittee must remove all hazardous waste, residues, and containers from the container storage areas. All containers and liners must be handled as a hazardous waste (unless meeting the definition of "empty" container in accordance with LAC 33:V.109). All residuals and contaminated soils must be removed as required by the Closure Plan referenced in Attachment 1 of this permit, and as required by LAC 33:V.2117. If some waste residues or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.B.9.b. At closure, the Permittee shall adhere to the procedures detailed in the approve closure plan referenced in Attachment 1 of this permit and as required by LAC 33:V.2117 and LAC 33:V.Chapter 35, Closure Requirements, and the closure requirements of the approved TSCA Closure Plan. If the facility cannot be clean closed, the Permittee shall submit a post-closure plan for approval by the Administrative Authority.

V.B.9.c. A post-closure plan must be submitted for each container storage area failing to achieve clean closure (or an alternative closure standard approved under LAC 33:V.3501.D.2 or LAC 33:V.3507.B) within ninety (90) days from the date that the Permittee or the Administrative Authority determines that the unit must be closed as a landfill. The post-closure plan must meet the requirements of LAC 33:V.3523.B.

V.B.9.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the confirmatory sampling procedures prior to the commencement of closure, based upon the wastes historically managed by each unit during its lifetime.

V.C. CONTAINMENT BUILDING

V.C.1. Description of Containment Building

The permit conditions as set forth under this Condition shall apply to the permitted containment building designated in Table 1~~9~~8.

V.C.2. Permitted and Prohibited Wastes

V.C.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to store hazardous waste identified in the most current Part A Permit Application in the containment building as described in Table 1~~9~~8.

V.C.2.b. Prohibited Waste

The Permittee is prohibited from storing hazardous waste that is not identified in Condition V.C.2.a of this Permit.

V.C.3. Containment

V.C.3.a. The Permittee must use controls and practices to ensure containment of the hazardous waste within the unit; and, at a minimum, must:

V.C.3.a.i. maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

V.C.3.a.ii. maintain the level of the stored hazardous waste within the containment walls of the unit so that the height of any containment walls of the unit is not exceeded; and

V.C.3.a.iii. take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling waste. An area must be designated to decontaminate equipment, and any rinsate must be collected and properly managed.

V.C.4. Operating Requirements

V.C.4.a. The Permitted containment building and associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 18 and the specifications, design criteria, and design limits in the Permit Application and Condition II.E.25.~~a~~b of this Permit.

V.C.4.b. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions (40 CFR Part 60, Appendix A, Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

V.C.4.c. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in 40 CFR 60, Subpart 292.

V.C.4.d. Wash-down or decontamination areas shall be constructed and standard operating procedures developed for decontaminating equipment prior to removal from the containment building.

V.C.4.e. Decontamination pads or areas shall be constructed and standard operating procedures developed for the removal and containment of dust from personnel.

V.C.4.f. The Permittee shall evaluate the presence of free liquids using the paint filter test, a visual examination, or other appropriate means and document such evaluation.

V.C.4.g. Macroencapsulation shall only be conducted in one of the following:

V.C.4.g.i. specifically designed, one-piece, high-strength and high-density polyethylene (HDPE) containment units;

V.C.4.g.ii. polyethylene bladder bags;

V.C.4.g.iii. overlapped closure polyethylene box liners; or

V.C.4.g.iv. other suitable technologies that are specifically formulated and designed to resist contaminants and leachate.

V.C.4.h. Storage in containers shall be in accordance with Condition V.B.

V.C.5. Ignitable, Reactive, and Incompatible Wastes

The Permittee shall store ignitable, reactive, or incompatible wastes only in accordance with LAC 33:V.1517.

V.C.6. Inspections

V.C.6.a. Inspection Schedule

The Permittee shall comply with LAC 33:V.1802.C.4 by following the inspection schedule submitted in the Inspection Plan (see Attachment 1).

V.C.6.b. Weekly Inspection

V.C.6.b.i. At least once every seven (7) days, the Permittee must inspect data gathered from monitoring equipment and leak detection equipment as

well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.

V.C.6.b.ii. All deficiencies noted during weekly inspections must be recorded and remedied in a timely manner. Remedial action as described in LAC 33:V.1513 shall be taken.

V.C.7. Response to Leaks or Spills

V.C.7.a. The Permittee shall manage spilled or leaked waste in accordance with LAC 33:V.1802.C.3.

V.C.7.b. The Permittee shall promptly repair any condition which the owner or operator detects throughout the active life of the containment building that could lead to or cause a release of hazardous waste in accordance with the following procedures:

V.C.7.b.i. upon detection of a condition that has led to a release of hazardous waste (e.g., upon detection of leakage from the primary barrier), the owner or operator must:

V.C.7.b.i.(1) enter a record of the discovery in the facility operating record;

V.C.7.b.i.(2) immediately remove the portion of the containment building affected by the condition from service; and

V.C.7.b.i.(3) determine what steps must be taken to repair the containment building, remove any leakage, and establish a schedule for accomplishing the cleanup and repairs.

V.C.8. Air Emission Control Equipment Standards

See Condition II.E.25.~~f.~~ of this Permit.

V.C.9. Recordkeeping

V.C.9.a. Inspections

V.C.9.a.i. The Permittee shall document in the operating record for the facility inspection of those items in Condition V.C.6.b of this Permit.

V.C.9.a.i.(1) The weekly log sheets shall include all inspected areas.

V.C.9.a.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.C.9.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.C.9.b. Releases

V.C.9.b.i. The Permittee shall keep on file at the facility, notification reports submitted under LAC 33:V.1802.C.3.

V.C.9.b.ii. Within seven (7) days after discovery of a condition as described in Condition V.C.7. of this Permit, notify the Office of Environmental Services, Waste Permits Division of the condition.

V.C.9.b.iii. Within fourteen (14) working days after discovery of a condition as described in Condition V.C.7. of this Permit, provide a written notice to the Administrative Authority with a description of the steps taken to repair the containment building and the schedule for accomplishing the work.

V.C.9.b.iv. Upon completing all repairs and cleanup due to a condition discovered as described in Condition V.C.7 of this Permit, the owner or operator must notify the Office of Environmental Services, Waste Permits Division in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with LAC 33:V.1802.C.3.a.iv.

V.C.10. Closure and Post-Closure Care

V.C.10.a. Duty to Comply with LAC 33:V.1803.A

The Permittee shall comply with LAC 33:V.1803.A by following the procedures specified in the Closure Plan, Attachment 1.

V.C.10.b. Duty to Comply with LAC 33:V.1803.B

If the Permittee demonstrates that not all contaminated components, subsoils, structures, and equipment can be practicably removed or decontaminated in accordance with Condition V.C.10.a of this Permit, the Permittee shall comply with LAC33:V.1803.B.

V.C.10.c. Post-Closure

The Permittee shall attempt to clean close the containment building. If the containment building cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health

and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527 and Condition V.B.9, including maintenance and monitoring throughout the post-closure care period.

V.D. BIOPADS

V.D.1. Description of Biopads

The permit conditions as set forth under this Condition shall apply to the permitted existing ~~and proposed b~~Biopads Phase I and II designated in Table~~s 19~~ 20.

V.D.2. Permitted and Prohibited Wastes

V.D.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the biopads to biologically treat hazardous waste identified in the most current Part A Permit Application that is categorized as one of the following wastes:

V.D.2.a.i. pesticides

V.D.2.a.ii. petroleum hydrocarbons

V.D.2.a.iii. nitroaromatics

V.D.2.a.iv. wood treating wastes

V.D.2.a.v. chlorinated hydrocarbons

V.D.2.a.vi. refinery-related materials

V.D.2.a.vii. other similar wastes that have been demonstrated in industry and/or literature to be amenable to biological treatment and/or scientifically evaluated to be amenable to biological treatment

V.D.2.b. Prohibited Waste

The Permittee is prohibited from treating the following hazardous wastes in the biopads:

V.D.2.b.i. hazardous wastes F020, F021, F022, F023, F026, and F027; and

V.D.2.b.ii. any hazardous waste that is not identified in Condition V.D.2.a of this Permit.

V.D.3. Design and Operating Requirements

V.D.3.a. The permitted biopads and associated ancillary equipment shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 23 and the specifications, design criteria, and design limits approved by the Administrative Authority.

V.D.3.b. Liner Systems

The following liner system components associated with the biopads, listed in order from the bottom to the top of the biopads, must be operated and maintained, in accordance with LAC 33:V.2303:

V.D.3.b.i. a minimum three (3) foot thick layer of compacted clay; ~~and~~

V.D.3.b.ii. a forty (40) mil textured HDPE secondary geomembrane, in accordance with LAC 2303.C.1.b;

V.D.3.b.iii. a sixteen (16) ounce per square yard nonwoven leachate detection geotextile;

V.D.3.b.iv. a forty (40) mil textured HDPE primary geomembrane;

V.D.3.b.v. a sixteen (16) ounce per square yard nonwoven leachate collection geotextile; and

V.D.3.b.vi. a 1.5 foot thick layer of lime-stabilized clay protective cover.

V.D.3.c. Leachate Collection and Removal Systems

The leachate collection and removal systems for the biopads must be maintained and operated to collect and remove leachate from the biopads, in accordance with LAC 33:V.2303.C.4.

V.D.3.d. Leak Detection Systems

The leak detection systems must be maintained and operated to detect any migration of liquids into the spaces between the liner systems, in accordance with LAC 33:V.2303.C.

V.D.3.e. Run-on and Run-off Control Systems

V.D.3.e.i. A run-on control system must be operated and maintained to prevent flow onto any active portion of the biopads.

V.D.3.e.ii. A run-off management system must be operated and maintained to collect and control any water volume collected.

V.D.3.e.iii. Collection and holding facilities (e.g., tanks or basins) associated with the run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain the design capacity of the system.

V.D.3.e.iv. The run-on and run-off control systems must maintain a design capacity to control water volume resulting from a 24-hour, 25-year storm.

V.D.3.f. Liquids or materials containing free liquids shall not be placed directly on the biopad.

V.D.3.g. The biopiles must be covered or otherwise managed to control wind dispersal.

V.D.4. Ignitable, Reactive, and Incompatible Wastes

V.D.4.a. Ignitable or reactive waste must not be placed in the biopads unless the waste and the biopads satisfy all applicable requirements of LAC 33:V.Chapter 22, and:

V.D.4.a.i. the waste is treated, rendered, or mixed before or immediately after placement in the biopads so that:

V.D.4.a.i.(1) the resulting waste, mixture, or dissolution of material no longer meets the description of ignitable or reactive wastes under the characteristics of ignitability or reactivity in LAC 33:V.4903.B or D; and

V.D.4.a.i.(2) the general requirements for ignitable, reactive, or incompatible wastes as specified in LAC 33:V.1517.B are met; or

V.D.4.a.ii. the waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

V.D.4.b. Incompatible wastes, or incompatible wastes and materials must not be placed in the same biopad, unless LAC 33:V.1517.B is complied with.

V.D.4.c. A pile of hazardous waste that is incompatible with any waste or waste stored nearby in containers, other piles, or open tanks must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device.

V.D.4.d. Hazardous waste must not be piled on the same base where incompatible

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waste or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with LAC 33:V.1517.B.

V.D.5. Inspections

V.D.5.a. Duty to Comply with LAC 33:V.2307.A

The Permittee shall comply with LAC 33:V.2307.A. The facility must provide the Administrative Authority with thirty (30) days of advance notice of any synthetic liner installations to allow the Administrative Authority the opportunity to inspect the liner and its installation.

V.D.5.b. Duty to Comply with LAC 33:V.2307.B

The Permittee is exempt from complying with LAC 33:V.2307.B. The biopad's synthetic liner system is located beneath a 1.5 foot thick layer of lime-stabilized clay protective cover.

V.D.5.c. During any biopad construction or installation, liners or cover systems must be inspected for uniformity, damage, imperfections, (e.g., holes, cracks, thin spots, or foreign materials). Immediately after any biopad construction or installation:

V.D.5.c.i. synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

V.D.5.c.ii. soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.

V.D.5.d. Weekly Inspections

V.D.5.d.i. While the biopad is in operation, it must be inspected weekly and after storms to detect the evidence of any of the following:

V.D.5.d.i.(1) deterioration, malfunctions, or improper operation of run-on and run-off control systems;

V.D.5.d.i.(2) proper functioning of wind dispersal control systems, where present;

V.D.5.d.i.(3) the presence of leachate in and proper functioning of leachate collection and removal systems, where present; and

V.D.5.d.i.(4) the presence of liquids in the leak detection system.

V.D.5.d.ii. All deficiencies noted during weekly inspections must be recorded and remedied in a timely manner.

V.D.5.d.iii. The facility must record the amount of liquids removed from the leak detection system sump at least once each week during the active life and closure period of the biopad.

V.D.6. Response to Leaks

V.D.6.a. If a tear is found in the liner systems of the biopads, the Permittee must:

V.D.6.a.i. notify the Administrative Authority of the tear within seven (7) days after detecting the tear; and

V.D.6.a.ii. remove accumulated liquid, repair or replace the damaged liner to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the tear has been repaired.

V.D.6.b. If the flow rate into any leak detection system exceeds the action leakage rate (established by the approved Response Action Plan (RAP) for the biopads) for any sump, the Permittee must:

V.D.6.b.i. notify the Administrative Authority in writing of the exceedance within seven (7) days of the determination;

V.D.6.b.ii. determine to the extent practicable the location, size, and cause of any leak;

V.D.6.b.iii. determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the biopad for inspection, repairs, or controls, and whether or not the biopad should be closed;

V.D.6.b.iv. determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and

V.D.6.b.v. Determinations made in accordance with Conditions V.D.7.b.ii-iv of this Permit must meet the requirements with LAC 33:V.2306.C.

V.D.7. Recordkeeping

V.D.7.a. Inspections

V.D.7.a.i. The Permittee shall document in the operating record for the facility inspection of those items in Condition V.D.5.d. of this Permit.

V.D.7.a.i.(1) The weekly log sheets shall include all inspected areas.

V.D.7.a.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.D.7.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.D.7.b. Response Actions

V.D.7.b.i. Within fourteen (14) days of determination that the action leakage rate has been exceeded, as discussed in Condition V.D.6.b, the owner or operator must submit a preliminary written assessment to the Administrative Authority as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.

V.D.7.b.ii. Within thirty (30) days after the notification that the action leakage rate has been exceeded, as discussed in Condition V.D.6.b, the owner or operator must submit to the Administrative Authority the results of the analyses specified in LAC 33:V.2306.B.3-5, of actions taken, and of remedial actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Administrative Authority a report summarizing the results of any remedial actions taken and actions planned.

V.D.8. Closure and Post-Closure Care

V.D.8.a. Duty to Comply with LAC 33:V.2315.A

The Permittee shall comply with LAC 33:V.2315.A by following the procedures specified in the Closure Plan, Attachment 1.

V.D.8.b. Duty to Comply with LAC 33:V.2315.B

If the Permittee demonstrates that not all contaminated components, subsoils, structures, and equipment can be practicably removed or decontaminated in accordance with Condition V.D.8.a of this Permit, the Permittee shall comply with LAC33:V.2315.B.

V.D.8.c. Post-Closure

The Permittee shall attempt to clean close the biopads. If the biopad cannot be clean closed and the Permittee has not demonstrated through a risk assessment

approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.E. LANDFILL

V.E.1. General Design, Construction and Requirements

V.E.1.a. The design, construction and operations of the hazardous waste landfill designated as Landfill Cell 8, in Table 21, must comply with this permit, the applicable regulatory requirements of LAC 33:V.517, 533 and LAC 33:V.Chapter 25, and shall be in accordance with the plans and specifications for design, construction and operations approved herein. All plans and specifications for the design, construction and operation of the hazardous waste landfill facility, approved at the time of construction of Landfill Cell 8 and attached hereto and made a permanent part of the permit, are approved subject to the terms of this permit and any other order of the Administrative Authority.

V.E.1.b. Any variance from or modification to the approved drawings, specifications or terms and conditions of this permit for the design or construction of the landfill unit that deviates from the design intent or performance standards is not allowed without prior written approval from the Administrative Authority.

V.E.1.c. At least twenty four (24) hours prior to effecting any variance from or modification to the approved plans and specifications for design, construction and operation of the landfill and the terms and conditions of the permit that do not constitute a deviation from the design intent or performance standards, the Permittee shall notify the Administrative Authority of the intended change via facsimile transmittal or email and follow-up with an official notification via registered mail, and a telephone call. This notification shall include a justification for the proposed action.

V.E.1.d. The Administrative Authority reserves the right to require the implementation of additional procedures if it is subsequently determined that a change effected without said approval was deemed by the Administrative Authority as being in deviation from the design intent or performance standards of the approved drawings, specifications or terms and conditions of this permit.

V.E.1.e. Prior to construction of the soil liner for a landfill, a test fill using materials characterized as the same as those to be used in the new landfill shall be required. The Permittee shall construct and test in accordance with procedures contained in the Chemical Waste Management, Inc. (CWMI) "Quality Assurance Document for the Installation of Lining Systems." Any modifications and/or

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latest revision must be submitted to the Department for review and approval. The test fill will be identical in thickness and composite make-up as approved for the facility design.

Alternatively, soil liner construction records and test results from prior, similarly constructed cells, (i.e., Cell 14 and/or Cell 6 and/or Cell 7) can become the basis for test fill documentation and certification.

After the successful construction of the test fill(s), the Permittee shall provide written certification of proper construction and evaluation and said certification shall specifically address:

V.E.1.e.i. Results of all pre-construction, construction and post-construction QA/QC inspection and testing.

V.E.1.e.ii. Summary of materials and construction specification, methodology and equipment.

V.E.2. General Operating Conditions

V.E.2.a. The Permittee shall operate and maintain the one (1) existing permitted operating Landfill Cell 8, listed in Table 21, to meet the following performance standards:

V.E.2.a.i. Operate and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from a 24-hour, 25-year storm in accordance with LAC 33:V.2503.D. Any incidences of run-on entering the containment areas shall be reported and made a part of the annual report.

V.E.2.a.ii. Operate and maintain a run-off management system to collect and control at least the water volume resulting, from a 24-hour, 25-year storm in accordance with LAC 33:V.2503.E. Any incidences of run-off not collected and controlled shall be reported and made a part of the annual report.

V.E.2.a.iii. The Permittee may landfill only those wastes which, at a minimum, meet the criteria specified in LAC 33:V.2503, 2511, 2513, 2515, 2517 and 2519 and in compliance with Condition VII and VIII.

V.E.2.a.iv. The Permittee may not place bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not absorbents have been added) in the landfill.

V.E.2.a.v. All collection and holding facilities (sumps and tanks) associated with the run-on and run-off control systems must be emptied

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expeditiously after storms to maintain the design capacity of the system. Collected material must be disposed of properly as required by LAC 33:V.2503.F.

V.E.2.a.vi. Hazardous waste within the landfill must be covered or otherwise managed to insure minimum wind dispersal as required by LAC 33:V.2503.G.

V.E.2.a.vii. While in operation, the landfill must be inspected weekly and after storms to detect evidence of any of the following, as required by LAC 33:V.2507.C:

> **V.E.2.a.vii.(1)** deterioration, malfunctions, or improper operation of run-on and run-off control systems;
>
> **V.E.2.a.vii.(2)** the presence of liquids in leak detection systems;
>
> **V.E.2.a.vii.(3)** proper functioning of wind dispersal control systems, where present; and
>
> **V.E.2.a.vii.(4)** the presence of leachate in and proper functioning of leachate collection and removal systems, where present.

V.E.2.a.viii. Accumulated rainfall and groundwater must be removed from the active portions of the landfill in a timely manner.

V.E.2.a.ix. Closure and post-closure care shall conform with LAC 33:V.2521 and the closure/post-closure plan referenced in Attachment 1 of this permit, which is in compliance with the applicable rules and regulations.

V.E.2.a.x. The receiving and monitoring of wastes into the landfill must be performed according to LAC 33:V.1527 and the Waste Analysis Plan referenced in Attachment 1.

V.E.2.a.xi. The leachate detection and collection system must be properly maintained and inspected weekly and after storms to detect the presence of liquids and the proper functioning of the systems. If liquids are encountered at the level of greater than one (1) foot above the lip of the collection sump in a leachate collection system, it shall be removed to the lowest practical level. For both leachate collection and detection systems, records shall be maintained on the amount of fluid removed each week. The volume of fluid removed from each leachate collection and detection system must be reported quarterly.

No later than 180 days before planned waste disposal in disposal modules

associated with Cell 8, the Permittee must propose, for review and approval by the Administrative Authority, a Response Action Plan (RAP) for Cell 8, in accordance with Federal Register Vo. 57, No. 19, dated January 29, 1992 (or subsequent revisions) and with LAC 33:V.2504, that includes the proposed Action Leakage Rates for disposal modules associated with Cell 8, in accordance with LAC 33:V.2504. The RAP will describe the criteria used to evaluate the systems and the responses required to address liquids in the leachate detection collection, and removal systems for cells constructed at the site that meet minimum technology requirement having compacted clay and synthetic membrane liner systems. The RAP will also address potential sources of liquids. Responses to the detection of fluids in these systems may include no action, modifying operating procedures, repairing the liner system if possible, and when appropriate, notification to the Administrative Authority.

V.E.2.a.xii. The Permittee must maintain operating records as required by LAC 33:V.2509. At a minimum the accurate location of each waste load shall be recorded in the operating record within twenty-four (24) hours of being placed in the landfill. These records are to include a system of accurate tracking of each waste load throughout the facility. The tracking system must record: pre-acceptance information and analyses, the date of the pre-acceptance data, acceptance information and analyses, all internal transfers of wastes from receipt at the facility to treatment, storage, and final disposal; all internal waste transfers for on-site generated wastes such as contaminated rainwater, landfill leachate, truck washings, etc., and the results of all test analyses on the solidified wastes; the contents, date, weight or volume and location of wastes placed into and removed from storage; and the method, location and date of final disposal, treatment, or reclamation at the facility. Other than laboratory acceptance results which are recorded on a real time basis during the review of the shipment, all data shall be entered into the tracking system by the close of the next business day. The tracking system must provide a coordinate for the accurate location within the landfill of each day's disposal or each disposal event.

V.E.2.a.xiii. The Permittee will continue to operate and maintain the four (4) ambient air monitoring stations as outlined in the Louisiana Department of Environmental Quality – Air Quality Division Air Permit and/or subsequent modification, and as required by LAC 33:V.3305.E.

V.E.2.b. Special Requirements for Ignitable or Reactive Waste

V.E.2.b.i. Except as provided in LAC 33:V.2511.B and 2519, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meet all applicable requirements of LAC 33:V.Chapter 22, and;

V.E.2.b.i.(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste in LAC 33:V.4903.B or D; and

V.E.2.b.ii.(2) LAC 33:V.1517.B is complied with.

V.E.2.b.ii. Except for prohibited wastes subject to treatment standards in LAC 33:V.Chapter 22, ignitable wastes in containers may be landfilled without meeting the requirements of LAC 33:V.2511.A, provided that the wastes are disposed of in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes:

V.E.2.b.ii.(1) must be disposed of in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; and

V.E.2.b.ii.(2) must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and

V.E.2.b.ii.(3) must not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

V.E.2.c. Special Requirements for Incompatible Wastes

Incompatible wastes, or incompatible wastes and materials, must not be placed in the same landfill cell, unless incompatible waste handling requirements of LAC 33:V.1517 are complied with as required by LAC 33:V.2515.

V.E.2.d. Special Requirements for Containers

Containers placed in the landfill must be either at least ninety (90) percent full in the landfill; or emptied and crushed flat, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill as required by LAC 33:V.2517.

V.E.2.e. Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

The Permittee must comply with the requirements of LAC 33:V.2519 and the requirements of Louisiana Department of Public Safety (LDPS) hazardous materials/hazardous waste regulations, LAC 33:V.Subpart 2.Chapter 101.

V.E.2.f. Monitoring and Inspection

While the landfill is in operation, the Permittee must inspect it weekly and after storms in accordance with Condition V.E.2.a.vii. and as required by LAC 33:V.2507.C.

> **V.E.2.f.i.** The Permittee is required to have a leak detection system under LAC 33:V.2503.L or M and must record the amount of liquids removed from each leak detection systems sump at least once each week during the active life and closure period as required by LAC 33:V.2507.D.
>
> **V.E.2.f.ii.** After final cover is installed, the amount of liquids removed from each leak detection system sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If, at any time during the post-closure care period, the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the Permittee must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two (2) consecutive months as required by LAC 33:V.2507.D.1.

V.E.2.g. Special Requirements for Corrective Action Management Unit (CAMU) Wastes

The Permittee shall notify the Administrative Authority and persons on the facility mailing list, in accordance with LAC 33:V.717.A.1.e, of the Permittee's intent to receive CAMU-eligible waste in accordance with LAC 33:V.2607. The notice must identify the source of the remediation waste, the principal hazardous constituents in the waste, and any treatment requirements.

Any comments from persons on the facility mailing list, including objections to the receipt of the CAMU-eligible waste, shall be provided to the Administrative Authority within fifteen (15) days of notification.

The Administrative Authority shall have the opportunity to object to the placement of the CAMU-eligible waste in the landfill for a period of thirty (30) days after notification. The Administrative Authority may extend the review period an additional thirty (30) days because of public concerns or insufficient information.

The CAMU-eligible wastes shall not be placed in the landfill until the Administrative Authority has notified the Permittee that Administrative Authority does not object to its placement.

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If the Administrative Authority objects to the placement or does not notify the Permittee that the Administrative Authority has chosen not to object, the facility shall not receive the waste, notwithstanding LAC 33:V.307.A, until the objection has been resolved or the Permittee obtains a permit modification in accordance with the procedures of LAC 33:V.321.C, specifically authorizing receipt of the waste.

Off-site facilities treating CAMU-eligible wastes complying with LAC 33:V.2607 must comply with the requirements of LAC 33:V.2247.C, except that the certification must be with respect to the treatment requirements of LAC 33:V.2607.A.2.

V.E.3. Landfill Design and Construction Requirements

The Permittee shall comply with the following minimum requirements from the design and construction of the hazardous waste landfill as specified in LAC 33:V.517 and LAC 33:V.Chapter 25, and the referenced drawings (or subsequently approved design drawings).

V.E.3.a. The active hazardous waste landfill shall consist of one (1) disposal cell. This cell is designated as Cell 8. Cell 8 is subdivided into subunits designated as modules. All excavation depth, side slopes, final height (cell conformation) and other construction specifications shall conform to the approved design drawings.

V.E.3.b. Each module of the landfill shall have a composite liner system designed, constructed and maintained to prevent the discharge of any wastes or waste constituents from the landfill into the area groundwater. Landfill module excavation depths and contours shall conform to those displayed and detailed on the approved design drawings. The composite liner system shall consist of the following minimum requirements:

V.E.3.b.i. Pressure Relief System

Each excavated module shall be provided a pressure relief system placed upon the in-situ soils. This system shall cover the bottom and all side slopes of the module. The system on the slope shall consist of a high density polyethylene (HDPE) drainage net placed between the filter fabrics. The filter fabrics or geotextiles shall have the appropriate physical properties to prevent their clogging by the underlying and overlying clayey soils. The riser pipe for the pressure relief sump, shall be constructed parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the lining systems within the planned limits of waste disposal. The pressure relief system sump shall be overlain with clean (free of clay clods and deleterious materials) silicious gravel and the bottom of the module shall have the pressure relief system overlain by clean silicious sand. Details of the typical pressure relief system are displayed on the approved design drawings.

V.E.3.b.ii. Secondary Liner System

The secondary liner system shall consist of a three (3) foot recompacted clay liner overlain by a sixty (60) mil, HDPE geomembrane. This system is to cover the entire bottom and all side slopes of the module. The recompacted clay liner shall have a laboratory, hydraulic conductivity of 1 x 10^{-7}cm/sec or less. The synthetic, sixty (60) mil, HDPE liner shall be anchored in such a manner as to prevent movement of or pull out of the system due to daily waste placement operations and settlement forces generated from subsequent consolidation of subsurface soils. Details of the secondary liner system are displayed on the approved design drawings.

V.E.3.b.iii. Leak Detection System

The secondary liner system shall be overlain by a leak detection system. This system shall consist of an HDPE drainage net, placed upon the secondary sixty (60) mil, HDPE liner, and covered with an appropriate geotextile or filter fabric so as to prevent clogging of the drainage net by the overlying clay soils. The drainage net shall have the transmissivity equal to or greater than one (1) foot of gravel having a conductivity of permeability of 1 x 10^{-2} cm/se or greater. This system shall cover the entire bottom and all side slopes of the module. The drainage net and associated filter fabric shall be anchored outside of the module in such a manner as to prevent movement or pullout of the system due to operations or subsurface settlement forces. The riser pipe from the associated leak detection sump shall rise upward and parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the lining system within the planned limits of waste disposal.

V.E.3.b.iv. Primary Liner System

The primary lining system shall overlie the leak detection system and consist of a three (3) foot recompacted clay liner overlain by a sixty (60) mil, HDPE synthetic liner. The recompacted clay liner shall have a laboratory, hydraulic conductivity of 1 x 10^{-7}cm/sec or less and extend across the entire bottom of the module. The sixty (60) mil, HDPE liner shall cover the primary recompacted clay liner, and extend up all the side walls of the module. The synthetic liner shall be anchored in such a manner as to prevent movement of or pull out of the liner due to daily operations or subsurface settlement forces. The slope of the primary system on the floor of the landfill shall be at least 2%.

V.E.3.b.v. Leachate Collection System

The leachate collection system shall overlie the primary lining system and

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consist of one (1) foot of clean (free of clods and deleterious materials), silicious gravel covering the bottom of the module. The underlying HDPE primary liner shall be protected by a geotextile. The gravel shall have an equivalent permeability of 1 x 10^{-2} cm/sec or greater. The gravel shall be covered with an appropriate filter fabric to prevent clogging of the gravel. A HDPE drainage net shall cover all the side slopes of the module and extend into the bottom gravel layer. The drainage net shall have the same covering filter fabric as used for the gravel layer. The riser pipe from the leachate collection sump shall rise upward parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the module lining system. The side slope drainage net and geotextile shall be anchored in such a manner as to prevent movement or pullout of the fabric and net due to daily operations and subsurface settlement forces. Details of the leak detection, primary lining and leachate collection systems are displayed on the approved design drawings.

V.E.3.c. Materials Specifications Quality Assurance and Quality Control

The Permittee must use laboratories appropriately accredited by the Administrative Authority for the testing associated with construction of new modules for Landfill Cell 8 in accordance with LAC 33:I.Subpart 3. This information must be provided to the Administrative Authority in the "as-built reports" for the individual modules of Cell 8.

The materials and the quality assurance/quality control procedures to be used in the construction of the hazardous waste landfill are as stated in the "Revised Guidance Documents for Quality Assurance for the Installation of the Lining Systems," dated February 16, 2010. Any revisions hereafter must be submitted to the Administrative Authority for approval.

V.E.4. Closure/Post-Closure

Closure/post-closure of Landfill Cell 8 shall be in accordance with Conditions III.O and V.~~G~~ of this permit and the closure/post-closure plan referenced in Attachment 1.

V.E.4.a. The final closure height for Landfill Cell 8 shall not exceed + 92.1 National Geodetic Vertical Datum (NGVD). The Permittee must cover the landfill with a final cover designed and constructed to:

V.E.4.a.i. provide long-term minimization of migration of liquids through the closed landfill;

V.E.4.a.ii. function with minimum maintenance;

V.E.4.a.iii. promote drainage and minimize erosion or abrasion of the cover;

V.E.4.a.iv. accommodate settling and subsidence so that the cover's integrity is maintained; and

V.E.4.a.v. have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

V.E.4.b. After final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519-3527, including maintenance and monitoring throughout the post-closure care period (specified in Condition V.~~IG~~ and LAC 33:V.3521.A.1). The Permittee must:

V.E.4.b.i. maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

V.E.4.b.ii. maintain and monitor the leak detection system in accordance with LAC 33:V.2503.L.4.d, 2503.L.5, and 2507.D, where such a system is present between double liner systems and comply with all other applicable leak detection system requirements of LAC 33:V.Subpart 1;

V.E.4.b.iii. continue to operate the leachate collection and removal system until leachate is no longer detected;

V.E.3.b.iv. maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of LAC 33:V.Chapter 33;

V.E.4.b.v. prevent run-on and run-off from eroding or otherwise damaging the final cover; and

V.E.4.b.vi. protect and maintain surveyed benchmarks used in complying with LAC 33:V.Chapter 33.

V.E.4.c. Within sixty (60) days of completion of closure of each module for landfill Cell 8, and within sixty (60) days of completion of final closure, the Permittee shall submit a certification that the hazardous waste management unit or facility has been closed in accordance with specifications in the approved closure plan as required by LAC 33:V.3517. The certification must be signed by the Permittee and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Administrative Authority upon request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V.3707.

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V.E.4.d. A survey plot must be submitted to the local zoning authority or the authority with jurisdiction over local land use, and the Administrative Authority no later than the submission of the certification of closure as required by LAC 33:V.3517.B.

V.E.4.e. During the post-closure care period, if liquid leaks into the leak detection system installed under LAC 33:V.3305, the Permittee must notify the Office of Environmental Services of the leak in writing within seven (7) days after detecting the leak.

V.F. OIL RECOVERY UNITS

V.F.1. Description of Oil Recovery Units

The permit conditions as set forth under this Condition shall apply to the Oil Recovery Units designated in Table 23.

V.F.2. Permitted and Prohibited Waste

V.F.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the Oil Recovery Units to separate recoverable oils listed in the Waste Analysis Plan (see Attachment I) and identified in the most current Part A Permit Application that ~~is~~are categorized as one of the following wastes:

V.F.2.a.i. drilling fluids,

V.F.2.a.ii. refinery tank bottoms,

V.F.2.a.iii. commercially exempt oil-bearing waste, and

V.F.2.a.iv. other hazardous and non-hazardous waste oil-bearing waste

V.F.2.b. Prohibited Waste

The Permittee is prohibited from processing waste that is not identified in Condition V.F.2.a of this Permit and is specifically prohibited from processing the following wastes.

V.F.2.b.i. Dioxin-containing wastes identified by EPA as F020, F021, F022, F023, F026, F027, and F028 wastes in LAC 33:V.4901.;

V.F.2.b.ii. Polychlorinated biphenyl (PCB) waste, as defined in 40 CFR 761.3.;

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V.F.2.b.iii. Source material, special nuclear material, mixed waste, or naturally occurring radioactive materials (NORM) that is not exempt pursuant to LAC 33:XV.;

V.F.2.b.iv. Explosive material, as defined by the Department of Transportation under 49 CFR Part 173;;

V.F.2.b.v. Municipal waste;;

V.F.2.b.vi. Containerized gases;;

V.F.2.b.vii. Medical/infectious wastes as defined in 40 CFR 60.51.c.;

V.F.2.b.viii. Metal bearing wastes listed in LAC 33:V.Chapter 22.Table 12, except as described in LAC 33:V.2207.C; and;

V.F.2.b.ix. Waste displaying the characteristic of reactivity as defined in LAC 33:V.4903.D.

~~T~~**V.F.2.c.** Before processing any wastes not authorized under this permit, the Permittee shall obtain approval for a permit modification, as required under LAC 33.V.321.

V.F.3. General Design, Operating, and Maintenance Requirements

V.F.3.a. The ~~permitted~~ Oil Recovery Units, Oil Recovery Unit Area, and associated equipment, piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 32 and the specifications, design criteria, and design limits approved by this permit and/or the Administrative Authority.

V.F.3.b. The Permittee must use controls and practices to maintain the containment areas for the Oil Recovery Unit Area to prevent run-on and run-off.

V.F.3.c. The Permittee shall maintain the Oil Recovery Unit Area in a manner that minimizes the possibility of fire, explosion, or any unplanned, sudden or non-sudden releases of hazardous waste constituents to air, soil, or surface water that might threaten human health or the environment in accordance with LAC 33:V.1511.B.

V.F.3.d. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

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V.F.3.e. The Permittee must take measures to monitor the performance of the carbon beds consistent with the manufacturer's specifications and recommendations to ensure the carbon bed has not reached the end of its useful life. Document the monitoring procedures in the operation and maintenance plan and records results of the monitoring in the operating record. Replace the bed or bed segment before it has reached the end of its useful life.

V.F.3.f. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices, the facility's air permit, and applicable requirements of LAC 33:V.Chapter 17. Subpart B.

V.F.3.**dg**. The Permittee shall not process more than 126,000 gallons per day of hazardous waste per unit.

V.F.4. Specific Operating Conditions

The Oil Recovery Unit must be operated within the conditions prescribed below at all times while hazardous waste in in the unit.

V.F.4.a. Whenever hazardous waste is in the Oil Recovery off-loading pits, the pressure differential gages at the pre-filter and final filter within the carbon bed must be monitored at all times as an indicator of efficiency operations.

V.F.4.b. The hazardous waste feed to the Oil Recovery Unit shall stop immediately under the following conditions:

V.F.4.b.i. There is a loss of power to the centrifuge.

V.F.4.b.ii. There is a loss of hydraulics to the automatic hydraulic back-drive of the system.

V.F.4.b.iii. There is a blockage to the discharge of the weir plates, oil, and light phase adjustable nozzles.

V.F.4.c. Whenever hazardous waste is in the Oil Recovery Unit, the bowl speed must maintain a minimum of ten (10) revolution per minute (RPM) ~~speed of TBD.~~

V.F.4.d. Whenever hazardous waste remains in the Oil Recovery Unit, exhaust gases must be vented to the air pollution control system, operated in accordance with the air permit requirements.
~~V.F.4. Operating Requirements~~

~~**V.F.4.a.** The proposed Oil Recovery Unit, Oil Recovery Unit Area, and~~

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~~associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 32, the specifications, design criteria, and design limits in the Permit Application, Condition II.E.25.d of this Permit, and the air permit.~~

~~**V.F.4.b.** The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.~~

~~**V.F.4.c.** The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in LAC 33:V. Chapter 17 and the air permit.~~

V.F.5 Inspections

V.F.5.a. Requirements

V.F.5.a.i. The Permittee shall inspect the Oil Recovery Units, the Oil Recovery Unit Area, and associated equipment in accordance with the Inspection Plan (see Attachment 1). The Permittee shall complete the following as part of these inspections:

V.F.5.a.i.(1) The Oil Recovery Units, the Oil Recovery Unit Area, and associated equipment shall be subject to a daily thorough, visual inspection by the Permittee, whenever the unit contains hazardous waste. The purpose of these inspections shall be to identify leaks, spills, fugitive emissions, and signs of tampering.

V.F.5.a.ii. The automatic waste feed cut off system and associated alarms must be tested at least once every seven (7) calendar days when hazardous waste is treated to verify operability, unless the Permittee applicant demonstrates to the Administrative Authority that weekly inspections will unduly restrict or upset operations and that less frequent inspections are adequate. Support for this demonstration shall be included in the operational record. At a minimum, operational testing of the automatic waste feed cut off system must be conducted at least monthly.

V.F.6 Recordkeeping

V.F.6.a. Inspections

V.F.6.a.i. ~~The Permittee shall document in the operating record for the facility inspection of those items in Condition V.F.5 of this Permit~~Written

inspection records shall be part of the operating record for this Permit and are hence subject to LAC 33:V.1529 requirements. At a minimum, the record shall include the following information: (1) the date and time of the inspection; (2) inspector's name; (3) any inspection observations; and (4) date and nature of corrective action. The inspection record shall be completed in accordance with LAC 33:V.1509 and shall be available at all times to the Administrative Authority.

Electronic records may be maintained, in lieu of paper copies.

V.F.6.a.i.(1) The daily and weekly log sheets shall include all inspected areas.

V.F.6.a.i.(2). The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.F.6.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.F.6.a.ii. A written record of the automatic waste feed cutoff system tests shall be part of the operating record for this permit and shall be available at all times to the Administrative Authority.

V.F.7. Response to Leaks and Spills

V.F.7.a. The Permittee must properly manage all spilled or leaked waste and accumulated precipitation associated with the Oil Recovery Unit Area and all other associated equipment and structures.

V.F.7.a.i. Any collected spilled or leaked waste that is a hazardous waste must be managed as a hazardous waste in accordance with all applicable requirements. Spilled or leaked waste must be removed in as timely a manner as is necessary to prevent overflow of the spilled and leaked waste collection system.

V.F.7.a.ii. Contact storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority. Accumulated precipitation must be removed in a timely manner to prevent overflow of the accumulated precipitation collection system.

V.F.8. Monitoring and Calibration

V.F.8.a. Requirements

V.F.8.a.i. The Permittee shall maintain, calibrate, and operate continuous monitoring equipment as specified in Table 28 that monitor and record the operating conditions specified in Condition V.F.4 of this Permit.

~~**V.F.8.a.i.** The continuous monitoring system (CMS) shall be operated and maintained in accordance with this permit, and~~

~~**V.F.8.a.ii.** At a minimum, the Permittee shall analyze values from the continuous parameter monitoring system (CMS) every fifteen (15) seconds and compute and record the average values at least every sixty (60) seconds for an hourly rolling average basis for the treatment process and closed-vent system that indicate proper system operation.~~

V.F.8.a.iii. The Administrative Authority may request data be submitted in any format or units that facilitates the completion of air modeling, risk assessment, or compliance procedures.

V.F.8.a.iv~~ii~~. Monitoring samples and measurements 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 specified in LAC 33:V.Chapter 49.Appendix D, 40 CFR 61 Subpart FF, or an equivalent method approved by the Administrative Authority.

Other sampling and analytical methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, as revised, or equivalent methods.

V.F.8.a.v. The Permittee must calibrate all continuous monitoring equipment according to the manufacturer's specifications and any applicable state regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for review by the Administrative Authority.

TABLE 28

INSTRUMENTATION TO BE CALIBRATED TO MANUFACTURER'S SPECIFICATIONS FOR THE OIL RECOVERY UNITS

CONTROL PARAMETER	INSTRUMENT DESCRIPTION[1]	LOCATION	CALIBRATION FREQUENCY
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Pre-filter	Annually
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Final Filter	Annually
Hydraulic Pressure	Pressure Gauge	Automatic Back-drive System	Annually
Bowl Speed	RPM	Drive System	Annually

[1]Equipment identification numbers can change as new maintenance systems are incorporated; new tag ID #'s will be tracked with calibration records.

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V.F.9. Air Emission Control Equipment Standards

See Conditions V.F~~E~~.3.d, e, f and V.H.1 ~~II.E.25.f~~ of this Permit and the air permit.

V.F.10. Closure and Post-Closure

V.F.10.a. The Permittee shall close the Oil Recovery Units, the Oil Recovery Unit Area, and all other associated equipment according to the requirements specified in LAC 33:V.Chapters 32 and 35 and in accordance with the Closure Plan (see Attachment I).

V.F.10.b. At closure, the Permittee must attempt to clean close and remove all hazardous waste and residues from the Oil Recovery Units, the Oil Recovery Unit Area, and all other associated equipment. If the Oil Recovery Unit Area cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.F.10.c. If the facility cannot be clean closed, the Permittee shall submit a Post-Closure Plan that meets the requirements of LAC 33:V.3523.B, for approval by the Administrative Authority.

V.F.10.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the clean-closure confirmatory sampling procedures prior to the commencement of closure based upon the wastes historically managed at the unit.

V.G. THERMAL DESORBER UNITS

V.G.1. Description of Thermal Desorber Units

The permit conditions as set forth under this Condition shall apply to the Thermal Desorber Units designated in Table 24.

V.G.2. Permitted and Prohibited Waste

V.G.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the Thermal Desorber Units to separate organic constituents from a waste stream by volatizing

and condensing the organic components, which would allow for the recovery or disposal of the contaminants. The waste stream is listed in the Waste Analysis Plan (see Attachment 1) and identified in the most current Part A Permit Application that is categorized as one of the following wastes:

V.G.2.a.i. contaminated tank bottoms,

V.G.2.a.ii. sludge,

V.G.2.a.iii. catalyst slurry oil,

V.G.2.a.iv. organic contaminated soils~~soil contaminated soils~~, and

V.G.2.a.iv. other organic hazardous waste requiring thermal treatment to meet Land Disposal Restrictions (LDR).

V.G.2.b. Prohibited Waste

The Permittee is prohibited from processing waste that is not identified in Condition V.G.2.a of this Permit and is specifically prohibited from processing the following wastes:

V.G.2.b.i. Dioxin-containing wastes identified by EPA as F020, F021, F022, F023, F026, F027, and F028 wastes in LAC 33:V.4901.;

V.G.2.b.ii. Polychlorinated biphenyl (PCB) waste, as defined in 40 CFR 761.3;

V.G.2.b.iii. Source material, special nuclear material, mixed waste, or naturally occurring radioactive materials (NORM) that is not exempt pursuant to LAC 33:XV;

V.G.2.b.iv. Explosive material, as defined by the Department of Transportation under 49 CFR Part 173;

V.G.2.b.v. Municipal waste;

V.G.2.b.vi. Containerized gases;

V.G.2.b.vii. Medical/infectious wastes as defined in 40 CFR 60.51.c;

V.G.2.b.viii. Metal bearing wastes listed in LAC 33:V.Chapter 22.Table 12, except as described in LAC 33:V.2207.C; and

V.G.2.b.ix. Waste displaying the characteristic of reactivity as defined in LAC 33:V.4903.D;

V.G.2.c. Before processing any wastes not authorized under this permit, the Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321.

~~The Permittee must submit a permit modification request to manage additional wastes and receive approval by the Administrative Authority.~~

~~**V.G.2.b. Prohibited Waste**~~

~~The Permittee is prohibited from treating waste that is not identified in Condition V.G.2.a of this Permit. The Permittee must submit a permit modification request to manage additional wastes and receive approval by the Administrative Authority.~~

V.G.3. General Design, Operating, and Maintenance Requirements

V.G.3.a. The Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 32 and the specifications, design criteria, design limits approved by this permit and/or the Administrative Authority.

V.G.3.b. The Permittee must use controls and practices to maintain the containment areas for the Thermal Desorber Unit Area to prevent run-on and run-off.

V.G.3.c. The Permittee shall maintain the Thermal Desorber Unit Area in a manner that minimizes the possibility of fire, explosion, or any unplanned, sudden or non-sudden releases of hazardous waste constituents to air, soil, or surface water that might threaten human health or the environment in accordance with LAC 33:V.1511.B.

V.G.3.d. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

V.G.3.e. The Permittee must take measures to monitor the performance of the carbon beds consistent with the manufacturer's specifications and recommendations to ensure the carbon bed has not reached the end of its useful life. Document the monitoring procedures in the operation and maintenance plan, and records results of the monitoring in the operating record. Replace the bed or bed segment before it has reached the end of its useful life.

V.G.3.**df.** The Permittee shall not treat more than 165 tons per day of hazardous waste per unit.

~~V.G.4. Operating Requirements~~

~~V.G.4.a. The Thermal Desorber Units, Thermal Desorber Unit Area, and associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 32, the specifications, design criteria, and design limits in the Permit Application, Condition II.E.25.e of this Permit, and the air permit.~~

~~V.G.4.b. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.~~

~~V.G.4.c. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in the LAC 33:V. Chapter 17 and the air permit.~~

V.G.~~5~~4 Inspections

V.G.~~5~~4.a. Requirements

V.G.~~5~~4.a.i. The Permittee shall inspect the Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment in accordance with the Inspection Plan (see Attachment I). The Permittee shall complete the following as part of these inspections:

V.G.~~5~~4.a.i.(1) The Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment shall be subject to a daily thorough, visual inspection by the Permittee, whenever the unit contains hazardous waste. The purpose of these inspections shall be to identify leaks, spills, fugitive emissions, and signs of tampering.

V.G.4.a.ii. The automatic waste feed cut off system and associated alarms must be tested at least once every seven (7) calendar days when hazardous waste is treated to verify operability, unless the applicant demonstrates to the Administrative Authority that weekly inspections will unduly restrict or upset operations and that less frequent inspections are adequate. Support for this demonstration shall be included in the operational record. At a minimum, operational testing of the automatic waste feed cut off system must be conducted at least monthly.

V.G.5 Recordkeeping

V.G.5.a. Inspections

V.G.5.a.i. Written inspection records shall be part of the operating record for this Permit and are hence subject to LAC 33:V.1529 requirements. At a minimum, the record shall include the following information: (1) the date and time of the inspection; (2) inspector's name; (3) any inspection observations; and (4) date and nature of corrective action. The inspection record shall be completed in accordance with LAC 33:V.1509 and shall be available at all times to the Administrative Authority.

Electronic records may be maintained, in lieu of paper copies.

V.G.5.a.i.(1) The daily and weekly log sheets shall include all inspected areas.

V.G.5.a.i.(2). The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.G.5.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.G.5.a.ii. A written record of the automatic waste feed cutoff system tests shall be part of the operating record for this permit and shall be available at all times to the Administrative Authority.

~~**V.G.6 Recordkeeping**~~

~~**V.G.6.a. Inspections**~~

~~**V.G.6.a.i.** The Permittee shall document in the operating record for the facility inspection of those items in Condition V.G.5 of this Permit.~~

~~**V.G.6.a.i.(1)** The daily and weekly log sheets shall include all inspected areas.~~

~~**V.G.6.a.i.(2).** The Permittee shall note all deficiencies discovered during the inspection in the inspection log.~~

~~**V.G.6.a.i.(3)** Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.~~

V.G.~~7~~6. Response to Leaks and Spills

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V.G.76.a. The Permittee must properly manage all spilled or leaked waste and accumulated precipitation associated with the Thermal Desorber Unit Area and all other associated equipment and structures.

V.G.76.a.i. Any collected spilled or leaked waste that is a hazardous waste must be managed as a hazardous waste in accordance with all applicable requirements. Spilled or leaked waste must be removed in as timely a manner as is necessary to prevent overflow of the spilled and leaked waste collection system.

V.G.76.a.ii. Contact storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority. Accumulated precipitation must be removed in a timely manner to prevent overflow of the accumulated precipitation collection system.

V.G.87. Monitoring and Calibration

V.G.87.a. Requirements

V.G.87.a.i. ~~The continuousmonitoring system (CMS) shall be operated, and maintained in accordance with this permit, the sections of LAC 33:V.1709.H.~~The Permittee shall maintain, calibrate, and operate continuous monitoring equipment as specified in Table 29 that monitor and record the operating conditions specified in Condition V.G.11 of this Permit. The continuous monitoring requirements shall be as specified in Tables 30 and 31 of this Permit.

V.G.7.a.ii. The Permittee must calibrate the equipment according to the manufacturer's specifications and any applicable state or federal regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for the review by the Administrative Authority.

V.G.7.a.iii. Hazardous waste may continue to be introduced into the Thermal Desorber Unit during the daily continuous emission monitoring system (CEMS) calibration check periods. The CEMS shall be maintained according to the following schedule: (1) at least daily; a calibration check of the instrument; (2) at least daily, a system audit; (3) at least quarterly, a calibration error test; and (4) at least annually, a performance specification test. The procedures for CEMS maintenance are outlined in 40 CFR 266 Appendix IX Section 2.0, "Performance Specifications for Continuous Emission Monitoring Systems."

V.G.87.a.iiv. At a minimum, the Permittee shall analyze values from the continuous monitoring system and the continuous ~~parameter~~emission

monitoring system (CPEMS) every fifteen (15) seconds. The Permittee must record these values every ~~and compute and record the average values at least every~~ sixty (60) seconds for use in calculating an hourly rolling average basis for the treatment process ~~for an hourly rolling average basis for the treatment process and closed vent system that indicate proper system operation.~~ to demonstrate compliance with the monitoring requirements.

V.G.87.a.~~iii~~v. The Administrative Authority may request data be submitted in any format or units that facilitates the completion of air modeling, risk assessment, or compliance procedures.

V.G.87.a.~~iv~~vi. Monitoring samples and measurements 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 specified in LAC 33:V.Chapter 49.Appendix D ~~,~~or an equivalent method approved by the Administrative Authority.

Other sampling and analytical methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, as revised or equivalent methods.

V.G.7.b.Records

In the operating record, the Permittee shall record and maintain, in accordance with LAC 33:V.1529, all monitoring data compiled to satisfy the permit requirements.

Electronic records may be maintained, in lieu of paper copies.

TABLE 29
INSTRUMENTATION TO BE CALIBRATED TO MANUFACTURER'S SPECIFICATIONS FOR THE THERMAL DESORBER UNIT

CONTROL PARAMETER	INSTRUMENT DESCRIPTION[1]	LOCATION	CALIBRATION FREQUENCY[2]
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Pre-filter	Annually
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Final Filter	Annually
Maximum Hazardous Waste Feed Rate, tons/hr	Flow Meter	In feed line, upstream from the Thermal Desorber	Annually

Maximum Treatment Drum Pressure, H_2O "	Pressure Transmitter	Thermal Desorber Treatment Drum	Annually
Minimum Inner Chamber Temperature, °F	Thermocouple	Thermal Desorber Treatment Drum	Annually
Minimum Afterburner Chamber Temperature, °F	Thermocouple	Thermal Oxidizer	Annually
Maximum Afterburner Pressure, H_2O"	Pressure Transmitter	Thermal Oxidizer	Annually
Maximum CO, ppm v	Extractive sampler CO/O_2 analyzer	Exhaust Stack	Daily Calibration check, calibrate per 40 CFR 266 Appendix IX specifications
Flue Gas Flow Rate	Flow Meter	Exhaust Stack	Annually
Scrubber Pressure Drop,	Differential	Scrubber	Annually
Scrubber Flowrate	Flow Meter	Scrubber	Annually
Scrubber pH	pH Meter	Scrubber	Annually

[1]Equipment identification numbers can change as new maintenance systems are incorporated; new tag ID #'s will be tracked with calibration records.

[2]Replacement of the instrument is acceptable when the instrument cannot be calibrated or when accuracy cannot be verified.

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~~V.G.8.a.v. The Permittee must calibrate all continuous monitoring equipment according to the manufacturer's specifications and any applicable state or federal regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for review by the Administrative Authority.~~

V.G.~~8~~9. ~~Air Emission Control Equipment Standards~~**Automatic Waste Feed Cut Off**

~~See Condition II.E.25.f of this Permit and the air permit.~~

V.G.8.a. Requirements

V.G.8.a.i. The Permittee shall operate the Thermal Desorber Unit to automatically cut off the hazardous waste feed when the monitored operating conditions deviate from the set points specified in the permit.

V.G.8.a.ii. Exhaust gases must be vented to the air pollution control system, operated in accordance with the permit requirements, while hazardous waste remains in the Thermal Desorber Unit.

V.G.8.a.iii. Operating parameters for which permit limits are established must continue to be monitored following the cut off. The hazardous waste feed shall not be restarted until the levels of those parameters that caused the automatic waste feed cut off are restored to permit limits. All other parameters must also be within the permit limits.

V.G.8.a.iv. In the event of a malfunction of the automatic waste feed cut off system, the Permittee shall immediately cut off and/or lock out the waste feed.

V.G.8.b. Records

V.G.8.b.i. The Permittee shall record in the facility operating record the date and time of all automatic waste feed cut off events. The records shall also include the known or suspected cause of the automatic waste feed cut off, the triggering parameters, the corrective actions taken, the duration of the event, and the date and time of restarting waste feed following the automatic waste feed cut off.

V.G.8.b.ii. The Permittee shall record in the facility operating record all failures of the automatic waste feed cut off system, including the date and time of the failure, a description of the failure, root cause of the failure, and corrective actions taken.

V.G.8.b.iii. The operating record shall be maintained in an organized manner for a period of not less than three (3) years and be available at all times for inspection by the Administrative Authority.

V.G.8.c. Reports

V.G.8.c.i. The date, cause, and remedial action for the waste feed cutoff activation shall be documented in the operating record. A summary of such occurrences must be included in the annual reports.

V.G.8.c.ii. The Permitted shall report in writing to the Administrative Authority if there are more than fifty (50) waste feed cut offs per month. This report shall be due within thirty (30) days after the end of such month and shall include cause and remedial actions taken.

V.G.~~10~~9. Closure and Post-Closure

V.G.~~10~~9.a. The Permittee shall close the Thermal Desorber Units, the Thermal Desorber Unit Area, and all other associated equipment according to the requirements specified in LAC 33:V.Chapters 32 and 35 and in accordance with the Closure Plan (see Attachment 1).

V.G.~~10~~9.b. At closure, the Permittee must attempt to clean close and remove all hazardous waste and residues from the Thermal Desorber Units, the Thermal Desorber Unit Area, and all other associated equipment. If the Thermal Desorber Unit Area cannot be clean closed and the Permittee has not demonstrated through

a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment, or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period

V.G.~~109~~.c. If the facility cannot be clean closed, the Permittee shall submit a Post-Closure Plan that meets the requirements of LAC 33:V.3523.B, for approval by the Administrative Authority.

V.G.~~109~~.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the clean-closure confirmatory sampling procedures prior to the commencement of closure based upon the wastes historically managed at the unit.

V.G.10. Specific Operating Conditions

V.G.10.a. Performance Standards

The Permittee shall comply with the performance standards specified in this Permit when hazardous waste is thermally treated in the Thermal Desorber Unit.

V.G.10.a.i. The emissions of dioxin and furans shall not exceed 0.20 nanograms toxic equivalents (TEQ) per dry standard cubic meter corrected to seven (7) percent oxygen.

V.G.10.a.ii. The emissions of mercury shall not exceed 8.1 micrograms per dry standard cubic meter, corrected to seven (7) percent oxygen.

V.G.10.a.iii. The emissions of cadmium and lead shall not exceed 10 micrograms per dry standard cubic meter, corrected to seven (7) percent oxygen.

V.G.10.a.iv. The emissions of arsenic, beryllium, and chromium shall not exceed 23 micrograms per dry standard cubic meter, corrected to seven (7) percent oxygen.

V.G.10.a.v. The emissions of hydrogen chloride and chlorine gas shall not exceed 21 parts per million by volume, combined emissions, expressed as chlorine (Cl^-) equivalent, dry basis and corrected to seven (7) percent oxygen.

V.G.10.a.vi. The emissions of particulate matter shall not exceed 0.08 ~~0.0015~~ grains per dry standard cubic foot, corrected to seven (7) percent oxygen.

Commented [A1]: This value is what is authorized under the incinerator regs (LA Chapter 31 Fed 264.344).

V.G.10.a.vii. The emissions of carbon monoxide shall not exceed 100 parts per million by volume, dry basis and corrected to seven (7) percent oxygen.

V.G.10.b. Implementation Schedule for the Thermal Desorber Unit Comprehensive Performance Test (CPT)

The Permittee must conduct an initial Comprehensive Performance Test (CPT) as defined below and submit to the Administrative Authority a recertification of compliance CPT under the operating parameters set forth under Condition V.G.11 of this permit with the permit renewal application. A recertification of compliance CPT is required for major modifications to the unit or if the Permittee is seeking new operating conditions.

V.G.10.b.i. The CPT plan will be developed in order to:

V.G.10.b.i.1. Demonstrate compliance with the emission limitations set forth in Condition V.G.10.a.;

V.G.10.b.i.2. Demonstrate compliance with the Destruction and Removal Efficiency standard of 40 CFR 63.1219.c.1.

V.G.10.b.i.3. Establish limits for the operating parameters set forth in Condition V.G.11.

V.G.10.b.i.4. The CPT plan shall include the information specified in 40 CFR 63.1207.f and shall be submitted to the Administrative Authority for review and approval at least one hundred eighty (180) days prior to commencement of the CPT.

The CPT plan will allow the Permittee to demonstrate compliance with emission standards for mercury, semivolatile metals, low volatile metals, and hydrogen chloride/chlorine gas emission standards based upon exhaust gas flow rate or hazardous waste thermal concentration in accordance with 40 CFR 63.1207.m.

V.G.10.b.i.5. The CPT plan and CMS performance evaluation test plan must be public noticed at least sixty (60) days prior to initiation of the test. All requirements of 40 CFR 63.1207.e must be met.

Commented [A2]: Added public notice language

V.G.10.b.ii. With the initial introduction of hazardous waste to the unit and ending with initiation of the CPT, and only for the minimum time required to establish operating conditions, not to exceed a duration of seven hundred twenty (720) hours operating time for the processing of

Commented [E3]: Changed language to better reflect the start and end of the 720 hours as per LAC 33:V.3113.C.1.

hazardous waste, the operating requirements of Condition V.G.10.c must be applicable to demonstrate compliance with the performance standards described in Condition V.G.10.b.i. The Permittee may request a time extension for conducting the CPT for reasons deemed acceptable by the Administrative Authority. Any time extensions for conducting the CPT are requested, it must be reviewed and approved by the Administrative Authority.

V.G.10.b.iii. Within ninety (90) days of completing the CPT for the Thermal Desorber Unit, the Permittee must submit a Notification of Compliance (NOC), documenting compliance with the emission limitations set for the in Condition V.G.10.a, the removal efficiency standard of 40 CFR 63.1219.c.1 and the continuous monitoring system requirements set forth in Table 30 and 31; and identifying limits for the operating parameters set forth in Condition V.G.11 to the Administrative Authority for approval.

~~**V.G.10.b.i.** Within sixty (60) days of receiving approval from the Administrative Authority of the final design specifications for the Thermal Desorber Unit (see Permit Condition III.B.25.e), the Permittee shall submit for review and approval by the Administrative Authority a Comprehensive Performance Test (CPT) plan for the Thermal Desorber Unit. The CPT plan must meet all the applicable requirements of 40 CFR 63 Subpart EEE.~~

~~**V.G.10.b.ii.** Within seven hundred twenty (720) operating hours of initial start-up, the Permittee must perform a CPT for the Thermal Desorber in accordance with 40 CFR 63 Subpart EEE. The Permittee may request a time extension for conducting the CPT for reasons deemed acceptable by the Administrative Authority. Any time extensions for conducting the CPT must be reviewed and approved by the Administrative Authority.~~

~~**V.G.10.b.iii.** Within ninety (90) days of completing the CPT for the Thermal Desorber Unit, the Permittee must submit a Notification of Compliance (NOC) in accordance with 40 CFR 63.1207.j, to the Administrative Authority for approval.~~

V.G.10.c. Process Operating Conditions Prior to Submitting Notification of Compliance

Prior to the Permittee submitting a NOC to the Administrative Authority (see Condition V.G.10.b.iii), the Thermal Desorber Unit must be operated within the operating conditions proposed in the approved CPT plan ~~prescribed in Condition V.G.11 and within the operating conditions proposed in the NOC.~~ If there is a discrepancy between an operating condition prescribed in Condition V.G.11 and an operating condition proposed in the approved CPT plan~~NOC~~, the Thermal Desorber Unit must be operated in accordance with the more stringent operating condition. For instance, where there is no prescribed operating limits in Condition V.G.11.a.(vii - xiii), the Thermal Desorber Unit must be operated in accordance with the operating condition proposed in the approved CPT plan.

V.G.10.d. Process Operating Conditions after Submitting Notification of Compliance

V.G.10.d.i. Upon submitting a NOC to the Administrative Authority, the Thermal Desorber Unit must be operated within the operating conditions prescribed in Condition V.G.11 and within the operating conditions proposed in the NOC. If there is a discrepancy between an operating condition prescribed in Condition V.G.11 and an operating condition proposed in the NOC, the Thermal Desorber Unit must be operated in accordance with the more stringent operating condition. For instance, where there is no prescribed operating limits in Condition V.G.11.a.(vii - xiii), the Thermal Desorber Unit must be operated in accordance with the operating condition proposed in the NOC.

V.G.10.d.ii. Within seven (7) days of receiving a Finding of Compliance (FOC), in accordance with 40 CFR 63.1206.b.3, from the Administrative Authority, the Permittee shall initiate a Class 1[1] permit modification to change any operating parameters listed in Condition V.G.11, remove any operating parameters listed in Condition V.G.11, and/or add any additional operating parameter limits to Condition V.G.11 based on the results of the Thermal Desorber Unit CPT.

V.G.10.d.iii. Upon approval of the Class 1[1] permit modification required by Condition V.G.10.d.ii, the Thermal Desorber Unit must be operated within the modified conditions prescribed in V.G.11.

V.G.11. Process Operating Conditions

The Thermal Desorber Unit must be operated within the conditions prescribed below at all times while hazardous waste is in the unit.

V.G.11.a. Group A Parameters

The Permittee shall operate the Thermal Desorber Unit with a functioning system to automatically cut off waste feed to the unit when operating conditions deviate from those established below.

V.G.11.a.i. Whenever hazardous waste is in the unit, the hourly rolling average waste feed rate to the unit shall be maintained below the maximum value of 10 tons per hour.

V.G.11.a.ii. Whenever hazardous waste is in the unit, the ~~instantaneous~~ pressure in the treatment drum of the Thermal Desorber Unit shall be maintained below the maximum value of 0 inches of water column with respect to atmospheric. If the pressure is equal to or greater than 0 inches for fifteen (15) seconds, then AWFCO will initiate.

V.G.11.a.iii. Whenever hazardous waste is in the unit, the afterburner chamber temperature shall be maintained above the minimum value of 1,400 °F.
~~Whenever hazardous waste is in the unit, the Thermal Desorber Unit inner chamber temperature shall be maintained above the minimum value of 500°F.~~

Commented [A4]: Moved to group B

V.G.11.a.iv. Whenever hazardous waste is in the unit, the afterburner shall be kept totally sealed to protect against the escape of fugitive emissions. The Permittee shall monitor the outside of the unit for signs of fugitive emissions at least daily.
~~Whenever hazardous waste is in the unit, the afterburner chamber temperature shall be maintained above the minimum value of 1,400 °F.~~

V.G.11a.v. Whenever hazardous waste is in the unit, the hourly rolling average carbon monoxide (CO) level shall be maintained below the maximum value of 100 parts per million volume, continuously corrected to seven (7) percent oxygen, dry gas basis.~~Whenever hazardous waste is in the unit, the instantaneous pressure in the afterburner shall be maintained below the maximum value of 0 inches of water column with respect to atmospheric.~~

V.G.11.a.vi. As an indicator of gas residence time in the control device, the unit shall be maintained below the maximum flue gas flowrate value of **TBD** on an hourly rolling average basis.~~Whenever hazardous waste is in the unit, the hourly rolling average carbon monoxide (CO) level shall be maintained below the maximum value of 100 parts per million volume, continuously corrected to seven (7) percent oxygen, dry gas basis.~~

V.G.11.a.vii. Whenever hazardous waste is in the unit, the hourly rolling average pressure drop across the scrubber shall be maintained above the minimum value of **TBD**. ~~As an indicator of gas residence time in the control device, the unit shall be maintained below the maximum flue gas flowrate value of TBD on an hourly rolling average basis.~~

V.G.11.a.viii. Whenever hazardous waste is in the unit, the hourly rolling average liquid to gas ratio shall be maintained above the minimum value of **TBD**. This is a calculated value based on the minimum scrubber water flowrate and the maximum flue gas flowrate. ~~Whenever hazardous waste is in the unit, the hourly rolling average pressure drop across the scrubber shall be maintained above the minimum value of **TBD**.~~

V.G.11.a.ix. Whenever hazardous waste is in the unit, the hourly rolling average scrubber water flowrate shall be maintained above the minimum value of **TBD** gallons per minute.~~Whenever hazardous waste is in the unit,~~

~~the hourly rolling average liquid to gas ratio shall be maintained above the minimum value of **TBD**. This is a calculated value based on the minimum scrubber water flowrate and the maximum flue gas flowrate.~~

V.G.11.a.x. Whenever hazardous waste is in the unit, the hourly rolling average pH of the feed to the scrubber shall be maintained above the minimum value of **TBD**.~~Whenever hazardous waste is in the unit, the hourly rolling average scrubber water flowrate shall be maintained above the minimum value of **TBD** gallons per minute.~~
~~V.G.11.a.xi. Whenever hazardous waste is in the unit, the hourly rolling average pH of the feed to the scrubber shall be maintained above the minimum value o~~

V.G.11.b. Group B Parameters

The Permittee shall operate the Thermal Desorber Unit without exceeding these limits, although these limits are not part of the automatic waste feed cut off set points.

V.G.11.b.1. Whenever hazardous waste is in the unit, the Thermal Desorber Unit inner chamber temperature shall be maintained above the minimum value of 500 °F.~~The other halides concentration from all feed streams shall be no greater than 100 parts per million (ppm).~~

Commented [A5]: Moved from a group A parameter

V.G.11.b.2. Reserved for maximum mercury feed rate ~~Reserved for maximum ash feed rate.~~

V.G.11.b.3. Reserved for maximum total chlorine and chloride feed rate.
~~Reserved for maximum mercury feed ra~~
V.G.11.b.4. Reserved for maximum cadmium and lead feed rate.
~~Reserved for maximum total chlorine and chloride feed rate.~~
V.G.11.b.5. Reserved for maximum arsenic, beryllium, and chromium feed rate.~~Reserved for maximum cadmium and lead feed rate.~~

V.G.11.b.6. O_2 shall be monitored continuously whenever hazardous waste is in the Thermal Desorber Unit, in accordance with the CEMS regulations.~~Reserved for maximum arsenic, beryllium, and chromium feed rate.~~
~~V.G.11.b.7. O_2 shall be monitored continuously whenever hazardous waste is in the Thermal Desorber Unit, in accordance with the CEMS regulations.~~

V.G.11.c. Group C Parameters

The Permittee shall operate the Thermal Desorber Unit without exceeding these limits, although these limits are not part of the automatic waste feed cut off set points.

V.G.11.c.i. The Permittee shall immediately stop the flow of hazardous waste into the Thermal Desorber Unit should sample flow to the Continuous Emissions Monitoring System (CEMS) cease, outside of normal calibration periods.

V.G.11.c.ii. For a Continuous Monitoring System (CMS) operated to ensure compliance with these regulations, the Permittee must maintain and operate the monitors consistent with the manufacturer's specifications.

TABLE 30
Group A Parameter Limits for the Thermal Desorber Unit
(Automatic Waste Feed Cut Offs)

CONTROL PARAMETER	FINAL OPERATING LIMITS AUTOMATIC WASTE FEED CUT OFF POINT
Maximum Hazardous Waste Feed Rate	10 tons/hour
Maximum Inner Drum Chamber Pressure	0 Inches H2O Column-, 15 seconds delayinstantaneous
Minimum Afterburner Chamber Temperature	1,400 °F
Maximum Carbon Monoxide Concentration	100 ppmv, hourly rolling average
Minimum Liquid to Gas Ratio	**TBD**
Maximum Flue Gas Flowrate	**TBD**
Minimum Scrubber Pressure Drop	**TBD**
Minimum Scrubber Water Flow Rate	**TBD**
Minimum Scrubber Feed pH	**TBD**

TABLE 31
Group B & C Parameter Limits for the Thermal Desorber Unit

CONTROL PARAMETER	FINAL OPERATING LIMITS
Maximum Total Chloride and Chlorine Feed Rate	**TBD**
Minimum Inner Drum Chamber Temperature	500°F
Maximum Feed Rate of Arsenic[1]	**TBD**
Maximum Feed Rate of Beryllium[1]	**TBD**
Maximum Feed Rate of Cadmium[1]	**TBD**
Maximum Feed Rate of Chromium[1]	**TBD**
Maximum Feed Rate of Lead	**TBD**
Maximum Feed Rate of Mercury	**TBD**

[1]Carcinogenic Metal – Feed rate is further limited to a level such that the sum of the actual feed rate, divided by the allowable feed rate for all carcinogenic metals, shall be less than or equal to 1.00.

Commented [E6]: Moved from Group A Parameter

The feed rate of arsenic, beryllium, cadmium, and chromium is limited to a level such that the sum of the ratios of the actual feed rate to the feed rate limit specified in Table 30 shall not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^{n} AFR_{(i)}/FRL_{(i)} \leq 1.00$$

$AFR_{(i)}$	=	**Actual Feed Rate (AFR)** The actual feed rate of carcinogenic metal (i) introduced into the thermal desorber chamber from all feedstreams.
n	=	Number of Carcinogenic Metals.
$FRL_{(i)}$	=	**Feed Rate Limit (FRL)** The regulatory feed limit of carcinogenic metal (i) listed in Table 31.

V.~~F~~H. AIR EMISSION STANDARDS

V.~~H~~F.1. Performance Standards for Equipment Leaks

V.~~H~~F.1.a. The Oil Recovery Unit Area and the Thermal Desorber Unit Area must be equipped with operating air emissions controls in accordance with all applicable regulations of LAC 33:V.~~1705.A.3~~1717 to 1745 and 1747 to 1799 ~~and 40 CFR 61 Subpart FF — Benzene Waste Organic NESHAP (BWON)~~for all equipment, tanks, and containers associated with operations that treat, store, or dispose of hazardous waste with organic concentrations equal to or greater than 10 percent by weight for equal to or greater than three hundred (300) hours per calendar year. The facility must maintain documentation of compliance in the facility operating record.

V.H.1.b. The remaining facility not associated with the proposed Oil Recovery Area and Thermal Desorber Area are exempt from LAC 33:V.Chapter 17 Subchapter B in accordance with LAC 33:V.1717.B. No equipment that contains or contacts hazardous waste with organic concentrations of at least ten (10) percent by weight shall be managed at the facility.

V.~~H~~F.1.~~c~~b. The facility must maintain an exemption log in the facility operating record in accordance with LAC 33:V.1743.K.

V.~~H~~F.2. Standards for Tanks

V.~~H~~F.2.a. Existing Hazardous Waste Storage Tanks

Tanks T-502, T-503, T-504 A, T-504 B, T-505, T-506, T-903, T-904, T-905, T-906, and T-907 are exempt from LAC 33:V.Chapter 17 Subchapter C in accordance with LAC 33:V.1751.C.1. No hazardous waste entering Tanks T-502, T-503, T-504 A, T-504 B, T-505, T-506, T-903, T-904, T-905, T-906, and T-907 shall have an average volatile organic concentration, at the point of waste origination, greater than 500 parts per million by weight.

V.~~II~~F.2.a.i. The average volatile organic concentration shall be determined in accordance with the procedures in LAC 33:V.1753.A.

V.~~II~~F.2.a.ii. The facility shall review and update, as necessary, the volatile organic concentration determination once every twelve (12) months.

V.~~II~~F.2.a.iii. In accordance with LAC 33:V.1765.F, the facility shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the facility shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of LAC 33:V.1753.

V.~~II~~F.2.b. Proposed Hazardous Waste Storage Tanks

See Condition II.E.25.~~ii~~e of this Permit.

V.~~II~~F.2.c. Existing Hazardous Waste Treatment Tanks

V.~~II~~F.2.c.i. Tanks T-303, T-304, and T-306 are exempt from LAC 33:V.Chapter 17 Subchapter C in accordance with LAC 33:V.1751.C.1. No hazardous waste entering Tanks T-303, T-304, and T-306 shall have an average volatile organic concentration, at the point of waste origination, greater than 500 parts per million by weight.

V.~~II~~F.2.c.i.(1) The average volatile organic concentration shall be determined in accordance with the procedures in LAC 33:V.1753.A.

V.~~II~~F.2.c.i.(2) The facility shall review and update, as necessary, the volatile organic concentration determination once every twelve (12) months.

V.~~II~~F.2.c.i.(3) In accordance with LAC 33:V.1765.F, the facility shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for

waste samples are used for the waste determination, then the facility shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of LAC 33:V.1753.

V.~~H~~F.2.c.ii. Building 302, which houses Tanks T-303, T-304, and T-306, shall be maintained closed when treatment operations are being conducted.

V.~~H~~F.2.c.iii. A ventilation system shall continuously exchange the air in Building 302 and route the air from Building 302 to a baghouse filter system when treatment operations are being conducted.

V.~~H~~F.2.c.iii.(1) Dust generated by the baghouse system shall be returned to Tanks T-303 and T-304 for reuse in the treatment process.

V.~~H~~F.2.c.iv. A negative pressure shall be maintained in Building 302 whenever treatment operations are being conducted.

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V.~~H~~F.2.d. Proposed Hazardous Waste Treatment Tanks

See Condition II.E.25.~~hf~~e of this Permit.

V.~~H~~F.3. Standards ~~F~~for Container Storage Areas

V.~~H~~F.3.a. The Permittee shall comply with the applicable requirements of LAC 33:V.1747 to 1799 for the permitted container storage areas, as listed in Table 2~~6~~.

V.H.4. Standards for Proposed Oil Recovery Units

V.H.4.a. The Permittee shall comply with the applicable requirements of LAC 33:V.Chapter 17, Subchapters B and C, and the air permit for the Oil Recovery Units.

V.H.5. Standards for Proposed Thermal Desorber Units

V.H.5.a. The Permittee shall comply with the applicable requirements of LAC 33:V.Chapter 17, Subchapters B and C, and the air permit for the Thermal Desorber Units.

TABLE 32~~2~~
Air Emission Controls for Containers

CONTAINER STORAGE AREA	LAC REFERENCE(S)	AIR EMISSION CONTROLS
Building 201	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 202	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 205	See Condition II.E.25.~~e~~ of this Permit	
Building 204	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 801	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2

Building 802	See Condition II.E.25.~~e~~ of this Permit

V.~~I~~G. PERMIT CONDITIONS APPLICABLE TO THE PERMITTED CLOSED POST-CLOSURE UNITS

V.~~I~~G.1. Post-Closure Care Period

Upon the effective date of this permit the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527, including maintenance and monitoring, for each of the hazardous waste management units (Landfill Cells 5, 6, 7, 14, and 8, at final closure), as specified in this permit. The post-closure care period will be in effect for the period of thirty (30) years, unless extended or shortened by the Administrative Authority, as specified in LAC 33:V.3521.A.1 and 2.

V.~~I~~G.2. Post-Closure Maintenance {tc "**V.B. POST-CLOSURE MAINTENANCE**" \f C \l 00000000002}

After final closure, the owner or operator must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527 and Permit Condition III.P of this permit, including maintenance and monitoring throughout the post-closure care period specified in Condition V.~~I~~G.1 and LAC 33:V.3521.A.1. The owner or operator must:

V.~~I~~G.2.a. maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

V.~~I~~G.2.b. maintain and monitor the leak detection system in accordance with LAC 33:V.2503.L.4.d, 2503.L.5, and 2507.D, where such system is present between double liner systems and comply with all other applicable leak detection system requirements of LAC 33:V.Subpart 1;

V.~~I~~G.2.c. continue to operate the leachate collection and removal system until leachate is no longer detected;

V.~~I~~G.2.d. maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of LAC 33:V.Chapter 33;

V.~~I~~G.2.e. manage a run-on and run-off control system to prevent erosion and other damage to the final cover;

V.~~I~~G.2.f. protect and maintain surveyed benchmarks used in complying with LAC 33:V.Chapter 33;

V.I~~G~~.2.g. for all closed permitted landfill units, maintain the cover with a final cover designed, constructed and maintained to:

V.I~~G~~.2.g.i. provide long-term minimization of migration of liquids through the permitted landfill cells,

V.I~~G~~.2.g.ii. function with minimal maintenance at all permitted landfill units,

V.I~~G~~.2.g.iii. promote drainage and minimize erosion or abrasion of the final cover at all permitted landfill units,

V.I~~G~~.2.g.iv. accommodate settling and subsidence, as necessary, so that the cover's integrity is maintained for all permitted landfill units, and

V.I~~G~~.2.g.v. have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

The annual report shall include a Post-Closure activity report.

During the post-closure care period, if liquid is present in a leak detection system installed under LAC 33:V.3305, and collects at a rate above the action leakage rate (where such a rate has been established) or above two standard deviations from the mean of historic data (where action leakage rates have not been established), the Permittee must notify the Office of Environmental Services of the leakage rate in writing within seven (7) days after determining the leakage rate.

V.I~~G~~.3. Post-Closure Restrictions

The Administrative Authority may require, at partial and final closure, continuation of any of the security requirements of LAC 33:V.1507, during part or all of the post-closure period when access by the public or domestic livestock may pose a hazard to human health.

The Permittee must post warning signs at each entrance to the closed units, in accordance with LAC 33:V.3521.B and LAC 33:V.1507.K.

V.I~~G~~.4. Post-Closure Property or Site Use

Post-closure use of property on or in which hazardous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of the containment system, or the function of the permitted closed unit's monitoring systems, unless the Administrative Authority finds that the disturbance:

V.I~~G~~.4.a. is necessary to the proposed use of the property and will not increase

the potential hazard to human health or the environment; or

V.I~~G~~.4.b. is necessary to reduce a threat to human health or the environment.

Any post-closure activity other than that specified in this permit must have prior approval of the Administrative Authority.

V.I~~G~~.5. Post-Closure Contact

The Permittee shall provide the name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period.

V.I~~G~~.6. Post-Closure Notices

V.I~~G~~.6.a. The Permittee shall maintain, on site, a certification, signed by the Permittee, that he has recorded the notation as specified by LAC 33:V.3517 and maintain a copy of the document in which the notation has been placed.

V.I~~G~~.6.b. If the Permittee or any subsequent Permittee of the land upon which these hazardous waste disposal units is located wishes to remove hazardous wastes and hazardous waste residues, the liner (if any), or contaminated soils, then he or she must request a modification to the post-closure permit in accordance with the applicable requirements in LAC 33:V.Chapters 3 and 7. The Permittee must demonstrate that the removal of hazardous wastes will satisfy the criteria of LAC 33:V.3521. By removing hazardous waste, the Permittee may become a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33:V.Subpart 1. If the Permittee is granted a permit modification or otherwise granted approval to conduct such removal activities, the Permittee may request that the Administrative Authority approve either:

V.I~~G~~.6.b.i. the removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

V.I~~G~~.6.b.ii. the addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

V.I~~G~~.7. Certification of Completion of Post-Closure Care

No later than sixty (60) days after completion of the established post-closure care period for each hazardous waste disposal unit(s), the Permittee must submit to the Administrative Authority, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the Permittee and an independent Louisiana registered professional engineer. Documentation

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supporting the independent Louisiana registered professional engineer's certification must be furnished to the Administrative Authority upon request until the Administrative Authority releases the Permittee from the financial assurance requirements for post-closure care under LAC 33:V.3711.I.

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VI. GROUND WATER PROTECTION

VI.A. APPLICABILITY

The regulation of LAC 33:V. Chapters 3, 5, 15, 25, 33, and 35, LAC 33:I. Chapter 39, and Louisiana Water Control Law, R.S., 30:2203 and 2076 of the Environmental Quality Act, R.S., 30:2001 et seq., and the provisions of this section shall apply to ground water protection programs at Chemical Waste Management, Incorporated, located in Carlyss, Louisiana. All requirements and conditions of this section must be satisfied and shall apply during the active life of the facilities. This includes compliance, closure, and post-closure care periods. The regulated units are identified as:

VI.A.1. Landfill Cell 5 – clay lined landfill.

VI.A.2. Landfill, Cell 14 – double composite liner system (2 clay liners and 2 synthetic liners) landfill.

VI.A.3. Landfill, Cell 6 – double composite liner system (2 clay liners and 2 synthetic liners) landfill.

VI.A.4. Landfill, Cell 7 – double composite liner system (2 clay liners and 2 synthetic liners.

VI.A.5. Landfill, Cell 8 – double composite liner system (2 clay and 2 synthetic liners) landfill that consist of the currently constructed modules and modules that are scheduled for construction in the future.

VI.B. REQUIRED PROGRAM

The Permittee must continue to conduct detection monitoring from the existing well system for Cells 5, 14, 6, 7, and 8 and must commence construction and operation of the detection monitoring systems for modules south of the southern boundaries of Modules 3 and 4 and prior to waste placement in Module 5 as shown in the approved design drawings for Cell 8, and as outlined in Condition VI.H of this permit. If required, Compliance Monitoring (Permit Condition VI.I) and/or ~~Corrective~~Corrective Action Monitoring (Permit Condition V~~I~~.J) programs will be initiated in accordance with the permit. All wells, listed in Table 33~~29~~7 must be monitored, and all piezometers listed on Table 33~~29~~7 must be measured for water levels unless exempted from the program at a later date by the administrative authority. All wells and piezometers, must be maintained, protected from moving equipment, and cannot be abandoned unless exempted from the program at a later date by the Administrative Authority.

In accordance with LAC 33:V.3305.D, leachate monitoring systems shall be established (for new landfill modules) and maintained (for existing landfill modules) as described in ConditionV.E.2, and V.E.3 of this permit, regarding riser pipe location and construction, and pumping systems. In accordance with LAC 33:V.3305.E, air monitoring is described in Condition V.E.2.a.xiii.

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VI.C. GROUNDWATER PROGRAM

VI.C.1. For existing wells, the Permittee must utilize and maintain the present groundwater monitoring system listed in Table 33~~29~~~~7~~ of this permit. Facility monitoring wells designated F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW02BS, and MW02BD are designated upgradient wells for all regulated units as listed in Condition VI.A. Monitoring wells F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11 and D01B are designated downgradient of Cell No. 5 and shall serve as the point of compliance for Cell No. 5. Monitoring wells F26, F27, F28, F29, F38, F39, F40, and D02A are designated downgradient of Cell No. 14 and shall serve as the point of compliance for Cell No. 14. Monitoring wells F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, and F45, are designated downgradient of Cell No. 6 and shall serve as the point of compliance for Cell No. 6. Monitoring wells F17, F18, F19, F20, F21, F22, F23, F24, F25, and E03 are designated downgradient of Cell No. 7. Facility monitoring wells G-28, G-29, and G-30 are designated upgradient wells for Cell 8. Monitoring wells G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35 and G-36 are designated downgradient of Phase I of Cell No. 8 (Modules 1, 2, 3, and 4) and shall serve as the point of compliance for Phase I (Modules 1, 2, 3, and 4) of Cell No. 8. ~~Future~~ M~~m~~onitoring wells G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, and G-21 are designated as ~~proposed~~ downgradient monitoring wells ~~and shall be installed prior to placement of waste in Module 5 as shown on the approved design drawings~~ for Cell 8. Wells M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, and GP08 must be maintained as piezometers to monitor water levels inside and outside the slurry trench in the Lower Pervious Zone ~~along with Piezometer G-10, which provides water level data for the 60 Foot Sand on the south side of Cell 8 during placement of waste in Modules 1, 2, 3, and 4 of Cell No. 8 and prior to conversion of G-10~~. These Piezometers ~~along with G-10~~ provide water level data for the Lower Pervious Zone and the 60 Foot Sand surrounding Cell 8. If water level information indicates the potential for groundwater in the Lower Pervious Zone to flow from the landfill outward, additional evaluation and/or sampling may be required.

Procedures for future monitoring well construction, as well as for borehole abandonment, must conform to the standards and guidelines in the latest edition of "Construction of Geotechnical Boreholes and Groundwater Monitoring Systems Handbook" prepared by the Louisiana Department of Environmental Quality and the Louisiana Department of Transportation and Development, dated December 2000 (or subsequent revisions) as required in Condition VI.K~~L~~.

The Permittee must comply with conditions specified in this permit that are designed to ensure that hazardous waste and hazardous waste constituents do not exceed the Practical Quantitation Limits (PQL) as specified in Tables 35 and 37 ~~31 and 33,29 and 30~~.

VI.C.2. The Permittee must utilize and maintain the present ground water monitoring system referenced in Condition VI.C.1 and identified in Table 33~~29~~~~7~~. In addition, all

monitoring wells must be maintained so that surface infiltration is prohibited and ground water samples are generated that are representative of the monitored zone.

VI.C.3. The Permittee must also conduct field measurements, in quadruplicate, of pH and Specific Conductance (conventional parameters, see Table 34~~3028~~) as standard indicators of ground water quality, each time a well is sampled. The results must be interpreted and reported per Condition VI.C.4 of this permit.

VI.C.4. The Permittee must adhere to the Sampling and Analysis Plan outlined below:

VI.C.4.a. All wells, other than piezometers, must be sampled semi-annually and annually, as referenced in Tables 35 and 36~~31 and 3229 and 30~~ and the samples managed and tested as required under this Condition. The analytical results must be submitted to the administrative authority within 90 days after completion of the groundwater sampling event. Additionally, monitoring results must be compiled in reportable form and maintained on site by the Permittee for review at any time by Departmental personnel, until submitted to the Administrative Authority with the groundwater monitoring report. However, if subsequent contamination to groundwater is discovered, then reporting must be in accordance with Conditions VI.D and VI.H of this permit as applicable. Single samples will be obtained for analysis of the parameters in Tables 35 and 36~~31 and 3229 and 30~~; only field determinations of pH and specific conductance will be made in quadruplicate.

VI.C.4.b. All monitoring wells and piezometers must be measured for total depth at least once per year. Wells with dedicated pumps which prohibit direct total depth measurement must be measured for total depth biennially (every other year). To accomplish these measurements, it shall be acceptable to use a permanently installed weighted stainless steel cable marked at the bottom depth when first installed. Acceptable subsequent measurements can then be referenced to the original cable mark. Depth to water must be measured on the same day and prior to purging. All measurements (total depth and depth to water) must be to the nearest 0.01 foot, and the values must be recorded in field notes and reproduced and submitted in the Groundwater Annual Report in accordance with LAC 33:V.1529.D. If 10% of the screened interval is blocked by sediments, the well must be redeveloped prior to the next required sampling event.

VI.C.4.c. Purging must be accomplished by removing a minimum of three casing volumes of groundwater from the well at a rate equal to or less than the recharge rate of the aquifer. The well must be sampled immediately upon purging and/or when sufficient water for sampling has recharged the well. Purging and sampling methods must be consistent throughout the life of the facility.

VI.C.4.d. Samples must be withdrawn using dedicated or adequately cleaned equipment for each well. No equipment or method may be used that will chemically or physically alter or influence the sample. Care must be taken to avoid placing clean sampling equipment on the ground or on any contaminated

surface. Sampling methods and equipment must be compatible throughout the active life of the facility.

VI.C.4.e. Sample preservation, handling and containerization must meet the specifications of the Test Methods for Evaluating Solid Waste Physical/Chemical Methods 3rd Ed. (EPA Publication Number SW-846), 1986, as amended) or an equivalent substitute as approved by the Administrative Authority (see Table 343028).

VI.C.4.f. Analytical methods equivalent to SW-846 (or analyses for parameters not listed in SW-846) must be approved by the Administrative Authority prior to implementation.

VI.C.4.g. A chain of custody protocol must be employed that will allow for the tracing of possession and handling of samples from the time of collection through laboratory analysis. All sample containers must be labeled to prevent mis-identification, have proper seals, and indicate the test parameters required.

VI.C.4.h. Up-to-date field logs must be kept at the site which documents for each sample the well identification number, total well depth, water level, water color (visual), well evacuation procedures and equipment, sample withdrawal procedures and equipment, date, time, sample identification numbers, field measurements (pH, specific conductance, etc.) and methods, name of collector, field observations, calculations of the standing water volume in the well, and the total volume evacuated.

VI.D. HAZARDOUS CONSTITUENTS, PARAMETERS, ANALYTICAL FREQUENCY, AND CONCENTRATION LIMITS

VI.D.1. The monitoring wells, hazardous constituents, semi-annual and annual sampling frequency, and PQLs are referenced in Conditions VI.C.1 and Tables 33, 35, and 36 29, 31, and 32 27, 29, and 30.

The Permittee shall continue detection monitoring and shall notify the Administrative Authority in accordance with the schedule specified in Condition VI.H, when any laboratory analytical result for a detection monitoring parameter referenced in Tables 35 and 36 31 and 32 29 and 30 from groundwater obtained from wells listed in Table 33 27 or from any other monitoring wells at the site, exceeds the appropriate PQL referenced in Tables 35 and 36 31 and 32 29 and 30 and has been verified by resampling and reanalysis to exceed this PQL at the points of compliance. In the event that compliance monitoring and/or corrective action is required pursuant to this Section, the Permittee shall institute corrective actions in all areas where groundwater has been affected by releases from a regulated unit of hazardous wastes or constituents exceeding the established groundwater protection standards and implement corrective measures in other areas impacted by the regulated units which may be discovered to exceed these limits in the future.

If, at any time, it is determined that any detection monitoring parameter concentration is a result of past or present facility operations or other non-naturally occurring conditions, the Permittee must submit to the Administrative Authority, within ninety (90) days of the determination, a request for a permit modification in accordance with LAC 33:V.321. This modification must include a plan to initiate assessment actions, which will include delineation of the vertical and horizontal extent of the ground water contamination, and will institute or extend corrective actions for impacted zones.

VI.D.2. If the owner or operator determines, pursuant to LAC 33:V.3319.D, that the PQLs under this Condition are being exceeded at any well, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. In making a demonstration under this Condition, the owner or operator must follow the provision established in LAC 33:V.3319.I.

VI.E. POINT OF COMPLIANCE

The points of compliance at which the groundwater protection standard of LAC 33:V.3305.A apply at which monitoring must be conducted are the vertical intervals intercepted by the monitor well screens as identified in Table 33~~2~~97.

VI.F. COMPLIANCE PERIOD

The compliance period during which the ground water protection standard of LAC 33:V.3305.A applies is the active life of the regulated units, and the thirty (30) years of post-closure monitoring, or as required by the administrative authority, if a unit is not clean closed. The compliance period begins when a compliance monitoring program meeting the requirements of Condition VI.I of this permit is initiated.

If a unit is clean closed then the compliance period is the active life of the unit and the post-closure monitoring as specified by the Administrative Authority. In the event of a release from a regulated unit, the compliance period is the active life of the unit, the duration of the corrective action to remediate the release, and three (3) additional consecutive years after an acceptable clean up level has been achieved. If termination of the corrective action and/or post corrective action monitoring occurs within the thirty (30) year post-closure monitoring period, then the Permittee must revert back to post-closure monitoring as described in this Condition or a monitoring schedule as specified by the administrative authority.

VI.G. GENERAL REQUIREMENTS

VI.G.1. The Permittee's groundwater monitoring system for the hazardous waste management facilities identified in Condition VI.A shall consist of all monitoring wells referenced in Conditions VI.C.1 and Table 33~~2~~97 of this Condition, unless exempted in the future by the Administrative Authority. In addition, water levels will be measured in piezometers referenced in Table 33~~2~~97.

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VI.G.2. Upgradient wells F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW2BS, MW02BD, G-28, G-29, and G-30 must always yield groundwater samples that are representative of groundwater that has not been affected by possible leakage from the waste management units. Downgradient wells F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11 D01B, F26, F27, F28, F29, F38, F39, F40, D02A, F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, F45, F17, F18, F19, F20, F21, F22, F23, F24, F25, E03, G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35, and G-36 must represent the quality of groundwater beneath the facilities that reach the points of compliance. Downgradient Monitoring Wells for Phase 2 (Modules 5, 6, 7, 8, 9, and 10) of Cell 8 include G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, G-21 (See discussion in Condition VI.C.1). Piezometers M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, and GP08~~, G-10~~ must yield groundwater level data that is representative of the formation in which they are screened.

VI.G.3. The Permittee must maintain the structural and mechanical integrity of all monitoring wells and piezometers and provide protection from accidental damage and surface infiltration as well as implement a monitoring well inspection schedule. A written report on the damage to any well must be submitted to the administrative authority within 90 days of the inspection.

VI.G.4. The Permittee must conform to the sampling and analysis requirements listed in Conditions VI.C.4, herein, and as required by LAC 33:V.3305 and LAC 33:V.3315.A potentiometric map must be prepared and submitted on a semi-annual basis for the 60 Foot/Channel Sand. Additionally a map of groundwater levels, showing gradient direction(s) for the Lower Pervious Zone shall also be prepared and submitted on a semi-annual basis.

VI.G.5. The Permittee must use the statistical procedure outlined in Condition VI.H of this permit, and in accordance with LAC 33:V.3315.H.3 and I.4.

VI.G.6. The Permittee must also graphically represent the values of pH and specific conductance (i.e., conventional parameters, see Table 343028) and any parameters as applicable for each sampling episode. The graphic interpretations of data must be submitted with the analytical results in the annual report and should be utilized in evaluating facility impact on groundwater.

VI.G.7. Records of all sampling and analytical work must be maintained at the site during the life of the facilities, including post-closure care periods.

VI.G.8. The Permittee shall submit Semi-Annual Groundwater Reports by September 1st and March 1st of each year. The reports shall include the following: 1) a table showing well number, well depth. Interval screened, zone monitored, well diameter, screen and casing material (and the type pump, if applicable) for all wells; 2) a facility map showing all wells (e.g., up gradient, point of compliance, etc.) and identifying zones in which

wells are screened; 3) a scaled potentiometric surface showing well locations, groundwater elevations with respect to mean sea level for each monitored zone; 4) a summary of all analytical data, including QA/QC; 5) a statistical method (PQL's or Shewart-CUSUM control chart limits) shall be used in evaluating data for each hazardous constituent, as approved by the Administrative Authority; 6) for those hazardous constituents that have been detected as defined in LAC 33:V.3303.A.1 at the point of compliance as a result of a release from the regulated unit, a graphical representation of data pursuant to the statistical method employed for those constituents (The graphical representation must include: contaminant concentration isopleth maps and contaminant concentration versus time graphs, as applicable); 7) a discussion of any significant changes in the data from the last reporting period; 8) a discussion of the down time for any well or part of the system and actions taken to return the system to normal operations and maximum efficiency; and 9) evaluation of the effectiveness and progress of any corrective action associated with the permitted unit, if applicable.

An annual groundwater report must be submitted each year no later than March 1, as required by LAC 33:V.1529.D. This report shall include the requirements of the September 1st submittal and shall also summarize all groundwater activities for the preceding calendar year including an evaluation of the monitoring strategy in relation to the direction of groundwater flow and locations of wells associated with the regulated facilities. Applicable calculations must also include groundwater flow contaminant migration rates (as applicable), statistical comparisons, and any other information as required by this permit.

VI.H. DETECTION MONITORING PROGRAM

VI.H.1. All Monitoring wells listed in Conditions VI.C.1 and Table 33~~29~~7 must be sampled for the parameters listed in Tables 35 and 36~~31 and 32~~~~29 and 30~~ on a semi-annual and annual basis.

VI.H.2. For Detection Monitoring at existing monitoring wells as listed in Conditions VI.C.1 and Table 33~~29~~7, the Permittee must utilize the groundwater detection monitoring system described in Condition VI.G to obtain samples that provide a reliable indication of the statistically significant presence of indicator parameters in groundwater, utilizing PQLs as set forth in Tables 35 and 36~~, 31 and 32, 29 and 30~~. As part of the statistical evaluation, verification resampling at wells that yield an initial test result greater than the PQL (or Shewart-CUSUM control chart limit for monitoring wells F13, F14, and F15), shall be done within 30 days after the sampling event. A statistically significant presence or change of an indicator parameter will only be declared if the verification resample also yields a result greater than the PQL in Tables 35 and 36~~31 and 32~~~~29 and 30~~ or the Shewart-CUSUM control chart limit shown on Table 35~~31~~~~29~~.

For Detection Monitoring at required monitoring wells associated with areas after completion of waste placement in Phase I and II modules of Cell No. 8, the Permittee must utilize the groundwater detection monitoring system described in Condition VI.G to obtain samples that provide a reliable indication of the statistically significant presence of

naturally occurring indicator parameters in groundwater. Statistical methods shall include prediction limits, Shewart-CUSUM control chart limits, or tolerance intervals, by order of preference, based upon the distribution of background concentrations or the presence of non-naturally occurring parameters at or above the PQLs listed in Tables 35 and 36 31 and 32, 29 and 30. As part of the statistical evaluation, verification resampling at wells that yield initial results greater than the chosen statistical limit and/or PQL shall be done as soon as practical after reporting this initial result. A statistically significant presence of a naturally occurring parameter or a detection of a non-naturally occurring parameter above the parameter's PQL will only be declared if the verification resample also yields a result greater than the chosen statistical limit for a naturally occurring parameter or the PQL listed in Tables 35 and 36 31 and 32 29 and 30 for a non-naturally occurring parameter.

VI.H.3. The system as described in Condition VI.C shall be sampled in accordance with the schedule in Condition VI.H.1 (semi-annually and annual). Background values for indicator parameters and PQL's for the existing monitoring well network have already been established, as shown in Tables 35 and 36 31 and 3229 and 30. For the natural occurrence of arsenic at wells F13, F14, and F15, Shewart-CUSUM control chart limits have been computed. Background values and PQLs for indicator parameters and other hazardous constituents will be updated with additional data to provide temporal variation. Parameters selected for analysis under the Detection Monitoring Program are presented in Tables 35 and 3631 and 3229 and 30 of this permit with associated PQLs.

Within 90 days of the sampling event, the Permittee shall submit a report to the Administrative Authority containing test results, the statistical comparative data, and the groundwater potentiometric maps for the sampling event. Copies of the field logs and chain of custody, and a list of the parameters that were statistically significant above background concentrations for naturally occurring parameters or at or above the PQLs listed in Tables 35 and 36 31 and 3229 and 30 for non-naturally occurring parameters must be forwarded for review by the Administrative Authority.

VI.H.4. The sampling and analysis program outlined in Condition VI.C.4 must be utilized for groundwater sampling.

VI.H.5. If the Permittee determines that there are statistically significant changes in naturally occurring indicator parameters in Tables 35 and 3631 and 3229 and 30 or concentrations of non-naturally occurring in parameters listed Tables 35 and 3631 and 3229 and 30 as specified by the semi-annual and annual sampling schedule listed in Condition VI.H.1 at any monitoring well listed in Table 3329 7 and VI.C of this permit, the Permittee must notify the Administrative Authority of this finding in writing within seven (7) days indicating which parameters exhibit statistically significant change. The Permittee must also, within 30 days after the sampling event, sample the groundwater in all monitoring wells associated with the regulated unit listed in Table 3329 7, of this permit and determine whether constituents listed in LAC 33:V.3325.Table 4 are statistically present, and if so, in what concentrations.

For any LAC 33:V.3325.Table 4 compounds statistically present, at levels equal to or above PQL's, in the analysis, the owner or operator may resample within thirty (30) days and repeat the analysis for those compounds statistically present. If the results of the second analysis confirm the initial results, then those constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds detected, the hazardous constituents detected during this initial LAC 33:V.3325.Table 4 analysis will become the compliance monitoring parameters.

VI.H.6. If the results of resampling do not confirm that an impact on groundwater has occurred, a report on this conclusion shall be submitted to the Administrative Authority and detection monitoring will continue before the next sampling event.

VI.H.7. If the results of resampling confirm the statistical presence of LAC 33:V.3325.Table 4 compounds from the initial sampling, the Permittee must also, within 90 days, submit to the Administrative Authority an application for a permit modification to establish a compliance monitoring program meeting the requirements of LAC 33:V.3319. The application must include the following information:

VI.H.7.a. an identification of the concentration of any LAC 33:V.3325.Table 4 constituent statistically detected in the groundwater at each monitoring well at the compliance point;

VI.H.7.b. any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements at each well at the compliance point;

VI.H.7.c. any proposed changes to the groundwater monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of LAC 33:V.3319;

VI.H.7.d. for each hazardous constituent statistically present, after verification resampling at monitoring wells listed in Table 33297, where physically present, a proposed concentration limit under LAC 33: V.3309.A.3.a or b, or a notice of intent to seek an alternate concentration limit under LAC 33.V.3309.B.

Within 180 days, the Permittee must submit to the Administrative Authority:

VI.H.7.e. all data necessary to justify an alternate concentration limit sought under LAC 33:V.3309.B; and

VI.H.7.f. an engineering feasibility plan for a corrective action program necessary to meet the requirement of LAC 33:V.3321, unless

VI.H.7.f.i. all hazardous constituents identified under LAC 33:V.3317.G.2 are listed in Table 1 of LAC 33:V.3309, and their concentrations do not exceed the respective values given in that table; or

VI.H.7.f.ii. the Permittee has sought an alternative concentration limit under LAC 33:V.3309.B for every hazardous constituent identified under LAC 33:V.3317.G.2.

VI.H.8. If the Permittee determines, pursuant to LAC 33:V.3317.F, that there is a statistically significant difference (above the listed PQL or Shewart-CUSUM control chart limit) after verification resampling for the existing monitor well network; above the chosen statistical limit after verification resampling for wells associated with existing and future modules for Cell 8, for chemical parameters or hazardous constituents specified pursuant to LAC 33:V.3317.A at any monitoring well listed in Table 33~~2~~97, of this permit, where physically present, he or she may demonstrate that a source other than a regulated unit caused the statistical presence or that the statistical presence is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. The Permittee may make a demonstration under this Paragraph in addition to, or in lieu of, submitting a permit modification application under LAC 33:V.3317.G.4; however, the Permittee is not relieved of the requirement to submit a permit modification application within the time specified in LAC 33:V.3317.G.4 unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this Paragraph, the Permittee must:

VI.H.8.a. notify the administrative authority in writing within seven (7) days of determining statistically significant evidence of contamination at the well(s) shown on Table 33~~2~~97 of this permit that he or she intends to make a demonstration under this Paragraph;

VI.H.8.b. within 90 days, submit a report to the administrative authority that demonstrates that a source other than a regulated unit caused the contamination or that the concentration resulted from error in sampling, analysis, or evaluation;

VI.H.8.c. within 90 days, submit to the administrative authority for a permit modification to make any appropriate changes to the detection monitoring program for the facility; and

VI.H.8.d. continue to monitor in accordance with the detection monitoring program established in Condition VI.H.

VI.I. COMPLIANCE MONITORING

If the Permittee is required to establish a compliance monitoring program under this Condition VI.I and LAC 33:V.3303, the Permittee, at a minimum, must follow the regulations in LAC 33:V.3319.

VI.J. CORRECTIVE ACTION PROGRAM

If the Permittee is required to establish a corrective action program under this section and LAC 33:V.3303, the Permittee, at a minimum, must follow the regulations in LAC 33:V.3321.

VI.K. CONSTRUCTION AND ABANDONMENT OF MONITORING WELLS AND GEOTECHNICAL BOREHOLES{tc "**VI.K. CONSTRUCTION AND ABANDONMENT OF MONITORING WELLS AND GEOTECHNICAL BOREHOLES**" \f C \l 2}

The construction and abandonment of groundwater monitoring wells must conform to the standards and guidelines specified in **"CONSTRUCTION OF GEOTECHNICAL BOREHOLES AND GROUNDWATER MONITORING SYSTEMS HANDBOOK"**, latest edition. This document is printed by and available from the Louisiana Department of Transportation and Development (DOTD), Water Resources Section, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245. The document is also available online at http://dnr.louisiana.gov/assets/OC/env_div/gw_res/200010_GREENBOOK.pdf~~http://www.dotd.state.la.us/intermodal/wells/wellhandbook.com~~.

A work plan for the construction of a new well must be submitted to the Administrative Authority for approval as the entire groundwater monitoring system must be approved. Any required new well should be installed within thirty (30) days of approval of the work plan by the Administrative Authority. Upon completion of new or replacement well, a copy of DOTD-GW-1 S, DOTD Well Registration Short Form, is to be provided to the Administrative Authority.

The Permittee must provide for the sealing of any vertical migration path resulting from exploratory boring, leachate collection or detection systems and/or groundwater monitoring programs as provided in LAC 33:V.3323. A work plan for the plugging and abandonment of a well must be submitted for approval by the Administrative Authority, whenever such migration pathways are discovered. Upon completion of well abandonment, a copy of DOTD-GW-2, DOTD Well Plugging and Abandonment Form, is to be provided to the Administrative Authority.

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TABLE 3327
MONITORING WELL SYSTEM

Upgradient Monitoring Wells (Cells 5,6, 7, and 14) F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW02BS, MW02BD Upgradient Monitoring Wells (Cell 8) G-28, G-29, G-30 (See discussion in Condition VI.C.1)
Downgradient Monitoring Wells for Cell 5 F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11, D01B
Downgradient Monitoring Wells for Cell 14 F26, F27, F28, F29, F38, F39, F40, D02A
Downgradient Monitoring Wells for Cell 6 F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, F45
Downgradient Monitoring Wells for Cell 7 F17, F18, F19, F20, F21, F22, F23, F24, F25, E03
Downgradient Monitoring Wells for Phase 1 (Modules 1, 2, 3, and 4) of Cell 8 G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35, G-36
Downgradient Monitoring Wells for Phase 2 (Modules 5, 6, 7, 8, 9, and 10) of Cell 8 G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, G-21 (See discussion in Condition VI.C.1)
Piezometers M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, GP08, ~~G-10*~~ ~~*G-10 is a piezometer for Phase 1 (Modules 1, 2, 3, and 4) of Cell 8 and will be converted into a monitoring well for Phase 2 (prior to placement of waste in Module 5) of Cell 8~~

TABLE 3428
PARAMETERS, CONTAINERS, AND PRESERVATION

Parameter	Container Type	Preservation Method
Volatile Organic Compounds	Glass Zero headspace	Cool to 4 degrees C

Semi-Volatile Organic Compounds	Glass Minimal headspace	Cool to 4 degrees C
Dissolved Metals	Plastic	HNO_3 to pH < 2.0
Conventional Parameters	Glass or Plastic	Cool to 4 degrees C

TABLE 3539
MONITOR WELL DETECTION MONITORING PARAMETERS AND PRACTICAL QUANTITATION LIMITS (PQLS)
(Semi-Annual Sampling Schedule)

Volatile Organic Compound	PQL µg/l	Analytical Method*
Chloromethane	10	8260B
Bromomethane	10	8260B
Vinyl Chloride	2	8260B
Chloroethane	10	8260B
1,1-Dichloroethene	5	8260B
1,1-Dichloroethane	5	8260B
trans-1,2-Dichloroethene	10 7	8260B
Chloroform	5	8260B
1,2-Dichloroethane	5	8260B
1,1,1-Trichloroethane	5	8260B
Carbon Tetrachloride	5	8260B
Bromodichloromethane	5	8260B
1,1,2,2-Tetrachloroethane	5	8260B
1,2-Dichloropropane	5	8260B
trans-1,3-Dichloropropene	5	8260B
Trichloroethene	5	8260B
Dibromochloromethane	5	8260B
1,1,2-Trichloroethane	5	8260B
Benzene	5	8260B
cis-1,3-Dichloropropene	5	8260B
Bromoform	5	8260B
Tetrachloroethene	5	8260B
Toluene	5	8260B
Chlorobenzene	5	8260B
Ethyl Benzene	5	8260B
Trichlorofluoromethane	10	8260B
Methylene Chloride	5	8260B
Acetone	20	8260B
2-Butanone (MEK)	5	8260B
Carbon disulfide	5	8260B
4-Methyl-2-pentanone	5	8260B
Ethyl ether	5	8260B
Xylenes (total)	10	8260B

Dissolved Metal		
Arsenic	10**	200.7
Chromium	20	200.7
Cadmium	10	200.7
Lead	10	200.7
Selenium	5020	200.7

* Methods may be replaced with equivalent methods that meet the appropriate performance standards

**PQL of 10 µg/l for monitor wells other than F13, F14, and F15. Limits for these wells follow:
F13: Shewart-CUSUM Control Chart Limit = 18.4 µg/l
F14: Shewart-CUSUM Control Chart Limit = 36.1 µg/l
F15: Shewart-CUSUM Control Chart Limit = 18.4 µg/l

TABLE 3~~6~~9
MONITOR WELL DETECTION MONITORING PARAMETERS AND PRACTICAL QUANTITATION LIMITS (PQLS)
(Annual Sampling Schedule)

Semi-Volatile Organic Compound	PQL µg/l	Analytical Method*
Phenol	10	8270C
bis(2-chloroethyl)ether	10	8270C
2-Chlorophenol	10	8270C
1,3-Dichlorobenzene	10	8270C
1,4-Dichlorobenzene	10	8270C
Benzyl Alcohol	20	8270C
1,2-Dichlorobenzene	10	8270C
2-Methylphenol	10	8270C
bis(2chloroisopropyl)ether	10	8270C
4-Methylphenol	10	8270C
N-Nitroso-Dipropylamine	10	8270C
Hexachloroethane	10	8270C
Nitrobenzene	10	8270C
Isophorone	10	8270C
2-Nitrophenol	10	8270C
2,4-Dimethylphenol	10	8270C
Benzoic acid	50	8270C
bis(2-chloroethoxy)methane	10	8270C
2,4-Dichlorophenol	10	8270C
1,2,4-Trichlorobenzene	10	8270C
Naphthalene	10	8270C
4-Chloroaniline	20	8270C
Hexachlorobutadiene	10	8270C
4-Chloro-3-methylphenol (para-chloro-meta-cresol)	10	8270C
m-cresol (3-Methylphenol)	20	8270C
2-Methylnaphthalene	10	8270C
Hexachlorocyclopentadiene	10	8270C
2,4,6-Trichlorophenol	10	8270C
2,4,5-Trichlorophenol	10	8270C
2-Chloronaphthalene	10	8270C
2-Nitroaniline	50	8270C
Dimethyl Phthalate	10	8270C

Acenaphthylene	10	8270C
3-Nitroaniline	50	8270C
Acenaphthene	10	8270C
2,4-Dinitrophenol	50	8270C
4-Nitrophenol	50	8270C
2,4-Dinitrotoluene	10	8270C
2,6-Dinitrotoluene	10	8270C
4-Chlorophenyl Phenyl Ether	10	8270C
Fluorene	10	8270C
4-Nitroaniline	50	8270C
4,6-Dinitro-2-methylphenol	50	8270C
N-nitrosodiphenylamine	10	8270C
4-Bromophenyl Phenyl Ether	10	8270C
Hexachlorobenzene(Hexachlorobenzene	10	8270C
Pentachlorophenol	50	8270C
Phenanthrene	10	8270C
Anthracene	10	8270C
Fluoranthene	10	8270C
Pyrene	10	8270C
3,3'-Dichlorobenzidine	20	8270C
Benzo(a)anthracene	10	8270C
Chrysene	10	8270C
Benzo(b)fluoranthene	10	8270C
Benzo(k)fluoranthene	10	8270C
Benzo(a)pyrene	10	8270C
Ideno(1,2,3-cd)pyrene	10	8270C
Dibenz(a,h)anthracene	10	8270C
Benzo(g,h,i)perylene	10	8270C
Aniline	10	8270C
Beta-BHC	0.05	8081
Gamma-BHC (Lindane)	0.05	8081
4-4'-DDE	0.05	8081
2,4-D	4	8151
2,4,5-T	1	8151
Other Parameter		
Cyanide (total)	40	335.3
Mercury (dissolved)	2	245.1

* Methods may be replaced with equivalent methods that meet the appropriate performance standards

VII. GENERAL CONDITIONS PURSUANT TO THE HAZARDOUS AND SOLID WASTE AMENDMENTS

VII.A. STANDARD CONDITIONS{tc \l1 "B. STANDARD CONDITIONS}

VII.A.1. Waste Minimization{tc \l2 "1. Waste Minimization}

Annually, by March 1, for the previous year ending December 31, the Permittee shall enter into the operating record as required by LAC 33:V.1529.B.19, a statement certified according to LAC 33:V.513.A specifying that the Permittee has a program in place to reduce the volume and toxicity of hazardous wastes generated by the facility's operation to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or practicable disposal method that is currently available to the Permittee which minimizes the present and future threat to human health and the environment. A current description of the program shall be maintained in the operating record and a copy of the annual certified statement shall be submitted to the Administrative Authority. The following criteria should be considered for the program:

VII.A.1.a. Any written policy or statement that outlines goals, objectives, and/or methods for source reduction and recycling of hazardous waste at the facility;

VII.A.1.b. Any employee training or incentive programs designed to identify and implement source reduction and recycling opportunities;

VII.A.1.c. An itemized list of the dollar amounts of capital expenditures (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste;

VII.A.1.d. Factors that have prevented implementation of source reduction and/or recycling;

VII.A.1.e. Sources of information on source reduction and/or recycling received at the facility (e.g., local government, trade associations, suppliers, etc.);

VII.A.1.f. An investigation of additional waste minimization efforts that could be implemented at the facility. This investigation would analyze the potential for reducing the quantity and toxicity of each waste stream through production reformulation, recycling, and all other appropriate means. The analysis would include an assessment of the technical feasibility, cost, and potential waste reduction for each option;

VII.A.1.g. A flow chart or matrix detailing all hazardous wastes the facility produces by quantity, type, and building/area;

VII.A.1.h. A demonstration of the need to use those processes that produce a particular hazardous waste due to a lack of alternative processes or available technology that would produce less hazardous waste;

VII.A.1.i. A description of the waste minimization methodology employed for each related process at the facility. The description should show whether source reduction or recycling is being employed;

VII.A.1.j. A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years; and

VII.A.1.k. The Permittee may meet the requirements for waste minimization by developing an Environmental Management System according to the EPA document, Integrated Environmental Management System Implementation Guide, EPA 744-R-00-011, October 2000, found on https://www.epa.gov/sites/production/files/2013-12/documents/iems_implementation_guide_full.pdf. ~~www.epa.gov/opptintr/dfe/pubs/iems/iems_guide/index.htm.~~

VII.A.2. Dust Suppression{tc \l2 "2. Dust Suppression}

Pursuant to LAC 33:V.4139.B.4, and the Toxic Substances Control Act, the Permittee shall not use waste or used oil or any other material which is contaminated with dioxin, polychlorinated biphenyls (PCBs), or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment.

VII.A.3. Failure to Disclose{tc \l2 "3. Permit Modification}

The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts at any time may be cause for termination or modification of this Permit in accordance with LAC 33:323.B.2 and 3.

VII.A.4. Suspension, Modification, or Revocation and Reissuance, and Termination of Permit

This Permit may be modified, revoked and reissued, or terminated for cause as specified in LAC 33:V.323. The filing of a request by the Permittee for a permit modification, revocation and reissuance, 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.

VII.A.4.a. If the Administrative Authority tentatively decides to modify or revoke and reissue a permit under LAC 33:V.321.C. or 323, a draft permit shall be prepared incorporating the proposed changes. The Administrative Authority may request additional information and, in the case of a modified permit, may require the submission of an updated permit application.

VII.A.4.b. The Permittee may initiate permit modification proceedings under LAC 33:V.321.C. All applicable requirements and procedures as specified in LAC 33:V.321.C shall be followed.

VII.A.4.c. Modifications of this Permit do not constitute a reissuance of the Permit.

VII.A.5. Permit Review
{tc \l2 "4. Permit Review}
This Permit may be reviewed by the Administrative Authority five years after the date of permit issuance and may be modified as necessary as provided for in LAC 33:V.315 and LAC 33:V.323. Nothing in this section shall preclude the Administrative Authority from reviewing and modifying the Permit at any time during its term.

VII.A.6. Compliance with Permit{tc \l2 "5. Compliance with Permit}

Compliance with a RCRA permit during its term constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which:

VII.A.6.a. Become effective by statute;

VII.A.6.b. Are promulgated under LAC 33:V.Chapter 22 restricting the placement of hazardous wastes in or on the land; or

VII.A.6.c. Are promulgated under LAC 33:V.Chapters 23, 25 and 29 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, construction quality assurance (CQA) programs, monitoring action leakage rates, and response action plans, and will be implemented through the procedures of LAC 33:V.321.C Class 1 permit modifications.

VII.A.7. Specific Waste Ban{tc \l2 "6. Specific Waste Ban}

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VII.A.7.a. The Permittee shall not place in any land disposal unit the wastes specified in LAC 33:V. Chapter 22 after the effective date of the prohibition unless the Administrative Authority has established disposal or treatment standards for the hazardous waste and the Permittee meets such standards and other applicable conditions of this Permit.

VII.A.7.b. The Permittee may store wastes restricted under LAC 33:V.Chapter 22 solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal provided that it meets the requirements of LAC 33:V.2205 including, but not limited to, clearly marking each tank or container.

VII.A.7.c. The Permittee is required to comply with all applicable requirements of LAC 33:V.2245 as amended. Changes to the Waste Analysis Plan will be considered permit modifications at the request of the Permittee, pursuant to LAC 33:V.321.C.

VII.A.7.d. The Permittee shall review the waste analysis plan and analyze the waste when a process changes in order to determine whether the waste meets applicable treatment standards. Results shall be maintained in the operating record pursuant to Section III.C.1 and 2.

VII.A.8. Information Submittal for the Corrective Action Strategy{tc \l2 "7. Information Submittal}

Failure to comply with any condition of the Permit, including information submittal, constitutes a violation of the Permit and is grounds for enforcement action, permit amendment, termination, revocation, suspension, or denial of permit renewal application. Falsification of any submitted information is grounds for termination of this Permit (LAC 33:V.323.B.3).

The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Administrative Authority required by this Permit using the Corrective Action Strategy are signed and certified in accordance with LAC 33:V.Chapter 5, Subchapter B. A summary of the planned reporting requirements pursuant to the corrective action requirements of this Permit is found in Table 1 after section VIII. Five (5) copies each of these plans, reports, notifications or other submissions and one (1) electronic copy (3.5" IBM compatible disk or CD-ROM) of all portions thereof which are in word processing format shall be submitted to the Administrative Authority by Certified Mail or hand delivered to:

Louisiana Department of Environmental Quality
Office of Environmental Services
Remediation Services Division
P.O. Box 4313
Baton Rouge, LA 70821-4313

All plans and reports required under the corrective action strategy must follow the guidelines for formatting and content found in the RECAP document to the extent practicable. Further guidance on formatting and content may be provided by the Administrative Authority, as deemed necessary.

VII.A.9. Plans and Schedules Incorporation into Permit{tc \l2 "8. Plans and Schedules Incorporation Into Permit}

All plans and schedules required by this Permit are, upon approval by the Administrative Authority, incorporated into this Permit by reference and become an enforceable part of this Permit. When applicable, the Permittee must modify the permit according to LAC 33:V. Chapter 3. Since required items are essential elements of this Permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action under Section 3008 of RCRA which may include fines, suspension, or revocation of the Permit. Also, where applicable the Permittee must meet all the permit modification requirements of LAC 33:V.321, 322 and 323.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this Permit. Written requests for extensions of due dates for submittals may be granted by the Administrative Authority in accordance with LAC 33:I.1505.E.

If the Administrative Authority determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Administrative Authority may modify this Permit according to procedures in LAC 33:V.321.

VII.A.10. Data Retention{tc \l2 "9. Data Retention}

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Permit shall be maintained at the facility during the term of this Permit, including any reissued Permits.

VII.A.11. Management of Wastes{tc \l2 "10. Management of Wastes}

All solid wastes which are managed pursuant to a remedial measure taken under the corrective action process or as an interim measure addressing a release or the threat of a release from a solid waste management unit shall be managed in a manner protective of human health and the environment and in compliance with all applicable Federal, State and local requirements. As a response to the Louisiana legislature mandate La. R.S. 30:2272 (Act 1092 of the 1995 Regular Session) to develop minimum remediation standards, the LDEQ promulgated the Risk Evaluation Corrective Action Program (RECAP). RECAP's tiered approach to risk evaluation and corrective action establishes not only across the board numerical standards for most media, but also allows for the development of more site-specific numerical standards, as warranted. The Permittee is

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required to comply with all applicable requirements of RECAP. Approval of units for managing wastes and conditions for operating the units shall be granted through the permitting process. Previously approved remedial measures and/or corrective action activities only apply when warranted by new information and/or data that was not available to the Administrative Authority at the time of submission and approval of the measures and/or activities relevant to the previously approved remedial measures and/or corrective action activities.

VII.B.{tc \l1 "G.} AA-BB AIR REGULATIONS

See Condition V.HF. Air Emission Standards.

VII.C. SPECIFIC CONDITION - CLOSURE{tc \l1 "C. SPECIFIC CONDITION - CLOSURE}

Pursuant to Section 3005(j)(1) of the Hazardous and Solid Waste Amendments of 1984, the Permittee shall close any closing units in accordance with the following provisions:

VII.C.1. Other than consolidation of any wastes from the sites in conformance with LAC 33:V.Chapter 22, Land Disposal Restrictions, the Permittee shall not place waste prohibited by LAC 33:V.Chapter 22 into any closing units;

VII.C.2. The Permittee shall perform unit closures in accordance with the Closure Plan(s) as approved at the time of closure, and which meet(s) all relevant State and Federal closure requirements at the time of closure; and

VII.C.3. The Permittee shall notify the Administrative Authority in writing at least sixty (60) days prior to commencement of closure.

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VIII. SPECIAL CONDITIONS PURSUANT TO HAZARDOUS AND SOLID WASTE AMENDMENTS—CORRECTIVE ACTION STRATEGY

Corrective Action for Releases{tc \l2 "1. Corrective Action for Releases}: Section 3004(u) of RCRA, as amended by the Hazardous and Solid Waste Amendments (HSWA), and LAC 33:V.3322 require that permits issued after November 8, 1984, address corrective action for releases of hazardous waste or hazardous constituents from any solid waste management unit at the facility, regardless of when the waste was placed in the unit.

EPA's traditional RCRA corrective action approach is structured around several elements common to most activities. In the first phase, RCRA facility assessment (RFA), EPA or the authorized state assesses the facility to identify releases and determine the need for corrective action. In the second phase, RCRA facility investigation (RFI), the facility conducts a more detailed investigation to determine the nature and extent of contaminants released to ground water, surface water, air, and soil. If remedial action is needed, a third phase, corrective measures study (CMS), is started. During this phase, the facility conducts a study, which when completed, describes the advantages, disadvantages, and costs of various cleanup options. After selection of a final remedy, the fourth phase, corrective measures implementation (CMI), is initiated. The facility is required to design, construct, operate, maintain, and monitor the final remedy(s).

The Corrective Action Strategy (CAS) is an alternate corrective action approach that can be implemented during any phase of corrective action for a release area. The Permittee shall use the CAS approach as the framework for corrective action to clarify, facilitate and expedite the process, and shall use the **Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP)** for screening and media-specific cleanup standards. EPA has interpreted the term "release" to mean, "any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment." (50 FR 2873, July 15, 1985). The CAS refers to "release areas" as solid waste management units (SWMUs) and areas of concern (AOCs) while the RECAP refers to release areas as areas of investigation (AOIs). SWMUs and AOCs may also be referred to as "AOIs" when investigated and managed under the RECAP.

VIII.A. ALTERNATE CORRECTIVE ACTION

VIII.A.1. This Permit will utilize the CAS Guidance Document (https://www.epa.gov/sites/production/files/2015-09/documents/r6-cas2015.pdf(http://www.epa.gov/earth1r6/6pd/rcra_c/pd-o/riskman.htm) developed by the U.S. Environmental Protection Agency (EPA) Region 6 whenever the Administrative Authority determines that it will serve to facilitate the corrective action. The CAS Guidance Document shall be utilized to the fullest extent practicable for planning and implementation of the corrective action. The CAS in this Permit shall not supersede existing Federal, State, and local regulations. The two primary objectives are to prioritize corrective action at the facility, and streamline corrective action administrative procedures, resulting in the protection of human health and the environment.

The CAS is a performance-based approach; using data quality objectives, investigations begin with the endpoint in mind. The CAS is a risk management strategy that can be implemented during any phase of corrective action. However, the CAS need not be applied to work that has already been completed to the satisfaction of the Administrative Authority. Performance standards are established at the beginning of the corrective action process, allowing earlier and more focused implementation. Releases are screened using RECAP screening numbers to determine the priority of corrective action, and remedial alternatives are selected on the basis of their ability to achieve and maintain the established performance standards.

There is no one specific path through the CAS process. The CAS is a facility-wide approach, focusing corrective action on releases that pose the greatest risk first. Screening releases will also enable some areas of interest to qualify for no further action at this time (Condition VIII.A.3.a.), thus resources can be used to best benefit the protection of human health and the environment. The CAS process also considers activities previously conducted under the traditional corrective action process. Appendix 1 of this permit contains a summary of corrective action activities completed to date and also describes where the Permittee is in the CAS process at the time of issuance of this permit. The applicability of various provisions of the CAS will depend on where the Permittee is in the CAS process as detailed in Appendix 1.

The traditional RCRA corrective action process and reports (i.e., RFIs, CMSs, CMIs, etc.) are not elements of the CAS. However, the use of information and reports from the traditional corrective action process, if available, is encouraged, in addition to new site-specific information.

The Administrative Authority, through an agency-initiated permit modification, may remove the CAS as the means of facility-wide corrective action in the case of the failure of the Permittee to disclose information, abide by the terms and conditions of this permit, adhere to agreed schedules, or show adequate progress; or should an impasse occur between the Permittee and the Administrative Authority. The Administrative Authority will institute other means of corrective action (such as traditional corrective action) at the facility through modification of this permit.

VIII.A.2. Performance Standards

Expectations for the outcome of corrective action at a facility are established in the CAS by three performance standards as defined in Conditions VIII.A.2.a through c. The Permittee's proposed performance standards shall be presented during the scoping meeting. The Permittee must justify the proposed performance standards through evaluation and documentation of land use, ground water designation (current and reasonably expected future use), types of receptors present, exposure pathways, etc.; as described in RECAP, Chapter 2. Through the application of the performance standards and RECAP, the Permittee and Administrative Authority shall determine whether a release must be addressed through corrective action, and whether implemented corrective

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actions are protective of human health and the environment.

The Permittee shall submit the performance standards in writing along with the Conceptual Site Model (Condition VIII.D) within one-hundred and twenty (120) days after the scoping meeting. The Administrative Authority may either approve the performance standards proposed by the Permittee or establish performance standards that the Administrative Authority deems necessary to protect human health and the environment.

The three CAS performance standards are defined below. The order in which the performance standards are listed does not indicate that one performance standard takes priority over another. All applicable performance standards must be achieved by the Permittee.

VIII.A.2.a. Source Control Performance Standard

Source control refers to the control of materials that include or contain hazardous wastes or hazardous constituents that act as a reservoir for migration of contamination to soil, sediment, ground water, surface water, or air, or as a source for direct exposure.

The facility must determine if source material is present. Removal, containment, treatment, or a combination of the three, must be evaluated on a case-by-case basis. Controlling source material is a predominating issue in the CAS, and must be addressed to ensure protectiveness over time. Prioritization of the SWMUs and AOCs does not mean avoidance of controlling source materials.

VIII.A.2.b. Statutory and Regulatory Performance Standard

Applicable statutory and regulatory requirements (Federal, State, and local) must be identified. These requirements may dictate media-specific contaminant levels (e.g., maximum contaminant levels (MCLs) in drinking water) that must be achieved and may become a performance standard for the Permittee.

VIII.A.2.c. Final Risk Goal Performance Standard

The final risk goal is the level of protection to be achieved and maintained by the Permittee. The final risk goal shall be based on site-specific issues including land use, special subpopulations, contaminant concentrations based on acceptable risk, location at which the levels are measured, and the remediation time frame, as specified by RECAP.

One final risk goal may apply to the entire facility, but it is more likely that different releases will require different final risk goals due to variations in location of releases, land use, proximity of receptors, etc. The final risk goal will be based on sound risk assessment methodologies (Condition VIII.A.3).

VIII.A.3. Use of RECAP

The latest edition of the RECAP document shall be used by the Permittee to determine the need for further corrective actions under this permit. The RECAP consists of a tiered framework comprised of a Screening Option (SO), and three Management Options (MO). The tiered management options allow site evaluation and corrective action efforts to be tailored to site conditions and risks. As the MO level increases, the approach becomes more site-specific and hence, the level of effort required to meet the objectives of the Option increases.

The RECAP shall be used by the Permittee to evaluate data quality and data usability (RECAP Section 2.4 and 2.5), to determine the identity of an AOI as described in RECAP Section 2.6, and for estimations of Area of Investigation Concentrations and Groundwater Compliance Concentrations for each media as defined in RECAP Section 2.8.

The RECAP shall be used by the Permittee to evaluate land use as described in RECAP Section 2.9, and groundwater/aquifer use as described in RECAP Section 2.10.

The RECAP shall be used by the Permittee to prioritize AOCs, SWMUs, and AOIs that require remediation so site investigations are focused on the release areas that pose the greatest risk. As the CSM is compiled, the Permittee shall assess historical data (RECAP Section 2.5) and use the following management options, as appropriate, to address each release site.

VIII.A.3.a. Use of the Screening Option - The Permittee shall use the Screening Standards (SS) which are LDEQ-derived screening numbers for soil and groundwater for non-industrial and industrial land use scenarios. The SS shall be used to demonstrate that an AOI does not pose a threat to human health and the environment and, hence does not require further action at this time (NFA-ATT) or that further evaluation is warranted under a higher Management Option.

VIII.A.3.b. **Use of Management Option 1** – The Permittee shall use Management Option 1 (MO-1) which provides a RECAP standard (RS) derived for non-industrial and industrial exposure scenarios using currently recommended default exposure parameters and toxicity values. Under MO-1, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-1 limiting RS, then the Permittee may; (1) remediate to the MO-1 limiting RS (and comply with closure/post closure requirements for MO-1), or (2) proceed with a MO-2 or MO-3 evaluation.

VIII.A.3.c. **Use of Management Option 2** – The Permittee shall use Management Option 2 (MO-2) which provides for the development of soil and groundwater RS using site-specific data with specified analytical models to evaluate constituent fate and transport at the AOI. The results of this evaluation

shall be used in conjunction with standard reasonable maximum exposure (RME) assumptions to identify site-specific MO-2 RS. Under MO-2, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-2 limiting RS, then the Permittee may; (1) remediate to the MO-2 limiting RS (and comply with closure/post closure requirements for MO-2), or (2) proceed with a MO-3 evaluation.

VIII.A.3.d. **Use of Management Option 3** – The Permittee shall use Management Option 3 (MO-3) which provides the option of using site-specific data for the evaluation of exposure and the evaluation of environmental fate and transport at the AOI. The results of the site-specific evaluation may be to develop site-specific MO-3 RS. Under MO-3, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-3 limiting RS, then the Permittee shall; (1) remediate to the MO-3 RS, (2) conduct confirmatory sampling, and (3) comply with closure/post closure requirements for MO-3.

VIII.A.4. Corrective Action for Releases Beyond Facility Boundary{tc \l2 "4. Corrective Action for Releases Beyond Facility Boundary}

Section 3004(v) of RCRA as amended by HSWA, and State regulations promulgated as LAC 33:V.3322.C require corrective actions beyond the facility property boundary, where necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, unless the Permittee demonstrates that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where offsite access is denied.

VIII.A.5. Financial Responsibility{tc \l2 "5. Financial Responsibility}

Assurances of financial responsibility for corrective action shall be provided by the Permittee as specified in the Permit following major modification for remedy selection. The Administrative Authority reserves the right to require financial assurance prior to remedy selection based upon facility compliance history, the extent and degree of contamination, financial health of the Permittee, and input from the public.

VIII.A.6. Summary of Corrective Action Activities

A summary of the corrective action activities associated with the facility is provided in Condition VIII, Appendix 1 of this permit. AOCs and SWMUs that are currently being managed or proposed for management under a prescribed corrective action program (e.g., groundwater order, corrective action order, CERCLA) are identified in Condition VIII, Appendix 1, Table 1 of this permit.

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VIII.A.7. Approval of Alternate Schedule

The Permittee may submit a written request for an alternate schedule for a submittal deadline as presented in Condition VIII, Table 1. The request should propose a specific alternate schedule and include an explanation as to why the alternate schedule is necessary. The Administrative Authority will consider site-specific criteria in either approving or disapproving the request for an alternate schedule.

VIII.B. PROJECT DEVELOPMENT AND SCOPING MEETING

VIII.B.1. Notice of Intent

The Permittee must submit to the Administrative Authority a Notice of Intent to conduct corrective action using the CAS upon identification of a newly identified SWMU or AOC per Condition VIII.L or notification of newly identified releases at a SWMU or AOC per Condition VIII.M. The notice of intent should state the following in a concise manner:

VIII.B.1.a. General information regarding facility location;

VIII.B.1.b. General information regarding the facility's operational history;

VIII.B.1.c. General discussion on how the Permittee will proceed through the CAS;

VIII.B.1.d. Brief description of proposed performance standards for corrective action; and

VIII.B.1.e. Propose a date for a scoping meeting between the Permittee and the Administrative Authority to be held within sixty (60) days of the date of the Notice of Intent.

VIII.B.2. Scoping Meeting

The scoping meeting will serve as the first CAS milestone where the Permittee and the Administrative Authority identify expectations concerning CAS implementation. The length and extent of the meeting will depend on the complexity of the site. Agreements on land use, groundwater classification, the level of detail required in the conceptual site model (see Condition VIII.D) and expectations for remediation goals will be discussed during the scoping meeting(s). During the scoping meeting the Permittee will present the following information to the Administrative Authority:

VIII.B.2.a. A conceptual site model (if one already has been developed);

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VIII.B.2.b. Discussions on history of corrective action at the facility, including facility investigations, risk evaluations or risk assessments, interim measure/stabilizations and final remedies implemented;

VIII.B.2.c. Proposed performance standards for the facility with justification, and potential risk management approaches;

VIII.B.2.d. Discussions on how the Permittee plans to use the CAS to meet its corrective action obligations, including permitting and compliance issues;

VIII.B.2.e. A Communication Strategy Plan that specifies where in the CAS process the Permittee is currently and how the Permittee will provide information about future progress at the facility to the Administrative Authority (i.e., progress reports, conference calls, routine meetings, etc.);

VIII.B.2.f. Site-specific concerns (i.e., sensitive environments or special subpopulations);

VIII.B.2.g. Need for interim measures or stabilization activities, if necessary; and

VIII.B.2.h. Schedule for submittal of the CAS Investigation Workplan and proposed schedule for conducting and completing CAS requirements, including public participation.

Information plans and reports that have already been developed by the Permittee during the corrective action process can be referenced during the scoping meeting. The Permittee must coordinate with the Administrative Authority in order to determine the date, time, and location of the scoping meeting.

VIII.C. REPORTING REQUIREMENTS

VIII.C.1. The Permittee shall submit, in accordance with Condition VII.A.8, signed reports of all activities conducted pursuant to the provisions of this Permit as required by the Administrative Authority. The reporting schedule shall be determined on a case-by-case basis by the Administrative Authority. These reports shall contain, as applicable to the stage of corrective action, the information required by CAS, as well as the following:

VIII.C.1.a. A description of the work completed and an estimate of the percentage of work completed;

VIII.C.1.b. Summaries of all findings, including summaries of laboratory data;

VIII.C.1.c. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;

VIII.C.1.d. Projected work for the next reporting period;

VIII.C.1.e. Summaries of contacts pertaining to corrective action or environmental matters with representatives of the local community, public interest groups or State government during the reporting period;
VIII.C.1.f. Changes in key project personnel during the reporting period; and

VIII.C.1.g. Summaries of all changes made in implementation during the reporting period.

VIII.C.2. Copies of other reports relating to or having bearing upon the corrective action work (e.g., inspection reports, drilling logs and laboratory data) shall be made available to the Administrative Authority upon request.

VIII.C.3. In addition to the written reports as required in Condition VIII.C.1 and VIII.C.2 above, at the request of the Administrative Authority, the Permittee shall provide status review through briefings with the Administrative Authority.

VIII.C.4. The determination and approval of remedy selections, schedules of submittals and minor changes to any corrective action workplans may be made by the Administrative Authority during the scoping meeting or status review briefings as described in Condition VIII.C.3.

VIII.D. SPECIFIC CONDITION – CONCEPTUAL SITE MODEL (CSM)

No later than 120 days after the scoping meeting, the Permittee shall submit to the Administrative Authority a CSM (along with the Performance Standards detailed in Condition VIII.A.2) or an update of any CSM submitted at the scoping meeting providing background information and the current conditions at the facility. The level of detail required for the CSM will be discussed during the scoping meeting. At a minimum, the CSM must address current site conditions, land use, known and/or potential constituent source(s), routes of constituent migration, exposure media (i.e., soil, surface waters, groundwater), exposure points, points of compliance and pathways, receptors and source media to be evaluated under the RECAP. The CSM must include a completed Figure 8 (LAC 33:I.Chapter 13). The Permittee may include completed investigations, existing data, or previously submitted documents in the CSM by reference. References must include the names, dates, and brief summaries of the documents.

If a CSM has been previously developed, the scoping meeting will also provide the opportunity for the Permittee and Administrative Authority to consider and identify all data gaps in the CSM. The initial CSM shall be considered the "base document" to be prepared and updated by the facility as new information is gathered during investigations. The CSM shall be used by the facility to make decisions regarding risk management options, ecological risk, and monitored natural attenuation determinations (RECAP Section 2.16), or technical impracticability (TI) waiver determinations, when appropriate.

The Administrative Authority reserves the right to require revisions to the CSM based upon data resulting from ongoing investigations and activities. Revisions to the CSM may also be required

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for newly identified SWMUs or AOCs according to Condition VIII.L of this permit (See Appendix 1, Ongoing Corrective Action) and based on new information and information not previously considered by the Administrative Authority.

The CSM shall be divided into Profiles as detailed in Conditions VIII.D.1 through 6. If the Permittee chooses to use existing data and documents in the CSM, it may not be necessary to prepare the Profiles as detailed in Conditions VIII.D.1 through 6. However, the existing documents and data must provide sufficient information and detail which corresponds to the information required by the Facility, Land Use and Exposure, Physical, Release, Ecological, and Risk Management Profiles.

VIII.D.1. Facility Profile

The Permittee shall include in the CSM a Facility Profile which shall summarize the regional location, pertinent boundary features, general facility structures, process areas, and locations of solid waste management units or other potential sources of contaminant migration from the routine and systematic releases of hazardous constituents to the environment (e.g., truck or railcar loading/unloading areas). The Permittee shall also include historical features that may be potential release areas because of past management practices. The Facility Profile shall include:

VIII.D.1.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.1.a.i. General geographic location;

VIII.D.1.a.ii. Property lines with the owners of all adjacent property clearly indicated;

VIII.D.1.a.iii. Facility structures, process areas and maintenance areas;

VIII.D.1.a.iv. Any other potential release areas shall be delineated, such as railcar loading/unloading areas or any other AOI as described in RECAP Section 2.6; and

VIII.D.1.a.v. Locations of historical features that may be potential release areas or any areas of past solid and hazardous waste generation, treatment, storage or disposal activities.

VIII.D.1.b. The Facility Profile shall also include a description of ownership and operation of the facility.

VIII.D.1.c. The Permittee shall provide pertinent information for those spills that have not been assessed and reported to the Administrative Authority during

facility investigations, addressed by facility spill contingency plans, or previously remediated or deemed for no further action. The information must include at minimum, approximate dates or periods of past waste spills, identification of the materials spilled, the amount spilled, the location where spilled, and a description of the response actions conducted (local, state, federal, or private party response units), including any inspection reports or technical reports generated as a result of the response.

VIII.D.2. Land Use and Exposure Profile

The Permittee shall include in the CSM a Land Use and Exposure Profile which includes surrounding land uses (industrial and non-industrial, as described in RECAP Sections 2.9.1 and 2.9.2), resource use locations (water supply wells, surface water intakes, etc.), beneficial resource determinations (groundwater classifications as described in RECAP Section 2.10), natural resources (wetlands, etc.), sensitive subpopulation types and locations (schools, hospitals, nursing homes, day care centers, etc.), applicable exposure scenarios, and applicable exposure pathways identifying the specific sources, releases, migration mechanisms, exposure media, exposure routes and receptors. The Land Use and Exposure Profile shall include:

VIII.D.2.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.2.a.i. Surrounding land uses, resource use locations, and natural resources/wetlands;

VIII.D.2.a.ii. Locations of sensitive subpopulations; and

VIII.D.2.a.iii. An exposure pathway flowchart which outlines sources, migration pathways, exposure media and potential receptors as depicted in Figure 8 (CMS example) of the RECAP.

VIII.D.3. Physical Profile

The Permittee shall include in the CSM a Physical Profile which shall describe the factors that may affect releases, fate and transport, and receptors, including; topography, surface water features, geology, and hydrogeology. The Physical Profile shall include:

VIII.D.3.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V.Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

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VIII.D.3.a.i. Topographic maps with a contour interval of five (5) or ten (10) feet, a scale of one inch to 100 feet (1:100), including hills, gradients, and surface vegetation or pavement;

VIII.D.3.a.ii. Surface water features including routes of all drainage ditches, waterways, direction of flow, and how they migrate to other surface water bodies such as canals and lakes;

VIII.D.3.a.iii. Regional geology including faulting and recharge areas, as well as local geology depicting surface features such as soil types, outcrops, faulting, and other surface features;

VIII.D.3.a.iv. Subsurface geology including stratigraphy, continuity (locations of facies changes, if known), faulting and other characteristics;

VIII.D.3.a.v. Maps with hydrogeologic information identifying water-bearing zones, hydrologic parameters such as transmissivity, and conductivity. Also locations and thicknesses of aquitards or impermeable strata; and

VIII.D.3.a.vi. Locations of soil borings and production and groundwater monitoring wells, including well log information, and construction of cross-sections which correlate substrata. Wells shall be clearly labeled with ground and top of casing elevations (can be applied as an attachment).

VIII.D.4. Release Profile

The Permittee shall include in the CSM a Release Profile which shall describe the known extent of contaminants in the environment, including sources, contaminants of concern (COC), areas of investigations, distribution and magnitude of known COCs with corresponding sampling locations, and results of fate and transport modeling depicting potential future extent/magnitude of COCs. The Release Profile shall include:

VIII.D.4.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V. Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.4.a.i. Estimations of source concentrations, exposure concentrations and compliance concentrations for each affected media as defined in Section 2.8 of RECAP;

VIII.D.4.a.ii. Isopleth maps depicting lateral extent and concentrations of COCs;

VIII.D.4.a.iii. Results of fate and transport modeling showing potential exposure concentrations and locations; and

VIII.D.4.a.iv. Locations of potential sources including past or present waste units or disposal areas and all SWMUs/AOCs.

VIII.D.4.b. Table(s) depicting the following information for each SWMU/AOC, including but not limited to: location; type of unit/disposal/release area; design features; operating practices (past and present); period of operation; age of unit/disposal/release area; general physical condition; and method of closure.

VIII.D.4.c. Table(s) depicting the following waste/contaminant characteristics for those areas referenced in Condition VIII.D.4.b, including but not limited to: type of waste placed in the unit (hazardous classification, quantity, chemical composition), physical and chemical characteristics (physical form, description, temperature, pH, general chemical class, molecular weight, density, boiling point, viscosity, solubility in water, solubility in solvents, cohesiveness, vapor pressure); and migration and dispersal characteristics of the waste (sorption coefficients, biodegradability, photodegradation rates, hydrolysis rates, chemical transformations).

VIII.D.5. Ecological Profile

The Permittee shall include in the CSM an Ecological Profile that shall describe the physical relationship between the developed and undeveloped portions of the facility, the use and level of disturbance of the undeveloped property, and the type of ecological receptors present in relation to completed exposure pathways. When compiling data for the Ecological Profile, current, as well as, future impacts to receptors and/or their habitats shall be considered. The Ecological Profile shall include:

VIII.D.5.a. A history and description of the developed property on the facility, including structures, process areas, waste management units, and property boundaries;

VIII.D.5.b. A history and description of the undeveloped property, including habitat type (wetland, grassy area, forest, ponds, etc.). Include a description of the primary use, degree and nature of any disturbance, along with proximity to drainage ditches, waterways and landfill areas;

VIII.D.5.c. A description of the site receptors in relation to habitat type, including endangered or protected species, mammals, birds, fish, etc.;

VIII.D.5.d. A description of the relationship between release areas and habitat areas, specifically relating chemicals of potential ecological concern (COEC) to ecological receptors;

VIII.D.5.e. An ecological checklist as described in Section 7.0 of RECAP. An ecological checklist (presented in Appendix C, Form 18 of the RECAP) shall be used to determine if a tier 1 (screening level) Ecological Risk Assessment (ERA) is warranted.

VIII.D.6. Risk Management Profile

The Permittee shall include in the CSM a Risk Management Profile that shall describe how each AOI at the facility will be managed for the protection of human health and the environment. The Risk Management Profile will serve as documentation of the results of the site ranking system (described in Section 2.2 of RECAP). The Risk Management Profile will also document the criteria and verify that the SO, MO-1, MO-2 or MO-3 is appropriate for application at each AOI. The Risk Management Profile shall include:

VIII.D.6.a. A table for tracking the management options for each AOI, and the determination made, whether an AOI is deemed for no further action at this time (NFA-ATT) or is going to use either the SO, MO-1, MO-2 or MO-3 management option.

VIII.D.6.b. A list of identified site-wide data gaps for further investigation.

VIII.D.6.c. Documentation of all interim measures which have been or are being undertaken at the facility, including under State or Federal compliance orders, other than those specified in the Permit. This documentation shall include the objectives of the interim measures and how the measure is mitigating a potential threat to human health or the environment and/or is consistent with and integrated into requirements for a long term remedial solution.

VIII.E. INTERIM MEASURES

VIII.E.1. If at any time during the term of this Permit, the Administrative Authority determines that a release or potential release of hazardous constituents from a SWMU/AOC poses a threat to human health and the environment, the Administrative Authority may require interim measures. The Administrative Authority shall determine the specific measure(s) or require the Permittee to propose a measure(s). The interim measure(s) may include a permit modification, a schedule for implementation, and an Interim Measures Workplan. The Administrative Authority may modify this Permit according to LAC 33:V.321 to incorporate interim measures into the Permit. However, depending upon the nature of the interim measures, a permit modification may not be required.

VIII.E.2. The Permittee may propose interim measures at any time by submittal of an Interim Measures Workplan subject to the approval of the Administrative Authority.

VIII.E.3. The Administrative Authority shall notify the Permittee in writing of the requirement to perform interim measures and may require the submittal of an Interim

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Measures Workplan. The following factors will be considered by the Administrative Authority in determining the need for interim measures and the need for permit modification:

VIII.E.3.a. Time required to develop and implement a final remedy;

VIII.E.3.b. Actual and potential exposure to human and environmental receptors;

VIII.E.3.c. Actual and potential contamination of drinking water supplies and sensitive ecosystems;

VIII.E.3.d. The potential for further degradation of the medium in the absence of interim measures;

VIII.E.3.e. Presence of hazardous wastes in containers that may pose a threat of release;

VIII.E.3.f. Presence and concentration of hazardous waste including hazardous constituents in soil that has the potential to migrate to ground water or surface water;

VIII.E.3.g. Weather conditions that may affect the current levels of contamination;

VIII.E.3.h. Risks of fire, explosion, or accident; and

VIII.E.3.i. Other situations that may pose threats to human health and the environment.

VIII.E.5. Upon approval of the Interim Measures Workplan and completion of the interim measure(s) implementation, the Permittee will submit a report to the Administrative Authority describing the completed work.

VIII.E.6. At anytime during or after the interim measure(s), including the issuance of an NFA-ATT, the Administrative Authority may require the Permittee to submit the SWMUs/AOCs for further corrective action.

VIII.F. CAS (CORRECTIVE ACTION STRATEGY) INVESTIGATION WORKPLAN

VIII.F.1. The CAS Investigation Workplan that describes site investigation activities for corrective action shall be submitted to the Administrative Authority within 180 days after the scoping meeting between the Permittee and the Administrative Authority. The CAS Investigation Workplan must address releases of hazardous waste or hazardous constituents to all media, unless otherwise indicated, for those SWMUs/AOCs listed in Appendix 1, Table 1. The focus of the site investigation phase for corrective action is to collect data to fill in data gaps identified in the CSM. The corrective action

investigations may be conducted in phases if warranted by site conditions, contingent upon approval by the Administrative Authority.

VIII.F.1.a. The CAS Investigation Workplan shall describe the management options (MO) for each AOI/release area, data quality objectives for achieving each management option, and proposals for release characterizations (sampling and analysis/quality assurance plans) to support the data quality objectives (DQOs). (DQOs are determined based on the end use of the data to be collected, and the DQO development process should be integrated into project planning and refined throughout the CAS implementation. DQOs shall be used to 1) ensure that environmental data are scientifically valid, defensible, and of an appropriate level of quality given the intended use, and 2) expedite site investigations. The CAS Investigation Workplan is required to have DQOs that are developed to support the performance standard for each release.) The CAS Investigation Workplan shall detail all proposed activities and procedures to be conducted at the facility, the schedule for implementing and completing such investigations, the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the site investigations. The scope of work for the site investigation can be found in RECAP Appendix B.

VIII.F.1.b. The CAS Investigation Workplan shall describe sampling, data collection quality assurance, data management procedures (including formats for documenting and tracking data and other results of investigations) and health and safety procedures.

VIII.F.1.c. Development of the CAS Investigation Workplan and reporting of data shall be consistent with the latest version of the following EPA and State guidance documents or the equivalent thereof:

VIII.F.1.c.i. Guidance for the Data Quality Assessment, Practical Methods for Data Analysis. QA97 Version EPA QA/G-9. January 1998;

VIII.F.1.c.ii. Guidance for the Data Quality Objectives Process. EPA QA/G-4. September 1994;

VIII.F.1.c.iii. Data Quality Objectives Remedial Response Activities. EPA/540/G87-003. March 1987;

VIII.F.1.c.iv. Guidance on Quality Assurance Project Plans. EPA QA/G-5. February 1998;

VIII.F.1.c.v. Interim EPA Data Requirements for Quality Assurance Project Plans. EPA Region 6, Office of Quality Assurance. May 1994;

VIII.F.1.c.vi. 29 CFR 1910.120 (b) for the elements to Health and Safety plans;

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VIII.F.1.c.vii. RCRA Groundwater Monitoring: Draft Technical Guidance EPA/530-R-93-001 November 1992;

VIII.F.1.c.viii. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods; SW-846, 3rd Edition. November 1992, with revisions;

VIII.F.1.c.viv. The LDEQ Handbook - **Construction of Geotechnical Boreholes and Groundwater Monitoring Systems," prepared by the LDEQ and the Louisiana Department of Transportation and Development.** This document is printed by and available from the Louisiana Department of Transportation and Development, Water Resources Section, P. O. Box 94245, Baton Rouge, Louisiana 70804-9245; and

VIII.F.1.c.x. The LAC 33:I.Chapter 13 and Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP).

VIII.F.2. After the Permittee submits the CAS Investigation Workplan; the Administrative Authority will approve, disapprove, or otherwise modify the CAS Investigation Workplan in writing. All approved workplans become enforceable components of this Permit.

In event of disapproval (in whole or in part) of the workplan, the Administrative Authority shall specify deficiencies in writing. The Permittee shall modify the CAS Investigation Workplan to correct these within the time frame specified in the notification of disapproval by the Administrative Authority. The modified workplan shall be submitted in writing to the Administrative Authority for review. Should the Permittee take exception to all or part of the disapproval, the Permittee shall submit a written statement of the ground for the exception within fourteen (14) days of receipt of the disapproval.

VIII.F.3. The Administrative Authority shall review for approval, as part of the CAS Investigation Workplan or as a new workplan, any plans developed pursuant to Condition VIII.L addressing further investigations of newly-identified SWMUs/AOCs, or Condition VIII.M addressing new releases from previously-identified SWMUs/AOCs.

VIII.G. IMPLEMENTATION OF SITE INVESTIGATION ACTIVITIES UNDER CAS

No later than fourteen (14) days after the Permittee has received written approval from the Administrative Authority for the CAS Investigation Workplan, the Permittee shall implement the site investigation activities according to the schedules and in accordance with the approved CAS Investigation Workplan and the following:

VIII.G.1. The Permittee shall notify the Administrative Authority at least 10 working days prior to any field sampling, field-testing, or field monitoring activity required by this Permit to give LDEQ personnel the opportunity to observe investigation procedures and/or split samples.

VIII.G.2. Deviations from the approved CAS Investigation Workplan, which are necessary during implementation, must be approved by the Administrative Authority and fully documented and described in the progress reports (Condition VIII.C), RECAP Report (Condition VIII.H) and the final Risk Management Plan (Condition VIII.J).

VIII.H. RECAP REPORT

Within ninety (90) days after completion of the site investigation the Permittee shall submit a RECAP Report to the Administrative Authority for approval. The RECAP Report shall document the results of the site investigation activities, and the evaluation of the impacts from releases. The Administrative Authority will review and evaluate the report and provide the Permittee with written notification of the report's approval or a notice of deficiency. If the Administrative Authority determines the RECAP Report does not fully meet the objectives stated in the CAS Investigation Workplan (Permit Condition VIII.F), the Administrative Authority shall notify the Permittee in writing of the report's deficiencies, and specify a due date for submittal of a revised Final Report to the Administrative Authority.

VIII.H.1. The Permittee shall screen site-specific data using the appropriate RECAP standard (RS) for each AOI (depending on the MO), evaluate impacts from releases with exposure scenario evaluations, and update the Risk Management Profile of the CSM.

VIII.H.2. The report shall include, but not be limited to, the following:

VIII.H.2.a. Documentation of site investigation activities and results;

VIII.H.2.b. Evaluation of exposure scenarios to document impacts from releases;

VIII.H.2.c. Deviations from the CAS Investigation Workplan;

VIII.H.2.d. Results of screening activities using RECAP standards (RS), including SO, MO-1, MO-2, or MO-3 RS for each media;

VIII.H.2.e. The revised CSM with updated profiles which incorporate investigation and screening results; and

VIII.H.2.f. Proposed revisions to performance standards based on new information (e.g., change in land use, difference in expected receptors and/or exposure, or other differences in site conditions), if warranted.

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VIII.I. REMEDIAL ALTERNATIVES STUDY

Upon completion and approval of the RECAP Report, the Permittee shall proceed with the evaluation of remedial alternatives to complete corrective action for each AOI according to the performance standards described in Condition VIII.A.2. The remedial alternatives shall be submitted to the Administrative Authority in the Remedial Alternatives Study (RAS) within ninety (90) days of the Administrative Authority's approval of the RECAP Report. In the Remedial Alternatives Study, the Permittee shall identify and evaluate various potential remedies that would meet the performance-based corrective action objectives and propose one or more specific remedies based on an evaluation of applicable data and available corrective action technologies. The RAS shall be prepared in a manner that addresses the extent and nature of the contamination at the facility.

VIII.I.1. The Permittee shall evaluate remedies for each AOI that shall:

VIII.I.1.a. attain compliance with corrective action objectives for releases of hazardous waste and/or hazardous constituents, as established in the Conceptual Site Model or in later investigations approved by the Administrative Authority;

VIII.I.1.b. control sources of releases;

VIII.I.1.c. meet acceptable waste management requirements;

VIII.I.1.d. protect human health and the environment; and

VIII.I.1.e. meet applicable statutory and regulatory requirements (as noted in Condition VIII.A.2.b).

VIII.I.2. The Permittee shall evaluate the use of presumptive remedies and innovative technologies to achieve the appropriate remedial performance standards for each AOI.

VIII.I.3. The Permittee shall review the current interim measures/ stabilization activities to evaluate if these measures meet all the criteria for final remedy.

VIII.I.4. If under certain site-specific conditions, or when it is not technically or economically feasible to attain the corrective action objectives, the Permittee may propose to use institutional controls to supplement treatment or containment-based remedial actions upon approval of the Administrative Authority (Section 2.15 of RECAP).

VIII.I.5. The RAS shall at a minimum include:

VIII.I.5.a. An evaluation of the performance reliability, ease of implementation, and the potential impacts of the potential remedies;

VIII.I.5.b. An assessment of the effectiveness of potential remedies in achieving adequate control of sources and meeting remedial performance standards;

VIII.I.5.c. An assessment of the costs of implementation for potential remedies;

VIII.I.5.d. An assessment of the time required to begin and complete the remedy;

VIII.I.5.e. An explanation of the rationale for the remedy proposed for each AOI or group of AOIs; and

VIII.I.5.f. An assessment of institutional requirements (e.g., state permit requirements that may impact remedy implementation).

VIII.I.6. The Administrative Authority will review and evaluate the RAS and provide the Permittee with written notification of the study's approval or a notice of deficiency. If the Administrative Authority determines the RAS does not fully meet the requirements detailed in Conditions VIII.I.1 through VIII.I.5, the Administrative Authority shall notify the Permittee in writing of the RAS's deficiencies, and specify a due date for submittal of a revised RAS to the Administrative Authority. In addition, the Administrative Authority may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

VIII.J. RISK MANAGEMENT PLAN

Within ninety (90) days of the Administrative Authority's approval of the RAS, the remedy/remedies proposed for selection shall be documented and submitted in the Risk Management Plan. The Permittee shall propose corrective action remedies in accordance with Chapter IV of the RCRA Corrective Action Plan (Final), May 1994, OSWER Directive 9902.3-2A or as directed by the Administrative Authority.

VIII.J.1. The Risk Management Plan shall at a minimum include:

VIII.J.1.a. A summary of the remedial alternatives for each AOI and the rationale used for remedy selection;

VIII.J.1.b. The final CSM with proposed remedies, including locations of AOIs addressed by a risk management activity, COC concentrations that represent the long-term fate and transport of residual COCs and the exposure pathways affected by the risk management activity;

VIII.J.1.c. Cost estimates and implementation schedules for proposed final remedies;

VIII.J.1.d. Proposed remedy design and implementation precautions, including special technical problems, additional engineering data required, permits and regulatory requirements, property access, easements and right-of-way

requirements, special health and safety requirements, and community relations activities;

VIII.J.1.e. Remedy Performance Criteria and Monitoring

The Permittee shall identify specific criteria (such as land use changes, fate and transport model verification and constructed remedy performance) that will be evaluated to demonstrate that the risk management activity implemented will remain protective. A schedule for periodic performance review (such as monitoring data summaries, including graphical and statistical analyses) shall be established to demonstrate that the implemented activities are consistently achieving and maintaining desired results. Further, a mechanism shall be established to re-evaluate risk management activities in the event the implemented action does not achieve and maintain the performance standards;

VIII.J.1.f. Contingency plans; and

VIII.J.1.g. Description and schedules for performance reviews.

VIII.J.2. After the Permittee submits the Risk Management Plan, the Administrative Authority will review and evaluate the plan and subsequently either inform the Permittee in writing that the plan is acceptable for public review or issue a notice of deficiency.

VIII.J.3. If the Administrative Authority determines the Risk Management Plan does not fully meet the remedial objectives, the Administrative Authority shall notify the Permittee in writing of the plan's deficiencies and specify a due date for submittal of a revised Final Risk Management Plan. In addition, the Administrative Authority may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

VIII.J.4. After the Administrative Authority has determined the Risk Management Plan is acceptable for public review, the Administrative Authority shall inform the Permittee in writing and instruct the Permittee to submit the plan as a Class 3 permit modification request in accordance with the requirements of LAC 33:V.321.C.3.

VIII.J.5. After conclusion of a 60-day comment period, the Administrative Authority will either grant or deny the Class 3 permit modification request. In addition the Administrative Authority must consider and respond to all significant comments received during the 60-day comment period.

VIII.J.6. If the Class 3 Modification request is granted, the Administrative Authority shall prepare a draft permit incorporating the proposed changes in accordance with LAC 33:V.703.C and solicit public comment on the draft permit modification according to Condition VIII.N.3 of this permit.

VIII.J.7. If, after considering all public comments, the Administrative Authority determines that the Risk Management Plan is adequate and complete, the Administrative Authority will issue a public notice for final approval the Class 3 permit modification. The resultant modified permit will include schedules for remedy implementation as well as financial assurance provisions as required by Condition VIII.A.5 of this permit.

VIII.K . DETERMINATION OF NO FURTHER ACTION

VIII.K.1. NFA-ATT Determinations for Specific SWMUs/AOCs

VIII.K.1.a. Based on the results of the site investigations, screening, risk evaluations and risk management activities, the Permittee may request a NFA-ATT determination for a specific SWMU/AOC by submittal of a Class 1[1] permit modification ([1] requiring Administrative Authority approval) request under LAC 33:V.321.C.1. The NFA-ATT request must contain information demonstrating that there are no releases of hazardous constituents from a particular SWMU/AOC that pose a threat to human health and/or the environment.

The basis for the determination of NFA-ATT shall follow the guidelines as described in the RECAP (Section 1.2.1 of RECAP) for each AOI, depending on the MO used.

VIII.K.1.b. If, based upon review of the Permittee's request for a permit modification, the results of the site investigations, and other information the Administrative Authority determines that releases or suspected releases from an individual SWMU/AOC which were investigated either are non-existent or do not pose a threat to human health and/or the environment, the Administrative Authority may grant the requested modification.

VIII.K.1.c. In accordance with LAC 33:V.321.C.1.a.ii, the Permittee must notify the facility mailing list within ninety (90) days of the Administrative Authority's approval of the Class 1[1] permit modification ([1] requiring Administrative Authority approval) request.

VIII.K.2. Facility-Wide NFA-ATT Determination

VIII.K.2.a. Upon the completion of all activities specified in the Risk Management Plan and after all SWMUs and AOCs at the facility have been remediated according to the standards dictated by the selected RECAP MO, the Permittee shall submit a summary report supporting a determination of NFA-ATT on a facility-wide basis.

VIII.K.2.b. The summary report must include a historical narrative for each SWMU/AOC at the site that includes a summary of the investigation, sampling & analysis, remedial, and confirmatory sampling activities leading to the NFA-ATT request. The basis for the determination of NFA-ATT shall follow the guidelines

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as described in the RECAP (Section 1.2.1 of RECAP) for each AOI, depending on the MO used. The facility-wide NFA-ATT determination must consider any newly-identified SWMUs/AOCs discovered after submittal of the Risk Management Plan.

VIII.K.2.c. The Administrative Authority will review and evaluate the summary report and subsequently either inform the Permittee in writing that the report is acceptable for public review or issue a notice of deficiency.

VIII.K.2.d. If the Administrative Authority determines the summary report does not fully demonstrate that all remedial objectives have been satisfied, the Administrative Authority shall notify the Permittee in writing of the summary report's deficiencies and specify a due date for submittal of a revised summary report.

VIII.K.2.e. After the Administrative Authority has determined the facility-wide NFA-ATT summary report is acceptable for public review, the Administrative Authority shall inform the Permittee in writing and instruct the Permittee to submit the summary report as a Class 3 permit modification request in accordance with the requirements of LAC 33:V.321.C.3.

VIII.K.2.f. After conclusion of a 60-day comment period, the Administrative Authority will either grant or deny the Class 3 permit modification request. In addition the Administrative Authority must consider and respond to all significant comments received during the 60-day comment period.

VIII.K.2.g. If, based upon review of the Permittee's Class 3 permit modification request, the results of the site investigations, confirmatory sampling, and other pertinent information, the Administrative Authority determines that all SWMUs and AOCs have been remediated to the selected MO and no further action at the facility is warranted, the Administrative Authority will grant the modification request.

VIII.K.2.h. If the Class 3 Modification request is granted, the Administrative Authority shall prepare a draft permit incorporating the proposed changes in accordance with LAC 33:V.703.C and solicit public comment on the draft permit modification according to Condition VIII.N.4 of this permit.

VIII.K.2.i. If, after considering all public comments, the Administrative Authority determines that all activities specified in the Risk Management Plan have been completed and that all SWMUs and AOCs have been remediated to the selected MO, the Class 3 permit modification for facility-wide NFA-ATT will receive final approval. The CAS permit conditions will remain a part of the modified permit in the event that the remedial actions taken fail to maintain the established performance standard and to address any SWMUs/AOCs discovered at a later date.

VIII.K.3. Continued Monitoring

If necessary to protect human health and/or the environment, a determination of NFA-ATT shall not preclude the Administrative Authority from requiring continued monitoring of air, soil, groundwater, or surface water, when site-specific circumstances indicate that releases of hazardous waste or hazardous constituents are likely to occur.

VIII.K.4. Additional Investigations

A determination of NFA-ATT shall not preclude the Administrative Authority from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates a release or likelihood of a release from a SWMU/AOC at the facility that is likely to pose a threat to human health and/or the environment. In such a case, the Administrative Authority shall initiate a modification to the Permit according to LAC 33:V.321.

VIII.L. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SWMUs AND POTENTIAL AOCs

VIII.L.1. The Permittee shall notify the Administrative Authority, in writing, of any newly-identified SWMUs and potential AOCs (i.e., a unit or area not specifically identified during previous corrective action assessments, RFA, etc.), discovered in the course of ground water monitoring, field investigations, environmental audits, or other means, no later than thirty (30) days after discovery. The Permittee shall also notify the Administrative Authority of any newly-constructed land-based SWMUs (including but not limited to, surface impoundments, waste piles, landfills, land treatment units) and newly-constructed SWMUs where any release of hazardous constituents may be difficult to identify (e.g., underground storage tanks) no later than thirty (30) days after construction. The notification shall include the following items, to the extent available:

VIII.L.1.a. The location of the newly-identified SWMU or potential AOC on the topographic map required under LAC 33:V.517.B. Indicate all existing units (in relation to other SWMUs/AOCs);

VIII.L.1.b. The type and function of the unit;

VIII.L.1.c. The general dimensions, capacities, and structural description of the unit (supply any available drawings);

VIII.L.1.d. The period during which the unit was operated;

VIII.L.1.e. The specifics, to the extent available, on all wastes that have been or are being managed at the SWMU or potential AOC; and

VIII.L.1.f. Results of any sampling and analysis required for the purpose of

determining whether releases of hazardous waste including hazardous constituents have occurred, are occurring, or are likely to occur from the SWMU/AOC.

VIII.L.2. Based on the information provided in the notification, the Administrative Authority will determine whether or not the area is a newly-identified SWMU or AOC. If the area is determined to be a newly-identified SWMU or AOC, the Administrative Authority will inform the Permittee in writing and request that the Permittee submit a Class 1[1] permit modification ([1] requiring Administrative Authority approval) request under LAC 33:V.321.C.1 to add the newly-identified SWMU/AOC to Appendix 1, Table 1 of this permit.

Further, the Administrative Authority will determine the need for further investigations or corrective measures at any newly identified SWMU or AOC. If the Administrative Authority determines that such investigations are needed, the Administrative Authority may require the Permittee to prepare a plan for such investigations. The plan for

investigation of SWMU or AOC will be reviewed for approval as part of the current CAS Investigation Workplan or a new CAS Investigation Workplan. The results of the investigation of any newly-discovered SWMU/AOC shall be incorporated into the CSM.

VIII.M. NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT A SWMU OR AOC

The Permittee shall notify the Administrative Authority of any release(s) from a SWMU or AOC of hazardous waste or hazardous constituents discovered during the course of ground water monitoring, field investigation, environmental auditing, or other means. The notification must be in accordance with the procedures specified in Conditions II.E.16 through II.E.20 of this permit and based upon the nature, extent, and severity of the release. Such newly-discovered releases may be from newly-identified SWMUs or AOCs, newly-constructed SWMUs, or from SWMUs or AOCs for which, based on the findings of the CSM, completed RECAP Report, or investigation of an AOC, the Administrative Authority had previously determined no further investigation was necessary. The notification shall include information concerning actual and/or potential impacts beyond the facility boundary and on human health and the environment, if available at the time of the notification.

The Administrative Authority may require further investigation and/or interim measures for the newly-identified release(s), and may require the Permittee to prepare a plan for the investigation and/or interim measure. The plan will be reviewed for approval as part of the CAS Investigation Workplan or a new CAS Investigation Workplan. The Permit will be modified to incorporate the investigation, according to the Class 1[1] permit modification ([1]requiring Administrative Authority approval) procedures under LAC 33:V.321. The results of the investigation of any newly-identified release(s) shall be incorporated into the CSM.

VIII.N. PUBLIC PARTICIPATION REQUIREMENTS

Public participation is an essential element in the implementation of any corrective action program at the facility. The CAS promotes the early and continued involvement of stakeholders in site remediation activity during permit issuance, renewal, or modification. The public is invited to review and comment on the corrective action requirements contained in any draft permitting decisons or draft permit modification documents and the associated plans and reports submitted by the Permittee. The Administrative Authority reserves the right to require more extensive public participation requirements based upon site-specific conditions and other relevant factors (e.g., compliance history, potential offsite impact, community interest, etc.). At a minimum, the public participation requirements shall include the following.

VIII.N.1. NFA-ATT Determinations for Specific SWMUs/AOCs

Based on the results of the site investigations, screening, risk evaluations and risk management activities, the Permittee may request a NFA-ATT determination for a specific SWMU/AOC by submittal of a Class 1[1] permit modification request ([1]requiring

Administrative Authority approval) under LAC 33:V.321.C.1. The Permittee must notify the facility mailing list within 90 days of the Administrative Authority's approval of the Class 1[1] permit modification request, in accordance with LAC 33:V.321.C.1.a.ii and Condition VIII.K.1.c of this permit.

VIII.N.2. Draft Permitting Decision

The public may review and comment on the terms and conditions of the CAS during the public notice and comment period of the draft permitting decision. The Administrative Authority shall issue public notice upon preparation of the draft permitting decision in accordance with LAC 33:V.715. During the forty-five (45) day public comment period, the Administrative Authority will accept public comments on the draft permitting decision. At the end of the public comment period, the Administrative Authority will consider and address all public comments and make any necessary revisions to the draft permitting decision. After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permitting decision. The final permitting decision will include a "Responsiveness Summary" detailing all comments received on the draft permitting decision and the actions taken (if necessary) to correct the draft before issuance of the final permitting decision.

VIII.N.3. Final Remedy Selection

The public may review and comment on the terms and conditions of the Risk Management Plan as described in Conditions VIII.J.4 through VIII.J.7 of this permit. If after addressing all public comments the Administrative Authority determines that the Risk Management Plan is satisfactory, the Administrative Authority will prepare a draft permit modification document in accordance with LAC 33:V.703.C.

The draft permit modification document will include a "Basis of Decision". The "Basis of Decision" will identify the proposed remedy for corrective action at the site and the

reasons for its selection, describe all other remedies that were considered, and solicit for public review and comments on the Risk Management Plan included in the draft permit modification document.

After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permit modification. The final permit modification will include a "Responsiveness Summary" detailing all comments received on the draft permit modification and the actions taken (if necessary) to correct the draft before issuance of the final permit modification.

VIII.N.4. Facility-Wide NFA-ATT

Upon the completion of all activities specified in the Risk Management Plan and after all facility remedial objectives have been met, the Permittee may submit a summary report for a determination of NFA-ATT on a facility-wide basis in accordance with Condition VIII.K.2 of this permit. The public may review and comment on the summary report as described in Condition VIII.K.2.b. If after addressing all public comments the Administrative Authority determines that all SWMUs and AOCs have been remediated to the selected MO and no further action at the facility is warranted, the Administrative Authority will prepare a draft permit modification document in accordance with LAC 33:V.703.C.

The draft permit modification document will include a "Basis of Decision". The "Basis of Decision" will provide a summary detailing contamination sources, site investigations, the MO selected for the facility, facility remedial standards, remedial actions, and sampling results demonstrating that the facility remedial standards have been achieved.

After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permit modification. The final permit modification will include a "Responsiveness Summary" detailing all comments received on the draft permit modification and the actions taken (if necessary) to correct the draft before issuance of the final permit modification.

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Table 3~~1~~: Corrective Action Strategy Notification and Reporting Requirements {tc \l1 "Table 1: RFI/CMS SUBMISSION SUMMARY}

Below is a summary of the major notifications and reports that may be required by the Administrative Authority under the Corrective Action Strategy of this Permit in the event of releases requiring RCRA corrective action. The Administrative Authority will notify the Permittee of the notification and reporting requirements during the scoping meeting or another applicable stage of the corrective action process.

Actions	Due Date
Submit Notice of Intent to request use of the CAS to the Administrative Authority for review and comment (Condition VIII.B.1)	To be submitted upon identification of a newly identified SWMU or AOC per Condition VIII.L or notification of newly identified releases at a SWMU or AOC per Condition VIII.M.
CAS Scoping Meeting held between facility and Administrative Authority (Condition VIII.B.2)	Within sixty (60) days of submittal of the Notice of Intent
Submit Progress Reports on all activities to the Administrative Authority (Condition VIII.C.1)	Schedule to be determined by the Administrative Authority on a case-by-case basis
Make available other reports relating to corrective action to the Administrative Authority (Condition VIII.C.2)	Upon request of the Administrative Authority
Provide briefings to the Administrative Authority (Condition VIII.C.3)	As necessary and upon request by the Administrative Authority
Submit Conceptual Site Model (CSM) (Condition VIII.D) and facility Performance Standards (Condition VIII.A.2) to the Administrative Authority	Within one-hundred and twenty (120) days after the scoping meeting
Perform Interim Measures (Condition VIII.E)	As determined by the Administrative Authority on a case by case basis
Submit Corrective Action Strategy (CAS) Workplan for the facility investigation to the Administrative Authority (Condition VIII.F)	Within one-hundred and eighty (180) days after the CAS Scoping Meeting

Implement site investigation activities under CAS Investigation Workplan according to approved schedule (Condition VIII.G)	Within fourteen (14) days of receipt of approval by the Administrative Authority
Submit RECAP Report to the Administrative Authority (Condition VIII.H)	Within ninety (90) days of completion of the site investigation
Submittal of Remedial Alternatives Study (RAS) to the Administrative Authority (Condition VIII.I)	Within ninety (90) days of completion of approval of the RECAP Report by the Administrative Authority
Submit Risk Management Plan to the Administrative Authority (Condition VIII.J)	Within sixty (90) days of approval of the RAS by the Administrative Authority
Submit NFA (and Permit Modification) request to the Administrative Authority (Condition VIII.K)	As necessary
Notification of newly-identified SWMUs and potential AOCs (Condition VIII.L)	Thirty (30) days after discovery
Notification of newly-discovered releases (Condition VIII.M)	Fifteen (15) days after discovery

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APPENDIX 1

Table 1: SUMMARY OF CORRECTIVE ACTION ACTIVITIES

AOC/SWMU Group or Area	*AOC or SWMU Number/Area Name*	*AOC/SWMU Description*	*Status of CA Activity*	*Corrective Action*	*EDMS Document ID #/ Approval Date*
SWMU	SWMU-6	Former Landfarm Area	No physical remedy required	NFA-ATT	09/26/00
	SWMU-11	Inactive Retention Basin (Area includes SWMU 7, Former Landfarm Area)	No physical remedy required	NFA-ATT	09/26/00
	SWMU 3	Former Landfill Cells 1, 2, 3	SWMU removed from RFI by EPA	N/A	02/28/91
	SWMU 46,	Inactive Basin in Process Area	SWMU removed from RFI by EPA	N/A	02/28/91
	SWMU 47	Inactive Basin South of Former Landfarm	SWMU removed from RFI by EPA	N/A	02/28/91
	Tanks T-301 and T-302	Stabilization Mixing Basins	Clean closure of tanks approved	N/A	12/23/94
AOC	Vehicle Fueling Area	BG-1 Active Vehicle Fueling Area	Risk based closure approved	NFA-ATT	04/12/10

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Message

From: Pearson, Evan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D10433F23DD64BD2A3EFC03D6367856C-PEARSON, EVAN]
Sent: 12/6/2016 4:44:12 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]
CC: Spalding, Susan [Spalding.Susan@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: RE: Chem Waste Draft Permit

Here are my comments on the Chem Waste Draft Permit. Please note that these comments are limited to the relevant provisions pertaining to the Oil Recovery Unit and the Thermal Desorber Unit. Also, I am not a technical person, so I can't comment on the adequacy of the emission limits. Guy Tidmore may also be providing additional comments.

1. Page 10, Condition II.E.25.d and Condition II.E.25.e – These two Conditions reference Chapter 32 (Miscellaneous Units). L.A.C. 33:V.3203 provides that "Permit terms and provisions must include those requirements of LAC 33:V.Chapters 3, 5, 7, 17, 19, 21, 23, 25, 27, 29, 31, 4301.F, H, 4302, 4303 and 4305, all other applicable requirements of LAC 33:V.Subpart 1, and of 40 CFR 63 Subpart EEE and 40 CFR 146 that are appropriate for the miscellaneous unit being permitted." These two Conditions should reference the specific chapters from L.A.C. 33:V.3203 that are relevant to the particular unit.

2. Page 43, Condition V.A.4.f – Tank Covers – The Oil Recovery Unit off-loading pits (Tanks T-601 and T-602) and the Thermal Desorber Unit off-loading pits (T-701, T-702, T-703, and T-704) may be subject to Benzene Waste Operations NESHAP – 40 C.F.R. Part 61, Subpart FF. If this is the case, then tanks would be required to be covered, as required by 40 C.F.R. § 61.343(a).

3. Page 44, Condition V.A.4.i – Oil Recovery Unit Area and Condition V.A.4.j – Thermal Desorber Unit Area – One thermal oxidizer is listed in the Oil Recovery Unit Area and two thermal oxidizers are listed in the Thermal Desorber Unit Area. It appears that these thermal oxidizers are not being permitted. However, it appears that all three thermal oxidizers will be thermally treating hazardous waste. Therefore, the three thermal oxidizers must be part of the RCRA permit. See the June 24, 2016 EPA Letter to LDEQ. They, along with the TDUs, can be permitted together as a miscellaneous unit. However, the thermal oxidizers must be part of RCRA permit. Also, the two vapor recovery units may also have to be permitted (I don't know enough about these units to make a decision).

Question – would the TDU alone be able to meet the DRE and other emission requirements listed on pages 104 – 105 of the Draft Permit? If not, you couldn't rely on the TOU to enable CWM to meet these requirements because the TOU would not be part of the RCRA permit. Therefore, if this is the case, the TOU would need to be part of the RCRA permit in order to meet the DRE and other emission requirements.

4. Page 90, Condition V.F.3.a – This condition states that the units and associated equipment must be operated and maintained in accordance with L.A.C. 33:V.Chapter 32. However, Chapter 32 is very general and references other provisions. This Condition needs to be more specific and specify the particular provisions that must be met (e.g., L.A.C. 33:V.1761.B).

5. Page 97, Condition V.G.3.a – This condition states that the units and associated equipment must be operated and maintained in accordance with L.A.C. 33:V.Chapter 32. However, Chapter 32 is very general and references other provisions. This Condition needs to be more specific and specify the particular provisions that must be met (e.g., L.A.C. 33:V.1761.B).

From: Luschek, Robert
Sent: Friday, December 02, 2016 9:19 AM
To: Tidmore, Guy <tidmore.guy@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>

Cc: Spalding, Susan <Spalding.Susan@epa.gov>; Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Subject: RE: Chem Waste Draft Permit

FYI – LDEQ finalized the language for the revised draft permit. It is attached. The permit writer indicated that there were a few minor changes from the last version, and that she wanted to make sure we had the most up to date version.

As a reminder, Susan had asked for any input to me by Dec 8.

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Spalding, Susan
Sent: Wednesday, November 30, 2016 9:58 AM
To: Tidmore, Guy <tidmore.guy@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>
Cc: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: RE: Chem Waste Draft Permit

Mark – got your VM – yes we will be the lead on preparing comments on the draft permit, but since you all were the source of the original comments on the permit we would appreciate your input. We need any input by Dec 8, to Rob Luschek. Thanks.

Susan Spalding, Associate Director
Hazardous Waste Branch
EPA Region 6
(214) 665-8022

From: Spalding, Susan
Sent: Wednesday, November 30, 2016 9:25 AM
To: Tidmore, Guy <tidmore.guy@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Potts, Mark (Potts.Mark@epa.gov) <Potts.Mark@epa.gov>
Cc: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: Chem Waste Draft Permit

Attached is the draft permit from LDEQ. Do you plan to review/have comments?

Susan Spalding, Associate Director
Hazardous Waste Branch
EPA Region 6
(214) 665-8022

From: Luschek, Robert
Sent: Wednesday, November 30, 2016 9:18 AM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; Spalding, Susan <Spalding.Susan@epa.gov>
Subject: FW: CWMLC AI-742 REVISED Draft Modified HW Permit_11-10-16

I think we were hoping to get R6-EN input on the Chem Waste draft HW Permit below. I wasn't sure who in EN would be appropriate to review it though.

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Luschek, Robert
Sent: Monday, November 14, 2016 9:38 AM
To: Fruitwala, Kishor <fruitwala.kishor@epa.gov>; Spalding, Susan <Spalding.Susan@epa.gov>
Subject: FW: CWMLC AI-742 REVISED Draft Modified HW Permit_11-10-16

Below is the Draft Chem Waste Permit that LDEQ is working on.

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Lina Saale [mailto:Lina.Saale@LA.GOV]
Sent: Monday, November 14, 2016 9:32 AM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: CWMLC AI-742 REVISED Draft Modified HW Permit_11-10-16

Good morning Rob,

As previously discussed, attached is the "draft" revised draft permit for Chemical Waste Management, Lake Charles Facility (CWMLC). CWMLC submitted a Class 3 Permit Modification to add oil recovery units and thermal desorber units to their existing permit. Please forward to the appropriate staff for review. The revised permit language for the proposed units begins on Page 89, Permit Conditions V.F and V.G.

Also, one permit item that is still under discussion with the facility is below:

> **V.G.10.b.i.5.** The CPT plan and CMS performance evaluation test plan must be public noticed at least sixty (60) days prior to initiation of the test. All requirements of 40 CFR 63.1207.e must be met[A1] .

Please let me know if you have any questions. Thank you again for forwarding this.

Thanks,

Lina Kruth Saale
Environmental Scientist
LA Department of Environmental Quality
Office of Environmental Services
Waste Permits Division
(225) 219-0029
lina.saale@la.gov

FINAL
MODIFIED HAZARDOUS WASTE OPERATING AND POST-CLOSURE PERMIT
RENEWAL

CHEMICAL WASTE MANAGEMENT, INC.
TREATMENT, STORAGE, AND DISPOSAL
EPA ID# LAD 000 777 201
CARLYSS, LOUISIANA
CALCASIEU PARISH

Agency Interest No. 742
PER20050002PER20140007
Permit Number LAD 000 777 201-OP-RN-1-MO-1

For

CONTAINER STORAGE AREAS
Building 201
Building 202
Building 205
Building 204
Building 801
Building 802

CONTAINMENT BUILDING
Building 301

BIOPAD
Phase I
Phase II

TANKS

T-220	**T-303**	**T-502**	**T-505**	**T-905**
T-221	**T-304**	**T-503**	**T-506**	**T-906**
T-222	**T-305**	**T-504A**	**T-903**	**T-907**
T-223	**T-306**	**T-504B**	**T-904**	T-601
T-602	T-610	T-611	T-612	T-613
T-630	T-631	T-632	T-701	T-702
T-703	T-704	T-710	T-711	T-712
T-713	T-740	T-741		

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LANDFILL CELLS
Cell 5 (post-closure)
Cell 6 (post-closure)
Cell 7 (post-closure)
Cell 8 (operating and post-closure)
Cell 14 (post-closure)

OIL RECOVERY UNITS
ORU-1
ORU-2

THERMAL DESORBER UNITS
TDU-1
TDU-2

I. PERMIT PREAMBLE

This permit is issued to Chemical Waste Management, Inc., Lake Charles facility, Carlyss, Calcasieu Parish, Louisiana (hereinafter referred to as the "Permittee"), by the Louisiana Department of Environmental Quality (LDEQ) under authority of the Louisiana Hazardous Waste Control Law, La. R.S. 30:2171 et seq., and the regulations adopted thereunder, and by the United States Environmental Protection Agency (EPA) under the authority of the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA).

For the purposes of this permit, "Administrative Authority" shall mean the Secretary of the LDEQ or his/her designee.

This permit is based on information submitted in the permit application, and all subsequent amendments, and on the Permittee's certification that such information is accurate and that all facilities will be constructed, operated and maintained as specified in the application.

This permit is conditioned upon full compliance with all applicable provisions of the Louisiana Hazardous Waste Control Law, La. R.S. 30:2171 et seq., and the regulations adopted thereunder.

All definitions contained in this permit shall have the meaning as defined in the Louisiana Administrative Code (LAC), Title 33, Part V, Subpart 1 unless otherwise stated herein.

All regulating citations are defined as being the regulation in effect on the date of issuance of this permit. New and/or amended regulations are not included as permit requirements until permit modification procedures, as specified in Condition II.C of this permit, are completed, except as provided by LAC 33:V.307.A.

GLOSSARY OF TERMS

For the purpose of this permit, terms used herein shall have the same meaning as those in LAC 33:V.Subpart 1 unless the contexts of use in this permit clearly indicates otherwise. Where terms are not otherwise defined, the meaning otherwise associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

"Administrative Authority" means the secretary of the Louisiana Department of Environmental Quality (LDEQ) or his designee or the appropriate assistant secretary or his designee.

"Application" refers to the RCRA Part B Permit Application and subsequent amendments submitted by the Permittee for obtaining a Permit.

"Area of Concern" (AOC) means any discernable unit or area, which, in the opinion of the Administrative Authority, may have received solid or hazardous waste or waste containing hazardous constituents at any time. The Administrative Authority may require investigation of the unit to determine if it is a Solid Waste Management Unit (SWMU). If shown to be a SWMU by the investigation, the AOC must be reported by the Permittee as a newly identified SWMU. If the AOC is shown not to be a SWMU by the investigation, the Administrative Authority may determine that no further action is necessary and notify the Permittee in writing.

"Area of Investigation" (AOI) is a zone contiguous to and including impacted media defined vertically and horizontally by the presence of one or more constituents in concentrations exceeding the limiting SS, MO-1 RS, or MO-2 RS (depending on the option being implemented).

"Biodegradation" is the removal of hazardous contaminants from debris surfaces and surface pores in an aqueous solution and biodegration of organic or nonmetallic inorganic compounds (i.e., inorganics that contain phosphorus, nitrogen, or sulfur) in units operated under either aerobic or anaerobic conditions.

"Bioremediation" is the treatment of organic chemicals with microorganisms to break them down into less toxic or non-toxic materials.

"CAS" means Corrective Action Strategy.

"CFR" means the Code of Federal Regulations.

"CWA" means Clean Water Act.

"Conceptual Site Model" (CSM) is part of the Data Quality Objective (DQO) process that presents a three-dimensional picture of site conditions at a discrete point in time that conveys what is known about the facility, releases mechanisms, containment fate and exposure pathways, potential receptors, and risks. The information for the CSM is documented into six (6) profiles. The CSM evolves as data gaps in the profiles become more complete, and will be refined based upon results of site characterization data. The final CSM is documented in the Risk Management Plan (RMP).

"Constituents of Concern" (COC) means the COPC's that pose a significant risk.

"Constituents of Potential Concern" (COPC) means chemicals from hazardous waste and hazardous waste constituents that are potentially site related and have data of quality for use in the Screen or site-specific risk assessment. The facility should compile a list of COPC's for each release site based on existing sampling data, waste analysis reports, etc.

"Continuous Monitoring System (CMS)" is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for continuously sampling a parameter without interruption and evaluating the detector response as defined by this permit. The installation and operation of a CMS requires, at a minimum, to comply with the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system. The calibration of a CMS must be verified at a frequency and in a manner consistent with manufacturer specifications, but no less frequent than ~~once per year~~as specified in this permit. ~~CMS must sample the regulated parameter without interruption, evaluate the detector response at least once every 15 seconds, and compute and record the average values at least every 60 seconds when hazardous waste is in the unit.~~

~~**"Continuous Parameter Monitoring System (CPMS)"** means the total equipment that may be required to meet the data acquisition and availability requirements, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters (e.g., thermocouples, pressure transducers, flow meters, etc…).~~

~~"CWA" means Clean Water Act.~~

"Corrective Action" is an activity conducted to protect human health and the environment.

"Department" means the Louisiana Department of Environmental Quality (LDEQ).

"EPA" means the United States Environmental Protection Agency.

"HSWA" means the 1984 Hazardous and Solid Waste Amendments to RCRA.

"Hazardous constituent" means any constituent identified in LAC 33:V.Chapter 31. Table 1, or any constituent identified in LAC 33:V.3325. Table 4.

"LDEQ" means the Louisiana Department of Environmental Quality.

"LELAP" means the Louisiana Environmental Laboratory Accreditation Program.

"Macroencapsulation" is the application of surface coating materials such as polymeric organics (e.g. resins and plastics) or use a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media.

"Microencapsulation" is the stabilization of the debris with the following reagents (or waste reagents) such that the leachability of the hazardous contaminants is reduced: (1) Portland cement; and/or (2) lime/pozzolons (e.g. fly ash and cement kiln dust). Reagents (e.g. iron salts, silicates, and clays) may be added to enhance the set/cure time and/or compressive strength or to reduce the leachability of the hazardous constituents.

"Operating record" means written or electronic records of all maintenance, monitoring, inspection, calibration, or performance testing or other data as may be required--to demonstrate compliance with this Permit, document noncompliance with this Permit, or document actions taken to remedy noncompliance with this Permit. A minimum list of documents that must be included in the operating record are identified at LAC 33:V.1529.b.

"Permittee" means Chemical Waste Management, Inc., 7170 John Brannon Road, Sulphur, Louisiana 70665 (mailing address), and 7170 John Brannon Road, Carlyss, Calcasieu Parish, Louisiana (physical location).

"RCRA Permit" means the full permit, with the Resource Conservation and Recovery Act (RCRA) and 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA portions.

"RFA" means RCRA Facility Assessment.

"RFI" means RCRA Facility Investigation.

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

"SARA" means Superfund Amendments and Reauthorization Action of 1985.

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

"Stabilization" refers to treatment processes that involve chemical reactions that reduce the leachability of a waste. Stabilization chemically immobilizes hazardous materials or reduces their solubility through a chemical reaction. The physical nature of the waste may or may not be changed by this process.

"Thermal Treatment" refers to the process of treating hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste.

If, subsequent to the issuance of this Permit, regulations are promulgated which redefine any of the above terms, the Administrative Authority may, at its discretion, apply the new definition to this Permit.

II. GENERAL PERMIT CONDITIONS

II.A. DURATION OF PERMIT

This permit is effective as of the date indicated on the accompanying signature page and shall remain in effect for a period of ten (10) years from the effective date, unless suspended, modified, revoked and reissued or terminated for just cause.

II.B. EFFECT OF PERMIT

This permit authorizes the Permittee to treat, store and dispose of hazardous waste in accordance with the conditions of this permit. The Permittee is prohibited from any storage, treatment or disposal of hazardous waste not authorized by statute, regulation or this permit. Compliance with this permit during its term constitutes compliance for purposes of enforcement, with LAC 33:V.Subpart 1, except for those requirements not included in the permit under LAC 33:V.307.A.1-4, and with Subtitle C of RCRA, HSWA, and Chapter 9 of the Louisiana Environmental Quality Act (Act). However, 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, the Act (La. R.S.30:2001 et seq.) or under Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 {42 U.S.C. 9606 (a)}.

In accordance with LAC 33:V.307.B and C, 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 laws or regulations.

II.C. PERMIT ACTIONS

Any inaccuracies found in the permit application may be cause for revocation or modification of this permit. The Permittee must inform the Administrative Authority of any deviation from, changes in, or inaccuracies in the information in the permit application.

The Administrative Authority may suspend, modify, revoke and reissue, or terminate the permit for cause or when necessary to be protective of human health or the environment as specified in 40 CFR 270.41, 270.42, 270.43 or the LAC 33:V.309.F, 311.A, or 323. The Administrative Authority may modify the permit when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. The filing of a request for permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

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II.D. SEVERABILITY

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

II.E. DUTIES AND REQUIREMENTS

II.E.1. Duty to Comply

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance may be authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit (LAC 33:V.701), constitutes a violation of the LAC 33:V.Subpart 1 and the Act is grounds for enforcement action which may include permit termination, permit revocation and reissuance, permit modification, or denial of a permit renewal application.

II.E.2. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must reapply for the permit as required by LAC 33:V.303.N and 309.B. Notification shall be at least 180 calendar days before the permit expires.

II.E.3. Permit Extension

This permit and all conditions herein will remain in effect beyond the permit's expiration date until the Administrative Authority issues a final decision on the re-application, provided the Permittee has submitted a timely, complete new permit application as provided in the LAC 33:V.309.B and 315.A.

II.E.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.

II.E.5. Duty to Mitigate

The Permittee shall immediately take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the conditions of this permit as required by the LAC 33:V.309.D.

II.E.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 ancillary equipment and/or appurtenances) that 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 and in accordance with LAC 33:V.309.E.

II.E.7. Duty to Provide Information

The Permittee shall furnish to the Administrative Authority, within a reasonable time, any information which the Administrative Authority 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 Administrative Authority upon request, copies of records required to be kept by this permit and in accordance with LAC 33:V.309.H.

II.E.8. Inspection and Entry

In accordance with LAC 33:V.309.I, the Permittee shall allow the Administrative Authority or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

II.E.8.a. enter upon the Permittee's premises where a regulated activity is located or conducted, or where records must be maintained under the conditions of this permit;

II.E.8.b. have access to and copy, at reasonable times, any records that must be maintained under the conditions of this permit;

II.E.8.c. inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

II.E.8.d. sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Administrative Authority any substances or parameters at any location.

II.E.9. Monitoring and Records

II.E.9.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity, in accordance with LAC 33:V.309.J.1. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, "SW-846", latest version; Manual of Ground Water Quality Sampling Procedures, 1981, EPA-600/2-81-160, as revised; Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities, 1977, EPA-530/SW-611, as revised; or an equivalent method; or an equivalent method as specified in the attached Waste Analysis Plan as referenced in Attachment 1.

II.E.9.b. Records of monitoring information, in accordance with LAC 33:V.309.J.3, shall include, but are not limited to:

II.E.9.b.i. the date, exact place, and time of sampling or measurements;

II.E.9.b.ii. the name(s) and signature(s) of the individual(s) who performed the sampling or measurements;

II.E.9.b.iii. the date(s) analyses were performed;

II.E.9.b.iv. the name(s) and signature(s) of the individual(s) who performed the analysis;

II.E.9.b.v. the analytical techniques or methods used; and

II.E.9.b.vi. the results of such analyses; and

II.E.9.b.vii. associated quality assurance performance data.

II.E.9.c. Laboratory Quality Assurance/Quality Control

In order to ensure the accuracy, precision and reliability of data generated for use, the Permittee shall submit a statement, certified as specified in LAC 33:V.513 and included in the annual report, indicating that:

II.E.9.c.i. Any commercial laboratory providing analytical results and test data to the LDEQ required by this permit is accredited by the Louisiana Environmental Laboratory Accreditation Program (LELAP) in accordance with LAC 33:I.Subpart 3, Chapter 45. Laboratory data generated by commercial laboratories not accredited under LELAP will not be accepted

by the LDEQ.

LAC 33:I.Subpart 3 (Chapters 45-49) provides requirements for the accreditation program. Regulation and a list of labs that have applied for accreditation are available on the LDEQ website located at: http://www.deq.louisiana.gov/portal/tabid/2412/Default.aspx.

In accordance with LAC 33:I.4501, the requirements for LELAP accreditation apply whenever data is:

- submitted on behalf of a facility;
- required as part of a permit application;
- required by order of the LDEQ;
- required to be included in a monitoring report submitted to the LDEQ;
- required to be submitted by contract; or
- otherwise required by the LDEQ regulations.

II.E.9.c.ii. If the Permittee decides to use its own in-house laboratory for test and analysis, the laboratory is not required to be accredited by LELAP. However, the laboratory must document quality assurance/quality control procedures onsite.

II.E.9.c.iii. For approval of equivalent testing or analytical methods, the Permittee may petition for a regulatory amendment under LAC 33:V.105.I and LAC 33:I.Chapter 9. In cases where an approved methodology for a parameter/analyte is not available or listed, a request to utilize an alternate method shall be submitted to the Administrative Authority for approval. Documentation must be submitted to the LDEQ that will verify that the results obtained from the alternate method are equal to or better than those obtained from EPA-accepted methods, as well as those deemed equivalent by the LDEQ.

II.E.10. Retention of Records

The Permittee shall maintain records through the active life of the facility (including operation, closure and post-closure periods), where applicable, as required by LAC 33:V.309.J and LAC 33:V.1529.A, B, and C, and maintain records of all groundwater monitoring data and reports, boring logs, well completion data, associated potentiometric surface maps, and associated constituent isoconcentration maps from all sampling events covered by this permit, in accordance with LAC 33:V.3315.J. All records, including plans, must be furnished upon request and made available at all reasonable times as required by LAC 33:V.1529.C.

The Permittee shall retain records of all other monitoring information required by this permit, including all calibration records, field log notes, and maintenance records for LDEQ inspection for a period of not less than three (3) years, as required by LAC 33:V.317.B, from the date of the sample, measurement, report, or record except where otherwise required by the permit, or by order of the Administrative Authority. These periods may be extended by request of the Administrative Authority at any time and are automatically extended during the course of any unresolved enforcement action regarding the closed units.

The Permittee shall, for the life of the facility, maintain records of all data used to complete the application for this permit and any supplemental information submitted under the Louisiana Hazardous Waste Control Law (La. R.S. 30:2171 et seq.).

II.E.11. Notices of Planned Physical Facility Changes

The Permittee shall give notice to the Administrative Authority, as soon as possible, of any planned physical alterations or additions to the permitted facility, in accordance with LAC 33:V.309.L.1.

II.E.12. Physical Facility after Modification

For any new or existing unit being modified, the Permittee may not treat, store, or dispose of hazardous waste in modified portion of the unit until the unit is complete and:

> **II.E.12.a.** The Permittee has submitted to the Administrative Authority, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the unit is complete and has been constructed or modified in compliance with the permit; and
>
> **II.E.12.b.** The Administrative Authority has inspected the new or modified unit following a request to make a final inspection by the Permittee as required by LAC 33:V.303.I, and finds it is in compliance with the conditions of the permit and all applicable sections of LAC 33:V.Subpart 1, and has issued an Order to Proceed. The Permittee may then commence treatment, storage, or disposal of hazardous waste.

II.E.13. Anticipated Noncompliance

The Permittee shall give advance notice to the Administrative Authority of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

II.E.14. Transfer of Permits

This permit may be transferred to a new owner or operator with written approval by the Administrative Authority and if it is modified or revoked and reissued pursuant to the

LAC 33:V.309.L.4, 321.B, 1531.D and LAC 33:I.Chapter 19.

The Permittee's failure to notify the new owner or operator of the requirements of LAC 33:V.Subpart 1 and LAC 33:I.Chapter 19 in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) prior to or no later than forty-five (45) days after the change. The Administrative Authority may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within forty-five (45) days after the change, in accordance with LAC 33:I.1909.B. The previous Permittee and the new Permittee must comply with all applicable requirements of LAC 33:I.1909.

II.E.15. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date as required by LAC 33:V.309.L.6.

II.E.16. Emergency Unauthorized Discharge Notification

In accordance with LAC 33:I.3915, in the event of an unauthorized discharge that results in an emergency condition (an emergency condition is any condition which could be reasonably expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property), the Permittee shall notify the DPS (Department of Public Safety) 24-hour Louisiana Emergency Hazardous Materials Hotline by telephone at (225) 925-6595 immediately, but in no case later than one (1) hour after learning of the discharge. The DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will subsequently notify the Department regarding the details of the discharge.

II.E.17. Non-Emergency Unauthorized Discharge Notification

In the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Chapter 39.Subchapter E but that does not cause an emergency condition, the Permittee shall promptly notify DPS by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) within twenty-four (24) hours after learning of the discharge.

Compliance with LAC 33:I.3917 does not relieve the Permittee of the necessity of following any applicable written notification procedures in LAC 33:I.3925 or any terms and conditions of any applicable permit or license issued under the Louisiana Environmental Quality Act.

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In the event of an unauthorized discharge that requires notification under LAC 33:I.3917.A, the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will notify the Department of Environmental Quality.

II.E.18. Unauthorized Discharge to Groundwater Notification

In the event that any unauthorized discharge results in the contamination of the groundwaters of the state or otherwise moves in, into, within, or on any saturated subsurface strata, the discharger (Permittee) shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC) within seven (7) days.

II.E.19. Written Notification Reports for Unauthorized Discharges

The Permittee shall submit written reports for any unauthorized discharging that requires notification, under Conditions, II.E.16, II.E.17 and II.E.18 of this permit, to the SPOC within seven (7) calendar days after notification required by Conditions II.16 through II.18, in accordance with LAC 33:I.3925.

II.E.20. Noncompliance Reporting

The Permittee shall report orally within twenty-four (24) hours any noncompliance with the permit not reported under Conditions II.E.16, II.E.17, and II.E.18 for confirmed releases to the groundwater that may endanger human health or the environment, in accordance with LAC 33:V.309.L.7. This report shall include the following:

II.E.20.a. information concerning the release of any hazardous waste that may endanger public drinking water supplies; and

II.E.20.b. information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, that could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

II.E.20.b.i. the name, address, and telephone number of the owner or operator;

II.E.20.b.ii. the name, address, and telephone number of the facility;

II.E.20.b.iii. the date, time, and type of incident;

II.E.20.b.iv. the name and quantity of materials involved;

II.E.20.b.v. the extent of injuries, if any;

II.E.20.b.vi. an assessment of actual or potential hazards to the

environment and human health outside the facility, where this is applicable; and

II.E.20.b.vii. the estimated quantity and disposition of recovered material that resulted from the incident.

II.E.21. Follow-up Written Report of Noncompliance

The Permittee shall also provide a written submission within five (5) days after the time the Permittee becomes aware of any noncompliance which may endanger human health or the environment not reported under Condition II.E.20. The written submission shall contain a description of the noncompliance and its cause; the periods 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. If the Administrative Authority waives the requirement, then the Permittee shall submit a written report within fifteen (15) calendar days after the time Permittee becomes aware of the circumstances, as required by LAC 33:V.309.L.7.d.

II.E.22. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time required monitoring reports are submitted. The reports shall contain the information listed in Condition II.E.20.

II.E.23. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or that it submitted incorrect information in a permit application, or in any report to the Administrative Authority, the Permittee shall promptly submit such facts or information, in accordance with LAC 33:V.309.L.12.

II.E.24. Signatory Requirement

All applications, reports or other information submitted to the Administrative Authority shall be signed and certified according to LAC 33:V.507, 509, 511, and 513.

II.E.25. Schedule of Compliance

~~II.E.25.a. Within sixty (60) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, updated financial assurance for closure and post-closure estimates, in accordance with applicable sections of LAC 33:V.Chapter 37.~~

II.E.25.~~b~~a. One hundred and eighty (180) days before planned construction, the Permittee must submit information pertaining to the design and operations and

certification (LAC 33:V.1802.C.2) of the proposed Containment Building 301 to the Administrative Authority for approval. The information submitted must comply with the requirements of LAC 33:V.Chapter 18, and all applicable regulations.

II.E.25.~~b~~**c.** One hundred and eighty (180) days before planned construction, the Permittee must submit the tank assessment for the proposed tanks (~~T-220-223,~~ T-220, T-221, T-223, ~~and~~ T-305, ~~T-505 and T-506~~ T-601, T-602, T-610, T-611, T-612, T-613, T-630, T-631, T-632, T-701, T-702, T-703, T-704, T-710, T-711, T-712, T-713, T-740, and T-741), in accordance with LAC 33:V.1905.A. Once installed, in accordance with LAC 33:V.1905.B, the tank installation reports must be submitted to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 19, and all applicable regulations.

II.E.25.~~c~~**d.** One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications for the proposed container storage areas to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 21, and all applicable regulations.

II.E.25.d. One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Oil Recovery Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 32 and all applicable regulations.

II.E.25.e. One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Thermal Desorber Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 32 and all applicable regulations.

II.E.25.f. Before placing the proposed Oil Recovery Units into service, the Permittee must submit to the Administrative Authority, a revised contingency plan, a revised personnel training plan, and a revised waste analysis plan for all proposed units. The Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321.

II.E.25.g. Before placing the proposed Thermal Desorber Units into service, the Permittee must submit to the Administrative Authority, a revised contingency plan, a revised personnel training plan, and a revised waste analysis plan for all proposed units. The Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321.

II.E.25.~~b.~~**e.** Before placing any proposed unit or units into service, the Permittee must submit to the Administrative Authority, a revised inspection plan, a revised closure plan, and the engineering details for the air emission controls for all proposed units. The revised plans must be submitted as a permit modification, in accordance with LAC 33:V.321.C and 322.

~~**II.E.25.f.** The Permittee must submit within sixty (60) days of the effective date of this permit a revised Groundwater Sampling and Analysis Plan, as a permit modification, in accordance with LAC 33:V.322 that includes the following information:~~

~~**II.E.25.f.i.** Revised tables for detection monitoring indicator parameters to include the following constituents present in leachate samples (i.e., May 7, 2009 leachate analysis report): carbon disulfide, 4-Methyl-2-pentanone, m-Cresol (3-Methylphenol), beta-BHC, gamma-BHC (Lindane), 4,4'-DDE, 2,4-D, 2,4,5-T with their respective practical quantitation limits (PQLs) and analytical methods for each, as stated in CWMI's Response to Geologic/Groundwater Comments, dated January 14, 2010.~~

~~**II.E.25.f.ii.** For any parameter with a proposed concentration increase (i.e., selenium), a justification and documentation for the proposed increase must be provided.~~

~~**II.E.25.f.iii.** Note that statistical analysis is not required for non-naturally-occurring parameters (e.g., VOC, SVOC, PAH), and that any detection of these parameters shall be cause for notification, resampling, and/or assessment monitoring. Background sampling shall not be conducted for these parameters. This language should be included in Section 7.1 of the revised GWSAP.~~ ~~**II.E.25.g.** Within sixty (60) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, a revised Closure Plan submitted as a permit modification in accordance with LAC 33:V.321.C. The revised Closure Plan must make no reference to applying RECAP soil screening standards to closure of aboveground units. The Permittee shall comply with the most recently approved Closure Plan until the revised plan has been approved by the Administrative Authority as a permit modification.~~

~~**II.E.25.h.** Within thirty (30) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, a revised Hazardous Waste Permit Information Form/Part A/I that designates the correct process code for the proposed containment building (Building 301) (i.e., process code S06 or T94 not S02).~~

II.E.26. Updated Documents To Be Submitted Prior To Operation

(RESERVED)

II.E.27. Documents To Be Maintained at Facility Site

II.E.27.a. The Permittee shall maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and amendments, revisions, and modifications to these documents. Any revision or changes shall be submitted with the annual report and in compliance with LAC 33:V.321, 322 and 323.

II.E.27.a.i. Waste Analysis Plan submitted in accordance with LAC 33:V.1519 (see Attachment 1);

II.E.27.a.ii. Contingency Plan submitted in accordance with LAC 33:V.1513 (see Attachment 1);

II.E.27.a.iii. Closure/Post-Closure Plan submitted in accordance with LAC 33:V.3511 and 3523 (see Attachment 1);

II.E.27.a.iv. Security Plan submitted in accordance with LAC 33:V.1507 and 1513 (see Attachment 1);

II.E.27.a.v. Closure/Post-Closure cost estimate for facility closure submitted in accordance with LAC 33:V.3705 and 3709 (see Attachment 1);

II.E.27.a.vi. Arrangements with the local authorities in accordance with LAC 33:V.1511.G;

II.E.27.a.vii. Personnel Training Plan and the training records required by LAC 33:V.1515 (see Attachment 1);

II.E.27.a.viii. Operating records required by LAC 33:V.1529, and

II.E.27.a.ix. Inspection Plan developed in accordance with LAC 33:V.517.G and 1509.B (see Attachment 1).

II.E.27.b. All proposed amendments, revisions and modifications to any plan or cost estimates required by this permit shall be submitted to the Administrative Authority for approval.

II.E.28. Annual Report

An annual report must be submitted by March 1 of each year covering all unit(s) listed in this permit and their activities during the previous calendar year as required by LAC

33:V.1529.D.

II.E.29. Manifest

The Permittee shall report manifest discrepancies and unmanifested waste as per LAC 33:V.309.L.8 and 9.

II.E.30. Emissions

Air emissions from any hazardous waste facility shall not violate the Louisiana Air Quality Regulations. If air quality standards are exceeded, the site will follow air regulation protocol.

II.E.31. Water Discharges

Water discharges, if any, must be in conformity with effluent limitations established by the Clean Water Act operating under a National Pollutant Discharge Elimination Systems (NPDES) permit and reported as required by that permit in accordance with LAC 33:V.1505.A.1.

II.E.32. Non-Listed Hazardous Waste Facilities

This permit is issued for those hazardous waste facilities listed in Condition IV (Permitted Facilities). If the Permittee determines that an unpermitted hazardous waste unit(s) exists, the Permittee must immediately notify the Administrative Authority in accordance with Condition II.E.23 of this permit.

II.E.33. Compliance with Land Disposal Restrictions

The Permittee shall comply with those land disposal restrictions set forth in La. R.S. 30:2193, and all regulations promulgated thereunder, and the HSWA portion of this permit (Condition VII and VIII).

II.E.34. Establishing Permit Conditions

Permits for facilities with pre-existing groundwater contamination are subject to all limits, conditions, remediation and corrective action programs designated under LAC 33:V.311.D and LAC 33:V.3303.

II.E.35. Obligation for Corrective Action

Owners or operators of hazardous waste management units must have all necessary permits during the active life of the unit and for any period necessary to comply with the corrective action requirements in Condition VII and VIII of this permit. The facility is obligated to complete facility-wide corrective action regardless of the operational status of the facility.

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II.E.36. Attachments and Documents Incorporated by Reference

All attachments and documents required by this permit, including all plans and schedules, are incorporated, upon approval by the Administrative Authority, into this permit by reference and become an enforceable part of this permit. When applicable, the Permittee must modify the permit according to LAC 33:V.Chapter 3. Since required items are essential elements of this permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action, which may include fines, suspension, or revocation of the permit.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this permit. Written requests for extension of due dates for submittals may be granted by the Administrative Authority.

If the Administrative Authority determines that actions beyond those provided for, or changes to what is stated herein are warranted, the Administrative Authority may modify this permit according to procedures in LAC 33:V.321.

III. GENERAL FACILITY CONDITIONS

III.A. DESIGN AND OPERATION OF ALL FACILITIES

III.A.1. The Permittee must maintain and operate all facilities to minimize the possibility of a fire, explosion, or any unauthorized sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or water that could threaten human health or the environment.

III.A.2. (RESERVED)

III.A.3. The Permittee may receive only those off-site hazardous wastes which are listed in the Part A of this permit and approved off-site Corrective Action Management Unit (CAMU) waste, in accordance Condition V.E.2.g.

III.A.4. The Permittee must not manage new wastes in the units listed in Condition IV without submitting a permit modification, in accordance with LAC 33:V.321, and receiving approval from the Administrative Authority.

III.B. REQUIRED NOTICE

When the Permittee anticipates receipt of hazardous waste from an off-site source (except where the Permittee is also the generator), it must inform the generator in writing that the Permittee has the appropriate permits for, and will accept, the waste to be shipped by the generator. The Permittee must keep a copy of this written notice as part of the operating record as required by LAC 33:V.1527.E.

III.C. GENERAL WASTE ANALYSIS

The Permittee shall manage those wastes set forth in the Part A/I and Condition III.A.3 and follow the procedures described in the Waste Analysis Plan, referenced in Attachment 1, and in accordance with LAC 33:V.1519.

III.C.1. The Permittee shall review the Waste Analysis Plan annually and report to the Administrative Authority in the annual report whether any revision is required to stay abreast of changes in EPA methods and/or state regulatory provisions.

III.C.2. Annually, the Permittee shall submit a certified statement that indicates that any laboratory that provides chemical analyses, analytical results, or other test data to the LDEQ, by contract or by agreement, is accredited in accordance with the laboratory accreditation requirements of LAC 33:I.Chapter 45. This written statement shall be certified as specified in LAC 33:V.513 and included in the annual report. This documentation shall be resubmitted when a different laboratory is contracted for services.

III.C.3. If there is reason to believe that the hazardous waste has changed or the operation generating the hazardous waste has changed, the Permittee shall review and re-characterize all potentially impacted hazardous waste streams generated by the Permittee on-site and treated, stored, and/or disposed on-site. The Permittee must re-characterize wastes in accordance with LAC 33:V.1519.A.3. This re-characterization shall include laboratory analyses and/or process knowledge meeting the requirements of LAC 33:V.1519.A.2, which provide information needed to properly treat, store, and dispose of the hazardous waste, including, physical characteristics and chemical components of the waste. The results of this re-characterization for wastes that have exhibited change shall be summarized in the Permittee's Annual Report.

III.C.4. Annual review of the WAP must be certified in accordance with LAC 33:V.513. When revisions are made, the WAP must also be certified by a Louisiana licensed professional engineer (PE), in accordance with LAC 33:V.1519.

III.C.5. In accordance with LAC 33:V.1519.B, the Waste Analysis Plan must meet all the sampling and Quality Assurance/Quality Control (QA/QC) procedures and protocols contained in Condition II.E.9. All test procedures used by the Permittee shall be maintained on file by the Permittee and made available to the Administrative Authority upon request.

III.D. SECURITY

The Permittee shall comply with the security provisions of LAC 33:V.1507 and the Security Plan referenced in Attachment 1.

III.E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedule in the Inspection Plan referenced in Attachment 1 of this permit. The Permittee shall remedy any deterioration or malfunction discovered by an inspection as required by LAC 33:V.1509.C. Records of inspections shall be kept as required by LAC 33:V.1509.D. The inspection schedule shall address the regulatory requirements of LAC 33:V.517.G, 1509, 1802, 1911, 2109, 2307, 2309, and 2507.

III.F. PERSONNEL TRAINING

The Permittee shall conduct personnel training as required by LAC 33:V.1515.A, B and C. This training plan shall follow the outline in the Training Plan referenced in Attachment 1. The Permittee shall maintain all training documents and records as required by LAC 33:V.1515.D and E.

III.G. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall take precautions as required by LAC 33:V.1517 to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes.

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III.H. LOCATION STANDARDS

III.H.1. The Permittee has furnished evidence that it is in compliance with seismic standards as required by LAC 33:V.517.T.

III.H.2. The Permittee must not manage any hazardous waste on any portion of the property that lies within the 100 year flood plain (as identified in the Flood Insurance Rating Map) unless such areas are raised above this flood level or other means (e.g., levees) are provided to protect such areas from washouts, overtopping by wave action, soil erosion or other effects of such a flood as required by LAC 33:V.1503.B.3. Such site improvements must be certified by independent licensed professional engineers and approved by Administrative Authority prior to any hazardous waste and/or hazardous waste units being placed thereon.

III.I. PRECIPITATION RUN-ON AND RUN-OFF

The Permittee must provide for the control and/or containment of run-on and run-off from the maximum rainfall occurring in twenty-four (24) hours from a 25-year storm as defined by local rainfall records and LAC 33:V.1503.B.2. The Permittee shall comply with the requirements of LAC 33:V.1503.B.2, 1907.E.1.b, 1802.A, 2111.B.4, B.5, B.6, 2309.B, 2503.C, D, and E, and 2521.

III.J. HURRICANE EVENTS

The Permittee shall initiate those applicable portions of the Contingency Plan during a hurricane as well as appropriate actions required by LAC 33:V.1507, 1509, and 1511.

III.K. PREPAREDNESS AND PREVENTION

III.K.1. Required Equipment

At a minimum, the Permittee shall install and maintain the equipment set forth in the Contingency Plan referenced in Attachment 1, as required by and which is in conformance with LAC 33:V.1511.C.

III.K.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Condition III.K.1 to insure its proper operation in time of emergency.

III.K.3. Access to Communications or Alarm Systems

The Permittee shall maintain access to the communications or alarm system, as required by LAC 33:V.1511.E.1 and 1511.E.2.

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III.K.4. Required Aisle Space

In no case shall aisle space be less than two (2) feet. In addition, the Permittee shall maintain adequate aisle space as required by LAC 33:V.1511.F and 2109.B.

III.K.5. Arrangements with Local Authorities

The Permittee shall document in the annual report that the requirements of LAC 33:V.1511.G have been met. This documentation shall include those State and Local agencies involved and those facilities and operations covered. Documentation of annual written renewal of arrangements with State and Local agencies shall also be included in this report. Where state or local authorities decline to enter into such arrangements, the Permittee must document the refusal in the operating record.

III.L. CONTINGENCY PLAN

III.L.1. Implementation of Plan

The Permittee shall immediately carry out the provisions of the Contingency Plan referenced in Attachment 1 of this permit, which complies with the emergency procedures described by LAC 33:V.1513.F, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that threaten or could threaten human health or the environment

III.L.2. Copies of Plan

The Permittee shall comply with the requirements of LAC 33:V.1513.C.

III.L.3. Amendments to Plan

The Permittee shall review and amend in a timely manner, if necessary, the Contingency Plan, as required by LAC 33:V.1513.D.

III.L.4. Emergency Coordinator

The Permittee shall comply with the requirements of LAC 33:V.1513.E concerning the emergency coordinator.

III.M. MANIFEST SYSTEM

III.M.1. Use of the Manifest System

The Permittee shall comply with the applicable manifest requirements of LAC 33:V. Chapter 11.

III.N. RECORDKEEPING AND REPORTING

III.N.1. Operating Record

The Permittee shall maintain a written operating record at the facility in accordance with LAC 33:V.1529.A, B, and C.

III.N.2. Annual Report

The Permittee shall comply with the annual report requirements of LAC 33:V.1529.D.

III.N.3. Operations Manual

The Permittee shall compile and keep current an operations manual –covering all aspects of the Permittee's treatment, storage and disposal facilities.

III.O. CLOSURE

The Closure/Post-closure Plan shall include the following responses by the Permittee to LAC 33:V.1915, 2117, 2315, 2521, 3503, 3505, 3507, 3509, 3511, 3513, 3515, and the approved TSCA closure plan.

III.O.1. Closure Performance Standard

The Permittee shall close the facility in accordance with the Closure Plan referenced in Attachment 1, and applicable requirements of LAC 33:V.3505, 3507, 3511, and the approved TSCA closure plan.

III.O.2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan where necessary, in accordance with LAC 33:V.3511.C. Any modification shall be subject to LAC 33:V.321, 322, and 323, where applicable.

III.O.3. Notification of Closure

The Permittee shall notify the Administrative Authority at least forty–five (45) days prior to the date he expects to begin closure, in accordance with LAC 33:V.3511.D.

III.O.4. Time Allowed For Closure

After receiving the final volume of hazardous waste, the Permittee shall treat, dispose or remove from the site all hazardous waste in accordance with the schedule specified in the Closure Plan referenced in Attachment 1 and LAC 33:V.3513. After receiving the final volume of hazardous waste, the Permittee shall complete closure activities in accordance with the schedule specified in the Closure Plan referenced in Attachment 1.

III.O.5. Disposal of Decontamination of Equipment

The Permittee shall decontaminate and/or dispose of all facility equipment in accordance with the Closure Plan referenced in Attachment 1, and LAC 33:V.3515.

III.O.6. Certification of Closure

The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan referenced in Attachment 1 and as required by LAC 33:V.3517.

III.O.7. Inventory at Closure

The Permittee shall be responsible for closure cost based upon the maximum permitted facility inventories (including the less than ninety (90) day storage area and TSCA waste storage area) listed below in Tables 1, 3, 5, 7, and 8 (cost estimates for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste):

TABLE 1
Existing Container Storage Areas

Container Storage Area	Containment Capacity (Gallons)	Volume of Largest Container Allowed (Gallons)	Maximum Permitted Storage Capacity
Container Management Unit 1			
Building 201[2]	44,468	6,000	Liquid Storage: 2,457 drums (135,135 gallons) AND Solid Storage: 1,956 drums (107,580 gallons) **Combined Total: 242,715 gallons**
Building 202	13,367	6,000	
Building 204	17,809	6,000	
Transportation Staging Building			
Building 801	35,600	6,000	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)
Leachate Loading Building			
Building 501[1]	9,865	6,000	38,610 gallons

[1]Building 501 is not a permitted container storage area. Building 501 only stores hazardous waste for less than ninety (90) days.

[2]Building 201 stores TSCA waste in Area 2. At final closure, the Permittee must close Area 2 in accordance with the approved TSCA closure plan. Approved cost estimates for closure must be updated accordingly

TABLE 2
Proposed Container Storage Areas

Container Storage Area	Containment Capacity (Gallons)	Volume of Largest Container Allowed (Gallons)	Maximum Permitted Storage Capacity
Container Management Unit 2			
Building 205	See Condition II.E.25.~~d~~a of this Permit	6,000	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)~~Liquid Storage: 1,052 drums (57,860 gallons) AND~~ ~~Solid Storage: 640 drums (35,200 gallons)~~ ~~**Total: 93,060 gallons**~~
Transportation Staging Building			
Building 802	See Condition II.E.25.~~d~~a of this Permit	6,000	80 roll-off boxes (484,704 gallons)

TABLE 3
Existing Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-502	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-503	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-504 A	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-504 B	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-505	Wastewater Holding Tank	1,006,900	956,555
T-506	Wastewater Holding Tank	1,006,900	956,555
T-903	Leachate Collection Storage Only	17,000	16,150
T-904	Leachate Collection Storage Only	16,990	16,150

T-905	Leachate Collection Storage Only	13,000	12,350
T-906	Leachate Collection Storage Only	33,874	32,180
T-907	Leachate Collection Storage Only	33,874	32,180

TABLE 4
Proposed Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-220	Receiving Tank	400	380
T-221	Solvent Flush Tank	400	380
T-222	Waste Holding Tank	14,500	13,775
T-223	Waste Holding Tank	14,500	13,775
~~T-505~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~T-506~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
Oil Recovery Unit Area			
T-630	Recovered Water Tank No. 1	21,000	19,950
T-631	Recovered Water Tank No. 2	21,000	19,950
T-632	Recovered Water Tank No. 3	21,000	19,950
Thermal Desorber Unit Area			
T-710	Recovered Water Tank No. 1	21,000	19,950
T-711	Recovered Water Tank No. 2	21,000	19,950
T-712	Recovered Water Tank No. 3	21,000	19,950
T-713	Recovered Water Tank No. 4	21,000	19,950
T-740	Sludge Holding Tank	5,000	4,750
T-741	Sludge Holding Tank	5,000	4,750

TABLE 5
Existing Hazardous Waste Treatment Tanks ~~in Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-303	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440

T-304	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-306	Pre-Treatment Tank Treatment Only	20,625	19,594

TABLE 6
Proposed Hazardous Waste Treatment Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-305	Pre-Treatment Tank Treatment Only	20,625	19,594
T-601	Off-loading Pit	38,776	36,837
T-602	Off-loading Pit	38,776	36,837
T-610	Feed Mix Tank	31,500	29,925
T-611	Feed Mix Tank	31,500	29,925
T-612	Feed Mix Tank	31,500	29,925
T-613	Feed Mix Tank	31,500	29,925
T-701	Off-loading Pit	53,020	50,369
T-702	Off-loading Pit	53,020	50,369
T-703	Off-loading Pit	53,020	50,369
T-704	Off-loading Pit	53,020	50,369

TABLE 7
Landfill Cell

Landfill Cell	Maximum Permitted Storage Capacity
Cell 8	6,270,000 cubic yards

TABLE 8
Existing Biopads

UNIT NAME	SERVICE	CAPACITY

Biopad Phase I	Biological Treatment	342.5 tons/day
Biopad Phase II	Biological Treatment	342.5 tons/day

~~TABLE 9~~
~~Proposed Biopad~~

~~UNIT NAME~~	~~SERVICE~~	~~CAPACITY~~
~~Biopad Phase II~~	~~Biological Treatment~~	~~342.5 tons/day~~

TABLE 9~~10~~
Proposed Containment Building Storage

CONTAINMENT BUILDING	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Building 301	See Condition II.E.25.a~~b~~ of this Permit	Solid Storage only and Treatment; Macroencapsulation	504,900 gallons

TABLE 10
Proposed Oil Recovery Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Oil Recovery Unit-1	Recoverable Liquid Oil Separation	126,000 gallons/day
Oil Recovery Unit-2	Recoverable Liquid Oil Separation	126,000 gallons/day

TABLE 11
Proposed Thermal Desorber Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Thermal Desorber Unit-1	Organic Solid Constituents Separation	165 tons/day
Thermal Desorber Unit-2	Organic Solid Constituents Separation	165 tons/day

III.P. POST-CLOSURE

The Permittee will attempt to clean close all hazardous waste units (except for closed landfill cells). If the facility cannot be clean closed, the Permittee shall submit a post-closure plan for approval by the Administrative Authority. If some waste residues or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527; including maintenance and monitoring throughout the post-closure care period (including the landfill cells).

III.P.1. Inventory of Post-Closure

The Permittee shall be responsible for post-closure care costs for the following permitted facilities:

Table 12~~1~~
Post-Closure Landfill Cells

Landfill Cell	Status	Maximum Permitted Capacity
Cell 5	Post-Closure	309.9 Acre-Feet or 500,000 cubic yards
Cell 6	Post-Closure	2,519.01 Acre-Feet or 4,064,000 cubic yards
Cell 7	Post-Closure	1,466.53 Acre-Feet or 2,366,000 cubic yards
Cell 14	Post-Closure	325.42 Acre-Feet or 525,000 cubic yards
Cell 8 [1]	Currently operating	3,886.36 Acre-Feet or 6,270,000 cubic yards

[1]Post-Closure care for Landfill Cell 8 will begin after final closure.

III.P.2. Amendments to the Post-Closure Plan

The Permittee shall amend the Post-Closure Plan when necessary in accordance with LAC 33:V.3523.D. Any modifications shall be subject to the permit modification requirements in LAC 33:V.321.

III.Q. COST ESTIMATES FOR CLOSURE/POST-CLOSURE

III.Q.1. The Permittee must maintain cost estimates for closure of all facilities in accordance with LAC 33:V.3705.B and 3707.

III.Q.2. The Permittee shall maintain and adjust the closure cost for inflation, as specified in LAC 33:V.3705.B, 3705.C, and for other circumstances that increase the cost of closure.

III.Q.3. The Permittee must adjust the closure cost estimate within thirty (30) days after approval by the Administrative Authority of any request to modify the closure plan in accordance with LAC 33:V.3705.C. The Permittee shall consider the impact of any inventory and or process changes on the closure cost estimate.

III.Q.4. The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure most expensive in accordance with LAC 33:V.3705.A.1-4. The closure cost estimate shall be based on the maximum permitted inventory of each facility as specified in Tables 1, 3, 5, 7, and 8 (cost estimates for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste). The closure cost must include allowance for decontaminating the Stabilization Building 302, any associated contaminated equipment, and the adjacent areas of Mixing Basins (Tanks T-303 and T-304) in the stabilization building, listed in Table 5. The closure cost estimate must include an allowance for decontaminating the Oil Recovery Units, any associated contaminated equipment, and the adjacent areas of the Oil Recovery Area (Tanks T-601, T-602, T-610, T-611, T-612, T-613, T-630, T-631, and T-632), listed in Table 4, 6, and 10. The closure cost estimate must also include an allowance for decontaminating the Thermal Desorber Units, any associated contaminated equipment, and the adjacent areas of the Thermal Desorber Unit Area (Tanks T-701, T-702, T-703, T-704, T-711, T-712, T-713, T-740, and T-741), listed in Table 4, 6, and 11. Closure cost estimates must include less than ninety (90) day storage areas, loading and unloading areas (i.e., wastewater loading/unloading), and cost associated with the closure of the TSCA waste storage area.

III.Q.5. The Permittee's post-closure cost estimate of all facilities as specified in Table 12~~11~~, and as required by LAC 33:V.3709.A shall be included in separate post-closure plan.

III.Q.6. The Permittee shall maintain and adjust the post-closure cost estimate for inflation in accordance with LAC 33:V.3709.B.

III.Q.7. The Permittee shall adjust the post-closure estimate within thirty (30) days after approval by the Administrative Authority of any request to modify the post-closure plan in accordance with LAC 33:V.3709.C. The Permittee shall consider the impact of any inventory and/or process changes on the post-closure cost estimate.

III.Q.8. The post-closure cost estimate must equal the annual post-closure cost multiplied by the number of years in the post-closure period as specified in LAC 33:V.3521.A.

III.Q.9. Any closure/post-closure modifications are subject to LAC 33:V.321.

III.Q.10. If the Permittee is unable to complete clean closure of all facilities specified in Tables 1-11~~0~~ as per LAC 33:V.Chapter 35 and as acceptable by the Administrative Authority, a post-closure plan must be submitted for each facility unable to achieve clean closure (except for the closed landfill cells) within ninety (90) days from the date the Permittee or Administrative Authority determines that the unit must be closed as a landfill. The post-closure plan must meet the requirements of LAC 33:V.3523.B (including the closed landfill cells).

III.R. FINANCIAL ASSURANCE FOR FACILITY CLOSURE AND POST-CLOSURE

The Permittee shall have and maintain financial assurance for closure in accordance with LAC 33:V.3707 for all units listed under Tables 1, 3, 5, 7, and 8 (financial assurance for the proposed units in Tables 2, 4, 6, ~~9,~~ 10, and 11 will be submitted before acceptance of initial waste):

The Permittee shall have and maintain financial assurance for post-closure in accordance with LAC 33:V.3711 for all units listed under Table 12~~1~~.

III.S. LIABILITY REQUIREMENTS

The Permittee shall have and maintain liability coverage for sudden accidental occurrences for treatment, storage, and disposal facilities or a group of such facilities in accordance with LAC 33:V.3715.A.

III.T. INCAPACITY OF THE PERMITTEE

The Permittee shall comply with LAC 33:V.3717 whenever bankruptcy is initiated for the Permittee or its institutions providing financial assurance. If insurance is used for compliance with LAC 33:V.3715, the Permittee shall immediately notify the Administrative Authority if the insurance company is placed in receivership. The Permittee must establish other financial assurance or liability coverage within sixty (60) days after such an event.

IV. PERMITTED FACILITIES

IV.A. TANKS

Details of the existing and proposed hazardous waste storage and treatment tanks listed in Tables 13-16~~12-15~~, including design and operational specifications, are contained in Condition V.A of this Permit.

TABLE ~~12~~13
(11~~9~~) Existing Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-502	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-503	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-504 A	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-504 B	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-505	Wastewater Holding Tank	1,006,900	956,555
T-506	Wastewater Holding Tank	1,006,900	956,555
T-903	Leachate Collection Storage Only	17,000	16,150
T-904	Leachate Collection Storage Only	17,000 ~~16,980~~	16,150
T-905	Leachate Collection Storage Only	13,000	12,350
T-906	Leachate Collection Storage Only	33,874	32,180
T-907	Leachate Collection Storage Only	33,874	32,180

TABLE 143
(136) Proposed Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-220	Receiving Tank	400	380
T-221	Solvent Flush Tank	400	380
T-222	Waste Holding Tank	14,500	13,775
T-223	Waste Holding Tank	14,500	13,775
~~T-505~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~T-506~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
[illegible]			
T-630	Recovered Water Tank No. 1	21,000	19,950
T-631	Recovered Water Tank No. 2	21,000	19,950
T-632	Recovered Water Tank No. 3	21,000	19,950
[illegible]			
T-710	Recovered Water Tank No. 1	21,000	19,950
T-711	Recovered Water Tank No. 2	21,000	19,950
T-712	Recovered Water Tank No. 3	21,000	19,950
T-713	Recovered Water Tank No. 4	21,000	19,950
T-740	Sludge Holding Tank	5,000	4,750
T-741	Sludge Holding Tank	5,000	4,750

TABLE 154
(3) Existing Hazardous Waste Treatment Tanks ~~in the Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
~~Stabilization Unit (Building 302)~~			
T-303	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-304	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-306	Pre-Treatment Tank Treatment Only	20,625	19,594

TABLE 16~~5~~
(11) Proposed Hazardous Waste Treatment Tanks ~~in the Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Bldg. 302)			
T-305	Pre-Treatment Tank Treatment Only	20,625	19,594
Stabilization Unit (Bldg. 302)			
T-601	Off-loading Pit	38,776	36,837
T-602	Off-loading Pit	38,776	36,837
T-610	Feed Mix Tank	31,500	29,925
T-611	Feed Mix Tank	31,500	29,925
T-612	Feed Mix Tank	31,500	29,925
T-613	Feed Mix Tank	31,500	29,925
Stabilization Unit (Bldg. 302)			
T-701	Off-loading Pit	53,020	50,369
T-702	Off-loading Pit	53,020	50,369
T-703	Off-loading Pit	53,020	50,369
T-704	Off-loading Pit	53,020	50,369

IV.B. CONTAINER STORAGE AREAS

Details of the existing and proposed container storage areas in Tables 17-18~~16-17~~, including design and operational specifications, are contained in Permit Condition V.B of this Permit.

TABLE 17~~6~~
(4) Existing Container Storage Areas

CONTAINER STORAGE AREA	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Container Management Unit 1			
Building 201	140′ x 160′	Liquid and Solid Storage; Macroencapsulation	Liquid Storage: 2,457 drums (135,135 gallons) AND Solid Storage: 1,956 drums
Building 202	80′ x 120′		

Building 204	50′ x 50′ and southern quarter extending eastward 75′		(107,580 gallons) **Combined Total: 242,715 gallons**
Transportation Staging Building			
Building 801	500′ x 50′	Liquid and Solid Storage; Macroencapsulation; Biotreatment	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)

TABLE 18~~7~~

(2) Proposed Container Storage Areas

CONTAINER STORAGE AREA	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Container Management Unit 2			
Building 205	See Condition II.E.25.d of this Permit	Liquid and Solid Storage; Macroencapsulation	Liquid Storage: 1,052 drums (57,860 gallons) AND Solid Storage: 640 drums (35,200 gallons) **Total: 93,060 gallons**
Transportation Staging Building			
Building 802	See Condition II.E.25.d of this Permit	Liquid and Solid Storage Only; Macroencapsulation	80 roll-off boxes (484,704 gallons)

IV.C. CONTAINMENT BUILDING

Details of the proposed containment building storage and treatment in Table 19~~8~~, including design and operational specifications, are contained in Permit Condition V.C of this Permit.

TABLE 19~~8~~
(1) Proposed Containment Building

CONTAINMENT BUILDING	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Building 301	See Condition II.E.25.~~a~~b of this Permit	Solid Storage only and Treatment; Macroencapsulation	504,900 gallons

IV.D. BIOPADS

Details of the existing ~~and proposed container storage~~Biopads in Tables 20~~19~~, including design and operational specifications, are contained in Permit Condition V.D of this Permit.

TABLE 20~~19~~
(2~~1~~) Existing Biopad~~s~~

UNIT NAME	SERVICE	CAPACITY
Biopad Phase I	Biological Treatment	342.5 tons/day
Biopad Phase II	Biological Treatment	342.5 tons/day

~~TABLE 20~~
~~(1) Proposed Biopad~~

~~UNIT NAME~~	~~SERVICE~~	~~CAPACITY~~
~~Biopad Phase II~~	~~Biological Treatment~~	~~342.5 tons/day~~

IV.E. LANDFILL DISPOSAL

Details of the existing landfill listed in Table 21, including design and operational specifications, are contained in Condition V.E of this Permit.

TABLE 21
(1) Active Landfill

UNIT NAME	SERVICE	CAPACITY
Cell 8	Active Hazardous Waste Landfill	6,270,000 cubic yards

IV.F. POST-CLOSURE LANDFILLS{ TC "IV.E. PERMITTED POST-CLOSURE UNITS" \f C \l "2" }

Details of the existing post-closure landfills listed in Table 22, including design and operational specifications, are contained in Condition V.~~G~~ of this Permit.

TABLE 22
(4) Closed Landfills

UNIT NAME	SERVICE	CAPACITY
Cell 5	Closed Hazardous Waste Landfill	500,000 cubic yards
Cell 6	Closed Hazardous Waste Landfill	4,064,000 cubic yards
Cell 7	Closed Hazardous Waste Landfill	2,366,000 cubic yards
Cell 14	Closed Hazardous Waste Landfill	525,000 cubic yards

IV.G. OIL RECOVERY UNITS

Details of the proposed Oil Recovery Units listed in Table 23, including design and operational specifications, are contained in Condition V.F of this Permit.

TABLE 23
(2) Proposed Oil Recovery Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Oil Recovery Unit-1	Recoverable Liquid Oil Separation	126,000 gal/day
Oil Recovery Unit-2	Recoverable Liquid Oil Separation	126,000 gal/day

IV.H. THERMAL DESORBER UNITS

Details of the proposed Thermal Desorber Units listed in Table 24, including design and operational specifications, are contained in Condition V.G of this Permit.

TABLE 24
(2) Proposed Thermal Desorber Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Thermal Desorber Unit-1	Organic Solid Constituents Separation	165 tons/day
Thermal Desorber Unit-2	Organic Solid Constituents	165 tons/day

	Separation	

V. PERMIT CONDITIONS APPLICABLE TO PERMITTED FACILITIES

V.A. TANKS

V.A.1. Description of Tank Systems

The conditions set forth in Permit Condition V.A, shall apply, as applicable, to the permitted tank systems designated in Tables 13-16.~~12-15~~.

V.A.1.a. Permitted Tanks

V.A.1.a.i. The tanks listed in Table 27~~25~~ are permitted for hazardous waste storage or treatment as designated in Tables 13-16~~12-15~~. These tanks have been certified by an independent, professional engineer licensed in the State of Louisiana and have sufficient structural integrity for the storage of hazardous waste.

V.A.1.a.ii. The tanks listed in Table 27~~5~~ must be clearly marked with the words "Hazardous Waste" in accordance with LAC 33:V.1109.E.1.d.

V.A.1.a.iii. The Permittee is prohibited from storing or treating hazardous waste in any tank storage system not listed in Table 27~~5~~ for greater than ninety (90) days, unless an extension is granted by the Administrative Authority in accordance with LAC 33:V.1109.E.2.

V.A.2. Permitted and Prohibited Wastes

V.A.2.a. Permitted Waste

Subject to the terms of this permit, the Permittee is allowed to store or treat hazardous waste in the tanks as described in Condition V.A.1.a of this permit, and the hazardous wastes identified in the most current RCRA Subtitle C Site Identification Form (Part A Permit Application).

V.A.2.b. Prohibited Waste

The Permittee is prohibited from storing or treating hazardous waste that is not identified in the most current RCRA Subtitle C Site Identification Form (Part A Permit Application) and as described in Condition V.A.2.a of this permit.

V.A.3. Secondary Containment

V.A.3.a. Duty to Comply with LAC 33:V.1907

The Permittee shall design, construct, operate, and maintain the secondary containment system, including Building 302 (as the secondary containment

system for Tanks T-303 and T-304), the Oil Recovery Building (as the secondary containment system for the off-loading pits T-601 and T602), and the Thermal Desorber Building (as the secondary containment system for the off-loading pits of T-701, T-702, T-703, and T-704) in accordance with LAC 33:V.1907, and Table 27~~5~~.

V.A.3.b. Prevention of Migration

V.A.3.b.i. Secondary containment systems must be maintained and operated to prevent any migration of wastes or accumulated liquid out of the systems to the soil, groundwater, or surface water at any time during the use of the tank system, in accordance with LAC 33:V.1907.B.1.

If wastes or accumulated liquid is detected to migrate out of the secondary containment system to the soil or groundwater, or if groundwater is detected to migrate into the secondary containment system at any time, the entire tank system shall be considered unfit for use, and the procedures of LAC 33:V.1913 shall be followed.

V.A.3.b.ii. Ancillary equipment must be provided with secondary containment, except as excluded by LAC 33:V.1907.F.

V.A.3.b.iii. Secondary containment systems must be free of cracks or gaps and other surface defects that would allow liquid to migrate out of the containment system, in accordance with LAC 33:V.1907.E.

V.A.3.b.iv. Spilled or leaked waste and/or accumulated precipitation must be removed from the secondary containment system within twenty-four (24) hours or in as timely a manner as is possible to prevent harm to human health and the environment, if it can demonstrated to the Administrative Authority that removal of the spilled or leaked waste and/or accumulated precipitation cannot be accomplished within twenty-four (24) hours.

V.A.4. Operating Requirements

V.A.4.a. All permitted tanks and associated piping, pumps, instruments, containments, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 19 and the specification and design criteria provided in the Permit Application and Table 27~~5~~.

V.A.4.b. The design temperature and pressure for each tank listed in Table 27~~5~~ shall not change unless a permit modification is requested by the Permittee and subsequently approved by the Administrative Authority.

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V.A.4.c. Duty to Comply with LAC 33:V.1909.A

The Permittee shall comply with LAC 33:V.1909.A. Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

V.A.4.e. Duty to Comply with LAC 33:V.1909.B

The Permittee shall comply with LAC 33:V.1909.B and Tables 13-16~~12-15~~ and Table 27~~25~~ of this permit. The Permittee must use appropriate controls and practices to prevent spills and overflows from tanks and containment systems.

V.A.4.f. Tank Covers

All hazardous waste storage tanks listed in Table 27~~25~~ shall be covered, except for the stabilization mixing basins (Tanks T-303 and T-304), the Oil Recovery Unit off-loading pits (Tanks T-601 and T-602), and the Thermal Desorber Unit off-loading pits (T-701, T-702, T-703, and T-704)~~, shall be covered~~. Tanks T-303 and T-304 shall remain enclosed within Building 302. The Oil Recovery Unit off-loading pits (Tanks T-601 and T-602) shall remain enclosed within the Oil Recovery Building. The Thermal Desorber Unit off-loading pits (Tanks T-701, T-702, T-703, and T-704) shall remain enclosed within the Thermal Desorber Unit Off-Loading Building. All tanks shall not be vented directly to the atmosphere if the tanks are used to store, or if a possibility exists that they may be used to store, volatile or malodorous waste.

V.A.4.g. Maintenance

The Permittee shall maintain the permitted tank systems according to the design code specified for each tank as listed in Table 27~~25~~ and not exceed the listed operating conditions.

V.A.4.h. Stabilization Unit

The Stabilization Unit consists of two mixing basins, Tanks T-303 and T-304, and a pre-treatment tank, Tank T-306. Tanks T-303 and T-304 are both enclosed in Building 302. Tank T-306 is immediately adjacent to Building 302. The Stabilization Unit is permitted to conduct the following stabilization technologies:

V.A.4.h.i. Macroencapsulation

V.A.4.h.ii. Microencapsulation

V.A.4.h.iii. Chemical oxidation for cyanide or sulfide-bearing wastes

V.A.4.h.iv. Deactivation of corrosives and oxidizers

V.A.4.h.v. Any other stabilization technologies as discussed in the 2005 Permit Renewal Application and/or approved by the Department.

V.A.4.i. Oil Recovery Unit Area

The Oil Recovery Unit Area consists of the Oil Recovery Building that contains the two off-loading pits (Tanks T-601 and T-602), two carbon canister units; four feed mix tanks (Tanks T-610, T-611, T-612, and T-613); three recovery water tanks (Tanks T-630, T-631, and T-632); two centrifuge units; a thermal oxidizer; an area for roll-off boxes; and a truck loading area. The Oil Recovery Units technology will separate recoverable oils from drilling fluids, refinery tank bottoms, commercially exempt oil-bearing waste, and other hazardous and non-hazardous oil-bearing waste.

V.A.4.j. Thermal Desorber Unit Area

The Thermal Desorber Unit Area consists of the Thermal Desorber Unit Off-loading Building that contains the four off-loading pits (Tanks T-701, T-702, T-703, and T-704); four carbon canister units; two thermal desorber units; two vapor recovery units; two thermal oxidizers; two solids discharge areas that contain roll off boxes; four recovered water tanks (Tank T-710, T-711, T-712, and T-713); and two sludge holding tanks (Tank T-740 and T-741). The Thermal Desorber Units technology will treat contaminated tank bottoms, sludge, catalyst slurry oil, organic contaminated soils, and other organic hazardous ~~and non-hazardous~~ waste requiring thermal treatment to meet Land Disposal Restrictions (LDR).

V.A.5. Ignitable, Reactive, and Incompatible Wastes

The Permittee shall store ignitable, reactive, or incompatible wastes only in accordance with LAC 33:V.1517.B, 1917 and 1919.

V.A.6. Inspections

V.A.6.a. Inspection Schedule

The Permittee shall comply with LAC 33:V.1911.A through C by following the inspection schedule submitted in the Inspection Plan (see Attachment 1).

V.A.6.b. Daily Inspection

V.A.6.b.i. At least once per day while the tank is operating in hazardous waste service, the Permittee shall inspect the following:

V.A.6.b.i.(1) Aboveground portions of the tank system, as applicable, including the tank, ancillary piping, valves, and vent controls, to detect corrosion, cracks or releases of waste.

V.A.6.b.i.(2) Data gathered from monitoring and leak detection equipment.

V.A.6.b.i.(3) The construction materials and area immediately surrounding the externally accessible portion of the tank system and ancillary equipment, e.g. secondary containment system, to detect erosion, cracks and signs of hazardous waste releases.

V.A.6.b.i.(4) For the control of leakage of defective internal heating coils, monitor the steam return and exhaust line to detect contamination from internal heating coals that are utilized in oil recovery tanks.

V.A.6.b.ii. All deficiencies noted during daily inspections must be recorded and remedied in a timely manner.

V.A.6.c. External Inspection

At a minimum, external inspection of each tank covered by this permit shall be performed annually. The inspection shall be performed by a person meeting the minimum qualifications required under the inspection standard in Table 27~~5~~. The inspection checklist shall be comparable to that in API Standard 510 or 653, as applicable.

If the result of such an inspection reveals that the tank is unfit for continued service, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.d. Internal Inspection

Internal inspection of each tank covered by this permit shall be performed at the frequencies specified in Table 25~~3~~. The inspection shall be performed by a person meeting the minimum qualifications required under the inspection standard in Table 27~~5~~. The inspection checklist shall be comparable to that in API Standard 510 or 653, as applicable.

If the result of such an inspection reveals that the tank is unfit for continued service, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.e. Thickness Testing

V.A.6.e.i. An authorized inspector shall take tank thickness measurements on tank roofs, as applicable, and shells and shall be taken at least on each tank quadrant at the frequencies specified in Table 264. Tank thickness readings shall be taken in the same place during each testing event in order to form a comparison of readings for corrosion rate determination.

V.A.6.e.ii. Tank thickness readings shall also be taken at any spot where visual corrosion or compromised integrity is evident.

V.A.6.e.iii. An authorized inspector shall perform tank thickness measurements on tank bottoms at the frequencies specified in Table 264.

V.A.6.e.iv. When any tank shell thickness measurement at a single point is less than that required in Table 275, the Permittee shall immediately comply with either Condition V.A.6.e.iv.(1) or (2) below. Condition V.A.6.e.iv.(2) shall not be used for any tank where the shell thickness measurement is less than 0.100 inches.

V.A.6.e.iv.(1) When a tank is deemed unfit for use, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The tank shall be repaired or replaced and the certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.e.iv.(2) An engineering evaluation shall be performed, conforming to the appropriate standard or standards, as allowed by the design or inspection standard in Table 275. If the evaluation determines that the tank is unfit for service, the Permittee shall comply with Condition V.A.6.e.iv.(1) immediately. The evaluation must be submitted to the Waste Permits Division for approval within forty-five (45) days of the initial measurement.

V.A.6.e.v. Tank thickness measurements shall not be averaged, unless allowed under the tank inspection standard in Table 275. Averaging of tank thickness measurements shall be reported to the Administrative Authority.

V.A.6.f. Overfill Controls

Tank levels shall be checked daily and overfill controls shall be visually inspected along with other aboveground portions of the tanks daily. Function of the overfill

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controls shall be tested annually.

V.A.7. Response to Leaks and Spills

V.A.7.a. Duty to Comply with LAC 33:V.1913.A through E

In the event of a leak or spill from a tank system, secondary containment system, or if a system becomes unfit for use, the Permittee shall comply with LAC 33:V.1913.A through E.

V.A.7.b. Leaks and Spills

V.A.7.b.i. Upon discovering a leak or spill, the Permittee must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

V.A.7.b.ii. Within twenty-four (24) hours of detecting a leak from the tank system, or in as timely a manner as is practical if the Permittee demonstrates that it is not possible to remove the waste within twenty-four (24) hours, the Permittee must remove as much waste as necessary to prevent further release from the tank or secondary containment system and to allow inspection and repair of the tank system, in accordance with LAC 33:V.1913.B.1.

V.A.7.b.iii. Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste must be cleaned up in a timely manner, as required by LAC 33:V.1505.C.3.

V.A.7.b.iii.(1) If the collected material is discharged through a point source to United States waters or to a Publicly Owned Treatment Works, it is subject to the requirements of the Clean Water Act.

V.A.7.b.iii.(2) If the collected material is released to the environment, it may be subject to reporting under applicable requirements of LAC 33:V.1505, LAC 33:I.Chapter 39, and 40 CFR Part 302.

V.A.7.b.iv. When a leak or spill occurs, the Permittee shall remove and properly dispose of any visible contamination of the soil or surface water, in accordance with LAC 33:V.1913.C.2.

V.A.7.b.v. A tank system from which a leak or spill has occurred must be closed in accordance with the approved Closure Plan and LAC 33:V.1915, unless the requirements of LAC 33:V.1913.E.2-3 are satisfied.

V.A.7.b.v.(1) For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service, in accordance with LAC 33:V.1913.E.2.

V.A.7.b.v.(2) For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning the tank to service, in accordance with LAC 33:V.1913.E.3.

V.A.7.b.vi. If the Permittee replaces a component of the tank system to eliminate a leak, that component must satisfy the requirements for new tank systems or components in LAC 33:V.1905 and 1907. An engineer's certification shall not be required for such day-to-day routine maintenance or service practices as replacement or repair of worn portions of tank system components (e.g. valves, bearings, seals), adjustment or repairs to instruments, etc.

V.A.7.b.vii. All leaks and spills shall be documented in the daily inspection log.

V.A.7.c. Major Repairs

V.A.7.c.i. The Permittee shall comply with LAC 33:V.1913.F when performing major repairs to a tank system.

V.A.7.c.ii. Major repairs shall include, but not be limited to, installation of an internal liner, repair of a ruptured tank, repair of a ruptured secondary containment area, and removal of a tank from its foundation for any reason.

V.A.7.c.iii. The Permittee shall conform to the appropriate portion of the most recent inspection code listed in Table 2~~75~~ for maintenance, inspection, re-rating, repair, and alteration of all tanks.

V.A.7.c.iv. The tank shall not be returned to service unless the Permittee has obtained a certification by an independent professional engineer licensed in the State of Louisiana that the system is capable of handling hazardous waste without release for the intended life of the system. The certification of repairs shall include an inspection in accordance with the requirements of any applicable codes, such as API 510 or API 653. The certification required in accordance with LAC 33:V.1913.F shall be submitted to the Administrative Authority within seven (7) days of returning the tank system to use. ~~in accordance with LAC 33:V.1913.F.~~

V.A.8. Air Emission Control Equipment Standards

The Permittee shall comply with Condition V.[illegible].2 of this Permit for air emission control equipment for all permitted hazardous waste tanks.

V.A.9. Recordkeeping

V.A.9.a. New Tanks

The Permittee shall obtain, and keep on file at the facility, the written statements by those persons required to certify the design and installation of new tank systems, in accordance with LAC 33:V.1905.G.

V.A.9.b. Written Assessment

The Permittee shall keep on file at the facility, written assessments of the tank systems' integrity. Assessments shall be updated at the time of submittal of the Permit Renewal Application and at any other time deemed necessary by the Administrative Authority (i.e., permit modifications, tank replacements, tank repairs, etc.).

V.A.9.c. Inspections

V.A.9.c.i. The Permittee shall document in the operating record for the facility inspection of those items in Conditions V.A.6.b-e of this Permit.

V.A.9.c.i.(1) The daily log sheets shall include all monitored parameters for the prevention of spills and overflows, which may include temperature, pressures, and either levels or pump flows into and out of the tanks.

V.A.9.c.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.A.9.c.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.A.9.c.ii. The Permittee shall document in the operating record all tests and inspections of overfilling controls.

V.A.9.c.iii. The Permittee shall keep on file at the facility the results of the internal and external inspections required by Conditions V.A.6.c-d of this Permit. The Permittee shall note all deficiencies discovered during the inspection in the inspection log. Corrective action taken in response to

deficiencies must be included as part of the operating record for the facility.

V.A.9.c.iv. The Permittee shall keep on file all information related to tank thickness testing required under Condition V.A.6.e of this Permit.

V.A.9.c.iv.(1) This information shall include, at a minimum, the date(s) of assessment, the location where measurement readings are taken, the raw measurement data, comparison of actual reading to minimum thickness requirements, the corrosion rate, and calculation of remaining tank life.

V.A.9.c.iv.(2) If an engineering evaluation is performed in accordance with Condition V.A.6.e.iv.(2) of this Permit, the results of such an evaluation shall be kept in the operating record.

The engineering evaluation must include, at a minimum, details on how the evaluation was performed, references to applicable tank codes, raw data, calculations performed, and an explanation of why the tank is or is not fit for continued service.

V.A.9.c.iv.(3) Any tank thickness measurements that are averaged under Condition V.A.6.e.iv. of this Permit must be supported by documentation with references to the applicable tank codes. The documentation shall include all raw measurement data, calculations, and results of averaging. This information shall be kept as a part of the operating record for the facility.

V.A.9.c.v. The Permittee shall keep on file at the facility the records of repairs required under Condition V.A.7.c of this Permit.

V.A.9.d. Releases

V.A.9.d.i. The Permittee shall keep on file at the facility, notification reports submitted under LAC 33:V.1913.D.

V.A.9.d.ii. Within twenty-four (24) hours of detecting a reportable leak or spill from a tank system or secondary containment system to the environment, the Permittee shall report the leak or spill in accordance with either Condition II.E.16 (Emergency Unauthorized Discharge) or Condition II.E.17 (Non-Emergency Unauthorized Discharge) of this Permit.

V.A.9.d.iii. Within thirty (30) days of detecting a reportable release to the environment from a tank system or secondary containment system, the Permittee shall report the following information to the Administrative

Authority's Single Point of Contact (SPOC):

V.A.9.d.iii.(1) Likely route of migration of the release;

V.A.9.d.iii.(2) Characteristics of the surrounding soil, including soil composition, geology, hydrogeology, and climate;

V.A.9.d.iii.(3) Results of any monitoring or sampling conducted in connection with the release (if available). If the Permittee finds it will be impossible to meet this time schedule, the Permittee must provide the Administrative Authority with a schedule of when the results will be available. This schedule must be provided before the required thirty (30) day submittal period expires;

V.A.9.d.iii.(4) Proximity of downgradient drinking water, surface water, and populated areas; and

V.A.9.d.iii.(5) A description of response actions taken or planned.

V.A.9.e. Repairs

The Permittee shall keep on file at the facility all certifications required by Condition V.A.7.c of this Permit.

V.A.10. Closure and Post-Closure Care

V.A.10.a. Duty to Comply with LAC 33:V.1915.A

The Permittee shall comply with LAC 33:V.1915.A by following the procedures specified in the Closure Plan, Attachment 1.

V.A.10.b. Duty to Comply with LAC 33:V.1915.B

If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated in accordance with Condition V.A.10.a of this Permit, the Permittee shall comply with LAC33:V.1915.B.

V.A.10.c. Post-Closure

The Permittee shall attempt to clean close all tank systems. If a tank cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-

closure care period.

TABLE 2~~5~~9
Internal Inspection Frequencies

Tank No.	Visual Internal Inspection Frequency	Complete Internal Inspection Frequency
T-220	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-221	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-222	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-223	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-303	Annually	As often as required by the inspection standard in Table 2~~7~~5[1]
T-304	Annually	As often as required by the inspection standard in Table 2~~7~~5[1]
T-305	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-306	Every three (3) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-502	Every two (2) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-503	Every two (2) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-504 A	Every two (2) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-504 B	Every two (2) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-505	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 2~~7~~5[1]
T-506	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 2~~7~~5[1]
T-601	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-602	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-610	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-611	Every two (2) years	As often as required by the inspection standard in Table 27[1]

T-612	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-613	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-630	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-631	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-632	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-701	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-702	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-703	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-704	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-710	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-711	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-712	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-713	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-740	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-741	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-903	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-904	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-905	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-906	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-907	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]

[1] The required frequency of inspection with reference to the applicable section of the standard shall be kept on site and available for review by the Administrative Authority upon request.

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TABLE 264
Tank Thickness Measurements Frequencies

TANK	ROOF AND SHELL	BOTTOM
T-220	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-221	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-222	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-223	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-303	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-304	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-305	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-306	Every three (3) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-502	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-503	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 A	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 B	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-505	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-506	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-601	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-602	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-610	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-611	See Condition II.E.25.b of this	As often as required by the

	Permit	inspection standard in Table 27[1]
T-612	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-613	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-630	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-631	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-632	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-701	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-702	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-703	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-704	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-710	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-711	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-712	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-713	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-740	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-741	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-903	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-904	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-905	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-906	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-907	Every two (2) years	As often as required by the inspection standard in Table 27[1]

[1] The required frequency of inspection with reference to the applicable section of the standard shall be kept on site and available for review by the Administrative Authority upon request.

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TABLE 2~~75~~
Design and Operating Parameters for RCRA Tank Systems

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-220	Proposed	N/A	4′ x 6′	400	380	API-620	API-653	150	ATM	Carbon Steel	1/4	1/8	See Condition II.E.25.~~be~~ of this Permit
T-221	Proposed	N/A	4′ x 6′	400	380	API-620	API-653	150	ATM	Carbon Steel	1/4	1/5 ~~3/16~~	See Condition II.E.25.~~be~~ of this Permit
T-222	Proposed	N/A	12′ x 21′	14,500	13,775	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	See Condition II.E.25.~~be~~ of this Permit
T-223	Proposed	N/A	12′ x 21′	14,500	13,775	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	External Concrete Liner
T-303	Existing	1995	12′ x 21′ x 10′	17,309	16,440	API-650	API-653	150	ATM	Carbon Steel	1	3/8	External Concrete Liner; Building 302
T-304	Existing	1995	12′ x 21′ x 10′	17,309	16,440	API-650	API-653	150	ATM	Carbon Steel	1	3/8	External Concrete Liner; Building 302
T-305	Proposed	N/A	~~12′ x 21′ See Condition II.E.25.be of this Permit~~	20,625	19,594	API-~~650~~620	API-653	150	ATM	Carbon Steel	3/8	1/4	See Condition II.E.25.~~be~~ of this Permit
T-306	Existing	1993	12′ x 21′	20,625	19,594	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	External Concrete Liner; Building 302

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-502	Existing	1993	69′ x 36′	1,006,900	956,555	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner
T-503	Existing	1999	69′ x 36′	1,006,900	956,555	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner
T-504 A	Existing	2001	24′ x 24′	87,000~~35,000~~	75,000~~74,250~~	API-620	API-653	150	ATM	Carbon Steel	Roof - 5/16 Ring 1 - 5/16 Ring 2 - 1/4 Ring 3 - 1/4 Cone Bottom - 3/8	Roof - 5/16 Ring 1 - 3/16~~5/16~~ Ring 2 - 9/64~~1/4~~ Ring 3 - 9/64~~1/4~~ Cone Bottom - 19/64~~3/8~~	External Concrete Liner

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-504 B	Existing	2001	24′ x 24′	87,00076,000	75,00021,250	API-620	API-653	150	ATM	Carbon Steel	Roof - 5/16 Ring 1 - 5/16 Ring 2 - 1/4 Ring 3 - 1/4 Cone Bottom - 3/8	Roof - 5/16 Ring 1 - 3/16~~3/16~~ Ring 2 - 9/64~~1/4~~ Ring 3 - 9/64~~1/4~~ Cone Bottom - 19/64~~3/8~~	External Concrete Liner
T-505	Existing ~~Proposed~~	2015 ~~N/A~~	69′ x 36′	1,006,900	956,955	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	~~External Concrete Liner See Condition II.E.25.c of this Permit~~
T-506	Existing ~~Proposed~~	2015 ~~N/A~~	69′ x 36′	1,006,900	956,955	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	~~External Concrete Liner See Condition II.E.25.c of this Permit~~

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-601F	Proposed	N/A	30' x 18' x 12' (sloping floor)	38,776	36,837	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-602F	Proposed	N/A	30' x 18' x 12' (sloping floor)	38,776	36,837	N/A	N/A	Ambient	N/A	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-610	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-611	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-612	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-613	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-630	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-631	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-632	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-701	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-702	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-703	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-704	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1"	3/8	See Condition II.E.25.b of this Permit
T-710	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-711	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-712	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-713	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-740	Proposed	N/A	96′ x 160′	5,000	4,250	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-741	Proposed	N/A	96′ x 160′	5,000	4,250	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-903	Existing	1991	10′ x 30′	17,000	16,150	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-904	Existing	1993	10′ x 30′	~~17,000~~ 16,990	16,150	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-905	Existing	1991	8′ x 30′ ~~10′ x 24′~~	13,000	12,350	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-906	Existing	2008	15.5′ x 24′	33,874	32,180	API-650	API-653	150	ATM	Carbon Steel	3/8	3/16	External Concrete Liner
T-907	Existing	2008	15.5′ x 24′	33,874	32,180	API-650	API-653	150	ATM	Carbon Steel	3/8	3/16	External Concrete Liner

[1]The proposed tanks are permitted for the capacities listed in Tables 14 and 16. ~~13 and 15.~~

[2]The proposed pits are part of the Oil Recovery Units.

[3]The proposed pits are part of the Thermal Desorber Units.

V.B. CONTAINER STORAGE AREAS

The permit conditions as set forth under this Condition shall apply where applicable, to the permitted container storage facilities as designated in Condition IV, Tables ~~16~~ 17, 18.

V.B.1. Conditions and Operations

V.B.1.a. Conditions of Containers

V.B.1.a.i. The Permittee shall be in compliance with all appropriate conditions set forth in LAC 33:V.Chapter 21.

V.B.1.a.ii. The Permittee shall maintain the condition of all containers in accordance with LAC 33:V.2103. If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the hazardous waste to a container that is in good condition or manage the waste in some other way that complies with the requirements of LAC 33:V.Chapter 21.

V.B.1.a.iii. The Permittee shall maintain the integrity of all containers in accordance with LAC 33:V.2105. Hazardous wastes or treatment reagents must not be placed in containers if they could impair the ability of the container to contain the wastes or treatment reagents.

V.B.1.b. Management of Containers

V.B.1.b.i. The Permittee shall manage the containers in accordance with LAC 33:V.2107.A and B.

V.B.1.b.ii. The Permittee shall store all wastes in containers that are compatible with the hazardous wastes as required by LAC 33:V.2105. Hazardous wastes being transported offsite must be packaged and labeled in accordance with DOT standards listed in 49 CFR 173 and 178 as required by LAC 33:V.1109 and LAC 33:V.1759.F.

V.B.1.b.iii. The Permittee must place and store incompatible, ignitable, and reactive wastes only in accordance with LAC 33:V.1517, 2113, and 2115.

V.B.1.b.iv. If any hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined by RCRA and in accordance with LAC 33:V.109. In this event, management of the container is exempt from the requirements of LAC 33:V.Chapter 21.

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V.B.1.b.v. Containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

V.B.1.b.vi. Containers holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

V.B.1.b.vii. Pallets shall be placed in rows with a minimum of two (2) feet of access aisle space between the rows, or the width necessary to get emergency equipment to any area of the aisle, whichever is greater.

V.B.1.b.viii. All containers must be placed so that hazardous waste identification labels may be read from the access aisle.

V.B.1.b.viv. No drums or pallets may be stored directly over any sump area.

V.B.1.b.x. Containers holding thirty (30) gallons or more must be placed on pallets not more than two (2) containers high with no more than four (4) containers per tier on each pallet.

V.B.1.b.xi. If any hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined in LAC 33:V.109. In this event, management of the container is exempt from the requirements of LAC 33:V.Chapter 21.

V.B.1.c. Operations

V.B.1.c.i. All permitted container storage areas and associated piping, pumps, instruments, containments, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 21 and the specifications, design criteria, and design limits specified in the Permit Application.

V.B.1.c.ii. Unloading, Loading and Receiving/Staging

V.B.1.c.ii.(1) All trucks containing hazardous waste shall be managed in accordance with LAC 33:V.1527 and in accordance with the approved Waste Analysis Plan.

V.B.1.c.ii.(2) Sufficient pumping capacity such as portable pumps or vacuum trucks shall be provided to remove any spilled material from the sumps located in each of the unloading areas in a timely manner and to prevent any overflow from the contaminated area.

V.B.1.c.ii.(3) All loads that have entered the security gate will be inspected, prior to their leaving the sampling station(s), for leaks and any load found leaking will be responded to immediately, and moved to a contained area as soon as possible.

V.B.1.c.ii.(4) All hazardous waste trucks containing liquids that have been accepted for management, and are being held beyond the sampling station(s) for longer than twenty-four (24) hours, must be located in an area having the capability of holding the entire liquid contents of the trucks unless being transported to or from on-site treatment, storage or disposal.

V.B.1.c.ii.(5) A representative sample of the waste for each waste stream to be treated or disposed at the facility must be analyzed to verify the information on the manifest when required by, and in the manner specified by, the approved Waste Analysis Plan.

V.B.1.c.ii.(6) The quantity of waste received must be recorded and chemical and physical characteristics identified in accordance with the approved Waste Analysis Plan with regard to ignitability, reactivity or incompatibility. Only compatible wastes shall be stored in common containment or tanks.

V.B.1.c.iii. Biotreatment in Containers

Biotreatment in containers shall only be conducted in Building 801 and the proposed Building 802 in tarp-covered, twenty (20) to twenty-five (25) cubic yard roll-off boxes.

V.B.1.c.iv. Macroencapsulation in Containers

Macroencapsulation in containers shall only be conducted in existing Buildings 201, 202, 204, and 801, and the proposed Buildings 205, and 802 in one of the following:

V.B.1.c.iv.(1) specifically designed , one-piece, high-strength and high-density polyethylene (HDPE) containment units;

V.B.1.c.iv.(2) polyethylene bladder bags;

V.B.1.c.iv.(3) overlapped closure polyethylene box liners; or

V.B.1.c.iv.(4) other suitable technologies that are specifically formulated and designed to resist contaminants and leachate.

V.B.1.c.v. Container Decant/Filling/Processing

V.B.1.c.v.(1) Container decant/filling/processing shall be conducted in the existing Building 204, and the proposed Building 205.

V.B.1.c.v.(2) The Permittee must use appropriate controls and practices to prevent spills and overflows from the vessels and containment systems.

V.B.1.c.v.(3) At a minimum, overfill prevention controls for hazards waste will include, where applicable; level sensing devices, high level alarm, automatic feed cutoff or bypass to a standby truck.

V.B.1.c.v.(4) The Permittee must inspect the container decant/filling/processing units according to the inspection schedules specified in the approved inspection plan, referenced in Attachment 1.

V.B.1.c.v.(5) At closure, the Permittee must remove or decontaminate all waste residues from the system, in accordance with the approved closure/post-closure plan, referenced in Attachment 1.

V.B.2. Permitted and Prohibited Wastes

V.B.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to store in the container storage areas as described in Condition V.B of this Permit, the hazardous waste described in the most current Part A permit application, in the containers as described in Condition IV, Tables ~~16~~ 17-18.

V.B.2.b. Prohibited Wastes

The Permittee is prohibited from storing hazardous waste that is not identified in Condition V.B.2.a.

V.B.3. Secondary Containment

V.B.3.a. The Permittee shall always maintain enough secondary containment capacity to contain at least ten percent (10%) of the total volume of containers or the volume of the largest container, whichever is greater, in accordance with LAC 33:V.2111.B.3. Containers that do not contain free liquids (per the Paint Filter Liquids Test) do not need to be considered in this determination.

V.B.3.b. Container storage systems must have a containment system that is designed and operated in accordance with LAC 33:V.2111.B. The containment system must be designed and operated as follows:

V.B.3.b.i. a base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

V.B.3.b.ii. the base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

V.B.3.b.iii. run-on into the containment system must be prevented unless the containment system has sufficient excess capacity in addition to that required in LAC 33:V.2111.B.3 to contain any run-on which might enter the system;

V.B.3.b.iv. spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system; and

V.B.3.b.v. if the collected material is a hazardous waste, it must be managed in accordance with all applicable requirements.

V.B.4. Requirements for Ignitable, Reactive, and Incompatible Waste

V.B.4.a. The Permittee must store ignitable, incompatible, or reactive waste in accordance with LAC 33:V.1517 and LAC 33:V.2113, LAC 33:V.2115.A, B, C, and D.

V.B.4.b. Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility property line.

V.B.4.c. Hazardous wastes must not be placed in an unwashed container that previously held an incompatible waste or material.

V.B.4.d. A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers must be separated from the other materials or protected from them by means of a dike, berm, wall, other device, or approved management technique.

V.B.4.e. The Permittee must place the results of each waste analysis and any documented information regarding compatibility testing in the operating record of the facility.

V.B.5. Inspections

V.B.5.a. The Permittee shall inspect the containers and containment area(s) in accordance with LAC 33:V.2109 and LAC 33:V.1509. Results of such inspections must be placed in the operating record (for a minimum of three years). All incidents involving leaking containers and spilled materials reportable under applicable regulations (the Clean Water Act [CWA], RCRA, and the Superfund Amendments and Reauthorization Act of 1986 [SARA]) shall be detailed in the annual report (due March 1 of each year).

V.B.5.b. At least weekly, the Permittee must inspect where containers are stored for leaking containers and for deterioration of containers and containment systems caused by corrosion or other factors (including sealants used to maintain a base free of cracks or gaps). Remedial action shall be taken in accordance with LAC 33:V.1509.C and LAC 33:V.1513, when applicable.

V.B.5.c. All containers shall be stacked in such a fashion that each container identification label can be read from the access aisle.

V.B.5.d. All inspection records shall be maintained according to the recordkeeping requirements of LAC 33:V.1529.

V.B.6. Leaks and Spills

V.B.6.a. The Permittee shall manage spilled or leaked waste and accumulated precipitation according to LAC 33:V.2111.B.5.

V.B.6.b. Storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority.

V.B.6.c. The Permittee shall manage any collected material as required by LAC 33:V.2111.B.6. Spilled or leaked material shall be handled in a timely manner as required by LAC 33:V.2111.B.5.

V.B.7. Air Emission Control Equipment Standards

The Permittee shall comply with Condition V.~~H~~F.3 of this permit for air emission control equipment for all permitted container storage areas.

V.B.8. Recordkeeping

V.B.8.a. Inspections

The Permittee shall document in the operating record for the facility inspection of those items in Condition V.B.5 of this Permit.

V.B.8.a.i. The weekly log sheets shall include all inspected areas.

V.B.8.a.ii. The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.B.8.a.iii. Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.B.9. Closure and Post-Closure Care

V.B.9.a. At closure, the Permittee must remove all hazardous waste, residues, and containers from the container storage areas. All containers and liners must be handled as a hazardous waste (unless meeting the definition of "empty" container in accordance with LAC 33:V.109). All residuals and contaminated soils must be removed as required by the Closure Plan referenced in Attachment 1 of this permit, and as required by LAC 33:V.2117. If some waste residues or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.B.9.b. At closure, the Permittee shall adhere to the procedures detailed in the approve closure plan referenced in Attachment 1 of this permit and as required by LAC 33:V.2117 and LAC 33:V.Chapter 35, Closure Requirements, and the closure requirements of the approved TSCA Closure Plan. If the facility cannot be clean closed, the Permittee shall submit a post-closure plan for approval by the Administrative Authority.

V.B.9.c. A post-closure plan must be submitted for each container storage area failing to achieve clean closure (or an alternative closure standard approved under LAC 33:V.3501.D.2 or LAC 33:V.3507.B) within ninety (90) days from the date that the Permittee or the Administrative Authority determines that the unit must be closed as a landfill. The post-closure plan must meet the requirements of LAC 33:V.3523.B.

V.B.9.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the confirmatory sampling procedures prior to the commencement of closure, based upon the wastes historically managed by each unit during its lifetime.

V.C. CONTAINMENT BUILDING

V.C.1. Description of Containment Building

The permit conditions as set forth under this Condition shall apply to the permitted containment building designated in Table 1~~9~~8.

V.C.2. Permitted and Prohibited Wastes

V.C.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to store hazardous waste identified in the most current Part A Permit Application in the containment building as described in Table 1~~98~~.

V.C.2.b. Prohibited Waste

The Permittee is prohibited from storing hazardous waste that is not identified in Condition V.C.2.a of this Permit.

V.C.3. Containment

V.C.3.a. The Permittee must use controls and practices to ensure containment of the hazardous waste within the unit; and, at a minimum, must:

V.C.3.a.i. maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

V.C.3.a.ii. maintain the level of the stored hazardous waste within the containment walls of the unit so that the height of any containment walls of the unit is not exceeded; and

V.C.3.a.iii. take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling waste. An area must be designated to decontaminate equipment, and any rinsate must be collected and properly managed.

V.C.4. Operating Requirements

V.C.4.a. The Permitted containment building and associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 18 and the specifications, design criteria, and design limits in the Permit Application and Condition II.E.25.~~a~~b of this Permit.

V.C.4.b. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions (40 CFR Part 60, Appendix A, Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

V.C.4.c. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in 40 CFR 60, Subpart 292.

V.C.4.d. Wash-down or decontamination areas shall be constructed and standard operating procedures developed for decontaminating equipment prior to removal from the containment building.

V.C.4.e. Decontamination pads or areas shall be constructed and standard operating procedures developed for the removal and containment of dust from personnel.

V.C.4.f. The Permittee shall evaluate the presence of free liquids using the paint filter test, a visual examination, or other appropriate means and document such evaluation.

V.C.4.g. Macroencapsulation shall only be conducted in one of the following:

V.C.4.g.i. specifically designed, one-piece, high-strength and high-density polyethylene (HDPE) containment units;

V.C.4.g.ii. polyethylene bladder bags;

V.C.4.g.iii. overlapped closure polyethylene box liners; or

V.C.4.g.iv. other suitable technologies that are specifically formulated and designed to resist contaminants and leachate.

V.C.4.h. Storage in containers shall be in accordance with Condition V.B.

V.C.5. Ignitable, Reactive, and Incompatible Wastes

The Permittee shall store ignitable, reactive, or incompatible wastes only in accordance with LAC 33:V.1517.

V.C.6. Inspections

V.C.6.a. Inspection Schedule

The Permittee shall comply with LAC 33:V.1802.C.4 by following the inspection schedule submitted in the Inspection Plan (see Attachment 1).

V.C.6.b. Weekly Inspection

V.C.6.b.i. At least once every seven (7) days, the Permittee must inspect data gathered from monitoring equipment and leak detection equipment as

well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.

V.C.6.b.ii. All deficiencies noted during weekly inspections must be recorded and remedied in a timely manner. Remedial action as described in LAC 33:V.1513 shall be taken.

V.C.7. Response to Leaks or Spills

V.C.7.a. The Permittee shall manage spilled or leaked waste in accordance with LAC 33:V.1802.C.3.

V.C.7.b. The Permittee shall promptly repair any condition which the owner or operator detects throughout the active life of the containment building that could lead to or cause a release of hazardous waste in accordance with the following procedures:

V.C.7.b.i. upon detection of a condition that has led to a release of hazardous waste (e.g., upon detection of leakage from the primary barrier), the owner or operator must:

V.C.7.b.i.(1) enter a record of the discovery in the facility operating record;

V.C.7.b.i.(2) immediately remove the portion of the containment building affected by the condition from service; and

V.C.7.b.i.(3) determine what steps must be taken to repair the containment building, remove any leakage, and establish a schedule for accomplishing the cleanup and repairs.

V.C.8. Air Emission Control Equipment Standards

See Condition II.E.25.[illegible] of this Permit.

V.C.9. Recordkeeping

V.C.9.a. Inspections

V.C.9.a.i. The Permittee shall document in the operating record for the facility inspection of those items in Condition V.C.6.b of this Permit.

V.C.9.a.i.(1) The weekly log sheets shall include all inspected areas.

V.C.9.a.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.C.9.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.C.9.b. Releases

V.C.9.b.i. The Permittee shall keep on file at the facility, notification reports submitted under LAC 33:V.1802.C.3.

V.C.9.b.ii. Within seven (7) days after discovery of a condition as described in Condition V.C.7. of this Permit, notify the Office of Environmental Services, Waste Permits Division of the condition.

V.C.9.b.iii. Within fourteen (14) working days after discovery of a condition as described in Condition V.C.7. of this Permit, provide a written notice to the Administrative Authority with a description of the steps taken to repair the containment building and the schedule for accomplishing the work.

V.C.9.b.iv. Upon completing all repairs and cleanup due to a condition discovered as described in Condition V.C.7 of this Permit, the owner or operator must notify the Office of Environmental Services, Waste Permits Division in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with LAC 33:V.1802.C.3.a.iv.

V.C.10. Closure and Post-Closure Care

V.C.10.a. Duty to Comply with LAC 33:V.1803.A

The Permittee shall comply with LAC 33:V.1803.A by following the procedures specified in the Closure Plan, Attachment 1.

V.C.10.b. Duty to Comply with LAC 33:V.1803.B

If the Permittee demonstrates that not all contaminated components, subsoils, structures, and equipment can be practicably removed or decontaminated in accordance with Condition V.C.10.a of this Permit, the Permittee shall comply with LAC33:V.1803.B.

V.C.10.c. Post-Closure

The Permittee shall attempt to clean close the containment building. If the containment building cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health

and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527 and Condition V.B.9, including maintenance and monitoring throughout the post-closure care period.

V.D. BIOPADS

V.D.1. Description of Biopads

The permit conditions as set forth under this Condition shall apply to the permitted existing and proposed bi3iopads Phase I and II designated in Tables 19-20.

V.D.2. Permitted and Prohibited Wastes

V.D.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the biopads to biologically treat hazardous waste identified in the most current Part A Permit Application that is categorized as one of the following wastes:

V.D.2.a.i. pesticides

V.D.2.a.ii. petroleum hydrocarbons

V.D.2.a.iii. nitroaromatics

V.D.2.a.iv. wood treating wastes

V.D.2.a.v. chlorinated hydrocarbons

V.D.2.a.vi. refinery-related materials

V.D.2.a.vii. other similar wastes that have been demonstrated in industry and/or literature to be amenable to biological treatment and/or scientifically evaluated to be amenable to biological treatment

V.D.2.b. Prohibited Waste

The Permittee is prohibited from treating the following hazardous wastes in the biopads:

V.D.2.b.i. hazardous wastes F020, F021, F022, F023, F026, and F027; and

V.D.2.b.ii. any hazardous waste that is not identified in Condition V.D.2.a of this Permit.

V.D.3. Design and Operating Requirements

V.D.3.a. The permitted biopads and associated ancillary equipment shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 23 and the specifications, design criteria, and design limits approved by the Administrative Authority.

V.D.3.b. Liner Systems

The following liner system components associated with the biopads, listed in order from the bottom to the top of the biopads, must be operated and maintained, in accordance with LAC 33:V.2303:

V.D.3.b.i. a minimum three (3) foot thick layer of compacted clay; ~~and~~

V.D.3.b.ii. a forty (40) mil textured HDPE secondary geomembrane, in accordance with LAC 2303.C.1.b;

V.D.3.b.iii. a sixteen (16) ounce per square yard nonwoven leachate detection geotextile;

V.D.3.b.iv. a forty (40) mil textured HDPE primary geomembrane;

V.D.3.b.v. a sixteen (16) ounce per square yard nonwoven leachate collection geotextile; and

V.D.3.b.vi. a 1.5 foot thick layer of lime-stabilized clay protective cover.

V.D.3.c. Leachate Collection and Removal Systems

The leachate collection and removal systems for the biopads must be maintained and operated to collect and remove leachate from the biopads, in accordance with LAC 33:V.2303.C.4.

V.D.3.d. Leak Detection Systems

The leak detection systems must be maintained and operated to detect any migration of liquids into the spaces between the liner systems, in accordance with LAC 33:V.2303.C.

V.D.3.e. Run-on and Run-off Control Systems

V.D.3.e.i. A run-on control system must be operated and maintained to prevent flow onto any active portion of the biopads.

V.D.3.e.ii. A run-off management system must be operated and maintained to collect and control any water volume collected.

V.D.3.e.iii. Collection and holding facilities (e.g., tanks or basins) associated with the run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain the design capacity of the system.

V.D.3.e.iv. The run-on and run-off control systems must maintain a design capacity to control water volume resulting from a 24-hour, 25-year storm.

V.D.3.f. Liquids or materials containing free liquids shall not be placed directly on the biopad.

V.D.3.g. The biopiles must be covered or otherwise managed to control wind dispersal.

V.D.4. Ignitable, Reactive, and Incompatible Wastes

V.D.4.a. Ignitable or reactive waste must not be placed in the biopads unless the waste and the biopads satisfy all applicable requirements of LAC 33:V.Chapter 22, and:

V.D.4.a.i. the waste is treated, rendered, or mixed before or immediately after placement in the biopads so that:

V.D.4.a.i.(1) the resulting waste, mixture, or dissolution of material no longer meets the description of ignitable or reactive wastes under the characteristics of ignitability or reactivity in LAC 33:V.4903.B or D; and

V.D.4.a.i.(2) the general requirements for ignitable, reactive, or incompatible wastes as specified in LAC 33:V.1517.B are met; or

V.D.4.a.ii. the waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

V.D.4.b. Incompatible wastes, or incompatible wastes and materials must not be placed in the same biopad, unless LAC 33:V.1517.B is complied with.

V.D.4.c. A pile of hazardous waste that is incompatible with any waste or waste stored nearby in containers, other piles, or open tanks must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device.

V.D.4.d. Hazardous waste must not be piled on the same base where incompatible

waste or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with LAC 33:V.1517.B.

V.D.5. Inspections

V.D.5.a. Duty to Comply with LAC 33:V.2307.A

The Permittee shall comply with LAC 33:V.2307.A. The facility must provide the Administrative Authority with thirty (30) days of advance notice of any synthetic liner installations to allow the Administrative Authority the opportunity to inspect the liner and its installation.

V.D.5.b. Duty to Comply with LAC 33:V.2307.B

The Permittee is exempt from complying with LAC 33:V.2307.B. The biopad's synthetic liner system is located beneath a 1.5 foot thick layer of lime-stabilized clay protective cover.

V.D.5.c. During any biopad construction or installation, liners or cover systems must be inspected for uniformity, damage, imperfections, (e.g., holes, cracks, thin spots, or foreign materials). Immediately after any biopad construction or installation:

V.D.5.c.i. synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

V.D.5.c.ii. soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.

V.D.5.d. Weekly Inspections

V.D.5.d.i. While the biopad is in operation, it must be inspected weekly and after storms to detect the evidence of any of the following:

V.D.5.d.i.(1) deterioration, malfunctions, or improper operation of run-on and run-off control systems;

V.D.5.d.i.(2) proper functioning of wind dispersal control systems, where present;

V.D.5.d.i.(3) the presence of leachate in and proper functioning of leachate collection and removal systems, where present; and

V.D.5.d.i.(4) the presence of liquids in the leak detection system.

V.D.5.d.ii. All deficiencies noted during weekly inspections must be recorded and remedied in a timely manner.

V.D.5.d.iii. The facility must record the amount of liquids removed from the leak detection system sump at least once each week during the active life and closure period of the biopad.

V.D.6. Response to Leaks

V.D.6.a. If a tear is found in the liner systems of the biopads, the Permittee must:

V.D.6.a.i. notify the Administrative Authority of the tear within seven (7) days after detecting the tear; and

V.D.6.a.ii. remove accumulated liquid, repair or replace the damaged liner to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the tear has been repaired.

V.D.6.b. If the flow rate into any leak detection system exceeds the action leakage rate (established by the approved Response Action Plan (RAP) for the biopads) for any sump, the Permittee must:

V.D.6.b.i. notify the Administrative Authority in writing of the exceedance within seven (7) days of the determination;

V.D.6.b.ii. determine to the extent practicable the location, size, and cause of any leak;

V.D.6.b.iii. determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the biopad for inspection, repairs, or controls, and whether or not the biopad should be closed;

V.D.6.b.iv. determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and

V.D.6.b.v. Determinations made in accordance with Conditions V.D.7.b.ii-iv of this Permit must meet the requirements with LAC 33:V.2306.C.

V.D.7. Recordkeeping

V.D.7.a. Inspections

V.D.7.a.i. The Permittee shall document in the operating record for the facility inspection of those items in Condition V.D.5.d. of this Permit.

V.D.7.a.i.(1) The weekly log sheets shall include all inspected areas.

V.D.7.a.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.D.7.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.D.7.b. Response Actions

V.D.7.b.i. Within fourteen (14) days of determination that the action leakage rate has been exceeded, as discussed in Condition V.D.6.b, the owner or operator must submit a preliminary written assessment to the Administrative Authority as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.

V.D.7.b.ii. Within thirty (30) days after the notification that the action leakage rate has been exceeded, as discussed in Condition V.D.6.b, the owner or operator must submit to the Administrative Authority the results of the analyses specified in LAC 33:V.2306.B.3-5, of actions taken, and of remedial actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Administrative Authority a report summarizing the results of any remedial actions taken and actions planned.

V.D.8. Closure and Post-Closure Care

V.D.8.a. Duty to Comply with LAC 33:V.2315.A

The Permittee shall comply with LAC 33:V.2315.A by following the procedures specified in the Closure Plan, Attachment 1.

V.D.8.b. Duty to Comply with LAC 33:V.2315.B

If the Permittee demonstrates that not all contaminated components, subsoils, structures, and equipment can be practicably removed or decontaminated in accordance with Condition V.D.8.a of this Permit, the Permittee shall comply with LAC33:V.2315.B.

V.D.8.c. Post-Closure

The Permittee shall attempt to clean close the biopads. If the biopad cannot be clean closed and the Permittee has not demonstrated through a risk assessment

approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.E. LANDFILL

V.E.1. General Design, Construction and Requirements

V.E.1.a. The design, construction and operations of the hazardous waste landfill designated as Landfill Cell 8, in Table 21, must comply with this permit, the applicable regulatory requirements of LAC 33:V.517, 533 and LAC 33:V.Chapter 25, and shall be in accordance with the plans and specifications for design, construction and operations approved herein. All plans and specifications for the design, construction and operation of the hazardous waste landfill facility, approved at the time of construction of Landfill Cell 8 and attached hereto and made a permanent part of the permit, are approved subject to the terms of this permit and any other order of the Administrative Authority.

V.E.1.b. Any variance from or modification to the approved drawings, specifications or terms and conditions of this permit for the design or construction of the landfill unit that deviates from the design intent or performance standards is not allowed without prior written approval from the Administrative Authority.

V.E.1.c. At least twenty four (24) hours prior to effecting any variance from or modification to the approved plans and specifications for design, construction and operation of the landfill and the terms and conditions of the permit that do not constitute a deviation from the design intent or performance standards, the Permittee shall notify the Administrative Authority of the intended change via facsimile transmittal or email and follow-up with an official notification via registered mail, and a telephone call. This notification shall include a justification for the proposed action.

V.E.1.d. The Administrative Authority reserves the right to require the implementation of additional procedures if it is subsequently determined that a change effected without said approval was deemed by the Administrative Authority as being in deviation from the design intent or performance standards of the approved drawings, specifications or terms and conditions of this permit.

V.E.1.e. Prior to construction of the soil liner for a landfill, a test fill using materials characterized as the same as those to be used in the new landfill shall be required. The Permittee shall construct and test in accordance with procedures contained in the Chemical Waste Management, Inc. (CWMI) "Quality Assurance Document for the Installation of Lining Systems." Any modifications and/or

latest revision must be submitted to the Department for review and approval. The test fill will be identical in thickness and composite make-up as approved for the facility design.

Alternatively, soil liner construction records and test results from prior, similarly constructed cells, (i.e., Cell 14 and/or Cell 6 and/or Cell 7) can become the basis for test fill documentation and certification.

After the successful construction of the test fill(s), the Permittee shall provide written certification of proper construction and evaluation and said certification shall specifically address:

V.E.1.e.i. Results of all pre-construction, construction and post-construction QA/QC inspection and testing.

V.E.1.e.ii. Summary of materials and construction specification, methodology and equipment.

V.E.2. General Operating Conditions

V.E.2.a. The Permittee shall operate and maintain the one (1) existing permitted operating Landfill Cell 8, listed in Table 21, to meet the following performance standards:

V.E.2.a.i. Operate and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from a 24-hour, 25-year storm in accordance with LAC 33:V.2503.D. Any incidences of run-on entering the containment areas shall be reported and made a part of the annual report.

V.E.2.a.ii. Operate and maintain a run-off management system to collect and control at least the water volume resulting, from a 24-hour, 25-year storm in accordance with LAC 33:V.2503.E. Any incidences of run-off not collected and controlled shall be reported and made a part of the annual report.

V.E.2.a.iii. The Permittee may landfill only those wastes which, at a minimum, meet the criteria specified in LAC 33:V.2503, 2511, 2513, 2515, 2517 and 2519 and in compliance with Condition VII and VIII.

V.E.2.a.iv. The Permittee may not place bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not absorbents have been added) in the landfill.

V.E.2.a.v. All collection and holding facilities (sumps and tanks) associated with the run-on and run-off control systems must be emptied

expeditiously after storms to maintain the design capacity of the system. Collected material must be disposed of properly as required by LAC 33:V.2503.F.

V.E.2.a.vi. Hazardous waste within the landfill must be covered or otherwise managed to insure minimum wind dispersal as required by LAC 33:V.2503.G.

V.E.2.a.vii. While in operation, the landfill must be inspected weekly and after storms to detect evidence of any of the following, as required by LAC 33:V.2507.C:

> **V.E.2.a.vii.(1)** deterioration, malfunctions, or improper operation of run-on and run-off control systems;
>
> **V.E.2.a.vii.(2)** the presence of liquids in leak detection systems;
>
> **V.E.2.a.vii.(3)** proper functioning of wind dispersal control systems, where present; and
>
> **V.E.2.a.vii.(4)** the presence of leachate in and proper functioning of leachate collection and removal systems, where present.

V.E.2.a.viii. Accumulated rainfall and groundwater must be removed from the active portions of the landfill in a timely manner.

V.E.2.a.ix. Closure and post-closure care shall conform with LAC 33:V.2521 and the closure/post-closure plan referenced in Attachment 1 of this permit, which is in compliance with the applicable rules and regulations.

V.E.2.a.x. The receiving and monitoring of wastes into the landfill must be performed according to LAC 33:V.1527 and the Waste Analysis Plan referenced in Attachment 1.

V.E.2.a.xi. The leachate detection and collection system must be properly maintained and inspected weekly and after storms to detect the presence of liquids and the proper functioning of the systems. If liquids are encountered at the level of greater than one (1) foot above the lip of the collection sump in a leachate collection system, it shall be removed to the lowest practical level. For both leachate collection and detection systems, records shall be maintained on the amount of fluid removed each week. The volume of fluid removed from each leachate collection and detection system must be reported quarterly.

No later than 180 days before planned waste disposal in disposal modules

associated with Cell 8, the Permittee must propose, for review and approval by the Administrative Authority, a Response Action Plan (RAP) for Cell 8, in accordance with Federal Register Vo. 57, No. 19, dated January 29, 1992 (or subsequent revisions) and with LAC 33:V.2504, that includes the proposed Action Leakage Rates for disposal modules associated with Cell 8, in accordance with LAC 33:V.2504. The RAP will describe the criteria used to evaluate the systems and the responses required to address liquids in the leachate detection collection, and removal systems for cells constructed at the site that meet minimum technology requirement having compacted clay and synthetic membrane liner systems. The RAP will also address potential sources of liquids. Responses to the detection of fluids in these systems may include no action, modifying operating procedures, repairing the liner system if possible, and when appropriate, notification to the Administrative Authority.

V.E.2.a.xii. The Permittee must maintain operating records as required by LAC 33:V.2509. At a minimum the accurate location of each waste load shall be recorded in the operating record within twenty-four (24) hours of being placed in the landfill. These records are to include a system of accurate tracking of each waste load throughout the facility. The tracking system must record: pre-acceptance information and analyses, the date of the pre-acceptance data, acceptance information and analyses, all internal transfers of wastes from receipt at the facility to treatment, storage, and final disposal; all internal waste transfers for on-site generated wastes such as contaminated rainwater, landfill leachate, truck washings, etc., and the results of all test analyses on the solidified wastes; the contents, date, weight or volume and location of wastes placed into and removed from storage; and the method, location and date of final disposal, treatment, or reclamation at the facility. Other than laboratory acceptance results which are recorded on a real time basis during the review of the shipment, all data shall be entered into the tracking system by the close of the next business day. The tracking system must provide a coordinate for the accurate location within the landfill of each day's disposal or each disposal event.

V.E.2.a.xiii. The Permittee will continue to operate and maintain the four (4) ambient air monitoring stations as outlined in the Louisiana Department of Environmental Quality – Air Quality Division Air Permit and/or subsequent modification, and as required by LAC 33:V.3305.E.

V.E.2.b. Special Requirements for Ignitable or Reactive Waste

V.E.2.b.i. Except as provided in LAC 33:V.2511.B and 2519, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meet all applicable requirements of LAC 33:V.Chapter 22, and;

V.E.2.b.i.(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste in LAC 33:V.4903.B or D; and

V.E.2.b.ii.(2) LAC 33:V.1517.B is complied with.

V.E.2.b.ii. Except for prohibited wastes subject to treatment standards in LAC 33:V.Chapter 22, ignitable wastes in containers may be landfilled without meeting the requirements of LAC 33:V.2511.A, provided that the wastes are disposed of in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes:

V.E.2.b.ii.(1) must be disposed of in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; and

V.E.2.b.ii.(2) must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and

V.E.2.b.ii.(3) must not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

V.E.2.c. Special Requirements for Incompatible Wastes

Incompatible wastes, or incompatible wastes and materials, must not be placed in the same landfill cell, unless incompatible waste handling requirements of LAC 33:V.1517 are complied with as required by LAC 33:V.2515.

V.E.2.d. Special Requirements for Containers

Containers placed in the landfill must be either at least ninety (90) percent full in the landfill; or emptied and crushed flat, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill as required by LAC 33:V.2517.

V.E.2.e. Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

The Permittee must comply with the requirements of LAC 33:V.2519 and the requirements of Louisiana Department of Public Safety (LDPS) hazardous materials/hazardous waste regulations, LAC 33:V.Subpart 2.Chapter 101.

V.E.2.f. Monitoring and Inspection

While the landfill is in operation, the Permittee must inspect it weekly and after storms in accordance with Condition V.E.2.a.vii. and as required by LAC 33:V.2507.C.

> **V.E.2.f.i.** The Permittee is required to have a leak detection system under LAC 33:V.2503.L or M and must record the amount of liquids removed from each leak detection systems sump at least once each week during the active life and closure period as required by LAC 33:V.2507.D.
>
> **V.E.2.f.ii.** After final cover is installed, the amount of liquids removed from each leak detection system sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If, at any time during the post-closure care period, the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the Permittee must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two (2) consecutive months as required by LAC 33:V.2507.D.1.

V.E.2.g. Special Requirements for Corrective Action Management Unit (CAMU) Wastes

The Permittee shall notify the Administrative Authority and persons on the facility mailing list, in accordance with LAC 33:V.717.A.1.e, of the Permittee's intent to receive CAMU-eligible waste in accordance with LAC 33:V.2607. The notice must identify the source of the remediation waste, the principal hazardous constituents in the waste, and any treatment requirements.

Any comments from persons on the facility mailing list, including objections to the receipt of the CAMU-eligible waste, shall be provided to the Administrative Authority within fifteen (15) days of notification.

The Administrative Authority shall have the opportunity to object to the placement of the CAMU-eligible waste in the landfill for a period of thirty (30) days after notification. The Administrative Authority may extend the review period an additional thirty (30) days because of public concerns or insufficient information.

The CAMU-eligible wastes shall not be placed in the landfill until the Administrative Authority has notified the Permittee that Administrative Authority does not object to its placement.

If the Administrative Authority objects to the placement or does not notify the Permittee that the Administrative Authority has chosen not to object, the facility shall not receive the waste, notwithstanding LAC 33:V.307.A, until the objection has been resolved or the Permittee obtains a permit modification in accordance with the procedures of LAC 33:V.321.C, specifically authorizing receipt of the waste.

Off-site facilities treating CAMU-eligible wastes complying with LAC 33:V.2607 must comply with the requirements of LAC 33:V.2247.C, except that the certification must be with respect to the treatment requirements of LAC 33:V.2607.A.2.

V.E.3. Landfill Design and Construction Requirements

The Permittee shall comply with the following minimum requirements from the design and construction of the hazardous waste landfill as specified in LAC 33:V.517 and LAC 33:V.Chapter 25, and the referenced drawings (or subsequently approved design drawings).

V.E.3.a. The active hazardous waste landfill shall consist of one (1) disposal cell. This cell is designated as Cell 8. Cell 8 is subdivided into subunits designated as modules. All excavation depth, side slopes, final height (cell conformation) and other construction specifications shall conform to the approved design drawings.

V.E.3.b. Each module of the landfill shall have a composite liner system designed, constructed and maintained to prevent the discharge of any wastes or waste constituents from the landfill into the area groundwater. Landfill module excavation depths and contours shall conform to those displayed and detailed on the approved design drawings. The composite liner system shall consist of the following minimum requirements:

V.E.3.b.i. Pressure Relief System

Each excavated module shall be provided a pressure relief system placed upon the in-situ soils. This system shall cover the bottom and all side slopes of the module. The system on the slope shall consist of a high density polyethylene (HDPE) drainage net placed between the filter fabrics. The filter fabrics or geotextiles shall have the appropriate physical properties to prevent their clogging by the underlying and overlying clayey soils. The riser pipe for the pressure relief sump, shall be constructed parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the lining systems within the planned limits of waste disposal. The pressure relief system sump shall be overlain with clean (free of clay clods and deleterious materials) silicious gravel and the bottom of the module shall have the pressure relief system overlain by clean silicious sand. Details of the typical pressure relief system are displayed on the approved design drawings.

V.E.3.b.ii. Secondary Liner System

The secondary liner system shall consist of a three (3) foot recompacted clay liner overlain by a sixty (60) mil, HDPE geomembrane. This system is to cover the entire bottom and all side slopes of the module. The recompacted clay liner shall have a laboratory, hydraulic conductivity of 1 x 10^{-7}cm/sec or less. The synthetic, sixty (60) mil, HDPE liner shall be anchored in such a manner as to prevent movement of or pull out of the system due to daily waste placement operations and settlement forces generated from subsequent consolidation of subsurface soils. Details of the secondary liner system are displayed on the approved design drawings.

V.E.3.b.iii. Leak Detection System

The secondary liner system shall be overlain by a leak detection system. This system shall consist of an HDPE drainage net, placed upon the secondary sixty (60) mil, HDPE liner, and covered with an appropriate geotextile or filter fabric so as to prevent clogging of the drainage net by the overlying clay soils. The drainage net shall have the transmissivity equal to or greater than one (1) foot of gravel having a conductivity of permeability of 1 x 10^{-2} cm/se or greater. This system shall cover the entire bottom and all side slopes of the module. The drainage net and associated filter fabric shall be anchored outside of the module in such a manner as to prevent movement or pullout of the system due to operations or subsurface settlement forces. The riser pipe from the associated leak detection sump shall rise upward and parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the lining system within the planned limits of waste disposal.

V.E.3.b.iv. Primary Liner System

The primary lining system shall overlie the leak detection system and consist of a three (3) foot recompacted clay liner overlain by a sixty (60) mil, HDPE synthetic liner. The recompacted clay liner shall have a laboratory, hydraulic conductivity of 1 x 10^{-7}cm/sec or less and extend across the entire bottom of the module. The sixty (60) mil, HDPE liner shall cover the primary recompacted clay liner, and extend up all the side walls of the module. The synthetic liner shall be anchored in such a manner as to prevent movement of or pull out of the liner due to daily operations or subsurface settlement forces. The slope of the primary system on the floor of the landfill shall be at least 2%.

V.E.3.b.v. Leachate Collection System

The leachate collection system shall overlie the primary lining system and

consist of one (1) foot of clean (free of clods and deleterious materials), silicious gravel covering the bottom of the module. The underlying HDPE primary liner shall be protected by a geotextile. The gravel shall have an equivalent permeability of 1 x 10^{-2} cm/sec or greater. The gravel shall be covered with an appropriate filter fabric to prevent clogging of the gravel. A HDPE drainage net shall cover all the side slopes of the module and extend into the bottom gravel layer. The drainage net shall have the same covering filter fabric as used for the gravel layer. The riser pipe from the leachate collection sump shall rise upward parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the module lining system. The side slope drainage net and geotextile shall be anchored in such a manner as to prevent movement or pullout of the fabric and net due to daily operations and subsurface settlement forces. Details of the leak detection, primary lining and leachate collection systems are displayed on the approved design drawings.

V.E.3.c. Materials Specifications Quality Assurance and Quality Control

The Permittee must use laboratories appropriately accredited by the Administrative Authority for the testing associated with construction of new modules for Landfill Cell 8 in accordance with LAC 33:I.Subpart 3. This information must be provided to the Administrative Authority in the "as-built reports" for the individual modules of Cell 8.

The materials and the quality assurance/quality control procedures to be used in the construction of the hazardous waste landfill are as stated in the "Revised Guidance Documents for Quality Assurance for the Installation of the Lining Systems," dated February 16, 2010. Any revisions hereafter must be submitted to the Administrative Authority for approval.

V.E.4. Closure/Post-Closure

Closure/post-closure of Landfill Cell 8 shall be in accordance with Conditions III.O and V.G of this permit and the closure/post-closure plan referenced in Attachment 1.

V.E.4.a. The final closure height for Landfill Cell 8 shall not exceed + 92.1 National Geodetic Vertical Datum (NGVD). The Permittee must cover the landfill with a final cover designed and constructed to:

V.E.4.a.i. provide long-term minimization of migration of liquids through the closed landfill;

V.E.4.a.ii. function with minimum maintenance;

V.E.4.a.iii. promote drainage and minimize erosion or abrasion of the cover;

V.E.4.a.iv. accommodate settling and subsidence so that the cover's integrity is maintained; and

V.E.4.a.v. have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

V.E.4.b. After final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519-3527, including maintenance and monitoring throughout the post-closure care period (specified in Condition V.[illegible] and LAC 33:V.3521.A.1). The Permittee must:

V.E.4.b.i. maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

V.E.4.b.ii. maintain and monitor the leak detection system in accordance with LAC 33:V.2503.L.4.d, 2503.L.5, and 2507.D, where such a system is present between double liner systems and comply with all other applicable leak detection system requirements of LAC 33:V.Subpart 1;

V.E.4.b.iii. continue to operate the leachate collection and removal system until leachate is no longer detected;

V.E.3.b.iv. maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of LAC 33:V.Chapter 33;

V.E.4.b.v. prevent run-on and run-off from eroding or otherwise damaging the final cover; and

V.E.4.b.vi. protect and maintain surveyed benchmarks used in complying with LAC 33:V.Chapter 33.

V.E.4.c. Within sixty (60) days of completion of closure of each module for landfill Cell 8, and within sixty (60) days of completion of final closure, the Permittee shall submit a certification that the hazardous waste management unit or facility has been closed in accordance with specifications in the approved closure plan as required by LAC 33:V.3517. The certification must be signed by the Permittee and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Administrative Authority upon request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V.3707.

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V.E.4.d. A survey plot must be submitted to the local zoning authority or the authority with jurisdiction over local land use, and the Administrative Authority no later than the submission of the certification of closure as required by LAC 33:V.3517.B.

V.E.4.e. During the post-closure care period, if liquid leaks into the leak detection system installed under LAC 33:V.3305, the Permittee must notify the Office of Environmental Services of the leak in writing within seven (7) days after detecting the leak.

V.F. OIL RECOVERY UNITS

V.F.1. Description of Oil Recovery Units

The permit conditions as set forth under this Condition shall apply to the Oil Recovery Units designated in Table 23.

V.F.2. Permitted and Prohibited Waste

V.F.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the Oil Recovery Units to separate recoverable oils listed in the Waste Analysis Plan (see Attachment 1) and identified in the most current Part A Permit Application that isare categorized as one of the following wastes:

V.F.2.a.i. drilling fluids,

V.F.2.a.ii. refinery tank bottoms,

V.F.2.a.iii. commercially exempt oil-bearing waste, and

V.F.2.a.iv. other hazardous and non-hazardous waste oil-bearing waste

V.F.2.b. Prohibited Waste

The Permittee is prohibited from processing waste that is not identified in Condition V.F.2.a of this Permit and is specifically prohibited from processing the following wastes:

V.F.2.b.i. Dioxin-containing wastes identified by EPA as F020, F021, F022, F023, F026, F027, and F028 wastes in LAC 33:V.4901;;

V.F.2.b.ii. Polychlorinated biphenyl (PCB) waste, as defined in 40 CFR 761.3;;

V.F.2.b.iii. Source material, special nuclear material, mixed waste, or naturally occurring radioactive materials (NORM) that is not exempt pursuant to LAC 33:XV.;

V.F.2.b.iv. Explosive material, as defined by the Department of Transportation under 49 CFR Part 173;;

V.F.2.b.v. Municipal waste;;

V.F.2.b.vi. Containerized gases;;

V.F.2.b.vii. Medical/infectious wastes as defined in 40 CFR 60.51.c;;

V.F.2.b.viii. Metal bearing wastes listed in LAC 33:V.Chapter 22.Table 12, except as described in LAC 33:V.2207.C; and;

V.F.2.b.ix. Waste displaying the characteristic of reactivity as defined in LAC 33:V.4903.D.

~~IV~~**V.F.2.c.** Before processing any wastes not authorized under this permit, the Permittee shall obtain approval for a permit modification, as required under LAC 33.V.321.

V.F.3. General Design, Operating, and Maintenance Requirements

V.F.3.a. The ~~permitted~~ Oil Recovery Units, Oil Recovery Unit Area, and associated equipment, piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 32 and the specifications, design criteria, and design limits approved by this permit and/or the Administrative Authority.

V.F.3.b. The Permittee must use controls and practices to maintain the containment areas for the Oil Recovery Unit Area to prevent run-on and run-off.

V.F.3.c. The Permittee shall maintain the Oil Recovery Unit Area in a manner that minimizes the possibility of fire, explosion, or any unplanned, sudden or non-sudden releases of hazardous waste constituents to air, soil, or surface water that might threaten human health or the environment in accordance with LAC 33:V.1511.B.

V.F.3.d. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

V.F.3.e. The Permittee must take measures to monitor the performance of the carbon beds consistent with the manufacturer's specifications and recommendations to ensure the carbon bed has not reached the end of its useful life. Document the monitoring procedures in the operation and maintenance plan and record~~s~~ results of the monitoring in the operating record. Replace the bed or bed segment before it has reached the end of its useful life.

V.F.3.f. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices, the facility's air permit, and applicable requirements of LAC 33:V.Chapter 17, Subpart B.

V.F.3.**dg**. The Permittee shall not process more than 126,000 gallons per day of hazardous waste per unit.

V.F.4. Specific Operating Conditions

The Oil Recovery Unit must be operated within the conditions prescribed below at all times while hazardous waste in in the unit.

V.F.4.a. Whenever hazardous waste is in the Oil Recovery off-loading pits, the pressure differential gages at the pre-filter and final filter within the carbon bed must be monitored at all times as an indicator of efficiency operations.

V.F.4.b. The hazardous waste feed to the Oil Recovery Unit shall stop immediately under the following conditions:

V.F.4.b.i. There is a loss of power to the centrifuge.

V.F.4.b.ii. There is a loss of hydraulics to the automatic hydraulic back-drive of the system.

V.F.4.b.iii. There is a blockage to the discharge of the weir plates, oil, and light phase adjustable nozzles.

V.F.4.c. Whenever hazardous waste is in the Oil Recovery Unit, the bowl speed must maintain a minimum of ten (10) revolution per minute (RPM) ~~speed of TBD.~~

V.F.4.d. Whenever hazardous waste remains in the Oil Recovery Unit, exhaust gases must be vented to the air pollution control system, operated in accordance with the air permit requirements.
~~V.F.4. Operating Requirements~~

~~**V.F.4.a.** The proposed Oil Recovery Unit, Oil Recovery Unit Area, and~~

~~associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 32, the specifications, design criteria, and design limits in the Permit Application, Condition II.E.25.d of this Permit, and the air permit.~~

~~**V.F.4.b.** The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.~~

~~**V.F.4.c.** The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in LAC 33:V. Chapter 17 and the air permit.~~

V.F.5 Inspections

V.F.5.a. Requirements

V.F.5.a.i. The Permittee shall inspect the Oil Recovery Units, the Oil Recovery Unit Area, and associated equipment in accordance with the Inspection Plan (see Attachment 1). The Permittee shall complete the following as part of these inspections:

V.F.5.a.i.(1) The Oil Recovery Units, the Oil Recovery Unit Area, and associated equipment shall be subject to a daily thorough, visual inspection by the Permittee, whenever the unit contains hazardous waste. The purpose of these inspections shall be to identify leaks, spills, fugitive emissions, and signs of tampering.

V.F.5.a.ii. The automatic waste feed cut off system and associated alarms must be tested at least once every seven (7) calendar days when hazardous waste is treated to verify operability, unless the Permittee ~~applicant~~ demonstrates to the Administrative Authority that weekly inspections will unduly restrict or upset operations and that less frequent inspections are adequate. Support for this demonstration shall be included in the operational record. At a minimum, operational testing of the automatic waste feed cut off system must be conducted at least monthly.

V.F.6 Recordkeeping

V.F.6.a. Inspections

V.F.6.a.i. ~~The Permittee shall document in the operating record for the facility inspection of those items in Condition V.F.5 of this Permit~~Written

inspection records shall be part of the operating record for this Permit and are hence subject to LAC 33:V.1529 requirements. At a minimum, the record shall include the following information: (1) the date and time of the inspection; (2) inspector's name; (3) any inspection observations; and (4) date and nature of corrective action. The inspection record shall be completed in accordance with LAC 33:V.1509 and shall be available at all times to the Administrative Authority.

Electronic records may be maintained, in lieu of paper copies

V.F.6.a.i.(1) The daily and weekly log sheets shall include all inspected areas.

V.F.6.a.i.(2). The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.F.6.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.F.6.a.ii. A written record of the automatic waste feed cutoff system tests shall be part of the operating record for this permit and shall be available at all times to the Administrative Authority.

V.F.7. Response to Leaks and Spills

V.F.7.a. The Permittee must properly manage all spilled or leaked waste and accumulated precipitation associated with the Oil Recovery Unit Area and all other associated equipment and structures.

V.F.7.a.i. Any collected spilled or leaked waste that is a hazardous waste must be managed as a hazardous waste in accordance with all applicable requirements. Spilled or leaked waste must be removed in as timely a manner as is necessary to prevent overflow of the spilled and leaked waste collection system.

V.F.7.a.ii. Contact storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority. Accumulated precipitation must be removed in a timely manner to prevent overflow of the accumulated precipitation collection system.

V.F.8. Monitoring and Calibration

V.F.8.a. Requirements

V.F.8.a.i. The Permittee shall maintain, calibrate, and operate continuous monitoring equipment as specified in Table 28 that monitor and record the operating conditions specified in Condition V.F.4 of this Permit.

~~**V.F.8.a.i.** The continuous monitoring system (CMS) shall be operated and maintained in accordance with this permit, and~~

~~**V.F.8.a.ii.** At a minimum, the Permittee shall analyze values from the continuous parameter monitoring system (CMS) every fifteen (15) seconds and compute and record the average values at least every sixty (60) seconds for an hourly rolling average basis for the treatment process and closed-vent system that indicate proper system operation.~~

V.F.8.a.iii. The Administrative Authority may request data be submitted in any format or units that facilitates the completion of air modeling, risk assessment, or compliance procedures.

V.F.8.a.vii. Monitoring samples and measurements 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 specified in LAC 33:V.Chapter 49,Appendix D, 40 CFR 61 Subpart FF, or an equivalent method approved by the Administrative Authority.

Other sampling and analytical methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, as revised, or equivalent methods.

V.F.8.a.iv. The Permittee must calibrate all continuous monitoring equipment according to the manufacturer's specifications and any applicable state regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for review by the Administrative Authority.

TABLE 28

INSTRUMENTATION TO BE CALIBRATED TO MANUFACTURER'S SPECIFICATIONS FOR THE OIL RECOVERY UNITS

CONTROL PARAMETER	INSTRUMENT DESCRIPTION[1]	LOCATION	CALIBRATION FREQUENCY
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Pre-filter	Annually
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Final Filter	Annually
Hydraulic Pressure	Pressure Gauge	Automatic Back-drive System	Annually
Bowl Speed	RPM	Drive System	Annually

[1]Equipment identification numbers can change as new maintenance systems are incorporated; new tag ID #'s will be tracked with calibration records.

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V.F.9. Air Emission Control Equipment Standards

See Conditions V.F~~f~~.3.d, e, f and V.H.1 ~~II.F.25.f~~ of this Permit and the air permit.

V.F.10. Closure and Post-Closure

V.F.10.a. The Permittee shall close the Oil Recovery Units, the Oil Recovery Unit Area, and all other associated equipment according to the requirements specified in LAC 33:V.Chapters 32 and 35 and in accordance with the Closure Plan (see Attachment I).

V.F.10.b. At closure, the Permittee must attempt to clean close and remove all hazardous waste and residues from the Oil Recovery Units, the Oil Recovery Unit Area, and all other associated equipment. If the Oil Recovery Unit Area cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.F.10.c. If the facility cannot be clean closed, the Permittee shall submit a Post-Closure Plan that meets the requirements of LAC 33:V.3523.B, for approval by the Administrative Authority.

V.F.10.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the clean-closure confirmatory sampling procedures prior to the commencement of closure based upon the wastes historically managed at the unit.

V.G. THERMAL DESORBER UNITS

V.G.1. Description of Thermal Desorber Units

The permit conditions as set forth under this Condition shall apply to the Thermal Desorber Units designated in Table 2-4.

V.G.2. Permitted and Prohibited Waste

V.G.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the Thermal Desorber Units to separate organic constituents from a waste stream by volatizing

and condensing the organic components, which would allow for the recovery or disposal of the contaminants. The waste stream is listed in the Waste Analysis Plan (see Attachment D) and identified in the most current Part A Permit Application that is categorized as one of the following wastes:

V.G.2.a.i. contaminated tank bottoms,

V.G.2.a.ii. sludge,

V.G.2.a.iii. catalyst slurry oil,

V.G.2.a.iv. organic contaminated soils~~oil contaminated soils~~, and

V.G.2.a.iv. other organic hazardous waste requiring thermal treatment to meet Land Disposal Restrictions (LDR).

V.G.2.b. Prohibited Waste

The Permittee is prohibited from processing waste that is not identified in Condition V.G.2.a of this Permit and is specifically prohibited from processing the following wastes:

V.G.2.b.i. Dioxin-containing wastes identified by EPA as F020, F021, F022, F023, F026, F027, and F028 wastes in LAC 33:V.4901.;

V.G.2.b.ii. Polychlorinated biphenyl (PCB) waste, as defined in 40 CFR 761.3;

V.G.2.b.iii. Source material, special nuclear material, mixed waste, or naturally occurring radioactive materials (NORM) that is not exempt pursuant to LAC 33:XV;

V.G.2.b.iv. Explosive material, as defined by the Department of Transportation under 49 CFR Part 173;

V.G.2.b.v. Municipal waste;

V.G.2.b.vi. Containerized gases;

V.G.2.b.vii. Medical/infectious wastes as defined in 40 CFR 60.51.c;

V.G.2.b.viii. Metal bearing wastes listed in LAC 33:V.Chapter 22.Table 12, except as described in LAC 33:V.2207.C; and

V.G.2.b.ix. Waste displaying the characteristic of reactivity as defined in LAC 33:V.4903.D;

V.G.2.c. Before processing any wastes not authorized under this permit, the Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321.

~~The Permittee must submit a permit modification request to manage additional wastes and receive approval by the Administrative Authority.~~

~~**V.G.2.b. Prohibited Waste**~~

~~The Permittee is prohibited from treating waste that is not identified in Condition V.G.2.a of this Permit. The Permittee must submit a permit modification request to manage additional wastes and receive approval by the Administrative Authority.~~

V.G.3. General Design, Operating, and Maintenance Requirements

V.G.3.a. The Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 32 and the specifications, design criteria, design limits approved by this permit and/or the Administrative Authority.

V.G.3.b. The Permittee must use controls and practices to maintain the containment areas for the Thermal Desorber Unit Area to prevent run-on and run-off.

V.G.3.c. The Permittee shall maintain the Thermal Desorber Unit Area in a manner that minimizes the possibility of fire, explosion, or any unplanned, sudden or non-sudden releases of hazardous waste constituents to air, soil, or surface water that might threaten human health or the environment in accordance with LAC 33:V.1511.B.

V.G.3.d. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

V.G.3.e. The Permittee must take measures to monitor the performance of the carbon beds consistent with the manufacturer's specifications and recommendations to ensure the carbon bed has not reached the end of its useful life. Document the monitoring procedures in the operation and maintenance plan; and records results of the monitoring in the operating record. Replace the bed or bed segment before it has reached the end of its useful life.

V.G.3.**df.** The Permittee shall not treat more than 165 tons per day of hazardous waste per unit.

~~V.G.4. Operating Requirements~~

~~V.G.4.a. The Thermal Desorber Units, Thermal Desorber Unit Area, and associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 32, the specifications, design criteria, and design limits in the Permit Application, Condition II.E.25.e of this Permit, and the air permit.~~

~~V.G.4.b. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.~~

~~V.G.4.c. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in the LAC 33:V. Chapter 17 and the air permit.~~

V.G.~~5~~4 Inspections

V.G.~~5~~4.a. Requirements

V.G.~~5~~4.a.i. The Permittee shall inspect the Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment in accordance with the Inspection Plan (see Attachment I). The Permittee shall complete the following as part of these inspections:

V.G.~~5~~4.a.i.(1) The Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment shall be subject to a daily thorough, visual inspection by the Permittee, whenever the unit contains hazardous waste. The purpose of these inspections shall be to identify leaks, spills, fugitive emissions, and signs of tampering.

V.G.4.a.ii. The automatic waste feed cut off system and associated alarms must be tested at least once every seven (7) calendar days when hazardous waste is treated to verify operability, unless the applicant demonstrates to the Administrative Authority that weekly inspections will unduly restrict or upset operations and that less frequent inspections are adequate. Support for this demonstration shall be included in the operational record. At a minimum, operational testing of the automatic waste feed cut off system must be conducted at least monthly.

V.G.5 Recordkeeping

V.G.5.a. Inspections

V.G.5.a.i. Written inspection records shall be part of the operating record for this Permit and are hence subject to LAC 33:V.1529 requirements. At a minimum, the record shall include the following information: (1) the date and time of the inspection; (2) inspector's name; (3) any inspection observations; and (4) date and nature of corrective action. The inspection record shall be completed in accordance with LAC 33:V.1509 and shall be available at all times to the Administrative Authority.

Electronic records may be maintained, in lieu of paper copies.

V.G.5.a.i.(1) The daily and weekly log sheets shall include all inspected areas.

V.G.5.a.i.(2). The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.G.5.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.G.5.a.ii. A written record of the automatic waste feed cutoff system tests shall be part of the operating record for this permit and shall be available at all times to the Administrative Authority.

~~**V.G.6 Recordkeeping**~~

~~**V.G.6.a. Inspections**~~

~~**V.G.6.a.i.** The Permittee shall document in the operating record for the facility inspection of those items in Condition V.G.5 of this Permit.~~

~~**V.G.6.a.i.(1)** The daily and weekly log sheets shall include all inspected areas.~~

~~**V.G.6.a.i.(2).** The Permittee shall note all deficiencies discovered during the inspection in the inspection log.~~

~~**V.G.6.a.i.(3)** Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.~~

V.G.~~7~~6. Response to Leaks and Spills

V.G.76.a. The Permittee must properly manage all spilled or leaked waste and accumulated precipitation associated with the Thermal Desorber Unit Area and all other associated equipment and structures.

V.G.76.a.i. Any collected spilled or leaked waste that is a hazardous waste must be managed as a hazardous waste in accordance with all applicable requirements. Spilled or leaked waste must be removed in as timely a manner as is necessary to prevent overflow of the spilled and leaked waste collection system.

V.G.76.a.ii. Contact storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority. Accumulated precipitation must be removed in a timely manner to prevent overflow of the accumulated precipitation collection system.

V.G.87. Monitoring and Calibration

V.G.87.a. Requirements

V.G.87.a.i. ~~The continuousmonitoring system (CMS) shall be operated, and maintained in accordance with this permit, the sections of LAC 33:V.1709.H.~~The Permittee shall maintain, calibrate, and operate continuous monitoring equipment as specified in Table 29 that monitor and record the operating conditions specified in Condition V.G.11 of this Permit. The continuous monitoring requirements shall be as specified in Tables 30 and 31 of this Permit.

V.G.7.a.ii. The Permittee must calibrate the equipment according to the manufacturer's specifications and any applicable state or federal regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for the review by the Administrative Authority.

V.G.7.a.iii. Hazardous waste may continue to be introduced into the Thermal Desorber Unit during the daily continuous emission monitoring system (CEMS) calibration check periods. The CEMS shall be maintained according to the following schedule: (1) at least daily, a calibration check of the instrument; (2) at least daily, a system audit; (3) at least quarterly, a calibration error test; and (4) at least annually, a performance specification test. The procedures for CEMS maintenance are outlined in 40 CFR 266 Appendix IX Section 2.0, "Performance Specifications for Continuous Emission Monitoring Systems."

V.G.87.a.iiv. At a minimum, the Permittee shall analyze values from the continuous monitoring system and the continuous ~~parameter~~emission

monitoring system (CPEMS) every fifteen (15) seconds. The Permittee must record these values every ~~and compute and record the average values at least every~~ sixty (60) seconds for use in calculating an hourly rolling average basis for the treatment process ~~for an hourly rolling average basis for the treatment process and closed vent system that indicate proper system operation.~~to demonstrate compliance with the monitoring requirements.

V.G.87.a.~~iii~~v. The Administrative Authority may request data be submitted in any format or units that facilitates the completion of air modeling, risk assessment, or compliance procedures.

V.G.87.a.~~iv~~vi. Monitoring samples and measurements 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 specified in LAC 33:V.Chapter 49.Appendix D ~~,~~or an equivalent method approved by the Administrative Authority.

Other sampling and analytical methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, as revised or equivalent methods.

V.G.7.b.Records

In the operating record, the Permittee shall record and maintain, in accordance with LAC 33:V.1529, all monitoring data compiled to satisfy the permit requirements.

Electronic records may be maintained, in lieu of paper copies.

TABLE 29
INSTRUMENTATION TO BE CALIBRATED TO MANUFACTURER'S SPECIFICATIONS FOR THE THERMAL DESORBER UNIT

CONTROL PARAMETER	INSTRUMENT DESCRIPTION[1]	LOCATION	CALIBRATION FREQUENCY[2]
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Pre-filter	Annually
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Final Filter	Annually
Maximum Hazardous Waste Feed Rate, tons/hr	Flow Meter	In feed line, upstream from the Thermal Desorber	Annually

Maximum Treatment Drum Pressure, H_2O "	Pressure Transmitter	Thermal Desorber Treatment Drum	Annually
Minimum Inner Chamber Temperature, °F	Thermocouple	Thermal Desorber Treatment Drum	Annually
Minimum Afterburner Chamber Temperature, °F	Thermocouple	Thermal Oxidizer	Annually
Maximum Afterburner Pressure, H_2O"	Pressure Transmitter	Thermal Oxidizer	Annually
Maximum CO, ppm v	Extractive sampler CO/O_2 analyzer	Exhaust Stack	Daily Calibration check, calibrate per 40 CFR 266 Appendix IX specifications
Flue Gas Flow Rate	Flow Meter	Exhaust Stack	Annually
Scrubber Pressure Drop,	Differential	Scrubber	Annually
Scrubber Flowrate	Flow Meter	Scrubber	Annually
Scrubber pH	pH Meter	Scrubber	Annually

[1]Equipment identification numbers can change as new maintenance systems are incorporated; new tag ID #'s will be tracked with calibration records.

[2]Replacement of the instrument is acceptable when the instrument cannot be calibrated or when accuracy cannot be verified.

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~~**V.G.8.a.v.** The Permittee must calibrate all continuous monitoring equipment according to the manufacturer's specifications and any applicable state or federal regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for review by the Administrative Authority.~~

V.G.~~89. Air Emission Control Equipment Standards~~**Automatic Waste Feed Cut Off**

~~See Condition II.E.25.f of this Permit and the air permit.~~

V.G.8.a. Requirements

V.G.8.a.i. The Permittee shall operate the Thermal Desorber Unit to automatically cut off the hazardous waste feed when the monitored operating conditions deviate from the set points specified in the permit.

V.G.8.a.ii. Exhaust gases must be vented to the air pollution control system, operated in accordance with the permit requirements, while hazardous waste remains in the Thermal Desorber Unit.

V.G.8.a.iii. Operating parameters for which permit limits are established must continue to be monitored following the cut off. The hazardous waste feed shall not be restarted until the levels of those parameters that caused the automatic waste feed cut off are restored to permit limits. All other parameters must also be within the permit limits.

V.G.8.a.iv. In the event of a malfunction of the automatic waste feed cut off system, the Permittee shall immediately cut off and/or lock out the waste feed.

V.G.8.b. Records

V.G.8.b.i. The Permittee shall record in the facility operating record the date and time of all automatic waste feed cut off events. The records shall also include the known or suspected cause of the automatic waste feed cut off, the triggering parameters, the corrective actions taken, the duration of the event, and the date and time of restarting waste feed following the automatic waste feed cut off.

V.G.8.b.ii. The Permittee shall record in the facility operating record all failures of the automatic waste feed cut off system, including the date and time of the failure, a description of the failure, root cause of the failure, and corrective actions taken.

V.G.8.b.iii. The operating record shall be maintained in an organized manner for a period of not less than three (3) years and be available at all times for inspection by the Administrative Authority.

V.G.8.c. Reports

V.G.8.c.i. The date, cause, and remedial action for the waste feed cutoff activation shall be documented in the operating record. A summary of such occurrences must be included in the annual reports.

V.G.8.c.ii. The Permitted shall report in writing to the Administrative Authority if there are more than fifty (50) waste feed cut offs per month. This report shall be due within thirty (30) days after the end of such month and shall include cause and remedial actions taken.

V.G.~~10~~9. Closure and Post-Closure

V.G.~~10~~9.a. The Permittee shall close the Thermal Desorber Units, the Thermal Desorber Unit Area, and all other associated equipment according to the requirements specified in LAC 33:V.Chapters 32 and 35 and in accordance with the Closure Plan (see Attachment 1).

V.G.~~10~~9.b. At closure, the Permittee must attempt to clean close and remove all hazardous waste and residues from the Thermal Desorber Units, the Thermal Desorber Unit Area, and all other associated equipment. If the Thermal Desorber Unit Area cannot be clean closed and the Permittee has not demonstrated through

a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment, or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.G.~~109~~.c. If the facility cannot be clean closed, the Permittee shall submit a Post-Closure Plan that meets the requirements of LAC 33:V.3523.B, for approval by the Administrative Authority.

V.G.~~109~~.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the clean-closure confirmatory sampling procedures prior to the commencement of closure based upon the wastes historically managed at the unit.

V.G.10. Specific Operating Conditions

V.G.10.a. Performance Standards

The Permittee shall comply with the performance standards specified in this Permit when hazardous waste is thermally treated in the Thermal Desorber Unit.

V.G.10.a.i. The emissions of dioxin and furans shall not exceed 0.20 nanograms toxic equivalents (TEQ) per dry standard cubic meter corrected to seven (7) percent oxygen.

V.G.10.a.ii. The emissions of mercury shall not exceed 8.1 micrograms per dry standard cubic meter, corrected to seven (7) percent oxygen.

V.G.10.a.iii. The emissions of cadmium and lead shall not exceed 10 micrograms per dry standard cubic meter, corrected to seven (7) percent oxygen.

V.G.10.a.iv. The emissions of arsenic, beryllium, and chromium shall not exceed 23 micrograms per dry standard cubic meter, corrected to seven (7) percent oxygen.

V.G.10.a.v. The emissions of hydrogen chloride and chlorine gas shall not exceed 21 parts per million by volume, combined emissions, expressed as chlorine (Cl^-) equivalent, dry basis and corrected to seven (7) percent oxygen.

V.G.10.a.vi. The emissions of particulate matter shall not exceed 0.08 ~~0.0015~~ grains per dry standard cubic foot, corrected to seven (7) percent oxygen.

Commented [A1]: This value is what is authorized under the incinerator regs (LA Chapter 31 Fed 264.344).

V.G.10.a.vii. The emissions of carbon monoxide shall not exceed 100 parts per million by volume, dry basis and corrected to seven (7) percent oxygen.

V.G.10.b. Implementation Schedule for the Thermal Desorber Unit Comprehensive Performance Test (CPT)

The Permittee must conduct an initial Comprehensive Performance Test (CPT) as defined below and submit to the Administrative Authority a recertification of compliance CPT under the operating parameters set forth under Condition V.G.11 of this permit with the permit renewal application. A recertification of compliance CPT is required for major modifications to the unit or if the Permittee is seeking new operating conditions.

V.G.10.b.i. The CPT plan will be developed in order to:

V.G.10.b.i.1. Demonstrate compliance with the emission limitations set forth in Condition V.G.10.a.;

V.G.10.b.i.2. Demonstrate compliance with the Destruction and Removal Efficiency standard of 40 CFR 63.1219.e.1.

V.G.10.b.i.3. Establish limits for the operating parameters set forth in Condition V.G.11.

V.G.10.b.i.4. The CPT plan shall include the information specified in 40 CFR 63.1207.f and shall be submitted to the Administrative Authority for review and approval at least one hundred eighty (180) days prior to commencement of the CPT.

The CPT plan will allow the Permittee to demonstrate compliance with emission standards for mercury, semivolatile metals, low volatile metals, and hydrogen chloride/chlorine gas emission standards based upon exhaust gas flow rate or hazardous waste thermal concentration in accordance with 40 CFR 63.1207.m.

V.G.10.b.i.5. The CPT plan and CMS performance evaluation test plan must be public noticed at least sixty (60) days prior to initiation of the test. All requirements of 40 CFR 63.1207.e must be met.

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V.G.10.b.ii. With the initial introduction of hazardous waste to the unit and ending with initiation of the CPT, and only for the minimum time required to establish operating conditions, not to exceed a duration of seven hundred twenty (720) hours operating time for the processing of

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hazardous waste, the operating requirements of Condition V.G.10.c must be applicable to demonstrate compliance with the performance standards described in Condition V.G.10.b.i. The Permittee may request a time extension for conducting the CPT for reasons deemed acceptable by the Administrative Authority. Any time extensions for conducting the CPT are requested, it must be reviewed and approved by the Administrative Authority.

V.G.10.b.iii. Within ninety (90) days of completing the CPT for the Thermal Desorber Unit, the Permittee must submit a Notification of Compliance (NOC), documenting compliance with the emission limitations set for the in Condition V.G.10.a, the removal efficiency standard of 40 CFR 63.1219.c.1 and the continuous monitoring system requirements set forth in Table 30 and 31; and identifying limits for the operating parameters set forth in Condition V.G.11 to the Administrative Authority for approval.

~~**V.G.10.b.i.** Within sixty (60) days of receiving approval from the Administrative Authority of the final design specifications for the Thermal Desorber Unit (see Permit Condition III.35.e), the Permittee shall submit for review and approval by the Administrative Authority a Comprehensive Performance Test (CPT) plan for the Thermal Desorber Unit. The CPT plan must meet all the applicable requirements of 40 CFR 63 Subpart EEE.~~

~~**V.G.10.b.ii.** Within seven hundred twenty (720) operating hours of initial start-up, the Permittee must perform a CPT for the Thermal Desorber in accordance with 40 CFR 63 Subpart EEE. The Permittee may request a time extension for conducting the CPT for reasons deemed acceptable by the Administrative Authority. Any time extensions for conducting the CPT must be reviewed and approved by the Administrative Authority.~~

~~**V.G.10.b.iii.** Within ninety (90) days of completing the CPT for the Thermal Desorber Unit, the Permittee must submit a Notification of Compliance (NOC) in accordance with 40 CFR 63.1207), to the Administrative Authority for approval.~~

V.G.10.c. Process Operating Conditions Prior to Submitting Notification of Compliance

Prior to the Permittee submitting a NOC to the Administrative Authority (see Condition V.G.10.b.iii), the Thermal Desorber Unit must be operated within the operating conditions proposed in the approved CPT plan ~~prescribed in Condition V.G.11 and within the operating conditions proposed in the NOC.~~ If there is a discrepancy between an operating condition prescribed in Condition V.G.11 and an operating condition proposed in the approved CPT plan~~NOC~~, the Thermal Desorber Unit must be operated in accordance with the more stringent operating condition. For instance, where there is no prescribed operating limits in Condition V.G.11.a.(vii - xiii), the Thermal Desorber Unit must be operated in accordance with the operating condition proposed in the approved CPT plan.

V.G.10.d. Process Operating Conditions after Submitting Notification of Compliance

V.G.10.d.i. Upon submitting a NOC to the Administrative Authority, the Thermal Desorber Unit must be operated within the operating conditions prescribed in Condition V.G.11 and within the operating conditions proposed in the NOC. If there is a discrepancy between an operating condition prescribed in Condition V.G.11 and an operating condition proposed in the NOC, the Thermal Desorber Unit must be operated in accordance with the more stringent operating condition. For instance, where there is no prescribed operating limits in Condition V.G.11.a.(vii - xiii), the Thermal Desorber Unit must be operated in accordance with the operating condition proposed in the NOC.

V.G.10.d.ii. Within seven (7) days of receiving a Finding of Compliance (FOC), in accordance with 40 CFR 63.1206.b.3, from the Administrative Authority, the Permittee shall initiate a Class 1[1] permit modification to change any operating parameters listed in Condition V.G.11, remove any operating parameters listed in Condition V.G.11, and/or add any additional operating parameter limits to Condition V.G.11 based on the results of the Thermal Desorber Unit CPT.

V.G.10.d.iii. Upon approval of the Class 1[1] permit modification required by Condition V.G.10.d.ii, the Thermal Desorber Unit must be operated within the modified conditions prescribed in V.G.11.

V.G.11. Process Operating Conditions

The Thermal Desorber Unit must be operated within the conditions prescribed below at all times while hazardous waste is in the unit.

V.G.11.a. Group A Parameters

The Permittee shall operate the Thermal Desorber Unit with a functioning system to automatically cut off waste feed to the unit when operating conditions deviate from those established below.

V.G.11.a.i. Whenever hazardous waste is in the unit, the hourly rolling average waste feed rate to the unit shall be maintained below the maximum value of 10 tons per hour.

V.G.11.a.ii. Whenever hazardous waste is in the unit, the ~~instantaneous~~ pressure in the treatment drum of the Thermal Desorber Unit shall be maintained below the maximum value of 0 inches of water column with respect to atmospheric. ~~If the pressure is equal to or greater than 0 inches for fifteen (15) seconds, then AWFCO will initiate.~~

V.G.11.a.iii. Whenever hazardous waste is in the unit, the afterburner chamber temperature shall be maintained above the minimum value of 1,400 °F.
~~Whenever hazardous waste is in the unit, the Thermal Desorber Unit inner chamber temperature shall be maintained above the minimum value of 500°F.~~

Commented [A4]: Moved to group B

V.G.11.a.iv. Whenever hazardous waste is in the unit, the afterburner shall be kept totally sealed to protect against the escape of fugitive emissions. The Permittee shall monitor the outside of the unit for signs of fugitive emissions at least daily.
~~Whenever hazardous waste is in the unit, the afterburner chamber temperature shall be maintained above the minimum value of 1,400 °F.~~

V.G.11a.v. Whenever hazardous waste is in the unit, the hourly rolling average carbon monoxide (CO) level shall be maintained below the maximum value of 100 parts per million volume, continuously corrected to seven (7) percent oxygen, dry gas basis.~~Whenever hazardous waste is in the unit, the instantaneous pressure in the afterburner shall be maintained below the maximum value of 0 inches of water column with respect to atmospheric.~~

V.G.11.a.vi. As an indicator of gas residence time in the control device, the unit shall be maintained below the maximum flue gas flowrate value of **TBD** on an hourly rolling average basis.~~Whenever hazardous waste is in the unit, the hourly rolling average carbon monoxide (CO) level shall be maintained below the maximum value of 100 parts per million volume, continuously corrected to seven (7) percent oxygen, dry gas basis.~~

V.G.11.a.vii. Whenever hazardous waste is in the unit, the hourly rolling average pressure drop across the scrubber shall be maintained above the minimum value of **TBD**. ~~As an indicator of gas residence time in the control device, the unit shall be maintained below the maximum flue gas flowrate value of TBD on an hourly rolling average basis.~~

V.G.11.a.viii. Whenever hazardous waste is in the unit, the hourly rolling average liquid to gas ratio shall be maintained above the minimum value of **TBD**. This is a calculated value based on the minimum scrubber water flowrate and the maximum flue gas flowrate. ~~Whenever hazardous waste is in the unit, the hourly rolling average pressure drop across the scrubber shall be maintained above the minimum value of **TBD**.~~

V.G.11.a.ix. Whenever hazardous waste is in the unit, the hourly rolling average scrubber water flowrate shall be maintained above the minimum value of **TBD** gallons per minute.~~Whenever hazardous waste is in the unit,~~

~~the hourly rolling average liquid to gas ratio shall be maintained above the minimum value of **TBD**. This is a calculated value based on the minimum scrubber water flowrate and the maximum flue gas flowrate.~~

V.G.11.a.x. Whenever hazardous waste is in the unit, the hourly rolling average pH of the feed to the scrubber shall be maintained above the minimum value of **TBD**.~~Whenever hazardous waste is in the unit, the hourly rolling average scrubber water flowrate shall be maintained above the minimum value of **TBD** gallons per minute.~~
~~V.G.11.a.xi. Whenever hazardous waste is in the unit, the hourly rolling average pH of the feed to the scrubber shall be maintained above the minimum value o~~

V.G.11.b. Group B Parameters

The Permittee shall operate the Thermal Desorber Unit without exceeding these limits, although these limits are not part of the automatic waste feed cut off set points.

V.G.11.b.1. Whenever hazardous waste is in the unit, the Thermal Desorber Unit inner chamber temperature shall be maintained above the minimum value of 500 °F.~~The other halides concentration from all feed streams shall be no greater than 100 parts per million (ppm).~~

Commented [A5]: Moved from a group A parameter

V.G.11.b.2. Reserved for maximum mercury feed rate ~~Reserved for maximum ash feed rate.~~

V.G.11.b.3. Reserved for maximum total chlorine and chloride feed rate.
~~Reserved for maximum mercury feed ra~~
V.G.11.b.4. Reserved for maximum cadmium and lead feed rate.
~~Reserved for maximum total chlorine and chloride feed rate.~~
V.G.11.b.5. Reserved for maximum arsenic, beryllium, and chromium feed rate.~~Reserved for maximum cadmium and lead feed rate.~~

V.G.11.b.6. O_2 shall be monitored continuously whenever hazardous waste is in the Thermal Desorber Unit, in accordance with the CEMS regulations.~~Reserved for maximum arsenic, beryllium, and chromium feed rate.~~
~~V.G.11.b.7. O_2 shall be monitored continuously whenever hazardous waste is in the Thermal Desorber Unit, in accordance with the CEMS regulations.~~

V.G.11.c. Group C Parameters

The Permittee shall operate the Thermal Desorber Unit without exceeding these limits, although these limits are not part of the automatic waste feed cut off set points.

V.G.11.c.i. The Permittee shall immediately stop the flow of hazardous waste into the Thermal Desorber Unit should sample flow to the Continuous Emissions Monitoring System (CEMS) cease, outside of normal calibration periods.

V.G.11.c.ii. For a Continuous Monitoring System (CMS) operated to ensure compliance with these regulations, the Permittee must maintain and operate the monitors consistent with the manufacturer's specifications.

TABLE 30
Group A Parameter Limits for the Thermal Desorber Unit
(Automatic Waste Feed Cut Offs)

CONTROL PARAMETER	FINAL OPERATING LIMITS AUTOMATIC WASTE FEED CUT OFF POINT
Maximum Hazardous Waste Feed Rate	10 tons/hour
Maximum Inner Drum Chamber Pressure	0 Inches H2O Column-, 15 seconds delayunstantaneous
Minimum Afterburner Chamber Temperature	1,400 °F
Maximum Carbon Monoxide Concentration	100 ppmv, hourly rolling average
Minimum Liquid to Gas Ratio	**TBD**
Maximum Flue Gas Flowrate	**TBD**
Minimum Scrubber Pressure Drop	**TBD**
Minimum Scrubber Water Flow Rate	**TBD**
Minimum Scrubber Feed pH	**TBD**

TABLE 31
Group B & C Parameter Limits for the Thermal Desorber Unit

CONTROL PARAMETER	FINAL OPERATING LIMITS
Maximum Total Chloride and Chlorine Feed Rate	**TBD**
Minimum Inner Drum Chamber Temperature	500°F
Maximum Feed Rate of Arsenic[1]	**TBD**
Maximum Feed Rate of Beryllium[1]	**TBD**
Maximum Feed Rate of Cadmium[1]	**TBD**
Maximum Feed Rate of Chromium[1]	**TBD**
Maximum Feed Rate of Lead	**TBD**
Maximum Feed Rate of Mercury	**TBD**

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[1]Carcinogenic Metal – Feed rate is further limited to a level such that the sum of the actual feed rate, divided by the allowable feed rate for all carcinogenic metals, shall be less than or equal to 1.00.

The feed rate of arsenic, beryllium, cadmium, and chromium is limited to a level such that the sum of the ratios of the actual feed rate to the feed rate limit specified in Table 30 shall not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^{n} AFR_{(i)}/FRL_{(i)} \leq 1.00$$

$AFR_{(i)}$	=	**Actual Feed Rate (AFR)** The actual feed rate of carcinogenic metal (i) introduced into the thermal desorber chamber from all feedstreams.
n	=	Number of Carcinogenic Metals.
$FRL_{(i)}$	=	**Feed Rate Limit (FRL)** The regulatory feed limit of carcinogenic metal (i) listed in Table 31.

V.~~F~~H. AIR EMISSION STANDARDS

V.~~H~~F.1. Performance Standards for Equipment Leaks

V.~~H~~F.1.a. The Oil Recovery Unit Area and the Thermal Desorber Unit Area must be equipped with operating air emissions controls in accordance with all applicable regulations of LAC 33:V ~~1705.A.3~~1717 to 1745 and 1747 to 1799 ~~and 40 CFR 61 Subpart FF – Benzene Waste Organic NESHAP (BWON)~~for all equipment, tanks, and containers associated with operations that treat, store, or dispose of hazardous waste with organic concentrations equal to or greater than 10 percent by weight for equal to or greater than three hundred (300) hours per calendar year. The facility must maintain documentation of compliance in the facility operating record.

V.~~H~~I.1.b. The remaining facility not associated with the proposed Oil Recovery Area and Thermal Desorber Area are exempt from LAC 33:V.Chapter 17 Subchapter B in accordance with LAC 33:V.1717.B. No equipment that contains or contacts hazardous waste with organic concentrations of at least ten (10) percent by weight shall be managed at the facility.

V.~~H~~F.1.~~c~~b. The facility must maintain an exemption log in the facility operating record in accordance with LAC 33:V.1743.K.

V.~~H~~F.2. Standards for Tanks

V.~~H~~F.2.a. Existing Hazardous Waste Storage Tanks

Tanks T-502, T-503, T-504 A, T-504 B, T-505, T-506, T-903, T-904, T-905, T-906, and T-907 are exempt from LAC 33:V.Chapter 17 Subchapter C in accordance with LAC 33:V.1751.C.1. No hazardous waste entering Tanks T-502, T-503, T-504 A, T-504 B, T-505, T-506, T-903, T-904, T-905, T-906, and T-907 shall have an average volatile organic concentration, at the point of waste origination, greater than 500 parts per million by weight.

V.[illegible].2.a.i. The average volatile organic concentration shall be determined in accordance with the procedures in LAC 33:V.1753.A.

V.[illegible].2.a.ii. The facility shall review and update, as necessary, the volatile organic concentration determination once every twelve (12) months.

V.[illegible].2.a.iii. In accordance with LAC 33:V.1765.F, the facility shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the facility shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of LAC 33:V.1753.

V.[illegible].2.b. Proposed Hazardous Waste Storage Tanks

See Condition II.E.25.[illegible] of this Permit.

V.[illegible].2.c. Existing Hazardous Waste Treatment Tanks

V.[illegible].2.c.i. Tanks T-303, T-304, and T-306 are exempt from LAC 33:V.Chapter 17 Subchapter C in accordance with LAC 33:V.1751.C.1. No hazardous waste entering Tanks T-303, T-304, and T-306 shall have an average volatile organic concentration, at the point of waste origination, greater than 500 parts per million by weight.

V.[illegible].2.c.i.(1) The average volatile organic concentration shall be determined in accordance with the procedures in LAC 33:V.1753.A.

V.[illegible].2.c.i.(2) The facility shall review and update, as necessary, the volatile organic concentration determination once every twelve (12) months.

V.[illegible].2.c.i.(3) In accordance with LAC 33:V.1765.F, the facility shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for

waste samples are used for the waste determination, then the facility shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of LAC 33:V.1753.

V.HF.2.c.ii. Building 302, which houses Tanks T-303, T-304, and T-306, shall be maintained closed when treatment operations are being conducted.

V.HF.2.c.iii. A ventilation system shall continuously exchange the air in Building 302 and route the air from Building 302 to a baghouse filter system when treatment operations are being conducted.

V.HF.2.c.iii.(1) Dust generated by the baghouse system shall be returned to Tanks T-303 and T-304 for reuse in the treatment process.

V.HF.2.c.iv. A negative pressure shall be maintained in Building 302 whenever treatment operations are being conducted.

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V.HF.2.d. Proposed Hazardous Waste Treatment Tanks

See Condition II.E.25.hfe of this Permit.

V.HF.3. Standards For Container Storage Areas

V.HF.3.a. The Permittee shall comply with the applicable requirements of LAC 33:V.1747 to 1799 for the permitted container storage areas, as listed in Table 26.

V.H.4. Standards for Proposed Oil Recovery Units

V.H.4.a. The Permittee shall comply with the applicable requirements of LAC 33:V.Chapter 17, Subchapters B and C, and the air permit for the Oil Recovery Units.

V.H.5. Standards for Proposed Thermal Desorber Units

V.H.5.a. The Permittee shall comply with the applicable requirements of LAC 33:V.Chapter 17, Subchapters B and C, and the air permit for the Thermal Desorber Units.

TABLE 32~~2~~
Air Emission Controls for Containers

CONTAINER STORAGE AREA	LAC REFERENCE(S)	AIR EMISSION CONTROLS
Building 201	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 202	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 205	See Condition II.E.25.~~e~~ of this Permit	
Building 204	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 801	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2

Building 802	See Condition II.E.25.[illegible] of this Permit

V.[illegible]G. PERMIT CONDITIONS APPLICABLE TO THE PERMITTED CLOSED POST-CLOSURE UNITS

V.[illegible]G.1. Post-Closure Care Period

Upon the effective date of this permit the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527, including maintenance and monitoring, for each of the hazardous waste management units (Landfill Cells 5, 6, 7, 14, and 8, at final closure), as specified in this permit. The post-closure care period will be in effect for the period of thirty (30) years, unless extended or shortened by the Administrative Authority, as specified in LAC 33:V.3521.A.1 and 2.

V.[illegible]G.2. Post-Closure Maintenance {tc "**V.B. POST-CLOSURE MAINTENANCE**" \f C \l 00000000002}

After final closure, the owner or operator must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527 and Permit Condition III.P of this permit, including maintenance and monitoring throughout the post-closure care period specified in Condition V.[illegible]G.1 and LAC 33:V.3521.A.1. The owner or operator must:

V.[illegible]G.2.a. maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

V.[illegible]G.2.b. maintain and monitor the leak detection system in accordance with LAC 33:V.2503.L.4.d, 2503.L.5, and 2507.D, where such system is present between double liner systems and comply with all other applicable leak detection system requirements of LAC 33:V.Subpart 1;

V.[illegible]G.2.c. continue to operate the leachate collection and removal system until leachate is no longer detected;

V.[illegible]G.2.d. maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of LAC 33:V.Chapter 33;

V.[illegible]G.2.e. manage a run-on and run-off control system to prevent erosion and other damage to the final cover;

V.[illegible]G.2.f. protect and maintain surveyed benchmarks used in complying with LAC 33:V.Chapter 33;

V.IG.2.g. for all closed permitted landfill units, maintain the cover with a final cover designed, constructed and maintained to:

V.IG.2.g.i. provide long-term minimization of migration of liquids through the permitted landfill cells,

V.IG.2.g.ii. function with minimal maintenance at all permitted landfill units,

V.IG.2.g.iii. promote drainage and minimize erosion or abrasion of the final cover at all permitted landfill units,

V.IG.2.g.iv. accommodate settling and subsidence, as necessary, so that the cover's integrity is maintained for all permitted landfill units, and

V.IG.2.g.v. have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

The annual report shall include a Post-Closure activity report.

During the post-closure care period, if liquid is present in a leak detection system installed under LAC 33:V.3305, and collects at a rate above the action leakage rate (where such a rate has been established) or above two standard deviations from the mean of historic data (where action leakage rates have not been established), the Permittee must notify the Office of Environmental Services of the leakage rate in writing within seven (7) days after determining the leakage rate.

V.IG.3. Post-Closure Restrictions

The Administrative Authority may require, at partial and final closure, continuation of any of the security requirements of LAC 33:V.1507, during part or all of the post-closure period when access by the public or domestic livestock may pose a hazard to human health.

The Permittee must post warning signs at each entrance to the closed units, in accordance with LAC 33:V.3521.B and LAC 33:V.1507.K.

V.IG.4. Post-Closure Property or Site Use

Post-closure use of property on or in which hazardous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of the containment system, or the function of the permitted closed unit's monitoring systems, unless the Administrative Authority finds that the disturbance:

V.IG.4.a. is necessary to the proposed use of the property and will not increase

the potential hazard to human health or the environment; or

V.IG.4.b. is necessary to reduce a threat to human health or the environment.

Any post-closure activity other than that specified in this permit must have prior approval of the Administrative Authority.

V.IG.5. Post-Closure Contact

The Permittee shall provide the name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period.

V.IG.6. Post-Closure Notices

V.IG.6.a. The Permittee shall maintain, on site, a certification, signed by the Permittee, that he has recorded the notation as specified by LAC 33:V.3517 and maintain a copy of the document in which the notation has been placed.

V.IG.6.b. If the Permittee or any subsequent Permittee of the land upon which these hazardous waste disposal units is located wishes to remove hazardous wastes and hazardous waste residues, the liner (if any), or contaminated soils, then he or she must request a modification to the post-closure permit in accordance with the applicable requirements in LAC 33:V.Chapters 3 and 7. The Permittee must demonstrate that the removal of hazardous wastes will satisfy the criteria of LAC 33:V.3521. By removing hazardous waste, the Permittee may become a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33:V.Subpart 1. If the Permittee is granted a permit modification or otherwise granted approval to conduct such removal activities, the Permittee may request that the Administrative Authority approve either:

V.IG.6.b.i. the removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

V.IG.6.b.ii. the addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

V.IG.7. Certification of Completion of Post-Closure Care

No later than sixty (60) days after completion of the established post-closure care period for each hazardous waste disposal unit(s), the Permittee must submit to the Administrative Authority, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the Permittee and an independent Louisiana registered professional engineer. Documentation

supporting the independent Louisiana registered professional engineer's certification must be furnished to the Administrative Authority upon request until the Administrative Authority releases the Permittee from the financial assurance requirements for post-closure care under LAC 33:V.3711.I.

VI. GROUND WATER PROTECTION

VI.A. APPLICABILITY

The regulation of LAC 33:V. Chapters 3, 5, 15, 25, 33, and 35, LAC 33:I. Chapter 39, and Louisiana Water Control Law, R.S., 30:2203 and 2076 of the Environmental Quality Act, R.S., 30:2001 et seq., and the provisions of this section shall apply to ground water protection programs at Chemical Waste Management, Incorporated, located in Carlyss, Louisiana. All requirements and conditions of this section must be satisfied and shall apply during the active life of the facilities. This includes compliance, closure, and post-closure care periods. The regulated units are identified as:

VI.A.1. Landfill Cell 5 – clay lined landfill.

VI.A.2. Landfill, Cell 14 – double composite liner system (2 clay liners and 2 synthetic liners) landfill.

VI.A.3. Landfill, Cell 6 – double composite liner system (2 clay liners and 2 synthetic liners) landfill.

VI.A.4. Landfill, Cell 7 – double composite liner system (2 clay liners and 2 synthetic liners.

VI.A.5. Landfill, Cell 8 – double composite liner system (2 clay and 2 synthetic liners) landfill that consist of the currently constructed modules and modules that are scheduled for construction in the future.

VI.B. REQUIRED PROGRAM

The Permittee must continue to conduct detection monitoring from the existing well system for Cells 5, 14, 6, 7, and 8 and must commence construction and operation of the detection monitoring systems for modules south of the southern boundaries of Modules 3 and 4 and prior to waste placement in Module 5 as shown in the approved design drawings for Cell 8, and as outlined in Condition VI.H of this permit. If required, Compliance Monitoring (Permit Condition VI.I) and/or ~~Corrective~~Corrective Action Monitoring (Permit Condition VI.J) programs will be initiated in accordance with the permit. All wells, listed in Table 33297 must be monitored, and all piezometers listed on Table 33297 must be measured for water levels unless exempted from the program at a later date by the administrative authority. All wells and piezometers, must be maintained, protected from moving equipment, and cannot be abandoned unless exempted from the program at a later date by the Administrative Authority.

In accordance with LAC 33:V.3305.D, leachate monitoring systems shall be established (for new landfill modules) and maintained (for existing landfill modules) as described in ConditionV.E.2, and V.E.3 of this permit, regarding riser pipe location and construction, and pumping systems. In accordance with LAC 33:V.3305.E, air monitoring is described in Condition V.E.2.a.xiii.

VI.C. GROUNDWATER PROGRAM

VI.C.1. For existing wells, the Permittee must utilize and maintain the present groundwater monitoring system listed in Table 33~~29~~ of this permit. Facility monitoring wells designated F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW02BS, and MW02BD are designated upgradient wells for all regulated units as listed in Condition VI.A. Monitoring wells F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11 and D01B are designated downgradient of Cell No. 5 and shall serve as the point of compliance for Cell No. 5. Monitoring wells F26, F27, F28, F29, F38, F39, F40, and D02A are designated downgradient of Cell No. 14 and shall serve as the point of compliance for Cell No. 14. Monitoring wells F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, and F45, are designated downgradient of Cell No. 6 and shall serve as the point of compliance for Cell No. 6. Monitoring wells F17, F18, F19, F20, F21, F22, F23, F24, F25, and E03 are designated downgradient of Cell No. 7. Facility monitoring wells G-28, G-29, and G-30 are designated upgradient wells for Cell 8. Monitoring wells G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35 and G-36 are designated downgradient of Phase I of Cell No. 8 (Modules 1, 2, 3, and 4) and shall serve as the point of compliance for Phase I (Modules 1, 2, 3, and 4) of Cell No. 8. ~~Future~~ M~~m~~onitoring wells G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, and G-21 are designated as ~~proposed~~ downgradient monitoring wells ~~and shall be installed prior to placement of waste in Module 5 as shown on the approved design drawings~~ for Cell 8. Wells M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, and GP08 must be maintained as piezometers to monitor water levels inside and outside the slurry trench in the Lower Pervious Zone ~~along with Piezometer G-10, which provides water level data for the 60 Foot Sand on the south side of Cell 8 during placement of waste in Modules 1, 2, 3, and 4 of Cell No. 8 and prior to conversion of G-10~~. These Piezometers ~~along with G-10~~ provide water level data for the Lower Pervious Zone and the 60 Foot Sand surrounding Cell 8. If water level information indicates the potential for groundwater in the Lower Pervious Zone to flow from the landfill outward, additional evaluation and/or sampling may be required.

Procedures for future monitoring well construction, as well as for borehole abandonment, must conform to the standards and guidelines in the latest edition of "Construction of Geotechnical Boreholes and Groundwater Monitoring Systems Handbook" prepared by the Louisiana Department of Environmental Quality and the Louisiana Department of Transportation and Development, dated December 2000 (or subsequent revisions) as required in Condition VI.K~~L~~.

The Permittee must comply with conditions specified in this permit that are designed to ensure that hazardous waste and hazardous waste constituents do not exceed the Practical Quantitation Limits (PQL) as specified in Tables 35 and 37 ~~31 and 33,29 and 30.~~

VI.C.2. The Permittee must utilize and maintain the present ground water monitoring system referenced in Condition VI.C.1 and identified in Table 332~~9~~. In addition, all

monitoring wells must be maintained so that surface infiltration is prohibited and ground water samples are generated that are representative of the monitored zone.

VI.C.3. The Permittee must also conduct field measurements, in quadruplicate, of pH and Specific Conductance (conventional parameters, see Table ~~343028~~) as standard indicators of ground water quality, each time a well is sampled. The results must be interpreted and reported per Condition VI.C.4 of this permit.

VI.C.4. The Permittee must adhere to the Sampling and Analysis Plan outlined below:

VI.C.4.a. All wells, other than piezometers, must be sampled semi-annually and annually, as referenced in Tables ~~35 and 36~~~~31 and 3229 and 30~~ and the samples managed and tested as required under this Condition. The analytical results must be submitted to the administrative authority within 90 days after completion of the groundwater sampling event. Additionally, monitoring results must be compiled in reportable form and maintained on site by the Permittee for review at any time by Departmental personnel, until submitted to the Administrative Authority with the groundwater monitoring report. However, if subsequent contamination to groundwater is discovered, then reporting must be in accordance with Conditions VI.D and VI.H of this permit as applicable. Single samples will be obtained for analysis of the parameters in Tables ~~35 and 36~~~~31 and 3229 and 30~~; only field determinations of pH and specific conductance will be made in quadruplicate.

VI.C.4.b. All monitoring wells and piezometers must be measured for total depth at least once per year. Wells with dedicated pumps which prohibit direct total depth measurement must be measured for total depth biennially (every other year). To accomplish these measurements, it shall be acceptable to use a permanently installed weighted stainless steel cable marked at the bottom depth when first installed. Acceptable subsequent measurements can then be referenced to the original cable mark. Depth to water must be measured on the same day and prior to purging. All measurements (total depth and depth to water) must be to the nearest 0.01 foot, and the values must be recorded in field notes and reproduced and submitted in the Groundwater Annual Report in accordance with LAC 33:V.1529.D. If 10% of the screened interval is blocked by sediments, the well must be redeveloped prior to the next required sampling event.

VI.C.4.c. Purging must be accomplished by removing a minimum of three casing volumes of groundwater from the well at a rate equal to or less than the recharge rate of the aquifer. The well must be sampled immediately upon purging and/or when sufficient water for sampling has recharged the well. Purging and sampling methods must be consistent throughout the life of the facility.

VI.C.4.d. Samples must be withdrawn using dedicated or adequately cleaned equipment for each well. No equipment or method may be used that will chemically or physically alter or influence the sample. Care must be taken to avoid placing clean sampling equipment on the ground or on any contaminated

surface. Sampling methods and equipment must be compatible throughout the active life of the facility.

VI.C.4.e. Sample preservation, handling and containerization must meet the specifications of the Test Methods for Evaluating Solid Waste Physical/Chemical Methods 3rd Ed. (EPA Publication Number SW-846), 1986, as amended) or an equivalent substitute as approved by the Administrative Authority (see Table 343028).

VI.C.4.f. Analytical methods equivalent to SW-846 (or analyses for parameters not listed in SW-846) must be approved by the Administrative Authority prior to implementation.

VI.C.4.g. A chain of custody protocol must be employed that will allow for the tracing of possession and handling of samples from the time of collection through laboratory analysis. All sample containers must be labeled to prevent mis-identification, have proper seals, and indicate the test parameters required.

VI.C.4.h. Up-to-date field logs must be kept at the site which documents for each sample the well identification number, total well depth, water level, water color (visual), well evacuation procedures and equipment, sample withdrawal procedures and equipment, date, time, sample identification numbers, field measurements (pH, specific conductance, etc.) and methods, name of collector, field observations, calculations of the standing water volume in the well, and the total volume evacuated.

VI.D. HAZARDOUS CONSTITUENTS, PARAMETERS, ANALYTICAL FREQUENCY, AND CONCENTRATION LIMITS

VI.D.1. The monitoring wells, hazardous constituents, semi-annual and annual sampling frequency, and PQLs are referenced in Conditions VI.C.1 and Tables 33, 35, and 36 ~~29, 31, and 32 27, 29, and 30~~.

The Permittee shall continue detection monitoring and shall notify the Administrative Authority in accordance with the schedule specified in Condition VI.H, when any laboratory analytical result for a detection monitoring parameter referenced in Tables 35 and 36 ~~31 and 32 29 and 30~~ from groundwater obtained from wells listed in Table 33 ~~27~~ or from any other monitoring wells at the site, exceeds the appropriate PQL referenced in Tables 35 and 36 ~~31 and 32 29 and 30~~ and has been verified by resampling and reanalysis to exceed this PQL at the points of compliance. In the event that compliance monitoring and/or corrective action is required pursuant to this Section, the Permittee shall institute corrective actions in all areas where groundwater has been affected by releases from a regulated unit of hazardous wastes or constituents exceeding the established groundwater protection standards and implement corrective measures in other areas impacted by the regulated units which may be discovered to exceed these limits in the future.

If, at any time, it is determined that any detection monitoring parameter concentration is a result of past or present facility operations or other non-naturally occurring conditions, the Permittee must submit to the Administrative Authority, within ninety (90) days of the determination, a request for a permit modification in accordance with LAC 33:V.321. This modification must include a plan to initiate assessment actions, which will include delineation of the vertical and horizontal extent of the ground water contamination, and will institute or extend corrective actions for impacted zones.

VI.D.2. If the owner or operator determines, pursuant to LAC 33:V.3319.D, that the PQLs under this Condition are being exceeded at any well, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. In making a demonstration under this Condition, the owner or operator must follow the provision established in LAC 33:V.3319.I.

VI.E. POINT OF COMPLIANCE

The points of compliance at which the groundwater protection standard of LAC 33:V.3305.A apply at which monitoring must be conducted are the vertical intervals intercepted by the monitor well screens as identified in Table 33297.

VI.F. COMPLIANCE PERIOD

The compliance period during which the ground water protection standard of LAC 33:V.3305.A applies is the active life of the regulated units, and the thirty (30) years of post-closure monitoring, or as required by the administrative authority, if a unit is not clean closed. The compliance period begins when a compliance monitoring program meeting the requirements of Condition VI.I of this permit is initiated.

If a unit is clean closed then the compliance period is the active life of the unit and the post-closure monitoring as specified by the Administrative Authority. In the event of a release from a regulated unit, the compliance period is the active life of the unit, the duration of the corrective action to remediate the release, and three (3) additional consecutive years after an acceptable clean up level has been achieved. If termination of the corrective action and/or post corrective action monitoring occurs within the thirty (30) year post-closure monitoring period, then the Permittee must revert back to post-closure monitoring as described in this Condition or a monitoring schedule as specified by the administrative authority.

VI.G. GENERAL REQUIREMENTS

VI.G.1. The Permittee's groundwater monitoring system for the hazardous waste management facilities identified in Condition VI.A shall consist of all monitoring wells referenced in Conditions VI.C.1 and Table 33297 of this Condition, unless exempted in the future by the Administrative Authority. In addition, water levels will be measured in piezometers referenced in Table 33297.

VI.G.2. Upgradient wells F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW2BS, MW02BD, G-28, G-29, and G-30 must always yield groundwater samples that are representative of groundwater that has not been affected by possible leakage from the waste management units. Downgradient wells F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11 D01B, F26, F27, F28, F29, F38, F39, F40, D02A, F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, F45, F17, F18, F19, F20, F21, F22, F23, F24, F25, E03, G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35, and G-36 must represent the quality of groundwater beneath the facilities that reach the points of compliance. Downgradient Monitoring Wells for Phase 2 (Modules 5, 6, 7, 8, 9, and 10) of Cell 8 include G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, G-21 (See discussion in Condition VI.C.1). Piezometers M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, and GP08~~, G-10~~ must yield groundwater level data that is representative of the formation in which they are screened.

VI.G.3. The Permittee must maintain the structural and mechanical integrity of all monitoring wells and piezometers and provide protection from accidental damage and surface infiltration as well as implement a monitoring well inspection schedule. A written report on the damage to any well must be submitted to the administrative authority within 90 days of the inspection.

VI.G.4. The Permittee must conform to the sampling and analysis requirements listed in Conditions VI.C.4, herein, and as required by LAC 33:V.3305 and LAC 33:V.3315.A potentiometric map must be prepared and submitted on a semi-annual basis for the 60 Foot/Channel Sand. Additionally a map of groundwater levels, showing gradient direction(s) for the Lower Pervious Zone shall also be prepared and submitted on a semi-annual basis.

VI.G.5. The Permittee must use the statistical procedure outlined in Condition VI.H of this permit, and in accordance with LAC 33:V.3315.H.3 and I.4.

VI.G.6. The Permittee must also graphically represent the values of pH and specific conductance (i.e., conventional parameters, see Table 343038) and any parameters as applicable for each sampling episode. The graphic interpretations of data must be submitted with the analytical results in the annual report and should be utilized in evaluating facility impact on groundwater.

VI.G.7. Records of all sampling and analytical work must be maintained at the site during the life of the facilities, including post-closure care periods.

VI.G.8. The Permittee shall submit Semi-Annual Groundwater Reports by September 1st and March 1st of each year. The reports shall include the following: 1) a table showing well number, well depth. Interval screened, zone monitored, well diameter, screen and casing material (and the type pump, if applicable) for all wells; 2) a facility map showing all wells (e.g., up gradient, point of compliance, etc.) and identifying zones in which

wells are screened; 3) a scaled potentiometric surface showing well locations, groundwater elevations with respect to mean sea level for each monitored zone; 4) a summary of all analytical data, including QA/QC; 5) a statistical method (PQL's or Shewart-CUSUM control chart limits) shall be used in evaluating data for each hazardous constituent, as approved by the Administrative Authority; 6) for those hazardous constituents that have been detected as defined in LAC 33:V.3303.A.1 at the point of compliance as a result of a release from the regulated unit, a graphical representation of data pursuant to the statistical method employed for those constituents (The graphical representation must include: contaminant concentration isopleth maps and contaminant concentration versus time graphs, as applicable); 7) a discussion of any significant changes in the data from the last reporting period; 8) a discussion of the down time for any well or part of the system and actions taken to return the system to normal operations and maximum efficiency; and 9) evaluation of the effectiveness and progress of any corrective action associated with the permitted unit, if applicable.

An annual groundwater report must be submitted each year no later than March 1, as required by LAC 33:V.1529.D. This report shall include the requirements of the September 1st submittal and shall also summarize all groundwater activities for the preceding calendar year including an evaluation of the monitoring strategy in relation to the direction of groundwater flow and locations of wells associated with the regulated facilities. Applicable calculations must also include groundwater flow contaminant migration rates (as applicable), statistical comparisons, and any other information as required by this permit.

VI.H. DETECTION MONITORING PROGRAM

VI.H.1. All Monitoring wells listed in Conditions VI.C.1 and Table 33~~27~~ must be sampled for the parameters listed in Tables 35 and 36~~31 and 32~~~~29 and 30~~ on a semi-annual and annual basis.

VI.H.2. For Detection Monitoring at existing monitoring wells as listed in Conditions VI.C.1 and Table 33~~27~~, the Permittee must utilize the groundwater detection monitoring system described in Condition VI.G to obtain samples that provide a reliable indication of the statistically significant presence of indicator parameters in groundwater, utilizing PQLs as set forth in Tables 35 and 36~~, 31 and 32, 29 and 30~~. As part of the statistical evaluation, verification resampling at wells that yield an initial test result greater than the PQL (or Shewart-CUSUM control chart limit for monitoring wells F13, F14, and F15), shall be done within 30 days after the sampling event. A statistically significant presence or change of an indicator parameter will only be declared if the verification resample also yields a result greater than the PQL in Tables 35 and 36~~31 and 32~~~~29 and 30~~ or the Shewart-CUSUM control chart limit shown on Table 35~~29~~.

For Detection Monitoring at required monitoring wells associated with areas after completion of waste placement in Phase I and II modules of Cell No. 8, the Permittee must utilize the groundwater detection monitoring system described in Condition VI.G to obtain samples that provide a reliable indication of the statistically significant presence of

naturally occurring indicator parameters in groundwater. Statistical methods shall include prediction limits, Shewart-CUSUM control chart limits, or tolerance intervals, by order of preference, based upon the distribution of background concentrations or the presence of non-naturally occurring parameters at or above the PQLs listed in Tables 35 and 36 31 and 32, 29 and 30. As part of the statistical evaluation, verification resampling at wells that yield initial results greater than the chosen statistical limit and/or PQL shall be done as soon as practical after reporting this initial result. A statistically significant presence of a naturally occurring parameter or a detection of a non-naturally occurring parameter above the parameter's PQL will only be declared if the verification resample also yields a result greater than the chosen statistical limit for a naturally occurring parameter or the PQL listed in Tables 35 and 36 31 and 32 29 and 30 for a non-naturally occurring parameter.

VI.H.3. The system as described in Condition VI.C shall be sampled in accordance with the schedule in Condition VI.H.1 (semi-annually and annual). Background values for indicator parameters and PQL's for the existing monitoring well network have already been established, as shown in Tables 35 and 36 31 and 3229 and 30. For the natural occurrence of arsenic at wells F13, F14, and F15, Shewart-CUSUM control chart limits have been computed. Background values and PQLs for indicator parameters and other hazardous constituents will be updated with additional data to provide temporal variation. Parameters selected for analysis under the Detection Monitoring Program are presented in Tables 35 and 3631 and 3229 and 30 of this permit with associated PQLs.

Within 90 days of the sampling event, the Permittee shall submit a report to the Administrative Authority containing test results, the statistical comparative data, and the groundwater potentiometric maps for the sampling event. Copies of the field logs and chain of custody, and a list of the parameters that were statistically significant above background concentrations for naturally occurring parameters or at or above the PQLs listed in Tables 35 and 36 31 and 3229 and 30 for non-naturally occurring parameters must be forwarded for review by the Administrative Authority.

VI.H.4. The sampling and analysis program outlined in Condition VI.C.4 must be utilized for groundwater sampling.

VI.H.5. If the Permittee determines that there are statistically significant changes in naturally occurring indicator parameters in Tables 35 and 3631 and 3229 and 30 or concentrations of non-naturally occurring in parameters listed Tables 35 and 3631 and 3229 and 30 as specified by the semi-annual and annual sampling schedule listed in Condition VI.H.1 at any monitoring well listed in Table 33297 and VI.C of this permit, the Permittee must notify the Administrative Authority of this finding in writing within seven (7) days indicating which parameters exhibit statistically significant change. The Permittee must also, within 30 days after the sampling event, sample the groundwater in all monitoring wells associated with the regulated unit listed in Table 33297, of this permit and determine whether constituents listed in LAC 33:V.3325.Table 4 are statistically present, and if so, in what concentrations.

For any LAC 33:V.3325.Table 4 compounds statistically present, at levels equal to or above PQL's, in the analysis, the owner or operator may resample within thirty (30) days and repeat the analysis for those compounds statistically present. If the results of the second analysis confirm the initial results, then those constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds detected, the hazardous constituents detected during this initial LAC 33:V.3325.Table 4 analysis will become the compliance monitoring parameters.

VI.H.6. If the results of resampling do not confirm that an impact on groundwater has occurred, a report on this conclusion shall be submitted to the Administrative Authority and detection monitoring will continue before the next sampling event.

VI.H.7. If the results of resampling confirm the statistical presence of LAC 33:V.3325.Table 4 compounds from the initial sampling, the Permittee must also, within 90 days, submit to the Administrative Authority an application for a permit modification to establish a compliance monitoring program meeting the requirements of LAC 33:V.3319. The application must include the following information:

VI.H.7.a. an identification of the concentration of any LAC 33:V.3325.Table 4 constituent statistically detected in the groundwater at each monitoring well at the compliance point;

VI.H.7.b. any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements at each well at the compliance point;

VI.H.7.c. any proposed changes to the groundwater monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of LAC 33:V.3319;

VI.H.7.d. for each hazardous constituent statistically present, after verification resampling at monitoring wells listed in Table 33297, where physically present, a proposed concentration limit under LAC 33: V.3309.A.3.a or b, or a notice of intent to seek an alternate concentration limit under LAC 33.V.3309.B.

Within 180 days, the Permittee must submit to the Administrative Authority:

VI.H.7.e. all data necessary to justify an alternate concentration limit sought under LAC 33:V.3309.B; and

VI.H.7.f. an engineering feasibility plan for a corrective action program necessary to meet the requirement of LAC 33:V.3321, unless

VI.H.7.f.i. all hazardous constituents identified under LAC 33:V.3317.G.2 are listed in Table 1 of LAC 33:V.3309, and their concentrations do not exceed the respective values given in that table; or

VI.H.7.f.ii. the Permittee has sought an alternative concentration limit under LAC 33:V.3309.B for every hazardous constituent identified under LAC 33:V.3317.G.2.

VI.H.8. If the Permittee determines, pursuant to LAC 33:V.3317.F, that there is a statistically significant difference (above the listed PQL or Shewart-CUSUM control chart limit) after verification resampling for the existing monitor well network; above the chosen statistical limit after verification resampling for wells associated with existing and future modules for Cell 8, for chemical parameters or hazardous constituents specified pursuant to LAC 33:V.3317.A at any monitoring well listed in Table 33297, of this permit, where physically present, he or she may demonstrate that a source other than a regulated unit caused the statistical presence or that the statistical presence is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. The Permittee may make a demonstration under this Paragraph in addition to, or in lieu of, submitting a permit modification application under LAC 33:V.3317.G.4; however, the Permittee is not relieved of the requirement to submit a permit modification application within the time specified in LAC 33:V.3317.G.4 unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this Paragraph, the Permittee must:

VI.H.8.a. notify the administrative authority in writing within seven (7) days of determining statistically significant evidence of contamination at the well(s) shown on Table 33297 of this permit that he or she intends to make a demonstration under this Paragraph;

VI.H.8.b. within 90 days, submit a report to the administrative authority that demonstrates that a source other than a regulated unit caused the contamination or that the concentration resulted from error in sampling, analysis, or evaluation;

VI.H.8.c. within 90 days, submit to the administrative authority for a permit modification to make any appropriate changes to the detection monitoring program for the facility; and

VI.H.8.d. continue to monitor in accordance with the detection monitoring program established in Condition VI.H.

VI.I. COMPLIANCE MONITORING

If the Permittee is required to establish a compliance monitoring program under this Condition VI.I and LAC 33:V.3303, the Permittee, at a minimum, must follow the regulations in LAC 33:V.3319.

VI.J. CORRECTIVE ACTION PROGRAM

If the Permittee is required to establish a corrective action program under this section and LAC 33:V.3303, the Permittee, at a minimum, must follow the regulations in LAC 33:V.3321.

VI.K. CONSTRUCTION AND ABANDONMENT OF MONITORING WELLS AND GEOTECHNICAL BOREHOLES{tc "**VI.K. CONSTRUCTION AND ABANDONMENT OF MONITORING WELLS AND GEOTECHNICAL BOREHOLES**" \f C \l 2}

The construction and abandonment of groundwater monitoring wells must conform to the standards and guidelines specified in **"CONSTRUCTION OF GEOTECHNICAL BOREHOLES AND GROUNDWATER MONITORING SYSTEMS HANDBOOK"**, latest edition. This document is printed by and available from the Louisiana Department of Transportation and Development (DOTD), Water Resources Section, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245. The document is also available online at http://dnr.louisiana.gov/assets/OC/env_liv/gw_res/200010_GREENBOOK.pdf~~http://www.dotd.state.la.us/intermodal/wells/wellhandbook.com~~.

A work plan for the construction of a new well must be submitted to the Administrative Authority for approval as the entire groundwater monitoring system must be approved. Any required new well should be installed within thirty (30) days of approval of the work plan by the Administrative Authority. Upon completion of new or replacement well, a copy of DOTD-GW-1 S, DOTD Well Registration Short Form, is to be provided to the Administrative Authority.

The Permittee must provide for the sealing of any vertical migration path resulting from exploratory boring, leachate collection or detection systems and/or groundwater monitoring programs as provided in LAC 33:V.3323. A work plan for the plugging and abandonment of a well must be submitted for approval by the Administrative Authority, whenever such migration pathways are discovered. Upon completion of well abandonment, a copy of DOTD-GW-2, DOTD Well Plugging and Abandonment Form, is to be provided to the Administrative Authority.

TABLE 3327
MONITORING WELL SYSTEM

Upgradient Monitoring Wells (Cells 5,6, 7, and 14) F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW02BS, MW02BD Upgradient Monitoring Wells (Cell 8) G-28, G-29, G-30 (See discussion in Condition VI.C.1)
Downgradient Monitoring Wells for Cell 5 F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11, D01B
Downgradient Monitoring Wells for Cell 14 F26, F27, F28, F29, F38, F39, F40, D02A
Downgradient Monitoring Wells for Cell 6 F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, F45
Downgradient Monitoring Wells for Cell 7 F17, F18, F19, F20, F21, F22, F23, F24, F25, E03
Downgradient Monitoring Wells for Phase 1 (Modules 1, 2, 3, and 4) of Cell 8 G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35, G-36
Downgradient Monitoring Wells for Phase 2 (Modules 5, 6, 7, 8, 9, and 10) of Cell 8 G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, G-21 (See discussion in Condition VI.C.1)
Piezometers M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, GP08, ~~G-10*~~ ~~*G-10 is a piezometer for Phase 1 (Modules 1, 2, 3, and 4) of Cell 8 and will be converted into a monitoring well for Phase 2 (prior to placement of waste in Module 5) of Cell 8~~

TABLE 3428
PARAMETERS, CONTAINERS, AND PRESERVATION

Parameter	Container Type	Preservation Method
Volatile Organic Compounds	Glass Zero headspace	Cool to 4 degrees C

Semi-Volatile Organic Compounds	Glass Minimal headspace	Cool to 4 degrees C
Dissolved Metals	Plastic	HNO_3 to pH < 2.0
Conventional Parameters	Glass or Plastic	Cool to 4 degrees C

TABLE 3539
MONITOR WELL DETECTION MONITORING PARAMETERS AND PRACTICAL QUANTITATION LIMITS (PQLS)
(Semi-Annual Sampling Schedule)

Volatile Organic Compound	PQL µg/l	Analytical Method*
Chloromethane	10	8260B
Bromomethane	10	8260B
Vinyl Chloride	2	8260B
Chloroethane	10	8260B
1,1-Dichloroethene	5	8260B
1,1-Dichloroethane	5	8260B
trans-1,2-Dichloroethene	~~10~~ 7	8260B
Chloroform	5	8260B
1,2-Dichloroethane	5	8260B
1,1,1-Trichloroethane	5	8260B
Carbon Tetrachloride	5	8260B
Bromodichloromethane	5	8260B
1,1,2,2-Tetrachloroethane	5	8260B
1,2-Dichloropropane	5	8260B
trans-1,3-Dichloropropene	5	8260B
Trichloroethene	5	8260B
Dibromochloromethane	5	8260B
1,1,2-Trichloroethane	5	8260B
Benzene	5	8260B
cis-1,3-Dichloropropene	5	8260B
Bromoform	5	8260B
Tetrachloroethene	5	8260B
Toluene	5	8260B
Chlorobenzene	5	8260B
Ethyl Benzene	5	8260B
Trichlorofluoromethane	10	8260B
Methylene Chloride	5	8260B
Acetone	20	8260B
2-Butanone (MEK)	5	8260B
Carbon disulfide	5	8260B
4-Methyl-2-pentanone	5	8260B
Ethyl ether	5	8260B
Xylenes (total)	10	8260B

Dissolved Metal		
Arsenic	10**	200.7
Chromium	20	200.7
Cadmium	10	200.7
Lead	10	200.7
Selenium	~~50~~20	200.7

* Methods may be replaced with equivalent methods that meet the appropriate performance standards

**PQL of 10 µg/l for monitor wells other than F13, F14, and F15. Limits for these wells follow:
F13: Shewart-CUSUM Control Chart Limit = 18.4 µg/l
F14: Shewart-CUSUM Control Chart Limit = 36.1 µg/l
F15: Shewart-CUSUM Control Chart Limit = 18.4 µg/l

TABLE 3~~6~~8
MONITOR WELL DETECTION MONITORING PARAMETERS AND PRACTICAL QUANTITATION LIMITS (PQLS)
(Annual Sampling Schedule)

Semi-Volatile Organic Compound	PQL µg/l	Analytical Method*
Phenol	10	8270C
bis(2-chloroethyl)ether	10	8270C
2-Chlorophenol	10	8270C
1,3-Dichlorobenzene	10	8270C
1,4-Dichlorobenzene	10	8270C
Benzyl Alcohol	20	8270C
1,2-Dichlorobenzene	10	8270C
2-Methylphenol	10	8270C
bis(2chloroisopropyl)ether	10	8270C
4-Methylphenol	10	8270C
N-Nitroso-Dipropylamine	10	8270C
Hexachloroethane	10	8270C
Nitrobenzene	10	8270C
Isophorone	10	8270C
2-Nitrophenol	10	8270C
2,4-Dimethylphenol	10	8270C
Benzoic acid	50	8270C
bis(2-chloroethoxy)methane	10	8270C
2,4-Dichlorophenol	10	8270C
1,2,4-Trichlorobenzene	10	8270C
Naphthalene	10	8270C
4-Chloroaniline	20	8270C
Hexachlorobutadiene	10	8270C
4-Chloro-3-methylphenol (para-chloro-meta-cresol)	10	8270C
m-cresol (3-Methylphenol)	20	8270C
2-Methylnaphthalene	10	8270C
Hexachlorocyclopentadiene	10	8270C
2,4,6-Trichlorophenol	10	8270C
2,4,5-Trichlorophenol	10	8270C
2-Chloronaphthalene	10	8270C
2-Nitroaniline	50	8270C
Dimethyl Phthalate	10	8270C

Acenaphthylene	10	8270C
3-Nitroaniline	50	8270C
Acenaphthene	10	8270C
2,4-Dinitrophenol	50	8270C
4-Nitrophenol	50	8270C
2,4-Dinitrotoluene	10	8270C
2,6-Dinitrotoluene	10	8270C
4-Chlorophenyl Phenyl Ether	10	8270C
Fluorene	10	8270C
4-Nitroaniline	50	8270C
4,6-Dinitro-2-methylphenol	50	8270C
N-nitrosodiphenylamine	10	8270C
4-Bromophenyl Phenyl Ether	10	8270C
~~HexachlorobenzeneHexachlorobenzene~~	10	8270C
Pentachlorophenol	50	8270C
Phenanthrene	10	8270C
Anthracene	10	8270C
Fluoranthene	10	8270C
Pyrene	10	8270C
3,3'-Dichlorobenzidine	20	8270C
Benzo(a)anthracene	10	8270C
Chrysene	10	8270C
Benzo(b)fluoranthene	10	8270C
Benzo(k)fluoranthene	10	8270C
Benzo(a)pyrene	10	8270C
Ideno(1,2,3-cd)pyrene	10	8270C
Dibenz(a,h)anthracene	10	8270C
Benzo(g,h,i)perylene	10	8270C
Aniline	10	8270C
Beta-BHC	0.05	8081
Gamma-BHC (Lindane)	0.05	8081
4-4'-DDE	0.05	8081
2,4-D	4	8151
2,4,5-T	1	8151
Other Parameter		
Cyanide (total)	40	335.3
Mercury (dissolved)	2	245.1

* Methods may be replaced with equivalent methods that meet the appropriate performance standards

VII. GENERAL CONDITIONS PURSUANT TO THE HAZARDOUS AND SOLID WASTE AMENDMENTS

VII.A. STANDARD CONDITIONS{tc \l1 "B. STANDARD CONDITIONS}

VII.A.1. Waste Minimization{tc \l2 "1. Waste Minimization}

Annually, by March 1, for the previous year ending December 31, the Permittee shall enter into the operating record as required by LAC 33:V.1529.B.19, a statement certified according to LAC 33:V.513.A specifying that the Permittee has a program in place to reduce the volume and toxicity of hazardous wastes generated by the facility's operation to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or practicable disposal method that is currently available to the Permittee which minimizes the present and future threat to human health and the environment. A current description of the program shall be maintained in the operating record and a copy of the annual certified statement shall be submitted to the Administrative Authority. The following criteria should be considered for the program:

VII.A.1.a. Any written policy or statement that outlines goals, objectives, and/or methods for source reduction and recycling of hazardous waste at the facility;

VII.A.1.b. Any employee training or incentive programs designed to identify and implement source reduction and recycling opportunities;

VII.A.1.c. An itemized list of the dollar amounts of capital expenditures (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste;

VII.A.1.d. Factors that have prevented implementation of source reduction and/or recycling;

VII.A.1.e. Sources of information on source reduction and/or recycling received at the facility (e.g., local government, trade associations, suppliers, etc.);

VII.A.1.f. An investigation of additional waste minimization efforts that could be implemented at the facility. This investigation would analyze the potential for reducing the quantity and toxicity of each waste stream through production reformulation, recycling, and all other appropriate means. The analysis would include an assessment of the technical feasibility, cost, and potential waste reduction for each option;

VII.A.1.g. A flow chart or matrix detailing all hazardous wastes the facility produces by quantity, type, and building/area;

VII.A.1.h. A demonstration of the need to use those processes that produce a particular hazardous waste due to a lack of alternative processes or available technology that would produce less hazardous waste;

VII.A.1.i. A description of the waste minimization methodology employed for each related process at the facility. The description should show whether source reduction or recycling is being employed;

VII.A.1.j. A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years; and

VII.A.1.k. The Permittee may meet the requirements for waste minimization by developing an Environmental Management System according to the EPA document, Integrated Environmental Management System Implementation Guide, EPA 744-R-00-011, October 2000, found on https://www.epa.gov/sites/production/files/2013-12/documents/ioms_implementation_guide_full.pdf. ~~www.epa.gov/opptintr/dfe/pub/ioms/ioms-guide/index.htm.~~

VII.A.2. Dust Suppression{tc \l2 "2. Dust Suppression}

Pursuant to LAC 33:V.4139.B.4, and the Toxic Substances Control Act, the Permittee shall not use waste or used oil or any other material which is contaminated with dioxin, polychlorinated biphenyls (PCBs), or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment.

VII.A.3. Failure to Disclose{tc \l2 "3. Permit Modification}

The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts at any time may be cause for termination or modification of this Permit in accordance with LAC 33:323.B.2 and 3.

VII.A.4. Suspension, Modification, or Revocation and Reissuance, and Termination of Permit

This Permit may be modified, revoked and reissued, or terminated for cause as specified in LAC 33:V.323. The filing of a request by the Permittee for a permit modification, revocation and reissuance, 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.

VII.A.4.a. If the Administrative Authority tentatively decides to modify or revoke and reissue a permit under LAC 33:V.321.C. or 323, a draft permit shall be prepared incorporating the proposed changes. The Administrative Authority may request additional information and, in the case of a modified permit, may require the submission of an updated permit application.

VII.A.4.b. The Permittee may initiate permit modification proceedings under LAC 33:V.321.C. All applicable requirements and procedures as specified in LAC 33:V.321.C shall be followed.

VII.A.4.c. Modifications of this Permit do not constitute a reissuance of the Permit.

VII.A.5. Permit Review
{tc \l2 "4. Permit Review}
This Permit may be reviewed by the Administrative Authority five years after the date of permit issuance and may be modified as necessary as provided for in LAC 33:V.315 and LAC 33:V.323. Nothing in this section shall preclude the Administrative Authority from reviewing and modifying the Permit at any time during its term.

VII.A.6. Compliance with Permit{tc \l2 "5. Compliance with Permit}

Compliance with a RCRA permit during its term constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which:

VII.A.6.a. Become effective by statute;

VII.A.6.b. Are promulgated under LAC 33:V.Chapter 22 restricting the placement of hazardous wastes in or on the land; or

VII.A.6.c. Are promulgated under LAC 33:V.Chapters 23, 25 and 29 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, construction quality assurance (CQA) programs, monitoring action leakage rates, and response action plans, and will be implemented through the procedures of LAC 33:V.321.C Class 1 permit modifications.

VII.A.7. Specific Waste Ban{tc \l2 "6. Specific Waste Ban}

VII.A.7.a. The Permittee shall not place in any land disposal unit the wastes specified in LAC 33:V. Chapter 22 after the effective date of the prohibition unless the Administrative Authority has established disposal or treatment standards for the hazardous waste and the Permittee meets such standards and other applicable conditions of this Permit.

VII.A.7.b. The Permittee may store wastes restricted under LAC 33:V.Chapter 22 solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal provided that it meets the requirements of LAC 33:V.2205 including, but not limited to, clearly marking each tank or container.

VII.A.7.c. The Permittee is required to comply with all applicable requirements of LAC 33:V.2245 as amended. Changes to the Waste Analysis Plan will be considered permit modifications at the request of the Permittee, pursuant to LAC 33:V.321.C.

VII.A.7.d. The Permittee shall review the waste analysis plan and analyze the waste when a process changes in order to determine whether the waste meets applicable treatment standards. Results shall be maintained in the operating record pursuant to Section III.C.1 and 2.

VII.A.8. Information Submittal for the Corrective Action Strategy{tc \l2 "7. Information Submittal}

Failure to comply with any condition of the Permit, including information submittal, constitutes a violation of the Permit and is grounds for enforcement action, permit amendment, termination, revocation, suspension, or denial of permit renewal application. Falsification of any submitted information is grounds for termination of this Permit (LAC 33:V.323.B.3).

The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Administrative Authority required by this Permit using the Corrective Action Strategy are signed and certified in accordance with LAC 33:V.Chapter 5, Subchapter B. A summary of the planned reporting requirements pursuant to the corrective action requirements of this Permit is found in Table 1 after section VIII. Five (5) copies each of these plans, reports, notifications or other submissions and one (1) electronic copy (3.5" IBM compatible disk or CD-ROM) of all portions thereof which are in word processing format shall be submitted to the Administrative Authority by Certified Mail or hand delivered to:

Louisiana Department of Environmental Quality
Office of Environmental Services
Remediation Services Division
P.O. Box 4313
Baton Rouge, LA 70821-4313

All plans and reports required under the corrective action strategy must follow the guidelines for formatting and content found in the RECAP document to the extent practicable. Further guidance on formatting and content may be provided by the Administrative Authority, as deemed necessary.

VII.A.9. Plans and Schedules Incorporation into Permit{tc \l2 "8. Plans and Schedules Incorporation Into Permit}

All plans and schedules required by this Permit are, upon approval by the Administrative Authority, incorporated into this Permit by reference and become an enforceable part of this Permit. When applicable, the Permittee must modify the permit according to LAC 33:V. Chapter 3. Since required items are essential elements of this Permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action under Section 3008 of RCRA which may include fines, suspension, or revocation of the Permit. Also, where applicable the Permittee must meet all the permit modification requirements of LAC 33:V.321, 322 and 323.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this Permit. Written requests for extensions of due dates for submittals may be granted by the Administrative Authority in accordance with LAC 33:I.1505.E.

If the Administrative Authority determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Administrative Authority may modify this Permit according to procedures in LAC 33:V.321.

VII.A.10. Data Retention{tc \l2 "9. Data Retention}

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Permit shall be maintained at the facility during the term of this Permit, including any reissued Permits.

VII.A.11. Management of Wastes{tc \l2 "10. Management of Wastes}

All solid wastes which are managed pursuant to a remedial measure taken under the corrective action process or as an interim measure addressing a release or the threat of a release from a solid waste management unit shall be managed in a manner protective of human health and the environment and in compliance with all applicable Federal, State and local requirements. As a response to the Louisiana legislature mandate La. R.S. 30:2272 (Act 1092 of the 1995 Regular Session) to develop minimum remediation standards, the LDEQ promulgated the Risk Evaluation Corrective Action Program (RECAP). RECAP's tiered approach to risk evaluation and corrective action establishes not only across the board numerical standards for most media, but also allows for the development of more site-specific numerical standards, as warranted. The Permittee is

required to comply with all applicable requirements of RECAP. Approval of units for managing wastes and conditions for operating the units shall be granted through the permitting process. Previously approved remedial measures and/or corrective action activities only apply when warranted by new information and/or data that was not available to the Administrative Authority at the time of submission and approval of the measures and/or activities relevant to the previously approved remedial measures and/or corrective action activities.

VII.B.{tc \l1 "G.} AA-BB AIR REGULATIONS

See Condition V.HF. Air Emission Standards.

VII.C. SPECIFIC CONDITION - CLOSURE{tc \l1 "C. SPECIFIC CONDITION - CLOSURE}

Pursuant to Section 3005(j)(1) of the Hazardous and Solid Waste Amendments of 1984, the Permittee shall close any closing units in accordance with the following provisions:

VII.C.1. Other than consolidation of any wastes from the sites in conformance with LAC 33:V.Chapter 22, Land Disposal Restrictions, the Permittee shall not place waste prohibited by LAC 33:V.Chapter 22 into any closing units;

VII.C.2. The Permittee shall perform unit closures in accordance with the Closure Plan(s) as approved at the time of closure, and which meet(s) all relevant State and Federal closure requirements at the time of closure; and

VII.C.3. The Permittee shall notify the Administrative Authority in writing at least sixty (60) days prior to commencement of closure.

VIII. SPECIAL CONDITIONS PURSUANT TO HAZARDOUS AND SOLID WASTE AMENDMENTS—CORRECTIVE ACTION STRATEGY

Corrective Action for Releases{tc \l2 "1. Corrective Action for Releases}: Section 3004(u) of RCRA, as amended by the Hazardous and Solid Waste Amendments (HSWA), and LAC 33:V.3322 require that permits issued after November 8, 1984, address corrective action for releases of hazardous waste or hazardous constituents from any solid waste management unit at the facility, regardless of when the waste was placed in the unit.

EPA's traditional RCRA corrective action approach is structured around several elements common to most activities. In the first phase, RCRA facility assessment (RFA), EPA or the authorized state assesses the facility to identify releases and determine the need for corrective action. In the second phase, RCRA facility investigation (RFI), the facility conducts a more detailed investigation to determine the nature and extent of contaminants released to ground water, surface water, air, and soil. If remedial action is needed, a third phase, corrective measures study (CMS), is started. During this phase, the facility conducts a study, which when completed, describes the advantages, disadvantages, and costs of various cleanup options. After selection of a final remedy, the fourth phase, corrective measures implementation (CMI), is initiated. The facility is required to design, construct, operate, maintain, and monitor the final remedy(s).

The Corrective Action Strategy (CAS) is an alternate corrective action approach that can be implemented during any phase of corrective action for a release area. The Permittee shall use the CAS approach as the framework for corrective action to clarify, facilitate and expedite the process, and shall use the **Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP)** for screening and media-specific cleanup standards. EPA has interpreted the term "release" to mean, "any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment." (50 FR 2873, July 15, 1985). The CAS refers to "release areas" as solid waste management units (SWMUs) and areas of concern (AOCs) while the RECAP refers to release areas as areas of investigation (AOIs). SWMUs and AOCs may also be referred to as "AOIs" when investigated and managed under the RECAP.

VIII.A. ALTERNATE CORRECTIVE ACTION

VIII.A.1. This Permit will utilize the CAS Guidance Document (https://www.epa.gov/sites/production/files/2015-09/documents/r6-cas2015.pdf(http://www.epa.gov/earth1r6/6pd/rcra_c/pd-c/riskman.htm) developed by the U.S. Environmental Protection Agency (EPA) Region 6 whenever the Administrative Authority determines that it will serve to facilitate the corrective action. The CAS Guidance Document shall be utilized to the fullest extent practicable for planning and implementation of the corrective action. The CAS in this Permit shall not supersede existing Federal, State, and local regulations. The two primary objectives are to prioritize corrective action at the facility, and streamline corrective action administrative procedures, resulting in the protection of human health and the environment.

The CAS is a performance-based approach; using data quality objectives, investigations begin with the endpoint in mind. The CAS is a risk management strategy that can be implemented during any phase of corrective action. However, the CAS need not be applied to work that has already been completed to the satisfaction of the Administrative Authority. Performance standards are established at the beginning of the corrective action process, allowing earlier and more focused implementation. Releases are screened using RECAP screening numbers to determine the priority of corrective action, and remedial alternatives are selected on the basis of their ability to achieve and maintain the established performance standards.

There is no one specific path through the CAS process. The CAS is a facility-wide approach, focusing corrective action on releases that pose the greatest risk first. Screening releases will also enable some areas of interest to qualify for no further action at this time (Condition VIII.A.3.a.), thus resources can be used to best benefit the protection of human health and the environment. The CAS process also considers activities previously conducted under the traditional corrective action process. Appendix 1 of this permit contains a summary of corrective action activities completed to date and also describes where the Permittee is in the CAS process at the time of issuance of this permit. The applicability of various provisions of the CAS will depend on where the Permittee is in the CAS process as detailed in Appendix 1.

The traditional RCRA corrective action process and reports (i.e., RFIs, CMSs, CMIs, etc.) are not elements of the CAS. However, the use of information and reports from the traditional corrective action process, if available, is encouraged, in addition to new site-specific information.

The Administrative Authority, through an agency-initiated permit modification, may remove the CAS as the means of facility-wide corrective action in the case of the failure of the Permittee to disclose information, abide by the terms and conditions of this permit, adhere to agreed schedules, or show adequate progress; or should an impasse occur between the Permittee and the Administrative Authority. The Administrative Authority will institute other means of corrective action (such as traditional corrective action) at the facility through modification of this permit.

VIII.A.2. Performance Standards

Expectations for the outcome of corrective action at a facility are established in the CAS by three performance standards as defined in Conditions VIII.A.2.a through c. The Permittee's proposed performance standards shall be presented during the scoping meeting. The Permittee must justify the proposed performance standards through evaluation and documentation of land use, ground water designation (current and reasonably expected future use), types of receptors present, exposure pathways, etc.; as described in RECAP, Chapter 2. Through the application of the performance standards and RECAP, the Permittee and Administrative Authority shall determine whether a release must be addressed through corrective action, and whether implemented corrective

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actions are protective of human health and the environment.

The Permittee shall submit the performance standards in writing along with the Conceptual Site Model (Condition VIII.D) within one-hundred and twenty (120) days after the scoping meeting. The Administrative Authority may either approve the performance standards proposed by the Permittee or establish performance standards that the Administrative Authority deems necessary to protect human health and the environment.

The three CAS performance standards are defined below. The order in which the performance standards are listed does not indicate that one performance standard takes priority over another. All applicable performance standards must be achieved by the Permittee.

VIII.A.2.a. Source Control Performance Standard

Source control refers to the control of materials that include or contain hazardous wastes or hazardous constituents that act as a reservoir for migration of contamination to soil, sediment, ground water, surface water, or air, or as a source for direct exposure.

The facility must determine if source material is present. Removal, containment, treatment, or a combination of the three, must be evaluated on a case-by-case basis. Controlling source material is a predominating issue in the CAS, and must be addressed to ensure protectiveness over time. Prioritization of the SWMUs and AOCs does not mean avoidance of controlling source materials.

VIII.A.2.b. Statutory and Regulatory Performance Standard

Applicable statutory and regulatory requirements (Federal, State, and local) must be identified. These requirements may dictate media-specific contaminant levels (e.g., maximum contaminant levels (MCLs) in drinking water) that must be achieved and may become a performance standard for the Permittee.

VIII.A.2.c. Final Risk Goal Performance Standard

The final risk goal is the level of protection to be achieved and maintained by the Permittee. The final risk goal shall be based on site-specific issues including land use, special subpopulations, contaminant concentrations based on acceptable risk, location at which the levels are measured, and the remediation time frame, as specified by RECAP.

One final risk goal may apply to the entire facility, but it is more likely that different releases will require different final risk goals due to variations in location of releases, land use, proximity of receptors, etc. The final risk goal will be based on sound risk assessment methodologies (Condition VIII.A.3).

VIII.A.3. Use of RECAP

The latest edition of the RECAP document shall be used by the Permittee to determine the need for further corrective actions under this permit. The RECAP consists of a tiered framework comprised of a Screening Option (SO), and three Management Options (MO). The tiered management options allow site evaluation and corrective action efforts to be tailored to site conditions and risks. As the MO level increases, the approach becomes more site-specific and hence, the level of effort required to meet the objectives of the Option increases.

The RECAP shall be used by the Permittee to evaluate data quality and data usability (RECAP Section 2.4 and 2.5), to determine the identity of an AOI as described in RECAP Section 2.6, and for estimations of Area of Investigation Concentrations and Groundwater Compliance Concentrations for each media as defined in RECAP Section 2.8.

The RECAP shall be used by the Permittee to evaluate land use as described in RECAP Section 2.9, and groundwater/aquifer use as described in RECAP Section 2.10.

The RECAP shall be used by the Permittee to prioritize AOCs, SWMUs, and AOIs that require remediation so site investigations are focused on the release areas that pose the greatest risk. As the CSM is compiled, the Permittee shall assess historical data (RECAP Section 2.5) and use the following management options, as appropriate, to address each release site.

VIII.A.3.a. Use of the Screening Option - The Permittee shall use the Screening Standards (SS) which are LDEQ-derived screening numbers for soil and groundwater for non-industrial and industrial land use scenarios. The SS shall be used to demonstrate that an AOI does not pose a threat to human health and the environment and, hence does not require further action at this time (NFA-ATT) or that further evaluation is warranted under a higher Management Option.

VIII.A.3.b. **Use of Management Option 1** – The Permittee shall use Management Option 1 (MO-1) which provides a RECAP standard (RS) derived for non-industrial and industrial exposure scenarios using currently recommended default exposure parameters and toxicity values. Under MO-1, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-1 limiting RS, then the Permittee may; (1) remediate to the MO-1 limiting RS (and comply with closure/post closure requirements for MO-1), or (2) proceed with a MO-2 or MO-3 evaluation.

VIII.A.3.c. **Use of Management Option 2** – The Permittee shall use Management Option 2 (MO-2) which provides for the development of soil and groundwater RS using site-specific data with specified analytical models to evaluate constituent fate and transport at the AOI. The results of this evaluation

shall be used in conjunction with standard reasonable maximum exposure (RME) assumptions to identify site-specific MO-2 RS. Under MO-2, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-2 limiting RS, then the Permittee may; (1) remediate to the MO-2 limiting RS (and comply with closure/post closure requirements for MO-2), or (2) proceed with a MO-3 evaluation.

VIII.A.3.d. **Use of Management Option 3** – The Permittee shall use Management Option 3 (MO-3) which provides the option of using site-specific data for the evaluation of exposure and the evaluation of environmental fate and transport at the AOI. The results of the site-specific evaluation may be to develop site-specific MO-3 RS. Under MO-3, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-3 limiting RS, then the Permittee shall; (1) remediate to the MO-3 RS, (2) conduct confirmatory sampling, and (3) comply with closure/post closure requirements for MO-3.

VIII.A.4. Corrective Action for Releases Beyond Facility Boundary{tc \l2 "4. Corrective Action for Releases Beyond Facility Boundary}

Section 3004(v) of RCRA as amended by HSWA, and State regulations promulgated as LAC 33:V.3322.C require corrective actions beyond the facility property boundary, where necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, unless the Permittee demonstrates that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where offsite access is denied.

VIII.A.5. Financial Responsibility{tc \l2 "5. Financial Responsibility}

Assurances of financial responsibility for corrective action shall be provided by the Permittee as specified in the Permit following major modification for remedy selection. The Administrative Authority reserves the right to require financial assurance prior to remedy selection based upon facility compliance history, the extent and degree of contamination, financial health of the Permittee, and input from the public.

VIII.A.6. Summary of Corrective Action Activities

A summary of the corrective action activities associated with the facility is provided in Condition VIII, Appendix 1 of this permit. AOCs and SWMUs that are currently being managed or proposed for management under a prescribed corrective action program (e.g., groundwater order, corrective action order, CERCLA) are identified in Condition VIII, Appendix 1, Table 1 of this permit.

VIII.A.7. Approval of Alternate Schedule

The Permittee may submit a written request for an alternate schedule for a submittal deadline as presented in Condition VIII, Table 1. The request should propose a specific alternate schedule and include an explanation as to why the alternate schedule is necessary. The Administrative Authority will consider site-specific criteria in either approving or disapproving the request for an alternate schedule.

VIII.B. PROJECT DEVELOPMENT AND SCOPING MEETING

VIII.B.1. Notice of Intent

The Permittee must submit to the Administrative Authority a Notice of Intent to conduct corrective action using the CAS upon identification of a newly identified SWMU or AOC per Condition VIII.L or notification of newly identified releases at a SWMU or AOC per Condition VIII.M. The notice of intent should state the following in a concise manner:

VIII.B.1.a. General information regarding facility location;

VIII.B.1.b. General information regarding the facility's operational history;

VIII.B.1.c. General discussion on how the Permittee will proceed through the CAS;

VIII.B.1.d. Brief description of proposed performance standards for corrective action; and

VIII.B.1.e. Propose a date for a scoping meeting between the Permittee and the Administrative Authority to be held within sixty (60) days of the date of the Notice of Intent.

VIII.B.2. Scoping Meeting

The scoping meeting will serve as the first CAS milestone where the Permittee and the Administrative Authority identify expectations concerning CAS implementation. The length and extent of the meeting will depend on the complexity of the site. Agreements on land use, groundwater classification, the level of detail required in the conceptual site model (see Condition VIII.D) and expectations for remediation goals will be discussed during the scoping meeting(s). During the scoping meeting the Permittee will present the following information to the Administrative Authority:

VIII.B.2.a. A conceptual site model (if one already has been developed);

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VIII.B.2.b. Discussions on history of corrective action at the facility, including facility investigations, risk evaluations or risk assessments, interim measure/stabilizations and final remedies implemented;

VIII.B.2.c. Proposed performance standards for the facility with justification, and potential risk management approaches;

VIII.B.2.d. Discussions on how the Permittee plans to use the CAS to meet its corrective action obligations, including permitting and compliance issues;

VIII.B.2.e. A Communication Strategy Plan that specifies where in the CAS process the Permittee is currently and how the Permittee will provide information about future progress at the facility to the Administrative Authority (i.e., progress reports, conference calls, routine meetings, etc.);

VIII.B.2.f. Site-specific concerns (i.e., sensitive environments or special subpopulations);

VIII.B.2.g. Need for interim measures or stabilization activities, if necessary; and

VIII.B.2.h. Schedule for submittal of the CAS Investigation Workplan and proposed schedule for conducting and completing CAS requirements, including public participation.

Information plans and reports that have already been developed by the Permittee during the corrective action process can be referenced during the scoping meeting. The Permittee must coordinate with the Administrative Authority in order to determine the date, time, and location of the scoping meeting.

VIII.C. REPORTING REQUIREMENTS

VIII.C.1. The Permittee shall submit, in accordance with Condition VII.A.8, signed reports of all activities conducted pursuant to the provisions of this Permit as required by the Administrative Authority. The reporting schedule shall be determined on a case-by-case basis by the Administrative Authority. These reports shall contain, as applicable to the stage of corrective action, the information required by CAS, as well as the following:

VIII.C.1.a. A description of the work completed and an estimate of the percentage of work completed;

VIII.C.1.b. Summaries of all findings, including summaries of laboratory data;

VIII.C.1.c. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;

VIII.C.1.d. Projected work for the next reporting period;

VIII.C.1.e. Summaries of contacts pertaining to corrective action or environmental matters with representatives of the local community, public interest groups or State government during the reporting period;
VIII.C.1.f. Changes in key project personnel during the reporting period; and

VIII.C.1.g. Summaries of all changes made in implementation during the reporting period.

VIII.C.2. Copies of other reports relating to or having bearing upon the corrective action work (e.g., inspection reports, drilling logs and laboratory data) shall be made available to the Administrative Authority upon request.

VIII.C.3. In addition to the written reports as required in Condition VIII.C.1 and VIII.C.2 above, at the request of the Administrative Authority, the Permittee shall provide status review through briefings with the Administrative Authority.

VIII.C.4. The determination and approval of remedy selections, schedules of submittals and minor changes to any corrective action workplans may be made by the Administrative Authority during the scoping meeting or status review briefings as described in Condition VIII.C.3.

VIII.D. SPECIFIC CONDITION – CONCEPTUAL SITE MODEL (CSM)

No later than 120 days after the scoping meeting, the Permittee shall submit to the Administrative Authority a CSM (along with the Performance Standards detailed in Condition VIII.A.2) or an update of any CSM submitted at the scoping meeting providing background information and the current conditions at the facility. The level of detail required for the CSM will be discussed during the scoping meeting. At a minimum, the CSM must address current site conditions, land use, known and/or potential constituent source(s), routes of constituent migration, exposure media (i.e., soil, surface waters, groundwater), exposure points, points of compliance and pathways, receptors and source media to be evaluated under the RECAP. The CSM must include a completed Figure 8 (LAC 33:I.Chapter 13). The Permittee may include completed investigations, existing data, or previously submitted documents in the CSM by reference. References must include the names, dates, and brief summaries of the documents.

If a CSM has been previously developed, the scoping meeting will also provide the opportunity for the Permittee and Administrative Authority to consider and identify all data gaps in the CSM. The initial CSM shall be considered the "base document" to be prepared and updated by the facility as new information is gathered during investigations. The CSM shall be used by the facility to make decisions regarding risk management options, ecological risk, and monitored natural attenuation determinations (RECAP Section 2.16), or technical impracticability (TI) waiver determinations, when appropriate.

The Administrative Authority reserves the right to require revisions to the CSM based upon data resulting from ongoing investigations and activities. Revisions to the CSM may also be required

for newly identified SWMUs or AOCs according to Condition VIII.L of this permit (See Appendix 1, Ongoing Corrective Action) and based on new information and information not previously considered by the Administrative Authority.

The CSM shall be divided into Profiles as detailed in Conditions VIII.D.1 through 6. If the Permittee chooses to use existing data and documents in the CSM, it may not be necessary to prepare the Profiles as detailed in Conditions VIII.D.1 through 6. However, the existing documents and data must provide sufficient information and detail which corresponds to the information required by the Facility, Land Use and Exposure, Physical, Release, Ecological, and Risk Management Profiles.

VIII.D.1. Facility Profile

The Permittee shall include in the CSM a Facility Profile which shall summarize the regional location, pertinent boundary features, general facility structures, process areas, and locations of solid waste management units or other potential sources of contaminant migration from the routine and systematic releases of hazardous constituents to the environment (e.g., truck or railcar loading/unloading areas). The Permittee shall also include historical features that may be potential release areas because of past management practices. The Facility Profile shall include:

VIII.D.1.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.1.a.i. General geographic location;

VIII.D.1.a.ii. Property lines with the owners of all adjacent property clearly indicated;

VIII.D.1.a.iii. Facility structures, process areas and maintenance areas;

VIII.D.1.a.iv. Any other potential release areas shall be delineated, such as railcar loading/unloading areas or any other AOI as described in RECAP Section 2.6; and

VIII.D.1.a.v. Locations of historical features that may be potential release areas or any areas of past solid and hazardous waste generation, treatment, storage or disposal activities.

VIII.D.1.b. The Facility Profile shall also include a description of ownership and operation of the facility.

VIII.D.1.c. The Permittee shall provide pertinent information for those spills that have not been assessed and reported to the Administrative Authority during

facility investigations, addressed by facility spill contingency plans, or previously remediated or deemed for no further action. The information must include at minimum, approximate dates or periods of past waste spills, identification of the materials spilled, the amount spilled, the location where spilled, and a description of the response actions conducted (local, state, federal, or private party response units), including any inspection reports or technical reports generated as a result of the response.

VIII.D.2. Land Use and Exposure Profile

The Permittee shall include in the CSM a Land Use and Exposure Profile which includes surrounding land uses (industrial and non-industrial, as described in RECAP Sections 2.9.1 and 2.9.2), resource use locations (water supply wells, surface water intakes, etc.), beneficial resource determinations (groundwater classifications as described in RECAP Section 2.10), natural resources (wetlands, etc.), sensitive subpopulation types and locations (schools, hospitals, nursing homes, day care centers, etc.), applicable exposure scenarios, and applicable exposure pathways identifying the specific sources, releases, migration mechanisms, exposure media, exposure routes and receptors. The Land Use and Exposure Profile shall include:

VIII.D.2.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.2.a.i. Surrounding land uses, resource use locations, and natural resources/wetlands;

VIII.D.2.a.ii. Locations of sensitive subpopulations; and

VIII.D.2.a.iii. An exposure pathway flowchart which outlines sources, migration pathways, exposure media and potential receptors as depicted in Figure 8 (CMS example) of the RECAP.

VIII.D.3. Physical Profile

The Permittee shall include in the CSM a Physical Profile which shall describe the factors that may affect releases, fate and transport, and receptors, including; topography, surface water features, geology, and hydrogeology. The Physical Profile shall include:

VIII.D.3.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V.Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.3.a.i. Topographic maps with a contour interval of five (5) or ten (10) feet, a scale of one inch to 100 feet (1:100), including hills, gradients, and surface vegetation or pavement;

VIII.D.3.a.ii. Surface water features including routes of all drainage ditches, waterways, direction of flow, and how they migrate to other surface water bodies such as canals and lakes;

VIII.D.3.a.iii. Regional geology including faulting and recharge areas, as well as local geology depicting surface features such as soil types, outcrops, faulting, and other surface features;

VIII.D.3.a.iv. Subsurface geology including stratigraphy, continuity (locations of facies changes, if known), faulting and other characteristics;

VIII.D.3.a.v. Maps with hydrogeologic information identifying water-bearing zones, hydrologic parameters such as transmissivity, and conductivity. Also locations and thicknesses of aquitards or impermeable strata; and

VIII.D.3.a.vi. Locations of soil borings and production and groundwater monitoring wells, including well log information, and construction of cross-sections which correlate substrata. Wells shall be clearly labeled with ground and top of casing elevations (can be applied as an attachment).

VIII.D.4. Release Profile

The Permittee shall include in the CSM a Release Profile which shall describe the known extent of contaminants in the environment, including sources, contaminants of concern (COC), areas of investigations, distribution and magnitude of known COCs with corresponding sampling locations, and results of fate and transport modeling depicting potential future extent/magnitude of COCs. The Release Profile shall include:

VIII.D.4.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V. Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.4.a.i. Estimations of source concentrations, exposure concentrations and compliance concentrations for each affected media as defined in Section 2.8 of RECAP;

VIII.D.4.a.ii. Isopleth maps depicting lateral extent and concentrations of COCs;

VIII.D.4.a.iii. Results of fate and transport modeling showing potential exposure concentrations and locations; and

VIII.D.4.a.iv. Locations of potential sources including past or present waste units or disposal areas and all SWMUs/AOCs.

VIII.D.4.b. Table(s) depicting the following information for each SWMU/AOC, including but not limited to: location; type of unit/disposal/release area; design features; operating practices (past and present); period of operation; age of unit/disposal/release area; general physical condition; and method of closure.

VIII.D.4.c. Table(s) depicting the following waste/contaminant characteristics for those areas referenced in Condition VIII.D.4.b, including but not limited to: type of waste placed in the unit (hazardous classification, quantity, chemical composition), physical and chemical characteristics (physical form, description, temperature, pH, general chemical class, molecular weight, density, boiling point, viscosity, solubility in water, solubility in solvents, cohesiveness, vapor pressure); and migration and dispersal characteristics of the waste (sorption coefficients, biodegradability, photodegradation rates, hydrolysis rates, chemical transformations).

VIII.D.5. Ecological Profile

The Permittee shall include in the CSM an Ecological Profile that shall describe the physical relationship between the developed and undeveloped portions of the facility, the use and level of disturbance of the undeveloped property, and the type of ecological receptors present in relation to completed exposure pathways. When compiling data for the Ecological Profile, current, as well as, future impacts to receptors and/or their habitats shall be considered. The Ecological Profile shall include:

VIII.D.5.a. A history and description of the developed property on the facility, including structures, process areas, waste management units, and property boundaries;

VIII.D.5.b. A history and description of the undeveloped property, including habitat type (wetland, grassy area, forest, ponds, etc.). Include a description of the primary use, degree and nature of any disturbance, along with proximity to drainage ditches, waterways and landfill areas;

VIII.D.5.c. A description of the site receptors in relation to habitat type, including endangered or protected species, mammals, birds, fish, etc.;

VIII.D.5.d. A description of the relationship between release areas and habitat areas, specifically relating chemicals of potential ecological concern (COEC) to ecological receptors;

VIII.D.5.e. An ecological checklist as described in Section 7.0 of RECAP. An ecological checklist (presented in Appendix C, Form 18 of the RECAP) shall be used to determine if a tier 1 (screening level) Ecological Risk Assessment (ERA) is warranted.

VIII.D.6. Risk Management Profile

The Permittee shall include in the CSM a Risk Management Profile that shall describe how each AOI at the facility will be managed for the protection of human health and the environment. The Risk Management Profile will serve as documentation of the results of the site ranking system (described in Section 2.2 of RECAP). The Risk Management Profile will also document the criteria and verify that the SO, MO-1, MO-2 or MO-3 is appropriate for application at each AOI. The Risk Management Profile shall include:

VIII.D.6.a. A table for tracking the management options for each AOI, and the determination made, whether an AOI is deemed for no further action at this time (NFA-ATT) or is going to use either the SO, MO-1, MO-2 or MO-3 management option.

VIII.D.6.b. A list of identified site-wide data gaps for further investigation.

VIII.D.6.c. Documentation of all interim measures which have been or are being undertaken at the facility, including under State or Federal compliance orders, other than those specified in the Permit. This documentation shall include the objectives of the interim measures and how the measure is mitigating a potential threat to human health or the environment and/or is consistent with and integrated into requirements for a long term remedial solution.

VIII.E. INTERIM MEASURES

VIII.E.1. If at any time during the term of this Permit, the Administrative Authority determines that a release or potential release of hazardous constituents from a SWMU/AOC poses a threat to human health and the environment, the Administrative Authority may require interim measures. The Administrative Authority shall determine the specific measure(s) or require the Permittee to propose a measure(s). The interim measure(s) may include a permit modification, a schedule for implementation, and an Interim Measures Workplan. The Administrative Authority may modify this Permit according to LAC 33:V.321 to incorporate interim measures into the Permit. However, depending upon the nature of the interim measures, a permit modification may not be required.

VIII.E.2. The Permittee may propose interim measures at any time by submittal of an Interim Measures Workplan subject to the approval of the Administrative Authority.

VIII.E.3. The Administrative Authority shall notify the Permittee in writing of the requirement to perform interim measures and may require the submittal of an Interim

Measures Workplan. The following factors will be considered by the Administrative Authority in determining the need for interim measures and the need for permit modification:

VIII.E.3.a. Time required to develop and implement a final remedy;

VIII.E.3.b. Actual and potential exposure to human and environmental receptors;

VIII.E.3.c. Actual and potential contamination of drinking water supplies and sensitive ecosystems;

VIII.E.3.d. The potential for further degradation of the medium in the absence of interim measures;

VIII.E.3.e. Presence of hazardous wastes in containers that may pose a threat of release;

VIII.E.3.f. Presence and concentration of hazardous waste including hazardous constituents in soil that has the potential to migrate to ground water or surface water;

VIII.E.3.g. Weather conditions that may affect the current levels of contamination;

VIII.E.3.h. Risks of fire, explosion, or accident; and

VIII.E.3.i. Other situations that may pose threats to human health and the environment.

VIII.E.5. Upon approval of the Interim Measures Workplan and completion of the interim measure(s) implementation, the Permittee will submit a report to the Administrative Authority describing the completed work.

VIII.E.6. At anytime during or after the interim measure(s), including the issuance of an NFA-ATT, the Administrative Authority may require the Permittee to submit the SWMUs/AOCs for further corrective action.

VIII.F. CAS (CORRECTIVE ACTION STRATEGY) INVESTIGATION WORKPLAN

VIII.F.1. The CAS Investigation Workplan that describes site investigation activities for corrective action shall be submitted to the Administrative Authority within 180 days after the scoping meeting between the Permittee and the Administrative Authority. The CAS Investigation Workplan must address releases of hazardous waste or hazardous constituents to all media, unless otherwise indicated, for those SWMUs/AOCs listed in Appendix 1, Table 1. The focus of the site investigation phase for corrective action is to collect data to fill in data gaps identified in the CSM. The corrective action

investigations may be conducted in phases if warranted by site conditions, contingent upon approval by the Administrative Authority.

VIII.F.1.a. The CAS Investigation Workplan shall describe the management options (MO) for each AOI/release area, data quality objectives for achieving each management option, and proposals for release characterizations (sampling and analysis/quality assurance plans) to support the data quality objectives (DQOs). (DQOs are determined based on the end use of the data to be collected, and the DQO development process should be integrated into project planning and refined throughout the CAS implementation. DQOs shall be used to 1) ensure that environmental data are scientifically valid, defensible, and of an appropriate level of quality given the intended use, and 2) expedite site investigations. The CAS Investigation Workplan is required to have DQOs that are developed to support the performance standard for each release.) The CAS Investigation Workplan shall detail all proposed activities and procedures to be conducted at the facility, the schedule for implementing and completing such investigations, the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the site investigations. The scope of work for the site investigation can be found in RECAP Appendix B.

VIII.F.1.b. The CAS Investigation Workplan shall describe sampling, data collection quality assurance, data management procedures (including formats for documenting and tracking data and other results of investigations) and health and safety procedures.

VIII.F.1.c. Development of the CAS Investigation Workplan and reporting of data shall be consistent with the latest version of the following EPA and State guidance documents or the equivalent thereof:

VIII.F.1.c.i. Guidance for the Data Quality Assessment, Practical Methods for Data Analysis. QA97 Version EPA QA/G-9. January 1998;

VIII.F.1.c.ii. Guidance for the Data Quality Objectives Process. EPA QA/G-4. September 1994;

VIII.F.1.c.iii. Data Quality Objectives Remedial Response Activities. EPA/540/G87-003. March 1987;

VIII.F.1.c.iv. Guidance on Quality Assurance Project Plans. EPA QA/G-5. February 1998;

VIII.F.1.c.v. Interim EPA Data Requirements for Quality Assurance Project Plans. EPA Region 6, Office of Quality Assurance. May 1994;

VIII.F.1.c.vi. 29 CFR 1910.120 (b) for the elements to Health and Safety plans;

VIII.F.1.c.vii. RCRA Groundwater Monitoring: Draft Technical Guidance EPA/530-R-93-001 November 1992;

VIII.F.1.c.viii. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods; SW-846, 3rd Edition. November 1992, with revisions;

VIII.F.1.c.viv. The LDEQ Handbook - **Construction of Geotechnical Boreholes and Groundwater Monitoring Systems," prepared by the LDEQ and the Louisiana Department of Transportation and Development.** This document is printed by and available from the Louisiana Department of Transportation and Development, Water Resources Section, P. O. Box 94245, Baton Rouge, Louisiana 70804-9245; and

VIII.F.1.c.x. The LAC 33:I.Chapter 13 and Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP).

VIII.F.2. After the Permittee submits the CAS Investigation Workplan; the Administrative Authority will approve, disapprove, or otherwise modify the CAS Investigation Workplan in writing. All approved workplans become enforceable components of this Permit.

In event of disapproval (in whole or in part) of the workplan, the Administrative Authority shall specify deficiencies in writing. The Permittee shall modify the CAS Investigation Workplan to correct these within the time frame specified in the notification of disapproval by the Administrative Authority. The modified workplan shall be submitted in writing to the Administrative Authority for review. Should the Permittee take exception to all or part of the disapproval, the Permittee shall submit a written statement of the ground for the exception within fourteen (14) days of receipt of the disapproval.

VIII.F.3. The Administrative Authority shall review for approval, as part of the CAS Investigation Workplan or as a new workplan, any plans developed pursuant to Condition VIII.L addressing further investigations of newly-identified SWMUs/AOCs, or Condition VIII.M addressing new releases from previously-identified SWMUs/AOCs.

VIII.G. IMPLEMENTATION OF SITE INVESTIGATION ACTIVITIES UNDER CAS

No later than fourteen (14) days after the Permittee has received written approval from the Administrative Authority for the CAS Investigation Workplan, the Permittee shall implement the site investigation activities according to the schedules and in accordance with the approved CAS Investigation Workplan and the following:

VIII.G.1. The Permittee shall notify the Administrative Authority at least 10 working days prior to any field sampling, field-testing, or field monitoring activity required by this Permit to give LDEQ personnel the opportunity to observe investigation procedures and/or split samples.

VIII.G.2. Deviations from the approved CAS Investigation Workplan, which are necessary during implementation, must be approved by the Administrative Authority and fully documented and described in the progress reports (Condition VIII.C), RECAP Report (Condition VIII.H) and the final Risk Management Plan (Condition VIII.J).

VIII.H. RECAP REPORT

Within ninety (90) days after completion of the site investigation the Permittee shall submit a RECAP Report to the Administrative Authority for approval. The RECAP Report shall document the results of the site investigation activities, and the evaluation of the impacts from releases. The Administrative Authority will review and evaluate the report and provide the Permittee with written notification of the report's approval or a notice of deficiency. If the Administrative Authority determines the RECAP Report does not fully meet the objectives stated in the CAS Investigation Workplan (Permit Condition VIII.F), the Administrative Authority shall notify the Permittee in writing of the report's deficiencies, and specify a due date for submittal of a revised Final Report to the Administrative Authority.

VIII.H.1. The Permittee shall screen site-specific data using the appropriate RECAP standard (RS) for each AOI (depending on the MO), evaluate impacts from releases with exposure scenario evaluations, and update the Risk Management Profile of the CSM.

VIII.H.2. The report shall include, but not be limited to, the following:

VIII.H.2.a. Documentation of site investigation activities and results;

VIII.H.2.b. Evaluation of exposure scenarios to document impacts from releases;

VIII.H.2.c. Deviations from the CAS Investigation Workplan;

VIII.H.2.d. Results of screening activities using RECAP standards (RS), including SO, MO-1, MO-2, or MO-3 RS for each media;

VIII.H.2.e. The revised CSM with updated profiles which incorporate investigation and screening results; and

VIII.H.2.f. Proposed revisions to performance standards based on new information (e.g., change in land use, difference in expected receptors and/or exposure, or other differences in site conditions), if warranted.

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VIII.I. REMEDIAL ALTERNATIVES STUDY

Upon completion and approval of the RECAP Report, the Permittee shall proceed with the evaluation of remedial alternatives to complete corrective action for each AOI according to the performance standards described in Condition VIII.A.2. The remedial alternatives shall be submitted to the Administrative Authority in the Remedial Alternatives Study (RAS) within ninety (90) days of the Administrative Authority's approval of the RECAP Report. In the Remedial Alternatives Study, the Permittee shall identify and evaluate various potential remedies that would meet the performance-based corrective action objectives and propose one or more specific remedies based on an evaluation of applicable data and available corrective action technologies. The RAS shall be prepared in a manner that addresses the extent and nature of the contamination at the facility.

VIII.I.1. The Permittee shall evaluate remedies for each AOI that shall:

VIII.I.1.a. attain compliance with corrective action objectives for releases of hazardous waste and/or hazardous constituents, as established in the Conceptual Site Model or in later investigations approved by the Administrative Authority;

VIII.I.1.b. control sources of releases;

VIII.I.1.c. meet acceptable waste management requirements;

VIII.I.1.d. protect human health and the environment; and

VIII.I.1.e. meet applicable statutory and regulatory requirements (as noted in Condition VIII.A.2.b).

VIII.I.2. The Permittee shall evaluate the use of presumptive remedies and innovative technologies to achieve the appropriate remedial performance standards for each AOI.

VIII.I.3. The Permittee shall review the current interim measures/ stabilization activities to evaluate if these measures meet all the criteria for final remedy.

VIII.I.4. If under certain site-specific conditions, or when it is not technically or economically feasible to attain the corrective action objectives, the Permittee may propose to use institutional controls to supplement treatment or containment-based remedial actions upon approval of the Administrative Authority (Section 2.15 of RECAP).

VIII.I.5. The RAS shall at a minimum include:

VIII.I.5.a. An evaluation of the performance reliability, ease of implementation, and the potential impacts of the potential remedies;

VIII.I.5.b. An assessment of the effectiveness of potential remedies in achieving adequate control of sources and meeting remedial performance standards;

VIII.I.5.c. An assessment of the costs of implementation for potential remedies;

VIII.I.5.d. An assessment of the time required to begin and complete the remedy;

VIII.I.5.e. An explanation of the rationale for the remedy proposed for each AOI or group of AOIs; and

VIII.I.5.f. An assessment of institutional requirements (e.g., state permit requirements that may impact remedy implementation).

VIII.I.6. The Administrative Authority will review and evaluate the RAS and provide the Permittee with written notification of the study's approval or a notice of deficiency. If the Administrative Authority determines the RAS does not fully meet the requirements detailed in Conditions VIII.I.1 through VIII.I.5, the Administrative Authority shall notify the Permittee in writing of the RAS's deficiencies, and specify a due date for submittal of a revised RAS to the Administrative Authority. In addition, the Administrative Authority may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

VIII.J. RISK MANAGEMENT PLAN

Within ninety (90) days of the Administrative Authority's approval of the RAS, the remedy/remedies proposed for selection shall be documented and submitted in the Risk Management Plan. The Permittee shall propose corrective action remedies in accordance with Chapter IV of the RCRA Corrective Action Plan (Final), May 1994, OSWER Directive 9902.3-2A or as directed by the Administrative Authority.

VIII.J.1. The Risk Management Plan shall at a minimum include:

VIII.J.1.a. A summary of the remedial alternatives for each AOI and the rationale used for remedy selection;

VIII.J.1.b. The final CSM with proposed remedies, including locations of AOIs addressed by a risk management activity, COC concentrations that represent the long-term fate and transport of residual COCs and the exposure pathways affected by the risk management activity;

VIII.J.1.c. Cost estimates and implementation schedules for proposed final remedies;

VIII.J.1.d. Proposed remedy design and implementation precautions, including special technical problems, additional engineering data required, permits and regulatory requirements, property access, easements and right-of-way

requirements, special health and safety requirements, and community relations activities;

VIII.J.1.e. Remedy Performance Criteria and Monitoring

The Permittee shall identify specific criteria (such as land use changes, fate and transport model verification and constructed remedy performance) that will be evaluated to demonstrate that the risk management activity implemented will remain protective. A schedule for periodic performance review (such as monitoring data summaries, including graphical and statistical analyses) shall be established to demonstrate that the implemented activities are consistently achieving and maintaining desired results. Further, a mechanism shall be established to re-evaluate risk management activities in the event the implemented action does not achieve and maintain the performance standards;

VIII.J.1.f. Contingency plans; and

VIII.J.1.g. Description and schedules for performance reviews.

VIII.J.2. After the Permittee submits the Risk Management Plan, the Administrative Authority will review and evaluate the plan and subsequently either inform the Permittee in writing that the plan is acceptable for public review or issue a notice of deficiency.

VIII.J.3. If the Administrative Authority determines the Risk Management Plan does not fully meet the remedial objectives, the Administrative Authority shall notify the Permittee in writing of the plan's deficiencies and specify a due date for submittal of a revised Final Risk Management Plan. In addition, the Administrative Authority may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

VIII.J.4. After the Administrative Authority has determined the Risk Management Plan is acceptable for public review, the Administrative Authority shall inform the Permittee in writing and instruct the Permittee to submit the plan as a Class 3 permit modification request in accordance with the requirements of LAC 33:V.321.C.3.

VIII.J.5. After conclusion of a 60-day comment period, the Administrative Authority will either grant or deny the Class 3 permit modification request. In addition the Administrative Authority must consider and respond to all significant comments received during the 60-day comment period.

VIII.J.6. If the Class 3 Modification request is granted, the Administrative Authority shall prepare a draft permit incorporating the proposed changes in accordance with LAC 33:V.703.C and solicit public comment on the draft permit modification according to Condition VIII.N.3 of this permit.

VIII.J.7. If, after considering all public comments, the Administrative Authority determines that the Risk Management Plan is adequate and complete, the Administrative Authority will issue a public notice for final approval the Class 3 permit modification. The resultant modified permit will include schedules for remedy implementation as well as financial assurance provisions as required by Condition VIII.A.5 of this permit.

VIII.K . DETERMINATION OF NO FURTHER ACTION

VIII.K.1. NFA-ATT Determinations for Specific SWMUs/AOCs

VIII.K.1.a. Based on the results of the site investigations, screening, risk evaluations and risk management activities, the Permittee may request a NFA-ATT determination for a specific SWMU/AOC by submittal of a Class 1[1] permit modification ([1] requiring Administrative Authority approval) request under LAC 33:V.321.C.1. The NFA-ATT request must contain information demonstrating that there are no releases of hazardous constituents from a particular SWMU/AOC that pose a threat to human health and/or the environment.

The basis for the determination of NFA-ATT shall follow the guidelines as described in the RECAP (Section 1.2.1 of RECAP) for each AOI, depending on the MO used.

VIII.K.1.b. If, based upon review of the Permittee's request for a permit modification, the results of the site investigations, and other information the Administrative Authority determines that releases or suspected releases from an individual SWMU/AOC which were investigated either are non-existent or do not pose a threat to human health and/or the environment, the Administrative Authority may grant the requested modification.

VIII.K.1.c. In accordance with LAC 33:V.321.C.1.a.ii, the Permittee must notify the facility mailing list within ninety (90) days of the Administrative Authority's approval of the Class 1[1] permit modification ([1] requiring Administrative Authority approval) request.

VIII.K.2. Facility-Wide NFA-ATT Determination

VIII.K.2.a. Upon the completion of all activities specified in the Risk Management Plan and after all SWMUs and AOCs at the facility have been remediated according to the standards dictated by the selected RECAP MO, the Permittee shall submit a summary report supporting a determination of NFA-ATT on a facility-wide basis.

VIII.K.2.b. The summary report must include a historical narrative for each SWMU/AOC at the site that includes a summary of the investigation, sampling & analysis, remedial, and confirmatory sampling activities leading to the NFA-ATT request. The basis for the determination of NFA-ATT shall follow the guidelines

as described in the RECAP (Section 1.2.1 of RECAP) for each AOI, depending on the MO used. The facility-wide NFA-ATT determination must consider any newly-identified SWMUs/AOCs discovered after submittal of the Risk Management Plan.

VIII.K.2.c. The Administrative Authority will review and evaluate the summary report and subsequently either inform the Permittee in writing that the report is acceptable for public review or issue a notice of deficiency.

VIII.K.2.d. If the Administrative Authority determines the summary report does not fully demonstrate that all remedial objectives have been satisfied, the Administrative Authority shall notify the Permittee in writing of the summary report's deficiencies and specify a due date for submittal of a revised summary report.

VIII.K.2.e. After the Administrative Authority has determined the facility-wide NFA-ATT summary report is acceptable for public review, the Administrative Authority shall inform the Permittee in writing and instruct the Permittee to submit the summary report as a Class 3 permit modification request in accordance with the requirements of LAC 33:V.321.C.3.

VIII.K.2.f. After conclusion of a 60-day comment period, the Administrative Authority will either grant or deny the Class 3 permit modification request. In addition the Administrative Authority must consider and respond to all significant comments received during the 60-day comment period.

VIII.K.2.g. If, based upon review of the Permittee's Class 3 permit modification request, the results of the site investigations, confirmatory sampling, and other pertinent information, the Administrative Authority determines that all SWMUs and AOCs have been remediated to the selected MO and no further action at the facility is warranted, the Administrative Authority will grant the modification request.

VIII.K.2.h. If the Class 3 Modification request is granted, the Administrative Authority shall prepare a draft permit incorporating the proposed changes in accordance with LAC 33:V.703.C and solicit public comment on the draft permit modification according to Condition VIII.N.4 of this permit.

VIII.K.2.i. If, after considering all public comments, the Administrative Authority determines that all activities specified in the Risk Management Plan have been completed and that all SWMUs and AOCs have been remediated to the selected MO, the Class 3 permit modification for facility-wide NFA-ATT will receive final approval. The CAS permit conditions will remain a part of the modified permit in the event that the remedial actions taken fail to maintain the established performance standard and to address any SWMUs/AOCs discovered at a later date.

VIII.K.3. Continued Monitoring

If necessary to protect human health and/or the environment, a determination of NFA-ATT shall not preclude the Administrative Authority from requiring continued monitoring of air, soil, groundwater, or surface water, when site-specific circumstances indicate that releases of hazardous waste or hazardous constituents are likely to occur.

VIII.K.4. Additional Investigations

A determination of NFA-ATT shall not preclude the Administrative Authority from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates a release or likelihood of a release from a SWMU/AOC at the facility that is likely to pose a threat to human health and/or the environment. In such a case, the Administrative Authority shall initiate a modification to the Permit according to LAC 33:V.321.

VIII.L. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SWMUs AND POTENTIAL AOCs

VIII.L.1. The Permittee shall notify the Administrative Authority, in writing, of any newly-identified SWMUs and potential AOCs (i.e., a unit or area not specifically identified during previous corrective action assessments, RFA, etc.), discovered in the course of ground water monitoring, field investigations, environmental audits, or other means, no later than thirty (30) days after discovery. The Permittee shall also notify the Administrative Authority of any newly-constructed land-based SWMUs (including but not limited to, surface impoundments, waste piles, landfills, land treatment units) and newly-constructed SWMUs where any release of hazardous constituents may be difficult to identify (e.g., underground storage tanks) no later than thirty (30) days after construction. The notification shall include the following items, to the extent available:

VIII.L.1.a. The location of the newly-identified SWMU or potential AOC on the topographic map required under LAC 33:V.517.B. Indicate all existing units (in relation to other SWMUs/AOCs);

VIII.L.1.b. The type and function of the unit;

VIII.L.1.c. The general dimensions, capacities, and structural description of the unit (supply any available drawings);

VIII.L.1.d. The period during which the unit was operated;

VIII.L.1.e. The specifics, to the extent available, on all wastes that have been or are being managed at the SWMU or potential AOC; and

VIII.L.1.f. Results of any sampling and analysis required for the purpose of

determining whether releases of hazardous waste including hazardous constituents have occurred, are occurring, or are likely to occur from the SWMU/AOC.

VIII.L.2. Based on the information provided in the notification, the Administrative Authority will determine whether or not the area is a newly-identified SWMU or AOC. If the area is determined to be a newly-identified SWMU or AOC, the Administrative Authority will inform the Permittee in writing and request that the Permittee submit a Class 1[1] permit modification ([1] requiring Administrative Authority approval) request under LAC 33:V.321.C.1 to add the newly-identified SWMU/AOC to Appendix 1, Table 1 of this permit.

Further, the Administrative Authority will determine the need for further investigations or corrective measures at any newly identified SWMU or AOC. If the Administrative Authority determines that such investigations are needed, the Administrative Authority may require the Permittee to prepare a plan for such investigations. The plan for

investigation of SWMU or AOC will be reviewed for approval as part of the current CAS Investigation Workplan or a new CAS Investigation Workplan. The results of the investigation of any newly-discovered SWMU/AOC shall be incorporated into the CSM.

VIII.M. NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT A SWMU OR AOC

The Permittee shall notify the Administrative Authority of any release(s) from a SWMU or AOC of hazardous waste or hazardous constituents discovered during the course of ground water monitoring, field investigation, environmental auditing, or other means. The notification must be in accordance with the procedures specified in Conditions II.E.16 through II.E.20 of this permit and based upon the nature, extent, and severity of the release. Such newly-discovered releases may be from newly-identified SWMUs or AOCs, newly-constructed SWMUs, or from SWMUs or AOCs for which, based on the findings of the CSM, completed RECAP Report, or investigation of an AOC, the Administrative Authority had previously determined no further investigation was necessary. The notification shall include information concerning actual and/or potential impacts beyond the facility boundary and on human health and the environment, if available at the time of the notification.

The Administrative Authority may require further investigation and/or interim measures for the newly-identified release(s), and may require the Permittee to prepare a plan for the investigation and/or interim measure. The plan will be reviewed for approval as part of the CAS Investigation Workplan or a new CAS Investigation Workplan. The Permit will be modified to incorporate the investigation, according to the Class 1[1] permit modification ([1]requiring Administrative Authority approval) procedures under LAC 33:V.321. The results of the investigation of any newly-identified release(s) shall be incorporated into the CSM.

VIII.N. PUBLIC PARTICIPATION REQUIREMENTS

Public participation is an essential element in the implementation of any corrective action program at the facility. The CAS promotes the early and continued involvement of stakeholders in site remediation activity during permit issuance, renewal, or modification. The public is invited to review and comment on the corrective action requirements contained in any draft permitting decisons or draft permit modification documents and the associated plans and reports submitted by the Permittee. The Administrative Authority reserves the right to require more extensive public participation requirements based upon site-specific conditions and other relevant factors (e.g., compliance history, potential offsite impact, community interest, etc.). At a minimum, the public participation requirements shall include the following.

VIII.N.1. NFA-ATT Determinations for Specific SWMUs/AOCs

Based on the results of the site investigations, screening, risk evaluations and risk management activities, the Permittee may request a NFA-ATT determination for a specific SWMU/AOC by submittal of a Class 1[1] permit modification request ([1]requiring

Administrative Authority approval) under LAC 33:V.321.C.1. The Permittee must notify the facility mailing list within 90 days of the Administrative Authority's approval of the Class 1[1] permit modification request, in accordance with LAC 33:V.321.C.1.a.ii and Condition VIII.K.1.c of this permit.

VIII.N.2. Draft Permitting Decision

The public may review and comment on the terms and conditions of the CAS during the public notice and comment period of the draft permitting decision. The Administrative Authority shall issue public notice upon preparation of the draft permitting decision in accordance with LAC 33:V.715. During the forty-five (45) day public comment period, the Administrative Authority will accept public comments on the draft permitting decision. At the end of the public comment period, the Administrative Authority will consider and address all public comments and make any necessary revisions to the draft permitting decision. After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permitting decision. The final permitting decision will include a "Responsiveness Summary" detailing all comments received on the draft permitting decision and the actions taken (if necessary) to correct the draft before issuance of the final permitting decision.

VIII.N.3. Final Remedy Selection

The public may review and comment on the terms and conditions of the Risk Management Plan as described in Conditions VIII.J.4 through VIII.J.7 of this permit. If after addressing all public comments the Administrative Authority determines that the Risk Management Plan is satisfactory, the Administrative Authority will prepare a draft permit modification document in accordance with LAC 33:V.703.C.

The draft permit modification document will include a "Basis of Decision". The "Basis of Decision" will identify the proposed remedy for corrective action at the site and the

reasons for its selection, describe all other remedies that were considered, and solicit for public review and comments on the Risk Management Plan included in the draft permit modification document.

After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permit modification. The final permit modification will include a "Responsiveness Summary" detailing all comments received on the draft permit modification and the actions taken (if necessary) to correct the draft before issuance of the final permit modification.

VIII.N.4. Facility-Wide NFA-ATT

Upon the completion of all activities specified in the Risk Management Plan and after all facility remedial objectives have been met, the Permittee may submit a summary report for a determination of NFA-ATT on a facility-wide basis in accordance with Condition VIII.K.2 of this permit. The public may review and comment on the summary report as described in Condition VIII.K.2.b. If after addressing all public comments the Administrative Authority determines that all SWMUs and AOCs have been remediated to the selected MO and no further action at the facility is warranted, the Administrative Authority will prepare a draft permit modification document in accordance with LAC 33:V.703.C.

The draft permit modification document will include a "Basis of Decision". The "Basis of Decision" will provide a summary detailing contamination sources, site investigations, the MO selected for the facility, facility remedial standards, remedial actions, and sampling results demonstrating that the facility remedial standards have been achieved.

After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permit modification. The final permit modification will include a "Responsiveness Summary" detailing all comments received on the draft permit modification and the actions taken (if necessary) to correct the draft before issuance of the final permit modification.

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Table 3~~4~~: Corrective Action Strategy Notification and Reporting Requirements {tc \l1 "Table 1: RFI/CMS SUBMISSION SUMMARY}

Below is a summary of the major notifications and reports that may be required by the Administrative Authority under the Corrective Action Strategy of this Permit in the event of releases requiring RCRA corrective action. The Administrative Authority will notify the Permittee of the notification and reporting requirements during the scoping meeting or another applicable stage of the corrective action process.

Actions	Due Date
Submit Notice of Intent to request use of the CAS to the Administrative Authority for review and comment (Condition VIII.B.1)	To be submitted upon identification of a newly identified SWMU or AOC per Condition VIII.L or notification of newly identified releases at a SWMU or AOC per Condition VIII.M.
CAS Scoping Meeting held between facility and Administrative Authority (Condition VIII.B.2)	Within sixty (60) days of submittal of the Notice of Intent
Submit Progress Reports on all activities to the Administrative Authority (Condition VIII.C.1)	Schedule to be determined by the Administrative Authority on a case-by-case basis
Make available other reports relating to corrective action to the Administrative Authority (Condition VIII.C.2)	Upon request of the Administrative Authority
Provide briefings to the Administrative Authority (Condition VIII.C.3)	As necessary and upon request by the Administrative Authority
Submit Conceptual Site Model (CSM) (Condition VIII.D) and facility Performance Standards (Condition VIII.A.2) to the Administrative Authority	Within one-hundred and twenty (120) days after the scoping meeting
Perform Interim Measures (Condition VIII.E)	As determined by the Administrative Authority on a case by case basis
Submit Corrective Action Strategy (CAS) Workplan for the facility investigation to the Administrative Authority (Condition VIII.F)	Within one-hundred and eighty (180) days after the CAS Scoping Meeting

Implement site investigation activities under CAS Investigation Workplan according to approved schedule (Condition VIII.G)	Within fourteen (14) days of receipt of approval by the Administrative Authority
Submit RECAP Report to the Administrative Authority (Condition VIII.H)	Within ninety (90) days of completion of the site investigation
Submittal of Remedial Alternatives Study (RAS) to the Administrative Authority (Condition VIII.I)	Within ninety (90) days of completion of approval of the RECAP Report by the Administrative Authority
Submit Risk Management Plan to the Administrative Authority (Condition VIII.J)	Within sixty (90) days of approval of the RAS by the Administrative Authority
Submit NFA (and Permit Modification) request to the Administrative Authority (Condition VIII.K)	As necessary
Notification of newly-identified SWMUs and potential AOCs (Condition VIII.L)	Thirty (30) days after discovery
Notification of newly-discovered releases (Condition VIII.M)	Fifteen (15) days after discovery

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APPENDIX 1

Table 1: SUMMARY OF CORRECTIVE ACTION ACTIVITIES

AOC/SWMU Group or Area	*AOC or SWMU Number/Area Name*	*AOC/SWMU Description*	*Status of CA Activity*	*Corrective Action*	*EDMS Document ID #/ Approval Date*
SWMU	SWMU-6	Former Landfarm Area	No physical remedy required	NFA-ATT	09/26/00
	SWMU-11	Inactive Retention Basin (Area includes SWMU 7, Former Landfarm Area)	No physical remedy required	NFA-ATT	09/26/00
	SWMU 3	Former Landfill Cells 1, 2, 3	SWMU removed from RFI by EPA	N/A	02/28/91
	SWMU 46,	Inactive Basin in Process Area	SWMU removed from RFI by EPA	N/A	02/28/91
	SWMU 47	Inactive Basin South of Former Landfarm	SWMU removed from RFI by EPA	N/A	02/28/91
	Tanks T-301 and T-302	Stabilization Mixing Basins	Clean closure of tanks approved	N/A	12/23/94
AOC	Vehicle Fueling Area	BG-1 Active Vehicle Fueling Area	Risk based closure approved	NFA-ATT	04/12/10

FINAL
MODIFIED HAZARDOUS WASTE OPERATING AND POST-CLOSURE PERMIT
~~RENEWAL~~

CHEMICAL WASTE MANAGEMENT, INC.
TREATMENT, STORAGE, AND DISPOSAL
EPA ID# LAD 000 777 201
CARLYSS, LOUISIANA
CALCASIEU PARISH

Agency Interest No. 742
~~PER20050002~~PER20140007
Permit Number LAD 000 777 201-OP-RN-~~1~~-MO-1

For

CONTAINER STORAGE AREAS
Building 201
Building 202
Building 205
Building 204
Building 801
Building 802

CONTAINMENT BUILDING
Building 301

BIOPAD
Phase I
Phase II

TANKS

T-220	**T-303**	**T-502**	**T-505**	**T-905**
T-221	**T-304**	**T-503**	**T-506**	**T-906**
T-222	**T-305**	**T-504A**	**T-903**	**T-907**
T-223	**T-306**	**T-504B**	**T-904**	T-601
T-602	T-610	T-611	T-612	T-613
T-630	T-631	T-632	T-701	T-702
T-703	T-704	T-710	T-711	T-712
T-713	T-740	T-741		

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LANDFILL CELLS
Cell 5 (post-closure)
Cell 6 (post-closure)
Cell 7 (post-closure)
Cell 8 (operating and post-closure)
Cell 14 (post-closure)

OIL RECOVERY UNITS
ORU-1
ORU-2

THERMAL DESORBER UNITS
TDU-1
TDU-2

I. PERMIT PREAMBLE

This permit is issued to Chemical Waste Management, Inc., Lake Charles facility, Carlyss, Calcasieu Parish, Louisiana (hereinafter referred to as the "Permittee"), by the Louisiana Department of Environmental Quality (LDEQ) under authority of the Louisiana Hazardous Waste Control Law, La. R.S. 30:2171 et seq., and the regulations adopted thereunder, and by the United States Environmental Protection Agency (EPA) under the authority of the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA).

For the purposes of this permit, "Administrative Authority" shall mean the Secretary of the LDEQ or his/her designee.

This permit is based on information submitted in the permit application, and all subsequent amendments, and on the Permittee's certification that such information is accurate and that all facilities will be constructed, operated and maintained as specified in the application.

This permit is conditioned upon full compliance with all applicable provisions of the Louisiana Hazardous Waste Control Law, La. R.S. 30:2171 et seq., and the regulations adopted thereunder.

All definitions contained in this permit shall have the meaning as defined in the Louisiana Administrative Code (LAC), Title 33, Part V, Subpart 1 unless otherwise stated herein.

All regulating citations are defined as being the regulation in effect on the date of issuance of this permit. New and/or amended regulations are not included as permit requirements until permit modification procedures, as specified in Condition II.C of this permit, are completed, except as provided by LAC 33:V.307.A.

GLOSSARY OF TERMS

For the purpose of this permit, terms used herein shall have the same meaning as those in LAC 33:V.Subpart 1 unless the contexts of use in this permit clearly indicates otherwise. Where terms are not otherwise defined, the meaning otherwise associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

"Administrative Authority" means the secretary of the Louisiana Department of Environmental Quality (LDEQ) or his designee or the appropriate assistant secretary or his designee.

"Application" refers to the RCRA Part B Permit Application and subsequent amendments submitted by the Permittee for obtaining a Permit.

"Area of Concern" (AOC) means any discernable unit or area, which, in the opinion of the Administrative Authority, may have received solid or hazardous waste or waste containing hazardous constituents at any time. The Administrative Authority may require investigation of the unit to determine if it is a Solid Waste Management Unit (SWMU). If shown to be a SWMU by the investigation, the AOC must be reported by the Permittee as a newly identified SWMU. If the AOC is shown not to be a SWMU by the investigation, the Administrative Authority may determine that no further action is necessary and notify the Permittee in writing.

"Area of Investigation" (AOI) is a zone contiguous to and including impacted media defined vertically and horizontally by the presence of one or more constituents in concentrations exceeding the limiting SS, MO-1 RS, or MO-2 RS (depending on the option being implemented).

"Biodegradation" is the removal of hazardous contaminants from debris surfaces and surface pores in an aqueous solution and biodegration of organic or nonmetallic inorganic compounds (i.e., inorganics that contain phosphorus, nitrogen, or sulfur) in units operated under either aerobic or anaerobic conditions.

"Bioremediation" is the treatment of organic chemicals with microorganisms to break them down into less toxic or non-toxic materials.

"CAS" means Corrective Action Strategy.

"CFR" means the Code of Federal Regulations.

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"CWA" means Clean Water Act.

"Conceptual Site Model" (CSM) is part of the Data Quality Objective (DQO) process that presents a three-dimensional picture of site conditions at a discrete point in time that conveys what is known about the facility, releases mechanisms, containment fate and exposure pathways, potential receptors, and risks. The information for the CSM is documented into six (6) profiles. The CSM evolves as data gaps in the profiles become more complete, and will be refined based upon results of site characterization data. The final CSM is documented in the Risk Management Plan (RMP).

"Constituents of Concern" (COC) means the COPC's that pose a significant risk.

"Constituents of Potential Concern" (COPC) means chemicals from hazardous waste and hazardous waste constituents that are potentially site related and have data of quality for use in the Screen or site-specific risk assessment. The facility should compile a list of COPC's for each release site based on existing sampling data, waste analysis reports, etc.

"Continuous Monitoring System (CMS)" is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for continuously sampling a parameter without interruption and evaluating the detector response as defined by this permit. The installation and operation of a CMS requires, at a minimum, to comply with the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system. The calibration of a CMS must be verified at a frequency and in a manner consistent with manufacturer specifications, but no less frequent than ~~once per year~~as specified in this permit. ~~CMS must sample the regulated parameter without interruption, evaluate the detector response at least once every 15 seconds, and compute and record the average values at least every 60 seconds when hazardous waste is in the unit.~~

~~**"Continuous Parameter Monitoring System (CPMS)"** means the total equipment that may be required to meet the data acquisition and availability requirements, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters (e.g., thermocouples, pressure transducers, flow meters, etc…).~~

~~"CWA" means Clean Water Act.~~

"Corrective Action" is an activity conducted to protect human health and the environment.

"Department" means the Louisiana Department of Environmental Quality (LDEQ).

"EPA" means the United States Environmental Protection Agency.

"HSWA" means the 1984 Hazardous and Solid Waste Amendments to RCRA.

"Hazardous constituent" means any constituent identified in LAC 33:V.Chapter 31. Table 1, or any constituent identified in LAC 33:V.3325. Table 4.

"LDEQ" means the Louisiana Department of Environmental Quality.

"LELAP" means the Louisiana Environmental Laboratory Accreditation Program.

"Macroencapsulation" is the application of surface coating materials such as polymeric organics (e.g. resins and plastics) or use a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media.

"Microencapsulation" is the stabilization of the debris with the following reagents (or waste reagents) such that the leachability of the hazardous contaminants is reduced: (1) Portland cement; and/or (2) lime/pozzolons (e.g. fly ash and cement kiln dust). Reagents (e.g. iron salts, silicates, and clays) may be added to enhance the set/cure time and/or compressive strength or to reduce the leachability of the hazardous constituents.

"Operating record" means written or electronic records of all maintenance, monitoring, inspection, calibration, or performance testing or other data as may be required--to demonstrate compliance with this Permit, document noncompliance with this Permit, or document actions taken to remedy noncompliance with this Permit. A minimum list of documents that must be included in the operating record are identified at LAC 33:V.1529.b.

"Permittee" means Chemical Waste Management, Inc., 7170 John Brannon Road, Sulphur, Louisiana 70665 (mailing address), and 7170 John Brannon Road, Carlyss, Calcasieu Parish, Louisiana (physical location).

"RCRA Permit" means the full permit, with the Resource Conservation and Recovery Act (RCRA) and 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA portions.

"RFA" means RCRA Facility Assessment.

"RFI" means RCRA Facility Investigation.

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

"SARA" means Superfund Amendments and Reauthorization Action of 1985.

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

"Stabilization" refers to treatment processes that involve chemical reactions that reduce the leachability of a waste. Stabilization chemically immobilizes hazardous materials or reduces their solubility through a chemical reaction. The physical nature of the waste may or may not be changed by this process.

"Thermal Treatment" refers to the process of treating hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste.

If, subsequent to the issuance of this Permit, regulations are promulgated which redefine any of the above terms, the Administrative Authority may, at its discretion, apply the new definition to this Permit.

II. GENERAL PERMIT CONDITIONS

II.A. DURATION OF PERMIT

This permit is effective as of the date indicated on the accompanying signature page and shall remain in effect for a period of ten (10) years from the effective date, unless suspended, modified, revoked and reissued or terminated for just cause.

II.B. EFFECT OF PERMIT

This permit authorizes the Permittee to treat, store and dispose of hazardous waste in accordance with the conditions of this permit. The Permittee is prohibited from any storage, treatment or disposal of hazardous waste not authorized by statute, regulation or this permit. Compliance with this permit during its term constitutes compliance for purposes of enforcement, with LAC 33:V.Subpart 1, except for those requirements not included in the permit under LAC 33:V.307.A.1-4, and with Subtitle C of RCRA, HSWA, and Chapter 9 of the Louisiana Environmental Quality Act (Act). However, 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, the Act (La. R.S.30:2001 et seq.) or under Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 {42 U.S.C. 9606 (a)}.

In accordance with LAC 33:V.307.B and C, 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 laws or regulations.

II.C. PERMIT ACTIONS

Any inaccuracies found in the permit application may be cause for revocation or modification of this permit. The Permittee must inform the Administrative Authority of any deviation from, changes in, or inaccuracies in the information in the permit application.

The Administrative Authority may suspend, modify, revoke and reissue, or terminate the permit for cause or when necessary to be protective of human health or the environment as specified in 40 CFR 270.41, 270.42, 270.43 or the LAC 33:V.309.F, 311.A, or 323. The Administrative Authority may modify the permit when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. The filing of a request for permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

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II.D. SEVERABILITY

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

II.E. DUTIES AND REQUIREMENTS

II.E.1. Duty to Comply

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance may be authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit (LAC 33:V.701), constitutes a violation of the LAC 33:V.Subpart 1 and the Act is grounds for enforcement action which may include permit termination, permit revocation and reissuance, permit modification, or denial of a permit renewal application.

II.E.2. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must reapply for the permit as required by LAC 33:V.303.N and 309.B. Notification shall be at least 180 calendar days before the permit expires.

II.E.3. Permit Extension

This permit and all conditions herein will remain in effect beyond the permit's expiration date until the Administrative Authority issues a final decision on the re-application, provided the Permittee has submitted a timely, complete new permit application as provided in the LAC 33:V.309.B and 315.A.

II.E.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.

II.E.5. Duty to Mitigate

The Permittee shall immediately take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the conditions of this permit as required by the LAC 33:V.309.D.

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II.E.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 ancillary equipment and/or appurtenances) that 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 and in accordance with LAC 33:V.309.E.

II.E.7. Duty to Provide Information

The Permittee shall furnish to the Administrative Authority, within a reasonable time, any information which the Administrative Authority 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 Administrative Authority upon request, copies of records required to be kept by this permit and in accordance with LAC 33:V.309.H.

II.E.8. Inspection and Entry

In accordance with LAC 33:V.309.I, the Permittee shall allow the Administrative Authority or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

II.E.8.a. enter upon the Permittee's premises where a regulated activity is located or conducted, or where records must be maintained under the conditions of this permit;

II.E.8.b. have access to and copy, at reasonable times, any records that must be maintained under the conditions of this permit;

II.E.8.c. inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

II.E.8.d. sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Administrative Authority any substances or parameters at any location.

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II.E.9. Monitoring and Records

II.E.9.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity, in accordance with LAC 33:V.309.J.1. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, "SW-846", latest version; Manual of Ground Water Quality Sampling Procedures, 1981, EPA-600/2-81-160, as revised; Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities, 1977, EPA-530/SW-611, as revised; or an equivalent method; or an equivalent method as specified in the attached Waste Analysis Plan as referenced in Attachment 1.

II.E.9.b. Records of monitoring information, in accordance with LAC 33:V.309.J.3, shall include, but are not limited to:

II.E.9.b.i. the date, exact place, and time of sampling or measurements;

II.E.9.b.ii. the name(s) and signature(s) of the individual(s) who performed the sampling or measurements;

II.E.9.b.iii. the date(s) analyses were performed;

II.E.9.b.iv. the name(s) and signature(s) of the individual(s) who performed the analysis;

II.E.9.b.v. the analytical techniques or methods used; and

II.E.9.b.vi. the results of such analyses; and

II.E.9.b.vii. associated quality assurance performance data.

II.E.9.c. Laboratory Quality Assurance/Quality Control

In order to ensure the accuracy, precision and reliability of data generated for use, the Permittee shall submit a statement, certified as specified in LAC 33:V.513 and included in the annual report, indicating that:

II.E.9.c.i. Any commercial laboratory providing analytical results and test data to the LDEQ required by this permit is accredited by the Louisiana Environmental Laboratory Accreditation Program (LELAP) in accordance with LAC 33:I.Subpart 3, Chapter 45. Laboratory data generated by commercial laboratories not accredited under LELAP will not be accepted

by the LDEQ.

LAC 33:I.Subpart 3 (Chapters 45-49) provides requirements for the accreditation program. Regulation and a list of labs that have applied for accreditation are available on the LDEQ website located at: http://www.deq.louisiana.gov/portal/tabid/2412/Default.aspx.

In accordance with LAC 33:I.4501, the requirements for LELAP accreditation apply whenever data is:

- submitted on behalf of a facility;
- required as part of a permit application;
- required by order of the LDEQ;
- required to be included in a monitoring report submitted to the LDEQ;
- required to be submitted by contract; or
- otherwise required by the LDEQ regulations.

II.E.9.c.ii. If the Permittee decides to use its own in-house laboratory for test and analysis, the laboratory is not required to be accredited by LELAP. However, the laboratory must document quality assurance/quality control procedures onsite.

II.E.9.c.iii. For approval of equivalent testing or analytical methods, the Permittee may petition for a regulatory amendment under LAC 33:V.105.I and LAC 33:I.Chapter 9. In cases where an approved methodology for a parameter/analyte is not available or listed, a request to utilize an alternate method shall be submitted to the Administrative Authority for approval. Documentation must be submitted to the LDEQ that will verify that the results obtained from the alternate method are equal to or better than those obtained from EPA-accepted methods, as well as those deemed equivalent by the LDEQ.

II.E.10. Retention of Records

The Permittee shall maintain records through the active life of the facility (including operation, closure and post-closure periods), where applicable, as required by LAC 33:V.309.J and LAC 33:V.1529.A, B, and C, and maintain records of all groundwater monitoring data and reports, boring logs, well completion data, associated potentiometric surface maps, and associated constituent isoconcentration maps from all sampling events covered by this permit, in accordance with LAC 33:V.3315.J. All records, including plans, must be furnished upon request and made available at all reasonable times as required by LAC 33:V.1529.C.

The Permittee shall retain records of all other monitoring information required by this permit, including all calibration records, field log notes, and maintenance records for LDEQ inspection for a period of not less than three (3) years, as required by LAC 33:V.317.B, from the date of the sample, measurement, report, or record except where otherwise required by the permit, or by order of the Administrative Authority. These periods may be extended by request of the Administrative Authority at any time and are automatically extended during the course of any unresolved enforcement action regarding the closed units.

The Permittee shall, for the life of the facility, maintain records of all data used to complete the application for this permit and any supplemental information submitted under the Louisiana Hazardous Waste Control Law (La. R.S. 30:2171 et seq.).

II.E.11. Notices of Planned Physical Facility Changes

The Permittee shall give notice to the Administrative Authority, as soon as possible, of any planned physical alterations or additions to the permitted facility, in accordance with LAC 33:V.309.L.1.

II.E.12. Physical Facility after Modification

For any new or existing unit being modified, the Permittee may not treat, store, or dispose of hazardous waste in modified portion of the unit until the unit is complete and:

> **II.E.12.a.** The Permittee has submitted to the Administrative Authority, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the unit is complete and has been constructed or modified in compliance with the permit; and
>
> **II.E.12.b.** The Administrative Authority has inspected the new or modified unit following a request to make a final inspection by the Permittee as required by LAC 33:V.303.I, and finds it is in compliance with the conditions of the permit and all applicable sections of LAC 33:V.Subpart 1, and has issued an Order to Proceed. The Permittee may then commence treatment, storage, or disposal of hazardous waste.

II.E.13. Anticipated Noncompliance

The Permittee shall give advance notice to the Administrative Authority of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

II.E.14. Transfer of Permits

This permit may be transferred to a new owner or operator with written approval by the Administrative Authority and if it is modified or revoked and reissued pursuant to the

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LAC 33:V.309.L.4, 321.B, 1531.D and LAC 33:I.Chapter 19.

The Permittee's failure to notify the new owner or operator of the requirements of LAC 33:V.Subpart 1 and LAC 33:I.Chapter 19 in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) prior to or no later than forty-five (45) days after the change. The Administrative Authority may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within forty-five (45) days after the change, in accordance with LAC 33:I.1909.B. The previous Permittee and the new Permittee must comply with all applicable requirements of LAC 33:I.1909.

II.E.15. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date as required by LAC 33:V.309.L.6.

II.E.16. Emergency Unauthorized Discharge Notification

In accordance with LAC 33:I.3915, in the event of an unauthorized discharge that results in an emergency condition (an emergency condition is any condition which could be reasonably expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property), the Permittee shall notify the DPS (Department of Public Safety) 24-hour Louisiana Emergency Hazardous Materials Hotline by telephone at (225) 925-6595 immediately, but in no case later than one (1) hour after learning of the discharge. The DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will subsequently notify the Department regarding the details of the discharge.

II.E.17. Non-Emergency Unauthorized Discharge Notification

In the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Chapter 39.Subchapter E but that does not cause an emergency condition, the Permittee shall promptly notify DPS by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) within twenty-four (24) hours after learning of the discharge.

Compliance with LAC 33:I.3917 does not relieve the Permittee of the necessity of following any applicable written notification procedures in LAC 33:I.3925 or any terms and conditions of any applicable permit or license issued under the Louisiana Environmental Quality Act.

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In the event of an unauthorized discharge that requires notification under LAC 33:I.3917.A, the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will notify the Department of Environmental Quality.

II.E.18. Unauthorized Discharge to Groundwater Notification

In the event that any unauthorized discharge results in the contamination of the groundwaters of the state or otherwise moves in, into, within, or on any saturated subsurface strata, the discharger (Permittee) shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC) within seven (7) days.

II.E.19. Written Notification Reports for Unauthorized Discharges

The Permittee shall submit written reports for any unauthorized discharging that requires notification, under Conditions, II.E.16, II.E.17 and II.E.18 of this permit, to the SPOC within seven (7) calendar days after notification required by Conditions II.16 through II.18, in accordance with LAC 33:I.3925.

II.E.20. Noncompliance Reporting

The Permittee shall report orally within twenty-four (24) hours any noncompliance with the permit not reported under Conditions II.E.16, II.E.17, and II.E.18 for confirmed releases to the groundwater that may endanger human health or the environment, in accordance with LAC 33:V.309.L.7. This report shall include the following:

II.E.20.a. information concerning the release of any hazardous waste that may endanger public drinking water supplies; and

II.E.20.b. information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, that could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

II.E.20.b.i. the name, address, and telephone number of the owner or operator;

II.E.20.b.ii. the name, address, and telephone number of the facility;

II.E.20.b.iii. the date, time, and type of incident;

II.E.20.b.iv. the name and quantity of materials involved;

II.E.20.b.v. the extent of injuries, if any;

II.E.20.b.vi. an assessment of actual or potential hazards to the

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environment and human health outside the facility, where this is applicable; and

II.E.20.b.vii. the estimated quantity and disposition of recovered material that resulted from the incident.

II.E.21. Follow-up Written Report of Noncompliance

The Permittee shall also provide a written submission within five (5) days after the time the Permittee becomes aware of any noncompliance which may endanger human health or the environment not reported under Condition II.E.20. The written submission shall contain a description of the noncompliance and its cause; the periods 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. If the Administrative Authority waives the requirement, then the Permittee shall submit a written report within fifteen (15) calendar days after the time Permittee becomes aware of the circumstances, as required by LAC 33:V.309.L.7.d.

II.E.22. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time required monitoring reports are submitted. The reports shall contain the information listed in Condition II.E.20.

II.E.23. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or that it submitted incorrect information in a permit application, or in any report to the Administrative Authority, the Permittee shall promptly submit such facts or information, in accordance with LAC 33:V.309.L.12.

II.E.24. Signatory Requirement

All applications, reports or other information submitted to the Administrative Authority shall be signed and certified according to LAC 33:V.507, 509, 511, and 513.

II.E.25. Schedule of Compliance

~~II.E.25.a. Within sixty (60) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, updated financial assurance for closure and post-closure estimates, in accordance with applicable sections of LAC 33:V Chapter 37.~~

II.E.25.~~b~~a. One hundred and eighty (180) days before planned construction, the Permittee must submit information pertaining to the design and operations and

certification (LAC 33:V.1802.C.2) of the proposed Containment Building 301 to the Administrative Authority for approval. The information submitted must comply with the requirements of LAC 33:V.Chapter 18, and all applicable regulations.

II.E.25.~~b.c.~~ One hundred and eighty (180) days before planned construction, the Permittee must submit the tank assessment for the proposed tanks (~~T-220, 223,~~ T-220, T-221, T-223, ~~and~~ T-305, ~~T-505 and T-506~~ T-601, T-602, T-610, T-611, T-612, T-613, T-630, T-631, T-632, T-701, T-702, T-703, T-704, T-710, T-711, T-712, T-713, T-740, and T-741), in accordance with LAC 33:V.1905.A. Once installed, in accordance with LAC 33:V.1905.B, the tank installation reports must be submitted to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 19, and all applicable regulations.

II.E.25.~~c.d.~~ One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications for the proposed container storage areas to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 21, and all applicable regulations.

~~**II.E.25.d.** One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Oil Recovery Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 32 and all applicable regulations.~~

~~**II.E.25.e.** One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Thermal Desorber Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 32 and all applicable regulations.~~

~~**II.E.25.f.** Before placing the proposed Oil Recovery Units into service, the Permittee must submit to the Administrative Authority, a revised contingency plan, a revised personnel training plan, and a revised waste analysis plan for all proposed units. The Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321.~~

~~**II.E.25.g.** Before placing the proposed Thermal Desorber Units into service, the Permittee must submit to the Administrative Authority, a revised contingency plan, a revised personnel training plan, and a revised waste analysis plan for all proposed units. The Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321.~~

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II.E.25.~~h.~~. Before placing any proposed unit or units into service, the Permittee must submit to the Administrative Authority, a revised inspection plan, a revised closure plan, and the engineering details for the air emission controls for all proposed units. The revised plans must be submitted as a permit modification, in accordance with LAC 33:V.321.C and 322.

~~**II.E.25.f.** The Permittee must submit within sixty (60) days of the effective date of this permit a revised Groundwater Sampling and Analysis Plan, as a permit modification, in accordance with LAC 33:V.322 that includes the following information:~~

~~**II.E.25.f.i.** Revised tables for detection monitoring indicator parameters to include the following constituents present in leachate samples (i.e., May 7, 2009 leachate analysis report): carbon disulfide, 4-Methyl-2-pentanone, m-Cresol (3-Methylphenol), beta-BHC, gamma-BHC (Lindane), 4,4'-DDE, 2,4-D, 2,4,5-T with their respective practical quantitation limits (PQLs) and analytical methods for each, as stated in CWMI's Response to Geologic/Groundwater Comments, dated January 14, 2010.~~

~~**II.E.25.f.ii.** For any parameter with a proposed concentration increase (i.e., selenium), a justification and documentation for the proposed increase must be provided.~~

~~**II.E.25.f.iii.** Note that statistical analysis is not required for non-naturally-occurring parameters (e.g., VOC, SVOC, PAH), and that any detection of these parameters shall be cause for notification, resampling, and/or assessment monitoring. Background sampling shall not be conducted for these parameters. This language should be included in Section 7.1 of the revised GWSAP.~~ ~~**II.E.25.g.** Within sixty (60) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, a revised Closure Plan submitted as a permit modification in accordance with LAC 33:V.321.C. The revised Closure Plan must make no reference to applying RECAP soil screening standards to closure of aboveground units. The Permittee shall comply with the most recently approved Closure Plan until the revised plan has been approved by the Administrative Authority as a permit modification.~~

~~**II.E.25.h.** Within thirty (30) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, a revised Hazardous Waste Permit Information Form/Part A/I that designates the correct process code for the proposed containment building (Building 301) (i.e., process code S06 or T94 not S02).~~

II.E.26. Updated Documents To Be Submitted Prior To Operation

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II.E.27. Documents To Be Maintained at Facility Site

II.E.27.a. The Permittee shall maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and amendments, revisions, and modifications to these documents. Any revision or changes shall be submitted with the annual report and in compliance with LAC 33:V.321, 322 and 323.

II.E.27.a.i. Waste Analysis Plan submitted in accordance with LAC 33:V.1519 (see Attachment 1);

II.E.27.a.ii. Contingency Plan submitted in accordance with LAC 33:V.1513 (see Attachment 1);

II.E.27.a.iii. Closure/Post-Closure Plan submitted in accordance with LAC 33:V.3511 and 3523 (see Attachment 1);

II.E.27.a.iv. Security Plan submitted in accordance with LAC 33:V.1507 and 1513 (see Attachment 1);

II.E.27.a.v. Closure/Post-Closure cost estimate for facility closure submitted in accordance with LAC 33:V.3705 and 3709 (see Attachment 1);

II.E.27.a.vi. Arrangements with the local authorities in accordance with LAC 33:V.1511.G;

II.E.27.a.vii. Personnel Training Plan and the training records required by LAC 33:V.1515 (see Attachment 1);

II.E.27.a.viii. Operating records required by LAC 33:V.1529, and

II.E.27.a.ix. Inspection Plan developed in accordance with LAC 33:V.517.G and 1509.B (see Attachment 1).

II.E.27.b. All proposed amendments, revisions and modifications to any plan or cost estimates required by this permit shall be submitted to the Administrative Authority for approval.

II.E.28. Annual Report

An annual report must be submitted by March 1 of each year covering all unit(s) listed in this permit and their activities during the previous calendar year as required by LAC

33:V.1529.D.

II.E.29. Manifest

The Permittee shall report manifest discrepancies and unmanifested waste as per LAC 33:V.309.L.8 and 9.

II.E.30. Emissions

Air emissions from any hazardous waste facility shall not violate the Louisiana Air Quality Regulations. If air quality standards are exceeded, the site will follow air regulation protocol.

II.E.31. Water Discharges

Water discharges, if any, must be in conformity with effluent limitations established by the Clean Water Act operating under a National Pollutant Discharge Elimination Systems (NPDES) permit and reported as required by that permit in accordance with LAC 33:V.1505.A.1.

II.E.32. Non-Listed Hazardous Waste Facilities

This permit is issued for those hazardous waste facilities listed in Condition IV (Permitted Facilities). If the Permittee determines that an unpermitted hazardous waste unit(s) exists, the Permittee must immediately notify the Administrative Authority in accordance with Condition II.E.23 of this permit.

II.E.33. Compliance with Land Disposal Restrictions

The Permittee shall comply with those land disposal restrictions set forth in La. R.S. 30:2193, and all regulations promulgated thereunder, and the HSWA portion of this permit (Condition VII and VIII).

II.E.34. Establishing Permit Conditions

Permits for facilities with pre-existing groundwater contamination are subject to all limits, conditions, remediation and corrective action programs designated under LAC 33:V.311.D and LAC 33:V.3303.

II.E.35. Obligation for Corrective Action

Owners or operators of hazardous waste management units must have all necessary permits during the active life of the unit and for any period necessary to comply with the corrective action requirements in Condition VII and VIII of this permit. The facility is obligated to complete facility-wide corrective action regardless of the operational status of the facility.

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II.E.36. Attachments and Documents Incorporated by Reference

All attachments and documents required by this permit, including all plans and schedules, are incorporated, upon approval by the Administrative Authority, into this permit by reference and become an enforceable part of this permit. When applicable, the Permittee must modify the permit according to LAC 33:V.Chapter 3. Since required items are essential elements of this permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action, which may include fines, suspension, or revocation of the permit.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this permit. Written requests for extension of due dates for submittals may be granted by the Administrative Authority.

If the Administrative Authority determines that actions beyond those provided for, or changes to what is stated herein are warranted, the Administrative Authority may modify this permit according to procedures in LAC 33:V.321.

III. GENERAL FACILITY CONDITIONS

III.A. DESIGN AND OPERATION OF ALL FACILITIES

III.A.1. The Permittee must maintain and operate all facilities to minimize the possibility of a fire, explosion, or any unauthorized sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or water that could threaten human health or the environment.

III.A.2. (RESERVED)

III.A.3. The Permittee may receive only those off-site hazardous wastes which are listed in the Part A of this permit and approved off-site Corrective Action Management Unit (CAMU) waste, in accordance Condition V.E.2.g.

III.A.4. The Permittee must not manage new wastes in the units listed in Condition IV without submitting a permit modification, in accordance with LAC 33:V.321, and receiving approval from the Administrative Authority.

III.B. REQUIRED NOTICE

When the Permittee anticipates receipt of hazardous waste from an off-site source (except where the Permittee is also the generator), it must inform the generator in writing that the Permittee has the appropriate permits for, and will accept, the waste to be shipped by the generator. The Permittee must keep a copy of this written notice as part of the operating record as required by LAC 33:V.1527.E.

III.C. GENERAL WASTE ANALYSIS

The Permittee shall manage those wastes set forth in the Part A/I and Condition III.A.3 and follow the procedures described in the Waste Analysis Plan, referenced in Attachment 1, and in accordance with LAC 33:V.1519.

III.C.1. The Permittee shall review the Waste Analysis Plan annually and report to the Administrative Authority in the annual report whether any revision is required to stay abreast of changes in EPA methods and/or state regulatory provisions.

III.C.2. Annually, the Permittee shall submit a certified statement that indicates that any laboratory that provides chemical analyses, analytical results, or other test data to the LDEQ, by contract or by agreement, is accredited in accordance with the laboratory accreditation requirements of LAC 33:I.Chapter 45. This written statement shall be certified as specified in LAC 33:V.513 and included in the annual report. This documentation shall be resubmitted when a different laboratory is contracted for services.

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III.C.3. If there is reason to believe that the hazardous waste has changed or the operation generating the hazardous waste has changed, the Permittee shall review and re-characterize all potentially impacted hazardous waste streams generated by the Permittee on-site and treated, stored, and/or disposed on-site. The Permittee must re-characterize wastes in accordance with LAC 33:V.1519.A.3. This re-characterization shall include laboratory analyses and/or process knowledge meeting the requirements of LAC 33:V.1519.A.2, which provide information needed to properly treat, store, and dispose of the hazardous waste, including, physical characteristics and chemical components of the waste. The results of this re-characterization for wastes that have exhibited change shall be summarized in the Permittee's Annual Report.

III.C.4. Annual review of the WAP must be certified in accordance with LAC 33:V.513. When revisions are made, the WAP must also be certified by a Louisiana licensed professional engineer (PE), in accordance with LAC 33:V.1519.

III.C.5. In accordance with LAC 33:V.1519.B, the Waste Analysis Plan must meet all the sampling and Quality Assurance/Quality Control (QA/QC) procedures and protocols contained in Condition II.E.9. All test procedures used by the Permittee shall be maintained on file by the Permittee and made available to the Administrative Authority upon request.

III.D. SECURITY

The Permittee shall comply with the security provisions of LAC 33:V.1507 and the Security Plan referenced in Attachment 1.

III.E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedule in the Inspection Plan referenced in Attachment 1 of this permit. The Permittee shall remedy any deterioration or malfunction discovered by an inspection as required by LAC 33:V.1509.C. Records of inspections shall be kept as required by LAC 33:V.1509.D. The inspection schedule shall address the regulatory requirements of LAC 33:V.517.G, 1509, 1802, 1911, 2109, 2307, 2309, and 2507.

III.F. PERSONNEL TRAINING

The Permittee shall conduct personnel training as required by LAC 33:V.1515.A, B and C. This training plan shall follow the outline in the Training Plan referenced in Attachment 1. The Permittee shall maintain all training documents and records as required by LAC 33:V.1515.D and E.

III.G. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall take precautions as required by LAC 33:V.1517 to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes.

III.H. LOCATION STANDARDS

III.H.1. The Permittee has furnished evidence that it is in compliance with seismic standards as required by LAC 33:V.517.T.

III.H.2. The Permittee must not manage any hazardous waste on any portion of the property that lies within the 100 year flood plain (as identified in the Flood Insurance Rating Map) unless such areas are raised above this flood level or other means (e.g., levees) are provided to protect such areas from washouts, overtopping by wave action, soil erosion or other effects of such a flood as required by LAC 33:V.1503.B.3. Such site improvements must be certified by independent licensed professional engineers and approved by Administrative Authority prior to any hazardous waste and/or hazardous waste units being placed thereon.

III.I. PRECIPITATION RUN-ON AND RUN-OFF

The Permittee must provide for the control and/or containment of run-on and run-off from the maximum rainfall occurring in twenty-four (24) hours from a 25-year storm as defined by local rainfall records and LAC 33:V.1503.B.2. The Permittee shall comply with the requirements of LAC 33:V.1503.B.2, 1907.E.1.b, 1802.A, 2111.B.4, B.5, B.6, 2309.B, 2503.C, D, and E, and 2521.

III.J. HURRICANE EVENTS

The Permittee shall initiate those applicable portions of the Contingency Plan during a hurricane as well as appropriate actions required by LAC 33:V.1507, 1509, and 1511.

III.K. PREPAREDNESS AND PREVENTION

III.K.1. Required Equipment

At a minimum, the Permittee shall install and maintain the equipment set forth in the Contingency Plan referenced in Attachment 1, as required by and which is in conformance with LAC 33:V.1511.C.

III.K.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Condition III.K.1 to insure its proper operation in time of emergency.

III.K.3. Access to Communications or Alarm Systems

The Permittee shall maintain access to the communications or alarm system, as required by LAC 33:V.1511.E.1 and 1511.E.2.

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III.K.4. Required Aisle Space

In no case shall aisle space be less than two (2) feet. In addition, the Permittee shall maintain adequate aisle space as required by LAC 33:V.1511.F and 2109.B.

III.K.5. Arrangements with Local Authorities

The Permittee shall document in the annual report that the requirements of LAC 33:V.1511.G have been met. This documentation shall include those State and Local agencies involved and those facilities and operations covered. Documentation of annual written renewal of arrangements with State and Local agencies shall also be included in this report. Where state or local authorities decline to enter into such arrangements, the Permittee must document the refusal in the operating record.

III.L. CONTINGENCY PLAN

III.L.1. Implementation of Plan

The Permittee shall immediately carry out the provisions of the Contingency Plan referenced in Attachment 1 of this permit, which complies with the emergency procedures described by LAC 33:V.1513.F, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that threaten or could threaten human health or the environment

III.L.2. Copies of Plan

The Permittee shall comply with the requirements of LAC 33:V.1513.C.

III.L.3. Amendments to Plan

The Permittee shall review and amend in a timely manner, if necessary, the Contingency Plan, as required by LAC 33:V.1513.D.

III.L.4. Emergency Coordinator

The Permittee shall comply with the requirements of LAC 33:V.1513.E concerning the emergency coordinator.

III.M. MANIFEST SYSTEM

III.M.1. Use of the Manifest System

The Permittee shall comply with the applicable manifest requirements of LAC 33:V. Chapter 11.

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III.N. RECORDKEEPING AND REPORTING

III.N.1. Operating Record

The Permittee shall maintain a written operating record at the facility in accordance with LAC 33:V.1529.A, B, and C.

III.N.2. Annual Report

The Permittee shall comply with the annual report requirements of LAC 33:V.1529.D.

III.N.3. Operations Manual

The Permittee shall compile and keep current an operations manual covering all aspects of the Permittee's treatment, storage and disposal facilities.

III.O. CLOSURE

The Closure/Post-closure Plan shall include the following responses by the Permittee to LAC 33:V.1915, 2117, 2315, 2521, 3503, 3505, 3507, 3509, 3511, 3513, 3515, and the approved TSCA closure plan.

III.O.1. Closure Performance Standard

The Permittee shall close the facility in accordance with the Closure Plan referenced in Attachment 1, and applicable requirements of LAC 33:V.3505, 3507, 3511, and the approved TSCA closure plan.

III.O.2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan where necessary, in accordance with LAC 33:V.3511.C. Any modification shall be subject to LAC 33:V.321, 322, and 323, where applicable.

III.O.3. Notification of Closure

The Permittee shall notify the Administrative Authority at least forty–five (45) days prior to the date he expects to begin closure, in accordance with LAC 33:V.3511.D.

III.O.4. Time Allowed For Closure

After receiving the final volume of hazardous waste, the Permittee shall treat, dispose or remove from the site all hazardous waste in accordance with the schedule specified in the Closure Plan referenced in Attachment 1 and LAC 33:V.3513. After receiving the final volume of hazardous waste, the Permittee shall complete closure activities in accordance with the schedule specified in the Closure Plan referenced in Attachment 1.

III.O.5. Disposal of Decontamination of Equipment

The Permittee shall decontaminate and/or dispose of all facility equipment in accordance with the Closure Plan referenced in Attachment 1, and LAC 33:V.3515.

III.O.6. Certification of Closure

The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan referenced in Attachment 1 and as required by LAC 33:V.3517.

III.O.7. Inventory at Closure

The Permittee shall be responsible for closure cost based upon the maximum permitted facility inventories (including the less than ninety (90) day storage area and TSCA waste storage area) listed below in Tables 1, 3, 5, 7, and 8 (cost estimates for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste):

TABLE 1
Existing Container Storage Areas

Container Storage Area	Containment Capacity (Gallons)	Volume of Largest Container Allowed (Gallons)	Maximum Permitted Storage Capacity
Container Management Unit 1			
Building 201[2]	44,468	6,000	Liquid Storage: 2,457 drums (135,135 gallons) AND Solid Storage: 1,956 drums (107,580 gallons) **Combined Total: 242,715 gallons**
Building 202	13,367	6,000	
Building 204	17,809	6,000	
Transportation Staging Building			
Building 801	35,600	6,000	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)
Leachate Loading Building			
Building 501[1]	9,865	6,000	38,610 gallons

[1]Building 501 is not a permitted container storage area. Building 501 only stores hazardous waste for less than ninety (90) days.

[2]Building 201 stores TSCA waste in Area 2. At final closure, the Permittee must close Area 2 in accordance with the approved TSCA closure plan. Approved cost estimates for closure must be updated accordingly

TABLE 2
Proposed Container Storage Areas

Container Storage Area	Containment Capacity (Gallons)	Volume of Largest Container Allowed (Gallons)	Maximum Permitted Storage Capacity
Container Management Unit 2			
Building 205	See Condition II.E.25.a~~d~~ of this Permit	6,000	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)~~Liquid Storage: 1,052 drums (57,860 gallons) AND~~ ~~Solid Storage: 640 drums (35,200 gallons)~~ ~~**Total: 93,060 gallons**~~
Transportation Staging Building			
Building 802	See Condition II.E.25.a~~d~~ of this Permit	6,000	80 roll-off boxes (484,704 gallons)

TABLE 3
Existing Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-502	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-503	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-504 A	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-504 B	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-505	Wastewater Holding Tank	1,006,900	956,555
T-506	Wastewater Holding Tank	1,006,900	956,555
T-903	Leachate Collection Storage Only	17,000	16,150
T-904	Leachate Collection Storage Only	16,990	16,150

T-905	Leachate Collection Storage Only	13,000	12,350
T-906	Leachate Collection Storage Only	33,874	32,180
T-907	Leachate Collection Storage Only	33,874	32,180

TABLE 4
Proposed Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-220	Receiving Tank	400	380
T-221	Solvent Flush Tank	400	380
T-222	Waste Holding Tank	14,500	13,775
T-223	Waste Holding Tank	14,500	13,775
~~T-505~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~T-506~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~Oil Recovery Unit Area~~			
T-630	Recovered Water Tank No. 1	21,000	19,950
T-631	Recovered Water Tank No. 2	21,000	19,950
T-632	Recovered Water Tank No. 3	21,000	19,950
~~Thermal Desorber Unit Area~~			
T-710	Recovered Water Tank No. 1	21,000	19,950
T-711	Recovered Water Tank No. 2	21,000	19,950
T-712	Recovered Water Tank No. 3	21,000	19,950
T-713	Recovered Water Tank No. 4	21,000	19,950
T-740	Sludge Holding Tank	5,000	4,750
T-741	Sludge Holding Tank	5,000	4,750

TABLE 5
Existing Hazardous Waste Treatment Tanks ~~in Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-303	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440

T-304	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-306	Pre-Treatment Tank Treatment Only	20,625	19,594

TABLE 6
Proposed Hazardous Waste Treatment Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-305	Pre-Treatment Tank Treatment Only	20,625	19,594
Oil Recovery Unit Area			
T-601	Off-loading Pit	38,776	36,837
T-602	Off-loading Pit	38,776	36,837
T-610	Feed Mix Tank	31,500	29,925
T-611	Feed Mix Tank	31,500	29,925
T-612	Feed Mix Tank	31,500	29,925
T-613	Feed Mix Tank	31,500	29,925
Thermal Desorber Unit Area			
T-701	Off-loading Pit	53,020	50,369
T-702	Off-loading Pit	53,020	50,369
T-703	Off-loading Pit	53,020	50,369
T-704	Off-loading Pit	53,020	50,369

TABLE 7
Landfill Cell

Landfill Cell	Maximum Permitted Storage Capacity
Cell 8	6,270,000 cubic yards

TABLE 8
Existing Biopads

UNIT NAME	SERVICE	CAPACITY

Biopad Phase I	Biological Treatment	342.5 tons/day
Biopad Phase II	Biological Treatment	342.5 tons/day

~~TABLE 9~~
~~Proposed Biopad~~

~~UNIT NAME~~	~~SERVICE~~	~~CAPACITY~~
~~Biopad Phase II~~	~~Biological Treatment~~	~~342.5 tons/day~~

TABLE 9~~10~~
Proposed Containment Building Storage

CONTAINMENT BUILDING	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Building 301	See Condition II.E.25.a~~b~~ of this Permit	Solid Storage only and Treatment; Macroencapsulation	504,900 gallons

TABLE 10
Proposed Oil Recovery Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Oil Recovery Unit-1	Recoverable Liquid Oil Separation	126,000 gallons/day
Oil Recovery Unit-2	Recoverable Liquid Oil Separation	126,000 gallons/day

TABLE 11
Proposed Thermal Desorber Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Thermal Desorber Unit-1	Organic Solid Constituents Separation	165 tons/day
Thermal Desorber Unit-2	Organic Solid Constituents Separation	165 tons/day

III.P. POST-CLOSURE

The Permittee will attempt to clean close all hazardous waste units (except for closed landfill cells). If the facility cannot be clean closed, the Permittee shall submit a post-closure plan for approval by the Administrative Authority. If some waste residues or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527; including maintenance and monitoring throughout the post-closure care period (including the landfill cells).

III.P.1. Inventory of Post-Closure

The Permittee shall be responsible for post-closure care costs for the following permitted facilities:

Table 12~~1~~
Post-Closure Landfill Cells

Landfill Cell	Status	Maximum Permitted Capacity
Cell 5	Post-Closure	309.9 Acre-Feet or 500,000 cubic yards
Cell 6	Post-Closure	2,519.01 Acre-Feet or 4,064,000 cubic yards
Cell 7	Post-Closure	1,466.53 Acre-Feet or 2,366,000 cubic yards
Cell 14	Post-Closure	325.42 Acre-Feet or 525,000 cubic yards
Cell 8 [1]	Currently operating	3,886.36 Acre-Feet or 6,270,000 cubic yards

[1]Post-Closure care for Landfill Cell 8 will begin after final closure.

III.P.2. Amendments to the Post-Closure Plan

The Permittee shall amend the Post-Closure Plan when necessary in accordance with LAC 33:V.3523.D. Any modifications shall be subject to the permit modification requirements in LAC 33:V.321.

III.Q. COST ESTIMATES FOR CLOSURE/POST-CLOSURE

III.Q.1. The Permittee must maintain cost estimates for closure of all facilities in accordance with LAC 33:V.3705.B and 3707.

III.Q.2. The Permittee shall maintain and adjust the closure cost for inflation, as specified in LAC 33:V.3705.B, 3705.C, and for other circumstances that increase the cost of closure.

III.Q.3. The Permittee must adjust the closure cost estimate within thirty (30) days after approval by the Administrative Authority of any request to modify the closure plan in accordance with LAC 33:V.3705.C. The Permittee shall consider the impact of any inventory and or process changes on the closure cost estimate.

III.Q.4. The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure most expensive in accordance with LAC 33:V.3705.A.1-4. The closure cost estimate shall be based on the maximum permitted inventory of each facility as specified in Tables 1, 3, 5, 7, and 8 (cost estimates for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste). The closure cost must include allowance for decontaminating the Stabilization Building 302, any associated contaminated equipment, and the adjacent areas of Mixing Basins (Tanks T-303 and T-304) in the stabilization building, listed in Table 5. The closure cost estimate must include an allowance for decontaminating the Oil Recovery Units, any associated contaminated equipment, and the adjacent areas of the Oil Recovery Area (Tanks T-601, T-602, T-610, T-611, T-612, T-613, T-630, T-631, and T-632), listed in Table 4, 6, and 10. The closure cost estimate must also include an allowance for decontaminating the Thermal Desorber Units, any associated contaminated equipment, and the adjacent areas of the Thermal Desorber Unit Area (Tanks T-701, T-702, T-703, T-704, T-711, T-712, T-713, T-740, and T-741), listed in Table 4, 6, and 11. Closure cost estimates must include less than ninety (90) day storage areas, loading and unloading areas (i.e., wastewater loading/unloading), and cost associated with the closure of the TSCA waste storage area.

III.Q.5. The Permittee's post-closure cost estimate of all facilities as specified in Table 12~~11~~, and as required by LAC 33:V.3709.A shall be included in separate post-closure plan.

III.Q.6. The Permittee shall maintain and adjust the post-closure cost estimate for inflation in accordance with LAC 33:V.3709.B.

III.Q.7. The Permittee shall adjust the post-closure estimate within thirty (30) days after approval by the Administrative Authority of any request to modify the post-closure plan in accordance with LAC 33:V.3709.C. The Permittee shall consider the impact of any inventory and/or process changes on the post-closure cost estimate.

III.Q.8. The post-closure cost estimate must equal the annual post-closure cost multiplied by the number of years in the post-closure period as specified in LAC 33:V.3521.A.

III.Q.9. Any closure/post-closure modifications are subject to LAC 33:V.321.

III.Q.10. If the Permittee is unable to complete clean closure of all facilities specified in Tables 1-11~~0~~ as per LAC 33:V.Chapter 35 and as acceptable by the Administrative Authority, a post-closure plan must be submitted for each facility unable to achieve clean closure (except for the closed landfill cells) within ninety (90) days from the date the Permittee or Administrative Authority determines that the unit must be closed as a landfill. The post-closure plan must meet the requirements of LAC 33:V.3523.B (including the closed landfill cells).

III.R. FINANCIAL ASSURANCE FOR FACILITY CLOSURE AND POST-CLOSURE

The Permittee shall have and maintain financial assurance for closure in accordance with LAC 33:V.3707 for all units listed under Tables 1, 3, 5, 7, and 8 (financial assurance for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste):

The Permittee shall have and maintain financial assurance for post-closure in accordance with LAC 33:V.3711 for all units listed under Table 12~~4~~.

III.S. LIABILITY REQUIREMENTS

The Permittee shall have and maintain liability coverage for sudden accidental occurrences for treatment, storage, and disposal facilities or a group of such facilities in accordance with LAC 33:V.3715.A.

III.T. INCAPACITY OF THE PERMITTEE

The Permittee shall comply with LAC 33:V.3717 whenever bankruptcy is~~is~~ initiated for the Permittee or its institutions providing financial assurance. If insurance is used for compliance with LAC 33:V.3715, the Permittee shall immediately notify the Administrative Authority if the insurance company is placed in receivership. The Permittee must establish other financial assurance or liability coverage within sixty (60) days after such an event.

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IV. PERMITTED FACILITIES

IV.A. TANKS

Details of the existing and proposed hazardous waste storage and treatment tanks listed in Tables 13-16~~12-15~~, including design and operational specifications, are contained in Condition V.A of this Permit.

TABLE ~~12~~13
(11~~9~~) Existing Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-502	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-503	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-504 A	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-504 B	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-505	Wastewater Holding Tank	1,006,900	956,555
T-506	Wastewater Holding Tank	1,006,900	956,555
T-903	Leachate Collection Storage Only	17,000	16,150
T-904	Leachate Collection Storage Only	17,000 ~~16,900~~	16,150
T-905	Leachate Collection Storage Only	13,000	12,350
T-906	Leachate Collection Storage Only	33,874	32,180
T-907	Leachate Collection Storage Only	33,874	32,180

TABLE 143
(136) Proposed Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-220	Receiving Tank	400	380
T-221	Solvent Flush Tank	400	380
T-222	Waste Holding Tank	14,500	13,775
T-223	Waste Holding Tank	14,500	13,775
~~T-505~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~T-506~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~On Kent Site Unit Area~~			
T-630	Recovered Water Tank No. 1	21,000	19,950
T-631	Recovered Water Tank No. 2	21,000	19,950
T-632	Recovered Water Tank No. 3	21,000	19,950
~~Hazardous Storage Unit Area~~			
T-710	Recovered Water Tank No. 1	21,000	19,950
T-711	Recovered Water Tank No. 2	21,000	19,950
T-712	Recovered Water Tank No. 3	21,000	19,950
T-713	Recovered Water Tank No. 4	21,000	19,950
T-740	Sludge Holding Tank	5,000	4,750
T-741	Sludge Holding Tank	5,000	4,750

TABLE 154
(3) Existing Hazardous Waste Treatment Tanks ~~in the Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
~~Stabilization Unit (Building 302)~~			
T-303	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-304	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-306	Pre-Treatment Tank Treatment Only	20,625	19,594

TABLE 16~~5~~
(11) Proposed Hazardous Waste Treatment Tanks ~~in the Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-305	Pre-Treatment Tank Treatment Only	20,625	19,594
Off-loading Unit Area			
T-601	Off-loading Pit	38,776	36,837
T-602	Off-loading Pit	38,776	36,837
T-610	Feed Mix Tank	31,500	29,925
T-611	Feed Mix Tank	31,500	29,925
T-612	Feed Mix Tank	31,500	29,925
T-613	Feed Mix Tank	31,500	29,925
Thermal Desorption Unit Area			
T-701	Off-loading Pit	53,020	50,369
T-702	Off-loading Pit	53,020	50,369
T-703	Off-loading Pit	53,020	50,369
T-704	Off-loading Pit	53,020	50,369

IV.B. CONTAINER STORAGE AREAS

Details of the existing and proposed container storage areas in Tables 17-18~~16-17~~ including design and operational specifications, are contained in Permit Condition V.B of this Permit.

TABLE 17~~6~~
(4) Existing Container Storage Areas

CONTAINER STORAGE AREA	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Container Management Unit 1			
Building 201	140′ x 160′	Liquid and Solid Storage; Macroencapsulation	Liquid Storage: 2,457 drums (135,135 gallons) AND Solid Storage: 1,956 drums
Building 202	80′ x 120′		

Building 204	50′ x 50′ and southern quarter extending eastward 75′		(107,580 gallons) **Combined Total: 242,715 gallons**
Transportation Staging Building			
Building 801	500′ x 50′	Liquid and Solid Storage; Macroencapsulation; Biotreatment	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)

TABLE 187

(2) Proposed Container Storage Areas

CONTAINER STORAGE AREA	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Container Management Unit 2			
Building 205	See Condition II.E.25.d of this Permit	Liquid and Solid Storage; Macroencapsulation	Liquid Storage: 1,052 drums (57,860 gallons) AND Solid Storage: 640 drums (35,200 gallons) **Total: 93,060 gallons**
Transportation Staging Building			
Building 802	See Condition II.E.25.d of this Permit	Liquid and Solid Storage Only; Macroencapsulation	80 roll-off boxes (484,704 gallons)

IV.C. CONTAINMENT BUILDING

Details of the proposed containment building storage and treatment in Table 198, including design and operational specifications, are contained in Permit Condition V.C of this Permit.

TABLE 198
(1) Proposed Containment Building

CONTAINMENT BUILDING	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Building 301	See Condition II.E.25.ab of this Permit	Solid Storage only and Treatment; Macroencapsulation	504,900 gallons

IV.D. BIOPADS

Details of the existing ~~and proposed container storage~~Biopads in Tables 20~~19~~, including design and operational specifications, are contained in Permit Condition V.D of this Permit.

TABLE 20~~19~~
(2~~1~~) Existing Biopad~~s~~

UNIT NAME	SERVICE	CAPACITY
Biopad Phase I	Biological Treatment	342.5 tons/day
Biopad Phase II	Biological Treatment	342.5 tons/day

~~**TABLE 20**~~
~~**(1) Proposed Biopad**~~

~~UNIT NAME~~	~~SERVICE~~	~~CAPACITY~~
~~Biopad Phase II~~	~~Biological Treatment~~	~~342.5 tons/day~~

IV.E. LANDFILL DISPOSAL

Details of the existing landfill listed in Table 21, including design and operational specifications, are contained in Condition V.E of this Permit.

TABLE 21
(1) Active Landfill

UNIT NAME	SERVICE	CAPACITY
Cell 8	Active Hazardous Waste Landfill	6,270,000 cubic yards

IV.F. POST-CLOSURE LANDFILLS{ TC "IV.E. PERMITTED POST-CLOSURE UNITS" \f C \l "2" }

Details of the existing post-closure landfills listed in Table 22, including design and operational specifications, are contained in Condition V.~~G~~I of this Permit.

TABLE 22
(4) Closed Landfills

UNIT NAME	SERVICE	CAPACITY
Cell 5	Closed Hazardous Waste Landfill	500,000 cubic yards
Cell 6	Closed Hazardous Waste Landfill	4,064,000 cubic yards
Cell 7	Closed Hazardous Waste Landfill	2,366,000 cubic yards
Cell 14	Closed Hazardous Waste Landfill	525,000 cubic yards

IV.G. OIL RECOVERY UNITS

Details of the proposed Oil Recovery Units listed in Table 23, including design and operational specifications, are contained in Condition V.F of this Permit.

TABLE 23
(2) Proposed Oil Recovery Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Oil Recovery Unit-1	Recoverable Liquid Oil Separation	126,000 gal/day
Oil Recovery Unit-2	Recoverable Liquid Oil Separation	126,000 gal/day

IV.H. THERMAL DESORBER UNITS

Details of the proposed Thermal Desorber Units listed in Table 24, including design and operational specifications, are contained in Condition V.G of this Permit.

TABLE 24
(2) Proposed Thermal Desorber Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Thermal Desorber Unit-1	Organic Solid Constituents Separation	165 tons/day
Thermal Desorber Unit-2	Organic Solid Constituents	165 tons/day

	Separation	

V. PERMIT CONDITIONS APPLICABLE TO PERMITTED FACILITIES

V.A. TANKS

V.A.1. Description of Tank Systems

The conditions set forth in Permit Condition V.A, shall apply, as applicable, to the permitted tank systems designated in Tables 13-16,~~12-15~~.

V.A.1.a. Permitted Tanks

V.A.1.a.i. The tanks listed in Table 27~~25~~ are permitted for hazardous waste storage or treatment as designated in Tables 13-16~~12-15~~. These tanks have been certified by an independent, professional engineer licensed in the State of Louisiana and have sufficient structural integrity for the storage of hazardous waste.

V.A.1.a.ii. The tanks listed in Table 27~~5~~ must be clearly marked with the words "Hazardous Waste" in accordance with LAC 33:V.1109.E.1.d.

V.A.1.a.iii. The Permittee is prohibited from storing or treating hazardous waste in any tank storage system not listed in Table 27~~5~~ for greater than ninety (90) days, unless an extension is granted by the Administrative Authority in accordance with LAC 33:V.1109.E.2.

V.A.2. Permitted and Prohibited Wastes

V.A.2.a. Permitted Waste

Subject to the terms of this permit, the Permittee is allowed to store or treat hazardous waste in the tanks as described in Condition V.A.1.a of this permit, and the hazardous wastes identified in the most current RCRA Subtitle C Site Identification Form (Part A Permit Application).

V.A.2.b. Prohibited Waste

The Permittee is prohibited from storing or treating hazardous waste that is not identified in the most current RCRA Subtitle C Site Identification Form (Part A Permit Application) and as described in Condition V.A.2.a of this permit.

V.A.3. Secondary Containment

V.A.3.a. Duty to Comply with LAC 33:V.1907

The Permittee shall design, construct, operate, and maintain the secondary containment system, including Building 302 (as the secondary containment

system for Tanks T-303 and T-304), the Oil Recovery Building (as the secondary containment system for the off-loading pits T-601 and T602), and the Thermal Desorber Building (as the secondary containment system for the off-loading pits of T-701, T-702, T-703, and T-704) in accordance with LAC 33:V.1907, and Table 27~~5~~.

V.A.3.b. Prevention of Migration

V.A.3.b.i. Secondary containment systems must be maintained and operated to prevent any migration of wastes or accumulated liquid out of the systems to the soil, groundwater, or surface water at any time during the use of the tank system, in accordance with LAC 33:V.1907.B.1.

If wastes or accumulated liquid is detected to migrate out of the secondary containment system to the soil or groundwater, or if groundwater is detected to migrate into the secondary containment system at any time, the entire tank system shall be considered unfit for use, and the procedures of LAC 33:V.1913 shall be followed.

V.A.3.b.ii. Ancillary equipment must be provided with secondary containment, except as excluded by LAC 33:V.1907.F.

V.A.3.b.iii. Secondary containment systems must be free of cracks or gaps and other surface defects that would allow liquid to migrate out of the containment system, in accordance with LAC 33:V.1907.E.

V.A.3.b.iv. Spilled or leaked waste and/or accumulated precipitation must be removed from the secondary containment system within twenty-four (24) hours or in as timely a manner as is possible to prevent harm to human health and the environment, if it can demonstrated to the Administrative Authority that removal of the spilled or leaked waste and/or accumulated precipitation cannot be accomplished within twenty-four (24) hours.

V.A.4. Operating Requirements

V.A.4.a. All permitted tanks and associated piping, pumps, instruments, containments, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 19 and the specification and design criteria provided in the Permit Application and Table 27~~5~~.

V.A.4.b. The design temperature and pressure for each tank listed in Table 27~~5~~ shall not change unless a permit modification is requested by the Permittee and subsequently approved by the Administrative Authority.

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V.A.4.c. Duty to Comply with LAC 33:V.1909.A

The Permittee shall comply with LAC 33:V.1909.A. Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

V.A.4.e. Duty to Comply with LAC 33:V.1909.B

The Permittee shall comply with LAC 33:V.1909.B and Tables 13-16~~12-15~~ and Table 27~~5~~ of this permit. The Permittee must use appropriate controls and practices to prevent spills and overflows from tanks and containment systems.

V.A.4.f. Tank Covers

All hazardous waste storage tanks listed in Table 27~~5~~ shall be covered, except for the stabilization mixing basins (Tanks T-303 and T-304), the Oil Recovery Unit off-loading pits (Tanks T-601 and T-602), and the Thermal Desorber Unit off-loading pits (T-701, T-702, T-703, and T-704)~~, shall be covered~~. Tanks T-303 and T-304 shall remain enclosed within Building 302. The Oil Recovery Unit off-loading pits (Tanks T-601 and T-602) shall remain enclosed within the Oil Recovery Building. The Thermal Desorber Unit off-loading pits (Tanks T-701, T-702, T-703, and T-704) shall remain enclosed within the Thermal Desorber Unit Off-Loading Building. All tanks shall not be vented directly to the atmosphere if the tanks are used to store, or if a possibility exists that they may be used to store, volatile or malodorous waste.

V.A.4.g. Maintenance

The Permittee shall maintain the permitted tank systems according to the design code specified for each tank as listed in Table 27~~5~~ and not exceed the listed operating conditions.

V.A.4.h. Stabilization Unit

The Stabilization Unit consists of two mixing basins, Tanks T-303 and T-304, and a pre-treatment tank, Tank T-306. Tanks T-303 and T-304 are both enclosed in Building 302. Tank T-306 is immediately adjacent to Building 302. The Stabilization Unit is permitted to conduct the following stabilization technologies:

V.A.4.h.i. Macroencapsulation

V.A.4.h.ii. Microencapsulation

V.A.4.h.iii. Chemical oxidation for cyanide or sulfide-bearing wastes

V.A.4.h.iv. Deactivation of corrosives and oxidizers

V.A.4.h.v. Any other stabilization technologies as discussed in the 2005 Permit Renewal Application and/or approved by the Department.

V.A.4.i. Oil Recovery Unit Area

The Oil Recovery Unit Area consists of the Oil Recovery Building that contains the two off-loading pits (Tanks T-601 and T-602), two carbon canister units; four feed mix tanks (Tanks T-610, T-611, T-612, and T-613); three recovery water tanks (Tanks T-630, T-631, and T-632); two centrifuge units; a thermal oxidizer; an area for roll-off boxes; and a truck loading area. The Oil Recovery Units technology will separate recoverable oils from drilling fluids, refinery tank bottoms, commercially exempt oil-bearing waste, and other hazardous and non-hazardous oil-bearing waste.

V.A.4.j. Thermal Desorber Unit Area

The Thermal Desorber Unit Area consists of the Thermal Desorber Unit Off-loading Building that contains the four off-loading pits (Tanks T-701, T-702, T-703, and T-704); four carbon canister units; two thermal desorber units; two vapor recovery units; two thermal oxidizers; two solids discharge areas that contain roll off boxes; four recovered water tanks (Tank T-710, T-711, T-712, and T-713); and two sludge holding tanks (Tank T-740 and T-741). The Thermal Desorber Units technology will treat contaminated tank bottoms, sludge, catalyst slurry oil, organic contaminated soils, and other organic hazardous ~~and non-hazardous~~ waste requiring thermal treatment to meet Land Disposal Restrictions (LDR).

V.A.5. Ignitable, Reactive, and Incompatible Wastes

The Permittee shall store ignitable, reactive, or incompatible wastes only in accordance with LAC 33:V.1517.B, 1917 and 1919.

V.A.6. Inspections

V.A.6.a. Inspection Schedule

The Permittee shall comply with LAC 33:V.1911.A through C by following the inspection schedule submitted in the Inspection Plan (see Attachment 1).

V.A.6.b. Daily Inspection

V.A.6.b.i. At least once per day while the tank is operating in hazardous waste service, the Permittee shall inspect the following:

V.A.6.b.i.(1) Aboveground portions of the tank system, as applicable, including the tank, ancillary piping, valves, and vent controls, to detect corrosion, cracks or releases of waste.

V.A.6.b.i.(2) Data gathered from monitoring and leak detection equipment.

V.A.6.b.i.(3) The construction materials and area immediately surrounding the externally accessible portion of the tank system and ancillary equipment, e.g. secondary containment system, to detect erosion, cracks and signs of hazardous waste releases.

V.A.6.b.i.(4) For the control of leakage of defective internal heating coils, monitor the steam return and exhaust line to detect contamination from internal heating coals that are utilized in oil recovery tanks.

V.A.6.b.ii. All deficiencies noted during daily inspections must be recorded and remedied in a timely manner.

V.A.6.c. External Inspection

At a minimum, external inspection of each tank covered by this permit shall be performed annually. The inspection shall be performed by a person meeting the minimum qualifications required under the inspection standard in Table 27~~5~~. The inspection checklist shall be comparable to that in API Standard 510 or 653, as applicable.

If the result of such an inspection reveals that the tank is unfit for continued service, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.d. Internal Inspection

Internal inspection of each tank covered by this permit shall be performed at the frequencies specified in Table 25~~3~~. The inspection shall be performed by a person meeting the minimum qualifications required under the inspection standard in Table 27~~5~~. The inspection checklist shall be comparable to that in API Standard 510 or 653, as applicable.

If the result of such an inspection reveals that the tank is unfit for continued service, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.e. Thickness Testing

V.A.6.e.i. An authorized inspector shall take tank thickness measurements on tank roofs, as applicable, and shells and shall be taken at least on each tank quadrant at the frequencies specified in Table 264. Tank thickness readings shall be taken in the same place during each testing event in order to form a comparison of readings for corrosion rate determination.

V.A.6.e.ii. Tank thickness readings shall also be taken at any spot where visual corrosion or compromised integrity is evident.

V.A.6.e.iii. An authorized inspector shall perform tank thickness measurements on tank bottoms at the frequencies specified in Table 264.

V.A.6.e.iv. When any tank shell thickness measurement at a single point is less than that required in Table 275, the Permittee shall immediately comply with either Condition V.A.6.e.iv.(1) or (2) below. Condition V.A.6.e.iv.(2) shall not be used for any tank where the shell thickness measurement is less than 0.100 inches.

V.A.6.e.iv.(1) When a tank is deemed unfit for use, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The tank shall be repaired or replaced and the certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.e.iv.(2) An engineering evaluation shall be performed, conforming to the appropriate standard or standards, as allowed by the design or inspection standard in Table 275. If the evaluation determines that the tank is unfit for service, the Permittee shall comply with Condition V.A.6.e.iv.(1) immediately. The evaluation must be submitted to the Waste Permits Division for approval within forty-five (45) days of the initial measurement.

V.A.6.e.v. Tank thickness measurements shall not be averaged, unless allowed under the tank inspection standard in Table 275. Averaging of tank thickness measurements shall be reported to the Administrative Authority.

V.A.6.f. Overfill Controls

Tank levels shall be checked daily and overfill controls shall be visually inspected along with other aboveground portions of the tanks daily. Function of the overfill

controls shall be tested annually.

V.A.7. Response to Leaks and Spills

V.A.7.a. Duty to Comply with LAC 33:V.1913.A through E

In the event of a leak or spill from a tank system, secondary containment system, or if a system becomes unfit for use, the Permittee shall comply with LAC 33:V.1913.A through E.

V.A.7.b. Leaks and Spills

V.A.7.b.i. Upon discovering a leak or spill, the Permittee must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

V.A.7.b.ii. Within twenty-four (24) hours of detecting a leak from the tank system, or in as timely a manner as is practical if the Permittee demonstrates that it is not possible to remove the waste within twenty-four (24) hours, the Permittee must remove as much waste as necessary to prevent further release from the tank or secondary containment system and to allow inspection and repair of the tank system, in accordance with LAC 33:V.1913.B.1.

V.A.7.b.iii. Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste must be cleaned up in a timely manner, as required by LAC 33:V.1505.C.3.

V.A.7.b.iii.(1) If the collected material is discharged through a point source to United States waters or to a Publicly Owned Treatment Works, it is subject to the requirements of the Clean Water Act.

V.A.7.b.iii.(2) If the collected material is released to the environment, it may be subject to reporting under applicable requirements of LAC 33:V.1505, LAC 33:I.Chapter 39, and 40 CFR Part 302.

V.A.7.b.iv. When a leak or spill occurs, the Permittee shall remove and properly dispose of any visible contamination of the soil or surface water, in accordance with LAC 33:V.1913.C.2.

V.A.7.b.v. A tank system from which a leak or spill has occurred must be closed in accordance with the approved Closure Plan and LAC 33:V.1915, unless the requirements of LAC 33:V.1913.E.2-3 are satisfied.

V.A.7.b.v.(1) For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service, in accordance with LAC 33:V.1913.E.2.

V.A.7.b.v.(2) For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning the tank to service, in accordance with LAC 33:V.1913.E.3.

V.A.7.b.vi. If the Permittee replaces a component of the tank system to eliminate a leak, that component must satisfy the requirements for new tank systems or components in LAC 33:V.1905 and 1907. An engineer's certification shall not be required for such day-to-day routine maintenance or service practices as replacement or repair of worn portions of tank system components (e.g. valves, bearings, seals), adjustment or repairs to instruments, etc.

V.A.7.b.vii. All leaks and spills shall be documented in the daily inspection log.

V.A.7.c. Major Repairs

V.A.7.c.i. The Permittee shall comply with LAC 33:V.1913.F when performing major repairs to a tank system.

V.A.7.c.ii. Major repairs shall include, but not be limited to, installation of an internal liner, repair of a ruptured tank, repair of a ruptured secondary containment area, and removal of a tank from its foundation for any reason.

V.A.7.c.iii. The Permittee shall conform to the appropriate portion of the most recent inspection code listed in Table 2~~73~~ for maintenance, inspection, re-rating, repair, and alteration of all tanks.

V.A.7.c.iv. The tank shall not be returned to service unless the Permittee has obtained a certification by an independent professional engineer licensed in the State of Louisiana that the system is capable of handling hazardous waste without release for the intended life of the system. The certification of repairs shall include an inspection in accordance with the requirements of any applicable codes, such as API 510 or API 653. The certification required in accordance with LAC 33:V.1913.F shall be submitted to the Administrative Authority within seven (7) days of returning the tank system to use. ~~in accordance with LAC 33:V.1913.F.~~

V.A.8. Air Emission Control Equipment Standards

The Permittee shall comply with Condition V.[illegible].2 of this Permit for air emission control equipment for all permitted hazardous waste tanks.

V.A.9. Recordkeeping

V.A.9.a. New Tanks

The Permittee shall obtain, and keep on file at the facility, the written statements by those persons required to certify the design and installation of new tank systems, in accordance with LAC 33:V.1905.G.

V.A.9.b. Written Assessment

The Permittee shall keep on file at the facility, written assessments of the tank systems' integrity. Assessments shall be updated at the time of submittal of the Permit Renewal Application and at any other time deemed necessary by the Administrative Authority (i.e., permit modifications, tank replacements, tank repairs, etc.).

V.A.9.c. Inspections

V.A.9.c.i. The Permittee shall document in the operating record for the facility inspection of those items in Conditions V.A.6.b-e of this Permit.

V.A.9.c.i.(1) The daily log sheets shall include all monitored parameters for the prevention of spills and overflows, which may include temperature, pressures, and either levels or pump flows into and out of the tanks.

V.A.9.c.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.A.9.c.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.A.9.c.ii. The Permittee shall document in the operating record all tests and inspections of overfilling controls.

V.A.9.c.iii. The Permittee shall keep on file at the facility the results of the internal and external inspections required by Conditions V.A.6.c-d of this Permit. The Permittee shall note all deficiencies discovered during the inspection in the inspection log. Corrective action taken in response to

deficiencies must be included as part of the operating record for the facility.

V.A.9.c.iv. The Permittee shall keep on file all information related to tank thickness testing required under Condition V.A.6.e of this Permit.

V.A.9.c.iv.(1) This information shall include, at a minimum, the date(s) of assessment, the location where measurement readings are taken, the raw measurement data, comparison of actual reading to minimum thickness requirements, the corrosion rate, and calculation of remaining tank life.

V.A.9.c.iv.(2) If an engineering evaluation is performed in accordance with Condition V.A.6.e.iv.(2) of this Permit, the results of such an evaluation shall be kept in the operating record.

The engineering evaluation must include: at a minimum, details on how the evaluation was performed, references to applicable tank codes, raw data, calculations performed, and an explanation of why the tank is or is not fit for continued service.

V.A.9.c.iv.(3) Any tank thickness measurements that are averaged under Condition V.A.6.e.iv. of this Permit must be supported by documentation with references to the applicable tank codes. The documentation shall include all raw measurement data, calculations, and results of averaging. This information shall be kept as a part of the operating record for the facility.

V.A.9.c.v. The Permittee shall keep on file at the facility the records of repairs required under Condition V.A.7.c of this Permit.

V.A.9.d. Releases

V.A.9.d.i. The Permittee shall keep on file at the facility, notification reports submitted under LAC 33:V.1913.D.

V.A.9.d.ii. Within twenty-four (24) hours of detecting a reportable leak or spill from a tank system or secondary containment system to the environment, the Permittee shall report the leak or spill in accordance with either Condition II.E.16 (Emergency Unauthorized Discharge) or Condition II.E.17 (Non-Emergency Unauthorized Discharge) of this Permit.

V.A.9.d.iii. Within thirty (30) days of detecting a reportable release to the environment from a tank system or secondary containment system, the Permittee shall report the following information to the Administrative

Authority's Single Point of Contact (SPOC):

V.A.9.d.iii.(1) Likely route of migration of the release;

V.A.9.d.iii.(2) Characteristics of the surrounding soil, including soil composition, geology, hydrogeology, and climate;

V.A.9.d.iii.(3) Results of any monitoring or sampling conducted in connection with the release (if available). If the Permittee finds it will be impossible to meet this time schedule, the Permittee must provide the Administrative Authority with a schedule of when the results will be available. This schedule must be provided before the required thirty (30) day submittal period expires;

V.A.9.d.iii.(4) Proximity of downgradient drinking water, surface water, and populated areas; and

V.A.9.d.iii.(5) A description of response actions taken or planned.

V.A.9.e. Repairs

The Permittee shall keep on file at the facility all certifications required by Condition V.A.7.c of this Permit.

V.A.10. Closure and Post-Closure Care

V.A.10.a. Duty to Comply with LAC 33:V.1915.A

The Permittee shall comply with LAC 33:V.1915.A by following the procedures specified in the Closure Plan, Attachment 1.

V.A.10.b. Duty to Comply with LAC 33:V.1915.B

If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated in accordance with Condition V.A.10.a of this Permit, the Permittee shall comply with LAC33:V.1915.B.

V.A.10.c. Post-Closure

The Permittee shall attempt to clean close all tank systems. If a tank cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-

closure care period.

TABLE 2~~5~~9
Internal Inspection Frequencies

Tank No.	Visual Internal Inspection Frequency	Complete Internal Inspection Frequency
T-220	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-221	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-222	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-223	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-303	Annually	As often as required by the inspection standard in Table 2~~7~~5[1]
T-304	Annually	As often as required by the inspection standard in Table 2~~7~~5[1]
T-305	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 2~~7~~5[1]
T-306	Every three (3) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-502	Every two (2) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-503	Every two (2) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-504 A	Every two (2) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-504 B	Every two (2) years	As often as required by the inspection standard in Table 2~~7~~5[1]
T-505	Every two (2) years ~~See Condition II.E.25.e of this Permit~~	As often as required by the inspection standard in Table 2~~7~~5[1]
T-506	Every two (2) years ~~See Condition II.E.25.e of this Permit~~	As often as required by the inspection standard in Table 2~~7~~5[1]
T-601	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-602	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-610	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-611	Every two (2) years	As often as required by the inspection standard in Table 27[1]

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T-612	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-613	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-630	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-631	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-632	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-701	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-702	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-703	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-704	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-710	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-711	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-712	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-713	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-740	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-741	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-903	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-904	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-905	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-906	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-907	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]

[1] The required frequency of inspection with reference to the applicable section of the standard shall be kept on site and available for review by the Administrative Authority upon request.

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TABLE 26~~4~~
Tank Thickness Measurements Frequencies

TANK	ROOF AND SHELL	BOTTOM
T-220	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-221	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-222	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-223	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-303	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-304	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-305	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-306	Every three (3) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-502	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-503	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 A	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 B	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-505	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-506	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-601	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-602	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-610	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-611	See Condition II.E.25.b of this	As often as required by the

	Permit	inspection standard in Table 27[1]
T-612	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-613	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-630	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-631	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-632	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-701	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-702	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-703	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-704	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-710	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-711	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-712	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-713	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-740	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-741	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-903	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-904	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-905	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-906	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-907	Every two (2) years	As often as required by the inspection standard in Table 27[1]

[1] The required frequency of inspection with reference to the applicable section of the standard shall be kept on site and available for review by the Administrative Authority upon request.

TABLE 2~~75~~
Design and Operating Parameters for RCRA Tank Systems

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-220	Proposed	N/A	4′ x 6′	400	380	API-620	API-653	150	ATM	Carbon Steel	1/4	1/8	See Condition II.E.25.~~b~~e of this Permit
T-221	Proposed	N/A	4′ x 6′	400	380	API-620	API-653	150	ATM	Carbon Steel	1/4	~~1/8~~ ~~3/16~~	See Condition II.E.25.~~b~~e of this Permit
T-222	Proposed	N/A	12′ x 21′	14,500	13,775	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	See Condition II.E.25.~~b~~e of this Permit
T-223	Proposed	N/A	12′ x 21′	14,500	13,775	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	External Concrete Liner
T-303	Existing	1995	12′ x 21′ x 10′	17,309	16,440	API-650	API-653	150	ATM	Carbon Steel	1	3/8	External Concrete Liner; Building 302
T-304	Existing	1995	12′ x 21′ x 10′	17,309	16,440	API-650	API-653	150	ATM	Carbon Steel	1	3/8	External Concrete Liner; Building 302
T-305	Proposed	N/A	~~12′ x 21′ See Condition II.E.25.be of this Permit~~	20,625	19,594	API-~~650~~620	API-653	150	ATM	Carbon Steel	3/8	1/4	See Condition II.E.25.~~b~~e of this Permit
T-306	Existing	1993	12′ x 21′	20,625	19,594	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	External Concrete Liner; Building 302

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-502	Existing	1993	69′ x 36′	1,006,900	956,555	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner
T-503	Existing	1999	69′ x 36′	1,006,900	956,555	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner
T-504 A	Existing	2001	24′ x 24′	~~87,00075,000~~	~~75,00074,250~~	API-620	API-653	150	ATM	Carbon Steel	Roof - 5/16 Ring 1 - 5/16 Ring 2 - 1/4 Ring 3 - 1/4 Cone Bottom - 3/8	Roof - 5/16 Ring 1 - ~~3/16 5/16~~ Ring 2 - ~~2/64 1/4~~ Ring 3 - ~~2/64 1/4~~ Cone Bottom - ~~19/64 3/8~~	External Concrete Liner

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-504 B	Existing	2001	24′ x 24′	87,000~~76,000~~	75,000~~21,250~~	API-620	API-653	150	ATM	Carbon Steel	Roof - 5/16 Ring 1 - 5/16 Ring 2 - 1/4 Ring 3 - 1/4 Cone Bottom - 3/8	Roof - 5/16 Ring 1 - 3/16~~5/16~~ Ring 2 - 9/64~~1/4~~ Ring 3 - 9/64~~1/4~~ Cone Bottom - 19/64~~3/8~~	External Concrete Liner
T-505	~~Existing Proposed~~	2015 ~~N/A~~	69′ x 36′	1,006,900	956,955	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	~~External Concrete Liner See Condition II.E.25.c of this Permit~~
T-506	~~Existing Proposed~~	2015 ~~N/A~~	69′ x 36′	1,006,900	956,955	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	~~External Concrete Liner See Condition II.E.25.c of this Permit~~

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-601[1]	Proposed	N/A	30' x 18' x 12' (sloping floor)	38,776	36,837	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-602[1]	Proposed	N/A	30' x 18' x 12' (sloping floor)	38,776	36,837	N/A	N/A	Ambient	N/A	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-610	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-611	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-612	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-613	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-630	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-631	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-632	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-701[2]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-702[2]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-703[2]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-704[2]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1"	3/8	See Condition II.E.25.b of this Permit
T-710	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-711	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-712	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-713	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-740	Proposed	N/A	96' x 160'	5,000	4,750	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-741	Proposed	N/A	96' x 160'	5,000	4,750	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-903	Existing	1991	10′ x 30′	17,000	16,150	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-904	Existing	1993	10′ x 30′	17,000 16,990	16,150	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-905	Existing	1991	8' x 30' ~~10' x 24'~~	13,000	12,350	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-906	Existing	2008	15.5′ x 24′	33,874	32,180	API-650	API-653	150	ATM	Carbon Steel	3/8	3/16	External Concrete Liner
T-907	Existing	2008	15.5′ x 24′	33,874	32,180	API-650	API-653	150	ATM	Carbon Steel	3/8	3/16	External Concrete Liner

[1]The proposed tanks are permitted for the capacities listed in Tables 14 and 16. ~~13 and 15.~~

[2]The proposed pits are part of the Oil Recovery Units.

[3]The proposed pits are part of the Thermal Desorber Units.

V.B. CONTAINER STORAGE AREAS

The permit conditions as set forth under this Condition shall apply where applicable, to the permitted container storage facilities as designated in Condition IV, Tables ~~16~~ 17-18.

V.B.1. Conditions and Operations

V.B.1.a. Conditions of Containers

V.B.1.a.i. The Permittee shall be in compliance with all appropriate conditions set forth in LAC 33:V.Chapter 21.

V.B.1.a.ii. The Permittee shall maintain the condition of all containers in accordance with LAC 33:V.2103. If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the hazardous waste to a container that is in good condition or manage the waste in some other way that complies with the requirements of LAC 33:V.Chapter 21.

V.B.1.a.iii. The Permittee shall maintain the integrity of all containers in accordance with LAC 33:V.2105. Hazardous wastes or treatment reagents must not be placed in containers if they could impair the ability of the container to contain the wastes or treatment reagents.

V.B.1.b. Management of Containers

V.B.1.b.i. The Permittee shall manage the containers in accordance with LAC 33:V.2107.A and B.

V.B.1.b.ii. The Permittee shall store all wastes in containers that are compatible with the hazardous wastes as required by LAC 33:V.2105. Hazardous wastes being transported offsite must be packaged and labeled in accordance with DOT standards listed in 49 CFR 173 and 178 as required by LAC 33:V.1109 and LAC 33:V.1759.F.

V.B.1.b.iii. The Permittee must place and store incompatible, ignitable, and reactive wastes only in accordance with LAC 33:V.1517, 2113, and 2115.

V.B.1.b.iv. If any hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined by RCRA and in accordance with LAC 33:V.109. In this event, management of the container is exempt from the requirements of LAC 33:V.Chapter 21.

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V.B.1.b.v. Containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

V.B.1.b.vi. Containers holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

V.B.1.b.vii. Pallets shall be placed in rows with a minimum of two (2) feet of access aisle space between the rows, or the width necessary to get emergency equipment to any area of the aisle, whichever is greater.

V.B.1.b.viii. All containers must be placed so that hazardous waste identification labels may be read from the access aisle.

V.B.1.b.viv. No drums or pallets may be stored directly over any sump area.

V.B.1.b.x. Containers holding thirty (30) gallons or more must be placed on pallets not more than two (2) containers high with no more than four (4) containers per tier on each pallet.

V.B.1.b.xi. If any hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined in LAC 33:V.109. In this event, management of the container is exempt from the requirements of LAC 33:V.Chapter 21.

V.B.1.c. Operations

V.B.1.c.i. All permitted container storage areas and associated piping, pumps, instruments, containments, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 21 and the specifications, design criteria, and design limits specified in the Permit Application.

V.B.1.c.ii. Unloading, Loading and Receiving/Staging

V.B.1.c.ii.(1) All trucks containing hazardous waste shall be managed in accordance with LAC 33:V.1527 and in accordance with the approved Waste Analysis Plan.

V.B.1.c.ii.(2) Sufficient pumping capacity such as portable pumps or vacuum trucks shall be provided to remove any spilled material from the sumps located in each of the unloading areas in a timely manner and to prevent any overflow from the contaminated area.

V.B.1.c.ii.(3) All loads that have entered the security gate will be inspected, prior to their leaving the sampling station(s), for leaks and any load found leaking will be responded to immediately, and moved to a contained area as soon as possible.

V.B.1.c.ii.(4) All hazardous waste trucks containing liquids that have been accepted for management, and are being held beyond the sampling station(s) for longer than twenty-four (24) hours, must be located in an area having the capability of holding the entire liquid contents of the trucks unless being transported to or from on-site treatment, storage or disposal.

V.B.1.c.ii.(5) A representative sample of the waste for each waste stream to be treated or disposed at the facility must be analyzed to verify the information on the manifest when required by, and in the manner specified by, the approved Waste Analysis Plan.

V.B.1.c.ii.(6) The quantity of waste received must be recorded and chemical and physical characteristics identified in accordance with the approved Waste Analysis Plan with regard to ignitability, reactivity or incompatibility. Only compatible wastes shall be stored in common containment or tanks.

V.B.1.c.iii. Biotreatment in Containers

Biotreatment in containers shall only be conducted in Building 801 and the proposed Building 802 in tarp-covered, twenty (20) to twenty-five (25) cubic yard roll-off boxes.

V.B.1.c.iv. Macroencapsulation in Containers

Macroencapsulation in containers shall only be conducted in existing Buildings 201, 202, 204, and 801, and the proposed Buildings 205, and 802 in one of the following:

V.B.1.c.iv.(1) specifically designed , one-piece, high-strength and high-density polyethylene (HDPE) containment units;

V.B.1.c.iv.(2) polyethylene bladder bags;

V.B.1.c.iv.(3) overlapped closure polyethylene box liners; or

V.B.1.c.iv.(4) other suitable technologies that are specifically formulated and designed to resist contaminants and leachate.

V.B.1.c.v. Container Decant/Filling/Processing

V.B.1.c.v.(1) Container decant/filling/processing shall be conducted in the existing Building 204, and the proposed Building 205.

V.B.1.c.v.(2) The Permittee must use appropriate controls and practices to prevent spills and overflows from the vessels and containment systems.

V.B.1.c.v.(3) At a minimum, overfill prevention controls for hazards waste will include, where applicable; level sensing devices, high level alarm, automatic feed cutoff or bypass to a standby truck.

V.B.1.c.v.(4) The Permittee must inspect the container decant/filling/processing units according to the inspection schedules specified in the approved inspection plan, referenced in Attachment 1.

V.B.1.c.v.(5) At closure, the Permittee must remove or decontaminate all waste residues from the system, in accordance with the approved closure/post-closure plan, referenced in Attachment 1.

V.B.2. Permitted and Prohibited Wastes

V.B.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to store in the container storage areas as described in Condition V.B of this Permit, the hazardous waste described in the most current Part A permit application, in the containers as described in Condition IV, Tables ~~16~~ 17-18.

V.B.2.b. Prohibited Wastes

The Permittee is prohibited from storing hazardous waste that is not identified in Condition V.B.2.a.

V.B.3. Secondary Containment

V.B.3.a. The Permittee shall always maintain enough secondary containment capacity to contain at least ten percent (10%) of the total volume of containers or the volume of the largest container, whichever is greater, in accordance with LAC 33:V.2111.B.3. Containers that do not contain free liquids (per the Paint Filter Liquids Test) do not need to be considered in this determination.

V.B.3.b. Container storage systems must have a containment system that is designed and operated in accordance with LAC 33:V.2111.B. The containment system must be designed and operated as follows:

V.B.3.b.i. a base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

V.B.3.b.ii. the base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

V.B.3.b.iii. run-on into the containment system must be prevented unless the containment system has sufficient excess capacity in addition to that required in LAC 33:V.2111.B.3 to contain any run-on which might enter the system;

V.B.3.b.iv. spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system; and

V.B.3.b.v. if the collected material is a hazardous waste, it must be managed in accordance with all applicable requirements.

V.B.4. Requirements for Ignitable, Reactive, and Incompatible Waste

V.B.4.a. The Permittee must store ignitable, incompatible, or reactive waste in accordance with LAC 33:V.1517 and LAC 33:V.2113, LAC 33:V.2115.A, B, C, and D.

V.B.4.b. Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility property line.

V.B.4.c. Hazardous wastes must not be placed in an unwashed container that previously held an incompatible waste or material.

V.B.4.d. A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers must be separated from the other materials or protected from them by means of a dike, berm, wall, other device, or approved management technique.

V.B.4.e. The Permittee must place the results of each waste analysis and any documented information regarding compatibility testing in the operating record of the facility.

V.B.5. Inspections

V.B.5.a. The Permittee shall inspect the containers and containment area(s) in accordance with LAC 33:V.2109 and LAC 33:V.1509. Results of such inspections must be placed in the operating record (for a minimum of three years). All incidents involving leaking containers and spilled materials reportable under applicable regulations (the Clean Water Act [CWA], RCRA, and the Superfund Amendments and Reauthorization Act of 1986 [SARA]) shall be detailed in the annual report (due March 1 of each year).

V.B.5.b. At least weekly, the Permittee must inspect where containers are stored for leaking containers and for deterioration of containers and containment systems caused by corrosion or other factors (including sealants used to maintain a base free of cracks or gaps). Remedial action shall be taken in accordance with LAC 33:V.1509.C and LAC 33:V.1513, when applicable.

V.B.5.c. All containers shall be stacked in such a fashion that each container identification label can be read from the access aisle.

V.B.5.d. All inspection records shall be maintained according to the recordkeeping requirements of LAC 33:V.1529.

V.B.6. Leaks and Spills

V.B.6.a. The Permittee shall manage spilled or leaked waste and accumulated precipitation according to LAC 33:V.2111.B.5.

V.B.6.b. Storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority.

V.B.6.c. The Permittee shall manage any collected material as required by LAC 33:V.2111.B.6. Spilled or leaked material shall be handled in a timely manner as required by LAC 33:V.2111.B.5.

V.B.7. Air Emission Control Equipment Standards

The Permittee shall comply with Condition V.~~H~~F.3 of this permit for air emission control equipment for all permitted container storage areas.

V.B.8. Recordkeeping

V.B.8.a. Inspections

The Permittee shall document in the operating record for the facility inspection of those items in Condition V.B.5 of this Permit.

V.B.8.a.i. The weekly log sheets shall include all inspected areas.

V.B.8.a.ii. The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.B.8.a.iii. Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.B.9. Closure and Post-Closure Care

V.B.9.a. At closure, the Permittee must remove all hazardous waste, residues, and containers from the container storage areas. All containers and liners must be handled as a hazardous waste (unless meeting the definition of "empty" container in accordance with LAC 33:V.109). All residuals and contaminated soils must be removed as required by the Closure Plan referenced in Attachment 1 of this permit, and as required by LAC 33:V.2117. If some waste residues or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.B.9.b. At closure, the Permittee shall adhere to the procedures detailed in the approve closure plan referenced in Attachment 1 of this permit and as required by LAC 33:V.2117 and LAC 33:V.Chapter 35, Closure Requirements, and the closure requirements of the approved TSCA Closure Plan. If the facility cannot be clean closed, the Permittee shall submit a post-closure plan for approval by the Administrative Authority.

V.B.9.c. A post-closure plan must be submitted for each container storage area failing to achieve clean closure (or an alternative closure standard approved under LAC 33:V.3501.D.2 or LAC 33:V.3507.B) within ninety (90) days from the date that the Permittee or the Administrative Authority determines that the unit must be closed as a landfill. The post-closure plan must meet the requirements of LAC 33:V.3523.B.

V.B.9.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the confirmatory sampling procedures prior to the commencement of closure, based upon the wastes historically managed by each unit during its lifetime.

V.C. CONTAINMENT BUILDING

V.C.1. Description of Containment Building

The permit conditions as set forth under this Condition shall apply to the permitted containment building designated in Table 1~~9~~8.

V.C.2. Permitted and Prohibited Wastes

V.C.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to store hazardous waste identified in the most current Part A Permit Application in the containment building as described in Table 1~~9~~8.

V.C.2.b. Prohibited Waste

The Permittee is prohibited from storing hazardous waste that is not identified in Condition V.C.2.a of this Permit.

V.C.3. Containment

V.C.3.a. The Permittee must use controls and practices to ensure containment of the hazardous waste within the unit; and, at a minimum, must:

V.C.3.a.i. maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

V.C.3.a.ii. maintain the level of the stored hazardous waste within the containment walls of the unit so that the height of any containment walls of the unit is not exceeded; and

V.C.3.a.iii. take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling waste. An area must be designated to decontaminate equipment, and any rinsate must be collected and properly managed.

V.C.4. Operating Requirements

V.C.4.a. The Permitted containment building and associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 18 and the specifications, design criteria, and design limits in the Permit Application and Condition II.E.25.~~a~~b of this Permit.

V.C.4.b. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions (40 CFR Part 60, Appendix A, Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

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V.C.4.c. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in 40 CFR 60, Subpart 292.

V.C.4.d. Wash-down or decontamination areas shall be constructed and standard operating procedures developed for decontaminating equipment prior to removal from the containment building.

V.C.4.e. Decontamination pads or areas shall be constructed and standard operating procedures developed for the removal and containment of dust from personnel.

V.C.4.f. The Permittee shall evaluate the presence of free liquids using the paint filter test, a visual examination, or other appropriate means and document such evaluation.

V.C.4.g. Macroencapsulation shall only be conducted in one of the following:

V.C.4.g.i. specifically designed, one-piece, high-strength and high-density polyethylene (HDPE) containment units;

V.C.4.g.ii. polyethylene bladder bags;

V.C.4.g.iii. overlapped closure polyethylene box liners; or

V.C.4.g.iv. other suitable technologies that are specifically formulated and designed to resist contaminants and leachate.

V.C.4.h. Storage in containers shall be in accordance with Condition V.B.

V.C.5. Ignitable, Reactive, and Incompatible Wastes

The Permittee shall store ignitable, reactive, or incompatible wastes only in accordance with LAC 33:V.1517.

V.C.6. Inspections

V.C.6.a. Inspection Schedule

The Permittee shall comply with LAC 33:V.1802.C.4 by following the inspection schedule submitted in the Inspection Plan (see Attachment 1).

V.C.6.b. Weekly Inspection

V.C.6.b.i. At least once every seven (7) days, the Permittee must inspect data gathered from monitoring equipment and leak detection equipment as

well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.

V.C.6.b.ii. All deficiencies noted during weekly inspections must be recorded and remedied in a timely manner. Remedial action as described in LAC 33:V.1513 shall be taken.

V.C.7. Response to Leaks or Spills

V.C.7.a. The Permittee shall manage spilled or leaked waste in accordance with LAC 33:V.1802.C.3.

V.C.7.b. The Permittee shall promptly repair any condition which the owner or operator detects throughout the active life of the containment building that could lead to or cause a release of hazardous waste in accordance with the following procedures:

V.C.7.b.i. upon detection of a condition that has led to a release of hazardous waste (e.g., upon detection of leakage from the primary barrier), the owner or operator must:

V.C.7.b.i.(1) enter a record of the discovery in the facility operating record;

V.C.7.b.i.(2) immediately remove the portion of the containment building affected by the condition from service; and

V.C.7.b.i.(3) determine what steps must be taken to repair the containment building, remove any leakage, and establish a schedule for accomplishing the cleanup and repairs.

V.C.8. Air Emission Control Equipment Standards

See Condition II.E.25.~~f.~~ of this Permit.

V.C.9. Recordkeeping

V.C.9.a. Inspections

V.C.9.a.i. The Permittee shall document in the operating record for the facility inspection of those items in Condition V.C.6.b of this Permit.

V.C.9.a.i.(1) The weekly log sheets shall include all inspected areas.

V.C.9.a.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.C.9.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.C.9.b. Releases

V.C.9.b.i. The Permittee shall keep on file at the facility, notification reports submitted under LAC 33:V.1802.C.3.

V.C.9.b.ii. Within seven (7) days after discovery of a condition as described in Condition V.C.7. of this Permit, notify the Office of Environmental Services, Waste Permits Division of the condition.

V.C.9.b.iii. Within fourteen (14) working days after discovery of a condition as described in Condition V.C.7. of this Permit, provide a written notice to the Administrative Authority with a description of the steps taken to repair the containment building and the schedule for accomplishing the work.

V.C.9.b.iv. Upon completing all repairs and cleanup due to a condition discovered as described in Condition V.C.7 of this Permit, the owner or operator must notify the Office of Environmental Services, Waste Permits Division in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with LAC 33:V.1802.C.3.a.iv.

V.C.10. Closure and Post-Closure Care

V.C.10.a. Duty to Comply with LAC 33:V.1803.A

The Permittee shall comply with LAC 33:V.1803.A by following the procedures specified in the Closure Plan, Attachment 1.

V.C.10.b. Duty to Comply with LAC 33:V.1803.B

If the Permittee demonstrates that not all contaminated components, subsoils, structures, and equipment can be practicably removed or decontaminated in accordance with Condition V.C.10.a of this Permit, the Permittee shall comply with LAC33:V.1803.B.

V.C.10.c. Post-Closure

The Permittee shall attempt to clean close the containment building. If the containment building cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health

and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527 and Condition V.B.9, including maintenance and monitoring throughout the post-closure care period.

V.D. BIOPADS

V.D.1. Description of Biopads

The permit conditions as set forth under this Condition shall apply to the permitted existing ~~and proposed b~~Biopads Phase I and II designated in Table~~s 19~~ 20.

V.D.2. Permitted and Prohibited Wastes

V.D.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the biopads to biologically treat hazardous waste identified in the most current Part A Permit Application that is categorized as one of the following wastes:

V.D.2.a.i. pesticides

V.D.2.a.ii. petroleum hydrocarbons

V.D.2.a.iii. nitroaromatics

V.D.2.a.iv. wood treating wastes

V.D.2.a.v. chlorinated hydrocarbons

V.D.2.a.vi. refinery-related materials

V.D.2.a.vii. other similar wastes that have been demonstrated in industry and/or literature to be amenable to biological treatment and/or scientifically evaluated to be amenable to biological treatment

V.D.2.b. Prohibited Waste

The Permittee is prohibited from treating the following hazardous wastes in the biopads:

V.D.2.b.i. hazardous wastes F020, F021, F022, F023, F026, and F027; and

V.D.2.b.ii. any hazardous waste that is not identified in Condition V.D.2.a of this Permit.

V.D.3. Design and Operating Requirements

V.D.3.a. The permitted biopads and associated ancillary equipment shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 23 and the specifications, design criteria, and design limits approved by the Administrative Authority.

V.D.3.b. Liner Systems

The following liner system components associated with the biopads, listed in order from the bottom to the top of the biopads, must be operated and maintained, in accordance with LAC 33:V.2303:

V.D.3.b.i. a minimum three (3) foot thick layer of compacted clay; ~~and~~

V.D.3.b.ii. a forty (40) mil textured HDPE secondary geomembrane, in accordance with LAC 2303.C.1.b;

V.D.3.b.iii. a sixteen (16) ounce per square yard nonwoven leachate detection geotextile;

V.D.3.b.iv. a forty (40) mil textured HDPE primary geomembrane;

V.D.3.b.v. a sixteen (16) ounce per square yard nonwoven leachate collection geotextile; and

V.D.3.b.vi. a 1.5 foot thick layer of lime-stabilized clay protective cover.

V.D.3.c. Leachate Collection and Removal Systems

The leachate collection and removal systems for the biopads must be maintained and operated to collect and remove leachate from the biopads, in accordance with LAC 33:V.2303.C.4.

V.D.3.d. Leak Detection Systems

The leak detection systems must be maintained and operated to detect any migration of liquids into the spaces between the liner systems, in accordance with LAC 33:V.2303.C.

V.D.3.e. Run-on and Run-off Control Systems

V.D.3.e.i. A run-on control system must be operated and maintained to prevent flow onto any active portion of the biopads.

V.D.3.e.ii. A run-off management system must be operated and maintained to collect and control any water volume collected.

V.D.3.e.iii. Collection and holding facilities (e.g., tanks or basins) associated with the run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain the design capacity of the system.

V.D.3.e.iv. The run-on and run-off control systems must maintain a design capacity to control water volume resulting from a 24-hour, 25-year storm.

V.D.3.f. Liquids or materials containing free liquids shall not be placed directly on the biopad.

V.D.3.g. The biopiles must be covered or otherwise managed to control wind dispersal.

V.D.4. Ignitable, Reactive, and Incompatible Wastes

V.D.4.a. Ignitable or reactive waste must not be placed in the biopads unless the waste and the biopads satisfy all applicable requirements of LAC 33:V.Chapter 22, and:

V.D.4.a.i. the waste is treated, rendered, or mixed before or immediately after placement in the biopads so that:

V.D.4.a.i.(1) the resulting waste, mixture, or dissolution of material no longer meets the description of ignitable or reactive wastes under the characteristics of ignitability or reactivity in LAC 33:V.4903.B or D; and

V.D.4.a.i.(2) the general requirements for ignitable, reactive, or incompatible wastes as specified in LAC 33:V.1517.B are met; or

V.D.4.a.ii. the waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

V.D.4.b. Incompatible wastes, or incompatible wastes and materials must not be placed in the same biopad, unless LAC 33:V.1517.B is complied with.

V.D.4.c. A pile of hazardous waste that is incompatible with any waste or waste stored nearby in containers, other piles, or open tanks must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device.

V.D.4.d. Hazardous waste must not be piled on the same base where incompatible

waste or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with LAC 33:V.1517.B.

V.D.5. Inspections

V.D.5.a. Duty to Comply with LAC 33:V.2307.A

The Permittee shall comply with LAC 33:V.2307.A. The facility must provide the Administrative Authority with thirty (30) days of advance notice of any synthetic liner installations to allow the Administrative Authority the opportunity to inspect the liner and its installation.

V.D.5.b. Duty to Comply with LAC 33:V.2307.B

The Permittee is exempt from complying with LAC 33:V.2307.B. The biopad's synthetic liner system is located beneath a 1.5 foot thick layer of lime-stabilized clay protective cover.

V.D.5.c. During any biopad construction or installation, liners or cover systems must be inspected for uniformity, damage, imperfections, (e.g., holes, cracks, thin spots, or foreign materials). Immediately after any biopad construction or installation:

V.D.5.c.i. synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

V.D.5.c.ii. soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.

V.D.5.d. Weekly Inspections

V.D.5.d.i. While the biopad is in operation, it must be inspected weekly and after storms to detect the evidence of any of the following:

V.D.5.d.i.(1) deterioration, malfunctions, or improper operation of run-on and run-off control systems;

V.D.5.d.i.(2) proper functioning of wind dispersal control systems, where present;

V.D.5.d.i.(3) the presence of leachate in and proper functioning of leachate collection and removal systems, where present; and

V.D.5.d.i.(4) the presence of liquids in the leak detection system.

V.D.5.d.ii. All deficiencies noted during weekly inspections must be recorded and remedied in a timely manner.

V.D.5.d.iii. The facility must record the amount of liquids removed from the leak detection system sump at least once each week during the active life and closure period of the biopad.

V.D.6. Response to Leaks

V.D.6.a. If a tear is found in the liner systems of the biopads, the Permittee must:

V.D.6.a.i. notify the Administrative Authority of the tear within seven (7) days after detecting the tear; and

V.D.6.a.ii. remove accumulated liquid, repair or replace the damaged liner to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the tear has been repaired.

V.D.6.b. If the flow rate into any leak detection system exceeds the action leakage rate (established by the approved Response Action Plan (RAP) for the biopads) for any sump, the Permittee must:

V.D.6.b.i. notify the Administrative Authority in writing of the exceedance within seven (7) days of the determination;

V.D.6.b.ii. determine to the extent practicable the location, size, and cause of any leak;

V.D.6.b.iii. determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the biopad for inspection, repairs, or controls, and whether or not the biopad should be closed;

V.D.6.b.iv. determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and

V.D.6.b.v. Determinations made in accordance with Conditions V.D.7.b.ii-iv of this Permit must meet the requirements with LAC 33:V.2306.C.

V.D.7. Recordkeeping

V.D.7.a. Inspections

V.D.7.a.i. The Permittee shall document in the operating record for the facility inspection of those items in Condition V.D.5.d. of this Permit.

V.D.7.a.i.(1) The weekly log sheets shall include all inspected areas.

V.D.7.a.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.D.7.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.D.7.b. Response Actions

V.D.7.b.i. Within fourteen (14) days of determination that the action leakage rate has been exceeded, as discussed in Condition V.D.6.b, the owner or operator must submit a preliminary written assessment to the Administrative Authority as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.

V.D.7.b.ii. Within thirty (30) days after the notification that the action leakage rate has been exceeded, as discussed in Condition V.D.6.b, the owner or operator must submit to the Administrative Authority the results of the analyses specified in LAC 33:V.2306.B.3-5, of actions taken, and of remedial actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Administrative Authority a report summarizing the results of any remedial actions taken and actions planned.

V.D.8. Closure and Post-Closure Care

V.D.8.a. Duty to Comply with LAC 33:V.2315.A

The Permittee shall comply with LAC 33:V.2315.A by following the procedures specified in the Closure Plan, Attachment 1.

V.D.8.b. Duty to Comply with LAC 33:V.2315.B

If the Permittee demonstrates that not all contaminated components, subsoils, structures, and equipment can be practicably removed or decontaminated in accordance with Condition V.D.8.a of this Permit, the Permittee shall comply with LAC33:V.2315.B.

V.D.8.c. Post-Closure

The Permittee shall attempt to clean close the biopads. If the biopad cannot be clean closed and the Permittee has not demonstrated through a risk assessment

approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.E. LANDFILL

V.E.1. General Design, Construction and Requirements

V.E.1.a. The design, construction and operations of the hazardous waste landfill designated as Landfill Cell 8, in Table 21, must comply with this permit, the applicable regulatory requirements of LAC 33:V.517, 533 and LAC 33:V.Chapter 25, and shall be in accordance with the plans and specifications for design, construction and operations approved herein. All plans and specifications for the design, construction and operation of the hazardous waste landfill facility, approved at the time of construction of Landfill Cell 8 and attached hereto and made a permanent part of the permit, are approved subject to the terms of this permit and any other order of the Administrative Authority.

V.E.1.b. Any variance from or modification to the approved drawings, specifications or terms and conditions of this permit for the design or construction of the landfill unit that deviates from the design intent or performance standards is not allowed without prior written approval from the Administrative Authority.

V.E.1.c. At least twenty four (24) hours prior to effecting any variance from or modification to the approved plans and specifications for design, construction and operation of the landfill and the terms and conditions of the permit that do not constitute a deviation from the design intent or performance standards, the Permittee shall notify the Administrative Authority of the intended change via facsimile transmittal or email and follow-up with an official notification via registered mail, and a telephone call. This notification shall include a justification for the proposed action.

V.E.1.d. The Administrative Authority reserves the right to require the implementation of additional procedures if it is subsequently determined that a change effected without said approval was deemed by the Administrative Authority as being in deviation from the design intent or performance standards of the approved drawings, specifications or terms and conditions of this permit.

V.E.1.e. Prior to construction of the soil liner for a landfill, a test fill using materials characterized as the same as those to be used in the new landfill shall be required. The Permittee shall construct and test in accordance with procedures contained in the Chemical Waste Management, Inc. (CWMI) "Quality Assurance Document for the Installation of Lining Systems." Any modifications and/or

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latest revision must be submitted to the Department for review and approval. The test fill will be identical in thickness and composite make-up as approved for the facility design.

Alternatively, soil liner construction records and test results from prior, similarly constructed cells, (i.e., Cell 14 and/or Cell 6 and/or Cell 7) can become the basis for test fill documentation and certification.

After the successful construction of the test fill(s), the Permittee shall provide written certification of proper construction and evaluation and said certification shall specifically address:

V.E.1.e.i. Results of all pre-construction, construction and post-construction QA/QC inspection and testing.

V.E.1.e.ii. Summary of materials and construction specification, methodology and equipment.

V.E.2. General Operating Conditions

V.E.2.a. The Permittee shall operate and maintain the one (1) existing permitted operating Landfill Cell 8, listed in Table 21, to meet the following performance standards:

V.E.2.a.i. Operate and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from a 24-hour, 25-year storm in accordance with LAC 33:V.2503.D. Any incidences of run-on entering the containment areas shall be reported and made a part of the annual report.

V.E.2.a.ii. Operate and maintain a run-off management system to collect and control at least the water volume resulting, from a 24-hour, 25-year storm in accordance with LAC 33:V.2503.E. Any incidences of run-off not collected and controlled shall be reported and made a part of the annual report.

V.E.2.a.iii. The Permittee may landfill only those wastes which, at a minimum, meet the criteria specified in LAC 33:V.2503, 2511, 2513, 2515, 2517 and 2519 and in compliance with Condition VII and VIII.

V.E.2.a.iv. The Permittee may not place bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not absorbents have been added) in the landfill.

V.E.2.a.v. All collection and holding facilities (sumps and tanks) associated with the run-on and run-off control systems must be emptied

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expeditiously after storms to maintain the design capacity of the system. Collected material must be disposed of properly as required by LAC 33:V.2503.F.

V.E.2.a.vi. Hazardous waste within the landfill must be covered or otherwise managed to insure minimum wind dispersal as required by LAC 33:V.2503.G.

V.E.2.a.vii. While in operation, the landfill must be inspected weekly and after storms to detect evidence of any of the following, as required by LAC 33:V.2507.C:

> **V.E.2.a.vii.(1)** deterioration, malfunctions, or improper operation of run-on and run-off control systems;
>
> **V.E.2.a.vii.(2)** the presence of liquids in leak detection systems;
>
> **V.E.2.a.vii.(3)** proper functioning of wind dispersal control systems, where present; and
>
> **V.E.2.a.vii.(4)** the presence of leachate in and proper functioning of leachate collection and removal systems, where present.

V.E.2.a.viii. Accumulated rainfall and groundwater must be removed from the active portions of the landfill in a timely manner.

V.E.2.a.ix. Closure and post-closure care shall conform with LAC 33:V.2521 and the closure/post-closure plan referenced in Attachment 1 of this permit, which is in compliance with the applicable rules and regulations.

V.E.2.a.x. The receiving and monitoring of wastes into the landfill must be performed according to LAC 33:V.1527 and the Waste Analysis Plan referenced in Attachment 1.

V.E.2.a.xi. The leachate detection and collection system must be properly maintained and inspected weekly and after storms to detect the presence of liquids and the proper functioning of the systems. If liquids are encountered at the level of greater than one (1) foot above the lip of the collection sump in a leachate collection system, it shall be removed to the lowest practical level. For both leachate collection and detection systems, records shall be maintained on the amount of fluid removed each week. The volume of fluid removed from each leachate collection and detection system must be reported quarterly.

No later than 180 days before planned waste disposal in disposal modules

associated with Cell 8, the Permittee must propose, for review and approval by the Administrative Authority, a Response Action Plan (RAP) for Cell 8, in accordance with Federal Register Vo. 57, No. 19, dated January 29, 1992 (or subsequent revisions) and with LAC 33:V.2504, that includes the proposed Action Leakage Rates for disposal modules associated with Cell 8, in accordance with LAC 33:V.2504. The RAP will describe the criteria used to evaluate the systems and the responses required to address liquids in the leachate detection collection, and removal systems for cells constructed at the site that meet minimum technology requirement having compacted clay and synthetic membrane liner systems. The RAP will also address potential sources of liquids. Responses to the detection of fluids in these systems may include no action, modifying operating procedures, repairing the liner system if possible, and when appropriate, notification to the Administrative Authority.

V.E.2.a.xii. The Permittee must maintain operating records as required by LAC 33:V.2509. At a minimum the accurate location of each waste load shall be recorded in the operating record within twenty-four (24) hours of being placed in the landfill. These records are to include a system of accurate tracking of each waste load throughout the facility. The tracking system must record: pre-acceptance information and analyses, the date of the pre-acceptance data, acceptance information and analyses, all internal transfers of wastes from receipt at the facility to treatment, storage, and final disposal; all internal waste transfers for on-site generated wastes such as contaminated rainwater, landfill leachate, truck washings, etc., and the results of all test analyses on the solidified wastes; the contents, date, weight or volume and location of wastes placed into and removed from storage; and the method, location and date of final disposal, treatment, or reclamation at the facility. Other than laboratory acceptance results which are recorded on a real time basis during the review of the shipment, all data shall be entered into the tracking system by the close of the next business day. The tracking system must provide a coordinate for the accurate location within the landfill of each day's disposal or each disposal event.

V.E.2.a.xiii. The Permittee will continue to operate and maintain the four (4) ambient air monitoring stations as outlined in the Louisiana Department of Environmental Quality – Air Quality Division Air Permit and/or subsequent modification, and as required by LAC 33:V.3305.E.

V.E.2.b. Special Requirements for Ignitable or Reactive Waste

V.E.2.b.i. Except as provided in LAC 33:V.2511.B and 2519, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meet all applicable requirements of LAC 33:V.Chapter 22, and;

V.E.2.b.i.(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste in LAC 33:V.4903.B or D; and

V.E.2.b.ii.(2) LAC 33:V.1517.B is complied with.

V.E.2.b.ii. Except for prohibited wastes subject to treatment standards in LAC 33:V.Chapter 22, ignitable wastes in containers may be landfilled without meeting the requirements of LAC 33:V.2511.A, provided that the wastes are disposed of in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes:

V.E.2.b.ii.(1) must be disposed of in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; and

V.E.2.b.ii.(2) must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and

V.E.2.b.ii.(3) must not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

V.E.2.c. Special Requirements for Incompatible Wastes

Incompatible wastes, or incompatible wastes and materials, must not be placed in the same landfill cell, unless incompatible waste handling requirements of LAC 33:V.1517 are complied with as required by LAC 33:V.2515.

V.E.2.d. Special Requirements for Containers

Containers placed in the landfill must be either at least ninety (90) percent full in the landfill; or emptied and crushed flat, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill as required by LAC 33:V.2517.

V.E.2.e. Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

The Permittee must comply with the requirements of LAC 33:V.2519 and the requirements of Louisiana Department of Public Safety (LDPS) hazardous materials/hazardous waste regulations, LAC 33:V.Subpart 2.Chapter 101.

V.E.2.f. Monitoring and Inspection

While the landfill is in operation, the Permittee must inspect it weekly and after storms in accordance with Condition V.E.2.a.vii. and as required by LAC 33:V.2507.C.

> **V.E.2.f.i.** The Permittee is required to have a leak detection system under LAC 33:V.2503.L or M and must record the amount of liquids removed from each leak detection systems sump at least once each week during the active life and closure period as required by LAC 33:V.2507.D.
>
> **V.E.2.f.ii.** After final cover is installed, the amount of liquids removed from each leak detection system sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If, at any time during the post-closure care period, the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the Permittee must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two (2) consecutive months as required by LAC 33:V.2507.D.1.

V.E.2.g. Special Requirements for Corrective Action Management Unit (CAMU) Wastes

The Permittee shall notify the Administrative Authority and persons on the facility mailing list, in accordance with LAC 33:V.717.A.1.e, of the Permittee's intent to receive CAMU-eligible waste in accordance with LAC 33:V.2607. The notice must identify the source of the remediation waste, the principal hazardous constituents in the waste, and any treatment requirements.

Any comments from persons on the facility mailing list, including objections to the receipt of the CAMU-eligible waste, shall be provided to the Administrative Authority within fifteen (15) days of notification.

The Administrative Authority shall have the opportunity to object to the placement of the CAMU-eligible waste in the landfill for a period of thirty (30) days after notification. The Administrative Authority may extend the review period an additional thirty (30) days because of public concerns or insufficient information.

The CAMU-eligible wastes shall not be placed in the landfill until the Administrative Authority has notified the Permittee that Administrative Authority does not object to its placement.

If the Administrative Authority objects to the placement or does not notify the Permittee that the Administrative Authority has chosen not to object, the facility shall not receive the waste, notwithstanding LAC 33:V.307.A, until the objection has been resolved or the Permittee obtains a permit modification in accordance with the procedures of LAC 33:V.321.C, specifically authorizing receipt of the waste.

Off-site facilities treating CAMU-eligible wastes complying with LAC 33:V.2607 must comply with the requirements of LAC 33:V.2247.C, except that the certification must be with respect to the treatment requirements of LAC 33:V.2607.A.2.

V.E.3. Landfill Design and Construction Requirements

The Permittee shall comply with the following minimum requirements from the design and construction of the hazardous waste landfill as specified in LAC 33:V.517 and LAC 33:V.Chapter 25, and the referenced drawings (or subsequently approved design drawings).

V.E.3.a. The active hazardous waste landfill shall consist of one (1) disposal cell. This cell is designated as Cell 8. Cell 8 is subdivided into subunits designated as modules. All excavation depth, side slopes, final height (cell conformation) and other construction specifications shall conform to the approved design drawings.

V.E.3.b. Each module of the landfill shall have a composite liner system designed, constructed and maintained to prevent the discharge of any wastes or waste constituents from the landfill into the area groundwater. Landfill module excavation depths and contours shall conform to those displayed and detailed on the approved design drawings. The composite liner system shall consist of the following minimum requirements:

V.E.3.b.i. Pressure Relief System

Each excavated module shall be provided a pressure relief system placed upon the in-situ soils. This system shall cover the bottom and all side slopes of the module. The system on the slope shall consist of a high density polyethylene (HDPE) drainage net placed between the filter fabrics. The filter fabrics or geotextiles shall have the appropriate physical properties to prevent their clogging by the underlying and overlying clayey soils. The riser pipe for the pressure relief sump, shall be constructed parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the lining systems within the planned limits of waste disposal. The pressure relief system sump shall be overlain with clean (free of clay clods and deleterious materials) silicious gravel and the bottom of the module shall have the pressure relief system overlain by clean silicious sand. Details of the typical pressure relief system are displayed on the approved design drawings.

V.E.3.b.ii. Secondary Liner System

The secondary liner system shall consist of a three (3) foot recompacted clay liner overlain by a sixty (60) mil, HDPE geomembrane. This system is to cover the entire bottom and all side slopes of the module. The recompacted clay liner shall have a laboratory, hydraulic conductivity of 1 x 10^{-7}cm/sec or less. The synthetic, sixty (60) mil, HDPE liner shall be anchored in such a manner as to prevent movement of or pull out of the system due to daily waste placement operations and settlement forces generated from subsequent consolidation of subsurface soils. Details of the secondary liner system are displayed on the approved design drawings.

V.E.3.b.iii. Leak Detection System

The secondary liner system shall be overlain by a leak detection system. This system shall consist of an HDPE drainage net, placed upon the secondary sixty (60) mil, HDPE liner, and covered with an appropriate geotextile or filter fabric so as to prevent clogging of the drainage net by the overlying clay soils. The drainage net shall have the transmissivity equal to or greater than one (1) foot of gravel having a conductivity of permeability of 1 x 10^{-2} cm/se or greater. This system shall cover the entire bottom and all side slopes of the module. The drainage net and associated filter fabric shall be anchored outside of the module in such a manner as to prevent movement or pullout of the system due to operations or subsurface settlement forces. The riser pipe from the associated leak detection sump shall rise upward and parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the lining system within the planned limits of waste disposal.

V.E.3.b.iv. Primary Liner System

The primary lining system shall overlie the leak detection system and consist of a three (3) foot recompacted clay liner overlain by a sixty (60) mil, HDPE synthetic liner. The recompacted clay liner shall have a laboratory, hydraulic conductivity of 1 x 10^{-7}cm/sec or less and extend across the entire bottom of the module. The sixty (60) mil, HDPE liner shall cover the primary recompacted clay liner, and extend up all the side walls of the module. The synthetic liner shall be anchored in such a manner as to prevent movement of or pull out of the liner due to daily operations or subsurface settlement forces. The slope of the primary system on the floor of the landfill shall be at least 2%.

V.E.3.b.v. Leachate Collection System

The leachate collection system shall overlie the primary lining system and

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consist of one (1) foot of clean (free of clods and deleterious materials), silicious gravel covering the bottom of the module. The underlying HDPE primary liner shall be protected by a geotextile. The gravel shall have an equivalent permeability of 1 x 10^{-2} cm/sec or greater. The gravel shall be covered with an appropriate filter fabric to prevent clogging of the gravel. A HDPE drainage net shall cover all the side slopes of the module and extend into the bottom gravel layer. The drainage net shall have the same covering filter fabric as used for the gravel layer. The riser pipe from the leachate collection sump shall rise upward parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the module lining system. The side slope drainage net and geotextile shall be anchored in such a manner as to prevent movement or pullout of the fabric and net due to daily operations and subsurface settlement forces. Details of the leak detection, primary lining and leachate collection systems are displayed on the approved design drawings.

V.E.3.c. Materials Specifications Quality Assurance and Quality Control

The Permittee must use laboratories appropriately accredited by the Administrative Authority for the testing associated with construction of new modules for Landfill Cell 8 in accordance with LAC 33:I.Subpart 3. This information must be provided to the Administrative Authority in the "as-built reports" for the individual modules of Cell 8.

The materials and the quality assurance/quality control procedures to be used in the construction of the hazardous waste landfill are as stated in the "Revised Guidance Documents for Quality Assurance for the Installation of the Lining Systems," dated February 16, 2010. Any revisions hereafter must be submitted to the Administrative Authority for approval.

V.E.4. Closure/Post-Closure

Closure/post-closure of Landfill Cell 8 shall be in accordance with Conditions III.O and V.~~G~~ of this permit and the closure/post-closure plan referenced in Attachment 1.

V.E.4.a. The final closure height for Landfill Cell 8 shall not exceed + 92.1 National Geodetic Vertical Datum (NGVD). The Permittee must cover the landfill with a final cover designed and constructed to:

V.E.4.a.i. provide long-term minimization of migration of liquids through the closed landfill;

V.E.4.a.ii. function with minimum maintenance;

V.E.4.a.iii. promote drainage and minimize erosion or abrasion of the cover;

V.E.4.a.iv. accommodate settling and subsidence so that the cover's integrity is maintained; and

V.E.4.a.v. have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

V.E.4.b. After final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519-3527, including maintenance and monitoring throughout the post-closure care period (specified in Condition V.~~IG~~ and LAC 33:V.3521.A.1). The Permittee must:

V.E.4.b.i. maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

V.E.4.b.ii. maintain and monitor the leak detection system in accordance with LAC 33:V.2503.L.4.d, 2503.L.5, and 2507.D, where such a system is present between double liner systems and comply with all other applicable leak detection system requirements of LAC 33:V.Subpart 1;

V.E.4.b.iii. continue to operate the leachate collection and removal system until leachate is no longer detected;

V.E.3.b.iv. maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of LAC 33:V.Chapter 33;

V.E.4.b.v. prevent run-on and run-off from eroding or otherwise damaging the final cover; and

V.E.4.b.vi. protect and maintain surveyed benchmarks used in complying with LAC 33:V.Chapter 33.

V.E.4.c. Within sixty (60) days of completion of closure of each module for landfill Cell 8, and within sixty (60) days of completion of final closure, the Permittee shall submit a certification that the hazardous waste management unit or facility has been closed in accordance with specifications in the approved closure plan as required by LAC 33:V.3517. The certification must be signed by the Permittee and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Administrative Authority upon request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V.3707.

V.E.4.d. A survey plot must be submitted to the local zoning authority or the authority with jurisdiction over local land use, and the Administrative Authority no later than the submission of the certification of closure as required by LAC 33:V.3517.B.

V.E.4.e. During the post-closure care period, if liquid leaks into the leak detection system installed under LAC 33:V.3305, the Permittee must notify the Office of Environmental Services of the leak in writing within seven (7) days after detecting the leak.

V.F. OIL RECOVERY UNITS

V.F.1. Description of Oil Recovery Units

The permit conditions as set forth under this Condition shall apply to the Oil Recovery Units designated in Table 23.

V.F.2. Permitted and Prohibited Waste

V.F.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the Oil Recovery Units to separate recoverable oils listed in the Waste Analysis Plan (see Attachment I) and identified in the most current Part A Permit Application that ~~is~~are categorized as one of the following wastes:

V.F.2.a.i. drilling fluids,

V.F.2.a.ii. refinery tank bottoms,

V.F.2.a.iii. commercially exempt oil-bearing waste, and

V.F.2.a.iv. other hazardous and non-hazardous waste oil-bearing waste

V.F.2.b. Prohibited Waste

The Permittee is prohibited from processing waste that is not identified in Condition V.F.2.a of this Permit and is specifically prohibited from processing the following wastes.

V.F.2.b.i. Dioxin-containing wastes identified by EPA as F020, F021, F022, F023, F026, F027, and F028 wastes in LAC 33:V.4901.;

V.F.2.b.ii. Polychlorinated biphenyl (PCB) waste, as defined in 40 CFR 761.3.;

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V.F.2.b.iii. Source material, special nuclear material, mixed waste, or naturally occurring radioactive materials (NORM) that is not exempt pursuant to LAC 33:XV.;

V.F.2.b.iv. Explosive material, as defined by the Department of Transportation under 49 CFR Part 173;;

V.F.2.b.v. Municipal waste;;

V.F.2.b.vi. Containerized gases;;

V.F.2.b.vii. Medical/infectious wastes as defined in 40 CFR 60.51.c.;

V.F.2.b.viii. Metal bearing wastes listed in LAC 33:V.Chapter 22.Table 12, except as described in LAC 33:V.2207.C; and;

V.F.2.b.ix. Waste displaying the characteristic of reactivity as defined in LAC 33:V.4903.D.

~~T~~**V.F.2.c.** Before processing any wastes not authorized under this permit, the Permittee shall obtain approval for a permit modification, as required under LAC 33.V.321.

V.F.3. General Design, Operating, and Maintenance Requirements

V.F.3.a. The ~~permitted~~ Oil Recovery Units, Oil Recovery Unit Area, and associated equipment, piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 32 and the specifications, design criteria, and design limits approved by this permit and/or the Administrative Authority.

V.F.3.b. The Permittee must use controls and practices to maintain the containment areas for the Oil Recovery Unit Area to prevent run-on and run-off.

V.F.3.c. The Permittee shall maintain the Oil Recovery Unit Area in a manner that minimizes the possibility of fire, explosion, or any unplanned, sudden or non-sudden releases of hazardous waste constituents to air, soil, or surface water that might threaten human health or the environment in accordance with LAC 33:V.1511.B.

V.F.3.d. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

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V.F.3.e. The Permittee must take measures to monitor the performance of the carbon beds consistent with the manufacturer's specifications and recommendations to ensure the carbon bed has not reached the end of its useful life. Document the monitoring procedures in the operation and maintenance plan and records results of the monitoring in the operating record. Replace the bed or bed segment before it has reached the end of its useful life.

V.F.3.f. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices, the facility's air permit, and applicable requirements of LAC 33:V.Chapter 17. Subpart B.

V.F.3.**dg**. The Permittee shall not process more than 126,000 gallons per day of hazardous waste per unit.

V.F.4. Specific Operating Conditions

The Oil Recovery Unit must be operated within the conditions prescribed below at all times while hazardous waste in in the unit.

V.F.4.a. Whenever hazardous waste is in the Oil Recovery off-loading pits, the pressure differential gages at the pre-filter and final filter within the carbon bed must be monitored at all times as an indicator of efficiency operations.

V.F.4.b. The hazardous waste feed to the Oil Recovery Unit shall stop immediately under the following conditions:

V.F.4.b.i. There is a loss of power to the centrifuge.

V.F.4.b.ii. There is a loss of hydraulics to the automatic hydraulic back-drive of the system.

V.F.4.b.iii. There is a blockage to the discharge of the weir plates, oil, and light phase adjustable nozzles.

V.F.4.c. Whenever hazardous waste is in the Oil Recovery Unit, the bowl speed must maintain a minimum of ten (10) revolution per minute (RPM) ~~speed of TBD.~~

V.F.4.d. Whenever hazardous waste remains in the Oil Recovery Unit, exhaust gases must be vented to the air pollution control system, operated in accordance with the air permit requirements.
~~V.F.4. Operating Requirements~~

~~**V.F.4.a.** The proposed Oil Recovery Unit, Oil Recovery Unit Area, and~~

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~~associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 32, the specifications, design criteria, and design limits in the Permit Application, Condition II.E.25.d of this Permit, and the air permit.~~

~~**V.F.4.b.** The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.~~

~~**V.F.4.c.** The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in LAC 33:V. Chapter 17 and the air permit.~~

V.F.5 Inspections

V.F.5.a. Requirements

V.F.5.a.i. The Permittee shall inspect the Oil Recovery Units, the Oil Recovery Unit Area, and associated equipment in accordance with the Inspection Plan (see Attachment 1). The Permittee shall complete the following as part of these inspections:

V.F.5.a.i.(1) The Oil Recovery Units, the Oil Recovery Unit Area, and associated equipment shall be subject to a daily thorough, visual inspection by the Permittee, whenever the unit contains hazardous waste. The purpose of these inspections shall be to identify leaks, spills, fugitive emissions, and signs of tampering.

V.F.5.a.ii. The automatic waste feed cut off system and associated alarms must be tested at least once every seven (7) calendar days when hazardous waste is treated to verify operability, unless the Permittee applicant demonstrates to the Administrative Authority that weekly inspections will unduly restrict or upset operations and that less frequent inspections are adequate. Support for this demonstration shall be included in the operational record. At a minimum, operational testing of the automatic waste feed cut off system must be conducted at least monthly.

V.F.6 Recordkeeping

V.F.6.a. Inspections

V.F.6.a.i. ~~The Permittee shall document in the operating record for the facility inspection of those items in Condition V.F.5 of this Permit~~Written

inspection records shall be part of the operating record for this Permit and are hence subject to LAC 33:V.1529 requirements. At a minimum, the record shall include the following information: (1) the date and time of the inspection; (2) inspector's name; (3) any inspection observations; and (4) date and nature of corrective action. The inspection record shall be completed in accordance with LAC 33:V.1509 and shall be available at all times to the Administrative Authority.

Electronic records may be maintained, in lieu of paper copies.

V.F.6.a.i.(1) The daily and weekly log sheets shall include all inspected areas.

V.F.6.a.i.(2). The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.F.6.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.F.6.a.ii. A written record of the automatic waste feed cutoff system tests shall be part of the operating record for this permit and shall be available at all times to the Administrative Authority.

V.F.7. Response to Leaks and Spills

V.F.7.a. The Permittee must properly manage all spilled or leaked waste and accumulated precipitation associated with the Oil Recovery Unit Area and all other associated equipment and structures.

V.F.7.a.i. Any collected spilled or leaked waste that is a hazardous waste must be managed as a hazardous waste in accordance with all applicable requirements. Spilled or leaked waste must be removed in as timely a manner as is necessary to prevent overflow of the spilled and leaked waste collection system.

V.F.7.a.ii. Contact storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority. Accumulated precipitation must be removed in a timely manner to prevent overflow of the accumulated precipitation collection system.

V.F.8. Monitoring and Calibration

V.F.8.a. Requirements

V.F.8.a.i. The Permittee shall maintain, calibrate, and operate continuous monitoring equipment as specified in Table 28 that monitor and record the operating conditions specified in Condition V.F.4 of this Permit.

~~**V.F.8.a.i.** The continuous monitoring system (CMS) shall be operated and maintained in accordance with this permit, and~~

~~**V.F.8.a.ii.** At a minimum, the Permittee shall analyze values from the continuous parameter monitoring system (CMS) every fifteen (15) seconds and compute and record the average values at least every sixty (60) seconds for an hourly rolling average basis for the treatment process and closed-vent system that indicate proper system operation.~~

V.F.8.a.iii. The Administrative Authority may request data be submitted in any format or units that facilitates the completion of air modeling, risk assessment, or compliance procedures.

V.F.8.a.iv~~ii~~. Monitoring samples and measurements 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 specified in LAC 33:V.Chapter 49.Appendix D, 40 CFR 61 Subpart FF, or an equivalent method approved by the Administrative Authority.

Other sampling and analytical methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, as revised, or equivalent methods.

V.F.8.a.iv. The Permittee must calibrate all continuous monitoring equipment according to the manufacturer's specifications and any applicable state regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for review by the Administrative Authority.

TABLE 28

INSTRUMENTATION TO BE CALIBRATED TO MANUFACTURER'S SPECIFICATIONS FOR THE OIL RECOVERY UNITS

CONTROL PARAMETER	INSTRUMENT DESCRIPTION[1]	LOCATION	CALIBRATION FREQUENCY
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Pre-filter	Annually
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Final Filter	Annually
Hydraulic Pressure	Pressure Gauge	Automatic Back-drive System	Annually
Bowl Speed	RPM	Drive System	Annually

[1]Equipment identification numbers can change as new maintenance systems are incorporated; new tag ID #'s will be tracked with calibration records.

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V.F.9. Air Emission Control Equipment Standards

See Conditions V.F~~E~~.3.d, e, f and V.H.1 ~~II.E.25.f~~ of this Permit and the air permit.

V.F.10. Closure and Post-Closure

V.F.10.a. The Permittee shall close the Oil Recovery Units, the Oil Recovery Unit Area, and all other associated equipment according to the requirements specified in LAC 33:V.Chapters 32 and 35 and in accordance with the Closure Plan (see Attachment I).

V.F.10.b. At closure, the Permittee must attempt to clean close and remove all hazardous waste and residues from the Oil Recovery Units, the Oil Recovery Unit Area, and all other associated equipment. If the Oil Recovery Unit Area cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.F.10.c. If the facility cannot be clean closed, the Permittee shall submit a Post-Closure Plan that meets the requirements of LAC 33:V.3523.B, for approval by the Administrative Authority.

V.F.10.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the clean-closure confirmatory sampling procedures prior to the commencement of closure based upon the wastes historically managed at the unit.

V.G. THERMAL DESORBER UNITS

V.G.1. Description of Thermal Desorber Units

The permit conditions as set forth under this Condition shall apply to the Thermal Desorber Units designated in Table 24.

V.G.2. Permitted and Prohibited Waste

V.G.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the Thermal Desorber Units to separate organic constituents from a waste stream by volatizing

and condensing the organic components, which would allow for the recovery or disposal of the contaminants. The waste stream is listed in the Waste Analysis Plan (see Attachment 1) and identified in the most current Part A Permit Application that is categorized as one of the following wastes:

V.G.2.a.i. contaminated tank bottoms,

V.G.2.a.ii. sludge,

V.G.2.a.iii. catalyst slurry oil,

V.G.2.a.iv. organic contaminated soils~~oil contaminated soils~~, and

V.G.2.a.iv. other organic hazardous waste requiring thermal treatment to meet Land Disposal Restrictions (LDR).

V.G.2.b. Prohibited Waste

The Permittee is prohibited from processing waste that is not identified in Condition V.G.2.a of this Permit and is specifically prohibited from processing the following wastes:

V.G.2.b.i. Dioxin-containing wastes identified by EPA as F020, F021, F022, F023, F026, F027, and F028 wastes in LAC 33:V.4901.;

V.G.2.b.ii. Polychlorinated biphenyl (PCB) waste, as defined in 40 CFR 761.3;

V.G.2.b.iii. Source material, special nuclear material, mixed waste, or naturally occurring radioactive materials (NORM) that is not exempt pursuant to LAC 33:XV;

V.G.2.b.iv. Explosive material, as defined by the Department of Transportation under 49 CFR Part 173;

V.G.2.b.v. Municipal waste;

V.G.2.b.vi. Containerized gases;

V.G.2.b.vii. Medical/infectious wastes as defined in 40 CFR 60.51.c;

V.G.2.b.viii. Metal bearing wastes listed in LAC 33:V.Chapter 22.Table 12, except as described in LAC 33:V.2207.C; and

V.G.2.b.ix. Waste displaying the characteristic of reactivity as defined in LAC 33:V.4903.D;

V.G.2.c. Before processing any wastes not authorized under this permit, the Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321.

~~The Permittee must submit a permit modification request to manage additional wastes and receive approval by the Administrative Authority.~~

~~**V.G.2.b. Prohibited Waste**~~

~~The Permittee is prohibited from treating waste that is not identified in Condition V.G.2.a of this Permit. The Permittee must submit a permit modification request to manage additional wastes and receive approval by the Administrative Authority.~~

V.G.3. General Design, Operating, and Maintenance Requirements

V.G.3.a. The Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 32 and the specifications, design criteria, design limits approved by this permit and/or the Administrative Authority.

V.G.3.b. The Permittee must use controls and practices to maintain the containment areas for the Thermal Desorber Unit Area to prevent run-on and run-off.

V.G.3.c. The Permittee shall maintain the Thermal Desorber Unit Area in a manner that minimizes the possibility of fire, explosion, or any unplanned, sudden or non-sudden releases of hazardous waste constituents to air, soil, or surface water that might threaten human health or the environment in accordance with LAC 33:V.1511.B.

V.G.3.d. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

V.G.3.e. The Permittee must take measures to monitor the performance of the carbon beds consistent with the manufacturer's specifications and recommendations to ensure the carbon bed has not reached the end of its useful life. Document the monitoring procedures in the operation and maintenance plan, and records results of the monitoring in the operating record. Replace the bed or bed segment before it has reached the end of its useful life.

V.G.3.**df.** The Permittee shall not treat more than 165 tons per day of hazardous waste per unit.

~~V.G.4. Operating Requirements~~

~~V.G.4.a. The Thermal Desorber Units, Thermal Desorber Unit Area, and associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 32, the specifications, design criteria, and design limits in the Permit Application, Condition II.E.25.e of this Permit, and the air permit.~~

~~V.G.4.b. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.~~

~~V.G.4.c. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in the LAC 33:V. Chapter 17 and the air permit.~~

V.G.~~5~~4 Inspections

V.G.~~5~~4.a. Requirements

V.G.~~5~~4.a.i. The Permittee shall inspect the Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment in accordance with the Inspection Plan (see Attachment I). The Permittee shall complete the following as part of these inspections:

V.G.~~5~~4.a.i.(1) The Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment shall be subject to a daily thorough, visual inspection by the Permittee, whenever the unit contains hazardous waste. The purpose of these inspections shall be to identify leaks, spills, fugitive emissions, and signs of tampering.

V.G.4.a.ii. The automatic waste feed cut off system and associated alarms must be tested at least once every seven (7) calendar days when hazardous waste is treated to verify operability, unless the applicant demonstrates to the Administrative Authority that weekly inspections will unduly restrict or upset operations and that less frequent inspections are adequate. Support for this demonstration shall be included in the operational record. At a minimum, operational testing of the automatic waste feed cut off system must be conducted at least monthly.

V.G.5 Recordkeeping

V.G.5.a. Inspections

V.G.5.a.i. Written inspection records shall be part of the operating record for this Permit and are hence subject to LAC 33:V.1529 requirements. At a minimum, the record shall include the following information: (1) the date and time of the inspection; (2) inspector's name; (3) any inspection observations; and (4) date and nature of corrective action. The inspection record shall be completed in accordance with LAC 33:V.1509 and shall be available at all times to the Administrative Authority.

Electronic records may be maintained, in lieu of paper copies.

V.G.5.a.i.(1) The daily and weekly log sheets shall include all inspected areas.

V.G.5.a.i.(2). The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.G.5.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.G.5.a.ii. A written record of the automatic waste feed cutoff system tests shall be part of the operating record for this permit and shall be available at all times to the Administrative Authority.

~~**V.G.6 Recordkeeping**~~

~~**V.G.6.a. Inspections**~~

~~**V.G.6.a.i.** The Permittee shall document in the operating record for the facility inspection of those items in Condition V.G.5 of this Permit.~~

~~**V.G.6.a.i.(1)** The daily and weekly log sheets shall include all inspected areas.~~

~~**V.G.6.a.i.(2).** The Permittee shall note all deficiencies discovered during the inspection in the inspection log.~~

~~**V.G.6.a.i.(3)** Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.~~

V.G.~~7~~6. Response to Leaks and Spills

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V.G.76.a. The Permittee must properly manage all spilled or leaked waste and accumulated precipitation associated with the Thermal Desorber Unit Area and all other associated equipment and structures.

V.G.76.a.i. Any collected spilled or leaked waste that is a hazardous waste must be managed as a hazardous waste in accordance with all applicable requirements. Spilled or leaked waste must be removed in as timely a manner as is necessary to prevent overflow of the spilled and leaked waste collection system.

V.G.76.a.ii. Contact storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority. Accumulated precipitation must be removed in a timely manner to prevent overflow of the accumulated precipitation collection system.

V.G.87. Monitoring and Calibration

V.G.87.a. Requirements

V.G.87.a.i. ~~The continuousmonitoring system (CMS) shall be operated, and maintained in accordance with this permit, the sections of LAC 33:V.1709.H.~~The Permittee shall maintain, calibrate, and operate continuous monitoring equipment as specified in Table 29 that monitor and record the operating conditions specified in Condition V.G.11 of this Permit. The continuous monitoring requirements shall be as specified in Tables 30 and 31 of this Permit.

V.G.7.a.ii. The Permittee must calibrate the equipment according to the manufacturer's specifications and any applicable state or federal regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for the review by the Administrative Authority.

V.G.7.a.iii. Hazardous waste may continue to be introduced into the Thermal Desorber Unit during the daily continuous emission monitoring system (CEMS) calibration check periods. The CEMS shall be maintained according to the following schedule: (1) at least daily; a calibration check of the instrument; (2) at least daily, a system audit; (3) at least quarterly, a calibration error test; and (4) at least annually, a performance specification test. The procedures for CEMS maintenance are outlined in 40 CFR 266 Appendix IX Section 2.0, "Performance Specifications for Continuous Emission Monitoring Systems."

V.G.87.a.iiv. At a minimum, the Permittee shall analyze values from the continuous monitoring system and the continuous ~~parameter~~emission

monitoring system (CPEMS) every fifteen (15) seconds. The Permittee must record these values every ~~and compute and record the average values at least every~~ sixty (60) seconds for use in calculating an hourly rolling average basis for the treatment process ~~for an hourly rolling average basis for the treatment process and closed vent system that indicate proper system operation.~~ to demonstrate compliance with the monitoring requirements.

V.G.87.a.~~iii~~v. The Administrative Authority may request data be submitted in any format or units that facilitates the completion of air modeling, risk assessment, or compliance procedures.

V.G.87.a.~~iv~~vi. Monitoring samples and measurements 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 specified in LAC 33:V.Chapter 49.Appendix D ~~,~~or an equivalent method approved by the Administrative Authority.

Other sampling and analytical methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, as revised or equivalent methods.

V.G.7.b.Records

In the operating record, the Permittee shall record and maintain, in accordance with LAC 33:V.1529, all monitoring data compiled to satisfy the permit requirements.

Electronic records may be maintained, in lieu of paper copies.

TABLE 29
INSTRUMENTATION TO BE CALIBRATED TO MANUFACTURER'S SPECIFICATIONS FOR THE THERMAL DESORBER UNIT

CONTROL PARAMETER	INSTRUMENT DESCRIPTION[1]	LOCATION	CALIBRATION FREQUENCY[2]
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Pre-filter	Annually
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Final Filter	Annually
Maximum Hazardous Waste Feed Rate, tons/hr	Flow Meter	In feed line, upstream from the Thermal Desorber	Annually

Maximum Treatment Drum Pressure, H_2O "	Pressure Transmitter	Thermal Desorber Treatment Drum	Annually
Minimum Inner Chamber Temperature, °F	Thermocouple	Thermal Desorber Treatment Drum	Annually
Minimum Afterburner Chamber Temperature, °F	Thermocouple	Thermal Oxidizer	Annually
Maximum Afterburner Pressure, H_2O"	Pressure Transmitter	Thermal Oxidizer	Annually
Maximum CO, ppm v	Extractive sampler CO/O_2 analyzer	Exhaust Stack	Daily Calibration check, calibrate per 40 CFR 266 Appendix IX specifications
Flue Gas Flow Rate	Flow Meter	Exhaust Stack	Annually
Scrubber Pressure Drop,	Differential	Scrubber	Annually
Scrubber Flowrate	Flow Meter	Scrubber	Annually
Scrubber pH	pH Meter	Scrubber	Annually

[1]Equipment identification numbers can change as new maintenance systems are incorporated; new tag ID #'s will be tracked with calibration records.

[2]Replacement of the instrument is acceptable when the instrument cannot be calibrated or when accuracy cannot be verified.

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~~V.G.8.a.v. The Permittee must calibrate all continuous monitoring equipment according to the manufacturer's specifications and any applicable state or federal regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for review by the Administrative Authority.~~

V.G.89. ~~Air Emission Control Equipment Standards~~**Automatic Waste Feed Cut Off**

~~See Condition II.E.25.f of this Permit and the air permit.~~

V.G.8.a. Requirements

V.G.8.a.i. The Permittee shall operate the Thermal Desorber Unit to automatically cut off the hazardous waste feed when the monitored operating conditions deviate from the set points specified in the permit.

V.G.8.a.ii. Exhaust gases must be vented to the air pollution control system, operated in accordance with the permit requirements, while hazardous waste remains in the Thermal Desorber Unit.

V.G.8.a.iii. Operating parameters for which permit limits are established must continue to be monitored following the cut off. The hazardous waste feed shall not be restarted until the levels of those parameters that caused the automatic waste feed cut off are restored to permit limits. All other parameters must also be within the permit limits.

V.G.8.a.iv. In the event of a malfunction of the automatic waste feed cut off system, the Permittee shall immediately cut off and/or lock out the waste feed.

V.G.8.b. Records

V.G.8.b.i. The Permittee shall record in the facility operating record the date and time of all automatic waste feed cut off events. The records shall also include the known or suspected cause of the automatic waste feed cut off, the triggering parameters, the corrective actions taken, the duration of the event, and the date and time of restarting waste feed following the automatic waste feed cut off.

V.G.8.b.ii. The Permittee shall record in the facility operating record all failures of the automatic waste feed cut off system, including the date and time of the failure, a description of the failure, root cause of the failure, and corrective actions taken.

V.G.8.b.iii. The operating record shall be maintained in an organized manner for a period of not less than three (3) years and be available at all times for inspection by the Administrative Authority.

V.G.8.c. Reports

V.G.8.c.i. The date, cause, and remedial action for the waste feed cutoff activation shall be documented in the operating record. A summary of such occurrences must be included in the annual reports.

V.G.8.c.ii. The Permitted shall report in writing to the Administrative Authority if there are more than fifty (50) waste feed cut offs per month. This report shall be due within thirty (30) days after the end of such month and shall include cause and remedial actions taken.

V.G.~~10~~9. Closure and Post-Closure

V.G.~~10~~9.a. The Permittee shall close the Thermal Desorber Units, the Thermal Desorber Unit Area, and all other associated equipment according to the requirements specified in LAC 33:V.Chapters 32 and 35 and in accordance with the Closure Plan (see Attachment 1).

V.G.~~10~~9.b. At closure, the Permittee must attempt to clean close and remove all hazardous waste and residues from the Thermal Desorber Units, the Thermal Desorber Unit Area, and all other associated equipment. If the Thermal Desorber Unit Area cannot be clean closed and the Permittee has not demonstrated through

a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment, or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period

V.G.~~109~~.c. If the facility cannot be clean closed, the Permittee shall submit a Post-Closure Plan that meets the requirements of LAC 33:V.3523.B, for approval by the Administrative Authority.

V.G.~~109~~.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the clean-closure confirmatory sampling procedures prior to the commencement of closure based upon the wastes historically managed at the unit.

V.G.10. Specific Operating Conditions

V.G.10.a. Performance Standards

The Permittee shall comply with the performance standards specified in this Permit when hazardous waste is thermally treated in the Thermal Desorber Unit.

V.G.10.a.i. The emissions of dioxin and furans shall not exceed 0.20 nanograms toxic equivalents (TEQ) per dry standard cubic meter corrected to seven (7) percent oxygen.

V.G.10.a.ii. The emissions of mercury shall not exceed 8.1 micrograms per dry standard cubic meter, corrected to seven (7) percent oxygen.

V.G.10.a.iii. The emissions of cadmium and lead shall not exceed 10 micrograms per dry standard cubic meter, corrected to seven (7) percent oxygen.

V.G.10.a.iv. The emissions of arsenic, beryllium, and chromium shall not exceed 23 micrograms per dry standard cubic meter, corrected to seven (7) percent oxygen.

V.G.10.a.v. The emissions of hydrogen chloride and chlorine gas shall not exceed 21 parts per million by volume, combined emissions, expressed as chlorine (Cl^-) equivalent, dry basis and corrected to seven (7) percent oxygen.

V.G.10.a.vi. The emissions of particulate matter shall not exceed 0.08 ~~0.0015~~ grains per dry standard cubic foot, corrected to seven (7) percent oxygen.

Commented [A1]: This value is what is authorized under the incinerator regs (LA Chapter 31 Fed 264.344).

V.G.10.a.vii. The emissions of carbon monoxide shall not exceed 100 parts per million by volume, dry basis and corrected to seven (7) percent oxygen.

V.G.10.b. Implementation Schedule for the Thermal Desorber Unit Comprehensive Performance Test (CPT)

The Permittee must conduct an initial Comprehensive Performance Test (CPT) as defined below and submit to the Administrative Authority a recertification of compliance CPT under the operating parameters set forth under Condition V.G.11 of this permit with the permit renewal application. A recertification of compliance CPT is required for major modifications to the unit or if the Permittee is seeking new operating conditions.

V.G.10.b.i. The CPT plan will be developed in order to:

V.G.10.b.i.1. Demonstrate compliance with the emission limitations set forth in Condition V.G.10.a.;

V.G.10.b.i.2. Demonstrate compliance with the Destruction and Removal Efficiency standard of 40 CFR 63.1219.c.1.

V.G.10.b.i.3. Establish limits for the operating parameters set forth in Condition V.G.11.

V.G.10.b.i.4. The CPT plan shall include the information specified in 40 CFR 63.1207.f and shall be submitted to the Administrative Authority for review and approval at least one hundred eighty (180) days prior to commencement of the CPT.

The CPT plan will allow the Permittee to demonstrate compliance with emission standards for mercury, semivolatile metals, low volatile metals, and hydrogen chloride/chlorine gas emission standards based upon exhaust gas flow rate or hazardous waste thermal concentration in accordance with 40 CFR 63.1207.m.

V.G.10.b.i.5. The CPT plan and CMS performance evaluation test plan must be public noticed at least sixty (60) days prior to initiation of the test. All requirements of 40 CFR 63.1207.e must be met.

Commented [A2]: Added public notice language

V.G.10.b.ii. With the initial introduction of hazardous waste to the unit and ending with initiation of the CPT, and only for the minimum time required to establish operating conditions, not to exceed a duration of seven hundred twenty (720) hours operating time for the processing of

Commented [E3]: Changed language to better reflect the start and end of the 720 hours as per LAC 33:V.3113.C.1.

hazardous waste, the operating requirements of Condition V.G.10.c must be applicable to demonstrate compliance with the performance standards described in Condition V.G.10.b.i. The Permittee may request a time extension for conducting the CPT for reasons deemed acceptable by the Administrative Authority. Any time extensions for conducting the CPT are requested, it must be reviewed and approved by the Administrative Authority.

V.G.10.b.iii. Within ninety (90) days of completing the CPT for the Thermal Desorber Unit, the Permittee must submit a Notification of Compliance (NOC), documenting compliance with the emission limitations set for the in Condition V.G.10.a, the removal efficiency standard of 40 CFR 63.1219.c.1 and the continuous monitoring system requirements set forth in Table 30 and 31; and identifying limits for the operating parameters set forth in Condition V.G.11 to the Administrative Authority for approval.

~~**V.G.10.b.i.** Within sixty (60) days of receiving approval from the Administrative Authority of the final design specifications for the Thermal Desorber Unit (see Permit Condition III.B.25.e), the Permittee shall submit for review and approval by the Administrative Authority a Comprehensive Performance Test (CPT) plan for the Thermal Desorber Unit. The CPT plan must meet all the applicable requirements of 40 CFR 63 Subpart EEE.~~

~~**V.G.10.b.ii.** Within seven hundred twenty (720) operating hours of initial start-up, the Permittee must perform a CPT for the Thermal Desorber in accordance with 40 CFR 63 Subpart EEE. The Permittee may request a time extension for conducting the CPT for reasons deemed acceptable by the Administrative Authority. Any time extensions for conducting the CPT must be reviewed and approved by the Administrative Authority.~~

~~**V.G.10.b.iii.** Within ninety (90) days of completing the CPT for the Thermal Desorber Unit, the Permittee must submit a Notification of Compliance (NOC) in accordance with 40 CFR 63.1207.j, to the Administrative Authority for approval.~~

V.G.10.c. Process Operating Conditions Prior to Submitting Notification of Compliance

Prior to the Permittee submitting a NOC to the Administrative Authority (see Condition V.G.10.b.iii), the Thermal Desorber Unit must be operated within the operating conditions proposed in the approved CPT plan ~~prescribed in Condition V.G.11 and within the operating conditions proposed in the NOC.~~ If there is a discrepancy between an operating condition prescribed in Condition V.G.11 and an operating condition proposed in the approved CPT plan~~NOC~~, the Thermal Desorber Unit must be operated in accordance with the more stringent operating condition. For instance, where there is no prescribed operating limits in Condition V.G.11.a.(vii - xiii), the Thermal Desorber Unit must be operated in accordance with the operating condition proposed in the approved CPT plan.

V.G.10.d. Process Operating Conditions after Submitting Notification of Compliance

V.G.10.d.i. Upon submitting a NOC to the Administrative Authority, the Thermal Desorber Unit must be operated within the operating conditions prescribed in Condition V.G.11 and within the operating conditions proposed in the NOC. If there is a discrepancy between an operating condition prescribed in Condition V.G.11 and an operating condition proposed in the NOC, the Thermal Desorber Unit must be operated in accordance with the more stringent operating condition. For instance, where there is no prescribed operating limits in Condition V.G.11.a.(vii - xiii), the Thermal Desorber Unit must be operated in accordance with the operating condition proposed in the NOC.

V.G.10.d.ii. Within seven (7) days of receiving a Finding of Compliance (FOC), in accordance with 40 CFR 63.1206.b.3, from the Administrative Authority, the Permittee shall initiate a Class 1[1] permit modification to change any operating parameters listed in Condition V.G.11, remove any operating parameters listed in Condition V.G.11, and/or add any additional operating parameter limits to Condition V.G.11 based on the results of the Thermal Desorber Unit CPT.

V.G.10.d.iii. Upon approval of the Class 1[1] permit modification required by Condition V.G.10.d.ii, the Thermal Desorber Unit must be operated within the modified conditions prescribed in V.G.11.

V.G.11. Process Operating Conditions

The Thermal Desorber Unit must be operated within the conditions prescribed below at all times while hazardous waste is in the unit.

V.G.11.a. Group A Parameters

The Permittee shall operate the Thermal Desorber Unit with a functioning system to automatically cut off waste feed to the unit when operating conditions deviate from those established below.

V.G.11.a.i. Whenever hazardous waste is in the unit, the hourly rolling average waste feed rate to the unit shall be maintained below the maximum value of 10 tons per hour.

V.G.11.a.ii. Whenever hazardous waste is in the unit, the ~~instantaneous~~ pressure in the treatment drum of the Thermal Desorber Unit shall be maintained below the maximum value of 0 inches of water column with respect to atmospheric. If the pressure is equal to or greater than 0 inches for fifteen (15) seconds, then AWFCO will initiate.

V.G.11.a.iii. Whenever hazardous waste is in the unit, the afterburner chamber temperature shall be maintained above the minimum value of 1,400 °F.
~~Whenever hazardous waste is in the unit, the Thermal Desorber Unit inner chamber temperature shall be maintained above the minimum value of 500°F.~~

Commented [A4]: Moved to group B

V.G.11.a.iv. Whenever hazardous waste is in the unit, the afterburner shall be kept totally sealed to protect against the escape of fugitive emissions. The Permittee shall monitor the outside of the unit for signs of fugitive emissions at least daily.
~~Whenever hazardous waste is in the unit, the afterburner chamber temperature shall be maintained above the minimum value of 1,400 °F.~~

V.G.11a.v. Whenever hazardous waste is in the unit, the hourly rolling average carbon monoxide (CO) level shall be maintained below the maximum value of 100 parts per million volume, continuously corrected to seven (7) percent oxygen, dry gas basis.~~Whenever hazardous waste is in the unit, the instantaneous pressure in the afterburner shall be maintained below the maximum value of 0 inches of water column with respect to atmospheric.~~

V.G.11.a.vi. As an indicator of gas residence time in the control device, the unit shall be maintained below the maximum flue gas flowrate value of **TBD** on an hourly rolling average basis.~~Whenever hazardous waste is in the unit, the hourly rolling average carbon monoxide (CO) level shall be maintained below the maximum value of 100 parts per million volume, continuously corrected to seven (7) percent oxygen, dry gas basis.~~

V.G.11.a.vii. Whenever hazardous waste is in the unit, the hourly rolling average pressure drop across the scrubber shall be maintained above the minimum value of **TBD**. ~~As an indicator of gas residence time in the control device, the unit shall be maintained below the maximum flue gas flowrate value of TBD on an hourly rolling average basis.~~

V.G.11.a.viii. Whenever hazardous waste is in the unit, the hourly rolling average liquid to gas ratio shall be maintained above the minimum value of **TBD**. This is a calculated value based on the minimum scrubber water flowrate and the maximum flue gas flowrate. ~~Whenever hazardous waste is in the unit, the hourly rolling average pressure drop across the scrubber shall be maintained above the minimum value of TBD.~~

V.G.11.a.ix. Whenever hazardous waste is in the unit, the hourly rolling average scrubber water flowrate shall be maintained above the minimum value of **TBD** gallons per minute.~~Whenever hazardous waste is in the unit,~~

~~the hourly rolling average liquid to gas ratio shall be maintained above the minimum value of **TBD**. This is a calculated value based on the minimum scrubber water flowrate and the maximum flue gas flowrate.~~

V.G.11.a.x. Whenever hazardous waste is in the unit, the hourly rolling average pH of the feed to the scrubber shall be maintained above the minimum value of **TBD**.~~Whenever hazardous waste is in the unit, the hourly rolling average scrubber water flowrate shall be maintained above the minimum value of **TBD** gallons per minute.~~
~~V.G.11.a.xi. Whenever hazardous waste is in the unit, the hourly rolling average pH of the feed to the scrubber shall be maintained above the minimum value o~~

V.G.11.b. Group B Parameters

The Permittee shall operate the Thermal Desorber Unit without exceeding these limits, although these limits are not part of the automatic waste feed cut off set points.

V.G.11.b.1. Whenever hazardous waste is in the unit, the Thermal Desorber Unit inner chamber temperature shall be maintained above the minimum value of 500 °F.~~The other halides concentration from all feed streams shall be no greater than 100 parts per million (ppm).~~

Commented [A5]: Moved from a group A parameter

V.G.11.b.2. Reserved for maximum mercury feed rate ~~Reserved for maximum ash feed rate.~~

V.G.11.b.3. Reserved for maximum total chlorine and chloride feed rate.
~~Reserved for maximum mercury feed ra~~
V.G.11.b.4. Reserved for maximum cadmium and lead feed rate.
~~Reserved for maximum total chlorine and chloride feed rate.~~
V.G.11.b.5. Reserved for maximum arsenic, beryllium, and chromium feed rate.~~Reserved for maximum cadmium and lead feed rate.~~

V.G.11.b.6. O_2 shall be monitored continuously whenever hazardous waste is in the Thermal Desorber Unit, in accordance with the CEMS regulations.~~Reserved for maximum arsenic, beryllium, and chromium feed rate.~~
~~V.G.11.b.7. O_2 shall be monitored continuously whenever hazardous waste is in the Thermal Desorber Unit, in accordance with the CEMS regulations.~~

V.G.11.c. Group C Parameters

The Permittee shall operate the Thermal Desorber Unit without exceeding these limits, although these limits are not part of the automatic waste feed cut off set points.

V.G.11.c.i. The Permittee shall immediately stop the flow of hazardous waste into the Thermal Desorber Unit should sample flow to the Continuous Emissions Monitoring System (CEMS) cease, outside of normal calibration periods.

V.G.11.c.ii. For a Continuous Monitoring System (CMS) operated to ensure compliance with these regulations, the Permittee must maintain and operate the monitors consistent with the manufacturer's specifications.

TABLE 30
Group A Parameter Limits for the Thermal Desorber Unit
(Automatic Waste Feed Cut Offs)

CONTROL PARAMETER	FINAL OPERATING LIMITS AUTOMATIC WASTE FEED CUT OFF POINT
Maximum Hazardous Waste Feed Rate	10 tons/hour
Maximum Inner Drum Chamber Pressure	0 Inches H2O Column-, 15 seconds delayinstantaneous
Minimum Afterburner Chamber Temperature	1,400 °F
Maximum Carbon Monoxide Concentration	100 ppmv, hourly rolling average
Minimum Liquid to Gas Ratio	**TBD**
Maximum Flue Gas Flowrate	**TBD**
Minimum Scrubber Pressure Drop	**TBD**
Minimum Scrubber Water Flow Rate	**TBD**
Minimum Scrubber Feed pH	**TBD**

TABLE 31
Group B & C Parameter Limits for the Thermal Desorber Unit

CONTROL PARAMETER	FINAL OPERATING LIMITS
Maximum Total Chloride and Chlorine Feed Rate	**TBD**
Minimum Inner Drum Chamber Temperature	500°F
Maximum Feed Rate of Arsenic[1]	**TBD**
Maximum Feed Rate of Beryllium[1]	**TBD**
Maximum Feed Rate of Cadmium[1]	**TBD**
Maximum Feed Rate of Chromium[1]	**TBD**
Maximum Feed Rate of Lead	**TBD**
Maximum Feed Rate of Mercury	**TBD**

Commented [E6]: Moved from Group A Parameter

[1]Carcinogenic Metal – Feed rate is further limited to a level such that the sum of the actual feed rate, divided by the allowable feed rate for all carcinogenic metals, shall be less than or equal to 1.00.

The feed rate of arsenic, beryllium, cadmium, and chromium is limited to a level such that the sum of the ratios of the actual feed rate to the feed rate limit specified in Table 30 shall not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^{n} AFR_{(i)}/FRL_{(i)} \leq 1.00$$

$AFR_{(i)}$	=	**Actual Feed Rate (AFR)** The actual feed rate of carcinogenic metal (i) introduced into the thermal desorber chamber from all feedstreams.
n	=	Number of Carcinogenic Metals.
$FRL_{(i)}$	=	**Feed Rate Limit (FRL)** The regulatory feed limit of carcinogenic metal (i) listed in Table 31.

V.~~F~~H. AIR EMISSION STANDARDS

V.~~H~~F.1. Performance Standards for Equipment Leaks

V.~~H~~F.1.a. The Oil Recovery Unit Area and the Thermal Desorber Unit Area must be equipped with operating air emissions controls in accordance with all applicable regulations of LAC 33:V.~~1705.A.3~~1717 to 1745 and 1747 to 1799 ~~and 40 CFR 61 Subpart FF — Benzene Waste Organic NESHAP (BWON)~~for all equipment, tanks, and containers associated with operations that treat, store, or dispose of hazardous waste with organic concentrations equal to or greater than 10 percent by weight for equal to or greater than three hundred (300) hours per calendar year. The facility must maintain documentation of compliance in the facility operating record.

V.H.1.b. The remaining facility not associated with the proposed Oil Recovery Area and Thermal Desorber Area are exempt from LAC 33:V.Chapter 17 Subchapter B in accordance with LAC 33:V.1717.B. No equipment that contains or contacts hazardous waste with organic concentrations of at least ten (10) percent by weight shall be managed at the facility.

V.~~H~~F.1.~~c~~b. The facility must maintain an exemption log in the facility operating record in accordance with LAC 33:V.1743.K.

V.~~H~~F.2. Standards for Tanks

V.~~H~~F.2.a. Existing Hazardous Waste Storage Tanks

Tanks T-502, T-503, T-504 A, T-504 B, T-505, T-506, T-903, T-904, T-905, T-906, and T-907 are exempt from LAC 33:V.Chapter 17 Subchapter C in accordance with LAC 33:V.1751.C.1. No hazardous waste entering Tanks T-502, T-503, T-504 A, T-504 B, T-505, T-506, T-903, T-904, T-905, T-906, and T-907 shall have an average volatile organic concentration, at the point of waste origination, greater than 500 parts per million by weight.

V.~~II~~F.2.a.i. The average volatile organic concentration shall be determined in accordance with the procedures in LAC 33:V.1753.A.

V.~~II~~F.2.a.ii. The facility shall review and update, as necessary, the volatile organic concentration determination once every twelve (12) months.

V.~~II~~F.2.a.iii. In accordance with LAC 33:V.1765.F, the facility shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the facility shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of LAC 33:V.1753.

V.~~II~~F.2.b. Proposed Hazardous Waste Storage Tanks

See Condition II.E.25.~~ii~~e of this Permit.

V.~~II~~F.2.c. Existing Hazardous Waste Treatment Tanks

V.~~II~~F.2.c.i. Tanks T-303, T-304, and T-306 are exempt from LAC 33:V.Chapter 17 Subchapter C in accordance with LAC 33:V.1751.C.1. No hazardous waste entering Tanks T-303, T-304, and T-306 shall have an average volatile organic concentration, at the point of waste origination, greater than 500 parts per million by weight.

V.~~II~~F.2.c.i.(1) The average volatile organic concentration shall be determined in accordance with the procedures in LAC 33:V.1753.A.

V.~~II~~F.2.c.i.(2) The facility shall review and update, as necessary, the volatile organic concentration determination once every twelve (12) months.

V.~~II~~F.2.c.i.(3) In accordance with LAC 33:V.1765.F, the facility shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for

waste samples are used for the waste determination, then the facility shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of LAC 33:V.1753.

V.HF.2.c.ii. Building 302, which houses Tanks T-303, T-304, and T-306, shall be maintained closed when treatment operations are being conducted.

V.HF.2.c.iii. A ventilation system shall continuously exchange the air in Building 302 and route the air from Building 302 to a baghouse filter system when treatment operations are being conducted.

V.HF.2.c.iii.(1) Dust generated by the baghouse system shall be returned to Tanks T-303 and T-304 for reuse in the treatment process.

V.HF.2.c.iv. A negative pressure shall be maintained in Building 302 whenever treatment operations are being conducted.

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V.HF.2.d. Proposed Hazardous Waste Treatment Tanks

See Condition II.E.25.hfe of this Permit.

V.HF.3. Standards For Container Storage Areas

V.HF.3.a. The Permittee shall comply with the applicable requirements of LAC 33:V.1747 to 1799 for the permitted container storage areas, as listed in Table 26.

V.H.4. Standards for Proposed Oil Recovery Units

V.H.4.a. The Permittee shall comply with the applicable requirements of LAC 33:V.Chapter 17, Subchapters B and C, and the air permit for the Oil Recovery Units.

V.H.5. Standards for Proposed Thermal Desorber Units

V.H.5.a. The Permittee shall comply with the applicable requirements of LAC 33:V.Chapter 17, Subchapters B and C, and the air permit for the Thermal Desorber Units.

TABLE 32~~2~~
Air Emission Controls for Containers

CONTAINER STORAGE AREA	LAC REFERENCE(S)	AIR EMISSION CONTROLS
Building 201	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 202	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 205	See Condition II.E.25.~~e~~ of this Permit	
Building 204	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 801	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2

Building 802	See Condition II.E.25.~~e~~ of this Permit

V.~~I~~G. PERMIT CONDITIONS APPLICABLE TO THE PERMITTED CLOSED POST-CLOSURE UNITS

V.~~I~~G.1. Post-Closure Care Period

Upon the effective date of this permit the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527, including maintenance and monitoring, for each of the hazardous waste management units (Landfill Cells 5, 6, 7, 14, and 8, at final closure), as specified in this permit. The post-closure care period will be in effect for the period of thirty (30) years, unless extended or shortened by the Administrative Authority, as specified in LAC 33:V.3521.A.1 and 2.

V.~~I~~G.2. Post-Closure Maintenance {tc "**V.B. POST-CLOSURE MAINTENANCE**" \f C \l 00000000002}

After final closure, the owner or operator must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527 and Permit Condition III.P of this permit, including maintenance and monitoring throughout the post-closure care period specified in Condition V.~~I~~G.1 and LAC 33:V.3521.A.1. The owner or operator must:

V.~~I~~G.2.a. maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

V.~~I~~G.2.b. maintain and monitor the leak detection system in accordance with LAC 33:V.2503.L.4.d, 2503.L.5, and 2507.D, where such system is present between double liner systems and comply with all other applicable leak detection system requirements of LAC 33:V.Subpart 1;

V.~~I~~G.2.c. continue to operate the leachate collection and removal system until leachate is no longer detected;

V.~~I~~G.2.d. maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of LAC 33:V.Chapter 33;

V.~~I~~G.2.e. manage a run-on and run-off control system to prevent erosion and other damage to the final cover;

V.~~I~~G.2.f. protect and maintain surveyed benchmarks used in complying with LAC 33:V.Chapter 33;

V.I~~G~~.2.g. for all closed permitted landfill units, maintain the cover with a final cover designed, constructed and maintained to:

V.I~~G~~.2.g.i. provide long-term minimization of migration of liquids through the permitted landfill cells,

V.I~~G~~.2.g.ii. function with minimal maintenance at all permitted landfill units,

V.I~~G~~.2.g.iii. promote drainage and minimize erosion or abrasion of the final cover at all permitted landfill units,

V.I~~G~~.2.g.iv. accommodate settling and subsidence, as necessary, so that the cover's integrity is maintained for all permitted landfill units, and

V.I~~G~~.2.g.v. have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

The annual report shall include a Post-Closure activity report.

During the post-closure care period, if liquid is present in a leak detection system installed under LAC 33:V.3305, and collects at a rate above the action leakage rate (where such a rate has been established) or above two standard deviations from the mean of historic data (where action leakage rates have not been established), the Permittee must notify the Office of Environmental Services of the leakage rate in writing within seven (7) days after determining the leakage rate.

V.I~~G~~.3. Post-Closure Restrictions

The Administrative Authority may require, at partial and final closure, continuation of any of the security requirements of LAC 33:V.1507, during part or all of the post-closure period when access by the public or domestic livestock may pose a hazard to human health.

The Permittee must post warning signs at each entrance to the closed units, in accordance with LAC 33:V.3521.B and LAC 33:V.1507.K.

V.I~~G~~.4. Post-Closure Property or Site Use

Post-closure use of property on or in which hazardous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of the containment system, or the function of the permitted closed unit's monitoring systems, unless the Administrative Authority finds that the disturbance:

V.I~~G~~.4.a. is necessary to the proposed use of the property and will not increase

the potential hazard to human health or the environment; or

V.I~~G~~.4.b. is necessary to reduce a threat to human health or the environment.

Any post-closure activity other than that specified in this permit must have prior approval of the Administrative Authority.

V.I~~G~~.5. Post-Closure Contact

The Permittee shall provide the name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period.

V.I~~G~~.6. Post-Closure Notices

V.I~~G~~.6.a. The Permittee shall maintain, on site, a certification, signed by the Permittee, that he has recorded the notation as specified by LAC 33:V.3517 and maintain a copy of the document in which the notation has been placed.

V.I~~G~~.6.b. If the Permittee or any subsequent Permittee of the land upon which these hazardous waste disposal units is located wishes to remove hazardous wastes and hazardous waste residues, the liner (if any), or contaminated soils, then he or she must request a modification to the post-closure permit in accordance with the applicable requirements in LAC 33:V.Chapters 3 and 7. The Permittee must demonstrate that the removal of hazardous wastes will satisfy the criteria of LAC 33:V.3521. By removing hazardous waste, the Permittee may become a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33:V.Subpart 1. If the Permittee is granted a permit modification or otherwise granted approval to conduct such removal activities, the Permittee may request that the Administrative Authority approve either:

V.I~~G~~.6.b.i. the removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

V.I~~G~~.6.b.ii. the addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

V.I~~G~~.7. Certification of Completion of Post-Closure Care

No later than sixty (60) days after completion of the established post-closure care period for each hazardous waste disposal unit(s), the Permittee must submit to the Administrative Authority, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the Permittee and an independent Louisiana registered professional engineer. Documentation

supporting the independent Louisiana registered professional engineer's certification must be furnished to the Administrative Authority upon request until the Administrative Authority releases the Permittee from the financial assurance requirements for post-closure care under LAC 33:V.3711.I.

VI. GROUND WATER PROTECTION

VI.A. APPLICABILITY

The regulation of LAC 33:V. Chapters 3, 5, 15, 25, 33, and 35, LAC 33:I. Chapter 39, and Louisiana Water Control Law, R.S., 30:2203 and 2076 of the Environmental Quality Act, R.S., 30:2001 et seq., and the provisions of this section shall apply to ground water protection programs at Chemical Waste Management, Incorporated, located in Carlyss, Louisiana. All requirements and conditions of this section must be satisfied and shall apply during the active life of the facilities. This includes compliance, closure, and post-closure care periods. The regulated units are identified as:

VI.A.1. Landfill Cell 5 – clay lined landfill.

VI.A.2. Landfill, Cell 14 – double composite liner system (2 clay liners and 2 synthetic liners) landfill.

VI.A.3. Landfill, Cell 6 – double composite liner system (2 clay liners and 2 synthetic liners) landfill.

VI.A.4. Landfill, Cell 7 – double composite liner system (2 clay liners and 2 synthetic liners.

VI.A.5. Landfill, Cell 8 – double composite liner system (2 clay and 2 synthetic liners) landfill that consist of the currently constructed modules and modules that are scheduled for construction in the future.

VI.B. REQUIRED PROGRAM

The Permittee must continue to conduct detection monitoring from the existing well system for Cells 5, 14, 6, 7, and 8 and must commence construction and operation of the detection monitoring systems for modules south of the southern boundaries of Modules 3 and 4 and prior to waste placement in Module 5 as shown in the approved design drawings for Cell 8, and as outlined in Condition VI.H of this permit. If required, Compliance Monitoring (Permit Condition VI.I) and/or ~~Corrective~~Corrective Action Monitoring (Permit Condition V~~I~~.J) programs will be initiated in accordance with the permit. All wells, listed in Table ~~33297~~ must be monitored, and all piezometers listed on Table ~~33297~~ must be measured for water levels unless exempted from the program at a later date by the administrative authority. All wells and piezometers, must be maintained, protected from moving equipment, and cannot be abandoned unless exempted from the program at a later date by the Administrative Authority.

In accordance with LAC 33:V.3305.D, leachate monitoring systems shall be established (for new landfill modules) and maintained (for existing landfill modules) as described in ConditionV.E.2, and V.E.3 of this permit, regarding riser pipe location and construction, and pumping systems. In accordance with LAC 33:V.3305.E, air monitoring is described in Condition V.E.2.a.xiii.

VI.C. GROUNDWATER PROGRAM

VI.C.1. For existing wells, the Permittee must utilize and maintain the present groundwater monitoring system listed in Table 33~~29~~~~7~~ of this permit. Facility monitoring wells designated F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW02BS, and MW02BD are designated upgradient wells for all regulated units as listed in Condition VI.A. Monitoring wells F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11 and D01B are designated downgradient of Cell No. 5 and shall serve as the point of compliance for Cell No. 5. Monitoring wells F26, F27, F28, F29, F38, F39, F40, and D02A are designated downgradient of Cell No. 14 and shall serve as the point of compliance for Cell No. 14. Monitoring wells F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, and F45, are designated downgradient of Cell No. 6 and shall serve as the point of compliance for Cell No. 6. Monitoring wells F17, F18, F19, F20, F21, F22, F23, F24, F25, and E03 are designated downgradient of Cell No. 7. Facility monitoring wells G-28, G-29, and G-30 are designated upgradient wells for Cell 8. Monitoring wells G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35 and G-36 are designated downgradient of Phase I of Cell No. 8 (Modules 1, 2, 3, and 4) and shall serve as the point of compliance for Phase I (Modules 1, 2, 3, and 4) of Cell No. 8. ~~Future~~ M~~m~~onitoring wells G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, and G-21 are designated as ~~proposed~~ downgradient monitoring wells ~~and shall be installed prior to placement of waste in Module 5 as shown on the approved design drawings~~ for Cell 8. Wells M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, and GP08 must be maintained as piezometers to monitor water levels inside and outside the slurry trench in the Lower Pervious Zone ~~along with Piezometer G-10, which provides water level data for the 60 Foot Sand on the south side of Cell 8 during placement of waste in Modules 1, 2, 3, and 4 of Cell No. 8 and prior to conversion of G-10~~. These Piezometers ~~along with G-10~~ provide water level data for the Lower Pervious Zone and the 60 Foot Sand surrounding Cell 8. If water level information indicates the potential for groundwater in the Lower Pervious Zone to flow from the landfill outward, additional evaluation and/or sampling may be required.

Procedures for future monitoring well construction, as well as for borehole abandonment, must conform to the standards and guidelines in the latest edition of "Construction of Geotechnical Boreholes and Groundwater Monitoring Systems Handbook" prepared by the Louisiana Department of Environmental Quality and the Louisiana Department of Transportation and Development, dated December 2000 (or subsequent revisions) as required in Condition VI.K~~L~~.

The Permittee must comply with conditions specified in this permit that are designed to ensure that hazardous waste and hazardous waste constituents do not exceed the Practical Quantitation Limits (PQL) as specified in Tables 35 and 37 ~~31 and 33,29 and 30~~.

VI.C.2. The Permittee must utilize and maintain the present ground water monitoring system referenced in Condition VI.C.1 and identified in Table 33~~29~~~~7~~. In addition, all

monitoring wells must be maintained so that surface infiltration is prohibited and ground water samples are generated that are representative of the monitored zone.

VI.C.3. The Permittee must also conduct field measurements, in quadruplicate, of pH and Specific Conductance (conventional parameters, see Table 34~~3028~~) as standard indicators of ground water quality, each time a well is sampled. The results must be interpreted and reported per Condition VI.C.4 of this permit.

VI.C.4. The Permittee must adhere to the Sampling and Analysis Plan outlined below:

VI.C.4.a. All wells, other than piezometers, must be sampled semi-annually and annually, as referenced in Tables 35 and 36~~31 and 32~~29~~ and 30~~ and the samples managed and tested as required under this Condition. The analytical results must be submitted to the administrative authority within 90 days after completion of the groundwater sampling event. Additionally, monitoring results must be compiled in reportable form and maintained on site by the Permittee for review at any time by Departmental personnel, until submitted to the Administrative Authority with the groundwater monitoring report. However, if subsequent contamination to groundwater is discovered, then reporting must be in accordance with Conditions VI.D and VI.H of this permit as applicable. Single samples will be obtained for analysis of the parameters in Tables 35 and 36~~31 and 32~~29~~ and 30~~; only field determinations of pH and specific conductance will be made in quadruplicate.

VI.C.4.b. All monitoring wells and piezometers must be measured for total depth at least once per year. Wells with dedicated pumps which prohibit direct total depth measurement must be measured for total depth biennially (every other year). To accomplish these measurements, it shall be acceptable to use a permanently installed weighted stainless steel cable marked at the bottom depth when first installed. Acceptable subsequent measurements can then be referenced to the original cable mark. Depth to water must be measured on the same day and prior to purging. All measurements (total depth and depth to water) must be to the nearest 0.01 foot, and the values must be recorded in field notes and reproduced and submitted in the Groundwater Annual Report in accordance with LAC 33:V.1529.D. If 10% of the screened interval is blocked by sediments, the well must be redeveloped prior to the next required sampling event.

VI.C.4.c. Purging must be accomplished by removing a minimum of three casing volumes of groundwater from the well at a rate equal to or less than the recharge rate of the aquifer. The well must be sampled immediately upon purging and/or when sufficient water for sampling has recharged the well. Purging and sampling methods must be consistent throughout the life of the facility.

VI.C.4.d. Samples must be withdrawn using dedicated or adequately cleaned equipment for each well. No equipment or method may be used that will chemically or physically alter or influence the sample. Care must be taken to avoid placing clean sampling equipment on the ground or on any contaminated

surface. Sampling methods and equipment must be compatible throughout the active life of the facility.

VI.C.4.e. Sample preservation, handling and containerization must meet the specifications of the Test Methods for Evaluating Solid Waste Physical/Chemical Methods 3rd Ed. (EPA Publication Number SW-846), 1986, as amended) or an equivalent substitute as approved by the Administrative Authority (see Table 343028).

VI.C.4.f. Analytical methods equivalent to SW-846 (or analyses for parameters not listed in SW-846) must be approved by the Administrative Authority prior to implementation.

VI.C.4.g. A chain of custody protocol must be employed that will allow for the tracing of possession and handling of samples from the time of collection through laboratory analysis. All sample containers must be labeled to prevent mis-identification, have proper seals, and indicate the test parameters required.

VI.C.4.h. Up-to-date field logs must be kept at the site which documents for each sample the well identification number, total well depth, water level, water color (visual), well evacuation procedures and equipment, sample withdrawal procedures and equipment, date, time, sample identification numbers, field measurements (pH, specific conductance, etc.) and methods, name of collector, field observations, calculations of the standing water volume in the well, and the total volume evacuated.

VI.D. HAZARDOUS CONSTITUENTS, PARAMETERS, ANALYTICAL FREQUENCY, AND CONCENTRATION LIMITS

VI.D.1. The monitoring wells, hazardous constituents, semi-annual and annual sampling frequency, and PQLs are referenced in Conditions VI.C.1 and Tables 33, 35, and 36 29, 31, and 32 27, 29, and 30.

The Permittee shall continue detection monitoring and shall notify the Administrative Authority in accordance with the schedule specified in Condition VI.H, when any laboratory analytical result for a detection monitoring parameter referenced in Tables 35 and 36 31 and 32 29 and 30 from groundwater obtained from wells listed in Table 33 27 or from any other monitoring wells at the site, exceeds the appropriate PQL referenced in Tables 35 and 36 31 and 32 29 and 30 and has been verified by resampling and reanalysis to exceed this PQL at the points of compliance. In the event that compliance monitoring and/or corrective action is required pursuant to this Section, the Permittee shall institute corrective actions in all areas where groundwater has been affected by releases from a regulated unit of hazardous wastes or constituents exceeding the established groundwater protection standards and implement corrective measures in other areas impacted by the regulated units which may be discovered to exceed these limits in the future.

If, at any time, it is determined that any detection monitoring parameter concentration is a result of past or present facility operations or other non-naturally occurring conditions, the Permittee must submit to the Administrative Authority, within ninety (90) days of the determination, a request for a permit modification in accordance with LAC 33:V.321. This modification must include a plan to initiate assessment actions, which will include delineation of the vertical and horizontal extent of the ground water contamination, and will institute or extend corrective actions for impacted zones.

VI.D.2. If the owner or operator determines, pursuant to LAC 33:V.3319.D, that the PQLs under this Condition are being exceeded at any well, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. In making a demonstration under this Condition, the owner or operator must follow the provision established in LAC 33:V.3319.I.

VI.E. POINT OF COMPLIANCE

The points of compliance at which the groundwater protection standard of LAC 33:V.3305.A apply at which monitoring must be conducted are the vertical intervals intercepted by the monitor well screens as identified in Table 33~~2~~97.

VI.F. COMPLIANCE PERIOD

The compliance period during which the ground water protection standard of LAC 33:V.3305.A applies is the active life of the regulated units, and the thirty (30) years of post-closure monitoring, or as required by the administrative authority, if a unit is not clean closed. The compliance period begins when a compliance monitoring program meeting the requirements of Condition VI.I of this permit is initiated.

If a unit is clean closed then the compliance period is the active life of the unit and the post-closure monitoring as specified by the Administrative Authority. In the event of a release from a regulated unit, the compliance period is the active life of the unit, the duration of the corrective action to remediate the release, and three (3) additional consecutive years after an acceptable clean up level has been achieved. If termination of the corrective action and/or post corrective action monitoring occurs within the thirty (30) year post-closure monitoring period, then the Permittee must revert back to post-closure monitoring as described in this Condition or a monitoring schedule as specified by the administrative authority.

VI.G. GENERAL REQUIREMENTS

VI.G.1. The Permittee's groundwater monitoring system for the hazardous waste management facilities identified in Condition VI.A shall consist of all monitoring wells referenced in Conditions VI.C.1 and Table 33~~2~~97 of this Condition, unless exempted in the future by the Administrative Authority. In addition, water levels will be measured in piezometers referenced in Table 33~~2~~97.

VI.G.2. Upgradient wells F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW2BS, MW02BD, G-28, G-29, and G-30 must always yield groundwater samples that are representative of groundwater that has not been affected by possible leakage from the waste management units. Downgradient wells F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11 D01B, F26, F27, F28, F29, F38, F39, F40, D02A, F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, F45, F17, F18, F19, F20, F21, F22, F23, F24, F25, E03, G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35, and G-36 must represent the quality of groundwater beneath the facilities that reach the points of compliance. Downgradient Monitoring Wells for Phase 2 (Modules 5, 6, 7, 8, 9, and 10) of Cell 8 include G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, G-21 (See discussion in Condition VI.C.1). Piezometers M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, and GP08~~, G-10~~ must yield groundwater level data that is representative of the formation in which they are screened.

VI.G.3. The Permittee must maintain the structural and mechanical integrity of all monitoring wells and piezometers and provide protection from accidental damage and surface infiltration as well as implement a monitoring well inspection schedule. A written report on the damage to any well must be submitted to the administrative authority within 90 days of the inspection.

VI.G.4. The Permittee must conform to the sampling and analysis requirements listed in Conditions VI.C.4, herein, and as required by LAC 33:V.3305 and LAC 33:V.3315.A potentiometric map must be prepared and submitted on a semi-annual basis for the 60 Foot/Channel Sand. Additionally a map of groundwater levels, showing gradient direction(s) for the Lower Pervious Zone shall also be prepared and submitted on a semi-annual basis.

VI.G.5. The Permittee must use the statistical procedure outlined in Condition VI.H of this permit, and in accordance with LAC 33:V.3315.H.3 and I.4.

VI.G.6. The Permittee must also graphically represent the values of pH and specific conductance (i.e., conventional parameters, see Table 343028) and any parameters as applicable for each sampling episode. The graphic interpretations of data must be submitted with the analytical results in the annual report and should be utilized in evaluating facility impact on groundwater.

VI.G.7. Records of all sampling and analytical work must be maintained at the site during the life of the facilities, including post-closure care periods.

VI.G.8. The Permittee shall submit Semi-Annual Groundwater Reports by September 1st and March 1st of each year. The reports shall include the following: 1) a table showing well number, well depth. Interval screened, zone monitored, well diameter, screen and casing material (and the type pump, if applicable) for all wells; 2) a facility map showing all wells (e.g., up gradient, point of compliance, etc.) and identifying zones in which

wells are screened; 3) a scaled potentiometric surface showing well locations, groundwater elevations with respect to mean sea level for each monitored zone; 4) a summary of all analytical data, including QA/QC; 5) a statistical method (PQL's or Shewart-CUSUM control chart limits) shall be used in evaluating data for each hazardous constituent, as approved by the Administrative Authority; 6) for those hazardous constituents that have been detected as defined in LAC 33:V.3303.A.1 at the point of compliance as a result of a release from the regulated unit, a graphical representation of data pursuant to the statistical method employed for those constituents (The graphical representation must include: contaminant concentration isopleth maps and contaminant concentration versus time graphs, as applicable); 7) a discussion of any significant changes in the data from the last reporting period; 8) a discussion of the down time for any well or part of the system and actions taken to return the system to normal operations and maximum efficiency; and 9) evaluation of the effectiveness and progress of any corrective action associated with the permitted unit, if applicable.

An annual groundwater report must be submitted each year no later than March 1, as required by LAC 33:V.1529.D. This report shall include the requirements of the September 1st submittal and shall also summarize all groundwater activities for the preceding calendar year including an evaluation of the monitoring strategy in relation to the direction of groundwater flow and locations of wells associated with the regulated facilities. Applicable calculations must also include groundwater flow contaminant migration rates (as applicable), statistical comparisons, and any other information as required by this permit.

VI.H. DETECTION MONITORING PROGRAM

VI.H.1. All Monitoring wells listed in Conditions VI.C.1 and Table 33~~27~~ must be sampled for the parameters listed in Tables 35 and 36~~31 and 32~~~~29 and 30~~ on a semi-annual and annual basis.

VI.H.2. For Detection Monitoring at existing monitoring wells as listed in Conditions VI.C.1 and Table 33~~27~~, the Permittee must utilize the groundwater detection monitoring system described in Condition VI.G to obtain samples that provide a reliable indication of the statistically significant presence of indicator parameters in groundwater, utilizing PQLs as set forth in Tables 35 and 36~~, 31 and 32, 29 and 30~~. As part of the statistical evaluation, verification resampling at wells that yield an initial test result greater than the PQL (or Shewart-CUSUM control chart limit for monitoring wells F13, F14, and F15), shall be done within 30 days after the sampling event. A statistically significant presence or change of an indicator parameter will only be declared if the verification resample also yields a result greater than the PQL in Tables 35 and 36~~31 and 32~~~~29 and 30~~ or the Shewart-CUSUM control chart limit shown on Table 35~~31~~~~29~~.

For Detection Monitoring at required monitoring wells associated with areas after completion of waste placement in Phase I and II modules of Cell No. 8, the Permittee must utilize the groundwater detection monitoring system described in Condition VI.G to obtain samples that provide a reliable indication of the statistically significant presence of

naturally occurring indicator parameters in groundwater. Statistical methods shall include prediction limits, Shewart-CUSUM control chart limits, or tolerance intervals, by order of preference, based upon the distribution of background concentrations or the presence of non-naturally occurring parameters at or above the PQLs listed in Tables 35 and 36 31 and 32, 29 and 30. As part of the statistical evaluation, verification resampling at wells that yield initial results greater than the chosen statistical limit and/or PQL shall be done as soon as practical after reporting this initial result. A statistically significant presence of a naturally occurring parameter or a detection of a non-naturally occurring parameter above the parameter's PQL will only be declared if the verification resample also yields a result greater than the chosen statistical limit for a naturally occurring parameter or the PQL listed in Tables 35 and 36 31 and 32 29 and 30 for a non-naturally occurring parameter.

VI.H.3. The system as described in Condition VI.C shall be sampled in accordance with the schedule in Condition VI.H.1 (semi-annually and annual). Background values for indicator parameters and PQL's for the existing monitoring well network have already been established, as shown in Tables 35 and 36 31 and 3229 and 30. For the natural occurrence of arsenic at wells F13, F14, and F15, Shewart-CUSUM control chart limits have been computed. Background values and PQLs for indicator parameters and other hazardous constituents will be updated with additional data to provide temporal variation. Parameters selected for analysis under the Detection Monitoring Program are presented in Tables 35 and 3631 and 3229 and 30 of this permit with associated PQLs.

Within 90 days of the sampling event, the Permittee shall submit a report to the Administrative Authority containing test results, the statistical comparative data, and the groundwater potentiometric maps for the sampling event. Copies of the field logs and chain of custody, and a list of the parameters that were statistically significant above background concentrations for naturally occurring parameters or at or above the PQLs listed in Tables 35 and 36 31 and 3229 and 30 for non-naturally occurring parameters must be forwarded for review by the Administrative Authority.

VI.H.4. The sampling and analysis program outlined in Condition VI.C.4 must be utilized for groundwater sampling.

VI.H.5. If the Permittee determines that there are statistically significant changes in naturally occurring indicator parameters in Tables 35 and 3631 and 3229 and 30 or concentrations of non-naturally occurring in parameters listed Tables 35 and 3631 and 3229 and 30 as specified by the semi-annual and annual sampling schedule listed in Condition VI.H.1 at any monitoring well listed in Table 3329 7 and VI.C of this permit, the Permittee must notify the Administrative Authority of this finding in writing within seven (7) days indicating which parameters exhibit statistically significant change. The Permittee must also, within 30 days after the sampling event, sample the groundwater in all monitoring wells associated with the regulated unit listed in Table 3329 7, of this permit and determine whether constituents listed in LAC 33:V.3325.Table 4 are statistically present, and if so, in what concentrations.

For any LAC 33:V.3325.Table 4 compounds statistically present, at levels equal to or above PQL's, in the analysis, the owner or operator may resample within thirty (30) days and repeat the analysis for those compounds statistically present. If the results of the second analysis confirm the initial results, then those constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds detected, the hazardous constituents detected during this initial LAC 33:V.3325.Table 4 analysis will become the compliance monitoring parameters.

VI.H.6. If the results of resampling do not confirm that an impact on groundwater has occurred, a report on this conclusion shall be submitted to the Administrative Authority and detection monitoring will continue before the next sampling event.

VI.H.7. If the results of resampling confirm the statistical presence of LAC 33:V.3325.Table 4 compounds from the initial sampling, the Permittee must also, within 90 days, submit to the Administrative Authority an application for a permit modification to establish a compliance monitoring program meeting the requirements of LAC 33:V.3319. The application must include the following information:

VI.H.7.a. an identification of the concentration of any LAC 33:V.3325.Table 4 constituent statistically detected in the groundwater at each monitoring well at the compliance point;

VI.H.7.b. any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements at each well at the compliance point;

VI.H.7.c. any proposed changes to the groundwater monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of LAC 33:V.3319;

VI.H.7.d. for each hazardous constituent statistically present, after verification resampling at monitoring wells listed in Table 33297, where physically present, a proposed concentration limit under LAC 33: V.3309.A.3.a or b, or a notice of intent to seek an alternate concentration limit under LAC 33.V.3309.B.

Within 180 days, the Permittee must submit to the Administrative Authority:

VI.H.7.e. all data necessary to justify an alternate concentration limit sought under LAC 33:V.3309.B; and

VI.H.7.f. an engineering feasibility plan for a corrective action program necessary to meet the requirement of LAC 33:V.3321, unless

VI.H.7.f.i. all hazardous constituents identified under LAC 33:V.3317.G.2 are listed in Table 1 of LAC 33:V.3309, and their concentrations do not exceed the respective values given in that table; or

VI.H.7.f.ii. the Permittee has sought an alternative concentration limit under LAC 33:V.3309.B for every hazardous constituent identified under LAC 33:V.3317.G.2.

VI.H.8. If the Permittee determines, pursuant to LAC 33:V.3317.F, that there is a statistically significant difference (above the listed PQL or Shewart-CUSUM control chart limit) after verification resampling for the existing monitor well network; above the chosen statistical limit after verification resampling for wells associated with existing and future modules for Cell 8, for chemical parameters or hazardous constituents specified pursuant to LAC 33:V.3317.A at any monitoring well listed in Table 33~~2~~97, of this permit, where physically present, he or she may demonstrate that a source other than a regulated unit caused the statistical presence or that the statistical presence is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. The Permittee may make a demonstration under this Paragraph in addition to, or in lieu of, submitting a permit modification application under LAC 33:V.3317.G.4; however, the Permittee is not relieved of the requirement to submit a permit modification application within the time specified in LAC 33:V.3317.G.4 unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this Paragraph, the Permittee must:

VI.H.8.a. notify the administrative authority in writing within seven (7) days of determining statistically significant evidence of contamination at the well(s) shown on Table 33~~2~~97 of this permit that he or she intends to make a demonstration under this Paragraph;

VI.H.8.b. within 90 days, submit a report to the administrative authority that demonstrates that a source other than a regulated unit caused the contamination or that the concentration resulted from error in sampling, analysis, or evaluation;

VI.H.8.c. within 90 days, submit to the administrative authority for a permit modification to make any appropriate changes to the detection monitoring program for the facility; and

VI.H.8.d. continue to monitor in accordance with the detection monitoring program established in Condition VI.H.

VI.I. COMPLIANCE MONITORING

If the Permittee is required to establish a compliance monitoring program under this Condition VI.I and LAC 33:V.3303, the Permittee, at a minimum, must follow the regulations in LAC 33:V.3319.

VI.J. CORRECTIVE ACTION PROGRAM

If the Permittee is required to establish a corrective action program under this section and LAC 33:V.3303, the Permittee, at a minimum, must follow the regulations in LAC 33:V.3321.

VI.K. CONSTRUCTION AND ABANDONMENT OF MONITORING WELLS AND GEOTECHNICAL BOREHOLES{tc "**VI.K. CONSTRUCTION AND ABANDONMENT OF MONITORING WELLS AND GEOTECHNICAL BOREHOLES**" \f C \l 2}

The construction and abandonment of groundwater monitoring wells must conform to the standards and guidelines specified in **"CONSTRUCTION OF GEOTECHNICAL BOREHOLES AND GROUNDWATER MONITORING SYSTEMS HANDBOOK"**, latest edition. This document is printed by and available from the Louisiana Department of Transportation and Development (DOTD), Water Resources Section, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245. The document is also available online at http://dnr.louisiana.gov/assets/OC/env_div/gw_res/200010_GREENBOOK.pdf~~http://www.dotd.state.la.us/intermodal/wells/wellhandbook.com~~.

A work plan for the construction of a new well must be submitted to the Administrative Authority for approval as the entire groundwater monitoring system must be approved. Any required new well should be installed within thirty (30) days of approval of the work plan by the Administrative Authority. Upon completion of new or replacement well, a copy of DOTD-GW-1 S, DOTD Well Registration Short Form, is to be provided to the Administrative Authority.

The Permittee must provide for the sealing of any vertical migration path resulting from exploratory boring, leachate collection or detection systems and/or groundwater monitoring programs as provided in LAC 33:V.3323. A work plan for the plugging and abandonment of a well must be submitted for approval by the Administrative Authority, whenever such migration pathways are discovered. Upon completion of well abandonment, a copy of DOTD-GW-2, DOTD Well Plugging and Abandonment Form, is to be provided to the Administrative Authority.

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TABLE 3327
MONITORING WELL SYSTEM

Upgradient Monitoring Wells (Cells 5,6, 7, and 14) F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW02BS, MW02BD Upgradient Monitoring Wells (Cell 8) G-28, G-29, G-30 (See discussion in Condition VI.C.1)
Downgradient Monitoring Wells for Cell 5 F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11, D01B
Downgradient Monitoring Wells for Cell 14 F26, F27, F28, F29, F38, F39, F40, D02A
Downgradient Monitoring Wells for Cell 6 F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, F45
Downgradient Monitoring Wells for Cell 7 F17, F18, F19, F20, F21, F22, F23, F24, F25, E03
Downgradient Monitoring Wells for Phase 1 (Modules 1, 2, 3, and 4) of Cell 8 G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35, G-36
Downgradient Monitoring Wells for Phase 2 (Modules 5, 6, 7, 8, 9, and 10) of Cell 8 G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, G-21 (See discussion in Condition VI.C.1)
Piezometers M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, GP08, ~~G-10*~~ ~~*G-10 is a piezometer for Phase 1 (Modules 1, 2, 3, and 4) of Cell 8 and will be converted into a monitoring well for Phase 2 (prior to placement of waste in Module 5) of Cell 8~~

TABLE 3428
PARAMETERS, CONTAINERS, AND PRESERVATION

Parameter	Container Type	Preservation Method
Volatile Organic Compounds	Glass Zero headspace	Cool to 4 degrees C

Semi-Volatile Organic Compounds	Glass Minimal headspace	Cool to 4 degrees C
Dissolved Metals	Plastic	HNO_3 to pH < 2.0
Conventional Parameters	Glass or Plastic	Cool to 4 degrees C

TABLE 3539
MONITOR WELL DETECTION MONITORING PARAMETERS AND PRACTICAL QUANTITATION LIMITS (PQLS)
(Semi-Annual Sampling Schedule)

Volatile Organic Compound	PQL µg/l	Analytical Method*
Chloromethane	10	8260B
Bromomethane	10	8260B
Vinyl Chloride	2	8260B
Chloroethane	10	8260B
1,1-Dichloroethene	5	8260B
1,1-Dichloroethane	5	8260B
trans-1,2-Dichloroethene	10 7	8260B
Chloroform	5	8260B
1,2-Dichloroethane	5	8260B
1,1,1-Trichloroethane	5	8260B
Carbon Tetrachloride	5	8260B
Bromodichloromethane	5	8260B
1,1,2,2-Tetrachloroethane	5	8260B
1,2-Dichloropropane	5	8260B
trans-1,3-Dichloropropene	5	8260B
Trichloroethene	5	8260B
Dibromochloromethane	5	8260B
1,1,2-Trichloroethane	5	8260B
Benzene	5	8260B
cis-1,3-Dichloropropene	5	8260B
Bromoform	5	8260B
Tetrachloroethene	5	8260B
Toluene	5	8260B
Chlorobenzene	5	8260B
Ethyl Benzene	5	8260B
Trichlorofluoromethane	10	8260B
Methylene Chloride	5	8260B
Acetone	20	8260B
2-Butanone (MEK)	5	8260B
Carbon disulfide	5	8260B
4-Methyl-2-pentanone	5	8260B
Ethyl ether	5	8260B
Xylenes (total)	10	8260B

Dissolved Metal		
Arsenic	10**	200.7
Chromium	20	200.7
Cadmium	10	200.7
Lead	10	200.7
Selenium	5020	200.7

* Methods may be replaced with equivalent methods that meet the appropriate performance standards

**PQL of 10 µg/l for monitor wells other than F13, F14, and F15. Limits for these wells follow:
F13: Shewart-CUSUM Control Chart Limit = 18.4 µg/l
F14: Shewart-CUSUM Control Chart Limit = 36.1 µg/l
F15: Shewart-CUSUM Control Chart Limit = 18.4 µg/l

TABLE 3~~6~~8
MONITOR WELL DETECTION MONITORING PARAMETERS AND PRACTICAL QUANTITATION LIMITS (PQLS)
(Annual Sampling Schedule)

Semi-Volatile Organic Compound	PQL µg/l	Analytical Method*
Phenol	10	8270C
bis(2-chloroethyl)ether	10	8270C
2-Chlorophenol	10	8270C
1,3-Dichlorobenzene	10	8270C
1,4-Dichlorobenzene	10	8270C
Benzyl Alcohol	20	8270C
1,2-Dichlorobenzene	10	8270C
2-Methylphenol	10	8270C
bis(2chloroisopropyl)ether	10	8270C
4-Methylphenol	10	8270C
N-Nitroso-Dipropylamine	10	8270C
Hexachloroethane	10	8270C
Nitrobenzene	10	8270C
Isophorone	10	8270C
2-Nitrophenol	10	8270C
2,4-Dimethylphenol	10	8270C
Benzoic acid	50	8270C
bis(2-chloroethoxy)methane	10	8270C
2,4-Dichlorophenol	10	8270C
1,2,4-Trichlorobenzene	10	8270C
Naphthalene	10	8270C
4-Chloroaniline	20	8270C
Hexachlorobutadiene	10	8270C
4-Chloro-3-methylphenol (para-chloro-meta-cresol)	10	8270C
m-cresol (3-Methylphenol)	20	8270C
2-Methylnaphthalene	10	8270C
Hexachlorocyclopentadiene	10	8270C
2,4,6-Trichlorophenol	10	8270C
2,4,5-Trichlorophenol	10	8270C
2-Chloronaphthalene	10	8270C
2-Nitroaniline	50	8270C
Dimethyl Phthalate	10	8270C

Acenaphthylene	10	8270C
3-Nitroaniline	50	8270C
Acenaphthene	10	8270C
2,4-Dinitrophenol	50	8270C
4-Nitrophenol	50	8270C
2,4-Dinitrotoluene	10	8270C
2,6-Dinitrotoluene	10	8270C
4-Chlorophenyl Phenyl Ether	10	8270C
Fluorene	10	8270C
4-Nitroaniline	50	8270C
4,6-Dinitro-2-methylphenol	50	8270C
N-nitrosodiphenylamine	10	8270C
4-Bromophenyl Phenyl Ether	10	8270C
Hexachlorobenzene(Hexachlorobenzene	10	8270C
Pentachlorophenol	50	8270C
Phenanthrene	10	8270C
Anthracene	10	8270C
Fluoranthene	10	8270C
Pyrene	10	8270C
3,3'-Dichlorobenzidine	20	8270C
Benzo(a)anthracene	10	8270C
Chrysene	10	8270C
Benzo(b)fluoranthene	10	8270C
Benzo(k)fluoranthene	10	8270C
Benzo(a)pyrene	10	8270C
Ideno(1,2,3-cd)pyrene	10	8270C
Dibenz(a,h)anthracene	10	8270C
Benzo(g,h,i)perylene	10	8270C
Aniline	10	8270C
Beta-BHC	0.05	8081
Gamma-BHC (Lindane)	0.05	8081
4-4'-DDE	0.05	8081
2,4-D	4	8151
2,4,5-T	1	8151
Other Parameter		
Cyanide (total)	40	335.3
Mercury (dissolved)	2	245.1

* Methods may be replaced with equivalent methods that meet the appropriate performance standards

VII. GENERAL CONDITIONS PURSUANT TO THE HAZARDOUS AND SOLID WASTE AMENDMENTS

VII.A. STANDARD CONDITIONS{tc \l1 "B. STANDARD CONDITIONS}

VII.A.1. Waste Minimization{tc \l2 "1. Waste Minimization}

Annually, by March 1, for the previous year ending December 31, the Permittee shall enter into the operating record as required by LAC 33:V.1529.B.19, a statement certified according to LAC 33:V.513.A specifying that the Permittee has a program in place to reduce the volume and toxicity of hazardous wastes generated by the facility's operation to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or practicable disposal method that is currently available to the Permittee which minimizes the present and future threat to human health and the environment. A current description of the program shall be maintained in the operating record and a copy of the annual certified statement shall be submitted to the Administrative Authority. The following criteria should be considered for the program:

VII.A.1.a. Any written policy or statement that outlines goals, objectives, and/or methods for source reduction and recycling of hazardous waste at the facility;

VII.A.1.b. Any employee training or incentive programs designed to identify and implement source reduction and recycling opportunities;

VII.A.1.c. An itemized list of the dollar amounts of capital expenditures (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste;

VII.A.1.d. Factors that have prevented implementation of source reduction and/or recycling;

VII.A.1.e. Sources of information on source reduction and/or recycling received at the facility (e.g., local government, trade associations, suppliers, etc.);

VII.A.1.f. An investigation of additional waste minimization efforts that could be implemented at the facility. This investigation would analyze the potential for reducing the quantity and toxicity of each waste stream through production reformulation, recycling, and all other appropriate means. The analysis would include an assessment of the technical feasibility, cost, and potential waste reduction for each option;

VII.A.1.g. A flow chart or matrix detailing all hazardous wastes the facility produces by quantity, type, and building/area;

VII.A.1.h. A demonstration of the need to use those processes that produce a particular hazardous waste due to a lack of alternative processes or available technology that would produce less hazardous waste;

VII.A.1.i. A description of the waste minimization methodology employed for each related process at the facility. The description should show whether source reduction or recycling is being employed;

VII.A.1.j. A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years; and

VII.A.1.k. The Permittee may meet the requirements for waste minimization by developing an Environmental Management System according to the EPA document, Integrated Environmental Management System Implementation Guide, EPA 744-R-00-011, October 2000, found on https://www.epa.gov/sites/production/files/2013-12/documents/iems_implementation_guide_full.pdf. ~~www.epa.gov/opptintr/dfe/pubs/iems/iems_guide/index.htm.~~

VII.A.2. Dust Suppression{tc \l2 "2. Dust Suppression}

Pursuant to LAC 33:V.4139.B.4, and the Toxic Substances Control Act, the Permittee shall not use waste or used oil or any other material which is contaminated with dioxin, polychlorinated biphenyls (PCBs), or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment.

VII.A.3. Failure to Disclose{tc \l2 "3. Permit Modification}

The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts at any time may be cause for termination or modification of this Permit in accordance with LAC 33:323.B.2 and 3.

VII.A.4. Suspension, Modification, or Revocation and Reissuance, and Termination of Permit

This Permit may be modified, revoked and reissued, or terminated for cause as specified in LAC 33:V.323. The filing of a request by the Permittee for a permit modification, revocation and reissuance, 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.

VII.A.4.a. If the Administrative Authority tentatively decides to modify or revoke and reissue a permit under LAC 33:V.321.C. or 323, a draft permit shall be prepared incorporating the proposed changes. The Administrative Authority may request additional information and, in the case of a modified permit, may require the submission of an updated permit application.

VII.A.4.b. The Permittee may initiate permit modification proceedings under LAC 33:V.321.C. All applicable requirements and procedures as specified in LAC 33:V.321.C shall be followed.

VII.A.4.c. Modifications of this Permit do not constitute a reissuance of the Permit.

VII.A.5. Permit Review
{tc \l2 "4. Permit Review}
This Permit may be reviewed by the Administrative Authority five years after the date of permit issuance and may be modified as necessary as provided for in LAC 33:V.315 and LAC 33:V.323. Nothing in this section shall preclude the Administrative Authority from reviewing and modifying the Permit at any time during its term.

VII.A.6. Compliance with Permit{tc \l2 "5. Compliance with Permit}

Compliance with a RCRA permit during its term constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which:

VII.A.6.a. Become effective by statute;

VII.A.6.b. Are promulgated under LAC 33:V.Chapter 22 restricting the placement of hazardous wastes in or on the land; or

VII.A.6.c. Are promulgated under LAC 33:V.Chapters 23, 25 and 29 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, construction quality assurance (CQA) programs, monitoring action leakage rates, and response action plans, and will be implemented through the procedures of LAC 33:V.321.C Class 1 permit modifications.

VII.A.7. Specific Waste Ban{tc \l2 "6. Specific Waste Ban}

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VII.A.7.a. The Permittee shall not place in any land disposal unit the wastes specified in LAC 33:V. Chapter 22 after the effective date of the prohibition unless the Administrative Authority has established disposal or treatment standards for the hazardous waste and the Permittee meets such standards and other applicable conditions of this Permit.

VII.A.7.b. The Permittee may store wastes restricted under LAC 33:V.Chapter 22 solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal provided that it meets the requirements of LAC 33:V.2205 including, but not limited to, clearly marking each tank or container.

VII.A.7.c. The Permittee is required to comply with all applicable requirements of LAC 33:V.2245 as amended. Changes to the Waste Analysis Plan will be considered permit modifications at the request of the Permittee, pursuant to LAC 33:V.321.C.

VII.A.7.d. The Permittee shall review the waste analysis plan and analyze the waste when a process changes in order to determine whether the waste meets applicable treatment standards. Results shall be maintained in the operating record pursuant to Section III.C.1 and 2.

VII.A.8. Information Submittal for the Corrective Action Strategy{tc \l2 "7. Information Submittal}

Failure to comply with any condition of the Permit, including information submittal, constitutes a violation of the Permit and is grounds for enforcement action, permit amendment, termination, revocation, suspension, or denial of permit renewal application. Falsification of any submitted information is grounds for termination of this Permit (LAC 33:V.323.B.3).

The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Administrative Authority required by this Permit using the Corrective Action Strategy are signed and certified in accordance with LAC 33:V.Chapter 5, Subchapter B. A summary of the planned reporting requirements pursuant to the corrective action requirements of this Permit is found in Table 1 after section VIII. Five (5) copies each of these plans, reports, notifications or other submissions and one (1) electronic copy (3.5" IBM compatible disk or CD-ROM) of all portions thereof which are in word processing format shall be submitted to the Administrative Authority by Certified Mail or hand delivered to:

Louisiana Department of Environmental Quality
Office of Environmental Services
Remediation Services Division
P.O. Box 4313
Baton Rouge, LA 70821-4313

All plans and reports required under the corrective action strategy must follow the guidelines for formatting and content found in the RECAP document to the extent practicable. Further guidance on formatting and content may be provided by the Administrative Authority, as deemed necessary.

VII.A.9. Plans and Schedules Incorporation into Permit{tc \l2 "8. Plans and Schedules Incorporation Into Permit}

All plans and schedules required by this Permit are, upon approval by the Administrative Authority, incorporated into this Permit by reference and become an enforceable part of this Permit. When applicable, the Permittee must modify the permit according to LAC 33:V. Chapter 3. Since required items are essential elements of this Permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action under Section 3008 of RCRA which may include fines, suspension, or revocation of the Permit. Also, where applicable the Permittee must meet all the permit modification requirements of LAC 33:V.321, 322 and 323.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this Permit. Written requests for extensions of due dates for submittals may be granted by the Administrative Authority in accordance with LAC 33:I.1505.E.

If the Administrative Authority determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Administrative Authority may modify this Permit according to procedures in LAC 33:V.321.

VII.A.10. Data Retention{tc \l2 "9. Data Retention}

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Permit shall be maintained at the facility during the term of this Permit, including any reissued Permits.

VII.A.11. Management of Wastes{tc \l2 "10. Management of Wastes}

All solid wastes which are managed pursuant to a remedial measure taken under the corrective action process or as an interim measure addressing a release or the threat of a release from a solid waste management unit shall be managed in a manner protective of human health and the environment and in compliance with all applicable Federal, State and local requirements. As a response to the Louisiana legislature mandate La. R.S. 30:2272 (Act 1092 of the 1995 Regular Session) to develop minimum remediation standards, the LDEQ promulgated the Risk Evaluation Corrective Action Program (RECAP). RECAP's tiered approach to risk evaluation and corrective action establishes not only across the board numerical standards for most media, but also allows for the development of more site-specific numerical standards, as warranted. The Permittee is

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required to comply with all applicable requirements of RECAP. Approval of units for managing wastes and conditions for operating the units shall be granted through the permitting process. Previously approved remedial measures and/or corrective action activities only apply when warranted by new information and/or data that was not available to the Administrative Authority at the time of submission and approval of the measures and/or activities relevant to the previously approved remedial measures and/or corrective action activities.

VII.B.{tc \l1 "G.} AA-BB AIR REGULATIONS

See Condition V.HF. Air Emission Standards.

VII.C. SPECIFIC CONDITION - CLOSURE{tc \l1 "C. SPECIFIC CONDITION - CLOSURE}

Pursuant to Section 3005(j)(1) of the Hazardous and Solid Waste Amendments of 1984, the Permittee shall close any closing units in accordance with the following provisions:

VII.C.1. Other than consolidation of any wastes from the sites in conformance with LAC 33:V.Chapter 22, Land Disposal Restrictions, the Permittee shall not place waste prohibited by LAC 33:V.Chapter 22 into any closing units;

VII.C.2. The Permittee shall perform unit closures in accordance with the Closure Plan(s) as approved at the time of closure, and which meet(s) all relevant State and Federal closure requirements at the time of closure; and

VII.C.3. The Permittee shall notify the Administrative Authority in writing at least sixty (60) days prior to commencement of closure.

VIII. SPECIAL CONDITIONS PURSUANT TO HAZARDOUS AND SOLID WASTE AMENDMENTS—CORRECTIVE ACTION STRATEGY

Corrective Action for Releases{tc \l2 "1. Corrective Action for Releases}: Section 3004(u) of RCRA, as amended by the Hazardous and Solid Waste Amendments (HSWA), and LAC 33:V.3322 require that permits issued after November 8, 1984, address corrective action for releases of hazardous waste or hazardous constituents from any solid waste management unit at the facility, regardless of when the waste was placed in the unit.

EPA's traditional RCRA corrective action approach is structured around several elements common to most activities. In the first phase, RCRA facility assessment (RFA), EPA or the authorized state assesses the facility to identify releases and determine the need for corrective action. In the second phase, RCRA facility investigation (RFI), the facility conducts a more detailed investigation to determine the nature and extent of contaminants released to ground water, surface water, air, and soil. If remedial action is needed, a third phase, corrective measures study (CMS), is started. During this phase, the facility conducts a study, which when completed, describes the advantages, disadvantages, and costs of various cleanup options. After selection of a final remedy, the fourth phase, corrective measures implementation (CMI), is initiated. The facility is required to design, construct, operate, maintain, and monitor the final remedy(s).

The Corrective Action Strategy (CAS) is an alternate corrective action approach that can be implemented during any phase of corrective action for a release area. The Permittee shall use the CAS approach as the framework for corrective action to clarify, facilitate and expedite the process, and shall use the **Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP)** for screening and media-specific cleanup standards. EPA has interpreted the term "release" to mean, "any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment." (50 FR 2873, July 15, 1985). The CAS refers to "release areas" as solid waste management units (SWMUs) and areas of concern (AOCs) while the RECAP refers to release areas as areas of investigation (AOIs). SWMUs and AOCs may also be referred to as "AOIs" when investigated and managed under the RECAP.

VIII.A. ALTERNATE CORRECTIVE ACTION

VIII.A.1. This Permit will utilize the CAS Guidance Document (https://www.epa.gov/sites/production/files/2015-09/documents/r6-cas2015.pdf(http://www.epa.gov/earth1r6/6pd/rcra_c/pd-o/riskman.htm) developed by the U.S. Environmental Protection Agency (EPA) Region 6 whenever the Administrative Authority determines that it will serve to facilitate the corrective action. The CAS Guidance Document shall be utilized to the fullest extent practicable for planning and implementation of the corrective action. The CAS in this Permit shall not supersede existing Federal, State, and local regulations. The two primary objectives are to prioritize corrective action at the facility, and streamline corrective action administrative procedures, resulting in the protection of human health and the environment.

The CAS is a performance-based approach; using data quality objectives, investigations begin with the endpoint in mind. The CAS is a risk management strategy that can be implemented during any phase of corrective action. However, the CAS need not be applied to work that has already been completed to the satisfaction of the Administrative Authority. Performance standards are established at the beginning of the corrective action process, allowing earlier and more focused implementation. Releases are screened using RECAP screening numbers to determine the priority of corrective action, and remedial alternatives are selected on the basis of their ability to achieve and maintain the established performance standards.

There is no one specific path through the CAS process. The CAS is a facility-wide approach, focusing corrective action on releases that pose the greatest risk first. Screening releases will also enable some areas of interest to qualify for no further action at this time (Condition VIII.A.3.a.), thus resources can be used to best benefit the protection of human health and the environment. The CAS process also considers activities previously conducted under the traditional corrective action process. Appendix 1 of this permit contains a summary of corrective action activities completed to date and also describes where the Permittee is in the CAS process at the time of issuance of this permit. The applicability of various provisions of the CAS will depend on where the Permittee is in the CAS process as detailed in Appendix 1.

The traditional RCRA corrective action process and reports (i.e., RFIs, CMSs, CMIs, etc.) are not elements of the CAS. However, the use of information and reports from the traditional corrective action process, if available, is encouraged, in addition to new site-specific information.

The Administrative Authority, through an agency-initiated permit modification, may remove the CAS as the means of facility-wide corrective action in the case of the failure of the Permittee to disclose information, abide by the terms and conditions of this permit, adhere to agreed schedules, or show adequate progress; or should an impasse occur between the Permittee and the Administrative Authority. The Administrative Authority will institute other means of corrective action (such as traditional corrective action) at the facility through modification of this permit.

VIII.A.2. Performance Standards

Expectations for the outcome of corrective action at a facility are established in the CAS by three performance standards as defined in Conditions VIII.A.2.a through c. The Permittee's proposed performance standards shall be presented during the scoping meeting. The Permittee must justify the proposed performance standards through evaluation and documentation of land use, ground water designation (current and reasonably expected future use), types of receptors present, exposure pathways, etc.; as described in RECAP, Chapter 2. Through the application of the performance standards and RECAP, the Permittee and Administrative Authority shall determine whether a release must be addressed through corrective action, and whether implemented corrective

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actions are protective of human health and the environment.

The Permittee shall submit the performance standards in writing along with the Conceptual Site Model (Condition VIII.D) within one-hundred and twenty (120) days after the scoping meeting. The Administrative Authority may either approve the performance standards proposed by the Permittee or establish performance standards that the Administrative Authority deems necessary to protect human health and the environment.

The three CAS performance standards are defined below. The order in which the performance standards are listed does not indicate that one performance standard takes priority over another. All applicable performance standards must be achieved by the Permittee.

VIII.A.2.a. Source Control Performance Standard

Source control refers to the control of materials that include or contain hazardous wastes or hazardous constituents that act as a reservoir for migration of contamination to soil, sediment, ground water, surface water, or air, or as a source for direct exposure.

The facility must determine if source material is present. Removal, containment, treatment, or a combination of the three, must be evaluated on a case-by-case basis. Controlling source material is a predominating issue in the CAS, and must be addressed to ensure protectiveness over time. Prioritization of the SWMUs and AOCs does not mean avoidance of controlling source materials.

VIII.A.2.b. Statutory and Regulatory Performance Standard

Applicable statutory and regulatory requirements (Federal, State, and local) must be identified. These requirements may dictate media-specific contaminant levels (e.g., maximum contaminant levels (MCLs) in drinking water) that must be achieved and may become a performance standard for the Permittee.

VIII.A.2.c. Final Risk Goal Performance Standard

The final risk goal is the level of protection to be achieved and maintained by the Permittee. The final risk goal shall be based on site-specific issues including land use, special subpopulations, contaminant concentrations based on acceptable risk, location at which the levels are measured, and the remediation time frame, as specified by RECAP.

One final risk goal may apply to the entire facility, but it is more likely that different releases will require different final risk goals due to variations in location of releases, land use, proximity of receptors, etc. The final risk goal will be based on sound risk assessment methodologies (Condition VIII.A.3).

VIII.A.3. Use of RECAP

The latest edition of the RECAP document shall be used by the Permittee to determine the need for further corrective actions under this permit. The RECAP consists of a tiered framework comprised of a Screening Option (SO), and three Management Options (MO). The tiered management options allow site evaluation and corrective action efforts to be tailored to site conditions and risks. As the MO level increases, the approach becomes more site-specific and hence, the level of effort required to meet the objectives of the Option increases.

The RECAP shall be used by the Permittee to evaluate data quality and data usability (RECAP Section 2.4 and 2.5), to determine the identity of an AOI as described in RECAP Section 2.6, and for estimations of Area of Investigation Concentrations and Groundwater Compliance Concentrations for each media as defined in RECAP Section 2.8.

The RECAP shall be used by the Permittee to evaluate land use as described in RECAP Section 2.9, and groundwater/aquifer use as described in RECAP Section 2.10.

The RECAP shall be used by the Permittee to prioritize AOCs, SWMUs, and AOIs that require remediation so site investigations are focused on the release areas that pose the greatest risk. As the CSM is compiled, the Permittee shall assess historical data (RECAP Section 2.5) and use the following management options, as appropriate, to address each release site.

VIII.A.3.a. Use of the Screening Option - The Permittee shall use the Screening Standards (SS) which are LDEQ-derived screening numbers for soil and groundwater for non-industrial and industrial land use scenarios. The SS shall be used to demonstrate that an AOI does not pose a threat to human health and the environment and, hence does not require further action at this time (NFA-ATT) or that further evaluation is warranted under a higher Management Option.

VIII.A.3.b. **Use of Management Option 1** – The Permittee shall use Management Option 1 (MO-1) which provides a RECAP standard (RS) derived for non-industrial and industrial exposure scenarios using currently recommended default exposure parameters and toxicity values. Under MO-1, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-1 limiting RS, then the Permittee may; (1) remediate to the MO-1 limiting RS (and comply with closure/post closure requirements for MO-1), or (2) proceed with a MO-2 or MO-3 evaluation.

VIII.A.3.c. **Use of Management Option 2** – The Permittee shall use Management Option 2 (MO-2) which provides for the development of soil and groundwater RS using site-specific data with specified analytical models to evaluate constituent fate and transport at the AOI. The results of this evaluation

shall be used in conjunction with standard reasonable maximum exposure (RME) assumptions to identify site-specific MO-2 RS. Under MO-2, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-2 limiting RS, then the Permittee may; (1) remediate to the MO-2 limiting RS (and comply with closure/post closure requirements for MO-2), or (2) proceed with a MO-3 evaluation.

VIII.A.3.d. **Use of Management Option 3** – The Permittee shall use Management Option 3 (MO-3) which provides the option of using site-specific data for the evaluation of exposure and the evaluation of environmental fate and transport at the AOI. The results of the site-specific evaluation may be to develop site-specific MO-3 RS. Under MO-3, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-3 limiting RS, then the Permittee shall; (1) remediate to the MO-3 RS, (2) conduct confirmatory sampling, and (3) comply with closure/post closure requirements for MO-3.

VIII.A.4. Corrective Action for Releases Beyond Facility Boundary{tc \l2 "4. Corrective Action for Releases Beyond Facility Boundary}

Section 3004(v) of RCRA as amended by HSWA, and State regulations promulgated as LAC 33:V.3322.C require corrective actions beyond the facility property boundary, where necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, unless the Permittee demonstrates that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where offsite access is denied.

VIII.A.5. Financial Responsibility{tc \l2 "5. Financial Responsibility}

Assurances of financial responsibility for corrective action shall be provided by the Permittee as specified in the Permit following major modification for remedy selection. The Administrative Authority reserves the right to require financial assurance prior to remedy selection based upon facility compliance history, the extent and degree of contamination, financial health of the Permittee, and input from the public.

VIII.A.6. Summary of Corrective Action Activities

A summary of the corrective action activities associated with the facility is provided in Condition VIII, Appendix 1 of this permit. AOCs and SWMUs that are currently being managed or proposed for management under a prescribed corrective action program (e.g., groundwater order, corrective action order, CERCLA) are identified in Condition VIII, Appendix 1, Table 1 of this permit.

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VIII.A.7. Approval of Alternate Schedule

The Permittee may submit a written request for an alternate schedule for a submittal deadline as presented in Condition VIII, Table 1. The request should propose a specific alternate schedule and include an explanation as to why the alternate schedule is necessary. The Administrative Authority will consider site-specific criteria in either approving or disapproving the request for an alternate schedule.

VIII.B. PROJECT DEVELOPMENT AND SCOPING MEETING

VIII.B.1. Notice of Intent

The Permittee must submit to the Administrative Authority a Notice of Intent to conduct corrective action using the CAS upon identification of a newly identified SWMU or AOC per Condition VIII.L or notification of newly identified releases at a SWMU or AOC per Condition VIII.M. The notice of intent should state the following in a concise manner:

VIII.B.1.a. General information regarding facility location;

VIII.B.1.b. General information regarding the facility's operational history;

VIII.B.1.c. General discussion on how the Permittee will proceed through the CAS;

VIII.B.1.d. Brief description of proposed performance standards for corrective action; and

VIII.B.1.e. Propose a date for a scoping meeting between the Permittee and the Administrative Authority to be held within sixty (60) days of the date of the Notice of Intent.

VIII.B.2. Scoping Meeting

The scoping meeting will serve as the first CAS milestone where the Permittee and the Administrative Authority identify expectations concerning CAS implementation. The length and extent of the meeting will depend on the complexity of the site. Agreements on land use, groundwater classification, the level of detail required in the conceptual site model (see Condition VIII.D) and expectations for remediation goals will be discussed during the scoping meeting(s). During the scoping meeting the Permittee will present the following information to the Administrative Authority:

VIII.B.2.a. A conceptual site model (if one already has been developed);

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VIII.B.2.b. Discussions on history of corrective action at the facility, including facility investigations, risk evaluations or risk assessments, interim measure/stabilizations and final remedies implemented;

VIII.B.2.c. Proposed performance standards for the facility with justification, and potential risk management approaches;

VIII.B.2.d. Discussions on how the Permittee plans to use the CAS to meet its corrective action obligations, including permitting and compliance issues;

VIII.B.2.e. A Communication Strategy Plan that specifies where in the CAS process the Permittee is currently and how the Permittee will provide information about future progress at the facility to the Administrative Authority (i.e., progress reports, conference calls, routine meetings, etc.);

VIII.B.2.f. Site-specific concerns (i.e., sensitive environments or special subpopulations);

VIII.B.2.g. Need for interim measures or stabilization activities, if necessary; and

VIII.B.2.h. Schedule for submittal of the CAS Investigation Workplan and proposed schedule for conducting and completing CAS requirements, including public participation.

Information plans and reports that have already been developed by the Permittee during the corrective action process can be referenced during the scoping meeting. The Permittee must coordinate with the Administrative Authority in order to determine the date, time, and location of the scoping meeting.

VIII.C. REPORTING REQUIREMENTS

VIII.C.1. The Permittee shall submit, in accordance with Condition VII.A.8, signed reports of all activities conducted pursuant to the provisions of this Permit as required by the Administrative Authority. The reporting schedule shall be determined on a case-by-case basis by the Administrative Authority. These reports shall contain, as applicable to the stage of corrective action, the information required by CAS, as well as the following:

VIII.C.1.a. A description of the work completed and an estimate of the percentage of work completed;

VIII.C.1.b. Summaries of all findings, including summaries of laboratory data;

VIII.C.1.c. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;

VIII.C.1.d. Projected work for the next reporting period;

VIII.C.1.e. Summaries of contacts pertaining to corrective action or environmental matters with representatives of the local community, public interest groups or State government during the reporting period;
VIII.C.1.f. Changes in key project personnel during the reporting period; and

VIII.C.1.g. Summaries of all changes made in implementation during the reporting period.

VIII.C.2. Copies of other reports relating to or having bearing upon the corrective action work (e.g., inspection reports, drilling logs and laboratory data) shall be made available to the Administrative Authority upon request.

VIII.C.3. In addition to the written reports as required in Condition VIII.C.1 and VIII.C.2 above, at the request of the Administrative Authority, the Permittee shall provide status review through briefings with the Administrative Authority.

VIII.C.4. The determination and approval of remedy selections, schedules of submittals and minor changes to any corrective action workplans may be made by the Administrative Authority during the scoping meeting or status review briefings as described in Condition VIII.C.3.

VIII.D. SPECIFIC CONDITION – CONCEPTUAL SITE MODEL (CSM)

No later than 120 days after the scoping meeting, the Permittee shall submit to the Administrative Authority a CSM (along with the Performance Standards detailed in Condition VIII.A.2) or an update of any CSM submitted at the scoping meeting providing background information and the current conditions at the facility. The level of detail required for the CSM will be discussed during the scoping meeting. At a minimum, the CSM must address current site conditions, land use, known and/or potential constituent source(s), routes of constituent migration, exposure media (i.e., soil, surface waters, groundwater), exposure points, points of compliance and pathways, receptors and source media to be evaluated under the RECAP. The CSM must include a completed Figure 8 (LAC 33:I.Chapter 13). The Permittee may include completed investigations, existing data, or previously submitted documents in the CSM by reference. References must include the names, dates, and brief summaries of the documents.

If a CSM has been previously developed, the scoping meeting will also provide the opportunity for the Permittee and Administrative Authority to consider and identify all data gaps in the CSM. The initial CSM shall be considered the "base document" to be prepared and updated by the facility as new information is gathered during investigations. The CSM shall be used by the facility to make decisions regarding risk management options, ecological risk, and monitored natural attenuation determinations (RECAP Section 2.16), or technical impracticability (TI) waiver determinations, when appropriate.

The Administrative Authority reserves the right to require revisions to the CSM based upon data resulting from ongoing investigations and activities. Revisions to the CSM may also be required

for newly identified SWMUs or AOCs according to Condition VIII.L of this permit (See Appendix 1, Ongoing Corrective Action) and based on new information and information not previously considered by the Administrative Authority.

The CSM shall be divided into Profiles as detailed in Conditions VIII.D.1 through 6. If the Permittee chooses to use existing data and documents in the CSM, it may not be necessary to prepare the Profiles as detailed in Conditions VIII.D.1 through 6. However, the existing documents and data must provide sufficient information and detail which corresponds to the information required by the Facility, Land Use and Exposure, Physical, Release, Ecological, and Risk Management Profiles.

VIII.D.1. Facility Profile

The Permittee shall include in the CSM a Facility Profile which shall summarize the regional location, pertinent boundary features, general facility structures, process areas, and locations of solid waste management units or other potential sources of contaminant migration from the routine and systematic releases of hazardous constituents to the environment (e.g., truck or railcar loading/unloading areas). The Permittee shall also include historical features that may be potential release areas because of past management practices. The Facility Profile shall include:

VIII.D.1.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.1.a.i. General geographic location;

VIII.D.1.a.ii. Property lines with the owners of all adjacent property clearly indicated;

VIII.D.1.a.iii. Facility structures, process areas and maintenance areas;

VIII.D.1.a.iv. Any other potential release areas shall be delineated, such as railcar loading/unloading areas or any other AOI as described in RECAP Section 2.6; and

VIII.D.1.a.v. Locations of historical features that may be potential release areas or any areas of past solid and hazardous waste generation, treatment, storage or disposal activities.

VIII.D.1.b. The Facility Profile shall also include a description of ownership and operation of the facility.

VIII.D.1.c. The Permittee shall provide pertinent information for those spills that have not been assessed and reported to the Administrative Authority during

facility investigations, addressed by facility spill contingency plans, or previously remediated or deemed for no further action. The information must include at minimum, approximate dates or periods of past waste spills, identification of the materials spilled, the amount spilled, the location where spilled, and a description of the response actions conducted (local, state, federal, or private party response units), including any inspection reports or technical reports generated as a result of the response.

VIII.D.2. Land Use and Exposure Profile

The Permittee shall include in the CSM a Land Use and Exposure Profile which includes surrounding land uses (industrial and non-industrial, as described in RECAP Sections 2.9.1 and 2.9.2), resource use locations (water supply wells, surface water intakes, etc.), beneficial resource determinations (groundwater classifications as described in RECAP Section 2.10), natural resources (wetlands, etc.), sensitive subpopulation types and locations (schools, hospitals, nursing homes, day care centers, etc.), applicable exposure scenarios, and applicable exposure pathways identifying the specific sources, releases, migration mechanisms, exposure media, exposure routes and receptors. The Land Use and Exposure Profile shall include:

VIII.D.2.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.2.a.i. Surrounding land uses, resource use locations, and natural resources/wetlands;

VIII.D.2.a.ii. Locations of sensitive subpopulations; and

VIII.D.2.a.iii. An exposure pathway flowchart which outlines sources, migration pathways, exposure media and potential receptors as depicted in Figure 8 (CMS example) of the RECAP.

VIII.D.3. Physical Profile

The Permittee shall include in the CSM a Physical Profile which shall describe the factors that may affect releases, fate and transport, and receptors, including; topography, surface water features, geology, and hydrogeology. The Physical Profile shall include:

VIII.D.3.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V.Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

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VIII.D.3.a.i. Topographic maps with a contour interval of five (5) or ten (10) feet, a scale of one inch to 100 feet (1:100), including hills, gradients, and surface vegetation or pavement;

VIII.D.3.a.ii. Surface water features including routes of all drainage ditches, waterways, direction of flow, and how they migrate to other surface water bodies such as canals and lakes;

VIII.D.3.a.iii. Regional geology including faulting and recharge areas, as well as local geology depicting surface features such as soil types, outcrops, faulting, and other surface features;

VIII.D.3.a.iv. Subsurface geology including stratigraphy, continuity (locations of facies changes, if known), faulting and other characteristics;

VIII.D.3.a.v. Maps with hydrogeologic information identifying water-bearing zones, hydrologic parameters such as transmissivity, and conductivity. Also locations and thicknesses of aquitards or impermeable strata; and

VIII.D.3.a.vi. Locations of soil borings and production and groundwater monitoring wells, including well log information, and construction of cross-sections which correlate substrata. Wells shall be clearly labeled with ground and top of casing elevations (can be applied as an attachment).

VIII.D.4. Release Profile

The Permittee shall include in the CSM a Release Profile which shall describe the known extent of contaminants in the environment, including sources, contaminants of concern (COC), areas of investigations, distribution and magnitude of known COCs with corresponding sampling locations, and results of fate and transport modeling depicting potential future extent/magnitude of COCs. The Release Profile shall include:

VIII.D.4.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V. Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.4.a.i. Estimations of source concentrations, exposure concentrations and compliance concentrations for each affected media as defined in Section 2.8 of RECAP;

VIII.D.4.a.ii. Isopleth maps depicting lateral extent and concentrations of COCs;

VIII.D.4.a.iii. Results of fate and transport modeling showing potential exposure concentrations and locations; and

VIII.D.4.a.iv. Locations of potential sources including past or present waste units or disposal areas and all SWMUs/AOCs.

VIII.D.4.b. Table(s) depicting the following information for each SWMU/AOC, including but not limited to: location; type of unit/disposal/release area; design features; operating practices (past and present); period of operation; age of unit/disposal/release area; general physical condition; and method of closure.

VIII.D.4.c. Table(s) depicting the following waste/contaminant characteristics for those areas referenced in Condition VIII.D.4.b, including but not limited to: type of waste placed in the unit (hazardous classification, quantity, chemical composition), physical and chemical characteristics (physical form, description, temperature, pH, general chemical class, molecular weight, density, boiling point, viscosity, solubility in water, solubility in solvents, cohesiveness, vapor pressure); and migration and dispersal characteristics of the waste (sorption coefficients, biodegradability, photodegradation rates, hydrolysis rates, chemical transformations).

VIII.D.5. Ecological Profile

The Permittee shall include in the CSM an Ecological Profile that shall describe the physical relationship between the developed and undeveloped portions of the facility, the use and level of disturbance of the undeveloped property, and the type of ecological receptors present in relation to completed exposure pathways. When compiling data for the Ecological Profile, current, as well as, future impacts to receptors and/or their habitats shall be considered. The Ecological Profile shall include:

VIII.D.5.a. A history and description of the developed property on the facility, including structures, process areas, waste management units, and property boundaries;

VIII.D.5.b. A history and description of the undeveloped property, including habitat type (wetland, grassy area, forest, ponds, etc.). Include a description of the primary use, degree and nature of any disturbance, along with proximity to drainage ditches, waterways and landfill areas;

VIII.D.5.c. A description of the site receptors in relation to habitat type, including endangered or protected species, mammals, birds, fish, etc.;

VIII.D.5.d. A description of the relationship between release areas and habitat areas, specifically relating chemicals of potential ecological concern (COEC) to ecological receptors;

VIII.D.5.e. An ecological checklist as described in Section 7.0 of RECAP. An ecological checklist (presented in Appendix C, Form 18 of the RECAP) shall be used to determine if a tier 1 (screening level) Ecological Risk Assessment (ERA) is warranted.

VIII.D.6. Risk Management Profile

The Permittee shall include in the CSM a Risk Management Profile that shall describe how each AOI at the facility will be managed for the protection of human health and the environment. The Risk Management Profile will serve as documentation of the results of the site ranking system (described in Section 2.2 of RECAP). The Risk Management Profile will also document the criteria and verify that the SO, MO-1, MO-2 or MO-3 is appropriate for application at each AOI. The Risk Management Profile shall include:

VIII.D.6.a. A table for tracking the management options for each AOI, and the determination made, whether an AOI is deemed for no further action at this time (NFA-ATT) or is going to use either the SO, MO-1, MO-2 or MO-3 management option.

VIII.D.6.b. A list of identified site-wide data gaps for further investigation.

VIII.D.6.c. Documentation of all interim measures which have been or are being undertaken at the facility, including under State or Federal compliance orders, other than those specified in the Permit. This documentation shall include the objectives of the interim measures and how the measure is mitigating a potential threat to human health or the environment and/or is consistent with and integrated into requirements for a long term remedial solution.

VIII.E. INTERIM MEASURES

VIII.E.1. If at any time during the term of this Permit, the Administrative Authority determines that a release or potential release of hazardous constituents from a SWMU/AOC poses a threat to human health and the environment, the Administrative Authority may require interim measures. The Administrative Authority shall determine the specific measure(s) or require the Permittee to propose a measure(s). The interim measure(s) may include a permit modification, a schedule for implementation, and an Interim Measures Workplan. The Administrative Authority may modify this Permit according to LAC 33:V.321 to incorporate interim measures into the Permit. However, depending upon the nature of the interim measures, a permit modification may not be required.

VIII.E.2. The Permittee may propose interim measures at any time by submittal of an Interim Measures Workplan subject to the approval of the Administrative Authority.

VIII.E.3. The Administrative Authority shall notify the Permittee in writing of the requirement to perform interim measures and may require the submittal of an Interim

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Measures Workplan. The following factors will be considered by the Administrative Authority in determining the need for interim measures and the need for permit modification:

VIII.E.3.a. Time required to develop and implement a final remedy;

VIII.E.3.b. Actual and potential exposure to human and environmental receptors;

VIII.E.3.c. Actual and potential contamination of drinking water supplies and sensitive ecosystems;

VIII.E.3.d. The potential for further degradation of the medium in the absence of interim measures;

VIII.E.3.e. Presence of hazardous wastes in containers that may pose a threat of release;

VIII.E.3.f. Presence and concentration of hazardous waste including hazardous constituents in soil that has the potential to migrate to ground water or surface water;

VIII.E.3.g. Weather conditions that may affect the current levels of contamination;

VIII.E.3.h. Risks of fire, explosion, or accident; and

VIII.E.3.i. Other situations that may pose threats to human health and the environment.

VIII.E.5. Upon approval of the Interim Measures Workplan and completion of the interim measure(s) implementation, the Permittee will submit a report to the Administrative Authority describing the completed work.

VIII.E.6. At anytime during or after the interim measure(s), including the issuance of an NFA-ATT, the Administrative Authority may require the Permittee to submit the SWMUs/AOCs for further corrective action.

VIII.F. CAS (CORRECTIVE ACTION STRATEGY) INVESTIGATION WORKPLAN

VIII.F.1. The CAS Investigation Workplan that describes site investigation activities for corrective action shall be submitted to the Administrative Authority within 180 days after the scoping meeting between the Permittee and the Administrative Authority. The CAS Investigation Workplan must address releases of hazardous waste or hazardous constituents to all media, unless otherwise indicated, for those SWMUs/AOCs listed in Appendix 1, Table 1. The focus of the site investigation phase for corrective action is to collect data to fill in data gaps identified in the CSM. The corrective action

investigations may be conducted in phases if warranted by site conditions, contingent upon approval by the Administrative Authority.

VIII.F.1.a. The CAS Investigation Workplan shall describe the management options (MO) for each AOI/release area, data quality objectives for achieving each management option, and proposals for release characterizations (sampling and analysis/quality assurance plans) to support the data quality objectives (DQOs). (DQOs are determined based on the end use of the data to be collected, and the DQO development process should be integrated into project planning and refined throughout the CAS implementation. DQOs shall be used to 1) ensure that environmental data are scientifically valid, defensible, and of an appropriate level of quality given the intended use, and 2) expedite site investigations. The CAS Investigation Workplan is required to have DQOs that are developed to support the performance standard for each release.) The CAS Investigation Workplan shall detail all proposed activities and procedures to be conducted at the facility, the schedule for implementing and completing such investigations, the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the site investigations. The scope of work for the site investigation can be found in RECAP Appendix B.

VIII.F.1.b. The CAS Investigation Workplan shall describe sampling, data collection quality assurance, data management procedures (including formats for documenting and tracking data and other results of investigations) and health and safety procedures.

VIII.F.1.c. Development of the CAS Investigation Workplan and reporting of data shall be consistent with the latest version of the following EPA and State guidance documents or the equivalent thereof:

VIII.F.1.c.i. Guidance for the Data Quality Assessment, Practical Methods for Data Analysis. QA97 Version EPA QA/G-9. January 1998;

VIII.F.1.c.ii. Guidance for the Data Quality Objectives Process. EPA QA/G-4. September 1994;

VIII.F.1.c.iii. Data Quality Objectives Remedial Response Activities. EPA/540/G87-003. March 1987;

VIII.F.1.c.iv. Guidance on Quality Assurance Project Plans. EPA QA/G-5. February 1998;

VIII.F.1.c.v. Interim EPA Data Requirements for Quality Assurance Project Plans. EPA Region 6, Office of Quality Assurance. May 1994;

VIII.F.1.c.vi. 29 CFR 1910.120 (b) for the elements to Health and Safety plans;

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VIII.F.1.c.vii. RCRA Groundwater Monitoring: Draft Technical Guidance EPA/530-R-93-001 November 1992;

VIII.F.1.c.viii. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods; SW-846, 3rd Edition. November 1992, with revisions;

VIII.F.1.c.viv. The LDEQ Handbook - **Construction of Geotechnical Boreholes and Groundwater Monitoring Systems," prepared by the LDEQ and the Louisiana Department of Transportation and Development.** This document is printed by and available from the Louisiana Department of Transportation and Development, Water Resources Section, P. O. Box 94245, Baton Rouge, Louisiana 70804-9245; and

VIII.F.1.c.x. The LAC 33:I.Chapter 13 and Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP).

VIII.F.2. After the Permittee submits the CAS Investigation Workplan; the Administrative Authority will approve, disapprove, or otherwise modify the CAS Investigation Workplan in writing. All approved workplans become enforceable components of this Permit.

In event of disapproval (in whole or in part) of the workplan, the Administrative Authority shall specify deficiencies in writing. The Permittee shall modify the CAS Investigation Workplan to correct these within the time frame specified in the notification of disapproval by the Administrative Authority. The modified workplan shall be submitted in writing to the Administrative Authority for review. Should the Permittee take exception to all or part of the disapproval, the Permittee shall submit a written statement of the ground for the exception within fourteen (14) days of receipt of the disapproval.

VIII.F.3. The Administrative Authority shall review for approval, as part of the CAS Investigation Workplan or as a new workplan, any plans developed pursuant to Condition VIII.L addressing further investigations of newly-identified SWMUs/AOCs, or Condition VIII.M addressing new releases from previously-identified SWMUs/AOCs.

VIII.G. IMPLEMENTATION OF SITE INVESTIGATION ACTIVITIES UNDER CAS

No later than fourteen (14) days after the Permittee has received written approval from the Administrative Authority for the CAS Investigation Workplan, the Permittee shall implement the site investigation activities according to the schedules and in accordance with the approved CAS Investigation Workplan and the following:

VIII.G.1. The Permittee shall notify the Administrative Authority at least 10 working days prior to any field sampling, field-testing, or field monitoring activity required by this Permit to give LDEQ personnel the opportunity to observe investigation procedures and/or split samples.

VIII.G.2. Deviations from the approved CAS Investigation Workplan, which are necessary during implementation, must be approved by the Administrative Authority and fully documented and described in the progress reports (Condition VIII.C), RECAP Report (Condition VIII.H) and the final Risk Management Plan (Condition VIII.J).

VIII.H. RECAP REPORT

Within ninety (90) days after completion of the site investigation the Permittee shall submit a RECAP Report to the Administrative Authority for approval. The RECAP Report shall document the results of the site investigation activities, and the evaluation of the impacts from releases. The Administrative Authority will review and evaluate the report and provide the Permittee with written notification of the report's approval or a notice of deficiency. If the Administrative Authority determines the RECAP Report does not fully meet the objectives stated in the CAS Investigation Workplan (Permit Condition VIII.F), the Administrative Authority shall notify the Permittee in writing of the report's deficiencies, and specify a due date for submittal of a revised Final Report to the Administrative Authority.

VIII.H.1. The Permittee shall screen site-specific data using the appropriate RECAP standard (RS) for each AOI (depending on the MO), evaluate impacts from releases with exposure scenario evaluations, and update the Risk Management Profile of the CSM.

VIII.H.2. The report shall include, but not be limited to, the following:

VIII.H.2.a. Documentation of site investigation activities and results;

VIII.H.2.b. Evaluation of exposure scenarios to document impacts from releases;

VIII.H.2.c. Deviations from the CAS Investigation Workplan;

VIII.H.2.d. Results of screening activities using RECAP standards (RS), including SO, MO-1, MO-2, or MO-3 RS for each media;

VIII.H.2.e. The revised CSM with updated profiles which incorporate investigation and screening results; and

VIII.H.2.f. Proposed revisions to performance standards based on new information (e.g., change in land use, difference in expected receptors and/or exposure, or other differences in site conditions), if warranted.

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VIII.I. REMEDIAL ALTERNATIVES STUDY

Upon completion and approval of the RECAP Report, the Permittee shall proceed with the evaluation of remedial alternatives to complete corrective action for each AOI according to the performance standards described in Condition VIII.A.2. The remedial alternatives shall be submitted to the Administrative Authority in the Remedial Alternatives Study (RAS) within ninety (90) days of the Administrative Authority's approval of the RECAP Report. In the Remedial Alternatives Study, the Permittee shall identify and evaluate various potential remedies that would meet the performance-based corrective action objectives and propose one or more specific remedies based on an evaluation of applicable data and available corrective action technologies. The RAS shall be prepared in a manner that addresses the extent and nature of the contamination at the facility.

VIII.I.1. The Permittee shall evaluate remedies for each AOI that shall:

VIII.I.1.a. attain compliance with corrective action objectives for releases of hazardous waste and/or hazardous constituents, as established in the Conceptual Site Model or in later investigations approved by the Administrative Authority;

VIII.I.1.b. control sources of releases;

VIII.I.1.c. meet acceptable waste management requirements;

VIII.I.1.d. protect human health and the environment; and

VIII.I.1.e. meet applicable statutory and regulatory requirements (as noted in Condition VIII.A.2.b).

VIII.I.2. The Permittee shall evaluate the use of presumptive remedies and innovative technologies to achieve the appropriate remedial performance standards for each AOI.

VIII.I.3. The Permittee shall review the current interim measures/ stabilization activities to evaluate if these measures meet all the criteria for final remedy.

VIII.I.4. If under certain site-specific conditions, or when it is not technically or economically feasible to attain the corrective action objectives, the Permittee may propose to use institutional controls to supplement treatment or containment-based remedial actions upon approval of the Administrative Authority (Section 2.15 of RECAP).

VIII.I.5. The RAS shall at a minimum include:

VIII.I.5.a. An evaluation of the performance reliability, ease of implementation, and the potential impacts of the potential remedies;

VIII.I.5.b. An assessment of the effectiveness of potential remedies in achieving adequate control of sources and meeting remedial performance standards;

VIII.I.5.c. An assessment of the costs of implementation for potential remedies;

VIII.I.5.d. An assessment of the time required to begin and complete the remedy;

VIII.I.5.e. An explanation of the rationale for the remedy proposed for each AOI or group of AOIs; and

VIII.I.5.f. An assessment of institutional requirements (e.g., state permit requirements that may impact remedy implementation).

VIII.I.6. The Administrative Authority will review and evaluate the RAS and provide the Permittee with written notification of the study's approval or a notice of deficiency. If the Administrative Authority determines the RAS does not fully meet the requirements detailed in Conditions VIII.I.1 through VIII.I.5, the Administrative Authority shall notify the Permittee in writing of the RAS's deficiencies, and specify a due date for submittal of a revised RAS to the Administrative Authority. In addition, the Administrative Authority may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

VIII.J. RISK MANAGEMENT PLAN

Within ninety (90) days of the Administrative Authority's approval of the RAS, the remedy/remedies proposed for selection shall be documented and submitted in the Risk Management Plan. The Permittee shall propose corrective action remedies in accordance with Chapter IV of the RCRA Corrective Action Plan (Final), May 1994, OSWER Directive 9902.3-2A or as directed by the Administrative Authority.

VIII.J.1. The Risk Management Plan shall at a minimum include:

VIII.J.1.a. A summary of the remedial alternatives for each AOI and the rationale used for remedy selection;

VIII.J.1.b. The final CSM with proposed remedies, including locations of AOIs addressed by a risk management activity, COC concentrations that represent the long-term fate and transport of residual COCs and the exposure pathways affected by the risk management activity;

VIII.J.1.c. Cost estimates and implementation schedules for proposed final remedies;

VIII.J.1.d. Proposed remedy design and implementation precautions, including special technical problems, additional engineering data required, permits and regulatory requirements, property access, easements and right-of-way

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requirements, special health and safety requirements, and community relations activities;

VIII.J.1.e. Remedy Performance Criteria and Monitoring

The Permittee shall identify specific criteria (such as land use changes, fate and transport model verification and constructed remedy performance) that will be evaluated to demonstrate that the risk management activity implemented will remain protective. A schedule for periodic performance review (such as monitoring data summaries, including graphical and statistical analyses) shall be established to demonstrate that the implemented activities are consistently achieving and maintaining desired results. Further, a mechanism shall be established to re-evaluate risk management activities in the event the implemented action does not achieve and maintain the performance standards;

VIII.J.1.f. Contingency plans; and

VIII.J.1.g. Description and schedules for performance reviews.

VIII.J.2. After the Permittee submits the Risk Management Plan, the Administrative Authority will review and evaluate the plan and subsequently either inform the Permittee in writing that the plan is acceptable for public review or issue a notice of deficiency.

VIII.J.3. If the Administrative Authority determines the Risk Management Plan does not fully meet the remedial objectives, the Administrative Authority shall notify the Permittee in writing of the plan's deficiencies and specify a due date for submittal of a revised Final Risk Management Plan. In addition, the Administrative Authority may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

VIII.J.4. After the Administrative Authority has determined the Risk Management Plan is acceptable for public review, the Administrative Authority shall inform the Permittee in writing and instruct the Permittee to submit the plan as a Class 3 permit modification request in accordance with the requirements of LAC 33:V.321.C.3.

VIII.J.5. After conclusion of a 60-day comment period, the Administrative Authority will either grant or deny the Class 3 permit modification request. In addition the Administrative Authority must consider and respond to all significant comments received during the 60-day comment period.

VIII.J.6. If the Class 3 Modification request is granted, the Administrative Authority shall prepare a draft permit incorporating the proposed changes in accordance with LAC 33:V.703.C and solicit public comment on the draft permit modification according to Condition VIII.N.3 of this permit.

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VIII.J.7. If, after considering all public comments, the Administrative Authority determines that the Risk Management Plan is adequate and complete, the Administrative Authority will issue a public notice for final approval the Class 3 permit modification. The resultant modified permit will include schedules for remedy implementation as well as financial assurance provisions as required by Condition VIII.A.5 of this permit.

VIII.K . DETERMINATION OF NO FURTHER ACTION

VIII.K.1. NFA-ATT Determinations for Specific SWMUs/AOCs

VIII.K.1.a. Based on the results of the site investigations, screening, risk evaluations and risk management activities, the Permittee may request a NFA-ATT determination for a specific SWMU/AOC by submittal of a Class 1[1] permit modification ([1] requiring Administrative Authority approval) request under LAC 33:V.321.C.1. The NFA-ATT request must contain information demonstrating that there are no releases of hazardous constituents from a particular SWMU/AOC that pose a threat to human health and/or the environment.

The basis for the determination of NFA-ATT shall follow the guidelines as described in the RECAP (Section 1.2.1 of RECAP) for each AOI, depending on the MO used.

VIII.K.1.b. If, based upon review of the Permittee's request for a permit modification, the results of the site investigations, and other information the Administrative Authority determines that releases or suspected releases from an individual SWMU/AOC which were investigated either are non-existent or do not pose a threat to human health and/or the environment, the Administrative Authority may grant the requested modification.

VIII.K.1.c. In accordance with LAC 33:V.321.C.1.a.ii, the Permittee must notify the facility mailing list within ninety (90) days of the Administrative Authority's approval of the Class 1[1] permit modification ([1] requiring Administrative Authority approval) request.

VIII.K.2. Facility-Wide NFA-ATT Determination

VIII.K.2.a. Upon the completion of all activities specified in the Risk Management Plan and after all SWMUs and AOCs at the facility have been remediated according to the standards dictated by the selected RECAP MO, the Permittee shall submit a summary report supporting a determination of NFA-ATT on a facility-wide basis.

VIII.K.2.b. The summary report must include a historical narrative for each SWMU/AOC at the site that includes a summary of the investigation, sampling & analysis, remedial, and confirmatory sampling activities leading to the NFA-ATT request. The basis for the determination of NFA-ATT shall follow the guidelines

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as described in the RECAP (Section 1.2.1 of RECAP) for each AOI, depending on the MO used. The facility-wide NFA-ATT determination must consider any newly-identified SWMUs/AOCs discovered after submittal of the Risk Management Plan.

VIII.K.2.c. The Administrative Authority will review and evaluate the summary report and subsequently either inform the Permittee in writing that the report is acceptable for public review or issue a notice of deficiency.

VIII.K.2.d. If the Administrative Authority determines the summary report does not fully demonstrate that all remedial objectives have been satisfied, the Administrative Authority shall notify the Permittee in writing of the summary report's deficiencies and specify a due date for submittal of a revised summary report.

VIII.K.2.e. After the Administrative Authority has determined the facility-wide NFA-ATT summary report is acceptable for public review, the Administrative Authority shall inform the Permittee in writing and instruct the Permittee to submit the summary report as a Class 3 permit modification request in accordance with the requirements of LAC 33:V.321.C.3.

VIII.K.2.f. After conclusion of a 60-day comment period, the Administrative Authority will either grant or deny the Class 3 permit modification request. In addition the Administrative Authority must consider and respond to all significant comments received during the 60-day comment period.

VIII.K.2.g. If, based upon review of the Permittee's Class 3 permit modification request, the results of the site investigations, confirmatory sampling, and other pertinent information, the Administrative Authority determines that all SWMUs and AOCs have been remediated to the selected MO and no further action at the facility is warranted, the Administrative Authority will grant the modification request.

VIII.K.2.h. If the Class 3 Modification request is granted, the Administrative Authority shall prepare a draft permit incorporating the proposed changes in accordance with LAC 33:V.703.C and solicit public comment on the draft permit modification according to Condition VIII.N.4 of this permit.

VIII.K.2.i. If, after considering all public comments, the Administrative Authority determines that all activities specified in the Risk Management Plan have been completed and that all SWMUs and AOCs have been remediated to the selected MO, the Class 3 permit modification for facility-wide NFA-ATT will receive final approval. The CAS permit conditions will remain a part of the modified permit in the event that the remedial actions taken fail to maintain the established performance standard and to address any SWMUs/AOCs discovered at a later date.

VIII.K.3. Continued Monitoring

If necessary to protect human health and/or the environment, a determination of NFA-ATT shall not preclude the Administrative Authority from requiring continued monitoring of air, soil, groundwater, or surface water, when site-specific circumstances indicate that releases of hazardous waste or hazardous constituents are likely to occur.

VIII.K.4. Additional Investigations

A determination of NFA-ATT shall not preclude the Administrative Authority from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates a release or likelihood of a release from a SWMU/AOC at the facility that is likely to pose a threat to human health and/or the environment. In such a case, the Administrative Authority shall initiate a modification to the Permit according to LAC 33:V.321.

VIII.L. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SWMUs AND POTENTIAL AOCs

VIII.L.1. The Permittee shall notify the Administrative Authority, in writing, of any newly-identified SWMUs and potential AOCs (i.e., a unit or area not specifically identified during previous corrective action assessments, RFA, etc.), discovered in the course of ground water monitoring, field investigations, environmental audits, or other means, no later than thirty (30) days after discovery. The Permittee shall also notify the Administrative Authority of any newly-constructed land-based SWMUs (including but not limited to, surface impoundments, waste piles, landfills, land treatment units) and newly-constructed SWMUs where any release of hazardous constituents may be difficult to identify (e.g., underground storage tanks) no later than thirty (30) days after construction. The notification shall include the following items, to the extent available:

VIII.L.1.a. The location of the newly-identified SWMU or potential AOC on the topographic map required under LAC 33:V.517.B. Indicate all existing units (in relation to other SWMUs/AOCs);

VIII.L.1.b. The type and function of the unit;

VIII.L.1.c. The general dimensions, capacities, and structural description of the unit (supply any available drawings);

VIII.L.1.d. The period during which the unit was operated;

VIII.L.1.e. The specifics, to the extent available, on all wastes that have been or are being managed at the SWMU or potential AOC; and

VIII.L.1.f. Results of any sampling and analysis required for the purpose of

determining whether releases of hazardous waste including hazardous constituents have occurred, are occurring, or are likely to occur from the SWMU/AOC.

VIII.L.2. Based on the information provided in the notification, the Administrative Authority will determine whether or not the area is a newly-identified SWMU or AOC. If the area is determined to be a newly-identified SWMU or AOC, the Administrative Authority will inform the Permittee in writing and request that the Permittee submit a Class 1[1] permit modification ([1] requiring Administrative Authority approval) request under LAC 33:V.321.C.1 to add the newly-identified SWMU/AOC to Appendix 1, Table 1 of this permit.

Further, the Administrative Authority will determine the need for further investigations or corrective measures at any newly identified SWMU or AOC. If the Administrative Authority determines that such investigations are needed, the Administrative Authority may require the Permittee to prepare a plan for such investigations. The plan for

investigation of SWMU or AOC will be reviewed for approval as part of the current CAS Investigation Workplan or a new CAS Investigation Workplan. The results of the investigation of any newly-discovered SWMU/AOC shall be incorporated into the CSM.

VIII.M. NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT A SWMU OR AOC

The Permittee shall notify the Administrative Authority of any release(s) from a SWMU or AOC of hazardous waste or hazardous constituents discovered during the course of ground water monitoring, field investigation, environmental auditing, or other means. The notification must be in accordance with the procedures specified in Conditions II.E.16 through II.E.20 of this permit and based upon the nature, extent, and severity of the release. Such newly-discovered releases may be from newly-identified SWMUs or AOCs, newly-constructed SWMUs, or from SWMUs or AOCs for which, based on the findings of the CSM, completed RECAP Report, or investigation of an AOC, the Administrative Authority had previously determined no further investigation was necessary. The notification shall include information concerning actual and/or potential impacts beyond the facility boundary and on human health and the environment, if available at the time of the notification.

The Administrative Authority may require further investigation and/or interim measures for the newly-identified release(s), and may require the Permittee to prepare a plan for the investigation and/or interim measure. The plan will be reviewed for approval as part of the CAS Investigation Workplan or a new CAS Investigation Workplan. The Permit will be modified to incorporate the investigation, according to the Class 1[1] permit modification ([1]requiring Administrative Authority approval) procedures under LAC 33:V.321. The results of the investigation of any newly-identified release(s) shall be incorporated into the CSM.

VIII.N. PUBLIC PARTICIPATION REQUIREMENTS

Public participation is an essential element in the implementation of any corrective action program at the facility. The CAS promotes the early and continued involvement of stakeholders in site remediation activity during permit issuance, renewal, or modification. The public is invited to review and comment on the corrective action requirements contained in any draft permitting decisons or draft permit modification documents and the associated plans and reports submitted by the Permittee. The Administrative Authority reserves the right to require more extensive public participation requirements based upon site-specific conditions and other relevant factors (e.g., compliance history, potential offsite impact, community interest, etc.). At a minimum, the public participation requirements shall include the following.

VIII.N.1. NFA-ATT Determinations for Specific SWMUs/AOCs

Based on the results of the site investigations, screening, risk evaluations and risk management activities, the Permittee may request a NFA-ATT determination for a specific SWMU/AOC by submittal of a Class 1[1] permit modification request ([1]requiring

Administrative Authority approval) under LAC 33:V.321.C.1. The Permittee must notify the facility mailing list within 90 days of the Administrative Authority's approval of the Class 1[1] permit modification request, in accordance with LAC 33:V.321.C.1.a.ii and Condition VIII.K.1.c of this permit.

VIII.N.2. Draft Permitting Decision

The public may review and comment on the terms and conditions of the CAS during the public notice and comment period of the draft permitting decision. The Administrative Authority shall issue public notice upon preparation of the draft permitting decision in accordance with LAC 33:V.715. During the forty-five (45) day public comment period, the Administrative Authority will accept public comments on the draft permitting decision. At the end of the public comment period, the Administrative Authority will consider and address all public comments and make any necessary revisions to the draft permitting decision. After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permitting decision. The final permitting decision will include a "Responsiveness Summary" detailing all comments received on the draft permitting decision and the actions taken (if necessary) to correct the draft before issuance of the final permitting decision.

VIII.N.3. Final Remedy Selection

The public may review and comment on the terms and conditions of the Risk Management Plan as described in Conditions VIII.J.4 through VIII.J.7 of this permit. If after addressing all public comments the Administrative Authority determines that the Risk Management Plan is satisfactory, the Administrative Authority will prepare a draft permit modification document in accordance with LAC 33:V.703.C.

The draft permit modification document will include a "Basis of Decision". The "Basis of Decision" will identify the proposed remedy for corrective action at the site and the

reasons for its selection, describe all other remedies that were considered, and solicit for public review and comments on the Risk Management Plan included in the draft permit modification document.

After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permit modification. The final permit modification will include a "Responsiveness Summary" detailing all comments received on the draft permit modification and the actions taken (if necessary) to correct the draft before issuance of the final permit modification.

VIII.N.4. Facility-Wide NFA-ATT

Upon the completion of all activities specified in the Risk Management Plan and after all facility remedial objectives have been met, the Permittee may submit a summary report for a determination of NFA-ATT on a facility-wide basis in accordance with Condition VIII.K.2 of this permit. The public may review and comment on the summary report as described in Condition VIII.K.2.b. If after addressing all public comments the Administrative Authority determines that all SWMUs and AOCs have been remediated to the selected MO and no further action at the facility is warranted, the Administrative Authority will prepare a draft permit modification document in accordance with LAC 33:V.703.C.

The draft permit modification document will include a "Basis of Decision". The "Basis of Decision" will provide a summary detailing contamination sources, site investigations, the MO selected for the facility, facility remedial standards, remedial actions, and sampling results demonstrating that the facility remedial standards have been achieved.

After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permit modification. The final permit modification will include a "Responsiveness Summary" detailing all comments received on the draft permit modification and the actions taken (if necessary) to correct the draft before issuance of the final permit modification.

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Table 3~~1~~: Corrective Action Strategy Notification and Reporting Requirements {tc \l1 "Table 1: RFI/CMS SUBMISSION SUMMARY}

Below is a summary of the major notifications and reports that may be required by the Administrative Authority under the Corrective Action Strategy of this Permit in the event of releases requiring RCRA corrective action. The Administrative Authority will notify the Permittee of the notification and reporting requirements during the scoping meeting or another applicable stage of the corrective action process.

Actions	Due Date
Submit Notice of Intent to request use of the CAS to the Administrative Authority for review and comment (Condition VIII.B.1)	To be submitted upon identification of a newly identified SWMU or AOC per Condition VIII.L or notification of newly identified releases at a SWMU or AOC per Condition VIII.M.
CAS Scoping Meeting held between facility and Administrative Authority (Condition VIII.B.2)	Within sixty (60) days of submittal of the Notice of Intent
Submit Progress Reports on all activities to the Administrative Authority (Condition VIII.C.1)	Schedule to be determined by the Administrative Authority on a case-by-case basis
Make available other reports relating to corrective action to the Administrative Authority (Condition VIII.C.2)	Upon request of the Administrative Authority
Provide briefings to the Administrative Authority (Condition VIII.C.3)	As necessary and upon request by the Administrative Authority
Submit Conceptual Site Model (CSM) (Condition VIII.D) and facility Performance Standards (Condition VIII.A.2) to the Administrative Authority	Within one-hundred and twenty (120) days after the scoping meeting
Perform Interim Measures (Condition VIII.E)	As determined by the Administrative Authority on a case by case basis
Submit Corrective Action Strategy (CAS) Workplan for the facility investigation to the Administrative Authority (Condition VIII.F)	Within one-hundred and eighty (180) days after the CAS Scoping Meeting

Implement site investigation activities under CAS Investigation Workplan according to approved schedule (Condition VIII.G)	Within fourteen (14) days of receipt of approval by the Administrative Authority
Submit RECAP Report to the Administrative Authority (Condition VIII.H)	Within ninety (90) days of completion of the site investigation
Submittal of Remedial Alternatives Study (RAS) to the Administrative Authority (Condition VIII.I)	Within ninety (90) days of completion of approval of the RECAP Report by the Administrative Authority
Submit Risk Management Plan to the Administrative Authority (Condition VIII.J)	Within sixty (90) days of approval of the RAS by the Administrative Authority
Submit NFA (and Permit Modification) request to the Administrative Authority (Condition VIII.K)	As necessary
Notification of newly-identified SWMUs and potential AOCs (Condition VIII.L)	Thirty (30) days after discovery
Notification of newly-discovered releases (Condition VIII.M)	Fifteen (15) days after discovery

APPENDIX 1

Table 1: SUMMARY OF CORRECTIVE ACTION ACTIVITIES

AOC/SWMU Group or Area	*AOC or SWMU Number/Area Name*	*AOC/SWMU Description*	*Status of CA Activity*	*Corrective Action*	*EDMS Document ID #/ Approval Date*
SWMU	SWMU-6	Former Landfarm Area	No physical remedy required	NFA-ATT	09/26/00
	SWMU-11	Inactive Retention Basin (Area includes SWMU 7, Former Landfarm Area)	No physical remedy required	NFA-ATT	09/26/00
	SWMU 3	Former Landfill Cells 1, 2, 3	SWMU removed from RFI by EPA	N/A	02/28/91
	SWMU 46,	Inactive Basin in Process Area	SWMU removed from RFI by EPA	N/A	02/28/91
	SWMU 47	Inactive Basin South of Former Landfarm	SWMU removed from RFI by EPA	N/A	02/28/91
	Tanks T-301 and T-302	Stabilization Mixing Basins	Clean closure of tanks approved	N/A	12/23/94
AOC	Vehicle Fueling Area	BG-1 Active Vehicle Fueling Area	Risk based closure approved	NFA-ATT	04/12/10

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FINAL
MODIFIED HAZARDOUS WASTE OPERATING AND POST-CLOSURE PERMIT
~~RENEWAL~~

CHEMICAL WASTE MANAGEMENT, INC.
TREATMENT, STORAGE, AND DISPOSAL
EPA ID# LAD 000 777 201
CARLYSS, LOUISIANA
CALCASIEU PARISH

Agency Interest No. 742
~~PER20050002~~PER20140007
Permit Number LAD 000 777 201-OP-RN-~~1~~-MO-1

For

CONTAINER STORAGE AREAS
Building 201
Building 202
Building 205
Building 204
Building 801s
Building 802

CONTAINMENT BUILDING
Building 301

BIOPAD
Phase I
Phase II

TANKS

T-220	**T-303**	**T-502**	**T-505**	**T-905**
T-221	**T-304**	**T-503**	**T-506**	**T-906**
T-222	**T-305**	**T-504A**	**T-903**	**T-907**
T-223	**T-306**	**T-504B**	**T-904**	T-601
T-602	T-610	T-611	T-612	T-613
T-630	T-631	T-632	T-701	T-702
T-703	T-704	T-710	T-711	T-712
T-713	T-740	T-741		

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LANDFILL CELLS
Cell 5 (post-closure)
Cell 6 (post-closure)
Cell 7 (post-closure)
Cell 8 (operating and post-closure)
Cell 14 (post-closure)

OIL RECOVERY UNITS
ORU-1
ORU-2

THERMAL DESORBER UNITS
TDU-1
TDU-2

I. PERMIT PREAMBLE

This permit is issued to Chemical Waste Management, Inc., Lake Charles facility, Carlyss, Calcasieu Parish, Louisiana (hereinafter referred to as the "Permittee"), by the Louisiana Department of Environmental Quality (LDEQ) under authority of the Louisiana Hazardous Waste Control Law, La. R.S. 30:2171 et seq., and the regulations adopted thereunder, and by the United States Environmental Protection Agency (EPA) under the authority of the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA).

For the purposes of this permit, "Administrative Authority" shall mean the Secretary of the LDEQ or his/her designee.

This permit is based on information submitted in the permit application, and all subsequent amendments, and on the Permittee's certification that such information is accurate and that all facilities will be constructed, operated and maintained as specified in the application.

This permit is conditioned upon full compliance with all applicable provisions of the Louisiana Hazardous Waste Control Law, La. R.S. 30:2171 et seq., and the regulations adopted thereunder.

All definitions contained in this permit shall have the meaning as defined in the Louisiana Administrative Code (LAC), Title 33, Part V, Subpart 1 unless otherwise stated herein.

All regulating citations are defined as being the regulation in effect on the date of issuance of this

permit. New and/or amended regulations are not included as permit requirements until permit modification procedures, as specified in Condition II.C of this permit, are completed, except as provided by LAC 33:V.307.A.

GLOSSARY OF TERMS

For the purpose of this permit, terms used herein shall have the same meaning as those in LAC 33:V.Subpart 1 unless the contexts of use in this permit clearly indicates otherwise. Where terms are not otherwise defined, the meaning otherwise associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

"Administrative Authority" means the secretary of the Louisiana Department of Environmental Quality (LDEQ) or his designee or the appropriate assistant secretary or his designee.

"Application" refers to the RCRA Part B Permit Application and subsequent amendments submitted by the Permittee for obtaining a Permit.

"Area of Concern" (AOC) means any discernable unit or area, which, in the opinion of the Administrative Authority, may have received solid or hazardous waste or waste containing hazardous constituents at any time. The Administrative Authority may require investigation of the unit to determine if it is a Solid Waste Management Unit (SWMU). If shown to be a SWMU by the investigation, the AOC must be reported by the Permittee as a newly identified SWMU. If the AOC is shown not to be a SWMU by the investigation, the Administrative Authority may determine that no further action is necessary and notify the Permittee in writing.

"Area of Investigation" (AOI) is a zone contiguous to and including impacted media defined vertically and horizontally by the presence of one or more constituents in concentrations exceeding the limiting SS, MO-1 RS, or MO-2 RS (depending on the option being implemented).

"Biodegradation" is the removal of hazardous contaminants from debris surfaces and surface pores in an aqueous solution and biodegration of organic or nonmetallic inorganic compounds (i.e., inorganics that contain phosphorus, nitrogen, or sulfur) in units operated under either aerobic or anaerobic conditions.

"Bioremediation" is the treatment of organic chemicals with microorganisms to break them down into less toxic or non-toxic materials.

"CAS" means Corrective Action Strategy.

"CFR" means the Code of Federal Regulations.

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"CWA" means Clean Water Act.

"Conceptual Site Model" (CSM) is part of the Data Quality Objective (DQO) process that presents a three-dimensional picture of site conditions at a discrete point in time that conveys what is known about the facility, releases mechanisms, containment fate and exposure pathways, potential receptors, and risks. The information for the CSM is documented into six (6) profiles. The CSM evolves as data gaps in the profiles become more complete, and will be refined based upon results of site characterization data. The final CSM is documented in the Risk Management Plan (RMP).

"Constituents of Concern" (COC) means the COPC's that pose a significant risk.

"Constituents of Potential Concern" (COPC) means chemicals from hazardous waste and hazardous waste constituents that are potentially site related and have data of quality for use in the Screen or site-specific risk assessment. The facility should compile a list of COPC's for each release site based on existing sampling data, waste analysis reports, etc.

"Continuous Monitoring System (CMS)" is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for continuously sampling a parameter without interruption and evaluating the detector response as defined by this permit. The installation and operation of a CMS requires, at a minimum, to comply with the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system. The calibration of a CMS must be verified at a frequency and in a manner consistent with manufacturer specifications, but no less frequent than ~~once per year~~as specified in this permit. ~~CMS must sample the regulated parameter without interruption, evaluate the detector response at least once every 15 seconds, and compute and record the average values at least every 60 seconds when hazardous waste is in the unit.~~

~~"Continuous Parameter Monitoring System (CPMS)" means the total equipment that may be required to meet the data acquisition and availability requirements, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters (e.g., thermocouples, pressure transducers, flow meters, etc...).~~

~~"CWA" means Clean Water Act.~~

"Corrective Action" is an activity conducted to protect human health and the environment.

"Department" means the Louisiana Department of Environmental Quality (LDEQ).

"EPA" means the United States Environmental Protection Agency.

"HSWA" means the 1984 Hazardous and Solid Waste Amendments to RCRA.

"Hazardous constituent" means any constituent identified in LAC 33:V.Chapter 31. Table 1, or any constituent identified in LAC 33:V.3325. Table 4.

"LDEQ" means the Louisiana Department of Environmental Quality.

"LELAP" means the Louisiana Environmental Laboratory Accreditation Program.

"Macroencapsulation" is the application of surface coating materials such as polymeric organics (e.g. resins and plastics) or use a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media.

"Microencapsulation" is the stabilization of the debris with the following reagents (or waste reagents) such that the leachability of the hazardous contaminants is reduced: (1) Portland cement; and/or (2) lime/pozzolons (e.g. fly ash and cement kiln dust). Reagents (e.g. iron salts, silicates, and clays) may be added to enhance the set/cure time and/or compressive strength or to reduce the leachability of the hazardous constituents.

"Operating record" means written or electronic records of all maintenance, monitoring, inspection, calibration, or performance testing or other data as may be required--to demonstrate compliance with this Permit, document noncompliance with this Permit, or document actions taken to remedy noncompliance with this Permit. A minimum list of documents that must be included in the operating record are identified at LAC 33:V.1529.b.

"Permittee" means Chemical Waste Management, Inc., 7170 John Brannon Road, Sulphur, Louisiana 70665 (mailing address), and 7170 John Brannon Road, Carlyss, Calcasieu Parish, Louisiana (physical location).

"RCRA Permit" means the full permit, with the Resource Conservation and Recovery Act (RCRA) and 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA portions.

"RFA" means RCRA Facility Assessment.

"RFI" means RCRA Facility Investigation.

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

"SARA" means Superfund Amendments and Reauthorization Action of 1985.

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

"Stabilization" refers to treatment processes that involve chemical reactions that reduce the leachability of a waste. Stabilization chemically immobilizes hazardous materials or reduces their solubility through a chemical reaction. The physical nature of the waste may or may not be changed by this process.

"Thermal Treatment" refers to the process of treating hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste.

If, subsequent to the issuance of this Permit, regulations are promulgated which redefine any of the above terms, the Administrative Authority may, at its discretion, apply the new definition to this Permit.

II. GENERAL PERMIT CONDITIONS

II.A. DURATION OF PERMIT

This permit is effective as of the date indicated on the accompanying signature page and shall remain in effect for a period of ten (10) years from the effective date, unless suspended, modified, revoked and reissued or terminated for just cause.

II.B. EFFECT OF PERMIT

This permit authorizes the Permittee to treat, store and dispose of hazardous waste in accordance with the conditions of this permit. The Permittee is prohibited from any storage, treatment or disposal of hazardous waste not authorized by statute, regulation or this permit. Compliance with this permit during its term constitutes compliance for purposes of enforcement, with LAC 33:V.Subpart 1, except for those requirements not included in the permit under LAC 33:V.307.A.1-4, and with Subtitle C of RCRA, HSWA, and Chapter 9 of the Louisiana Environmental Quality Act (Act). However, 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, the Act (La. R.S.30:2001 et seq.) or under Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 {42 U.S.C. 9606 (a)}.

In accordance with LAC 33:V.307.B and C, 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 laws or regulations.

II.C. PERMIT ACTIONS

Any inaccuracies found in the permit application may be cause for revocation or modification of this permit. The Permittee must inform the Administrative Authority of any deviation from, changes in, or inaccuracies in the information in the permit application.

The Administrative Authority may suspend, modify, revoke and reissue, or terminate the permit for cause or when necessary to be protective of human health or the environment as specified in 40 CFR 270.41, 270.42, 270.43 or the LAC 33:V.309.F, 311.A, or 323. The Administrative Authority may modify the permit when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. The filing of a request for permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

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II.D. SEVERABILITY

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

II.E. DUTIES AND REQUIREMENTS

II.E.1. Duty to Comply

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance may be authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit (LAC 33:V.701), constitutes a violation of the LAC 33:V.Subpart 1 and the Act is grounds for enforcement action which may include permit termination, permit revocation and reissuance, permit modification, or denial of a permit renewal application.

II.E.2. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must reapply for the permit as required by LAC 33:V.303.N and 309.B. Notification shall be at least 180 calendar days before the permit expires.

II.E.3. Permit Extension

This permit and all conditions herein will remain in effect beyond the permit's expiration date until the Administrative Authority issues a final decision on the re-application, provided the Permittee has submitted a timely, complete new permit application as provided in the LAC 33:V.309.B and 315.A.

II.E.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.

II.E.5. Duty to Mitigate

The Permittee shall immediately take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the conditions of this permit as required by the LAC 33:V.309.D.

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II.E.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 ancillary equipment and/or appurtenances) that 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 and in accordance with LAC 33:V.309.E.

II.E.7. Duty to Provide Information

The Permittee shall furnish to the Administrative Authority, within a reasonable time, any information which the Administrative Authority 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 Administrative Authority upon request, copies of records required to be kept by this permit and in accordance with LAC 33:V.309.H.

II.E.8. Inspection and Entry

In accordance with LAC 33:V.309.I, the Permittee shall allow the Administrative Authority or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

II.E.8.a. enter upon the Permittee's premises where a regulated activity is located or conducted, or where records must be maintained under the conditions of this permit;

II.E.8.b. have access to and copy, at reasonable times, any records that must be maintained under the conditions of this permit;

II.E.8.c. inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

II.E.8.d. sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Administrative Authority any substances or parameters at any location.

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II.E.9. Monitoring and Records

II.E.9.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity, in accordance with LAC 33:V.309.J.1. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, "SW-846", latest version; Manual of Ground Water Quality Sampling Procedures, 1981, EPA-600/2-81-160, as revised; Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities, 1977, EPA-530/SW-611, as revised; or an equivalent method; or an equivalent method as specified in the attached Waste Analysis Plan as referenced in Attachment 1.

II.E.9.b. Records of monitoring information, in accordance with LAC 33:V.309.J.3, shall include, but are not limited to:

II.E.9.b.i. the date, exact place, and time of sampling or measurements;

II.E.9.b.ii. the name(s) and signature(s) of the individual(s) who performed the sampling or measurements;

II.E.9.b.iii. the date(s) analyses were performed;

II.E.9.b.iv. the name(s) and signature(s) of the individual(s) who performed the analysis;

II.E.9.b.v. the analytical techniques or methods used; and

II.E.9.b.vi. the results of such analyses; and

II.E.9.b.vii. associated quality assurance performance data.

II.E.9.c. Laboratory Quality Assurance/Quality Control

In order to ensure the accuracy, precision and reliability of data generated for use, the Permittee shall submit a statement, certified as specified in LAC 33:V.513 and included in the annual report, indicating that:

II.E.9.c.i. Any commercial laboratory providing analytical results and test data to the LDEQ required by this permit is accredited by the Louisiana Environmental Laboratory Accreditation Program (LELAP) in accordance with LAC 33:I.Subpart 3, Chapter 45. Laboratory data generated by commercial laboratories not accredited under LELAP will not be accepted

by the LDEQ.

LAC 33:I.Subpart 3 (Chapters 45-49) provides requirements for the accreditation program. Regulation and a list of labs that have applied for accreditation are available on the LDEQ website located at: http://www.deq.louisiana.gov/portal/tabid/2412/Default.aspx.

In accordance with LAC 33:I.4501, the requirements for LELAP accreditation apply whenever data is:

- submitted on behalf of a facility;
- required as part of a permit application;
- required by order of the LDEQ;
- required to be included in a monitoring report submitted to the LDEQ;
- required to be submitted by contract; or
- otherwise required by the LDEQ regulations.

II.E.9.c.ii. If the Permittee decides to use its own in-house laboratory for test and analysis, the laboratory is not required to be accredited by LELAP. However, the laboratory must document quality assurance/quality control procedures onsite.

II.E.9.c.iii. For approval of equivalent testing or analytical methods, the Permittee may petition for a regulatory amendment under LAC 33:V.105.I and LAC 33:I.Chapter 9. In cases where an approved methodology for a parameter/analyte is not available or listed, a request to utilize an alternate method shall be submitted to the Administrative Authority for approval. Documentation must be submitted to the LDEQ that will verify that the results obtained from the alternate method are equal to or better than those obtained from EPA-accepted methods, as well as those deemed equivalent by the LDEQ.

II.E.10. Retention of Records

The Permittee shall maintain records through the active life of the facility (including operation, closure and post-closure periods), where applicable, as required by LAC 33:V.309.J and LAC 33:V.1529.A, B, and C, and maintain records of all groundwater monitoring data and reports, boring logs, well completion data, associated potentiometric surface maps, and associated constituent isoconcentration maps from all sampling events covered by this permit, in accordance with LAC 33:V.3315.J. All records, including plans, must be furnished upon request and made available at all reasonable times as required by LAC 33:V.1529.C.

The Permittee shall retain records of all other monitoring information required by this permit, including all calibration records, field log notes, and maintenance records for LDEQ inspection for a period of not less than three (3) years, as required by LAC 33:V.317.B, from the date of the sample, measurement, report, or record except where otherwise required by the permit, or by order of the Administrative Authority. These periods may be extended by request of the Administrative Authority at any time and are automatically extended during the course of any unresolved enforcement action regarding the closed units.

The Permittee shall, for the life of the facility, maintain records of all data used to complete the application for this permit and any supplemental information submitted under the Louisiana Hazardous Waste Control Law (La. R.S. 30:2171 et seq.).

II.E.11. Notices of Planned Physical Facility Changes

The Permittee shall give notice to the Administrative Authority, as soon as possible, of any planned physical alterations or additions to the permitted facility, in accordance with LAC 33:V.309.L.1.

II.E.12. Physical Facility after Modification

For any new or existing unit being modified, the Permittee may not treat, store, or dispose of hazardous waste in modified portion of the unit until the unit is complete and:

> **II.E.12.a.** The Permittee has submitted to the Administrative Authority, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the unit is complete and has been constructed or modified in compliance with the permit; and
>
> **II.E.12.b.** The Administrative Authority has inspected the new or modified unit following a request to make a final inspection by the Permittee as required by LAC 33:V.303.I, and finds it is in compliance with the conditions of the permit and all applicable sections of LAC 33:V.Subpart 1, and has issued an Order to Proceed. The Permittee may then commence treatment, storage, or disposal of hazardous waste.

II.E.13. Anticipated Noncompliance

The Permittee shall give advance notice to the Administrative Authority of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

II.E.14. Transfer of Permits

This permit may be transferred to a new owner or operator with written approval by the Administrative Authority and if it is modified or revoked and reissued pursuant to the

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LAC 33:V.309.L.4, 321.B, 1531.D and LAC 33:I.Chapter 19.

The Permittee's failure to notify the new owner or operator of the requirements of LAC 33:V.Subpart 1 and LAC 33:I.Chapter 19 in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) prior to or no later than forty-five (45) days after the change. The Administrative Authority may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within forty-five (45) days after the change, in accordance with LAC 33:I.1909.B. The previous Permittee and the new Permittee must comply with all applicable requirements of LAC 33:I.1909.

II.E.15. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date as required by LAC 33:V.309.L.6.

II.E.16. Emergency Unauthorized Discharge Notification

In accordance with LAC 33:I.3915, in the event of an unauthorized discharge that results in an emergency condition (an emergency condition is any condition which could be reasonably expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property), the Permittee shall notify the DPS (Department of Public Safety) 24-hour Louisiana Emergency Hazardous Materials Hotline by telephone at (225) 925-6595 immediately, but in no case later than one (1) hour after learning of the discharge. The DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will subsequently notify the Department regarding the details of the discharge.

II.E.17. Non-Emergency Unauthorized Discharge Notification

In the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Chapter 39.Subchapter E but that does not cause an emergency condition, the Permittee shall promptly notify DPS by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) within twenty-four (24) hours after learning of the discharge.

Compliance with LAC 33:I.3917 does not relieve the Permittee of the necessity of following any applicable written notification procedures in LAC 33:I.3925 or any terms and conditions of any applicable permit or license issued under the Louisiana Environmental Quality Act.

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In the event of an unauthorized discharge that requires notification under LAC 33:I.3917.A, the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will notify the Department of Environmental Quality.

II.E.18. Unauthorized Discharge to Groundwater Notification

In the event that any unauthorized discharge results in the contamination of the groundwaters of the state or otherwise moves in, into, within, or on any saturated subsurface strata, the discharger (Permittee) shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC) within seven (7) days.

II.E.19. Written Notification Reports for Unauthorized Discharges

The Permittee shall submit written reports for any unauthorized discharging that requires notification, under Conditions, II.E.16, II.E.17 and II.E.18 of this permit, to the SPOC within seven (7) calendar days after notification required by Conditions II.16 through II.18, in accordance with LAC 33:I.3925.

II.E.20. Noncompliance Reporting

The Permittee shall report orally within twenty-four (24) hours any noncompliance with the permit not reported under Conditions II.E.16, II.E.17, and II.E.18 for confirmed releases to the groundwater that may endanger human health or the environment, in accordance with LAC 33:V.309.L.7. This report shall include the following:

II.E.20.a. information concerning the release of any hazardous waste that may endanger public drinking water supplies; and

II.E.20.b. information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, that could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

II.E.20.b.i. the name, address, and telephone number of the owner or operator;

II.E.20.b.ii. the name, address, and telephone number of the facility;

II.E.20.b.iii. the date, time, and type of incident;

II.E.20.b.iv. the name and quantity of materials involved;

II.E.20.b.v. the extent of injuries, if any;

II.E.20.b.vi. an assessment of actual or potential hazards to the

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environment and human health outside the facility, where this is applicable; and

II.E.20.b.vii. the estimated quantity and disposition of recovered material that resulted from the incident.

II.E.21. Follow-up Written Report of Noncompliance

The Permittee shall also provide a written submission within five (5) days after the time the Permittee becomes aware of any noncompliance which may endanger human health or the environment not reported under Condition II.E.20. The written submission shall contain a description of the noncompliance and its cause; the periods 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. If the Administrative Authority waives the requirement, then the Permittee shall submit a written report within fifteen (15) calendar days after the time Permittee becomes aware of the circumstances, as required by LAC 33:V.309.L.7.d.

II.E.22. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time required monitoring reports are submitted. The reports shall contain the information listed in Condition II.E.20.

II.E.23. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or that it submitted incorrect information in a permit application, or in any report to the Administrative Authority, the Permittee shall promptly submit such facts or information, in accordance with LAC 33:V.309.L.12.

II.E.24. Signatory Requirement

All applications, reports or other information submitted to the Administrative Authority shall be signed and certified according to LAC 33:V.507, 509, 511, and 513.

II.E.25. Schedule of Compliance

~~**II.E.25.a.** Within sixty (60) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, updated financial assurance for closure and post-closure estimates, in accordance with applicable sections of LAC 33:V.Chapter 37.~~

II.E.25.a~~b.~~ One hundred and eighty (180) days before planned construction, the Permittee must submit information pertaining to the design and operations and

certification (LAC 33:V.1802.C.2) of the proposed Containment Building 301 to the Administrative Authority for approval. The information submitted must comply with the requirements of LAC 33:V.Chapter 18, and all applicable regulations.

II.E.25.b~~c~~. One hundred and eighty (180) days before planned construction, the Permittee must submit the tank assessment for the proposed tanks (~~T-220-223,~~T-220, T-221, T-223, ~~and~~ T-305, ~~T-505 and T-506~~ T-601, T-602, T-610, T-611, T-612, T-613, T-630, T-631, T-632, T-701, T-702, T-703, T-704, T-710, T-711, T-712, T-713, T-740, and T-741), in accordance with LAC 33:V.1905.A. Once installed, in accordance with LAC 33:V.1905.B, the tank installation reports must be submitted to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 19, and all applicable regulations.

II.E.25.c~~d~~. One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications for the proposed container storage areas to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 21, and all applicable regulations.

II.E.25.d. One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Oil Recovery Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 32 and all applicable regulations.

II.E.25.e. One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Thermal Desorber Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 32 and all applicable regulations.

II.E.25.f. Before placing the proposed Oil Recovery Units into service, the Permittee must submit to the Administrative Authority, a revised contingency plan, a revised personnel training plan, and a revised waste analysis plan for all proposed units. The Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321. ~~The revised plans must be submitted as a permit modification, in accordance with LAC 33:V.321.C and 322.~~

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II.E.25.g. Before placing the proposed Thermal Desorber Units into service, the Permittee must submit to the Administrative Authority, a revised contingency plan, a revised personnel training plan, and a revised waste analysis plan for all proposed units. The Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321. ~~The revised plans must be submitted as a permit~~

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~~modification, in accordance with LAC 33:V.321.C and 322.~~

II.E.25.h~~e~~. Before placing any proposed unit or units into service, the Permittee must submit to the Administrative Authority, a revised inspection plan, a revised closure plan, and the engineering details for the air emission controls for all proposed units. The revised plans must be submitted as a permit modification, in accordance with LAC 33:V.321.C and 322.

~~II.E.25.f. The Permittee must submit within sixty (60) days of the effective date of this permit a revised Groundwater Sampling and Analysis Plan, as a permit modification, in accordance with LAC 33:V.322 that includes the following information:~~

~~II.E.25.f.i. Revised tables for detection monitoring indicator parameters to include the following constituents present in leachate samples (i.e., May 7, 2009 leachate analysis report): carbon disulfide, 4-Methyl-2-pentanone, m-Cresol (3-Methylphenol), beta-BHC, gamma-BHC (Lindane), 4,4'-DDE, 2,4-D, 2,4,5-T, with their respective practical quantitation limits (PQLs) and analytical methods for each, as stated in CWMI's Response to Geologic/Groundwater Comments, dated January 14, 2010.~~

~~II.E.25.f.ii. For any parameter with a proposed concentration increase (i.e., selenium), a justification and documentation for the proposed increase must be provided.~~

~~II.E.25.f.iii. Note that statistical analysis is not required for non-naturally-occurring parameters (e.g., VOC, SVOC, PAH), and that any detection of these parameters shall be cause for notification, resampling, and/or assessment monitoring. Background sampling shall not be conducted for these parameters. This language should be included in Section 7.1 of the revised GWSAP. II.E.25.g. Within sixty (60) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, a revised Closure Plan submitted as a permit modification in accordance with LAC 33:V.321.C. The revised Closure Plan must make no reference to applying RECAP soil screening standards to closure of aboveground units. The Permittee shall comply with the most recently approved Closure Plan until the revised plan has been approved by the Administrative Authority as a permit modification.~~

~~II.E.25.h. Within thirty (30) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, a revised Hazardous Waste Permit Information Form/Part A/I that designates the correct process code for the proposed containment building (Building 301) (i.e., process code S06 or T04 not S02).~~

II.E.26. Updated Documents ~~T~~to Be Submitted Prior ~~T~~to Operation

(RESERVED)

II.E.27. Documents ~~T~~to Be Maintained at Facility Site

II.E.27.a. The Permittee shall maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and amendments, revisions, and modifications to these documents. Any revision or changes shall be submitted with the annual report and in compliance with LAC 33:V.321, 322 and 323.

II.E.27.a.i. Waste Analysis Plan submitted in accordance with LAC 33:V.1519 (see Attachment 1);

II.E.27.a.ii. Contingency Plan submitted in accordance with LAC 33:V.1513 (see Attachment 1);

II.E.27.a.iii. Closure/Post-Closure Plan submitted in accordance with LAC 33:V.3511 and 3523 (see Attachment 1);

II.E.27.a.iv. Security Plan submitted in accordance with LAC 33:V.1507 and 1513 (see Attachment 1);

II.E.27.a.v. Closure/Post-Closure cost estimate for facility closure submitted in accordance with LAC 33:V.3705 and 3709 (see Attachment 1);

II.E.27.a.vi. Arrangements with the local authorities in accordance with LAC 33:V.1511.G;

II.E.27.a.vii. Personnel Training Plan and the training records required by LAC 33:V.1515 (see Attachment 1);

II.E.27.a.viii. Operating records required by LAC 33:V.1529, and

II.E.27.a.ix. Inspection Plan developed in accordance with LAC 33:V.517.G and 1509.B (see Attachment 1).

II.E.27.b. All proposed amendments, revisions and modifications to any plan or cost estimates required by this permit shall be submitted to the Administrative Authority for approval.

II.E.28. Annual Report

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An annual report must be submitted by March 1 of each year covering all unit(s) listed in this permit and their activities during the previous calendar year as required by LAC 33:V.1529.D.

II.E.29. Manifest

The Permittee shall report manifest discrepancies and unmanifested waste as per LAC 33:V.309.L.8 and 9.

II.E.30. Emissions

Air emissions from any hazardous waste facility shall not violate the Louisiana Air Quality Regulations. If air quality standards are exceeded, the site will follow air regulation protocol.

II.E.31. Water Discharges

Water discharges, if any, must be in conformity with effluent limitations established by the Clean Water Act operating under a National Pollutant Discharge Elimination Systems (NPDES) permit and reported as required by that permit in accordance with LAC 33:V.1505.A.1.

II.E.32. Non-Listed Hazardous Waste Facilities

This permit is issued for those hazardous waste facilities listed in Condition IV (Permitted Facilities). If the Permittee determines that an unpermitted hazardous waste unit(s) exists, the Permittee must immediately notify the Administrative Authority in accordance with Condition II.E.23 of this permit.

II.E.33. Compliance with Land Disposal Restrictions

The Permittee shall comply with those land disposal restrictions set forth in La. R.S. 30:2193, and all regulations promulgated thereunder, and the HSWA portion of this permit (Condition VII and VIII).

II.E.34. Establishing Permit Conditions

Permits for facilities with pre-existing groundwater contamination are subject to all limits, conditions, remediation and corrective action programs designated under LAC 33:V.311.D and LAC 33:V.3303.

II.E.35. Obligation for Corrective Action

Owners or operators of hazardous waste management units must have all necessary permits during the active life of the unit and for any period necessary to comply with the corrective action requirements in Condition VII and VIII of this permit. The facility is

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obligated to complete facility-wide corrective action regardless of the operational status of the facility.

II.E.36. Attachments and Documents Incorporated by Reference

All attachments and documents required by this permit, including all plans and schedules, are incorporated, upon approval by the Administrative Authority, into this permit by reference and become an enforceable part of this permit. When applicable, the Permittee must modify the permit according to LAC 33:V.Chapter 3. Since required items are essential elements of this permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action, which may include fines, suspension, or revocation of the permit.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this permit. Written requests for extension of due dates for submittals may be granted by the Administrative Authority.

If the Administrative Authority determines that actions beyond those provided for, or changes to what is stated herein are warranted, the Administrative Authority may modify this permit according to procedures in LAC 33:V.321.

III. GENERAL FACILITY CONDITIONS

III.A. DESIGN AND OPERATION OF ALL FACILITIES

III.A.1. The Permittee must maintain and operate all facilities to minimize the possibility of a fire, explosion, or any unauthorized sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or water that could threaten human health or the environment.

III.A.2. (RESERVED)

III.A.3. The Permittee may receive only those off-site hazardous wastes which are listed in the Part A of this permit and approved off-site Corrective Action Management Unit (CAMU) waste, in accordance Condition V.E.2.g.

III.A.4. The Permittee must not manage new wastes in the units listed in Condition IV without submitting a permit modification, in accordance with LAC 33:V.321, and receiving approval from the Administrative Authority.

III.B. REQUIRED NOTICE

When the Permittee anticipates receipt of hazardous waste from an off-site source (except where the Permittee is also the generator), it must inform the generator in writing that the Permittee has the appropriate permits for, and will accept, the waste to be shipped by the generator. The Permittee must keep a copy of this written notice as part of the operating record as required by LAC 33:V.1527.E.

III.C. GENERAL WASTE ANALYSIS

The Permittee shall manage those wastes set forth in the Part A/I and Condition III.A.3 and follow the procedures described in the Waste Analysis Plan, referenced in Attachment 1, and in accordance with LAC 33:V.1519.

III.C.1. The Permittee shall review the Waste Analysis Plan annually and report to the Administrative Authority in the annual report whether any revision is required to stay abreast of changes in EPA methods and/or state regulatory provisions.

III.C.2. Annually, the Permittee shall submit a certified statement that indicates that any laboratory that provides chemical analyses, analytical results, or other test data to the LDEQ, by contract or by agreement, is accredited in accordance with the laboratory accreditation requirements of LAC 33:I.Chapter 45. This written statement shall be certified as specified in LAC 33:V.513 and included in the annual report. This documentation shall be resubmitted when a different laboratory is contracted for services.

III.C.3. If there is reason to believe that the hazardous waste has changed or the operation generating the hazardous waste has changed, the Permittee shall review and re-characterize all potentially impacted hazardous waste streams generated by the Permittee on-site and treated, stored, and/or disposed on-site. The Permittee must re-characterize wastes in accordance with LAC 33:V.1519.A.3. This re-characterization shall include laboratory analyses and/or process knowledge meeting the requirements of LAC 33:V.1519.A.2, which provide information needed to properly treat, store, and dispose of the hazardous waste, including, physical characteristics and chemical components of the waste. The results of this re-characterization for wastes that have exhibited change shall be summarized in the Permittee's Annual Report.

III.C.4. Annual review of the WAP must be certified in accordance with LAC 33:V.513. When revisions are made, the WAP must also be certified by a Louisiana licensed professional engineer (PE), in accordance with LAC 33:V.1519.

III.C.5. In accordance with LAC 33:V.1519.B, the Waste Analysis Plan must meet all the sampling and Quality Assurance/Quality Control (QA/QC) procedures and protocols contained in Condition II.E.9. All test procedures used by the Permittee shall be maintained on file by the Permittee and made available to the Administrative Authority upon request.

III.D. SECURITY

The Permittee shall comply with the security provisions of LAC 33:V.1507 and the Security Plan referenced in Attachment 1.

III.E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedule in the Inspection Plan referenced in Attachment 1 of this permit. The Permittee shall remedy any deterioration or malfunction discovered by an inspection as required by LAC 33:V.1509.C. Records of inspections shall be kept as required by LAC 33:V.1509.D. The inspection schedule shall address the regulatory requirements of LAC 33:V.517.G, 1509, 1802, 1911, 2109, 2307, 2309, and 2507.

III.F. PERSONNEL TRAINING

The Permittee shall conduct personnel training as required by LAC 33:V.1515.A, B and C. This training plan shall follow the outline in the Training Plan referenced in Attachment 1. The Permittee shall maintain all training documents and records as required by LAC 33:V.1515.D and E.

III.G. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall take precautions as required by LAC 33:V.1517 to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes.

III.H. LOCATION STANDARDS

III.H.1. The Permittee has furnished evidence that it is in compliance with seismic standards as required by LAC 33:V.517.T.

III.H.2. The Permittee must not manage any hazardous waste on any portion of the property that lies within the 100 year flood plain (as identified in the Flood Insurance Rating Map) unless such areas are raised above this flood level or other means (e.g., levees) are provided to protect such areas from washouts, overtopping by wave action, soil erosion or other effects of such a flood as required by LAC 33:V.1503.B.3. Such site improvements must be certified by independent licensed professional engineers and approved by Administrative Authority prior to any hazardous waste and/or hazardous waste units being placed thereon.

III.I. PRECIPITATION RUN-ON AND RUN-OFF

The Permittee must provide for the control and/or containment of run-on and run-off from the maximum rainfall occurring in twenty-four (24) hours from a 25-year storm as defined by local rainfall records and LAC 33:V.1503.B.2. The Permittee shall comply with the requirements of LAC 33:V.1503.B.2, 1907.E.1.b, 1802.A, 2111.B.4, B.5, B.6, 2309.B, 2503.C, D, and E, and 2521.

III.J. HURRICANE EVENTS

The Permittee shall initiate those applicable portions of the Contingency Plan during a hurricane as well as appropriate actions required by LAC 33:V.1507, 1509, and 1511.

III.K. PREPAREDNESS AND PREVENTION

III.K.1. Required Equipment

At a minimum, the Permittee shall install and maintain the equipment set forth in the Contingency Plan referenced in Attachment 1, as required by and which is in conformance with LAC 33:V.1511.C.

III.K.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Condition III.K.1 to insure its proper operation in time of emergency.

III.K.3. Access to Communications or Alarm Systems

The Permittee shall maintain access to the communications or alarm system, as required by LAC 33:V.1511.E.1 and 1511.E.2.

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III.K.4. Required Aisle Space

In no case shall aisle space be less than two (2) feet. In addition, the Permittee shall maintain adequate aisle space as required by LAC 33:V.1511.F and 2109.B.

III.K.5. Arrangements with Local Authorities

The Permittee shall document in the annual report that the requirements of LAC 33:V.1511.G have been met. This documentation shall include those State and Local agencies involved and those facilities and operations covered. Documentation of annual written renewal of arrangements with State and Local agencies shall also be included in this report. Where state or local authorities decline to enter into such arrangements, the Permittee must document the refusal in the operating record.

III.L. CONTINGENCY PLAN

III.L.1. Implementation of Plan

The Permittee shall immediately carry out the provisions of the Contingency Plan referenced in Attachment 1 of this permit, which complies with the emergency procedures described by LAC 33:V.1513.F, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that threaten or could threaten human health or the environment

III.L.2. Copies of Plan

The Permittee shall comply with the requirements of LAC 33:V.1513.C.

III.L.3. Amendments to Plan

The Permittee shall review and amend in a timely manner, if necessary, the Contingency Plan, as required by LAC 33:V.1513.D.

III.L.4. Emergency Coordinator

The Permittee shall comply with the requirements of LAC 33:V.1513.E concerning the emergency coordinator.

III.M. MANIFEST SYSTEM

III.M.1. Use of the Manifest System

The Permittee shall comply with the applicable manifest requirements of LAC 33:V. Chapter 11.

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III.N. RECORDKEEPING AND REPORTING

III.N.1. Operating Record

The Permittee shall maintain a written operating record at the facility in accordance with LAC 33:V.1529.A, B, and C.

III.N.2. Annual Report

The Permittee shall comply with the annual report requirements of LAC 33:V.1529.D.

III.N.3. Operations Manual

The Permittee shall compile and keep current an operations manual –covering all aspects of the Permittee's treatment, storage and disposal facilities.

III.O. CLOSURE

The Closure/Post-closure Plan shall include the following responses by the Permittee to LAC 33:V.1915, 2117, 2315, 2521, 3503, 3505, 3507, 3509, 3511, 3513, 3515, and the approved TSCA closure plan.

III.O.1. Closure Performance Standard

The Permittee shall close the facility in accordance with the Closure Plan referenced in Attachment 1, and applicable requirements of LAC 33:V.3505, 3507, 3511, and the approved TSCA closure plan.

III.O.2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan where necessary, in accordance with LAC 33:V.3511.C. Any modification shall be subject to LAC 33:V.321, 322, and 323, where applicable.

III.O.3. Notification of Closure

The Permittee shall notify the Administrative Authority at least forty–five (45) days prior to the date he expects to begin closure, in accordance with LAC 33:V.3511.D.

III.O.4. Time Allowed ~~F~~for Closure

After receiving the final volume of hazardous waste, the Permittee shall treat, dispose or remove from the site all hazardous waste in accordance with the schedule specified in the Closure Plan referenced in Attachment 1 and LAC 33:V.3513. After receiving the final volume of hazardous waste, the Permittee shall complete closure activities in accordance with the schedule specified in the Closure Plan referenced in Attachment 1.

III.O.5. Disposal of Decontamination of Equipment

The Permittee shall decontaminate and/or dispose of all facility equipment in accordance with the Closure Plan referenced in Attachment 1, and LAC 33:V.3515.

III.O.6. Certification of Closure

The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan referenced in Attachment 1 and as required by LAC 33:V.3517.

III.O.7. Inventory at Closure

The Permittee shall be responsible for closure cost based upon the maximum permitted facility inventories (including the less than ninety (90) day storage area and TSCA waste storage area) listed below in Tables 1, 3, 5, 7, and 8 (cost estimates for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste):

TABLE 1
Existing Container Storage Areas

Container Storage Area	Containment Capacity (Gallons)	Volume of Largest Container Allowed (Gallons)	Maximum Permitted Storage Capacity
Container Management Unit 1			
Building 201[2]	44,468	6,000	Liquid Storage: 2,457 drums (135,135 gallons) AND Solid Storage: 1,956 drums (107,580 gallons) **Combined Total: 242,715 gallons**
Building 202	13,367	6,000	
Building 204	17,809	6,000	
Transportation Staging Building			
Building 801	35,600	6,000	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)
Leachate Loading Building			
Building 501[1]	9,865	6,000	38,610 gallons

[1]Building 501 is not a permitted container storage area. Building 501 only stores hazardous waste for less than ninety (90) days.

[2]Building 201 stores TSCA waste in Area 2. At final closure, the Permittee must close Area 2 in accordance with the approved TSCA closure plan. Approved cost estimates for closure must be updated accordingly

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TABLE 2
Proposed Container Storage Areas

Container Storage Area	Containment Capacity (Gallons)	Volume of Largest Container Allowed (Gallons)	Maximum Permitted Storage Capacity
Container Management Unit 2			
Building 205	See Condition II.E.25.a~~d~~ of this Permit	6,000	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons) ~~Liquid Storage: 1,052 drums (57,860 gallons) AND Solid Storage: 640 drums (35,200 gallons) Total: 93,060 gallons~~
Transportation Staging Building			
Building 802	See Condition II.E.25.a~~d~~ of this Permit	6,000	80 roll-off boxes (484,704 gallons)

TABLE 3
Existing Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-502	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-503	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-504 A	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-504 B	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-505	Wastewater Holding Tank	1,006,900	956,555
T-506	Wastewater Holding Tank	1,006,900	956,555
T-903	Leachate Collection Storage Only	17,000	16,150
T-904	Leachate Collection Storage Only	16,990	16,150

T-905	Leachate Collection Storage Only	13,000	12,350
T-906	Leachate Collection Storage Only	33,874	32,180
T-907	Leachate Collection Storage Only	33,874	32,180

TABLE 4
Proposed Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-220	Receiving Tank	400	380
T-221	Solvent Flush Tank	400	380
T-222	Waste Holding Tank	14,500	13,775
T-223	Waste Holding Tank	14,500	13,775
~~T-505~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~T-506~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
Oil Recovery Unit Area			
T-630	Recovered Water Tank No. 1	21,000	19,950
T-631	Recovered Water Tank No. 2	21,000	19,950
T-632	Recovered Water Tank No. 3	21,000	19,950
Thermal Desorber Unit Area			
T-710	Recovered Water Tank No. 1	21,000	19,950
T-711	Recovered Water Tank No. 2	21,000	19,950
T-712	Recovered Water Tank No. 3	21,000	19,950
T-713	Recovered Water Tank No. 4	21,000	19,950
T-740	Sludge Holding Tank	5,000	4,750
T-741	Sludge Holding Tank	5,000	4,750

TABLE 5
Existing Hazardous Waste Treatment Tanks ~~in Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-303	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440

T-304	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-306	Pre-Treatment Tank Treatment Only	20,625	19,594

TABLE 6
Proposed Hazardous Waste Treatment Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-305	Pre-Treatment Tank Treatment Only	20,625	19,594
Oil Recovery Unit Area			
T-601	Off-loading Pit	38,776	36,837
T-602	Off-loading Pit	38,776	36,837
T-610	Feed Mix Tank	31,500	29,925
T-611	Feed Mix Tank	31,500	29,925
T-612	Feed Mix Tank	31,500	29,925
T-613	Feed Mix Tank	31,500	29,925
Thermal Desorber Unit Area			
T-701	Off-loading Pit	53,020	50,369
T-702	Off-loading Pit	53,020	50,369
T-703	Off-loading Pit	53,020	50,369
T-704	Off-loading Pit	53,020	50,369

TABLE 7
Landfill Cell

Landfill Cell	Maximum Permitted Storage Capacity
Cell 8	6,270,000 cubic yards

TABLE 8
Existing Biopads

UNIT NAME	SERVICE	CAPACITY

Biopad Phase I	Biological Treatment	342.5 tons/day
Biopad Phase II	Biological Treatment	342.5 tons/day

~~TABLE 9~~
~~Proposed Biopad~~

~~UNIT NAME~~	~~SERVICE~~	~~CAPACITY~~
~~Biopad Phase II~~	~~Biological Treatment~~	~~342.5 tons/day~~

TABLE 9~~10~~
Proposed Containment Building Storage

CONTAINMENT BUILDING	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Building 301	See Condition II.E.25.a~~b~~ of this Permit	Solid Storage only and Treatment; Macroencapsulation	504,900 gallons

TABLE 10
Proposed Oil Recovery Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Oil Recovery Unit-1	Recoverable Liquid Oil Separation	126,000 gallons/day
Oil Recovery Unit-2	Recoverable Liquid Oil Separation	126,000 gallons/day

TABLE 11
Proposed Thermal Desorber Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Thermal Desorber Unit-1	Organic Solid Constituents Separation	165 tons/day
Thermal Desorber Unit-2	Organic Solid Constituents Separation	165 tons/day

III.P. POST-CLOSURE

The Permittee will attempt to clean close all hazardous waste units (except for closed landfill cells). If the facility cannot be clean closed, the Permittee shall submit a post-closure plan for approval by the Administrative Authority. If some waste residues or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527; including maintenance and monitoring throughout the post-closure care period (including the landfill cells).

III.P.1. Inventory of Post-Closure

The Permittee shall be responsible for post-closure care costs for the following permitted facilities:

Table 12~~1~~
Post-Closure Landfill Cells

Landfill Cell	Status	Maximum Permitted Capacity
Cell 5	Post-Closure	309.9 Acre-Feet or 500,000 cubic yards
Cell 6	Post-Closure	2,519.01 Acre-Feet or 4,064,000 cubic yards
Cell 7	Post-Closure	1,466.53 Acre-Feet or 2,366,000 cubic yards
Cell 14	Post-Closure	325.42 Acre-Feet or 525,000 cubic yards
Cell 8 [1]	Currently operating	3,886.36 Acre-Feet or 6,270,000 cubic yards

[1]Post-Closure care for Landfill Cell 8 will begin after final closure.

III.P.2. Amendments to the Post-Closure Plan

The Permittee shall amend the Post-Closure Plan when necessary in accordance with LAC 33:V.3523.D. Any modifications shall be subject to the permit modification requirements in LAC 33:V.321.

III.Q. COST ESTIMATES FOR CLOSURE/POST-CLOSURE

III.Q.1. The Permittee must maintain cost estimates for closure of all facilities in accordance with LAC 33:V.3705.B and 3707.

III.Q.2. The Permittee shall maintain and adjust the closure cost for inflation, as specified in LAC 33:V.3705.B, 3705.C, and for other circumstances that increase the cost of closure.

III.Q.3. The Permittee must adjust the closure cost estimate within thirty (30) days after approval by the Administrative Authority of any request to modify the closure plan in accordance with LAC 33:V.3705.C. The Permittee shall consider the impact of any inventory and or process changes on the closure cost estimate.

III.Q.4. The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure most expensive in accordance with LAC 33:V.3705.A.1-4. The closure cost estimate shall be based on the maximum permitted inventory of each facility as specified in Tables 1, 3, 5, 7, and 8 (cost estimates for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste). The closure cost must include allowance for decontaminating the Stabilization Building 302, any associated contaminated equipment, and the adjacent areas of Mixing Basins (Tanks T-303 and T-304) in the stabilization building, listed in Table 5. The closure cost estimate must include an allowance for decontaminating the Oil Recovery Units, any associated contaminated equipment, and the adjacent areas of the Oil Recovery Area (Tanks T-601, T-602, T-610, T-611, T-612, T-613, T-630, T-631, and T-632), listed in Table 4, 6, and 10. The closure cost estimate must also include an allowance for decontaminating the Thermal Desorber Units, any associated contaminated equipment, and the adjacent areas of the Thermal Desorber Unit Area (Tanks T-701, T-702, T-703, T-704, T-711, T-712, T-713, T-740, and T-741), listed in Table 4, 6, and 11. Closure cost estimates must include less than ninety (90) day storage areas, loading and unloading areas (i.e., wastewater loading/unloading), and cost associated with the closure of the TSCA waste storage area.

III.Q.5. The Permittee's post-closure cost estimate of all facilities as specified in Table 12~~1~~, and as required by LAC 33:V.3709.A shall be included in separate post-closure plan.

III.Q.6. The Permittee shall maintain and adjust the post-closure cost estimate for inflation in accordance with LAC 33:V.3709.B.

III.Q.7. The Permittee shall adjust the post-closure estimate within thirty (30) days after approval by the Administrative Authority of any request to modify the post-closure plan in accordance with LAC 33:V.3709.C. The Permittee shall consider the impact of any inventory and/or process changes on the post-closure cost estimate.

III.Q.8. The post-closure cost estimate must equal the annual post-closure cost multiplied by the number of years in the post-closure period as specified in LAC 33:V.3521.A.

III.Q.9. Any closure/post-closure modifications are subject to LAC 33:V.321.

III.Q.10. If the Permittee is unable to complete clean closure of all facilities specified in Tables 1-11~~0~~ as per LAC 33:V.Chapter 35 and as acceptable by the Administrative Authority, a post-closure plan must be submitted for each facility unable to achieve clean closure (except for the closed landfill cells) within ninety (90) days from the date the Permittee or Administrative Authority determines that the unit must be closed as a landfill. The post-closure plan must meet the requirements of LAC 33:V.3523.B (including the closed landfill cells).

III.R. FINANCIAL ASSURANCE FOR FACILITY CLOSURE AND POST-CLOSURE

The Permittee shall have and maintain financial assurance for closure in accordance with LAC 33:V.3707 for all units listed under Tables 1, 3, 5, 7, and 8 (financial assurance for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste):

The Permittee shall have and maintain financial assurance for post-closure in accordance with LAC 33:V.3711 for all units listed under Table 12~~1.~~

III.S. LIABILITY REQUIREMENTS

The Permittee shall have and maintain liability coverage for sudden accidental occurrences for treatment, storage, and disposal facilities or a group of such facilities in accordance with LAC 33:V.3715.A.

III.T. INCAPACITY OF THE PERMITTEE

The Permittee shall comply with LAC 33:V.3717 whenever bankruptcy is~~in~~ initiated for the Permittee or its institutions providing financial assurance. If insurance is used for compliance with LAC 33:V.3715, the Permittee shall immediately notify the Administrative Authority if the insurance company is placed in receivership. The Permittee must establish other financial assurance or liability coverage within sixty (60) days after such an event.

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IV. PERMITTED FACILITIES

IV.A. TANKS

Details of the existing and proposed hazardous waste storage and treatment tanks listed in Tables 13-16~~12-15~~, including design and operational specifications, are contained in Condition V.A of this Permit.

TABLE ~~12~~13
(11~~9~~) Existing Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-502	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-503	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-504 A	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-504 B	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-505	Wastewater Holding Tank	1,006,900	956,555
T-506	Wastewater Holding Tank	1,006,900	956,555
T-903	Leachate Collection Storage Only	17,000	16,150
T-904	Leachate Collection Storage Only	17,000 ~~16,990~~	16,150
T-905	Leachate Collection Storage Only	13,000	12,350
T-906	Leachate Collection Storage Only	33,874	32,180
T-907	Leachate Collection Storage Only	33,874	32,180

TABLE 143
(136) Proposed Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-220	Receiving Tank	400	380
T-221	Solvent Flush Tank	400	380
T-222	Waste Holding Tank	14,500	13,775
T-223	Waste Holding Tank	14,500	13,775
~~T-505~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~T-506~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
Oil Recovery Unit Area			
T-630	Recovered Water Tank No. 1	21,000	19,950
T-631	Recovered Water Tank No. 2	21,000	19,950
T-632	Recovered Water Tank No. 3	21,000	19,950
Thermal Desorber Unit Area			
T-710	Recovered Water Tank No. 1	21,000	19,950
T-711	Recovered Water Tank No. 2	21,000	19,950
T-712	Recovered Water Tank No. 3	21,000	19,950
T-713	Recovered Water Tank No. 4	21,000	19,950
T-740	Sludge Holding Tank	5,000	4,750
T-741	Sludge Holding Tank	5,000	4,750

TABLE 154
(3) Existing Hazardous Waste Treatment Tanks ~~in the Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-303	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-304	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-306	Pre-Treatment Tank Treatment Only	20,625	19,594

TABLE 16~~5~~
(11) Proposed Hazardous Waste Treatment Tanks ~~in the Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-305	Pre-Treatment Tank Treatment Only	20,625	19,594
Oil Recovery Unit Area			
T-601	Off-loading Pit	38,776	36,837
T-602	Off-loading Pit	38,776	36,837
T-610	Feed Mix Tank	31,500	29,925
T-611	Feed Mix Tank	31,500	29,925
T-612	Feed Mix Tank	31,500	29,925
T-613	Feed Mix Tank	31,500	29,925
Thermal Desorber Unit Area			
T-701	Off-loading Pit	53,020	50,369
T-702	Off-loading Pit	53,020	50,369
T-703	Off-loading Pit	53,020	50,369
T-704	Off-loading Pit	53,020	50,369

IV.B. CONTAINER STORAGE AREAS

Details of the existing and proposed container storage areas in Tables 17-18~~16-17,~~ including design and operational specifications, are contained in Permit Condition V.B of this Permit.

TABLE 17~~6~~
(4) Existing Container Storage Areas

CONTAINER STORAGE AREA	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Container Management Unit 1			
Building 201	140′ x 160′	Liquid and Solid Storage; Macroencapsulation	Liquid Storage: 2,457 drums (135,135 gallons) AND Solid Storage: 1,956 drums
Building 202	80′ x 120′		

Building 204	50′ x 50′ and southern quarter extending eastward 75′		(107,580 gallons) **Combined Total: 242,715 gallons**
Transportation Staging Building			
Building 801	500′ x 50′	Liquid and Solid Storage; Macroencapsulation; Biotreatment	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)

TABLE 187

(2) Proposed Container Storage Areas

CONTAINER STORAGE AREA	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Container Management Unit 2			
Building 205	See Condition II.E.25.d of this Permit	Liquid and Solid Storage; Macroencapsulation	Liquid Storage: 1,052 drums (57,860 gallons) AND Solid Storage: 640 drums (35,200 gallons) **Total: 93,060 gallons**
Transportation Staging Building			
Building 802	See Condition II.E.25.d of this Permit	Liquid and Solid Storage Only; Macroencapsulation	80 roll-off boxes (484,704 gallons)

IV.C. CONTAINMENT BUILDING

Details of the proposed containment building storage and treatment in Table 198, including design and operational specifications, are contained in Permit Condition V.C of this Permit.

TABLE 198
(1) Proposed Containment Building

CONTAINMENT BUILDING	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Building 301	See Condition II.E.25.ab of this Permit	Solid Storage only and Treatment; Macroencapsulation	504,900 gallons

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IV.D. BIOPADS

Details of the existing ~~and proposed container storage~~Biopads in Tables 20~~19~~, including design and operational specifications, are contained in Permit Condition V.D of this Permit.

TABLE 20~~19~~
(2~~1~~) Existing Biopads

UNIT NAME	SERVICE	CAPACITY
Biopad Phase I	Biological Treatment	342.5 tons/day
Biopad Phase II	Biological Treatment	342.5 tons/day

~~**TABLE 20**~~
~~**(1) Proposed Biopad**~~

~~UNIT NAME~~	~~SERVICE~~	~~CAPACITY~~
~~Biopad Phase II~~	~~Biological Treatment~~	~~342.5 tons/day~~

IV.E. LANDFILL DISPOSAL

Details of the existing landfill listed in Table 21, including design and operational specifications, are contained in Condition V.E of this Permit.

TABLE 21
(1) Active Landfill

UNIT NAME	SERVICE	CAPACITY
Cell 8	Active Hazardous Waste Landfill	6,270,000 cubic yards

IV.F. POST-CLOSURE LANDFILLS{ TC "IV.E. PERMITTED POST-CLOSURE UNITS" \f C \l "2" }

Details of the existing post-closure landfills listed in Table 22, including design and operational specifications, are contained in Condition V.I~~G~~ of this Permit.

TABLE 22
(4) Closed Landfills

UNIT NAME	SERVICE	CAPACITY
Cell 5	Closed Hazardous Waste Landfill	500,000 cubic yards
Cell 6	Closed Hazardous Waste Landfill	4,064,000 cubic yards
Cell 7	Closed Hazardous Waste Landfill	2,366,000 cubic yards
Cell 14	Closed Hazardous Waste Landfill	525,000 cubic yards

IV.G. OIL RECOVERY UNITS

Details of the proposed Oil Recovery Units listed in Table 23, including design and operational specifications, are contained in Condition V.F of this Permit.

TABLE 23
(2) Proposed Oil Recovery Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Oil Recovery Unit-1	Recoverable Liquid Oil Separation	126,000 gal/day
Oil Recovery Unit-2	Recoverable Liquid Oil Separation	126,000 gal/day

IV.H. THERMAL DESORBER UNITS

Details of the proposed Thermal Desorber Units listed in Table 24, including design and operational specifications, are contained in Condition V.G of this Permit.

TABLE 24
(2) Proposed Thermal Desorber Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Thermal Desorber Unit-1	Organic Solid Constituents Separation	165 tons/day
Thermal Desorber Unit-2	Organic Solid Constituents	165 tons/day

	Separation	

V. PERMIT CONDITIONS APPLICABLE TO PERMITTED FACILITIES

V.A. TANKS

V.A.1. Description of Tank Systems

The conditions set forth in Permit Condition V.A, shall apply, as applicable, to the permitted tank systems designated in Tables 13-16.~~12-15~~.

V.A.1.a. Permitted Tanks

V.A.1.a.i. The tanks listed in Table 27~~25~~ are permitted for hazardous waste storage or treatment as designated in Tables 13-16~~12-15~~. These tanks have been certified by an independent, professional engineer licensed in the State of Louisiana and have sufficient structural integrity for the storage of hazardous waste.

V.A.1.a.ii. The tanks listed in Table 27~~5~~ must be clearly marked with the words "Hazardous Waste" in accordance with LAC 33:V.1109.E.1.d.

V.A.1.a.iii. The Permittee is prohibited from storing or treating hazardous waste in any tank storage system not listed in Table 27~~5~~ for greater than ninety (90) days, unless an extension is granted by the Administrative Authority in accordance with LAC 33:V.1109.E.2.

V.A.2. Permitted and Prohibited Wastes

V.A.2.a. Permitted Waste

Subject to the terms of this permit, the Permittee is allowed to store or treat hazardous waste in the tanks as described in Condition V.A.1.a of this permit, and the hazardous wastes identified in the most current RCRA Subtitle C Site Identification Form (Part A Permit Application).

V.A.2.b. Prohibited Waste

The Permittee is prohibited from storing or treating hazardous waste that is not identified in the most current RCRA Subtitle C Site Identification Form (Part A Permit Application) and as described in Condition V.A.2.a of this permit.

V.A.3. Secondary Containment

V.A.3.a. Duty to Comply with LAC 33:V.1907

The Permittee shall design, construct, operate, and maintain the secondary containment system, including Building 302 (as the secondary containment

system for Tanks T-303 and T-304), the Oil Recovery Building (as the secondary containment system for the off-loading pits T-601 and T602), and the Thermal Desorber Building (as the secondary containment system for the off-loading pits of T-701, T-702, T-703, and T-704) in accordance with LAC 33:V.1907, and Table 27~~5~~.

V.A.3.b. Prevention of Migration

V.A.3.b.i. Secondary containment systems must be maintained and operated to prevent any migration of wastes or accumulated liquid out of the systems to the soil, groundwater, or surface water at any time during the use of the tank system, in accordance with LAC 33:V.1907.B.1.

If wastes or accumulated liquid is detected to migrate out of the secondary containment system to the soil or groundwater, or if groundwater is detected to migrate into the secondary containment system at any time, the entire tank system shall be considered unfit for use, and the procedures of LAC 33:V.1913 shall be followed.

V.A.3.b.ii. Ancillary equipment must be provided with secondary containment, except as excluded by LAC 33:V.1907.F.

V.A.3.b.iii. Secondary containment systems must be free of cracks or gaps and other surface defects that would allow liquid to migrate out of the containment system, in accordance with LAC 33:V.1907.E.

V.A.3.b.iv. Spilled or leaked waste and/or accumulated precipitation must be removed from the secondary containment system within twenty-four (24) hours or in as timely a manner as is possible to prevent harm to human health and the environment, if it can demonstrated to the Administrative Authority that removal of the spilled or leaked waste and/or accumulated precipitation cannot be accomplished within twenty-four (24) hours.

V.A.4. Operating Requirements

V.A.4.a. All permitted tanks and associated piping, pumps, instruments, containments, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 19 and the specification and design criteria provided in the Permit Application and Table 27~~5~~.

V.A.4.b. The design temperature and pressure for each tank listed in Table 27~~5~~ shall not change unless a permit modification is requested by the Permittee and subsequently approved by the Administrative Authority.

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V.A.4.c. Duty to Comply with LAC 33:V.1909.A

The Permittee shall comply with LAC 33:V.1909.A. Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

V.A.4.e. Duty to Comply with LAC 33:V.1909.B

The Permittee shall comply with LAC 33:V.1909.B and Tables 13-16~~12-15~~ and Table 27~~5~~ of this permit. The Permittee must use appropriate controls and practices to prevent spills and overflows from tanks and containment systems.

V.A.4.f. Tank Covers

All hazardous waste storage tanks listed in Table 27~~5~~ shall be covered, except for the stabilization mixing basins (Tanks T-303 and T-304), the Oil Recovery Unit off-loading pits (Tanks T-601 and T-602), and the Thermal Desorber Unit off-loading pits (T-701, T-702, T-703, and T-704)~~, shall be covered~~. Tanks T-303 and T-304 shall remain enclosed within Building 302. The Oil Recovery Unit off-loading pits (Tanks T-601 and T-602) shall remain enclosed within the Oil Recovery Building. The Thermal Desorber Unit off-loading pits (Tanks T-701, T-702, T-703, and T-704) shall remain enclosed within the Thermal Desorber Unit Off-Loading Building. All tanks shall not be vented directly to the atmosphere if the tanks are used to store, or if a possibility exists that they may be used to store, volatile or malodorous waste.

V.A.4.g. Maintenance

The Permittee shall maintain the permitted tank systems according to the design code specified for each tank as listed in Table 27~~5~~ and not exceed the listed operating conditions.

V.A.4.h. Stabilization Unit

The Stabilization Unit consists of two mixing basins, Tanks T-303 and T-304, and a pre-treatment tank, Tank T-306. Tanks T-303 and T-304 are both enclosed in Building 302. Tank T-306 is immediately adjacent to Building 302. The Stabilization Unit is permitted to conduct the following stabilization technologies:

V.A.4.h.i. Macroencapsulation

V.A.4.h.ii. Microencapsulation

V.A.4.h.iii. Chemical oxidation for cyanide or sulfide-bearing wastes

V.A.4.h.iv. Deactivation of corrosives and oxidizers

V.A.4.h.v. Any other stabilization technologies as discussed in the 2005 Permit Renewal Application and/or approved by the Department.

V.A.4.i. Oil Recovery Unit Area

The Oil Recovery Unit Area consists of the Oil Recovery Building that contains the two off-loading pits (Tanks T-601 and T-602); two carbon canister units; four feed mix tanks (Tanks T-610, T-611, T-612, and T-613); three recovery water tanks (Tanks T-630, T-631, and T-632); two centrifuge units, a thermal oxidizer; an area for roll-off boxes; and a truck loading area. The Oil Recovery Units technology will separate recoverable oils from drilling fluids, refinery tank bottoms, commercially exempt waste, and other miscellaneous hazardous and non-hazardous waste.

V.A.4.j. Thermal Desorber Unit Area

The Thermal Desorber Unit Area consists of the Thermal Desorber Unit Off-loading Building that contains the four off-loading pits (Tanks T-701, T-702, T-703, and T-704); four carbon canister units; two thermal desorber units; two vapor recovery units; two thermal oxidizers; two solids discharge areas that contain roll off boxes; four recovered water tanks (Tank T-710, T-711, T-712, and T-713); and two sludge holding tanks (Tank T-740 and T-741). The Thermal Desorber Units technology will treat contaminated tank bottoms, sludge, catalyst slurry oil, and other miscellaneous hazardous and non-hazardous waste.

V.A.5. Ignitable, Reactive, and Incompatible Wastes

The Permittee shall store ignitable, reactive, or incompatible wastes only in accordance with LAC 33:V.1517.B, 1917 and 1919.

V.A.6. Inspections

V.A.6.a. Inspection Schedule

The Permittee shall comply with LAC 33:V.1911.A through C by following the inspection schedule submitted in the Inspection Plan (see Attachment 1).

V.A.6.b. Daily Inspection

V.A.6.b.i. At least once per day while the tank is operating in hazardous waste service, the Permittee shall inspect the following:

V.A.6.b.i.(1) Aboveground portions of the tank system, as applicable, including the tank, ancillary piping, valves, and vent controls, to detect corrosion, cracks or releases of waste.

V.A.6.b.i.(2) Data gathered from monitoring and leak detection equipment.

V.A.6.b.i.(3) The construction materials and area immediately surrounding the externally accessible portion of the tank system and ancillary equipment, e.g. secondary containment system, to detect erosion, cracks and signs of hazardous waste releases.

V.A.6.b.i.(4) For the control of leakage of defective internal heating coils, monitor the steam return and exhaust line to detect contamination from internal heating coals that are utilized in oil recovery tanks.

V.A.6.b.ii. All deficiencies noted during daily inspections must be recorded and remedied in a timely manner.

V.A.6.c. External Inspection

At a minimum, external inspection of each tank covered by this permit shall be performed annually. The inspection shall be performed by a person meeting the minimum qualifications required under the inspection standard in Table 27~~5~~. The inspection checklist shall be comparable to that in API Standard 510 or 653, as applicable.

If the result of such an inspection reveals that the tank is unfit for continued service, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.d. Internal Inspection

Internal inspection of each tank covered by this permit shall be performed at the frequencies specified in Table 25~~3~~. The inspection shall be performed by a person meeting the minimum qualifications required under the inspection standard in Table 27~~5~~. The inspection checklist shall be comparable to that in API Standard 510 or 653, as applicable.

If the result of such an inspection reveals that the tank is unfit for continued service, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.e. Thickness Testing

V.A.6.e.i. An authorized inspector shall take tank thickness measurements on tank roofs, as applicable, and shells and shall be taken at least on each tank quadrant at the frequencies specified in Table 2~~6~~4. Tank thickness readings shall be taken in the same place during each testing event in order to form a comparison of readings for corrosion rate determination.

V.A.6.e.ii. Tank thickness readings shall also be taken at any spot where visual corrosion or compromised integrity is evident.

V.A.6.e.iii. An authorized inspector shall perform tank thickness measurements on tank bottoms at the frequencies specified in Table 2~~6~~4.

V.A.6.e.iv. When any tank shell thickness measurement at a single point is less than that required in Table 2~~7~~5, the Permittee shall immediately comply with either Condition V.A.6.e.iv.(1) or (2) below. Condition V.A.6.e.iv.(2) shall not be used for any tank where the shell thickness measurement is less than 0.100 inches.

V.A.6.e.iv.(1) When a tank is deemed unfit for use, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The tank shall be repaired or replaced and the certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.e.iv.(2) An engineering evaluation shall be performed, conforming to the appropriate standard or standards, as allowed by the design or inspection standard in Table 2~~7~~5. If the evaluation determines that the tank is unfit for service, the Permittee shall comply with Condition V.A.6.e.iv.(1) immediately. The evaluation must be submitted to the Waste Permits Division for approval within forty-five (45) days of the initial measurement.

V.A.6.e.v. Tank thickness measurements shall not be averaged, unless allowed under the tank inspection standard in Table 2~~7~~5. Averaging of tank thickness measurements shall be reported to the Administrative Authority.

V.A.6.f. Overfill Controls

Tank levels shall be checked daily and overfill controls shall be visually inspected along with other aboveground portions of the tanks daily. Function of the overfill controls shall be tested annually.

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V.A.7. Response to Leaks and Spills

V.A.7.a. Duty to Comply with LAC 33:V.1913.A through E

In the event of a leak or spill from a tank system, secondary containment system, or if a system becomes unfit for use, the Permittee shall comply with LAC 33:V.1913.A through E.

V.A.7.b. Leaks and Spills

V.A.7.b.i. Upon discovering a leak or spill, the Permittee must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

V.A.7.b.ii. Within twenty-four (24) hours of detecting a leak from the tank system, or in as timely a manner as is practical if the Permittee demonstrates that it is not possible to remove the waste within twenty-four (24) hours, the Permittee must remove as much waste as necessary to prevent further release from the tank or secondary containment system and to allow inspection and repair of the tank system, in accordance with LAC 33:V.1913.B.1.

V.A.7.b.iii. Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste must be cleaned up in a timely manner, as required by LAC 33:V.1505.C.3.

V.A.7.b.iii.(1) If the collected material is discharged through a point source to United States waters or to a Publicly Owned Treatment Works, it is subject to the requirements of the Clean Water Act.

V.A.7.b.iii.(2) If the collected material is released to the environment, it may be subject to reporting under applicable requirements of LAC 33:V.1505, LAC 33:I.Chapter 39, and 40 CFR Part 302.

V.A.7.b.iv. When a leak or spill occurs, the Permittee shall remove and properly dispose of any visible contamination of the soil or surface water, in accordance with LAC 33:V.1913.C.2.

V.A.7.b.v. A tank system from which a leak or spill has occurred must be closed in accordance with the approved Closure Plan and LAC 33:V.1915, unless the requirements of LAC 33:V.1913.E.2-3 are satisfied.

V.A.7.b.v.(1) For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service, in accordance with LAC 33:V.1913.E.2.

V.A.7.b.v.(2) For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning the tank to service, in accordance with LAC 33:V.1913.E.3.

V.A.7.b.vi. If the Permittee replaces a component of the tank system to eliminate a leak, that component must satisfy the requirements for new tank systems or components in LAC 33:V.1905 and 1907. An engineer's certification shall not be required for such day-to-day routine maintenance or service practices as replacement or repair of worn portions of tank system components (e.g. valves, bearings, seals), adjustment or repairs to instruments, etc.

V.A.7.b.vii. All leaks and spills shall be documented in the daily inspection log.

V.A.7.c. Major Repairs

V.A.7.c.i. The Permittee shall comply with LAC 33:V.1913.F when performing major repairs to a tank system.

V.A.7.c.ii. Major repairs shall include, but not be limited to, installation of an internal liner, repair of a ruptured tank, repair of a ruptured secondary containment area, and removal of a tank from its foundation for any reason.

V.A.7.c.iii. The Permittee shall conform to the appropriate portion of the most recent inspection code listed in Table 2~~5~~7 for maintenance, inspection, re-rating, repair, and alteration of all tanks.

V.A.7.c.iv. The tank shall not be returned to service unless the Permittee has obtained a certification by an independent professional engineer licensed in the State of Louisiana that the system is capable of handling hazardous waste without release for the intended life of the system. The certification of repairs shall include an inspection in accordance with the requirements of any applicable codes, such as API 510 or API 653. The certification required in accordance with LAC 33:V.1913.F shall be submitted to the Administrative Authority within seven (7) days of returning the tank system to use. ~~in accordance with LAC 33:V.1913.F.~~

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V.A.8. Air Emission Control Equipment Standards

The Permittee shall comply with Condition V.HF.2 of this Permit for air emission control equipment for all permitted hazardous waste tanks.

V.A.9. Recordkeeping

V.A.9.a. New Tanks

The Permittee shall obtain, and keep on file at the facility, the written statements by those persons required to certify the design and installation of new tank systems, in accordance with LAC 33:V.1905.G.

V.A.9.b. Written Assessment

The Permittee shall keep on file at the facility, written assessments of the tank systems' integrity. Assessments shall be updated at the time of submittal of the Permit Renewal Application and at any other time deemed necessary by the Administrative Authority (i.e., permit modifications, tank replacements, tank repairs, etc.).

V.A.9.c. Inspections

V.A.9.c.i. The Permittee shall document in the operating record for the facility inspection of those items in Conditions V.A.6.b-e of this Permit.

V.A.9.c.i.(1) The daily log sheets shall include all monitored parameters for the prevention of spills and overflows, which may include temperature, pressures, and either levels or pump flows into and out of the tanks.

V.A.9.c.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.A.9.c.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.A.9.c.ii. The Permittee shall document in the operating record all tests and inspections of overfilling controls.

V.A.9.c.iii. The Permittee shall keep on file at the facility the results of the internal and external inspections required by Conditions V.A.6.c-d of this Permit. The Permittee shall note all deficiencies discovered during the inspection in the inspection log. Corrective action taken in response to deficiencies must be included as part of the operating record for the

facility.

V.A.9.c.iv. The Permittee shall keep on file all information related to tank thickness testing required under Condition V.A.6.e of this Permit.

V.A.9.c.iv.(1) This information shall include, at a minimum, the date(s) of assessment, the location where measurement readings are taken, the raw measurement data, comparison of actual reading to minimum thickness requirements, the corrosion rate, and calculation of remaining tank life.

V.A.9.c.iv.(2) If an engineering evaluation is performed in accordance with Condition V.A.6.e.iv.(2) of this Permit, the results of such an evaluation shall be kept in the operating record.

The engineering evaluation must include, at a minimum, details on how the evaluation was performed, references to applicable tank codes, raw data, calculations performed, and an explanation of why the tank is or is not fit for continued service.

V.A.9.c.iv.(3) Any tank thickness measurements that are averaged under Condition V.A.6.e.iv. of this Permit must be supported by documentation with references to the applicable tank codes. The documentation shall include all raw measurement data, calculations, and results of averaging. This information shall be kept as a part of the operating record for the facility.

V.A.9.c.v. The Permittee shall keep on file at the facility the records of repairs required under Condition V.A.7.c of this Permit.

V.A.9.d. Releases

V.A.9.d.i. The Permittee shall keep on file at the facility, notification reports submitted under LAC 33:V.1913.D.

V.A.9.d.ii. Within twenty-four (24) hours of detecting a reportable leak or spill from a tank system or secondary containment system to the environment, the Permittee shall report the leak or spill in accordance with either Condition II.E.16 (Emergency Unauthorized Discharge) or Condition II.E.17 (Non-Emergency Unauthorized Discharge) of this Permit.

V.A.9.d.iii. Within thirty (30) days of detecting a reportable release to the environment from a tank system or secondary containment system, the Permittee shall report the following information to the Administrative Authority's Single Point of Contact (SPOC):

V.A.9.d.iii.(1) Likely route of migration of the release;

V.A.9.d.iii.(2) Characteristics of the surrounding soil, including soil composition, geology, hydrogeology, and climate;

V.A.9.d.iii.(3) Results of any monitoring or sampling conducted in connection with the release (if available). If the Permittee finds it will be impossible to meet this time schedule, the Permittee must provide the Administrative Authority with a schedule of when the results will be available. This schedule must be provided before the required thirty (30) day submittal period expires;

V.A.9.d.iii.(4) Proximity of downgradient drinking water, surface water, and populated areas; and

V.A.9.d.iii.(5) A description of response actions taken or planned.

V.A.9.e. Repairs

The Permittee shall keep on file at the facility all certifications required by Condition V.A.7.c of this Permit.

V.A.10. Closure and Post-Closure Care

V.A.10.a. Duty to Comply with LAC 33:V.1915.A

The Permittee shall comply with LAC 33:V.1915.A by following the procedures specified in the Closure Plan, Attachment 1.

V.A.10.b. Duty to Comply with LAC 33:V.1915.B

If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated in accordance with Condition V.A.10.a of this Permit, the Permittee shall comply with LAC33:V.1915.B.

V.A.10.c. Post-Closure

The Permittee shall attempt to clean close all tank systems. If a tank cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

TABLE 25~~3~~
Internal Inspection Frequencies

Tank No.	Visual Internal Inspection Frequency	Complete Internal Inspection Frequency
T-220	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-221	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-222	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-223	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-303	Annually	As often as required by the inspection standard in Table 27~~5~~[1]
T-304	Annually	As often as required by the inspection standard in Table 27~~5~~[1]
T-305	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-306	Every three (3) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-502	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-503	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 A	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 B	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-505	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-506	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-601	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-602	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-610	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-611	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-612	Every two (2) years	As often as required by the

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		inspection standard in Table 27[1]
T-613	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-630	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-631	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-632	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-701	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-702	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-703	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-704	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-710	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-711	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-712	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-713	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-740	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-741	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-903	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-904	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-905	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-906	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-907	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]

[1] The required frequency of inspection with reference to the applicable section of the standard shall be kept on site and available for review by the Administrative Authority upon request.

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TABLE 2~~4~~6
Tank Thickness Measurements Frequencies

TANK	ROOF AND SHELL	BOTTOM
T-220	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-221	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-222	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-223	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-303	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-304	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-305	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-306	Every three (3) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-502	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-503	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 A	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 B	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-505	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-506	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-601	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-602	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-610	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-611	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]

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T-612	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-613	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-630	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-631	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-632	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-701	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-702	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-703	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-704	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-710	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-711	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-712	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-713	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-740	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-741	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-903	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-904	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-905	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-906	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-907	Every two (2) years	As often as required by the inspection standard in Table 27[1]

[1] The required frequency of inspection with reference to the applicable section of the standard shall be kept on site and available for review by the Administrative Authority upon request.

TABLE 2~~75~~
Design and Operating Parameters for RCRA Tank Systems

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-220	Proposed	N/A	4′ x 6′	400	380	API-620	API-653	150	ATM	Carbon Steel	1/4	1/8	See Condition II.E.25.b~~e~~ of this Permit
T-221	Proposed	N/A	4′ x 6′	400	380	API-620	API-653	150	ATM	Carbon Steel	1/4	1/5 ~~3/16~~	See Condition II.E.25.b~~e~~ of this Permit
T-222	Proposed	N/A	12′ x 21′	14,500	13,775	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	See Condition II.E.25.b~~e~~ of this Permit
T-223	Proposed	N/A	12′ x 21′	14,500	13,775	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	External Concrete Liner
T-303	Existing	1995	12′ x 21′ x 10′	17,309	16,440	API-650	API-653	150	ATM	Carbon Steel	1	3/8	External Concrete Liner; Building 302
T-304	Existing	1995	12′ x 21′ x 10′	17,309	16,440	API-650	API-653	150	ATM	Carbon Steel	1	3/8	External Concrete Liner; Building 302
T-305	Proposed	N/A	~~12′ x 21′ See Condition II.E.25.be of this Permit~~	20,625	19,594	API-~~650~~620	API-653	150	ATM	Carbon Steel	3/8	1/4	See Condition II.E.25.b~~e~~ of this Permit
T-306	Existing	1993	12′ x 21′	20,625	19,594	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	External Concrete Liner; Building 302

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-502	Existing	1993	69′ x 36′	1,006,900	956,555	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner
T-503	Existing	1999	69′ x 36′	1,006,900	956,555	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner
T-504 A	Existing	2001	24′ x 24′	87,000 ~~75,000~~	75,000 ~~71,250~~	API-620	API-653	150	ATM	Carbon Steel	Roof - 5/16 Ring 1 - 5/16 Ring 2 - 1/4 Ring 3 - 1/4 Cone Bottom - 3/8	Roof - 5/16 Ring 1 - 3/16 ~~5/16~~ Ring 2 - 9/64 ~~1/4~~ Ring 3 - 9/64 ~~1/4~~ Cone Bottom - 19/64 ~~3/8~~	External Concrete Liner

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-504 B	Existing	2001	24′ x 24′	87,000 ~~75,000~~	75,000 ~~71,250~~	API-620	API-653	150	ATM	Carbon Steel	Roof - 5/16 Ring 1 - 5/16 Ring 2 - 1/4 Ring 3 - 1/4 Cone Bottom - 3/8	Roof - 5/16 Ring 1 - 3/16~~5/16~~ Ring 2 - 9/64~~1/4~~ Ring 3 - 9/64~~1/4~~ Cone Bottom - 19/64~~3/8~~	External Concrete Liner
T-505	Existing ~~Proposed~~	2015 ~~N/A~~	69′ x 36′	1,006,900	956,955	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner ~~See Condition II.E.25.c of this Permit~~
T-506	Existing ~~Proposed~~	2015 ~~N/A~~	69′ x 36′	1,006,900	956,955	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner ~~See Condition II.E.25.c of this Permit~~

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-601[2]	Proposed	N/A	30' x 18' x 12' (sloping floor)	38,776	36,837	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-602[2]	Proposed	N/A	30' x 18' x 12' (sloping floor)	38,776	36,837	N/A	N/A	Ambient	N/A	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-610	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-611	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-612	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-613	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-630	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-631	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-632	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-701[3]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-702[3]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-703[3]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-704[3]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1"	3/8	See Condition II.E.25.b of this Permit
T-710	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-711	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-712	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-713	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-740	Proposed	N/A	96' x 160'	5,000	4,750	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-741	Proposed	N/A	96' x 160'	5,000	4,750	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-903	Existing	1991	10′ x 30′	17,000	16,150	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-904	Existing	1993	10′ x 30′	17,000 16,990	16,150	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-905	Existing	1991	8' x 30' 10′ x 25′	13,000	12,350	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-906	Existing	2008	15.5′ x 24′	33,874	32,180	API-650	API-653	150	ATM	Carbon Steel	3/8	3/16	External Concrete Liner
T-907	Existing	2008	15.5′ x 24′	33,874	32,180	API-650	API-653	150	ATM	Carbon Steel	3/8	3/16	External Concrete Liner

[1]The proposed tanks are permitted for the capacities listed in Tables ~~14 and 16, 13 and 15.~~
[2]The proposed pits are part of the Oil Recovery Units.
[3]The proposed pits are part of the Thermal Desorber Units.

V.B. CONTAINER STORAGE AREAS

The permit conditions as set forth under this Condition shall apply where applicable, to the permitted container storage facilities as designated in Condition IV, Tables ~~16~~-17-18.

V.B.1. Conditions and Operations

V.B.1.a. Conditions of Containers

V.B.1.a.i. The Permittee shall be in compliance with all appropriate conditions set forth in LAC 33:V.Chapter 21.

V.B.1.a.ii. The Permittee shall maintain the condition of all containers in accordance with LAC 33:V.2103. If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the hazardous waste to a container that is in good condition or manage the waste in some other way that complies with the requirements of LAC 33:V.Chapter 21.

V.B.1.a.iii. The Permittee shall maintain the integrity of all containers in accordance with LAC 33:V.2105. Hazardous wastes or treatment reagents must not be placed in containers if they could impair the ability of the container to contain the wastes or treatment reagents.

V.B.1.b. Management of Containers

V.B.1.b.i. The Permittee shall manage the containers in accordance with LAC 33:V.2107.A and B.

V.B.1.b.ii. The Permittee shall store all wastes in containers that are compatible with the hazardous wastes as required by LAC 33:V.2105. Hazardous wastes being transported offsite must be packaged and labeled in accordance with DOT standards listed in 49 CFR 173 and 178 as required by LAC 33:V.1109 and LAC 33:V.1759.F.

V.B.1.b.iii. The Permittee must place and store incompatible, ignitable, and reactive wastes only in accordance with LAC 33:V.1517, 2113, and 2115.

V.B.1.b.iv. If any hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined by RCRA and in accordance with LAC 33:V.109. In this event, management of the container is exempt from the requirements of LAC 33:V.Chapter 21.

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V.B.1.b.v. Containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

V.B.1.b.vi. Containers holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

V.B.1.b.vii. Pallets shall be placed in rows with a minimum of two (2) feet of access aisle space between the rows, or the width necessary to get emergency equipment to any area of the aisle, whichever is greater.

V.B.1.b.viii. All containers must be placed so that hazardous waste identification labels may be read from the access aisle.

V.B.1.b.viv. No drums or pallets may be stored directly over any sump area.

V.B.1.b.x. Containers holding thirty (30) gallons or more must be placed on pallets not more than two (2) containers high with no more than four (4) containers per tier on each pallet.

V.B.1.b.xi. If any hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined in LAC 33:V.109. In this event, management of the container is exempt from the requirements of LAC 33:V.Chapter 21.

V.B.1.c. Operations

V.B.1.c.i. All permitted container storage areas and associated piping, pumps, instruments, containments, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 21 and the specifications, design criteria, and design limits specified in the Permit Application.

V.B.1.c.ii. Unloading, Loading and Receiving/Staging

V.B.1.c.ii.(1) All trucks containing hazardous waste shall be managed in accordance with LAC 33:V.1527 and in accordance with the approved Waste Analysis Plan.

V.B.1.c.ii.(2) Sufficient pumping capacity such as portable pumps or vacuum trucks shall be provided to remove any spilled material from the sumps located in each of the unloading areas in a timely manner and to prevent any overflow from the contaminated area.

V.B.1.c.ii.(3) All loads that have entered the security gate will be inspected, prior to their leaving the sampling station(s), for leaks and any load found leaking will be responded to immediately, and moved to a contained area as soon as possible.

V.B.1.c.ii.(4) All hazardous waste trucks containing liquids that have been accepted for management, and are being held beyond the sampling station(s) for longer than twenty-four (24) hours, must be located in an area having the capability of holding the entire liquid contents of the trucks unless being transported to or from on-site treatment, storage or disposal.

V.B.1.c.ii.(5) A representative sample of the waste for each waste stream to be treated or disposed at the facility must be analyzed to verify the information on the manifest when required by, and in the manner specified by, the approved Waste Analysis Plan.

V.B.1.c.ii.(6) The quantity of waste received must be recorded and chemical and physical characteristics identified in accordance with the approved Waste Analysis Plan with regard to ignitability, reactivity or incompatibility. Only compatible wastes shall be stored in common containment or tanks.

V.B.1.c.iii. Biotreatment in Containers

Biotreatment in containers shall only be conducted in Building 801 and the proposed Building 802 in tarp-covered, twenty (20) to twenty-five (25) cubic yard roll-off boxes.

V.B.1.c.iv. Macroencapsulation in Containers

Macroencapsulation in containers shall only be conducted in existing Buildings 201, 202, 204, and 801, and the proposed Buildings 205, and 802 in one of the following:

V.B.1.c.iv.(1) specifically designed , one-piece, high-strength and high-density polyethylene (HDPE) containment units;

V.B.1.c.iv.(2) polyethylene bladder bags;

V.B.1.c.iv.(3) overlapped closure polyethylene box liners; or

V.B.1.c.iv.(4) other suitable technologies that are specifically formulated and designed to resist contaminants and leachate.

V.B.1.c.v. Container Decant/Filling/Processing

V.B.1.c.v.(1) Container decant/filling/processing shall be conducted in the existing Building 204, and the proposed Building 205.

V.B.1.c.v.(2) The Permittee must use appropriate controls and practices to prevent spills and overflows from the vessels and containment systems.

V.B.1.c.v.(3) At a minimum, overfill prevention controls for hazards waste will include, where applicable; level sensing devices, high level alarm, automatic feed cutoff or bypass to a standby truck.

V.B.1.c.v.(4) The Permittee must inspect the container decant/filling/processing units according to the inspection schedules specified in the approved inspection plan, referenced in Attachment 1.

V.B.1.c.v.(5) At closure, the Permittee must remove or decontaminate all waste residues from the system, in accordance with the approved closure/post-closure plan, referenced in Attachment 1.

V.B.2. Permitted and Prohibited Wastes

V.B.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to store in the container storage areas as described in Condition V.B of this Permit, the hazardous waste described in the most current Part A permit application, in the containers as described in Condition IV, Tables ~~16~~-17-18.

V.B.2.b. Prohibited Wastes

The Permittee is prohibited from storing hazardous waste that is not identified in Condition V.B.2.a.

V.B.3. Secondary Containment

V.B.3.a. The Permittee shall always maintain enough secondary containment capacity to contain at least ten percent (10%) of the total volume of containers or the volume of the largest container, whichever is greater, in accordance with LAC 33:V.2111.B.3. Containers that do not contain free liquids (per the Paint Filter Liquids Test) do not need to be considered in this determination.

V.B.3.b. Container storage systems must have a containment system that is designed and operated in accordance with LAC 33:V.2111.B. The containment system must be designed and operated as follows:

V.B.3.b.i. a base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

V.B.3.b.ii. the base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

V.B.3.b.iii. run-on into the containment system must be prevented unless the containment system has sufficient excess capacity in addition to that required in LAC 33:V.2111.B.3 to contain any run-on which might enter the system;

V.B.3.b.iv. spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system; and

V.B.3.b.v. if the collected material is a hazardous waste, it must be managed in accordance with all applicable requirements.

V.B.4. Requirements for Ignitable, Reactive, and Incompatible Waste

V.B.4.a. The Permittee must store ignitable, incompatible, or reactive waste in accordance with LAC 33:V.1517 and LAC 33:V.2113, LAC 33:V.2115.A, B, C, and D.

V.B.4.b. Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility property line.

V.B.4.c. Hazardous wastes must not be placed in an unwashed container that previously held an incompatible waste or material.

V.B.4.d. A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers must be separated from the other materials or protected from them by means of a dike, berm, wall, other device, or approved management technique.

V.B.4.e. The Permittee must place the results of each waste analysis and any documented information regarding compatibility testing in the operating record of the facility.

V.B.5. Inspections

V.B.5.a. The Permittee shall inspect the containers and containment area(s) in accordance with LAC 33:V.2109 and LAC 33:V.1509. Results of such inspections must be placed in the operating record (for a minimum of three years). All incidents involving leaking containers and spilled materials reportable under applicable regulations (the Clean Water Act [CWA], RCRA, and the Superfund Amendments and Reauthorization Act of 1986 [SARA]) shall be detailed in the annual report (due March 1 of each year).

V.B.5.b. At least weekly, the Permittee must inspect where containers are stored for leaking containers and for deterioration of containers and containment systems caused by corrosion or other factors (including sealants used to maintain a base free of cracks or gaps). Remedial action shall be taken in accordance with LAC 33:V.1509.C and LAC 33:V.1513, when applicable.

V.B.5.c. All containers shall be stacked in such a fashion that each container identification label can be read from the access aisle.

V.B.5.d. All inspection records shall be maintained according to the recordkeeping requirements of LAC 33:V.1529.

V.B.6. Leaks and Spills

V.B.6.a. The Permittee shall manage spilled or leaked waste and accumulated precipitation according to LAC 33:V.2111.B.5.

V.B.6.b. Storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority.

V.B.6.c. The Permittee shall manage any collected material as required by LAC 33:V.2111.B.6. Spilled or leaked material shall be handled in a timely manner as required by LAC 33:V.2111.B.5.

V.B.7. Air Emission Control Equipment Standards

The Permittee shall comply with Condition V.HF.3 of this permit for air emission control equipment for all permitted container storage areas.

V.B.8. Recordkeeping

V.B.8.a. Inspections

The Permittee shall document in the operating record for the facility inspection of those items in Condition V.B.5 of this Permit.

V.B.8.a.i. The weekly log sheets shall include all inspected areas.

V.B.8.a.ii. The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.B.8.a.iii. Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.B.9. Closure and Post-Closure Care

V.B.9.a. At closure, the Permittee must remove all hazardous waste, residues, and containers from the container storage areas. All containers and liners must be handled as a hazardous waste (unless meeting the definition of "empty" container in accordance with LAC 33:V.109). All residuals and contaminated soils must be removed as required by the Closure Plan referenced in Attachment 1 of this permit, and as required by LAC 33:V.2117. If some waste residues or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.B.9.b. At closure, the Permittee shall adhere to the procedures detailed in the approve closure plan referenced in Attachment 1 of this permit and as required by LAC 33:V.2117 and LAC 33:V.Chapter 35, Closure Requirements, and the closure requirements of the approved TSCA Closure Plan. If the facility cannot be clean closed, the Permittee shall submit a post-closure plan for approval by the Administrative Authority.

V.B.9.c. A post-closure plan must be submitted for each container storage area failing to achieve clean closure (or an alternative closure standard approved under LAC 33:V.3501.D.2 or LAC 33:V.3507.B) within ninety (90) days from the date that the Permittee or the Administrative Authority determines that the unit must be closed as a landfill. The post-closure plan must meet the requirements of LAC 33:V.3523.B.

V.B.9.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the confirmatory sampling procedures prior to the commencement of closure, based upon the wastes historically managed by each unit during its lifetime.

V.C. CONTAINMENT BUILDING

V.C.1. Description of Containment Building

The permit conditions as set forth under this Condition shall apply to the permitted containment building designated in Table 1~~9~~8.

V.C.2. Permitted and Prohibited Wastes

V.C.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to store hazardous waste identified in the most current Part A Permit Application in the containment building as described in Table 1~~8~~.

V.C.2.b. Prohibited Waste

The Permittee is prohibited from storing hazardous waste that is not identified in Condition V.C.2.a of this Permit.

V.C.3. Containment

V.C.3.a. The Permittee must use controls and practices to ensure containment of the hazardous waste within the unit; and, at a minimum, must:

V.C.3.a.i. maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

V.C.3.a.ii. maintain the level of the stored hazardous waste within the containment walls of the unit so that the height of any containment walls of the unit is not exceeded; and

V.C.3.a.iii. take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling waste. An area must be designated to decontaminate equipment, and any rinsate must be collected and properly managed.

V.C.4. Operating Requirements

V.C.4.a. The Permitted containment building and associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 18 and the specifications, design criteria, and design limits in the Permit Application and Condition II.E.25.a~~b~~ of this Permit.

V.C.4.b. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions (40 CFR Part 60, Appendix A, Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

V.C.4.c. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in 40 CFR 60, Subpart 292.

V.C.4.d. Wash-down or decontamination areas shall be constructed and standard operating procedures developed for decontaminating equipment prior to removal from the containment building.

V.C.4.e. Decontamination pads or areas shall be constructed and standard operating procedures developed for the removal and containment of dust from personnel.

V.C.4.f. The Permittee shall evaluate the presence of free liquids using the paint filter test, a visual examination, or other appropriate means and document such evaluation.

V.C.4.g. Macroencapsulation shall only be conducted in one of the following:

V.C.4.g.i. specifically designed, one-piece, high-strength and high-density polyethylene (HDPE) containment units;

V.C.4.g.ii. polyethylene bladder bags;

V.C.4.g.iii. overlapped closure polyethylene box liners; or

V.C.4.g.iv. other suitable technologies that are specifically formulated and designed to resist contaminants and leachate.

V.C.4.h. Storage in containers shall be in accordance with Condition V.B.

V.C.5. Ignitable, Reactive, and Incompatible Wastes

The Permittee shall store ignitable, reactive, or incompatible wastes only in accordance with LAC 33:V.1517.

V.C.6. Inspections

V.C.6.a. Inspection Schedule

The Permittee shall comply with LAC 33:V.1802.C.4 by following the inspection schedule submitted in the Inspection Plan (see Attachment 1).

V.C.6.b. Weekly Inspection

V.C.6.b.i. At least once every seven (7) days, the Permittee must inspect data gathered from monitoring equipment and leak detection equipment as

well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.

V.C.6.b.ii. All deficiencies noted during weekly inspections must be recorded and remedied in a timely manner. Remedial action as described in LAC 33:V.1513 shall be taken.

V.C.7. Response to Leaks or Spills

V.C.7.a. The Permittee shall manage spilled or leaked waste in accordance with LAC 33:V.1802.C.3.

V.C.7.b. The Permittee shall promptly repair any condition which the owner or operator detects throughout the active life of the containment building that could lead to or cause a release of hazardous waste in accordance with the following procedures:

V.C.7.b.i. upon detection of a condition that has led to a release of hazardous waste (e.g., upon detection of leakage from the primary barrier), the owner or operator must:

V.C.7.b.i.(1) enter a record of the discovery in the facility operating record;

V.C.7.b.i.(2) immediately remove the portion of the containment building affected by the condition from service; and

V.C.7.b.i.(3) determine what steps must be taken to repair the containment building, remove any leakage, and establish a schedule for accomplishing the cleanup and repairs.

V.C.8. Air Emission Control Equipment Standards

See Condition II.E.25.~~e~~f of this Permit.

V.C.9. Recordkeeping

V.C.9.a. Inspections

V.C.9.a.i. The Permittee shall document in the operating record for the facility inspection of those items in Condition V.C.6.b of this Permit.

V.C.9.a.i.(1) The weekly log sheets shall include all inspected areas.

V.C.9.a.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.C.9.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.C.9.b. Releases

V.C.9.b.i. The Permittee shall keep on file at the facility, notification reports submitted under LAC 33:V.1802.C.3.

V.C.9.b.ii. Within seven (7) days after discovery of a condition as described in Condition V.C.7. of this Permit, notify the Office of Environmental Services, Waste Permits Division of the condition.

V.C.9.b.iii. Within fourteen (14) working days after discovery of a condition as described in Condition V.C.7. of this Permit, provide a written notice to the Administrative Authority with a description of the steps taken to repair the containment building and the schedule for accomplishing the work.

V.C.9.b.iv. Upon completing all repairs and cleanup due to a condition discovered as described in Condition V.C.7 of this Permit, the owner or operator must notify the Office of Environmental Services, Waste Permits Division in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with LAC 33:V.1802.C.3.a.iv.

V.C.10. Closure and Post-Closure Care

V.C.10.a. Duty to Comply with LAC 33:V.1803.A

The Permittee shall comply with LAC 33:V.1803.A by following the procedures specified in the Closure Plan, Attachment 1.

V.C.10.b. Duty to Comply with LAC 33:V.1803.B

If the Permittee demonstrates that not all contaminated components, subsoils, structures, and equipment can be practicably removed or decontaminated in accordance with Condition V.C.10.a of this Permit, the Permittee shall comply with LAC33:V.1803.B.

V.C.10.c. Post-Closure

The Permittee shall attempt to clean close the containment building. If the containment building cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health

and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527 and Condition V.B.9, including maintenance and monitoring throughout the post-closure care period.

V.D. BIOPADS

V.D.1. Description of Biopads

The permit conditions as set forth under this Condition shall apply to the permitted existing ~~and proposed b~~Biopads Phase I and II designated in Table~~s~~ ~~19~~-20.

V.D.2. Permitted and Prohibited Wastes

V.D.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the biopads to biologically treat hazardous waste identified in the most current Part A Permit Application that is categorized as one of the following wastes:

V.D.2.a.i. pesticides

V.D.2.a.ii. petroleum hydrocarbons

V.D.2.a.iii. nitroaromatics

V.D.2.a.iv. wood treating wastes

V.D.2.a.v. chlorinated hydrocarbons

V.D.2.a.vi. refinery-related materials

V.D.2.a.vii. other similar wastes that have been demonstrated in industry and/or literature to be amenable to biological treatment and/or scientifically evaluated to be amenable to biological treatment

V.D.2.b. Prohibited Waste

The Permittee is prohibited from treating the following hazardous wastes in the biopads:

V.D.2.b.i. hazardous wastes F020, F021, F022, F023, F026, and F027; and

V.D.2.b.ii. any hazardous waste that is not identified in Condition V.D.2.a of this Permit.

V.D.3. Design and Operating Requirements

V.D.3.a. The permitted biopads and associated ancillary equipment shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 23 and the specifications, design criteria, and design limits approved by the Administrative Authority.

V.D.3.b. Liner Systems

The following liner system components associated with the biopads, listed in order from the bottom to the top of the biopads, must be operated and maintained, in accordance with LAC 33:V.2303:

V.D.3.b.i. a minimum three (3) foot thick layer of compacted clay; and

V.D.3.b.ii. a forty (40) mil textured HDPE secondary geomembrane, in accordance with LAC 2303.C.1.b;

V.D.3.b.iii. a sixteen (16) ounce per square yard nonwoven leachate detection geotextile;

V.D.3.b.iv. a forty (40) mil textured HDPE primary geomembrane;

V.D.3.b.v. a sixteen (16) ounce per square yard nonwoven leachate collection geotextile; and

V.D.3.b.vi. a 1.5 foot thick layer of lime-stabilized clay protective cover.

V.D.3.c. Leachate Collection and Removal Systems

The leachate collection and removal systems for the biopads must be maintained and operated to collect and remove leachate from the biopads, in accordance with LAC 33:V.2303.C.4.

V.D.3.d. Leak Detection Systems

The leak detection systems must be maintained and operated to detect any migration of liquids into the spaces between the liner systems, in accordance with LAC 33:V.2303.C.

V.D.3.e. Run-on and Run-off Control Systems

V.D.3.e.i. A run-on control system must be operated and maintained to prevent flow onto any active portion of the biopads.

V.D.3.e.ii. A run-off management system must be operated and maintained to collect and control any water volume collected.

V.D.3.e.iii. Collection and holding facilities (e.g., tanks or basins) associated with the run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain the design capacity of the system.

V.D.3.e.iv. The run-on and run-off control systems must maintain a design capacity to control water volume resulting from a 24-hour, 25-year storm.

V.D.3.f. Liquids or materials containing free liquids shall not be placed directly on the biopad.

V.D.3.g. The biopiles must be covered or otherwise managed to control wind dispersal.

V.D.4. Ignitable, Reactive, and Incompatible Wastes

V.D.4.a. Ignitable or reactive waste must not be placed in the biopads unless the waste and the biopads satisfy all applicable requirements of LAC 33:V.Chapter 22, and:

V.D.4.a.i. the waste is treated, rendered, or mixed before or immediately after placement in the biopads so that:

V.D.4.a.i.(1) the resulting waste, mixture, or dissolution of material no longer meets the description of ignitable or reactive wastes under the characteristics of ignitability or reactivity in LAC 33:V.4903.B or D; and

V.D.4.a.i.(2) the general requirements for ignitable, reactive, or incompatible wastes as specified in LAC 33:V.1517.B are met; or

V.D.4.a.ii. the waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

V.D.4.b. Incompatible wastes, or incompatible wastes and materials must not be placed in the same biopad, unless LAC 33:V.1517.B is complied with.

V.D.4.c. A pile of hazardous waste that is incompatible with any waste or waste stored nearby in containers, other piles, or open tanks must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device.

V.D.4.d. Hazardous waste must not be piled on the same base where incompatible

waste or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with LAC 33:V.1517.B.

V.D.5. Inspections

V.D.5.a. Duty to Comply with LAC 33:V.2307.A

The Permittee shall comply with LAC 33:V.2307.A. The facility must provide the Administrative Authority with thirty (30) days of advance notice of any synthetic liner installations to allow the Administrative Authority the opportunity to inspect the liner and its installation.

V.D.5.b. Duty to Comply with LAC 33:V.2307.B

The Permittee is exempt from complying with LAC 33:V.2307.B. The biopad's synthetic liner system is located beneath a 1.5 foot thick layer of lime-stabilized clay protective cover.

V.D.5.c. During any biopad construction or installation, liners or cover systems must be inspected for uniformity, damage, imperfections, (e.g., holes, cracks, thin spots, or foreign materials). Immediately after any biopad construction or installation:

V.D.5.c.i. synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

V.D.5.c.ii. soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.

V.D.5.d. Weekly Inspections

V.D.5.d.i. While the biopad is in operation, it must be inspected weekly and after storms to detect the evidence of any of the following:

V.D.5.d.i.(1) deterioration, malfunctions, or improper operation of run-on and run-off control systems;

V.D.5.d.i.(2) proper functioning of wind dispersal control systems, where present;

V.D.5.d.i.(3) the presence of leachate in and proper functioning of leachate collection and removal systems, where present; and

V.D.5.d.i.(4) the presence of liquids in the leak detection system.

V.D.5.d.ii. All deficiencies noted during weekly inspections must be recorded and remedied in a timely manner.

V.D.5.d.iii. The facility must record the amount of liquids removed from the leak detection system sump at least once each week during the active life and closure period of the biopad.

V.D.6. Response to Leaks

V.D.6.a. If a tear is found in the liner systems of the biopads, the Permittee must:

V.D.6.a.i. notify the Administrative Authority of the tear within seven (7) days after detecting the tear; and

V.D.6.a.ii. remove accumulated liquid, repair or replace the damaged liner to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the tear has been repaired.

V.D.6.b. If the flow rate into any leak detection system exceeds the action leakage rate (established by the approved Response Action Plan (RAP) for the biopads) for any sump, the Permittee must:

V.D.6.b.i. notify the Administrative Authority in writing of the exceedance within seven (7) days of the determination;

V.D.6.b.ii. determine to the extent practicable the location, size, and cause of any leak;

V.D.6.b.iii. determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the biopad for inspection, repairs, or controls, and whether or not the biopad should be closed;

V.D.6.b.iv. determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and

V.D.6.b.v. Determinations made in accordance with Conditions V.D.7.b.ii-iv of this Permit must meet the requirements with LAC 33:V.2306.C.

V.D.7. Recordkeeping

V.D.7.a. Inspections

V.D.7.a.i. The Permittee shall document in the operating record for the facility inspection of those items in Condition V.D.5.d. of this Permit.

V.D.7.a.i.(1) The weekly log sheets shall include all inspected areas.

V.D.7.a.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.D.7.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.D.7.b. Response Actions

V.D.7.b.i. Within fourteen (14) days of determination that the action leakage rate has been exceeded, as discussed in Condition V.D.6.b, the owner or operator must submit a preliminary written assessment to the Administrative Authority as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.

V.D.7.b.ii. Within thirty (30) days after the notification that the action leakage rate has been exceeded, as discussed in Condition V.D.6.b, the owner or operator must submit to the Administrative Authority the results of the analyses specified in LAC 33:V.2306.B.3-5, of actions taken, and of remedial actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Administrative Authority a report summarizing the results of any remedial actions taken and actions planned.

V.D.8. Closure and Post-Closure Care

V.D.8.a. Duty to Comply with LAC 33:V.2315.A

The Permittee shall comply with LAC 33:V.2315.A by following the procedures specified in the Closure Plan, Attachment 1.

V.D.8.b. Duty to Comply with LAC 33:V.2315.B

If the Permittee demonstrates that not all contaminated components, subsoils, structures, and equipment can be practicably removed or decontaminated in accordance with Condition V.D.8.a of this Permit, the Permittee shall comply with LAC33:V.2315.B.

V.D.8.c. Post-Closure

The Permittee shall attempt to clean close the biopads. If the biopad cannot be clean closed and the Permittee has not demonstrated through a risk assessment

approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.E. LANDFILL

V.E.1. General Design, Construction and Requirements

V.E.1.a. The design, construction and operations of the hazardous waste landfill designated as Landfill Cell 8, in Table 21, must comply with this permit, the applicable regulatory requirements of LAC 33:V.517, 533 and LAC 33:V.Chapter 25, and shall be in accordance with the plans and specifications for design, construction and operations approved herein. All plans and specifications for the design, construction and operation of the hazardous waste landfill facility, approved at the time of construction of Landfill Cell 8 and attached hereto and made a permanent part of the permit, are approved subject to the terms of this permit and any other order of the Administrative Authority.

V.E.1.b. Any variance from or modification to the approved drawings, specifications or terms and conditions of this permit for the design or construction of the landfill unit that deviates from the design intent or performance standards is not allowed without prior written approval from the Administrative Authority.

V.E.1.c. At least twenty four (24) hours prior to effecting any variance from or modification to the approved plans and specifications for design, construction and operation of the landfill and the terms and conditions of the permit that do not constitute a deviation from the design intent or performance standards, the Permittee shall notify the Administrative Authority of the intended change via facsimile transmittal or email and follow-up with an official notification via registered mail, and a telephone call. This notification shall include a justification for the proposed action.

V.E.1.d. The Administrative Authority reserves the right to require the implementation of additional procedures if it is subsequently determined that a change effected without said approval was deemed by the Administrative Authority as being in deviation from the design intent or performance standards of the approved drawings, specifications or terms and conditions of this permit.

V.E.1.e. Prior to construction of the soil liner for a landfill, a test fill using materials characterized as the same as those to be used in the new landfill shall be required. The Permittee shall construct and test in accordance with procedures contained in the Chemical Waste Management, Inc. (CWMI) "Quality Assurance Document for the Installation of Lining Systems." Any modifications and/or

latest revision must be submitted to the Department for review and approval. The test fill will be identical in thickness and composite make-up as approved for the facility design.

Alternatively, soil liner construction records and test results from prior, similarly constructed cells, (i.e., Cell 14 and/or Cell 6 and/or Cell 7) can become the basis for test fill documentation and certification.

After the successful construction of the test fill(s), the Permittee shall provide written certification of proper construction and evaluation and said certification shall specifically address:

V.E.1.e.i. Results of all pre-construction, construction and post-construction QA/QC inspection and testing.

V.E.1.e.ii. Summary of materials and construction specification, methodology and equipment.

V.E.2. General Operating Conditions

V.E.2.a. The Permittee shall operate and maintain the one (1) existing permitted operating Landfill Cell 8, listed in Table 21, to meet the following performance standards:

V.E.2.a.i. Operate and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from a 24-hour, 25-year storm in accordance with LAC 33:V.2503.D. Any incidences of run-on entering the containment areas shall be reported and made a part of the annual report.

V.E.2.a.ii. Operate and maintain a run-off management system to collect and control at least the water volume resulting, from a 24-hour, 25-year storm in accordance with LAC 33:V.2503.E. Any incidences of run-off not collected and controlled shall be reported and made a part of the annual report.

V.E.2.a.iii. The Permittee may landfill only those wastes which, at a minimum, meet the criteria specified in LAC 33:V.2503, 2511, 2513, 2515, 2517 and 2519 and in compliance with Condition VII and VIII.

V.E.2.a.iv. The Permittee may not place bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not absorbents have been added) in the landfill.

V.E.2.a.v. All collection and holding facilities (sumps and tanks) associated with the run-on and run-off control systems must be emptied

expeditiously after storms to maintain the design capacity of the system. Collected material must be disposed of properly as required by LAC 33:V.2503.F.

V.E.2.a.vi. Hazardous waste within the landfill must be covered or otherwise managed to insure minimum wind dispersal as required by LAC 33:V.2503.G.

V.E.2.a.vii. While in operation, the landfill must be inspected weekly and after storms to detect evidence of any of the following, as required by LAC 33:V.2507.C:

> **V.E.2.a.vii.(1)** deterioration, malfunctions, or improper operation of run-on and run-off control systems;
>
> **V.E.2.a.vii.(2)** the presence of liquids in leak detection systems;
>
> **V.E.2.a.vii.(3)** proper functioning of wind dispersal control systems, where present; and
>
> **V.E.2.a.vii.(4)** the presence of leachate in and proper functioning of leachate collection and removal systems, where present.

V.E.2.a.viii. Accumulated rainfall and groundwater must be removed from the active portions of the landfill in a timely manner.

V.E.2.a.ix. Closure and post-closure care shall conform with LAC 33:V.2521 and the closure/post-closure plan referenced in Attachment 1 of this permit, which is in compliance with the applicable rules and regulations.

V.E.2.a.x. The receiving and monitoring of wastes into the landfill must be performed according to LAC 33:V.1527 and the Waste Analysis Plan referenced in Attachment 1.

V.E.2.a.xi. The leachate detection and collection system must be properly maintained and inspected weekly and after storms to detect the presence of liquids and the proper functioning of the systems. If liquids are encountered at the level of greater than one (1) foot above the lip of the collection sump in a leachate collection system, it shall be removed to the lowest practical level. For both leachate collection and detection systems, records shall be maintained on the amount of fluid removed each week. The volume of fluid removed from each leachate collection and detection system must be reported quarterly.

No later than 180 days before planned waste disposal in disposal modules

associated with Cell 8, the Permittee must propose, for review and approval by the Administrative Authority, a Response Action Plan (RAP) for Cell 8, in accordance with Federal Register Vo. 57, No. 19, dated January 29, 1992 (or subsequent revisions) and with LAC 33:V.2504, that includes the proposed Action Leakage Rates for disposal modules associated with Cell 8, in accordance with LAC 33:V.2504. The RAP will describe the criteria used to evaluate the systems and the responses required to address liquids in the leachate detection collection, and removal systems for cells constructed at the site that meet minimum technology requirement having compacted clay and synthetic membrane liner systems. The RAP will also address potential sources of liquids. Responses to the detection of fluids in these systems may include no action, modifying operating procedures, repairing the liner system if possible, and when appropriate, notification to the Administrative Authority.

V.E.2.a.xii. The Permittee must maintain operating records as required by LAC 33:V.2509. At a minimum the accurate location of each waste load shall be recorded in the operating record within twenty-four (24) hours of being placed in the landfill. These records are to include a system of accurate tracking of each waste load throughout the facility. The tracking system must record: pre-acceptance information and analyses, the date of the pre-acceptance data, acceptance information and analyses, all internal transfers of wastes from receipt at the facility to treatment, storage, and final disposal; all internal waste transfers for on-site generated wastes such as contaminated rainwater, landfill leachate, truck washings, etc., and the results of all test analyses on the solidified wastes; the contents, date, weight or volume and location of wastes placed into and removed from storage; and the method, location and date of final disposal, treatment, or reclamation at the facility. Other than laboratory acceptance results which are recorded on a real time basis during the review of the shipment, all data shall be entered into the tracking system by the close of the next business day. The tracking system must provide a coordinate for the accurate location within the landfill of each day's disposal or each disposal event.

V.E.2.a.xiii. The Permittee will continue to operate and maintain the four (4) ambient air monitoring stations as outlined in the Louisiana Department of Environmental Quality – Air Quality Division Air Permit and/or subsequent modification, and as required by LAC 33:V.3305.E.

V.E.2.b. Special Requirements for Ignitable or Reactive Waste

V.E.2.b.i. Except as provided in LAC 33:V.2511.B and 2519, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meet all applicable requirements of LAC 33:V.Chapter 22, and;

V.E.2.b.i.(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste in LAC 33:V.4903.B or D; and

V.E.2.b.ii.(2) LAC 33:V.1517.B is complied with.

V.E.2.b.ii. Except for prohibited wastes subject to treatment standards in LAC 33:V.Chapter 22, ignitable wastes in containers may be landfilled without meeting the requirements of LAC 33:V.2511.A, provided that the wastes are disposed of in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes:

V.E.2.b.ii.(1) must be disposed of in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; and

V.E.2.b.ii.(2) must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and

V.E.2.b.ii.(3) must not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

V.E.2.c. Special Requirements for Incompatible Wastes

Incompatible wastes, or incompatible wastes and materials, must not be placed in the same landfill cell, unless incompatible waste handling requirements of LAC 33:V.1517 are complied with as required by LAC 33:V.2515.

V.E.2.d. Special Requirements for Containers

Containers placed in the landfill must be either at least ninety (90) percent full in the landfill; or emptied and crushed flat, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill as required by LAC 33:V.2517.

V.E.2.e. Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

The Permittee must comply with the requirements of LAC 33:V.2519 and the requirements of Louisiana Department of Public Safety (LDPS) hazardous materials/hazardous waste regulations, LAC 33:V.Subpart 2.Chapter 101.

V.E.2.f. Monitoring and Inspection

While the landfill is in operation, the Permittee must inspect it weekly and after storms in accordance with Condition V.E.2.a.vii. and as required by LAC 33:V.2507.C.

> **V.E.2.f.i.** The Permittee is required to have a leak detection system under LAC 33:V.2503.L or M and must record the amount of liquids removed from each leak detection systems sump at least once each week during the active life and closure period as required by LAC 33:V.2507.D.
>
> **V.E.2.f.ii.** After final cover is installed, the amount of liquids removed from each leak detection system sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If, at any time during the post-closure care period, the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the Permittee must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two (2) consecutive months as required by LAC 33:V.2507.D.1.

V.E.2.g. Special Requirements for Corrective Action Management Unit (CAMU) Wastes

The Permittee shall notify the Administrative Authority and persons on the facility mailing list, in accordance with LAC 33:V.717.A.1.e, of the Permittee's intent to receive CAMU-eligible waste in accordance with LAC 33:V.2607. The notice must identify the source of the remediation waste, the principal hazardous constituents in the waste, and any treatment requirements.

Any comments from persons on the facility mailing list, including objections to the receipt of the CAMU-eligible waste, shall be provided to the Administrative Authority within fifteen (15) days of notification.

The Administrative Authority shall have the opportunity to object to the placement of the CAMU-eligible waste in the landfill for a period of thirty (30) days after notification. The Administrative Authority may extend the review period an additional thirty (30) days because of public concerns or insufficient information.

The CAMU-eligible wastes shall not be placed in the landfill until the Administrative Authority has notified the Permittee that Administrative Authority does not object to its placement.

If the Administrative Authority objects to the placement or does not notify the Permittee that the Administrative Authority has chosen not to object, the facility shall not receive the waste, notwithstanding LAC 33:V.307.A, until the objection has been resolved or the Permittee obtains a permit modification in accordance with the procedures of LAC 33:V.321.C, specifically authorizing receipt of the waste.

Off-site facilities treating CAMU-eligible wastes complying with LAC 33:V.2607 must comply with the requirements of LAC 33:V.2247.C, except that the certification must be with respect to the treatment requirements of LAC 33:V.2607.A.2.

V.E.3. Landfill Design and Construction Requirements

The Permittee shall comply with the following minimum requirements from the design and construction of the hazardous waste landfill as specified in LAC 33:V.517 and LAC 33:V.Chapter 25, and the referenced drawings (or subsequently approved design drawings).

V.E.3.a. The active hazardous waste landfill shall consist of one (1) disposal cell. This cell is designated as Cell 8. Cell 8 is subdivided into subunits designated as modules. All excavation depth, side slopes, final height (cell conformation) and other construction specifications shall conform to the approved design drawings.

V.E.3.b. Each module of the landfill shall have a composite liner system designed, constructed and maintained to prevent the discharge of any wastes or waste constituents from the landfill into the area groundwater. Landfill module excavation depths and contours shall conform to those displayed and detailed on the approved design drawings. The composite liner system shall consist of the following minimum requirements:

V.E.3.b.i. Pressure Relief System

Each excavated module shall be provided a pressure relief system placed upon the in-situ soils. This system shall cover the bottom and all side slopes of the module. The system on the slope shall consist of a high density polyethylene (HDPE) drainage net placed between the filter fabrics. The filter fabrics or geotextiles shall have the appropriate physical properties to prevent their clogging by the underlying and overlying clayey soils. The riser pipe for the pressure relief sump, shall be constructed parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the lining systems within the planned limits of waste disposal. The pressure relief system sump shall be overlain with clean (free of clay clods and deleterious materials) silicious gravel and the bottom of the module shall have the pressure relief system overlain by clean silicious sand. Details of the typical pressure relief system are displayed on the approved design drawings.

V.E.3.b.ii. Secondary Liner System

The secondary liner system shall consist of a three (3) foot recompacted clay liner overlain by a sixty (60) mil, HDPE geomembrane. This system is to cover the entire bottom and all side slopes of the module. The recompacted clay liner shall have a laboratory, hydraulic conductivity of 1 x 10^{-7}cm/sec or less. The synthetic, sixty (60) mil, HDPE liner shall be anchored in such a manner as to prevent movement of or pull out of the system due to daily waste placement operations and settlement forces generated from subsequent consolidation of subsurface soils. Details of the secondary liner system are displayed on the approved design drawings.

V.E.3.b.iii. Leak Detection System

The secondary liner system shall be overlain by a leak detection system. This system shall consist of an HDPE drainage net, placed upon the secondary sixty (60) mil, HDPE liner, and covered with an appropriate geotextile or filter fabric so as to prevent clogging of the drainage net by the overlying clay soils. The drainage net shall have the transmissivity equal to or greater than one (1) foot of gravel having a conductivity of permeability of 1 x 10^{-2} cm/se or greater. This system shall cover the entire bottom and all side slopes of the module. The drainage net and associated filter fabric shall be anchored outside of the module in such a manner as to prevent movement or pullout of the system due to operations or subsurface settlement forces. The riser pipe from the associated leak detection sump shall rise upward and parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the lining system within the planned limits of waste disposal.

V.E.3.b.iv. Primary Liner System

The primary lining system shall overlie the leak detection system and consist of a three (3) foot recompacted clay liner overlain by a sixty (60) mil, HDPE synthetic liner. The recompacted clay liner shall have a laboratory, hydraulic conductivity of 1 x 10^{-7}cm/sec or less and extend across the entire bottom of the module. The sixty (60) mil, HDPE liner shall cover the primary recompacted clay liner, and extend up all the side walls of the module. The synthetic liner shall be anchored in such a manner as to prevent movement of or pull out of the liner due to daily operations or subsurface settlement forces. The slope of the primary system on the floor of the landfill shall be at least 2%.

V.E.3.b.v. Leachate Collection System

The leachate collection system shall overlie the primary lining system and

consist of one (1) foot of clean (free of clods and deleterious materials), silicious gravel covering the bottom of the module. The underlying HDPE primary liner shall be protected by a geotextile. The gravel shall have an equivalent permeability of 1 x 10^{-2} cm/sec or greater. The gravel shall be covered with an appropriate filter fabric to prevent clogging of the gravel. A HDPE drainage net shall cover all the side slopes of the module and extend into the bottom gravel layer. The drainage net shall have the same covering filter fabric as used for the gravel layer. The riser pipe from the leachate collection sump shall rise upward parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the module lining system. The side slope drainage net and geotextile shall be anchored in such a manner as to prevent movement or pullout of the fabric and net due to daily operations and subsurface settlement forces. Details of the leak detection, primary lining and leachate collection systems are displayed on the approved design drawings.

V.E.3.c. Materials Specifications Quality Assurance and Quality Control

The Permittee must use laboratories appropriately accredited by the Administrative Authority for the testing associated with construction of new modules for Landfill Cell 8 in accordance with LAC 33:I.Subpart 3. This information must be provided to the Administrative Authority in the "as-built reports" for the individual modules of Cell 8.

The materials and the quality assurance/quality control procedures to be used in the construction of the hazardous waste landfill are as stated in the "Revised Guidance Documents for Quality Assurance for the Installation of the Lining Systems," dated February 16, 2010. Any revisions hereafter must be submitted to the Administrative Authority for approval.

V.E.4. Closure/Post-Closure

Closure/post-closure of Landfill Cell 8 shall be in accordance with Conditions III.O and V.I~~G~~ of this permit and the closure/post-closure plan referenced in Attachment 1.

V.E.4.a. The final closure height for Landfill Cell 8 shall not exceed + 92.1 National Geodetic Vertical Datum (NGVD). The Permittee must cover the landfill with a final cover designed and constructed to:

V.E.4.a.i. provide long-term minimization of migration of liquids through the closed landfill;

V.E.4.a.ii. function with minimum maintenance;

V.E.4.a.iii. promote drainage and minimize erosion or abrasion of the cover;

V.E.4.a.iv. accommodate settling and subsidence so that the cover's integrity is maintained; and

V.E.4.a.v. have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

V.E.4.b. After final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519-3527, including maintenance and monitoring throughout the post-closure care period (specified in Condition V.[illegible] and LAC 33:V.3521.A.1). The Permittee must:

V.E.4.b.i. maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

V.E.4.b.ii. maintain and monitor the leak detection system in accordance with LAC 33:V.2503.L.4.d, 2503.L.5, and 2507.D, where such a system is present between double liner systems and comply with all other applicable leak detection system requirements of LAC 33:V.Subpart 1;

V.E.4.b.iii. continue to operate the leachate collection and removal system until leachate is no longer detected;

V.E.3.b.iv. maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of LAC 33:V.Chapter 33;

V.E.4.b.v. prevent run-on and run-off from eroding or otherwise damaging the final cover; and

V.E.4.b.vi. protect and maintain surveyed benchmarks used in complying with LAC 33:V.Chapter 33.

V.E.4.c. Within sixty (60) days of completion of closure of each module for landfill Cell 8, and within sixty (60) days of completion of final closure, the Permittee shall submit a certification that the hazardous waste management unit or facility has been closed in accordance with specifications in the approved closure plan as required by LAC 33:V.3517. The certification must be signed by the Permittee and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Administrative Authority upon request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V.3707.

V.E.4.d. A survey plot must be submitted to the local zoning authority or the authority with jurisdiction over local land use, and the Administrative Authority no later than the submission of the certification of closure as required by LAC 33:V.3517.B.

V.E.4.e. During the post-closure care period, if liquid leaks into the leak detection system installed under LAC 33:V.3305, the Permittee must notify the Office of Environmental Services of the leak in writing within seven (7) days after detecting the leak.

V.F. OIL RECOVERY UNITS

V.F.1. Description of Oil Recovery Units

The permit conditions as set forth under this Condition shall apply to the Oil Recovery Units designated in Table 23.

V.F.2. Permitted and Prohibited Waste

V.F.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the Oil Recovery Units to separate recoverable oils listed in the Waste Analysis Plan (see Attachment 1) and identified in the most current Part A Permit Application that ~~is~~are categorized as one of the following wastes:

V.F.2.a.i. drilling fluids,

V.F.2.a.ii. refinery tank bottoms,

V.F.2.a.iii. commercially exempt oil-bearing waste, and

V.F.2.a.iv. other ~~miscellaneous~~ hazardous and non-hazardous waste oil-bearing waste

V.F.2.b. Prohibited Waste

The Permittee is prohibited from processing waste that is not identified in Condition V.F.2.a of this Permit and is specifically prohibited from processing the following wastes:

V.F.2.b.i. Dioxin-containing wastes identified by EPA as F020, F021, F022, F023, F026, F027, and F028 wastes in LAC 33:V.4901;~~,~~

V.F.2.b.ii. Polychlorinated biphenyl (PCB) waste, as defined in 40 CFR 761.3;~~,~~

V.F.2.b.iii. Source material, special nuclear material, mixed waste, or naturally occurring radioactive materials (NORM) that is not exempt pursuant to LAC 33:XV;.

V.F.2.b.iv. Explosive material, as defined by the Department of Transportation under 49 CFR Part 173;.

V.F.2.b.v. Municipal waste;.

V.F.2.b.vi. Containerized gases;.

V.F.2.b.vii. Medical/infectious wastes as defined in 40 CFR 60.51.c;.

V.F.2.b.viii. Metal bearing wastes listed in LAC 33:V.Chapter 22 Table 12, except as described in LAC 33:V.2207.C; and.

V.F.2.b.ix. Waste displaying the characteristic of reactivity as defined in LAC 33:V.4903.D.

:V.F.2.c. Before processing any wastes not authorized under this permit, the Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321. 4he Permittee must submit a permit modification request to manage additional wastes and receive approval by the Administrative Authority.

V.F.3. General Design, Operating, and Maintenance Requirements

V.F.3.a. The permitted Oil Recovery Units, Oil Recovery Unit Area, and associated equipment, piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 32 and the specifications, design criteria, and design limits approved by this permit and/or the Administrative Authority.

V.F.3.b. The Permittee must use controls and practices to maintain the containment areas for the Oil Recovery Unit Area to prevent run-on and run-off.

V.F.3.c. The Permittee shall maintain the Oil Recovery Unit Area in a manner that minimizes the possibility of fire, explosion, or any unplanned, sudden or non-sudden releases of hazardous waste constituents to air, soil, or surface water that might threaten human health or the environment in accordance with LAC 33:V.1511.B.

V.F.3.d. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance

conditions, including when vehicles and personnel are entering and exiting the unit.

V.F.3.e. The Permittee must take measures to monitor the performance of the carbon beds consistent with the manufacturer's specifications and recommendations to ensure the carbon bed has not reached the end of its useful life. Document the monitoring procedures in the operation and maintenance plan and records results of the monitoring in the operating record. Replace the bed or bed segment before it has reached the end of its useful life.

V.F.3.f. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices, the facility's air permit, and applicable requirements of LAC 33:V.Chapter 17, Subpart B.

V.F.3.~~d~~**g.** The Permittee shall not process more than 126,000 gallons per day of hazardous waste per unit.

V.F.4. Specific Operating Conditions

The Oil Recovery Unit must be operated within the conditions prescribed below at all times while hazardous waste in in the unit.

V.F.4.a. Whenever hazardous waste is in the Oil Recovery off-loading pits, the pressure differential gages at the pre-filter and final filter within the carbon bed must be monitored at all times as an indicator of efficiency operations.

V.F.4.b. The hazardous waste feed to the Oil Recovery Unit shall stop immediately under the following conditions:

V.F.4.b.i. There is a loss of power to the centrifuge.

V.F.4.b.ii. There is a loss of hydraulics to the automatic hydraulic back-drive of the system.

V.F.4.b.iii. There is a blockage to the discharge of the weir plates, oil, and light phase adjustable nozzles.

V.F.4.c. Whenever hazardous waste is in the Oil Recovery Unit, the bowl speed must maintain a minimum of ten (10) revolution per minute (RPM). ~~speed of **TBD**.~~

V.F.4.d. Whenever hazardous waste remains in the Oil Recovery Unit, exhaust gases must be vented to the air pollution control system, operated in accordance with the air permit requirements.
~~V.F.4. Operating Requirements~~

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~~V.F.4.a. The proposed Oil Recovery Unit, Oil Recovery Unit Area, and associated piping, pumps, instruments, containment and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 32, the specifications, design criteria, and design limits in the Permit Application, Condition II.5.25.d of this Permit, and the air permit.~~

~~V.F.4.b. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.~~

~~V.F.4.c. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in LAC 33:V. Chapter 17 and the air permit.~~

V.F.5 Inspections

V.F.5.a. Requirements

V.F.5.a.i. The Permittee shall inspect the Oil Recovery Units, the Oil Recovery Unit Area, and associated equipment in accordance with the Inspection Plan (see Attachment 1). The Permittee shall complete the following as part of these inspections:

V.F.5.a.i.(1) The Oil Recovery Units, the Oil Recovery Unit Area, and associated equipment shall be subject to a daily thorough, visual inspection by the Permittee, whenever the unit contains hazardous waste. The purpose of these inspections shall be to identify leaks, spills, fugitive emissions, and signs of tampering.

V.F.5.a.ii. The automatic waste feed cut off system and associated alarms must be tested at least once every seven (7) calendar days when hazardous waste is treated to verify operability, unless the Permittee ~~applicant~~ demonstrates to the Administrative Authority that weekly inspections will unduly restrict or upset operations and that less frequent inspections are adequate. Support for this demonstration shall be included in the operational record. At a minimum, operational testing of the automatic waste feed cut off system must be conducted at least monthly.

V.F.6 Recordkeeping

V.F.6.a. Inspections

V.F.6.a.i. ~~The Permittee shall document in the operating record for the facility inspection of those items in Condition V.F.5 of this Permit~~Written inspection records shall be part of the operating record for this Permit and are hence subject to LAC 33:V.1529 requirements. At a minimum, the record shall include the following information: (1) the date and time of the inspection; (2) inspector's name; (3) any inspection observations; and (4) date and nature of corrective action. The inspection record shall be completed in accordance with LAC 33:V.1509 and shall be available at all times to the Administrative Authority.

Electronic records may be maintained, in lieu of paper copies.

V.F.6.a.i.(1) The daily and weekly log sheets shall include all inspected areas.

V.F.6.a.i.(2). The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.F.6.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.F.6.a.ii. A written record of the automatic waste feed cutoff system tests shall be part of the operating record for this permit and shall be available at all times to the Administrative Authority.

V.F.7. Response to Leaks and Spills

V.F.7.a. The Permittee must properly manage all spilled or leaked waste and accumulated precipitation associated with the Oil Recovery Unit Area and all other associated equipment and structures.

V.F.7.a.i. Any collected spilled or leaked waste that is a hazardous waste must be managed as a hazardous waste in accordance with all applicable requirements. Spilled or leaked waste must be removed in as timely a manner as is necessary to prevent overflow of the spilled and leaked waste collection system.

V.F.7.a.ii. Contact storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority. Accumulated precipitation must be removed in a timely manner to prevent overflow of the accumulated precipitation collection system.

V.F.8. Monitoring and Calibration

V.F.8.a. Requirements

V.F.8.a.i. The Permittee shall maintain, calibrate, and operate continuous monitoring equipment as specified in Table 28 that monitor and record the operating conditions specified in Condition V.F.4 of this Permit.

~~V.F.8.a.i. The continuous monitoring system (CMS) shall be operated and maintained in accordance with this permit, and~~

~~V.F.8.a.ii. At a minimum, the Permittee shall analyze values from the continuous parameter monitoring system (CMS) every fifteen (15) seconds and compute and record the average values at least every sixty (60) seconds for an hourly rolling average basis for the treatment process and closed vent system that indicate proper system operation.~~

V.F.8.a.iii. The Administrative Authority may request data be submitted in any format or units that facilitates the completion of air modeling, risk assessment, or compliance procedures.

V.F.8.a.iv~~vii.~~ Monitoring samples and measurements 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 specified in LAC 33:V.Chapter 49.Appendix D, 40 CFR 61 Subpart FF, or an equivalent method approved by the Administrative Authority.

Other sampling and analytical methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, as revised, or equivalent methods.

V.F.8.a.iv. The Permittee must calibrate all continuous monitoring equipment according to the manufacturer's specifications and any applicable state regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for review by the Administrative Authority.

TABLE 28

INSTRUMENTATION TO BE CALIBRATED TO MANUFACTURER'S SPECIFICATIONS FOR THE **OIL RECOVERY** UNITS

CONTROL PARAMETER	INSTRUMENT DESCRIPTION[1]	LOCATION	CALIBRATION FREQUENCY

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Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Pre-filter	Annually
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Final Filter	Annually
Hydraulic Pressure	Pressure Gauge	Automatic Back-drive System	Annually
Bowl Speed	RPM	Drive System	Annually

[1]Equipment identification numbers can change as new maintenance systems are incorporated; new tag ID #'s will be tracked with calibration records.

V.F.9. Air Emission Control Equipment Standards

See Conditions V.F~~E~~.3.d, e, f and V.H.1 ~~II.E.25.f~~ of this Permit and the air permit.

V.F.10. Closure and Post-Closure

V.F.10.a. The Permittee shall close the Oil Recovery Units, the Oil Recovery Unit Area, and all other associated equipment according to the requirements specified in LAC 33:V.Chapters 32 and 35 and in accordance with the Closure Plan (see Attachment 1).

V.F.10.b. At closure, the Permittee must attempt to clean close and remove all hazardous waste and residues from the Oil Recovery Units, the Oil Recovery Unit Area, and all other associated equipment. If the Oil Recovery Unit Area cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.F.10.c. If the facility cannot be clean closed, the Permittee shall submit a Post-Closure Plan that meets the requirements of LAC 33:V.3523.B, for approval by the Administrative Authority.

V.F.10.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the clean-closure confirmatory sampling procedures prior to the commencement of closure based upon the wastes historically managed at the unit.

V.G. THERMAL DESORBER UNITS

V.G.1. Description of Thermal Desorber Units

The permit conditions as set forth under this Condition shall apply to the Thermal Desorber Units designated in Table 24.

V.G.2. Permitted and Prohibited Waste

V.G.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the Thermal Desorber Units to separate organic constituents from a waste stream by volatizing and condensing the organic components, which would allow for the recovery or disposal of the contaminants. The waste stream is listed in the Waste Analysis Plan (see Attachment 1) and identified in the most current Part A Permit Application that is categorized as one of the following wastes:

V.G.2.a.i. contaminated tank bottoms,

V.G.2.a.ii. sludge,

V.G.2.a.iii. catalyst slurry oil,

V.G.2.a.iv. organic contaminated soils ~~**oil contaminated soils**~~, and

V.G.2.a.iv. other organic hazardous waste requiring thermal treatment to meet Land Disposal Restrictions. ~~miscellaneous hazardous waste.~~

V.G.2.b. Prohibited Waste

The Permittee is prohibited from processing waste that is not identified in Condition V.G.2.a of this Permit and is specifically prohibited from processing the following wastes:~~.~~

V.G.2.b.i. Dioxin-containing wastes identified by EPA as F020, F021, F022, F023, F026, F027, and F028 wastes in LAC 33:V.4901;~~.~~

V.G.2.b.ii. Polychlorinated biphenyl (PCB) waste, as defined in 40 CFR 761.3;~~.~~

V.G.2.b.iii. Source material, special nuclear material, mixed waste, or naturally occurring radioactive materials (NORM) that is not exempt pursuant to LAC 33:XV;~~.~~

V.G.2.b.iv. Explosive material, as defined by the Department of Transportation under 49 CFR Part 173;~~.~~

V.G.2.b.v. Municipal waste;~~.~~

V.G.2.b.vi. Containerized gases;

V.G.2.b.vii. Medical/infectious wastes as defined in 40 CFR 60.51c;

V.G.2.b.viii. Metal bearing wastes listed in LAC 33.V.Chapter 22.Table 12, except as described in LAC 33:V.2207.C; and

V.G.2.b.ix. Waste displaying the characteristic of reactivity as defined in LAC 33:V.4903.D;

V.G.2.c. Before processing any wastes not authorized under this permit, the Permittee shall obtain approval for a permit modification, as required under LAC 33:V.321.

~~The Permittee must submit a permit modification request to manage additional wastes and receive approval by the Administrative Authority.~~

~~V.G.2.b. Prohibited Waste~~

~~The Permittee is prohibited from treating waste that is not identified in Condition V.G.2.a of this Permit. The Permittee must submit a permit modification request to manage additional wastes and receive approval by the Administrative Authority.~~

V.G.3. General Design, Operating, and Maintenance Requirements

V.G.3.a. The Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 32 and the specifications, design criteria, design limits approved by this permit and/or the Administrative Authority.

V.G.3.b. The Permittee must use controls and practices to maintain the containment areas for the Thermal Desorber Unit Area to prevent run-on and run-off.

V.G.3.c. The Permittee shall maintain the Thermal Desorber Unit Area in a manner that minimizes the possibility of fire, explosion, or any unplanned, sudden or non-sudden releases of hazardous waste constituents to air, soil, or surface water that might threaten human health or the environment in accordance with LAC 33:V.1511.B.

V.G.3.d. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

V.G.3.e. The Permittee must take measures to monitor the performance of the carbon beds consistent with the manufacturer's specifications and recommendations to ensure the carbon bed has not reached the end of its useful life. Document the monitoring procedures in the operation and maintenance plan, and records results of the monitoring in the operating record. Replace the bed or bed segment before it has reached the end of its useful life.

V.G.3.~~d~~f. The Permittee shall not treat more than 165 tons per day of hazardous waste per unit.

~~V.G.4. Operating Requirements~~

~~V.G.4.a. The Thermal Desorber Units, Thermal Desorber Unit Area, and associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 32, the specifications, design criteria, and design limits in the Permit Application, Condition II.F.25.e of this Permit and the air permit.~~

~~V.G.4.b. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.~~

~~V.G.4.c. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in the LAC 33:V. Chapter 17 and the air permit.~~

V.G.~~5~~4 Inspections

V.G.~~5~~4.a. Requirements

V.G.~~5~~4.a.i. The Permittee shall inspect the Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment in accordance with the Inspection Plan (see Attachment 1). The Permittee shall complete the following as part of these inspections:

V.G.~~5~~4.a.i.(1) The Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment shall be subject to a daily thorough, visual inspection by the Permittee, whenever the unit contains hazardous waste. The purpose of these inspections shall be to identify leaks, spills, fugitive emissions, and signs of tampering.

V.G.4.a.ii. The automatic waste feed cut off system and associated alarms must be tested at least once every seven (7) calendar days when hazardous waste is treated to verify operability, unless the applicant demonstrates to the Administrative Authority that weekly inspections will unduly restrict or upset operations and that less frequent inspections are adequate. Support for this demonstration shall be included in the operational record. At a minimum, operational testing of the automatic waste feed cut off system must be conducted at least monthly.

V.G.5 Recordkeeping

V.G.5.a. Inspections

V.G.5.a.i. Written inspection records shall be part of the operating record for this Permit and are hence subject to LAC 33:V.1529 requirements. At a minimum, the record shall include the following information: (1) the date and time of the inspection; (2) inspector's name; (3) any inspection observations; and (4) date and nature of corrective action. The inspection record shall be completed in accordance with LAC 33:V.1509 and shall be available at all times to the Administrative Authority.

Electronic records may be maintained in lieu of paper copies.

V.G.5.a.i.(1) The daily and weekly log sheets shall include all inspected areas.

V.G.5.a.i.(2). The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.G.5.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.G.5.a.ii. A written record of the automatic waste feed cutoff system tests shall be part of the operating record for this permit and shall be available at all times to the Administrative Authority.

~~**V.G.6 Recordkeeping**~~

~~**V.G.6.a. Inspections**~~

~~**V.G.6.a.i.** The Permittee shall document in the operating record for the facility inspection of those items in Condition V.G.5 of this Permit.~~

~~**V.G.6.a.i.(1)** The daily and weekly log sheets shall include all inspected areas.~~

~~V.G.6.a.i.(2). The Permittee shall note all deficiencies discovered during the inspection in the inspection log.~~

~~V.G.6.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.~~

V.G.76. Response to Leaks and Spills

V.G.76.a. The Permittee must properly manage all spilled or leaked waste and accumulated precipitation associated with the Thermal Desorber Unit Area and all other associated equipment and structures.

V.G.76.a.i. Any collected spilled or leaked waste that is a hazardous waste must be managed as a hazardous waste in accordance with all applicable requirements. Spilled or leaked waste must be removed in as timely a manner as is necessary to prevent overflow of the spilled and leaked waste collection system.

V.G.76.a.ii. Contact storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority. Accumulated precipitation must be removed in a timely manner to prevent overflow of the accumulated precipitation collection system.

V.G.87. Monitoring and Calibration

V.G.87.a. Requirements

V.G.87.a.i. ~~The continuousmonitoring system (CMS) shall be operated, and maintained in accordance with this permit, the sections of LAC 33:V.12u9.H.~~The Permittee shall maintain, calibrate, and operate continuous monitoring equipment as specified in Table 29 that monitor and record the operating conditions specified in Condition V.G.11 of this Permit. The continuous monitoring requirements shall be as specified in Tables 30 and 31 of this Permit.

V.G.7.a.ii. The Permittee must calibrate the equipment according to the manufacturer's specifications and any applicable state or federal regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for the review by the Administrative Authority.

V.G.7.a.iii. Hazardous waste may continue to be introduced into the Thermal Desorber Unit during the daily continuous emission monitoring system (CEMS) calibration check periods. The CEMS shall be

maintained according to the following schedule: (1) at least daily; a calibration check of the instrument; (2) at least daily, a system audit; (3) at least quarterly, a calibration error test; and (4) at least annually, a performance specification test. The procedures for CEMS maintenance are outlined in 40 CFR 266 Appendix IX Section 2.0, "Performance Specifications for Continuous Emission Monitoring Systems."

V.G.87.a.iiv. At a minimum, the Permittee shall analyze values from the continuous monitoring system and the continuous parameteremission monitoring system (CPEMS) every fifteen (15) seconds. The Permittee must record these values every -and compute and record the average values at least every-sixty (60) seconds for use in calculating an hourly rolling average basis for the treatment process for an hourly rolling average basis for the treatment process and closed-vent system that indicate proper system operation to demonstrate compliance with the monitoring requirements.

V.G.87.a.iiiv. The Administrative Authority may request data be submitted in any format or units that facilitates the completion of air modeling, risk assessment, or compliance procedures.

V.G.87.a.iivi. Monitoring samples and measurements 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 specified in LAC 33:V.Chapter 49.Appendix D -or an equivalent method approved by the Administrative Authority.

Other sampling and analytical methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, as revised or equivalent methods.

V.G.7.b.Records

In the operating record, the Permittee shall record and maintain, in accordance with LAC 33:V.1529, all monitoring data compiled to satisfy the permit requirements.

Electronic records may be maintained, in lieu of paper copies.

TABLE 29
INSTRUMENTATION TO BE CALIBRATED TO MANUFACTURER'S SPECIFICATIONS FOR THE THERMAL DESORBER UNIT

CONTROL PARAMETER	INSTRUMENT DESCRIPTION[1]	LOCATION	CALIBRATION FREQUENCY[2]
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Pre-filter	Annually
Carbon Bed Pressure Gauge, psi	Differential Pressure Gauge	Carbon Bed Final Filter	Annually
Maximum Hazardous Waste Feed Rate, lbs/hr	Flow Meter	In feed line, upstream from the Thermal Desorber	Annually
Maximum Treatment Drum Pressure, H_2O"	Pressure Transmitter	Thermal Desorber Treatment Drum	Annually
Minimum Inner Chamber Temperature, °F	Thermocouple	Thermal Desorber Treatment Drum	Annually
Minimum Afterburner Chamber Temperature, °F	Thermocouple	Thermal Oxidizer	Annually
Maximum Afterburner Pressure, H_2O"	Pressure Transmitter	Thermal Oxidizer	Annually
Maximum CO, ppm v	Extractive sampler CO/O_2 analyzer	Exhaust Stack	Daily Calibration check, calibrate per 40 CFR 266 Appendix IX specifications
Flue Gas Flow Rate	Flow Meter	Exhaust Stack	Annually
Scrubber Pressure Drop,	Differential	Scrubber	Annually
Scrubber Flowrate	Flow Meter	Scrubber	Annually
Scrubber pH	pH Meter	Scrubber	Annually

[1]Equipment identification numbers can change as new maintenance systems are incorporated; new tag ID #'s will be tracked with calibration records.
[2]Replacement of the instrument is acceptable when the instrument cannot be calibrated or when accuracy cannot be verified.

~~V.G.8.a.v. The Permittee must calibrate all continuous monitoring equipment according to the manufacturer's specifications and any applicable state or federal regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for review by the Administrative Authority.~~

V.G.89. ~~Air Emission Control Equipment Standards~~Automatic Waste Feed Cut Off

~~See Condition II.E.25.f of this Permit and the air permit.~~

V.G.8.a. Requirements

V.G.8.a.i. The Permittee shall operate the Thermal Desorber Unit to automatically cut off the hazardous waste feed when the monitored operating conditions deviate from the set points specified in the permit.

V.G.8.a.ii. Exhaust gases must be vented to the air pollution control system, operated in accordance with the permit requirements, while hazardous waste remains in the Thermal Desorber Unit.

V.G.8.a.iii. Operating parameters for which permit limits are established must continue to be monitored following the cut off. The hazardous waste feed shall not be restarted until the levels of those parameters that caused the automatic waste feed cut off are restored to permit limits. All other parameters must also be within the permit limits.

V.G.8.a.iv. In the event of a malfunction of the automatic waste feed cut off system, the Permittee shall immediately cut off and/or lock out the waste feed.

V.G.8.b. Records

V.G.8.b.i. The Permittee shall record in the facility operating record the date and time of all automatic waste feed cut off events. The records shall also include the known or suspected cause of the automatic waste feed cut off, the triggering parameters, the corrective actions taken, the duration of the event, and the date and time of restarting waste feed following the automatic waste feed cut off.

V.G.8.b.ii. The Permittee shall record in the facility operating record all failures of the automatic waste feed cut off system, including the date and time of the failure, a description of the failure, root cause of the failure, and corrective actions taken.

V.G.8.b.iii. The operating record shall be maintained in an organized manner for a period of not less than three (3) years and be available at all times for inspection by the Administrative Authority.

V.G.8.c. Reports

V.G.8.c.i. The date, cause, and remedial action for the waste feed cutoff activation shall be documented in the operating record. A summary of such occurrences must be included in the annual reports.

V.G.8.c.ii. The Permitted shall report in writing to the Administrative Authority if there are more than fifty (50) waste feed cut offs per month. This report shall be due within thirty (30) days after the end of such month and shall include cause and remedial actions taken.

V.G.~~10~~9. Closure and Post-Closure

V.G.~~10~~9.a. The Permittee shall close the Thermal Desorber Units, the Thermal Desorber Unit Area, and all other associated equipment according to the requirements specified in LAC 33:V.Chapters 32 and 35 and in accordance with the Closure Plan (see Attachment 1).

V.G.~~10~~9.b. At closure, the Permittee must attempt to clean close and remove all hazardous waste and residues from the Thermal Desorber Units, the Thermal Desorber Unit Area, and all other associated equipment. If the Thermal Desorber Unit Area cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period

V.G.~~10~~9.c. If the facility cannot be clean closed, the Permittee shall submit a Post-Closure Plan that meets the requirements of LAC 33:V.3523.B, for approval by the Administrative Authority.

V.G.~~10~~9.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the clean-closure confirmatory sampling procedures prior to the commencement of closure based upon the wastes historically managed at the unit.

V.G.10. Specific Operating Conditions

V.G.10.a. Performance Standards

The Permittee shall comply with the performance standards specified in this Permit when hazardous waste is thermally treated in the Thermal Desorber Unit.

V.G.10.a.i. The emissions of dioxin and furans shall not exceed 0.20 nanograms toxic equivalents (TEQ) per dry standard cubic meter corrected to seven (7) percent oxygen.

V.G.10.a.ii. The emissions of mercury shall not exceed 8.1 micrograms per dry standard cubic meter, corrected to seven (7) percent oxygen.

V.G.10.a.iii. The emissions of cadmium and lead shall not exceed 10 micrograms per dry standard cubic meter, corrected to seven (7) percent oxygen.

V.G.10.a.iv. The emissions of arsenic, beryllium, and chromium shall not exceed 23 micrograms per dry standard cubic meter, corrected to seven (7) percent oxygen.

V.G.10.a.v. The emissions of hydrogen chloride and chlorine gas shall not exceed 21 parts per million by volume, combined emissions, expressed as chlorine (Cl) equivalent, dry basis and corrected to seven (7) percent oxygen.

V.G.10.a.vi. The emissions of particulate matter shall not exceed 0.08 ~~0.0015~~ grains per dry standard cubic foot, corrected to seven (7) percent oxygen.

Commented [A1]: This value is what is authorized under the incinerator regs (LA Chapter 31 Fed 264.344).

V.G.10.a.vii. The emissions of carbon monoxide shall not exceed 100 parts per million by volume, dry basis and corrected to seven (7) percent oxygen.

V.G.10.b. Implementation Schedule for the Thermal Desorber Unit Comprehensive Performance Test (CPT)

The Permittee must conduct an initial Comprehensive Performance Test (CPT) as defined below and submit to the Administrative Authority a recertification of compliance CPT under the operating parameters set forth under Condition V.G.11 of this permit with the permit renewal application. A recertification of compliance CPT is required for major modifications to the unit or if the Permittee is seeking new operating conditions.

V.G.10.b.i. The CPT plan will be developed in order to:

V.G.10.b.i.1. Demonstrate compliance with the emission limitations set forth in Condition V.G.10.a.;

V.G.10.b.i.2. Demonstrate compliance with the Destruction and Removal Efficiency standard of 40 CFR 63.1219.c.1 for the designated principal organic constituent benzene;

V.G.10.b.i.3. Establish limits for the operating parameters set forth in Condition V.G.11.

V.G.10.b.i.4. The CPT plan shall include the information specified in 40 CFR 63.1207.f and shall be submitted to the Administrative Authority for review and approval at least one hundred eighty (180) days prior to commencement of the CPT.

The CPT plan will allow the Permittee to demonstrate compliance

with emission standards for mercury, semivolatile metals, low volatile metals, and hydrogen chloride/chlorine gas emission standards based upon exhaust gas flow rate or hazardous waste thermal concentration in accordance with 40 CFR 63.1207.m.

V.G.10.b.i.5. The CPT plan and CMS performance evaluation test plan must be public noticed at least sixty (60) days prior to initiation of the test. All requirements of 40 CFR 63.1207.e must be met.

Commented [A2]: Added public notice language. CWMLC wants to discuss this permit language.

V.G.10.b.ii. With the initial introduction of hazardous waste to the unit and ending with initiation of the CPT, and only for the minimum time required to establish operating conditions, not to exceed a duration of seven hundred twenty (720) hours operating time for the processing of hazardous waste, the operating requirements of Condition V.G.10.c must be applicable to demonstrate compliance with the performance standards described in Condition V.G.10.b.i. The Permittee may request a time extension for conducting the CPT for reasons deemed acceptable by the Administrative Authority. Any time extensions for conducting the CPT are requested, it must be reviewed and approved by the Administrative Authority.

Commented [E3]: Changed language to better reflect the start and end of the 720 hours as per LAC 33:V.3113.C.1.

V.G.10.b.iii. Within ninety (90) days of completing the CPT for the Thermal Desorber Unit, the Permittee must submit a Notification of Compliance (NOC), documenting compliance with the emission limitations set for the in Condition V.G.10.a, the removal efficiency standard of 40 CFR 63.1219.c.1 for the designated principal organic constituent benzene and the continuous monitoring system requirements set forth in Table 30 and 31; and identifying limits for the operating parameters set forth in Condition V.G.11 to the Administrative Authority for approval.

~~**V.G.10.b.i.** Within sixty (60) days of receiving approval from the Administrative Authority of the final design specifications for the Thermal Desorber Unit (see Permit Condition II.E.25.g), the Permittee shall submit for review and approval by the Administrative Authority a Comprehensive Performance Test (CPT) plan for the Thermal Desorber Unit. The CPT plan must meet all the applicable requirements of 40 CFR 63 Subpart EEE.~~

~~**V.G.10.b.ii.** Within seven hundred twenty (720) operating hours of initial start-up, the Permittee must perform a CPT for the Thermal Desorber in accordance with 40 CFR 63 Subpart EEE. The Permittee may request a time extension for conducting the CPT for reasons deemed acceptable by the Administrative Authority. Any time extensions for conducting the~~

~~CPT must be reviewed and approved by the Administrative Authority.~~

~~**V.G.10.b.iii.** Within ninety (90) days of completing the CPT for the Thermal Desorber Unit, the Permittee must submit a Notification of Compliance (NOC), in accordance with 40 CFR 63.1207.j, to the Administrative Authority for approval.~~

V.G.10.c. Process Operating Conditions Prior to Submitting Notification of Compliance

Prior to the Permittee submitting a NOC to the Administrative Authority (see Condition V.G.10.b.iii), the Thermal Desorber Unit must be operated within the operating conditions proposed in the approved CPT plan ~~prescribed in Condition V.G.11 and within the operating conditions proposed in the NOC.~~ If there is a discrepancy between an operating condition prescribed in Condition V.G.11 and an operating condition proposed in the approved CPT plan~~NOC~~, the Thermal Desorber Unit must be operated in accordance with the more stringent operating condition. For instance, where there is no prescribed operating limits in Condition V.G.11.a.(vii - xiii), the Thermal Desorber Unit must be operated in accordance with the operating condition proposed in the approved CPT plan.

V.G.10.d. Process Operating Conditions after Submitting Notification of Compliance

V.G.10.d.i. Upon submitting a NOC to the Administrative Authority, the Thermal Desorber Unit must be operated within the operating conditions prescribed in Condition V.G.11 and within the operating conditions proposed in the NOC. If there is a discrepancy between an operating condition prescribed in Condition V.G.11 and an operating condition proposed in the NOC, the Thermal Desorber Unit must be operated in accordance with the more stringent operating condition. For instance, where there is no prescribed operating limits in Condition V.G.11.a.(vii - xiii), the Thermal Desorber Unit must be operated in accordance with the operating condition proposed in the NOC.

V.G.10.d.ii. Within seven (7) days of receiving a Finding of Compliance (FOC), in accordance with 40 CFR 63.1206.b.3, from the Administrative Authority, the Permittee shall initiate a Class 1[1] permit modification to change any operating parameters listed in Condition V.G.11, remove any operating parameters listed in Condition V.G.11, and/or add any additional operating parameter limits to Condition V.G.11 based on the results of the Thermal Desorber Unit CPT.

V.G.10.d.iii. Upon approval of the Class 1[1] permit modification required by Condition V.G.10.d.ii, the Thermal Desorber Unit must be operated within the modified conditions prescribed in V.G.11.

V.G.11. Process Operating Conditions

The Thermal Desorber Unit must be operated within the conditions prescribed below at all times while hazardous waste is in the unit.

V.G.11.a. Group A Parameters

The Permittee shall operate the Thermal Desorber Unit with a functioning system to automatically cut off waste feed to the unit when operating conditions deviate from those established below.

V.G.11.a.i. Whenever hazardous waste is in the unit, the hourly rolling average waste feed rate to the unit shall be maintained below the maximum value of 10 tons per hour.

V.G.11.a.ii. Whenever hazardous waste is in the unit, the instantaneous pressure in the treatment drum of the Thermal Desorber Unit shall be maintained below the maximum value of 0 inches of water column with respect to atmospheric. If the pressure is equal to or greater than 0 inches for fifteen (15) seconds of the one (1) minute average, the AWFCO will initiate.

V.G.11.a.iii. Whenever hazardous waste is in the unit, the afterburner chamber temperature shall be maintained above the minimum value of 1,400 °F.
~~Whenever hazardous waste is in the unit, the Thermal Desorber Unit inner chamber temperature shall be maintained above the minimum value of 500°F.~~

Commented [A4]: Moved to group B

V.G.11.a.iv. . Whenever hazardous waste is in the unit, the afterburner shall be kept totally sealed to protect against the escape of fugitive emissions. The Permittee shall monitor the outside of the unit for signs of fugitive emissions at least daily.
~~Whenever hazardous waste is in the unit, the afterburner chamber temperature shall be maintained above the minimum value of 1,400 °F.~~

V.G.11a.v. Whenever hazardous waste is in the unit, the hourly rolling average carbon monoxide (CO) level shall be maintained below the maximum value of 100 parts per million volume, continuously corrected to seven (7) percent oxygen, dry gas basis.~~Whenever hazardous waste is in the unit, the instantaneous pressure in the afterburner shall be maintained below the maximum value of 0 inches of water column with respect to atmospheric.~~

V.G.11.a.vi. As an indicator of gas residence time in the control device,

the unit shall be maintained below the maximum flue gas flowrate value of TBD on an hourly rolling average basis.~~Whenever hazardous waste is in the unit, the hourly rolling average carbon monoxide (CO) level shall be maintained below the maximum value of 100 parts per million volume, continuously corrected to seven (7) percent oxygen, dry gas basis.~~

V.G.11.a.vii. Whenever hazardous waste is in the unit, the hourly rolling average pressure drop across the scrubber shall be maintained above the minimum value of **TBD**. ~~As an indicator of gas residence time in the control device, the unit shall be maintained below the maximum flue gas flowrate value of TBD on an hourly rolling average basis.~~

V.G.11.a.viii. Whenever hazardous waste is in the unit, the hourly rolling average liquid to gas ratio shall be maintained above the minimum value of **TBD**. This is a calculated value based on the minimum scrubber water flowrate and the maximum flue gas flowrate. ~~Whenever hazardous waste is in the unit, the hourly rolling average pressure drop across the scrubber shall be maintained above the minimum value of **TBD**.~~

V.G.11.a.ix. Whenever hazardous waste is in the unit, the hourly rolling average scrubber water flowrate shall be maintained above the minimum value of **TBD** gallons per minute.~~Whenever hazardous waste is in the unit, the hourly rolling average liquid to gas ratio shall be maintained above the minimum value of **TBD**. This is a calculated value based on the minimum scrubber water flowrate and the maximum flue gas flowrate.~~

V.G.11.a.x. Whenever hazardous waste is in the unit, the hourly rolling average pH of the feed to the scrubber shall be maintained above the minimum value of **TBD**.~~Whenever hazardous waste is in the unit, the hourly rolling average scrubber water flowrate shall be maintained above the minimum value of **TBD** gallons per minute.~~

~~**V.G.11.a.xi.** Whenever hazardous waste is in the unit, the hourly rolling average pH of the feed to the scrubber shall be maintained above the minimum value of **TBD**.~~

V.G.11.b. Group B Parameters

The Permittee shall operate the Thermal Desorber Unit without exceeding these limits, although these limits are not part of the automatic waste feed cut off set points.

V.G.11.b.1. Whenever hazardous waste is in the unit, the Thermal Desorber Unit inner chamber temperature shall be maintained above the minimum value of 500 °F.~~The other halides concentration from all feed streams shall be no greater than 100 parts per million (ppm).~~

Commented [A5]: moved from a group A parameter

V.G.11.b.2. Reserved for maximum mercury feed rate ~~Reserved for maximum ash feed rate.~~

V.G.11.b.3. Reserved for maximum total chlorine and chloride feed rate. ~~Reserved for maximum mercury feed rate~~

V.G.11.b.4. Reserved for maximum cadmium and lead feed rate. ~~Reserved for maximum total chlorine and chloride feed rate.~~

V.G.11.b.5. Reserved for maximum arsenic, beryllium, and chromium feed rate. ~~Reserved for maximum cadmium and lead feed rate.~~

V.G.11.b.6. O_2 shall be monitored continuously whenever hazardous waste is in the Thermal Desorber Unit, in accordance with the CEMS regulations. ~~Reserved for maximum arsenic, beryllium, and chromium feed rate.~~

~~**V.G.11.b.7.** O_2 shall be monitored continuously whenever hazardous waste is in the Thermal Desorber Unit, in accordance with the CEMS regulations.~~

V.G.11.c. Group C Parameters

The Permittee shall operate the Thermal Desorber Unit without exceeding these limits, although these limits are not part of the automatic waste feed cut off set points.

V.G.11.c.i. The Permittee shall immediately stop the flow of hazardous waste into the Thermal Desorber Unit should sample flow to the Continuous Emissions Monitoring System (CEMS) cease, outside of normal calibration periods.

V.G.11.c.ii. For a Continuous Monitoring System (CMS) operated to ensure compliance with these regulations, the Permittee must maintain and operate the monitors consistent with the manufacturer's specifications.

TABLE 30
Group A Parameter Limits for the Thermal Desorber Unit
(Automatic Waste Feed Cut Offs)

CONTROL PARAMETER	FINAL OPERATING LIMITS AUTOMATIC WASTE FEED CUT OFF POINT
Maximum Hazardous Waste Feed Rate	10 tons/hour

~~Minimum Inner Drum Chamber Temperature~~	~~500°F~~
Maximum Inner Drum Chamber Pressure	0 Inches H2O Column-, 15 seconds of the one minute average ~~instantaneous~~
Minimum Afterburner Chamber Temperature	1,400 °F
Maximum Afterburner Chamber Pressure	0 Inches H2O Column , instantaneous
Maximum Carbon Monoxide Concentration	100 ppmv, hourly rolling average
Minimum Liquid to Gas Ratio	TBD
Maximum Flue Gas Flowrate	TBD
Minimum Scrubber Pressure Drop	TBD
Minimum Scrubber Water Flow Rate	TBD
Minimum Scrubber Feed pH	TBD

TABLE 31
Group B & C Parameter Limits for the Thermal Desorber Unit

CONTROL PARAMETER	FINAL OPERATING LIMITS
Maximum Total Chloride and Chlorine Feed Rate	TBD
~~Maximum Ash Feed Rate~~	~~TBD~~
Minimum Inner Drum Chamber Temperature	**500°F**
Maximum Feed Rate of Arsenic[1]	TBD
~~Maximum Feed Rate of Barium~~	~~TBD~~
Maximum Feed Rate of Beryllium[1]	TBD
Maximum Feed Rate of Cadmium[1]	TBD
Maximum Feed Rate of Chromium[1]	TBD
Maximum Feed Rate of Lead	TBD
Maximum Feed Rate of Mercury	TBD
~~Maximum Feed Rate of Silver~~	~~TBD~~
~~Maximum Feed Rate of Thallium~~	~~TBD~~

[1]Carcinogenic Metal – Feed rate is further limited to a level such that the sum of the actual feed rate, divided by the allowable feed rate for all carcinogenic metals, shall be less than or equal to 1.00.

Commented [E6]: Moved from Group A Parameter

The feed rate of arsenic, beryllium, cadmium, and chromium is limited to a level such that the sum of the ratios of the actual feed rate to the feed rate limit specified in Table 30 shall not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^{n} AFR_{(i)}/FRL_{(i)} \leq 1.00$$

$AFR_{(i)}$ = Actual Feed Rate (AFR)
The actual feed rate of carcinogenic metal (i)

		introduced into the thermal desorber chamber from all feedstreams.
n	=	Number of Carcinogenic Metals.
$FRL_{(i)}$	=	Feed Rate Limit (FRL) The regulatory feed limit of carcinogenic metal (i) listed in Table 31.

V.~~F~~H. AIR EMISSION STANDARDS

V.~~H~~F.1. Performance Standards for Equipment Leaks

V.~~H~~F.1.a. The Oil Recovery Unit Area and the Thermal Desorber Unit Area must be equipped with operating air emissions controls in accordance with all applicable regulations of LAC 33:V.~~1705.A-3~~1717 to 1745 and 1747 to 1799 ~~and 40 CFR 61 Subpart FF Benzene Waste Organic NESHAP (BWON)~~for all equipment, tanks, and containers associated with operations that treat, store, or dispose of hazardous waste with organic concentrations equal to or greater than 10 percent by weight for equal to or greater than three hundred (300) hours per calendar year. The facility must maintain documentation of compliance in the facility operating record.

V.H.1.b. The remaining facility not associated with the proposed Oil Recovery Area and Thermal Desorber Area are exempt from LAC 33:V.Chapter 17 Subchapter B in accordance with LAC 33:V.1717.B. No equipment that contains or contacts hazardous waste with organic concentrations of at least ten (10) percent by weight shall be managed at the facility.

V.~~H~~F.1.c~~b~~. The facility must maintain an exemption log in the facility operating record in accordance with LAC 33:V.1743.K.

V.~~H~~F.2. Standards for Tanks

V.~~H~~F.2.a. Existing Hazardous Waste Storage Tanks

Tanks T-502, T-503, T-504 A, T-504 B, T-505, T-506, T-903, T-904, T-905, T-906, and T-907 are exempt from LAC 33:V.Chapter 17 Subchapter C in accordance with LAC 33:V.1751.C.1. No hazardous waste entering Tanks T-502, T-503, T-504 A, T-504 B, T-505, T-506, T-903, T-904, T-905, T-906, and T-907 shall have an average volatile organic concentration, at the point of waste

origination, greater than 500 parts per million by weight.

V.HF.2.a.i. The average volatile organic concentration shall be determined in accordance with the procedures in LAC 33:V.1753.A.

V.HF.2.a.ii. The facility shall review and update, as necessary, the volatile organic concentration determination once every twelve (12) months.

V.HF.2.a.iii. In accordance with LAC 33:V.1765.F, the facility shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the facility shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of LAC 33:V.1753.

V.HF.2.b. Proposed Hazardous Waste Storage Tanks

See Condition II.E.25.hf of this Permit.

V.HF.2.c. Existing Hazardous Waste Treatment Tanks

V.HF.2.c.i. Tanks T-303, T-304, and T-306 are exempt from LAC 33:V.Chapter 17 Subchapter C in accordance with LAC 33:V.1751.C.1. No hazardous waste entering Tanks T-303, T-304, and T-306 shall have an average volatile organic concentration, at the point of waste origination, greater than 500 parts per million by weight.

V.HF.2.c.i.(1) The average volatile organic concentration shall be determined in accordance with the procedures in LAC 33:V.1753.A.

V.HF.2.c.i.(2) The facility shall review and update, as necessary, the volatile organic concentration determination once every twelve (12) months.

V.HF.2.c.i.(3) In accordance with LAC 33:V.1765.F, the facility shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the facility shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of LAC 33:V.1753.

V.HF.2.c.ii. Building 302, which houses Tanks T-303, T-304, and T-306,

shall be maintained closed when treatment operations are being conducted.

V.HF.2.c.iii. A ventilation system shall continuously exchange the air in Building 302 and route the air from Building 302 to a baghouse filter system when treatment operations are being conducted.

V.HF.2.c.iii.(1) Dust generated by the baghouse system shall be returned to Tanks T-303 and T-304 for reuse in the treatment process.

V.HF.2.c.iv. A negative pressure shall be maintained in Building 302 whenever treatment operations are being conducted.

V.HF.2.d. Proposed Hazardous Waste Treatment Tanks

See Condition II.E.25.hf of this Permit.

V.HF.3. Standards Ffor Container Storage Areas

V.HF.3.a. The Permittee shall comply with the applicable requirements of LAC 33:V.1747 to 1799 for the permitted container storage areas, as listed in Table 26.

V.H.4. Standards for Proposed Oil Recovery Units

V.H.4.a. The Permittee shall comply with the applicable requirements of LAC 33:V.Chapter 17, Subchapters B and C, and the air permit for the Oil Recovery Units.

V.H.5. Standards for Proposed Thermal Desorber Units

V.H.5.a. The Permittee shall comply with the applicable requirements of LAC 33:V.Chapter 17, Subchapters B and C, and the air permit for the Thermal Desorber Units.

TABLE 32~~2~~
Air Emission Controls for Containers

CONTAINER STORAGE AREA	LAC REFERENCE(S)	AIR EMISSION CONTROLS
Building 201	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 202	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 205	See Condition II.E.25.~~b~~ of this Permit	
Building 204	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 801	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 802	See Condition II.E.25.~~b~~ of this Permit	

V.I~~G~~. PERMIT CONDITIONS APPLICABLE TO THE PERMITTED CLOSED POST-CLOSURE UNITS

V.I~~G~~.1. Post-Closure Care Period

Upon the effective date of this permit the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527, including maintenance and monitoring, for each of the hazardous waste management units (Landfill Cells 5, 6, 7, 14, and 8, at final closure), as specified in this permit. The post-closure care period will be in effect for the period of thirty (30) years, unless extended or shortened by the Administrative Authority, as specified in LAC 33:V.3521.A.1 and 2.

V.I~~G~~.2. Post-Closure Maintenance {tc "**V.B. POST-CLOSURE MAINTENANCE**" \f C \l 00000000002}

After final closure, the owner or operator must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527 and Permit Condition III.P of this permit, including maintenance and monitoring throughout the post-closure care period specified in Condition V.I~~G~~.1 and LAC 33:V.3521.A.1. The owner or operator must:

> **V.I~~G~~.2.a.** maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;
>
> **V.I~~G~~.2.b.** maintain and monitor the leak detection system in accordance with LAC 33:V.2503.L.4.d, 2503.L.5, and 2507.D, where such system is present between double liner systems and comply with all other applicable leak detection system requirements of LAC 33:V.Subpart 1;
>
> **V.I~~G~~.2.c.** continue to operate the leachate collection and removal system until leachate is no longer detected;
>
> **V.I~~G~~.2.d.** maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of LAC 33:V.Chapter 33;
>
> **V.I~~G~~.2.e.** manage a run-on and run-off control system to prevent erosion and other damage to the final cover;
>
> **V.I~~G~~.2.f.** protect and maintain surveyed benchmarks used in complying with LAC 33:V.Chapter 33;
>
> **V.I~~G~~.2.g.** for all closed permitted landfill units, maintain the cover with a final cover designed, constructed and maintained to:
>
> > **V.I~~G~~.2.g.i.** provide long-term minimization of migration of liquids through the permitted landfill cells,
> >
> > **V.I~~G~~.2.g.ii.** function with minimal maintenance at all permitted landfill units,
> >
> > **V.I~~G~~.2.g.iii.** promote drainage and minimize erosion or abrasion of the

final cover at all permitted landfill units,

V.I~~G~~.2.g.iv. accommodate settling and subsidence, as necessary, so that the cover's integrity is maintained for all permitted landfill units, and

V.I~~G~~.2.g.v. have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

The annual report shall include a Post-Closure activity report.

During the post-closure care period, if liquid is present in a leak detection system installed under LAC 33:V.3305, and collects at a rate above the action leakage rate (where such a rate has been established) or above two standard deviations from the mean of historic data (where action leakage rates have not been established), the Permittee must notify the Office of Environmental Services of the leakage rate in writing within seven (7) days after determining the leakage rate.

V.I~~G~~.3. Post-Closure Restrictions

The Administrative Authority may require, at partial and final closure, continuation of any of the security requirements of LAC 33:V.1507, during part or all of the post-closure period when access by the public or domestic livestock may pose a hazard to human health.

The Permittee must post warning signs at each entrance to the closed units, in accordance with LAC 33:V.3521.B and LAC 33:V.1507.K.

V.I~~G~~.4. Post-Closure Property or Site Use

Post-closure use of property on or in which hazardous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of the containment system, or the function of the permitted closed unit's monitoring systems, unless the Administrative Authority finds that the disturbance:

V.I~~G~~.4.a. is necessary to the proposed use of the property and will not increase the potential hazard to human health or the environment; or

V.I~~G~~.4.b. is necessary to reduce a threat to human health or the environment.

Any post-closure activity other than that specified in this permit must have prior approval of the Administrative Authority.

V.I~~G~~.5. Post-Closure Contact

The Permittee shall provide the name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care

period.

V.I~~G~~.6. Post-Closure Notices

V.I~~G~~.6.a. The Permittee shall maintain, on site, a certification, signed by the Permittee, that he has recorded the notation as specified by LAC 33:V.3517 and maintain a copy of the document in which the notation has been placed.

V.I~~G~~.6.b. If the Permittee or any subsequent Permittee of the land upon which these hazardous waste disposal units is located wishes to remove hazardous wastes and hazardous waste residues, the liner (if any), or contaminated soils, then he or she must request a modification to the post-closure permit in accordance with the applicable requirements in LAC 33:V.Chapters 3 and 7. The Permittee must demonstrate that the removal of hazardous wastes will satisfy the criteria of LAC 33:V.3521. By removing hazardous waste, the Permittee may become a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33:V.Subpart 1. If the Permittee is granted a permit modification or otherwise granted approval to conduct such removal activities, the Permittee may request that the Administrative Authority approve either:

V.I~~G~~.6.b.i. the removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

V.I~~G~~.6.b.ii. the addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

V.I~~G~~.7. Certification of Completion of Post-Closure Care

No later than sixty (60) days after completion of the established post-closure care period for each hazardous waste disposal unit(s), the Permittee must submit to the Administrative Authority, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the Permittee and an independent Louisiana registered professional engineer. Documentation supporting the independent Louisiana registered professional engineer's certification must be furnished to the Administrative Authority upon request until the Administrative Authority releases the Permittee from the financial assurance requirements for post-closure care under LAC 33:V.3711.I.

VI. GROUND WATER PROTECTION

VI.A. APPLICABILITY

The regulation of LAC 33:V. Chapters 3, 5, 15, 25, 33, and 35, LAC 33:I. Chapter 39, and Louisiana Water Control Law, R.S., 30:2203 and 2076 of the Environmental Quality Act, R.S., 30:2001 et seq., and the provisions of this section shall apply to ground water protection programs at Chemical Waste Management, Incorporated, located in Carlyss, Louisiana. All requirements and conditions of this section must be satisfied and shall apply during the active life of the facilities. This includes compliance, closure, and post-closure care periods. The regulated units are identified as:

VI.A.1. Landfill Cell 5 – clay lined landfill.

VI.A.2. Landfill, Cell 14 – double composite liner system (2 clay liners and 2 synthetic liners) landfill.

VI.A.3. Landfill, Cell 6 – double composite liner system (2 clay liners and 2 synthetic liners) landfill.

VI.A.4. Landfill, Cell 7 – double composite liner system (2 clay liners and 2 synthetic liners.

VI.A.5. Landfill, Cell 8 – double composite liner system (2 clay and 2 synthetic liners) landfill that consist of the currently constructed modules and modules that are scheduled for construction in the future.

VI.B. REQUIRED PROGRAM

The Permittee must continue to conduct detection monitoring from the existing well system for Cells 5, 14, 6, 7, and 8 and must commence construction and operation of the detection monitoring systems for modules south of the southern boundaries of Modules 3 and 4 and prior to waste placement in Module 5 as shown in the approved design drawings for Cell 8, and as outlined in Condition VI.H of this permit. If required, Compliance Monitoring (Permit Condition VI.I) and/or ~~Corrective~~Corrective Action Monitoring (Permit Condition V.~~I~~J) programs will be initiated in accordance with the permit. All wells, listed in Table 33~~2~~97 must be monitored, and all piezometers listed on Table 33~~2~~97 must be measured for water levels unless exempted from the program at a later date by the administrative authority. All wells and piezometers, must be maintained, protected from moving equipment, and cannot be abandoned unless exempted from the program at a later date by the Administrative Authority.

In accordance with LAC 33:V.3305.D, leachate monitoring systems shall be established (for new landfill modules) and maintained (for existing landfill modules) as described in ConditionV.E.2, and V.E.3 of this permit, regarding riser pipe location and construction, and pumping systems. In accordance with LAC 33:V.3305.E, air monitoring is described in Condition V.E.2.a.xiii.

VI.C. GROUNDWATER PROGRAM

VI.C.1. For existing wells, the Permittee must utilize and maintain the present groundwater monitoring system listed in Table 332~~93~~ of this permit. Facility monitoring wells designated F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW02BS, and MW02BD are designated upgradient wells for all regulated units as listed in Condition VI.A. Monitoring wells F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11 and D01B are designated downgradient of Cell No. 5 and shall serve as the point of compliance for Cell No. 5. Monitoring wells F26, F27, F28, F29, F38, F39, F40, and D02A are designated downgradient of Cell No. 14 and shall serve as the point of compliance for Cell No. 14. Monitoring wells F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, and F45, are designated downgradient of Cell No. 6 and shall serve as the point of compliance for Cell No. 6. Monitoring wells F17, F18, F19, F20, F21, F22, F23, F24, F25, and E03 are designated downgradient of Cell No. 7. Facility monitoring wells G-28, G-29, and G-30 are designated upgradient wells for Cell 8. Monitoring wells G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35 and G-36 are designated downgradient of Phase I of Cell No. 8 (Modules 1, 2, 3, and 4) and shall serve as the point of compliance for Phase I (Modules 1, 2, 3, and 4) of Cell No. 8. ~~Future~~ M~~m~~onitoring wells G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, and G-21 are designated as ~~proposed~~ downgradient monitoring wells ~~and shall be installed prior to placement of waste in Module 5 as shown on the approved design drawings~~ for Cell 8. Wells M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, and GP08 must be maintained as piezometers to monitor water levels inside and outside the slurry trench in the Lower Pervious Zone ~~along with Piezometer G-10, which provides water level data for the 60 Foot Sand on the south side of Cell 8 during placement of waste in Modules 1, 2, 3, and 4 of Cell No. 8 and prior to conversion of G-10~~. These Piezometers ~~along with G-10~~ provide water level data for the Lower Pervious Zone and the 60 Foot Sand surrounding Cell 8. If water level information indicates the potential for groundwater in the Lower Pervious Zone to flow from the landfill outward, additional evaluation and/or sampling may be required.

Procedures for future monitoring well construction, as well as for borehole abandonment, must conform to the standards and guidelines in the latest edition of "Construction of Geotechnical Boreholes and Groundwater Monitoring Systems Handbook" prepared by the Louisiana Department of Environmental Quality and the Louisiana Department of Transportation and Development, dated December 2000 (or subsequent revisions) as required in Condition VI.K~~L~~.

The Permittee must comply with conditions specified in this permit that are designed to ensure that hazardous waste and hazardous waste constituents do not exceed the Practical Quantitation Limits (PQL) as specified in Tables 35 and 37 ~~31 and 33,29 and 30.~~

VI.C.2. The Permittee must utilize and maintain the present ground water monitoring system referenced in Condition VI.C.1 and identified in Table 332~~93~~. In addition, all

monitoring wells must be maintained so that surface infiltration is prohibited and ground water samples are generated that are representative of the monitored zone.

VI.C.3. The Permittee must also conduct field measurements, in quadruplicate, of pH and Specific Conductance (conventional parameters, see Table 34~~30~~~~28~~) as standard indicators of ground water quality, each time a well is sampled. The results must be interpreted and reported per Condition VI.C.4 of this permit.

VI.C.4. The Permittee must adhere to the Sampling and Analysis Plan outlined below:

VI.C.4.a. All wells, other than piezometers, must be sampled semi-annually and annually, as referenced in Tables 35 and 36~~31 and 32~~~~29 and 30~~ and the samples managed and tested as required under this Condition. The analytical results must be submitted to the administrative authority within 90 days after completion of the groundwater sampling event. Additionally, monitoring results must be compiled in reportable form and maintained on site by the Permittee for review at any time by Departmental personnel, until submitted to the Administrative Authority with the groundwater monitoring report. However, if subsequent contamination to groundwater is discovered, then reporting must be in accordance with Conditions VI.D and VI.H of this permit as applicable. Single samples will be obtained for analysis of the parameters in Tables 35 and 36~~31 and 32~~~~29 and 30~~; only field determinations of pH and specific conductance will be made in quadruplicate.

VI.C.4.b. All monitoring wells and piezometers must be measured for total depth at least once per year. Wells with dedicated pumps which prohibit direct total depth measurement must be measured for total depth biennially (every other year). To accomplish these measurements, it shall be acceptable to use a permanently installed weighted stainless steel cable marked at the bottom depth when first installed. Acceptable subsequent measurements can then be referenced to the original cable mark. Depth to water must be measured on the same day and prior to purging. All measurements (total depth and depth to water) must be to the nearest 0.01 foot, and the values must be recorded in field notes and reproduced and submitted in the Groundwater Annual Report in accordance with LAC 33:V.1529.D. If 10% of the screened interval is blocked by sediments, the well must be redeveloped prior to the next required sampling event.

VI.C.4.c. Purging must be accomplished by removing a minimum of three casing volumes of groundwater from the well at a rate equal to or less than the recharge rate of the aquifer. The well must be sampled immediately upon purging and/or when sufficient water for sampling has recharged the well. Purging and sampling methods must be consistent throughout the life of the facility.

VI.C.4.d. Samples must be withdrawn using dedicated or adequately cleaned equipment for each well. No equipment or method may be used that will chemically or physically alter or influence the sample. Care must be taken to avoid placing clean sampling equipment on the ground or on any contaminated

surface. Sampling methods and equipment must be compatible throughout the active life of the facility.

VI.C.4.e. Sample preservation, handling and containerization must meet the specifications of the Test Methods for Evaluating Solid Waste Physical/Chemical Methods 3rd Ed. (EPA Publication Number SW-846), 1986, as amended) or an equivalent substitute as approved by the Administrative Authority (see Table 343028).

VI.C.4.f. Analytical methods equivalent to SW-846 (or analyses for parameters not listed in SW-846) must be approved by the Administrative Authority prior to implementation.

VI.C.4.g. A chain of custody protocol must be employed that will allow for the tracing of possession and handling of samples from the time of collection through laboratory analysis. All sample containers must be labeled to prevent mis-identification, have proper seals, and indicate the test parameters required.

VI.C.4.h. Up-to-date field logs must be kept at the site which documents for each sample the well identification number, total well depth, water level, water color (visual), well evacuation procedures and equipment, sample withdrawal procedures and equipment, date, time, sample identification numbers, field measurements (pH, specific conductance, etc.) and methods, name of collector, field observations, calculations of the standing water volume in the well, and the total volume evacuated.

VI.D. HAZARDOUS CONSTITUENTS, PARAMETERS, ANALYTICAL FREQUENCY, AND CONCENTRATION LIMITS

VI.D.1. The monitoring wells, hazardous constituents, semi-annual and annual sampling frequency, and PQLs are referenced in Conditions VI.C.1 and Tables 33, 35, and 36.29, 31, and 32.27, 29, and 30.

The Permittee shall continue detection monitoring and shall notify the Administrative Authority in accordance with the schedule specified in Condition VI.H, when any laboratory analytical result for a detection monitoring parameter referenced in Tables 35 and 3631 and 32 29 and 30 from groundwater obtained from wells listed in Table 33297 or from any other monitoring wells at the site, exceeds the appropriate PQL referenced in Tables 35 and 36 31 and 32 29 and 30 and has been verified by resampling and reanalysis to exceed this PQL at the points of compliance. In the event that compliance monitoring and/or corrective action is required pursuant to this Section, the Permittee shall institute corrective actions in all areas where groundwater has been affected by releases from a regulated unit of hazardous wastes or constituents exceeding the established groundwater protection standards and implement corrective measures in other areas impacted by the regulated units which may be discovered to exceed these limits in the future.

If, at any time, it is determined that any detection monitoring parameter concentration is a result of past or present facility operations or other non-naturally occurring conditions, the Permittee must submit to the Administrative Authority, within ninety (90) days of the determination, a request for a permit modification in accordance with LAC 33:V.321. This modification must include a plan to initiate assessment actions, which will include delineation of the vertical and horizontal extent of the ground water contamination, and will institute or extend corrective actions for impacted zones.

VI.D.2. If the owner or operator determines, pursuant to LAC 33:V.3319.D, that the PQLs under this Condition are being exceeded at any well, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. In making a demonstration under this Condition, the owner or operator must follow the provision established in LAC 33:V.3319.I.

VI.E. POINT OF COMPLIANCE

The points of compliance at which the groundwater protection standard of LAC 33:V.3305.A apply at which monitoring must be conducted are the vertical intervals intercepted by the monitor well screens as identified in Table 332~~97~~.

VI.F. COMPLIANCE PERIOD

The compliance period during which the ground water protection standard of LAC 33:V.3305.A applies is the active life of the regulated units, and the thirty (30) years of post-closure monitoring, or as required by the administrative authority, if a unit is not clean closed. The compliance period begins when a compliance monitoring program meeting the requirements of Condition VI.I of this permit is initiated.

If a unit is clean closed then the compliance period is the active life of the unit and the post-closure monitoring as specified by the Administrative Authority. In the event of a release from a regulated unit, the compliance period is the active life of the unit, the duration of the corrective action to remediate the release, and three (3) additional consecutive years after an acceptable clean up level has been achieved. If termination of the corrective action and/or post corrective action monitoring occurs within the thirty (30) year post-closure monitoring period, then the Permittee must revert back to post-closure monitoring as described in this Condition or a monitoring schedule as specified by the administrative authority.

VI.G. GENERAL REQUIREMENTS

VI.G.1. The Permittee's groundwater monitoring system for the hazardous waste management facilities identified in Condition VI.A shall consist of all monitoring wells referenced in Conditions VI.C.1 and Table 332~~97~~ of this Condition, unless exempted in the future by the Administrative Authority. In addition, water levels will be measured in piezometers referenced in Table 332~~97~~.

VI.G.2. Upgradient wells F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW2BS, MW02BD, G-28, G-29, and G-30 must always yield groundwater samples that are representative of groundwater that has not been affected by possible leakage from the waste management units. Downgradient wells F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11 D01B, F26, F27, F28, F29, F38, F39, F40, D02A, F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, F45, F17, F18, F19, F20, F21, F22, F23, F24, F25, E03, G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35, and G-36 must represent the quality of groundwater beneath the facilities that reach the points of compliance. Downgradient Monitoring Wells for Phase 2 (Modules 5, 6, 7, 8, 9, and 10) of Cell 8 include G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, G-21 (See discussion in Condition VI.C.1). Piezometers M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, and GP08~~, G-10~~ must yield groundwater level data that is representative of the formation in which they are screened.

VI.G.3. The Permittee must maintain the structural and mechanical integrity of all monitoring wells and piezometers and provide protection from accidental damage and surface infiltration as well as implement a monitoring well inspection schedule. A written report on the damage to any well must be submitted to the administrative authority within 90 days of the inspection.

VI.G.4. The Permittee must conform to the sampling and analysis requirements listed in Conditions VI.C.4, herein, and as required by LAC 33:V.3305 and LAC 33:V.3315.A potentiometric map must be prepared and submitted on a semi-annual basis for the 60 Foot/Channel Sand. Additionally a map of groundwater levels, showing gradient direction(s) for the Lower Pervious Zone shall also be prepared and submitted on a semi-annual basis.

VI.G.5. The Permittee must use the statistical procedure outlined in Condition VI.H of this permit, and in accordance with LAC 33:V.3315.H.3 and I.4.

VI.G.6. The Permittee must also graphically represent the values of pH and specific conductance (i.e., conventional parameters, see Table 3430~~3&~~) and any parameters as applicable for each sampling episode. The graphic interpretations of data must be submitted with the analytical results in the annual report and should be utilized in evaluating facility impact on groundwater.

VI.G.7. Records of all sampling and analytical work must be maintained at the site during the life of the facilities, including post-closure care periods.

VI.G.8. The Permittee shall submit Semi-Annual Groundwater Reports by September 1st and March 1st of each year. The reports shall include the following: 1) a table showing well number, well depth. Interval screened, zone monitored, well diameter, screen and casing material (and the type pump, if applicable) for all wells; 2) a facility map showing all wells (e.g., up gradient, point of compliance, etc.) and identifying zones in which

wells are screened; 3) a scaled potentiometric surface showing well locations, groundwater elevations with respect to mean sea level for each monitored zone; 4) a summary of all analytical data, including QA/QC; 5) a statistical method (PQL's or Shewart-CUSUM control chart limits) shall be used in evaluating data for each hazardous constituent, as approved by the Administrative Authority; 6) for those hazardous constituents that have been detected as defined in LAC 33:V.3303.A.1 at the point of compliance as a result of a release from the regulated unit, a graphical representation of data pursuant to the statistical method employed for those constituents (The graphical representation must include: contaminant concentration isopleth maps and contaminant concentration versus time graphs, as applicable); 7) a discussion of any significant changes in the data from the last reporting period; 8) a discussion of the down time for any well or part of the system and actions taken to return the system to normal operations and maximum efficiency; and 9) evaluation of the effectiveness and progress of any corrective action associated with the permitted unit, if applicable.

An annual groundwater report must be submitted each year no later than March 1, as required by LAC 33:V.1529.D. This report shall include the requirements of the September 1st submittal and shall also summarize all groundwater activities for the preceding calendar year including an evaluation of the monitoring strategy in relation to the direction of groundwater flow and locations of wells associated with the regulated facilities. Applicable calculations must also include groundwater flow contaminant migration rates (as applicable), statistical comparisons, and any other information as required by this permit.

VI.H. DETECTION MONITORING PROGRAM

VI.H.1. All Monitoring wells listed in Conditions VI.C.1 and Table 332~~97~~ must be sampled for the parameters listed in Tables 35 and 36~~31 and 32~~~~29 and 30~~ on a semi-annual and annual basis.

VI.H.2. For Detection Monitoring at existing monitoring wells as listed in Conditions VI.C.1 and Table 332~~97~~, the Permittee must utilize the groundwater detection monitoring system described in Condition VI.G to obtain samples that provide a reliable indication of the statistically significant presence of indicator parameters in groundwater, utilizing PQLs as set forth in Tables 35 and 36~~, 31 and 32, 29 and 30~~. As part of the statistical evaluation, verification resampling at wells that yield an initial test result greater than the PQL (or Shewart-CUSUM control chart limit for monitoring wells F13, F14, and F15), shall be done within 30 days after the sampling event. A statistically significant presence or change of an indicator parameter will only be declared if the verification resample also yields a result greater than the PQL in Tables 35 and 36~~31 and 32~~~~29 and 30~~ or the Shewart-CUSUM control chart limit shown on Table 353~~1~~~~29~~.

For Detection Monitoring at required monitoring wells associated with areas after completion of waste placement in Phase I and II modules of Cell No. 8, the Permittee must utilize the groundwater detection monitoring system described in Condition VI.G to obtain samples that provide a reliable indication of the statistically significant presence of

naturally occurring indicator parameters in groundwater. Statistical methods shall include prediction limits, Shewart-CUSUM control chart limits, or tolerance intervals, by order of preference, based upon the distribution of background concentrations or the presence of non-naturally occurring parameters at or above the PQLs listed in Tables 35 and 36 31 and 32. 29 and 30. As part of the statistical evaluation, verification resampling at wells that yield initial results greater than the chosen statistical limit and/or PQL shall be done as soon as practical after reporting this initial result. A statistically significant presence of a naturally occurring parameter or a detection of a non-naturally occurring parameter above the parameter's PQL will only be declared if the verification resample also yields a result greater than the chosen statistical limit for a naturally occurring parameter or the PQL listed in Tables 35 and 36 31 and 32 29 and 30 for a non-naturally occurring parameter.

VI.H.3. The system as described in Condition VI.C shall be sampled in accordance with the schedule in Condition VI.H.1 (semi-annually and annual). Background values for indicator parameters and PQL's for the existing monitoring well network have already been established, as shown in Tables 35 and 36.31 and 3229 and 30. For the natural occurrence of arsenic at wells F13, F14, and F15, Shewart-CUSUM control chart limits have been computed. Background values and PQLs for indicator parameters and other hazardous constituents will be updated with additional data to provide temporal variation. Parameters selected for analysis under the Detection Monitoring Program are presented in Tables 35 and 3631 and 3229 and 30 of this permit with associated PQLs.

Within 90 days of the sampling event, the Permittee shall submit a report to the Administrative Authority containing test results, the statistical comparative data, and the groundwater potentiometric maps for the sampling event. Copies of the field logs and chain of custody, and a list of the parameters that were statistically significant above background concentrations for naturally occurring parameters or at or above the PQLs listed in Tables 35 and 36 31 and 3229 and 30 for non-naturally occurring parameters must be forwarded for review by the Administrative Authority.

VI.H.4. The sampling and analysis program outlined in Condition VI.C.4 must be utilized for groundwater sampling.

VI.H.5. If the Permittee determines that there are statistically significant changes in naturally occurring indicator parameters in Tables 35 and 3631 and 3229 and 30 or concentrations of non-naturally occurring in parameters listed Tables 35 and 3631 and 3229 and 30 as specified by the semi-annual and annual sampling schedule listed in Condition VI.H.1 at any monitoring well listed in Table 3329 97 and VI.C of this permit, the Permittee must notify the Administrative Authority of this finding in writing within seven (7) days indicating which parameters exhibit statistically significant change. The Permittee must also, within 30 days after the sampling event, sample the groundwater in all monitoring wells associated with the regulated unit listed in Table 3329 97, of this permit and determine whether constituents listed in LAC 33:V.3325.Table 4 are statistically present, and if so, in what concentrations.

For any LAC 33:V.3325.Table 4 compounds statistically present, at levels equal to or above PQL's, in the analysis, the owner or operator may resample within thirty (30) days and repeat the analysis for those compounds statistically present. If the results of the second analysis confirm the initial results, then those constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds detected, the hazardous constituents detected during this initial LAC 33:V.3325.Table 4 analysis will become the compliance monitoring parameters.

VI.H.6. If the results of resampling do not confirm that an impact on groundwater has occurred, a report on this conclusion shall be submitted to the Administrative Authority and detection monitoring will continue before the next sampling event.

VI.H.7. If the results of resampling confirm the statistical presence of LAC 33:V.3325.Table 4 compounds from the initial sampling, the Permittee must also, within 90 days, submit to the Administrative Authority an application for a permit modification to establish a compliance monitoring program meeting the requirements of LAC 33:V.3319. The application must include the following information:

VI.H.7.a. an identification of the concentration of any LAC 33:V.3325.Table 4 constituent statistically detected in the groundwater at each monitoring well at the compliance point;

VI.H.7.b. any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements at each well at the compliance point;

VI.H.7.c. any proposed changes to the groundwater monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of LAC 33:V.3319;

VI.H.7.d. for each hazardous constituent statistically present, after verification resampling at monitoring wells listed in Table 3329~~7~~, where physically present, a proposed concentration limit under LAC 33: V.3309.A.3.a or b, or a notice of intent to seek an alternate concentration limit under LAC 33.V.3309.B.

Within 180 days, the Permittee must submit to the Administrative Authority:

VI.H.7.e. all data necessary to justify an alternate concentration limit sought under LAC 33:V.3309.B; and

VI.H.7.f. an engineering feasibility plan for a corrective action program necessary to meet the requirement of LAC 33:V.3321, unless

VI.H.7.f.i. all hazardous constituents identified under LAC 33:V.3317.G.2 are listed in Table 1 of LAC 33:V.3309, and their concentrations do not exceed the respective values given in that table; or

VI.H.7.f.ii. the Permittee has sought an alternative concentration limit under LAC 33:V.3309.B for every hazardous constituent identified under LAC 33:V.3317.G.2.

VI.H.8. If the Permittee determines, pursuant to LAC 33:V.3317.F, that there is a statistically significant difference (above the listed PQL or Shewart-CUSUM control chart limit) after verification resampling for the existing monitor well network; above the chosen statistical limit after verification resampling for wells associated with existing and future modules for Cell 8, for chemical parameters or hazardous constituents specified pursuant to LAC 33:V.3317.A at any monitoring well listed in Table 332~~97~~, of this permit, where physically present, he or she may demonstrate that a source other than a regulated unit caused the statistical presence or that the statistical presence is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. The Permittee may make a demonstration under this Paragraph in addition to, or in lieu of, submitting a permit modification application under LAC 33:V.3317.G.4; however, the Permittee is not relieved of the requirement to submit a permit modification application within the time specified in LAC 33:V.3317.G.4 unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this Paragraph, the Permittee must:

VI.H.8.a. notify the administrative authority in writing within seven (7) days of determining statistically significant evidence of contamination at the well(s) shown on Table 332~~97~~ of this permit that he or she intends to make a demonstration under this Paragraph;

VI.H.8.b. within 90 days, submit a report to the administrative authority that demonstrates that a source other than a regulated unit caused the contamination or that the concentration resulted from error in sampling, analysis, or evaluation;

VI.H.8.c. within 90 days, submit to the administrative authority for a permit modification to make any appropriate changes to the detection monitoring program for the facility; and

VI.H.8.d. continue to monitor in accordance with the detection monitoring program established in Condition VI.H.

VI.I. COMPLIANCE MONITORING

If the Permittee is required to establish a compliance monitoring program under this Condition VI.I and LAC 33:V.3303, the Permittee, at a minimum, must follow the regulations in LAC 33:V.3319.

VI.J. CORRECTIVE ACTION PROGRAM

If the Permittee is required to establish a corrective action program under this section and LAC 33:V.3303, the Permittee, at a minimum, must follow the regulations in LAC 33:V.3321.

VI.K. CONSTRUCTION AND ABANDONMENT OF MONITORING WELLS AND GEOTECHNICAL BOREHOLES{tc "**VI.K. CONSTRUCTION AND ABANDONMENT OF MONITORING WELLS AND GEOTECHNICAL BOREHOLES**" \f C \l 2}

The construction and abandonment of groundwater monitoring wells must conform to the standards and guidelines specified in **"CONSTRUCTION OF GEOTECHNICAL BOREHOLES AND GROUNDWATER MONITORING SYSTEMS HANDBOOK"**, latest edition. This document is printed by and available from the Louisiana Department of Transportation and Development (DOTD), Water Resources Section, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245. The document is also available online at http://dnr.louisiana.gov/assets/OC/env_liv/gw_res/200010_GREENBOOK.pdf~~http://www.dotd.state.la.us/intermodal/wells/wellhandbook.com~~.

A work plan for the construction of a new well must be submitted to the Administrative Authority for approval as the entire groundwater monitoring system must be approved. Any required new well should be installed within thirty (30) days of approval of the work plan by the Administrative Authority. Upon completion of new or replacement well, a copy of DOTD-GW-1 S, DOTD Well Registration Short Form, is to be provided to the Administrative Authority.

The Permittee must provide for the sealing of any vertical migration path resulting from exploratory boring, leachate collection or detection systems and/or groundwater monitoring programs as provided in LAC 33:V.3323. A work plan for the plugging and abandonment of a well must be submitted for approval by the Administrative Authority, whenever such migration pathways are discovered. Upon completion of well abandonment, a copy of DOTD-GW-2, DOTD Well Plugging and Abandonment Form, is to be provided to the Administrative Authority.

TABLE 33~~27~~
MONITORING WELL SYSTEM

Upgradient Monitoring Wells (Cells 5,6, 7, and 14) F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW02BS, MW02BD Upgradient Monitoring Wells (Cell 8) G-28, G-29, G-30 (See discussion in Condition VI.C.1)
Downgradient Monitoring Wells for Cell 5 F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11, D01B
Downgradient Monitoring Wells for Cell 14 F26, F27, F28, F29, F38, F39, F40, D02A
Downgradient Monitoring Wells for Cell 6 F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, F45
Downgradient Monitoring Wells for Cell 7 F17, F18, F19, F20, F21, F22, F23, F24, F25, E03
Downgradient Monitoring Wells for Phase 1 (Modules 1, 2, 3, and 4) of Cell 8 G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35, G-36
Downgradient Monitoring Wells for Phase 2 (Modules 5, 6, 7, 8, 9, and 10) of Cell 8 G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, G-21 (See discussion in Condition VI.C.1)
Piezometers M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, GP08, ~~G-10*~~ ~~*G-10 is a piezometer for Phase 1 (Modules 1, 2, 3, and 4) of Cell 8 and will be converted into a monitoring well for Phase 2 (prior to placement of waste in Module 5) of Cell 8~~

TABLE 34~~28~~
PARAMETERS, CONTAINERS, AND PRESERVATION

Parameter	Container Type	Preservation Method
Volatile Organic Compounds	Glass Zero headspace	Cool to 4 degrees C

Semi-Volatile Organic Compounds	Glass Minimal headspace	Cool to 4 degrees C
Dissolved Metals	Plastic	HNO_3 to pH < 2.0
Conventional Parameters	Glass or Plastic	Cool to 4 degrees C

TABLE 3529
MONITOR WELL DETECTION MONITORING PARAMETERS AND PRACTICAL QUANTITATION LIMITS (PQLS)
(Semi-Annual Sampling Schedule)

Volatile Organic Compound	PQL µg/l	Analytical Method*
Chloromethane	10	8260B
Bromomethane	10	8260B
Vinyl Chloride	2	8260B
Chloroethane	10	8260B
1,1-Dichloroethene	5	8260B
1,1-Dichloroethane	5	8260B
trans-1,2-Dichloroethene	~~10~~ 7	8260B
Chloroform	5	8260B
1,2-Dichloroethane	5	8260B
1,1,1-Trichloroethane	5	8260B
Carbon Tetrachloride	5	8260B
Bromodichloromethane	5	8260B
1,1,2,2-Tetrachloroethane	5	8260B
1,2-Dichloropropane	5	8260B
trans-1,3-Dichloropropene	5	8260B
Trichloroethene	5	8260B
Dibromochloromethane	5	8260B
1,1,2-Trichloroethane	5	8260B
Benzene	5	8260B
cis-1,3-Dichloropropene	5	8260B
Bromoform	5	8260B
Tetrachloroethene	5	8260B
Toluene	5	8260B
Chlorobenzene	5	8260B
Ethyl Benzene	5	8260B
Trichlorofluoromethane	10	8260B
Methylene Chloride	5	8260B
Acetone	20	8260B
2-Butanone (MEK)	5	8260B
Carbon disulfide	5	8260B
4-Methyl-2-pentanone	5	8260B
Ethyl ether	5	8260B
Xylenes (total)	10	8260B

Dissolved Metal		
Arsenic	10**	200.7
Chromium	20	200.7
Cadmium	10	200.7
Lead	10	200.7
Selenium	~~50~~20	200.7

* Methods may be replaced with equivalent methods that meet the appropriate performance standards

**PQL of 10 µg/l for monitor wells other than F13, F14, and F15. Limits for these wells follow:
F13: Shewart-CUSUM Control Chart Limit = 18.4 µg/l
F14: Shewart-CUSUM Control Chart Limit = 36.1 µg/l
F15: Shewart-CUSUM Control Chart Limit = 18.4 µg/l

TABLE 3~~6~~0
MONITOR WELL DETECTION MONITORING PARAMETERS AND PRACTICAL QUANTITATION LIMITS (PQLS)
(Annual Sampling Schedule)

Semi-Volatile Organic Compound	PQL µg/l	Analytical Method*
Phenol	10	8270C
bis(2-chloroethyl)ether	10	8270C
2-Chlorophenol	10	8270C
1,3-Dichlorobenzene	10	8270C
1,4-Dichlorobenzene	10	8270C
Benzyl Alcohol	20	8270C
1,2-Dichlorobenzene	10	8270C
2-Methylphenol	10	8270C
bis(2chloroisopropyl)ether	10	8270C
4-Methylphenol	10	8270C
N-Nitroso-Dipropylamine	10	8270C
Hexachloroethane	10	8270C
Nitrobenzene	10	8270C
Isophorone	10	8270C
2-Nitrophenol	10	8270C
2,4-Dimethylphenol	10	8270C
Benzoic acid	50	8270C
bis(2-chloroethoxy)methane	10	8270C
2,4-Dichlorophenol	10	8270C
1,2,4-Trichlorobenzene	10	8270C
Naphthalene	10	8270C
4-Chloroaniline	20	8270C
Hexachlorobutadiene	10	8270C
4-Chloro-3-methylphenol (para-chloro-meta-cresol)	10	8270C
m-cresol (3-Methylphenol)	20	8270C
2-Methylnaphthalene	10	8270C
Hexachlorocyclopentadiene	10	8270C
2,4,6-Trichlorophenol	10	8270C
2,4,5-Trichlorophenol	10	8270C
2-Chloronaphthalene	10	8270C
2-Nitroaniline	50	8270C
Dimethyl Phthalate	10	8270C

Acenaphthylene	10	8270C
3-Nitroaniline	50	8270C
Acenaphthene	10	8270C
2,4-Dinitrophenol	50	8270C
4-Nitrophenol	50	8270C
2,4-Dinitrotoluene	10	8270C
2,6-Dinitrotoluene	10	8270C
4-Chlorophenyl Phenyl Ether	10	8270C
Fluorene	10	8270C
4-Nitroaniline	50	8270C
4,6-Dinitro-2-methylphenol	50	8270C
N-nitrosodiphenylamine	10	8270C
4-Bromophenyl Phenyl Ether	10	8270C
~~HexachlorobenzeneHexachlorobenzene~~	10	8270C
Pentachlorophenol	50	8270C
Phenanthrene	10	8270C
Anthracene	10	8270C
Fluoranthene	10	8270C
Pyrene	10	8270C
3,3'-Dichlorobenzidine	20	8270C
Benzo(a)anthracene	10	8270C
Chrysene	10	8270C
Benzo(b)fluoranthene	10	8270C
Benzo(k)fluoranthene	10	8270C
Benzo(a)pyrene	10	8270C
Ideno(1,2,3-cd)pyrene	10	8270C
Dibenz(a,h)anthracene	10	8270C
Benzo(g,h,i)perylene	10	8270C
Aniline	10	8270C
Beta-BHC	0.05	8081
Gamma-BHC (Lindane)	0.05	8081
4-4'-DDE	0.05	8081
2,4-D	4	8151
2,4,5-T	1	8151
Other Parameter		
Cyanide (total)	40	335.3
Mercury (dissolved)	2	245.1

* Methods may be replaced with equivalent methods that meet the appropriate performance standards

VII. GENERAL CONDITIONS PURSUANT TO THE HAZARDOUS AND SOLID WASTE AMENDMENTS

VII.A. STANDARD CONDITIONS{tc \l1 "B. STANDARD CONDITIONS}

VII.A.1. Waste Minimization{tc \l2 "1. Waste Minimization}

Annually, by March 1, for the previous year ending December 31, the Permittee shall enter into the operating record as required by LAC 33:V.1529.B.19, a statement certified according to LAC 33:V.513.A specifying that the Permittee has a program in place to reduce the volume and toxicity of hazardous wastes generated by the facility's operation to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or practicable disposal method that is currently available to the Permittee which minimizes the present and future threat to human health and the environment. A current description of the program shall be maintained in the operating record and a copy of the annual certified statement shall be submitted to the Administrative Authority. The following criteria should be considered for the program:

VII.A.1.a. Any written policy or statement that outlines goals, objectives, and/or methods for source reduction and recycling of hazardous waste at the facility;

VII.A.1.b. Any employee training or incentive programs designed to identify and implement source reduction and recycling opportunities;

VII.A.1.c. An itemized list of the dollar amounts of capital expenditures (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste;

VII.A.1.d. Factors that have prevented implementation of source reduction and/or recycling;

VII.A.1.e. Sources of information on source reduction and/or recycling received at the facility (e.g., local government, trade associations, suppliers, etc.);

VII.A.1.f. An investigation of additional waste minimization efforts that could be implemented at the facility. This investigation would analyze the potential for reducing the quantity and toxicity of each waste stream through production reformulation, recycling, and all other appropriate means. The analysis would include an assessment of the technical feasibility, cost, and potential waste reduction for each option;

VII.A.1.g. A flow chart or matrix detailing all hazardous wastes the facility produces by quantity, type, and building/area;

VII.A.1.h. A demonstration of the need to use those processes that produce a particular hazardous waste due to a lack of alternative processes or available technology that would produce less hazardous waste;

VII.A.1.i. A description of the waste minimization methodology employed for each related process at the facility. The description should show whether source reduction or recycling is being employed;

VII.A.1.j. A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years; and

VII.A.1.k. The Permittee may meet the requirements for waste minimization by developing an Environmental Management System according to the EPA document, Integrated Environmental Management System Implementation Guide, EPA 744-R-00-011, October 2000, found on https://www.epa.gov/sites/production/files/2013-12/documents/iems_implementation_guide_full.pdf. ~~www.epa.gov/opptintr/dfe/pubs/iems/iems_guide/index.htm.~~

VII.A.2. Dust Suppression{tc \l2 "2. Dust Suppression}

Pursuant to LAC 33:V.4139.B.4, and the Toxic Substances Control Act, the Permittee shall not use waste or used oil or any other material which is contaminated with dioxin, polychlorinated biphenyls (PCBs), or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment.

VII.A.3. Failure to Disclose{tc \l2 "3. Permit Modification}

The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts at any time may be cause for termination or modification of this Permit in accordance with LAC 33:323.B.2 and 3.

VII.A.4. Suspension, Modification, or Revocation and Reissuance, and Termination of Permit

This Permit may be modified, revoked and reissued, or terminated for cause as specified in LAC 33:V.323. The filing of a request by the Permittee for a permit modification, revocation and reissuance, 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.

VII.A.4.a. If the Administrative Authority tentatively decides to modify or revoke and reissue a permit under LAC 33:V.321.C. or 323, a draft permit shall be prepared incorporating the proposed changes. The Administrative Authority may request additional information and, in the case of a modified permit, may require the submission of an updated permit application.

VII.A.4.b. The Permittee may initiate permit modification proceedings under LAC 33:V.321.C. All applicable requirements and procedures as specified in LAC 33:V.321.C shall be followed.

VII.A.4.c. Modifications of this Permit do not constitute a reissuance of the Permit.

VII.A.5. Permit Review
{tc \l2 "4. Permit Review}
This Permit may be reviewed by the Administrative Authority five years after the date of permit issuance and may be modified as necessary as provided for in LAC 33:V.315 and LAC 33:V.323. Nothing in this section shall preclude the Administrative Authority from reviewing and modifying the Permit at any time during its term.

VII.A.6. Compliance with Permit{tc \l2 "5. Compliance with Permit}

Compliance with a RCRA permit during its term constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which:

VII.A.6.a. Become effective by statute;

VII.A.6.b. Are promulgated under LAC 33:V.Chapter 22 restricting the placement of hazardous wastes in or on the land; or

VII.A.6.c. Are promulgated under LAC 33:V.Chapters 23, 25 and 29 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, construction quality assurance (CQA) programs, monitoring action leakage rates, and response action plans, and will be implemented through the procedures of LAC 33:V.321.C Class 1 permit modifications.

VII.A.7. Specific Waste Ban{tc \l2 "6. Specific Waste Ban}

VII.A.7.a. The Permittee shall not place in any land disposal unit the wastes specified in LAC 33:V. Chapter 22 after the effective date of the prohibition unless the Administrative Authority has established disposal or treatment standards for the hazardous waste and the Permittee meets such standards and other applicable conditions of this Permit.

VII.A.7.b. The Permittee may store wastes restricted under LAC 33:V.Chapter 22 solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal provided that it meets the requirements of LAC 33:V.2205 including, but not limited to, clearly marking each tank or container.

VII.A.7.c. The Permittee is required to comply with all applicable requirements of LAC 33:V.2245 as amended. Changes to the Waste Analysis Plan will be considered permit modifications at the request of the Permittee, pursuant to LAC 33:V.321.C.

VII.A.7.d. The Permittee shall review the waste analysis plan and analyze the waste when a process changes in order to determine whether the waste meets applicable treatment standards. Results shall be maintained in the operating record pursuant to Section III.C.1 and 2.

VII.A.8. Information Submittal for the Corrective Action Strategy{tc \l2 "7. Information Submittal}

Failure to comply with any condition of the Permit, including information submittal, constitutes a violation of the Permit and is grounds for enforcement action, permit amendment, termination, revocation, suspension, or denial of permit renewal application. Falsification of any submitted information is grounds for termination of this Permit (LAC 33:V.323.B.3).

The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Administrative Authority required by this Permit using the Corrective Action Strategy are signed and certified in accordance with LAC 33:V.Chapter 5, Subchapter B. A summary of the planned reporting requirements pursuant to the corrective action requirements of this Permit is found in Table 1 after section VIII. Five (5) copies each of these plans, reports, notifications or other submissions and one (1) electronic copy (3.5" IBM compatible disk or CD-ROM) of all portions thereof which are in word processing format shall be submitted to the Administrative Authority by Certified Mail or hand delivered to:

Louisiana Department of Environmental Quality
Office of Environmental Services
Remediation Services Division
P.O. Box 4313
Baton Rouge, LA 70821-4313

All plans and reports required under the corrective action strategy must follow the guidelines for formatting and content found in the RECAP document to the extent practicable. Further guidance on formatting and content may be provided by the Administrative Authority, as deemed necessary.

VII.A.9. Plans and Schedules Incorporation into Permit{tc \l2 "8. Plans and Schedules Incorporation Into Permit}

All plans and schedules required by this Permit are, upon approval by the Administrative Authority, incorporated into this Permit by reference and become an enforceable part of this Permit. When applicable, the Permittee must modify the permit according to LAC 33:V. Chapter 3. Since required items are essential elements of this Permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action under Section 3008 of RCRA which may include fines, suspension, or revocation of the Permit. Also, where applicable the Permittee must meet all the permit modification requirements of LAC 33:V.321, 322 and 323.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this Permit. Written requests for extensions of due dates for submittals may be granted by the Administrative Authority in accordance with LAC 33:I.1505.E.

If the Administrative Authority determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Administrative Authority may modify this Permit according to procedures in LAC 33:V.321.

VII.A.10. Data Retention{tc \l2 "9. Data Retention}

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Permit shall be maintained at the facility during the term of this Permit, including any reissued Permits.

VII.A.11. Management of Wastes{tc \l2 "10. Management of Wastes}

All solid wastes which are managed pursuant to a remedial measure taken under the corrective action process or as an interim measure addressing a release or the threat of a release from a solid waste management unit shall be managed in a manner protective of human health and the environment and in compliance with all applicable Federal, State and local requirements. As a response to the Louisiana legislature mandate La. R.S. 30:2272 (Act 1092 of the 1995 Regular Session) to develop minimum remediation standards, the LDEQ promulgated the Risk Evaluation Corrective Action Program (RECAP). RECAP's tiered approach to risk evaluation and corrective action establishes not only across the board numerical standards for most media, but also allows for the development of more site-specific numerical standards, as warranted. The Permittee is

required to comply with all applicable requirements of RECAP. Approval of units for managing wastes and conditions for operating the units shall be granted through the permitting process. Previously approved remedial measures and/or corrective action activities only apply when warranted by new information and/or data that was not available to the Administrative Authority at the time of submission and approval of the measures and/or activities relevant to the previously approved remedial measures and/or corrective action activities.

VII.B.{tc \l1 "G.} AA-BB AIR REGULATIONS

See Condition V.HF. Air Emission Standards.

VII.C. SPECIFIC CONDITION - CLOSURE{tc \l1 "C. SPECIFIC CONDITION - CLOSURE}

Pursuant to Section 3005(j)(1) of the Hazardous and Solid Waste Amendments of 1984, the Permittee shall close any closing units in accordance with the following provisions:

VII.C.1. Other than consolidation of any wastes from the sites in conformance with LAC 33:V.Chapter 22, Land Disposal Restrictions, the Permittee shall not place waste prohibited by LAC 33:V.Chapter 22 into any closing units;

VII.C.2. The Permittee shall perform unit closures in accordance with the Closure Plan(s) as approved at the time of closure, and which meet(s) all relevant State and Federal closure requirements at the time of closure; and

VII.C.3. The Permittee shall notify the Administrative Authority in writing at least sixty (60) days prior to commencement of closure.

VIII. SPECIAL CONDITIONS PURSUANT TO HAZARDOUS AND SOLID WASTE AMENDMENTS—CORRECTIVE ACTION STRATEGY

Corrective Action for Releases{tc \l2 "1. Corrective Action for Releases}: Section 3004(u) of RCRA, as amended by the Hazardous and Solid Waste Amendments (HSWA), and LAC 33:V.3322 require that permits issued after November 8, 1984, address corrective action for releases of hazardous waste or hazardous constituents from any solid waste management unit at the facility, regardless of when the waste was placed in the unit.

EPA's traditional RCRA corrective action approach is structured around several elements common to most activities. In the first phase, RCRA facility assessment (RFA), EPA or the authorized state assesses the facility to identify releases and determine the need for corrective action. In the second phase, RCRA facility investigation (RFI), the facility conducts a more detailed investigation to determine the nature and extent of contaminants released to ground water, surface water, air, and soil. If remedial action is needed, a third phase, corrective measures study (CMS), is started. During this phase, the facility conducts a study, which when completed, describes the advantages, disadvantages, and costs of various cleanup options. After selection of a final remedy, the fourth phase, corrective measures implementation (CMI), is initiated. The facility is required to design, construct, operate, maintain, and monitor the final remedy(s).

The Corrective Action Strategy (CAS) is an alternate corrective action approach that can be implemented during any phase of corrective action for a release area. The Permittee shall use the CAS approach as the framework for corrective action to clarify, facilitate and expedite the process, and shall use the **Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP)** for screening and media-specific cleanup standards. EPA has interpreted the term "release" to mean, "any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment." (50 FR 2873, July 15, 1985). The CAS refers to "release areas" as solid waste management units (SWMUs) and areas of concern (AOCs) while the RECAP refers to release areas as areas of investigation (AOIs). SWMUs and AOCs may also be referred to as "AOIs" when investigated and managed under the RECAP.

VIII.A. ALTERNATE CORRECTIVE ACTION

VIII.A.1. This Permit will utilize the CAS Guidance Document (https://www.epa.gov/sites/production/files/2015-09/documents/r6-cas2015.pdf~~(http://www.epa.gov/earth1r6/6pd/rcra_c/pd-o/riskman.htm~~) developed by the U.S. Environmental Protection Agency (EPA) Region 6 whenever the Administrative Authority determines that it will serve to facilitate the corrective action. The CAS Guidance Document shall be utilized to the fullest extent practicable for planning and implementation of the corrective action. The CAS in this Permit shall not supersede existing Federal, State, and local regulations. The two primary objectives are to prioritize corrective action at the facility, and streamline corrective action administrative procedures, resulting in the protection of human health and the environment.

The CAS is a performance-based approach; using data quality objectives, investigations begin with the endpoint in mind. The CAS is a risk management strategy that can be implemented during any phase of corrective action. However, the CAS need not be applied to work that has already been completed to the satisfaction of the Administrative Authority. Performance standards are established at the beginning of the corrective action process, allowing earlier and more focused implementation. Releases are screened using RECAP screening numbers to determine the priority of corrective action, and remedial alternatives are selected on the basis of their ability to achieve and maintain the established performance standards.

There is no one specific path through the CAS process. The CAS is a facility-wide approach, focusing corrective action on releases that pose the greatest risk first. Screening releases will also enable some areas of interest to qualify for no further action at this time (Condition VIII.A.3.a.), thus resources can be used to best benefit the protection of human health and the environment. The CAS process also considers activities previously conducted under the traditional corrective action process. Appendix 1 of this permit contains a summary of corrective action activities completed to date and also describes where the Permittee is in the CAS process at the time of issuance of this permit. The applicability of various provisions of the CAS will depend on where the Permittee is in the CAS process as detailed in Appendix 1.

The traditional RCRA corrective action process and reports (i.e., RFIs, CMSs, CMIs, etc.) are not elements of the CAS. However, the use of information and reports from the traditional corrective action process, if available, is encouraged, in addition to new site-specific information.

The Administrative Authority, through an agency-initiated permit modification, may remove the CAS as the means of facility-wide corrective action in the case of the failure of the Permittee to disclose information, abide by the terms and conditions of this permit, adhere to agreed schedules, or show adequate progress; or should an impasse occur between the Permittee and the Administrative Authority. The Administrative Authority will institute other means of corrective action (such as traditional corrective action) at the facility through modification of this permit.

VIII.A.2. Performance Standards

Expectations for the outcome of corrective action at a facility are established in the CAS by three performance standards as defined in Conditions VIII.A.2.a through c. The Permittee's proposed performance standards shall be presented during the scoping meeting. The Permittee must justify the proposed performance standards through evaluation and documentation of land use, ground water designation (current and reasonably expected future use), types of receptors present, exposure pathways, etc.; as described in RECAP, Chapter 2. Through the application of the performance standards and RECAP, the Permittee and Administrative Authority shall determine whether a release must be addressed through corrective action, and whether implemented corrective

actions are protective of human health and the environment.

The Permittee shall submit the performance standards in writing along with the Conceptual Site Model (Condition VIII.D) within one-hundred and twenty (120) days after the scoping meeting. The Administrative Authority may either approve the performance standards proposed by the Permittee or establish performance standards that the Administrative Authority deems necessary to protect human health and the environment.

The three CAS performance standards are defined below. The order in which the performance standards are listed does not indicate that one performance standard takes priority over another. All applicable performance standards must be achieved by the Permittee.

VIII.A.2.a. Source Control Performance Standard

Source control refers to the control of materials that include or contain hazardous wastes or hazardous constituents that act as a reservoir for migration of contamination to soil, sediment, ground water, surface water, or air, or as a source for direct exposure.

The facility must determine if source material is present. Removal, containment, treatment, or a combination of the three, must be evaluated on a case-by-case basis. Controlling source material is a predominating issue in the CAS, and must be addressed to ensure protectiveness over time. Prioritization of the SWMUs and AOCs does not mean avoidance of controlling source materials.

VIII.A.2.b. Statutory and Regulatory Performance Standard

Applicable statutory and regulatory requirements (Federal, State, and local) must be identified. These requirements may dictate media-specific contaminant levels (e.g., maximum contaminant levels (MCLs) in drinking water) that must be achieved and may become a performance standard for the Permittee.

VIII.A.2.c. Final Risk Goal Performance Standard

The final risk goal is the level of protection to be achieved and maintained by the Permittee. The final risk goal shall be based on site-specific issues including land use, special subpopulations, contaminant concentrations based on acceptable risk, location at which the levels are measured, and the remediation time frame, as specified by RECAP.

One final risk goal may apply to the entire facility, but it is more likely that different releases will require different final risk goals due to variations in location of releases, land use, proximity of receptors, etc. The final risk goal will be based on sound risk assessment methodologies (Condition VIII.A.3).

VIII.A.3. Use of RECAP

The latest edition of the RECAP document shall be used by the Permittee to determine the need for further corrective actions under this permit. The RECAP consists of a tiered framework comprised of a Screening Option (SO), and three Management Options (MO). The tiered management options allow site evaluation and corrective action efforts to be tailored to site conditions and risks. As the MO level increases, the approach becomes more site-specific and hence, the level of effort required to meet the objectives of the Option increases.

The RECAP shall be used by the Permittee to evaluate data quality and data usability (RECAP Section 2.4 and 2.5), to determine the identity of an AOI as described in RECAP Section 2.6, and for estimations of Area of Investigation Concentrations and Groundwater Compliance Concentrations for each media as defined in RECAP Section 2.8.

The RECAP shall be used by the Permittee to evaluate land use as described in RECAP Section 2.9, and groundwater/aquifer use as described in RECAP Section 2.10.

The RECAP shall be used by the Permittee to prioritize AOCs, SWMUs, and AOIs that require remediation so site investigations are focused on the release areas that pose the greatest risk. As the CSM is compiled, the Permittee shall assess historical data (RECAP Section 2.5) and use the following management options, as appropriate, to address each release site.

VIII.A.3.a. Use of the Screening Option - The Permittee shall use the Screening Standards (SS) which are LDEQ-derived screening numbers for soil and groundwater for non-industrial and industrial land use scenarios. The SS shall be used to demonstrate that an AOI does not pose a threat to human health and the environment and, hence does not require further action at this time (NFA-ATT) or that further evaluation is warranted under a higher Management Option.

VIII.A.3.b. **Use of Management Option 1** – The Permittee shall use Management Option 1 (MO-1) which provides a RECAP standard (RS) derived for non-industrial and industrial exposure scenarios using currently recommended default exposure parameters and toxicity values. Under MO-1, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-1 limiting RS, then the Permittee may; (1) remediate to the MO-1 limiting RS (and comply with closure/post closure requirements for MO-1), or (2) proceed with a MO-2 or MO-3 evaluation.

VIII.A.3.c. **Use of Management Option 2** – The Permittee shall use Management Option 2 (MO-2) which provides for the development of soil and groundwater RS using site-specific data with specified analytical models to evaluate constituent fate and transport at the AOI. The results of this evaluation

shall be used in conjunction with standard reasonable maximum exposure (RME) assumptions to identify site-specific MO-2 RS. Under MO-2, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-2 limiting RS, then the Permittee may; (1) remediate to the MO-2 limiting RS (and comply with closure/post closure requirements for MO-2), or (2) proceed with a MO-3 evaluation.

VIII.A.3.d. **Use of Management Option 3** – The Permittee shall use Management Option 3 (MO-3) which provides the option of using site-specific data for the evaluation of exposure and the evaluation of environmental fate and transport at the AOI. The results of the site-specific evaluation may be to develop site-specific MO-3 RS. Under MO-3, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-3 limiting RS, then the Permittee shall; (1) remediate to the MO-3 RS, (2) conduct confirmatory sampling, and (3) comply with closure/post closure requirements for MO-3.

VIII.A.4. Corrective Action for Releases Beyond Facility Boundary{tc \l2 "4. Corrective Action for Releases Beyond Facility Boundary}

Section 3004(v) of RCRA as amended by HSWA, and State regulations promulgated as LAC 33:V.3322.C require corrective actions beyond the facility property boundary, where necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, unless the Permittee demonstrates that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where offsite access is denied.

VIII.A.5. Financial Responsibility{tc \l2 "5. Financial Responsibility}

Assurances of financial responsibility for corrective action shall be provided by the Permittee as specified in the Permit following major modification for remedy selection. The Administrative Authority reserves the right to require financial assurance prior to remedy selection based upon facility compliance history, the extent and degree of contamination, financial health of the Permittee, and input from the public.

VIII.A.6. Summary of Corrective Action Activities

A summary of the corrective action activities associated with the facility is provided in Condition VIII, Appendix 1 of this permit. AOCs and SWMUs that are currently being managed or proposed for management under a prescribed corrective action program (e.g., groundwater order, corrective action order, CERCLA) are identified in Condition VIII, Appendix 1, Table 1 of this permit.

VIII.A.7. Approval of Alternate Schedule

The Permittee may submit a written request for an alternate schedule for a submittal deadline as presented in Condition VIII, Table 1. The request should propose a specific alternate schedule and include an explanation as to why the alternate schedule is necessary. The Administrative Authority will consider site-specific criteria in either approving or disapproving the request for an alternate schedule.

VIII.B. PROJECT DEVELOPMENT AND SCOPING MEETING

VIII.B.1. Notice of Intent

The Permittee must submit to the Administrative Authority a Notice of Intent to conduct corrective action using the CAS upon identification of a newly identified SWMU or AOC per Condition VIII.L or notification of newly identified releases at a SWMU or AOC per Condition VIII.M. The notice of intent should state the following in a concise manner:

VIII.B.1.a. General information regarding facility location;

VIII.B.1.b. General information regarding the facility's operational history;

VIII.B.1.c. General discussion on how the Permittee will proceed through the CAS;

VIII.B.1.d. Brief description of proposed performance standards for corrective action; and

VIII.B.1.e. Propose a date for a scoping meeting between the Permittee and the Administrative Authority to be held within sixty (60) days of the date of the Notice of Intent.

VIII.B.2. Scoping Meeting

The scoping meeting will serve as the first CAS milestone where the Permittee and the Administrative Authority identify expectations concerning CAS implementation. The length and extent of the meeting will depend on the complexity of the site. Agreements on land use, groundwater classification, the level of detail required in the conceptual site model (see Condition VIII.D) and expectations for remediation goals will be discussed during the scoping meeting(s). During the scoping meeting the Permittee will present the following information to the Administrative Authority:

VIII.B.2.a. A conceptual site model (if one already has been developed);

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VIII.B.2.b. Discussions on history of corrective action at the facility, including facility investigations, risk evaluations or risk assessments, interim measure/stabilizations and final remedies implemented;

VIII.B.2.c. Proposed performance standards for the facility with justification, and potential risk management approaches;

VIII.B.2.d. Discussions on how the Permittee plans to use the CAS to meet its corrective action obligations, including permitting and compliance issues;

VIII.B.2.e. A Communication Strategy Plan that specifies where in the CAS process the Permittee is currently and how the Permittee will provide information about future progress at the facility to the Administrative Authority (i.e., progress reports, conference calls, routine meetings, etc.);

VIII.B.2.f. Site-specific concerns (i.e., sensitive environments or special subpopulations);

VIII.B.2.g. Need for interim measures or stabilization activities, if necessary; and

VIII.B.2.h. Schedule for submittal of the CAS Investigation Workplan and proposed schedule for conducting and completing CAS requirements, including public participation.

Information plans and reports that have already been developed by the Permittee during the corrective action process can be referenced during the scoping meeting. The Permittee must coordinate with the Administrative Authority in order to determine the date, time, and location of the scoping meeting.

VIII.C. REPORTING REQUIREMENTS

VIII.C.1. The Permittee shall submit, in accordance with Condition VII.A.8, signed reports of all activities conducted pursuant to the provisions of this Permit as required by the Administrative Authority. The reporting schedule shall be determined on a case-by-case basis by the Administrative Authority. These reports shall contain, as applicable to the stage of corrective action, the information required by CAS, as well as the following:

VIII.C.1.a. A description of the work completed and an estimate of the percentage of work completed;

VIII.C.1.b. Summaries of all findings, including summaries of laboratory data;

VIII.C.1.c. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;

VIII.C.1.d. Projected work for the next reporting period;

VIII.C.1.e. Summaries of contacts pertaining to corrective action or environmental matters with representatives of the local community, public interest groups or State government during the reporting period;
VIII.C.1.f. Changes in key project personnel during the reporting period; and

VIII.C.1.g. Summaries of all changes made in implementation during the reporting period.

VIII.C.2. Copies of other reports relating to or having bearing upon the corrective action work (e.g., inspection reports, drilling logs and laboratory data) shall be made available to the Administrative Authority upon request.

VIII.C.3. In addition to the written reports as required in Condition VIII.C.1 and VIII.C.2 above, at the request of the Administrative Authority, the Permittee shall provide status review through briefings with the Administrative Authority.

VIII.C.4. The determination and approval of remedy selections, schedules of submittals and minor changes to any corrective action workplans may be made by the Administrative Authority during the scoping meeting or status review briefings as described in Condition VIII.C.3.

VIII.D. SPECIFIC CONDITION – CONCEPTUAL SITE MODEL (CSM)

No later than 120 days after the scoping meeting, the Permittee shall submit to the Administrative Authority a CSM (along with the Performance Standards detailed in Condition VIII.A.2) or an update of any CSM submitted at the scoping meeting providing background information and the current conditions at the facility. The level of detail required for the CSM will be discussed during the scoping meeting. At a minimum, the CSM must address current site conditions, land use, known and/or potential constituent source(s), routes of constituent migration, exposure media (i.e., soil, surface waters, groundwater), exposure points, points of compliance and pathways, receptors and source media to be evaluated under the RECAP. The CSM must include a completed Figure 8 (LAC 33:I.Chapter 13). The Permittee may include completed investigations, existing data, or previously submitted documents in the CSM by reference. References must include the names, dates, and brief summaries of the documents.

If a CSM has been previously developed, the scoping meeting will also provide the opportunity for the Permittee and Administrative Authority to consider and identify all data gaps in the CSM. The initial CSM shall be considered the "base document" to be prepared and updated by the facility as new information is gathered during investigations. The CSM shall be used by the facility to make decisions regarding risk management options, ecological risk, and monitored natural attenuation determinations (RECAP Section 2.16), or technical impracticability (TI) waiver determinations, when appropriate.

The Administrative Authority reserves the right to require revisions to the CSM based upon data resulting from ongoing investigations and activities. Revisions to the CSM may also be required

for newly identified SWMUs or AOCs according to Condition VIII.L of this permit (See Appendix 1, Ongoing Corrective Action) and based on new information and information not previously considered by the Administrative Authority.

The CSM shall be divided into Profiles as detailed in Conditions VIII.D.1 through 6. If the Permittee chooses to use existing data and documents in the CSM, it may not be necessary to prepare the Profiles as detailed in Conditions VIII.D.1 through 6. However, the existing documents and data must provide sufficient information and detail which corresponds to the information required by the Facility, Land Use and Exposure, Physical, Release, Ecological, and Risk Management Profiles.

VIII.D.1. Facility Profile

The Permittee shall include in the CSM a Facility Profile which shall summarize the regional location, pertinent boundary features, general facility structures, process areas, and locations of solid waste management units or other potential sources of contaminant migration from the routine and systematic releases of hazardous constituents to the environment (e.g., truck or railcar loading/unloading areas). The Permittee shall also include historical features that may be potential release areas because of past management practices. The Facility Profile shall include:

VIII.D.1.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.1.a.i. General geographic location;

VIII.D.1.a.ii. Property lines with the owners of all adjacent property clearly indicated;

VIII.D.1.a.iii. Facility structures, process areas and maintenance areas;

VIII.D.1.a.iv. Any other potential release areas shall be delineated, such as railcar loading/unloading areas or any other AOI as described in RECAP Section 2.6; and

VIII.D.1.a.v. Locations of historical features that may be potential release areas or any areas of past solid and hazardous waste generation, treatment, storage or disposal activities.

VIII.D.1.b. The Facility Profile shall also include a description of ownership and operation of the facility.

VIII.D.1.c. The Permittee shall provide pertinent information for those spills that have not been assessed and reported to the Administrative Authority during

facility investigations, addressed by facility spill contingency plans, or previously remediated or deemed for no further action. The information must include at minimum, approximate dates or periods of past waste spills, identification of the materials spilled, the amount spilled, the location where spilled, and a description of the response actions conducted (local, state, federal, or private party response units), including any inspection reports or technical reports generated as a result of the response.

VIII.D.2. Land Use and Exposure Profile

The Permittee shall include in the CSM a Land Use and Exposure Profile which includes surrounding land uses (industrial and non-industrial, as described in RECAP Sections 2.9.1 and 2.9.2), resource use locations (water supply wells, surface water intakes, etc.), beneficial resource determinations (groundwater classifications as described in RECAP Section 2.10), natural resources (wetlands, etc.), sensitive subpopulation types and locations (schools, hospitals, nursing homes, day care centers, etc.), applicable exposure scenarios, and applicable exposure pathways identifying the specific sources, releases, migration mechanisms, exposure media, exposure routes and receptors. The Land Use and Exposure Profile shall include:

VIII.D.2.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.2.a.i. Surrounding land uses, resource use locations, and natural resources/wetlands;

VIII.D.2.a.ii. Locations of sensitive subpopulations; and

VIII.D.2.a.iii. An exposure pathway flowchart which outlines sources, migration pathways, exposure media and potential receptors as depicted in Figure 8 (CMS example) of the RECAP.

VIII.D.3. Physical Profile

The Permittee shall include in the CSM a Physical Profile which shall describe the factors that may affect releases, fate and transport, and receptors, including; topography, surface water features, geology, and hydrogeology. The Physical Profile shall include:

VIII.D.3.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V.Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.3.a.i. Topographic maps with a contour interval of five (5) or ten (10) feet, a scale of one inch to 100 feet (1:100), including hills, gradients, and surface vegetation or pavement;

VIII.D.3.a.ii. Surface water features including routes of all drainage ditches, waterways, direction of flow, and how they migrate to other surface water bodies such as canals and lakes;

VIII.D.3.a.iii. Regional geology including faulting and recharge areas, as well as local geology depicting surface features such as soil types, outcrops, faulting, and other surface features;

VIII.D.3.a.iv. Subsurface geology including stratigraphy, continuity (locations of facies changes, if known), faulting and other characteristics;

VIII.D.3.a.v. Maps with hydrogeologic information identifying water-bearing zones, hydrologic parameters such as transmissivity, and conductivity. Also locations and thicknesses of aquitards or impermeable strata; and

VIII.D.3.a.vi. Locations of soil borings and production and groundwater monitoring wells, including well log information, and construction of cross-sections which correlate substrata. Wells shall be clearly labeled with ground and top of casing elevations (can be applied as an attachment).

VIII.D.4. Release Profile

The Permittee shall include in the CSM a Release Profile which shall describe the known extent of contaminants in the environment, including sources, contaminants of concern (COC), areas of investigations, distribution and magnitude of known COCs with corresponding sampling locations, and results of fate and transport modeling depicting potential future extent/magnitude of COCs. The Release Profile shall include:

VIII.D.4.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V. Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.4.a.i. Estimations of source concentrations, exposure concentrations and compliance concentrations for each affected media as defined in Section 2.8 of RECAP;

VIII.D.4.a.ii. Isopleth maps depicting lateral extent and concentrations of COCs;

VIII.D.4.a.iii. Results of fate and transport modeling showing potential exposure concentrations and locations; and

VIII.D.4.a.iv. Locations of potential sources including past or present waste units or disposal areas and all SWMUs/AOCs.

VIII.D.4.b. Table(s) depicting the following information for each SWMU/AOC, including but not limited to: location; type of unit/disposal/release area; design features; operating practices (past and present); period of operation; age of unit/disposal/release area; general physical condition; and method of closure.

VIII.D.4.c. Table(s) depicting the following waste/contaminant characteristics for those areas referenced in Condition VIII.D.4.b, including but not limited to: type of waste placed in the unit (hazardous classification, quantity, chemical composition), physical and chemical characteristics (physical form, description, temperature, pH, general chemical class, molecular weight, density, boiling point, viscosity, solubility in water, solubility in solvents, cohesiveness, vapor pressure); and migration and dispersal characteristics of the waste (sorption coefficients, biodegradability, photodegradation rates, hydrolysis rates, chemical transformations).

VIII.D.5. Ecological Profile

The Permittee shall include in the CSM an Ecological Profile that shall describe the physical relationship between the developed and undeveloped portions of the facility, the use and level of disturbance of the undeveloped property, and the type of ecological receptors present in relation to completed exposure pathways. When compiling data for the Ecological Profile, current, as well as, future impacts to receptors and/or their habitats shall be considered. The Ecological Profile shall include:

VIII.D.5.a. A history and description of the developed property on the facility, including structures, process areas, waste management units, and property boundaries;

VIII.D.5.b. A history and description of the undeveloped property, including habitat type (wetland, grassy area, forest, ponds, etc.). Include a description of the primary use, degree and nature of any disturbance, along with proximity to drainage ditches, waterways and landfill areas;

VIII.D.5.c. A description of the site receptors in relation to habitat type, including endangered or protected species, mammals, birds, fish, etc.;

VIII.D.5.d. A description of the relationship between release areas and habitat areas, specifically relating chemicals of potential ecological concern (COEC) to ecological receptors;

VIII.D.5.e. An ecological checklist as described in Section 7.0 of RECAP. An ecological checklist (presented in Appendix C, Form 18 of the RECAP) shall be used to determine if a tier 1 (screening level) Ecological Risk Assessment (ERA) is warranted.

VIII.D.6. Risk Management Profile

The Permittee shall include in the CSM a Risk Management Profile that shall describe how each AOI at the facility will be managed for the protection of human health and the environment. The Risk Management Profile will serve as documentation of the results of the site ranking system (described in Section 2.2 of RECAP). The Risk Management Profile will also document the criteria and verify that the SO, MO-1, MO-2 or MO-3 is appropriate for application at each AOI. The Risk Management Profile shall include:

VIII.D.6.a. A table for tracking the management options for each AOI, and the determination made, whether an AOI is deemed for no further action at this time (NFA-ATT) or is going to use either the SO, MO-1, MO-2 or MO-3 management option.

VIII.D.6.b. A list of identified site-wide data gaps for further investigation.

VIII.D.6.c. Documentation of all interim measures which have been or are being undertaken at the facility, including under State or Federal compliance orders, other than those specified in the Permit. This documentation shall include the objectives of the interim measures and how the measure is mitigating a potential threat to human health or the environment and/or is consistent with and integrated into requirements for a long term remedial solution.

VIII.E. INTERIM MEASURES

VIII.E.1. If at any time during the term of this Permit, the Administrative Authority determines that a release or potential release of hazardous constituents from a SWMU/AOC poses a threat to human health and the environment, the Administrative Authority may require interim measures. The Administrative Authority shall determine the specific measure(s) or require the Permittee to propose a measure(s). The interim measure(s) may include a permit modification, a schedule for implementation, and an Interim Measures Workplan. The Administrative Authority may modify this Permit according to LAC 33:V.321 to incorporate interim measures into the Permit. However, depending upon the nature of the interim measures, a permit modification may not be required.

VIII.E.2. The Permittee may propose interim measures at any time by submittal of an Interim Measures Workplan subject to the approval of the Administrative Authority.

VIII.E.3. The Administrative Authority shall notify the Permittee in writing of the requirement to perform interim measures and may require the submittal of an Interim

Measures Workplan. The following factors will be considered by the Administrative Authority in determining the need for interim measures and the need for permit modification:

VIII.E.3.a. Time required to develop and implement a final remedy;

VIII.E.3.b. Actual and potential exposure to human and environmental receptors;

VIII.E.3.c. Actual and potential contamination of drinking water supplies and sensitive ecosystems;

VIII.E.3.d. The potential for further degradation of the medium in the absence of interim measures;

VIII.E.3.e. Presence of hazardous wastes in containers that may pose a threat of release;

VIII.E.3.f. Presence and concentration of hazardous waste including hazardous constituents in soil that has the potential to migrate to ground water or surface water;

VIII.E.3.g. Weather conditions that may affect the current levels of contamination;

VIII.E.3.h. Risks of fire, explosion, or accident; and

VIII.E.3.i. Other situations that may pose threats to human health and the environment.

VIII.E.5. Upon approval of the Interim Measures Workplan and completion of the interim measure(s) implementation, the Permittee will submit a report to the Administrative Authority describing the completed work.

VIII.E.6. At anytime during or after the interim measure(s), including the issuance of an NFA-ATT, the Administrative Authority may require the Permittee to submit the SWMUs/AOCs for further corrective action.

VIII.F. CAS (CORRECTIVE ACTION STRATEGY) INVESTIGATION WORKPLAN

VIII.F.1. The CAS Investigation Workplan that describes site investigation activities for corrective action shall be submitted to the Administrative Authority within 180 days after the scoping meeting between the Permittee and the Administrative Authority. The CAS Investigation Workplan must address releases of hazardous waste or hazardous constituents to all media, unless otherwise indicated, for those SWMUs/AOCs listed in Appendix 1, Table 1. The focus of the site investigation phase for corrective action is to collect data to fill in data gaps identified in the CSM. The corrective action

investigations may be conducted in phases if warranted by site conditions, contingent upon approval by the Administrative Authority.

VIII.F.1.a. The CAS Investigation Workplan shall describe the management options (MO) for each AOI/release area, data quality objectives for achieving each management option, and proposals for release characterizations (sampling and analysis/quality assurance plans) to support the data quality objectives (DQOs). (DQOs are determined based on the end use of the data to be collected, and the DQO development process should be integrated into project planning and refined throughout the CAS implementation. DQOs shall be used to 1) ensure that environmental data are scientifically valid, defensible, and of an appropriate level of quality given the intended use, and 2) expedite site investigations. The CAS Investigation Workplan is required to have DQOs that are developed to support the performance standard for each release.) The CAS Investigation Workplan shall detail all proposed activities and procedures to be conducted at the facility, the schedule for implementing and completing such investigations, the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the site investigations. The scope of work for the site investigation can be found in RECAP Appendix B.

VIII.F.1.b. The CAS Investigation Workplan shall describe sampling, data collection quality assurance, data management procedures (including formats for documenting and tracking data and other results of investigations) and health and safety procedures.

VIII.F.1.c. Development of the CAS Investigation Workplan and reporting of data shall be consistent with the latest version of the following EPA and State guidance documents or the equivalent thereof:

VIII.F.1.c.i. Guidance for the Data Quality Assessment, Practical Methods for Data Analysis. QA97 Version EPA QA/G-9. January 1998;

VIII.F.1.c.ii. Guidance for the Data Quality Objectives Process. EPA QA/G-4. September 1994;

VIII.F.1.c.iii. Data Quality Objectives Remedial Response Activities. EPA/540/G87-003. March 1987;

VIII.F.1.c.iv. Guidance on Quality Assurance Project Plans. EPA QA/G-5. February 1998;

VIII.F.1.c.v. Interim EPA Data Requirements for Quality Assurance Project Plans. EPA Region 6, Office of Quality Assurance. May 1994;

VIII.F.1.c.vi. 29 CFR 1910.120 (b) for the elements to Health and Safety plans;

VIII.F.1.c.vii. RCRA Groundwater Monitoring: Draft Technical Guidance EPA/530-R-93-001 November 1992;

VIII.F.1.c.viii. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods; SW-846, 3rd Edition. November 1992, with revisions;

VIII.F.1.c.viv. The LDEQ Handbook - **Construction of Geotechnical Boreholes and Groundwater Monitoring Systems," prepared by the LDEQ and the Louisiana Department of Transportation and Development.** This document is printed by and available from the Louisiana Department of Transportation and Development, Water Resources Section, P. O. Box 94245, Baton Rouge, Louisiana 70804-9245; and

VIII.F.1.c.x. The LAC 33:I.Chapter 13 and Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP).

VIII.F.2. After the Permittee submits the CAS Investigation Workplan; the Administrative Authority will approve, disapprove, or otherwise modify the CAS Investigation Workplan in writing. All approved workplans become enforceable components of this Permit.

In event of disapproval (in whole or in part) of the workplan, the Administrative Authority shall specify deficiencies in writing. The Permittee shall modify the CAS Investigation Workplan to correct these within the time frame specified in the notification of disapproval by the Administrative Authority. The modified workplan shall be submitted in writing to the Administrative Authority for review. Should the Permittee take exception to all or part of the disapproval, the Permittee shall submit a written statement of the ground for the exception within fourteen (14) days of receipt of the disapproval.

VIII.F.3. The Administrative Authority shall review for approval, as part of the CAS Investigation Workplan or as a new workplan, any plans developed pursuant to Condition VIII.L addressing further investigations of newly-identified SWMUs/AOCs, or Condition VIII.M addressing new releases from previously-identified SWMUs/AOCs.

VIII.G. IMPLEMENTATION OF SITE INVESTIGATION ACTIVITIES UNDER CAS

No later than fourteen (14) days after the Permittee has received written approval from the Administrative Authority for the CAS Investigation Workplan, the Permittee shall implement the site investigation activities according to the schedules and in accordance with the approved CAS Investigation Workplan and the following:

VIII.G.1. The Permittee shall notify the Administrative Authority at least 10 working days prior to any field sampling, field-testing, or field monitoring activity required by this Permit to give LDEQ personnel the opportunity to observe investigation procedures and/or split samples.

VIII.G.2. Deviations from the approved CAS Investigation Workplan, which are necessary during implementation, must be approved by the Administrative Authority and fully documented and described in the progress reports (Condition VIII.C), RECAP Report (Condition VIII.H) and the final Risk Management Plan (Condition VIII.J).

VIII.H. RECAP REPORT

Within ninety (90) days after completion of the site investigation the Permittee shall submit a RECAP Report to the Administrative Authority for approval. The RECAP Report shall document the results of the site investigation activities, and the evaluation of the impacts from releases. The Administrative Authority will review and evaluate the report and provide the Permittee with written notification of the report's approval or a notice of deficiency. If the Administrative Authority determines the RECAP Report does not fully meet the objectives stated in the CAS Investigation Workplan (Permit Condition VIII.F), the Administrative Authority shall notify the Permittee in writing of the report's deficiencies, and specify a due date for submittal of a revised Final Report to the Administrative Authority.

VIII.H.1. The Permittee shall screen site-specific data using the appropriate RECAP standard (RS) for each AOI (depending on the MO), evaluate impacts from releases with exposure scenario evaluations, and update the Risk Management Profile of the CSM.

VIII.H.2. The report shall include, but not be limited to, the following:

VIII.H.2.a. Documentation of site investigation activities and results;

VIII.H.2.b. Evaluation of exposure scenarios to document impacts from releases;

VIII.H.2.c. Deviations from the CAS Investigation Workplan;

VIII.H.2.d. Results of screening activities using RECAP standards (RS), including SO, MO-1, MO-2, or MO-3 RS for each media;

VIII.H.2.e. The revised CSM with updated profiles which incorporate investigation and screening results; and

VIII.H.2.f. Proposed revisions to performance standards based on new information (e.g., change in land use, difference in expected receptors and/or exposure, or other differences in site conditions), if warranted.

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VIII.I. REMEDIAL ALTERNATIVES STUDY

Upon completion and approval of the RECAP Report, the Permittee shall proceed with the evaluation of remedial alternatives to complete corrective action for each AOI according to the performance standards described in Condition VIII.A.2. The remedial alternatives shall be submitted to the Administrative Authority in the Remedial Alternatives Study (RAS) within ninety (90) days of the Administrative Authority's approval of the RECAP Report. In the Remedial Alternatives Study, the Permittee shall identify and evaluate various potential remedies that would meet the performance-based corrective action objectives and propose one or more specific remedies based on an evaluation of applicable data and available corrective action technologies. The RAS shall be prepared in a manner that addresses the extent and nature of the contamination at the facility.

VIII.I.1. The Permittee shall evaluate remedies for each AOI that shall:

VIII.I.1.a. attain compliance with corrective action objectives for releases of hazardous waste and/or hazardous constituents, as established in the Conceptual Site Model or in later investigations approved by the Administrative Authority;

VIII.I.1.b. control sources of releases;

VIII.I.1.c. meet acceptable waste management requirements;

VIII.I.1.d. protect human health and the environment; and

VIII.I.1.e. meet applicable statutory and regulatory requirements (as noted in Condition VIII.A.2.b).

VIII.I.2. The Permittee shall evaluate the use of presumptive remedies and innovative technologies to achieve the appropriate remedial performance standards for each AOI.

VIII.I.3. The Permittee shall review the current interim measures/ stabilization activities to evaluate if these measures meet all the criteria for final remedy.

VIII.I.4. If under certain site-specific conditions, or when it is not technically or economically feasible to attain the corrective action objectives, the Permittee may propose to use institutional controls to supplement treatment or containment-based remedial actions upon approval of the Administrative Authority (Section 2.15 of RECAP).

VIII.I.5. The RAS shall at a minimum include:

VIII.I.5.a. An evaluation of the performance reliability, ease of implementation, and the potential impacts of the potential remedies;

VIII.I.5.b. An assessment of the effectiveness of potential remedies in achieving adequate control of sources and meeting remedial performance standards;

VIII.I.5.c. An assessment of the costs of implementation for potential remedies;

VIII.I.5.d. An assessment of the time required to begin and complete the remedy;

VIII.I.5.e. An explanation of the rationale for the remedy proposed for each AOI or group of AOIs; and

VIII.I.5.f. An assessment of institutional requirements (e.g., state permit requirements that may impact remedy implementation).

VIII.I.6. The Administrative Authority will review and evaluate the RAS and provide the Permittee with written notification of the study's approval or a notice of deficiency. If the Administrative Authority determines the RAS does not fully meet the requirements detailed in Conditions VIII.I.1 through VIII.I.5, the Administrative Authority shall notify the Permittee in writing of the RAS's deficiencies, and specify a due date for submittal of a revised RAS to the Administrative Authority. In addition, the Administrative Authority may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

VIII.J. RISK MANAGEMENT PLAN

Within ninety (90) days of the Administrative Authority's approval of the RAS, the remedy/remedies proposed for selection shall be documented and submitted in the Risk Management Plan. The Permittee shall propose corrective action remedies in accordance with Chapter IV of the RCRA Corrective Action Plan (Final), May 1994, OSWER Directive 9902.3-2A or as directed by the Administrative Authority.

VIII.J.1. The Risk Management Plan shall at a minimum include:

VIII.J.1.a. A summary of the remedial alternatives for each AOI and the rationale used for remedy selection;

VIII.J.1.b. The final CSM with proposed remedies, including locations of AOIs addressed by a risk management activity, COC concentrations that represent the long-term fate and transport of residual COCs and the exposure pathways affected by the risk management activity;

VIII.J.1.c. Cost estimates and implementation schedules for proposed final remedies;

VIII.J.1.d. Proposed remedy design and implementation precautions, including special technical problems, additional engineering data required, permits and regulatory requirements, property access, easements and right-of-way

requirements, special health and safety requirements, and community relations activities;

VIII.J.1.e. Remedy Performance Criteria and Monitoring

The Permittee shall identify specific criteria (such as land use changes, fate and transport model verification and constructed remedy performance) that will be evaluated to demonstrate that the risk management activity implemented will remain protective. A schedule for periodic performance review (such as monitoring data summaries, including graphical and statistical analyses) shall be established to demonstrate that the implemented activities are consistently achieving and maintaining desired results. Further, a mechanism shall be established to re-evaluate risk management activities in the event the implemented action does not achieve and maintain the performance standards;

VIII.J.1.f. Contingency plans; and

VIII.J.1.g. Description and schedules for performance reviews.

VIII.J.2. After the Permittee submits the Risk Management Plan, the Administrative Authority will review and evaluate the plan and subsequently either inform the Permittee in writing that the plan is acceptable for public review or issue a notice of deficiency.

VIII.J.3. If the Administrative Authority determines the Risk Management Plan does not fully meet the remedial objectives, the Administrative Authority shall notify the Permittee in writing of the plan's deficiencies and specify a due date for submittal of a revised Final Risk Management Plan. In addition, the Administrative Authority may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

VIII.J.4. After the Administrative Authority has determined the Risk Management Plan is acceptable for public review, the Administrative Authority shall inform the Permittee in writing and instruct the Permittee to submit the plan as a Class 3 permit modification request in accordance with the requirements of LAC 33:V.321.C.3.

VIII.J.5. After conclusion of a 60-day comment period, the Administrative Authority will either grant or deny the Class 3 permit modification request. In addition the Administrative Authority must consider and respond to all significant comments received during the 60-day comment period.

VIII.J.6. If the Class 3 Modification request is granted, the Administrative Authority shall prepare a draft permit incorporating the proposed changes in accordance with LAC 33:V.703.C and solicit public comment on the draft permit modification according to Condition VIII.N.3 of this permit.

VIII.J.7. If, after considering all public comments, the Administrative Authority determines that the Risk Management Plan is adequate and complete, the Administrative Authority will issue a public notice for final approval the Class 3 permit modification. The resultant modified permit will include schedules for remedy implementation as well as financial assurance provisions as required by Condition VIII.A.5 of this permit.

VIII.K . DETERMINATION OF NO FURTHER ACTION

VIII.K.1. NFA-ATT Determinations for Specific SWMUs/AOCs

VIII.K.1.a. Based on the results of the site investigations, screening, risk evaluations and risk management activities, the Permittee may request a NFA-ATT determination for a specific SWMU/AOC by submittal of a Class 1[1] permit modification ([1] requiring Administrative Authority approval) request under LAC 33:V.321.C.1. The NFA-ATT request must contain information demonstrating that there are no releases of hazardous constituents from a particular SWMU/AOC that pose a threat to human health and/or the environment.

The basis for the determination of NFA-ATT shall follow the guidelines as described in the RECAP (Section 1.2.1 of RECAP) for each AOI, depending on the MO used.

VIII.K.1.b. If, based upon review of the Permittee's request for a permit modification, the results of the site investigations, and other information the Administrative Authority determines that releases or suspected releases from an individual SWMU/AOC which were investigated either are non-existent or do not pose a threat to human health and/or the environment, the Administrative Authority may grant the requested modification.

VIII.K.1.c. In accordance with LAC 33:V.321.C.1.a.ii, the Permittee must notify the facility mailing list within ninety (90) days of the Administrative Authority's approval of the Class 1[1] permit modification ([1] requiring Administrative Authority approval) request.

VIII.K.2. Facility-Wide NFA-ATT Determination

VIII.K.2.a. Upon the completion of all activities specified in the Risk Management Plan and after all SWMUs and AOCs at the facility have been remediated according to the standards dictated by the selected RECAP MO, the Permittee shall submit a summary report supporting a determination of NFA-ATT on a facility-wide basis.

VIII.K.2.b. The summary report must include a historical narrative for each SWMU/AOC at the site that includes a summary of the investigation, sampling & analysis, remedial, and confirmatory sampling activities leading to the NFA-ATT request. The basis for the determination of NFA-ATT shall follow the guidelines

as described in the RECAP (Section 1.2.1 of RECAP) for each AOI, depending on the MO used. The facility-wide NFA-ATT determination must consider any newly-identified SWMUs/AOCs discovered after submittal of the Risk Management Plan.

VIII.K.2.c. The Administrative Authority will review and evaluate the summary report and subsequently either inform the Permittee in writing that the report is acceptable for public review or issue a notice of deficiency.

VIII.K.2.d. If the Administrative Authority determines the summary report does not fully demonstrate that all remedial objectives have been satisfied, the Administrative Authority shall notify the Permittee in writing of the summary report's deficiencies and specify a due date for submittal of a revised summary report.

VIII.K.2.e. After the Administrative Authority has determined the facility-wide NFA-ATT summary report is acceptable for public review, the Administrative Authority shall inform the Permittee in writing and instruct the Permittee to submit the summary report as a Class 3 permit modification request in accordance with the requirements of LAC 33:V.321.C.3.

VIII.K.2.f. After conclusion of a 60-day comment period, the Administrative Authority will either grant or deny the Class 3 permit modification request. In addition the Administrative Authority must consider and respond to all significant comments received during the 60-day comment period.

VIII.K.2.g. If, based upon review of the Permittee's Class 3 permit modification request, the results of the site investigations, confirmatory sampling, and other pertinent information, the Administrative Authority determines that all SWMUs and AOCs have been remediated to the selected MO and no further action at the facility is warranted, the Administrative Authority will grant the modification request.

VIII.K.2.h. If the Class 3 Modification request is granted, the Administrative Authority shall prepare a draft permit incorporating the proposed changes in accordance with LAC 33:V.703.C and solicit public comment on the draft permit modification according to Condition VIII.N.4 of this permit.

VIII.K.2.i. If, after considering all public comments, the Administrative Authority determines that all activities specified in the Risk Management Plan have been completed and that all SWMUs and AOCs have been remediated to the selected MO, the Class 3 permit modification for facility-wide NFA-ATT will receive final approval. The CAS permit conditions will remain a part of the modified permit in the event that the remedial actions taken fail to maintain the established performance standard and to address any SWMUs/AOCs discovered at a later date.

VIII.K.3. Continued Monitoring

If necessary to protect human health and/or the environment, a determination of NFA-ATT shall not preclude the Administrative Authority from requiring continued monitoring of air, soil, groundwater, or surface water, when site-specific circumstances indicate that releases of hazardous waste or hazardous constituents are likely to occur.

VIII.K.4. Additional Investigations

A determination of NFA-ATT shall not preclude the Administrative Authority from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates a release or likelihood of a release from a SWMU/AOC at the facility that is likely to pose a threat to human health and/or the environment. In such a case, the Administrative Authority shall initiate a modification to the Permit according to LAC 33:V.321.

VIII.L. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SWMUs AND POTENTIAL AOCs

VIII.L.1. The Permittee shall notify the Administrative Authority, in writing, of any newly-identified SWMUs and potential AOCs (i.e., a unit or area not specifically identified during previous corrective action assessments, RFA, etc.), discovered in the course of ground water monitoring, field investigations, environmental audits, or other means, no later than thirty (30) days after discovery. The Permittee shall also notify the Administrative Authority of any newly-constructed land-based SWMUs (including but not limited to, surface impoundments, waste piles, landfills, land treatment units) and newly-constructed SWMUs where any release of hazardous constituents may be difficult to identify (e.g., underground storage tanks) no later than thirty (30) days after construction. The notification shall include the following items, to the extent available:

VIII.L.1.a. The location of the newly-identified SWMU or potential AOC on the topographic map required under LAC 33:V.517.B. Indicate all existing units (in relation to other SWMUs/AOCs);

VIII.L.1.b. The type and function of the unit;

VIII.L.1.c. The general dimensions, capacities, and structural description of the unit (supply any available drawings);

VIII.L.1.d. The period during which the unit was operated;

VIII.L.1.e. The specifics, to the extent available, on all wastes that have been or are being managed at the SWMU or potential AOC; and

VIII.L.1.f. Results of any sampling and analysis required for the purpose of

determining whether releases of hazardous waste including hazardous constituents have occurred, are occurring, or are likely to occur from the SWMU/AOC.

VIII.L.2. Based on the information provided in the notification, the Administrative Authority will determine whether or not the area is a newly-identified SWMU or AOC. If the area is determined to be a newly-identified SWMU or AOC, the Administrative Authority will inform the Permittee in writing and request that the Permittee submit a Class 1[1] permit modification ([1] requiring Administrative Authority approval) request under LAC 33:V.321.C.1 to add the newly-identified SWMU/AOC to Appendix 1, Table 1 of this permit.

Further, the Administrative Authority will determine the need for further investigations or corrective measures at any newly identified SWMU or AOC. If the Administrative Authority determines that such investigations are needed, the Administrative Authority may require the Permittee to prepare a plan for such investigations. The plan for

investigation of SWMU or AOC will be reviewed for approval as part of the current CAS Investigation Workplan or a new CAS Investigation Workplan. The results of the investigation of any newly-discovered SWMU/AOC shall be incorporated into the CSM.

VIII.M. NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT A SWMU OR AOC

The Permittee shall notify the Administrative Authority of any release(s) from a SWMU or AOC of hazardous waste or hazardous constituents discovered during the course of ground water monitoring, field investigation, environmental auditing, or other means. The notification must be in accordance with the procedures specified in Conditions II.E.16 through II.E.20 of this permit and based upon the nature, extent, and severity of the release. Such newly-discovered releases may be from newly-identified SWMUs or AOCs, newly-constructed SWMUs, or from SWMUs or AOCs for which, based on the findings of the CSM, completed RECAP Report, or investigation of an AOC, the Administrative Authority had previously determined no further investigation was necessary. The notification shall include information concerning actual and/or potential impacts beyond the facility boundary and on human health and the environment, if available at the time of the notification.

The Administrative Authority may require further investigation and/or interim measures for the newly-identified release(s), and may require the Permittee to prepare a plan for the investigation and/or interim measure. The plan will be reviewed for approval as part of the CAS Investigation Workplan or a new CAS Investigation Workplan. The Permit will be modified to incorporate the investigation, according to the Class 1[1] permit modification ([1]requiring Administrative Authority approval) procedures under LAC 33:V.321. The results of the investigation of any newly-identified release(s) shall be incorporated into the CSM.

VIII.N. PUBLIC PARTICIPATION REQUIREMENTS

Public participation is an essential element in the implementation of any corrective action program at the facility. The CAS promotes the early and continued involvement of stakeholders in site remediation activity during permit issuance, renewal, or modification. The public is invited to review and comment on the corrective action requirements contained in any draft permitting decisons or draft permit modification documents and the associated plans and reports submitted by the Permittee. The Administrative Authority reserves the right to require more extensive public participation requirements based upon site-specific conditions and other relevant factors (e.g., compliance history, potential offsite impact, community interest, etc.). At a minimum, the public participation requirements shall include the following.

VIII.N.1. NFA-ATT Determinations for Specific SWMUs/AOCs

Based on the results of the site investigations, screening, risk evaluations and risk management activities, the Permittee may request a NFA-ATT determination for a specific SWMU/AOC by submittal of a Class 1[1] permit modification request ([1]requiring

Administrative Authority approval) under LAC 33:V.321.C.1. The Permittee must notify the facility mailing list within 90 days of the Administrative Authority's approval of the Class 1[1] permit modification request, in accordance with LAC 33:V.321.C.1.a.ii and Condition VIII.K.1.c of this permit.

VIII.N.2. Draft Permitting Decision

The public may review and comment on the terms and conditions of the CAS during the public notice and comment period of the draft permitting decision. The Administrative Authority shall issue public notice upon preparation of the draft permitting decision in accordance with LAC 33:V.715. During the forty-five (45) day public comment period, the Administrative Authority will accept public comments on the draft permitting decision. At the end of the public comment period, the Administrative Authority will consider and address all public comments and make any necessary revisions to the draft permitting decision. After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permitting decision. The final permitting decision will include a "Responsiveness Summary" detailing all comments received on the draft permitting decision and the actions taken (if necessary) to correct the draft before issuance of the final permitting decision.

VIII.N.3. Final Remedy Selection

The public may review and comment on the terms and conditions of the Risk Management Plan as described in Conditions VIII.J.4 through VIII.J.7 of this permit. If after addressing all public comments the Administrative Authority determines that the Risk Management Plan is satisfactory, the Administrative Authority will prepare a draft permit modification document in accordance with LAC 33:V.703.C.

The draft permit modification document will include a "Basis of Decision". The "Basis of Decision" will identify the proposed remedy for corrective action at the site and the

reasons for its selection, describe all other remedies that were considered, and solicit for public review and comments on the Risk Management Plan included in the draft permit modification document.

After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permit modification. The final permit modification will include a "Responsiveness Summary" detailing all comments received on the draft permit modification and the actions taken (if necessary) to correct the draft before issuance of the final permit modification.

VIII.N.4. Facility-Wide NFA-ATT

Upon the completion of all activities specified in the Risk Management Plan and after all facility remedial objectives have been met, the Permittee may submit a summary report for a determination of NFA-ATT on a facility-wide basis in accordance with Condition VIII.K.2 of this permit. The public may review and comment on the summary report as described in Condition VIII.K.2.b. If after addressing all public comments the Administrative Authority determines that all SWMUs and AOCs have been remediated to the selected MO and no further action at the facility is warranted, the Administrative Authority will prepare a draft permit modification document in accordance with LAC 33:V.703.C.

The draft permit modification document will include a "Basis of Decision". The "Basis of Decision" will provide a summary detailing contamination sources, site investigations, the MO selected for the facility, facility remedial standards, remedial actions, and sampling results demonstrating that the facility remedial standards have been achieved.

After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permit modification. The final permit modification will include a "Responsiveness Summary" detailing all comments received on the draft permit modification and the actions taken (if necessary) to correct the draft before issuance of the final permit modification.

Table 37~~1~~: Corrective Action Strategy Notification and Reporting Requirements {tc \l1 "Table 1: RFI/CMS SUBMISSION SUMMARY}

Below is a summary of the major notifications and reports that may be required by the Administrative Authority under the Corrective Action Strategy of this Permit in the event of releases requiring RCRA corrective action. The Administrative Authority will notify the Permittee of the notification and reporting requirements during the scoping meeting or another applicable stage of the corrective action process.

Actions	Due Date
Submit Notice of Intent to request use of the CAS to the Administrative Authority for review and comment (Condition VIII.B.1)	To be submitted upon identification of a newly identified SWMU or AOC per Condition VIII.L or notification of newly identified releases at a SWMU or AOC per Condition VIII.M.
CAS Scoping Meeting held between facility and Administrative Authority (Condition VIII.B.2)	Within sixty (60) days of submittal of the Notice of Intent
Submit Progress Reports on all activities to the Administrative Authority (Condition VIII.C.1)	Schedule to be determined by the Administrative Authority on a case-by-case basis
Make available other reports relating to corrective action to the Administrative Authority (Condition VIII.C.2)	Upon request of the Administrative Authority
Provide briefings to the Administrative Authority (Condition VIII.C.3)	As necessary and upon request by the Administrative Authority
Submit Conceptual Site Model (CSM) (Condition VIII.D) and facility Performance Standards (Condition VIII.A.2) to the Administrative Authority	Within one-hundred and twenty (120) days after the scoping meeting
Perform Interim Measures (Condition VIII.E)	As determined by the Administrative Authority on a case by case basis
Submit Corrective Action Strategy (CAS) Workplan for the facility investigation to the Administrative Authority (Condition VIII.F)	Within one-hundred and eighty (180) days after the CAS Scoping Meeting

Implement site investigation activities under CAS Investigation Workplan according to approved schedule (Condition VIII.G)	Within fourteen (14) days of receipt of approval by the Administrative Authority
Submit RECAP Report to the Administrative Authority (Condition VIII.H)	Within ninety (90) days of completion of the site investigation
Submittal of Remedial Alternatives Study (RAS) to the Administrative Authority (Condition VIII.I)	Within ninety (90) days of completion of approval of the RECAP Report by the Administrative Authority
Submit Risk Management Plan to the Administrative Authority (Condition VIII.J)	Within sixty (90) days of approval of the RAS by the Administrative Authority
Submit NFA (and Permit Modification) request to the Administrative Authority (Condition VIII.K)	As necessary
Notification of newly-identified SWMUs and potential AOCs (Condition VIII.L)	Thirty (30) days after discovery
Notification of newly-discovered releases (Condition VIII.M)	Fifteen (15) days after discovery

APPENDIX 1

Table 1: SUMMARY OF CORRECTIVE ACTION ACTIVITIES

AOC/SWMU Group or Area	*AOC or SWMU Number/Area Name*	*AOC/SWMU Description*	*Status of CA Activity*	*Corrective Action*	*EDMS Document ID #/ Approval Date*
SWMU	SWMU-6	Former Landfarm Area	No physical remedy required	NFA-ATT	09/26/00
	SWMU-11	Inactive Retention Basin (Area includes SWMU 7, Former Landfarm Area)	No physical remedy required	NFA-ATT	09/26/00
	SWMU 3	Former Landfill Cells 1, 2, 3	SWMU removed from RFI by EPA	N/A	02/28/91
	SWMU 46,	Inactive Basin in Process Area	SWMU removed from RFI by EPA	N/A	02/28/91
	SWMU 47	Inactive Basin South of Former Landfarm	SWMU removed from RFI by EPA	N/A	02/28/91
	Tanks T-301 and T-302	Stabilization Mixing Basins	Clean closure of tanks approved	N/A	12/23/94
AOC	Vehicle Fueling Area	BG-1 Active Vehicle Fueling Area	Risk based closure approved	NFA-ATT	04/12/10

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June 25, 2016

Louisiana Department of Environmental Quality
Public Participation Group
PO Box 4313
Baton Rouge, LA 70821

VIA Email. Deq.publicnotices@la.gov

SUBJECT: AI Number 742,
Permit Number LAD000777201-OP-RN-MO-1
Activity Number PER20140007

Dear Sir or Madame;

I have reviewed the May 13, 2016 Draft Hazardous Waste Modified Operating Permit that approves CWMLC's request to install two thermal desorption units (TDUs) and two "oil recovery unit" centrifuges. This letter presents my comments on the Draft Permit. I am also providing comments on CWMLC's permit modification documents as it relates to this matter.

Both the Draft Permit and the CWMLC permit modification lack any requirement or commitment for the TDUs to meet the emission limits that are required to be met for hazardous waste thermal treatment that is permitted under the Miscellaneous Unit standards of 40 CFR Part 264 Subpart X, LAC 33:V.Chapter 32. Under these statutes, and specifically detailed in multiple recent EPA determinations, the TDUs must be required to meet the emission limits from 40 CFR Part 63 Subpart EEE. The Draft Permit should be revised to specifically include these requirements and establish that the exhaust gases from the TDU thermal oxidizer(s) meet promulgated emission limits under 40 CFR § 63.1219(b), including meeting specified emission limits for dioxins and furans, mercury, semi-volatile metals (cadmium and lead), low-volatile metals (arsenic, beryllium and chromium), carbon monoxide and hydrocarbons, hydrogen chloride and chlorine gas, particulate matter, and destruction and removal efficiency (DRE).

In addition to requiring the TDUs to meet the appropriate emission limits, both the Draft Permit and the permit application must be revised to include the following:

- CWMLC should provide the Department with detailed information describing the waste intended to be managed and the appropriate technical information for the hazardous waste thermal treatment unit, as required by 40 CFR § 270.19 (LAC 33:V.529);
- CWMLC should provide a "trial burn" plan or "comprehensive performance test (CPT)" plan specifically addressing demonstrating their unit's compliance with 40 CFR Part 63 Subpart EEE (aka MACT EEE) emission limits, and the Department should make implementation of this testing a condition of the operation of the TDUs (typically within the first 720 hours of operation);
- CWMLC should provide a description of the TDU automatic waste feed cutoff (AWFCO) system, and adopt appropriate operating parameter limits (OPLs) that will assure continued compliance with MACT EEE emission limits, and the Department should make compliance with these AWFCOs and OPLs a condition of the permit;
- CWMLC should provide detailed description and compliance and monitoring limits for air emissions control associated with the proposed waste receiving pits for the TDUs and ORUs. CWMLC describes the receiving of hazardous waste for both the TDUs and the ORUs into large off-loading pits that qualify as "tanks", however no description is provided for the control of VOC air emissions from these "tanks" as is specifically required by 40 CFR Part 264 Subpart CC if CWMLC intends to manage material with greater than 500 ppm VOC content (refer to Tank Numbers T-601 and T-602 with capacity of 48,474 gallons each, and T-701, T-702, T-703 and T-704, with capacity of 330 tons each).

In support of the above comments, I refer the Department to US District Court Eastern District of Arkansas, Civil Action 4-07-CV 01189-SWW, United States of America vs. Rineco Chemical Industries, May 19, 2010 Consent Decree. In that matter USEPA Region 6 and the Department of Justice concluded that a thermal desorption unit that combusts in an associated thermal oxidizer the non-condensable organic chemical constituents generated from hazardous waste feeds is a RCRA permitted thermal treatment unit subject to 40 CFR Part 264 Subpart X, and specifically subject to the appropriate requirements of both 40 CFR Part 264 Subpart O and 40 CFR Part 63 Subpart EEE. Rineco was required to adopt "interim" operating parameter limits so that operation of the TDU and TO did not exceed Subpart EEE emissions limits, and to prepare a CPT plan, and to perform a CPT, and to adopt final operating parameter limits based on the CPT such that Subpart EEE emissions limits were not exceeded during subsequent operation of the TDU and its associated TO.

This regulatory doctrine has since been reinforced through USEPA Region 6 Consent Agreement and Final Order with US Ecology Texas and TD*X Associates LP, dated October 4, 2012. That CAFO drew essentially the same conclusions as in the Rineco matter. Furthermore, USEPA Region 6 has recently issued a guidance letter confirming this regulatory doctrine for TDUs that are located at treatment, storage and disposal facilities. Both that guidance letter,

addressed to J.D. Head dated May 2, 2016, and the request letter that lead to it are included as Exhibit 1 to this comment letter.

I have an additional comment related to the fact that CWMLC appears to be planning on generating and selling a recycled oil from the processing of hazardous waste liquids and solids in the TDUs and centrifuges. The Department should implement specific conditions of operation for both the TDUs and the centrifuges to preclude the disposal of listed hazardous waste in the "recovered oil" that is generated from these units. The Waste Analysis Plan ("WAP") provided by CWMLC includes no provisions for testing of the "recovered oil" to establish that it is neither a hazardous waste, nor derived from a hazardous waste. The WAP further provides no feedstream management plan for the TDUs and centrifuges to assure that "recovered oil" generated by these units does not instead contain listed or otherwise hazardous waste materials. In the absence of these features of the WAP, the Department should make a condition of operation of the TDUs and centrifuges that the oil recovered from them be manifested and disposed as hazardous waste.

I am also providing detailed itemized comments on both the published Draft Permit as well as the CWMLC permit modification documents. These comments are provided on the following pages.

I cannot stress enough to you the importance of addressing each of my comments with additional submission of information by CWMLC and appropriate operating and testing requirements in the final permit. I will be calling you and the Waste Permits Branch to verify your understanding of my comments and to confirm the Department's plan for requiring appropriate action by CWMLC in this matter. Also, considering the broad nature of this permit action, I request a public hearing so as to provide for public participation in the review of the Draft Permit.

Sincerely,

Carl R. Palmer 2016.06.25 15:11:20 -04'00'

Carl R. Palmer, P.E.
TD*X Associates LP

Cc Guy Tidmore USEPA Region 6

ITEMIZED COMMENTS ON LDEQ DRAFT PERMIT MODIFICATION

Condition II.E.25.e.

This condition requires CWMLC to prepare and submit for LDEQ approval final engineering specifications and operating parameters for the TDUs 180 days prior to construction. However, the requirements for this document include only a broad reference to "LAC 33:V.Chapter 32 and all applicable regulations." While the CWMLC response to this condition has the potential to resolve many of my comments, especially those related to compliance with 40 CFR 63 Subpart EEE, as written the condition is not sufficient. This condition should include specific itemized requirements for the documents to assure compliance with the appropriate regulatory requirements. Minimum additional requirements for the CWMLC document submittal should be added as follows:

- CWMLC should provide a detailed engineering description of the TDUs and the TO, the physical and chemical form of the hazardous waste feed materials, a waste analysis plan specific to the operation of the TDU and TO, procedures for assuring the TDU and TO will be operated so as to not exceed appropriate emissions limits, provisions for installation and operation of an automatic waste feed cutoff system for the TDUs, adoption of appropriate operating parameter limits to assure compliance with emission limits, a startup schedule for introducing hazardous waste feed to the TDUs and TO (typically allowing for no more than 720 hours of "shakedown operation" on hazardous waste feed including the time required to perform the "trial burn"), testing procedures including stack emissions testing for the TO with provisions for three runs per mode of operation to establish compliance with emissions limits, and plans to adopt both interim and final operating parameter limits based on measured performance during the "trial burn." These plan should meet the appropriate technical requirements for a miscellaneous unit performing thermal treatment of hazardous waste, as itemized in both 40 CFR 270.19 and MACT EEE (40 CFR 63.1207(e)(1)(i)), to assure that operation of the TDU will provide continuous compliance with MACT EEE emission limits.
- CWMLC must recommend and adopt, with LDEQ concurrence, appropriate operating parameter limits (OPLs) for the TDU, as well as AWFCO limits, that will assure continuing compliance with requirements and emission limits as specified in MACT EEE (40 CFR 63.1206 and .1219), and these OPLs and AWFCOs should include the time period between startup and the comprehensive performance test (CPT), the interim period after the CPT, and the final period after LDEQ review and approval of the CPT report.
- LDEQ should clearly state in this condition that the emissions from the TDU's thermal oxidizer are required to comply with MACT EEE (40 CFR 63.1219(b)).
- LDEQ should clearly state in this condition that CWMLC is required to perform a CPT within a specified timeframe of initial operations of the TDUs on hazardous waste feed, typically within 720 hours.

Condition II.E.25.f.

This condition requires CWMLC to submit to LDEQ additional plans regarding air emission controls for all proposed units. At the end of this condition, LDEQ should include a specified minimum itemization of requirements, to the effect of:

… including at a minimum the following information:

- Engineering and operating parameter details for the TDUs and their associated thermal oxidizers to assure continued compliance with MACT EEE, including the appropriate technical information for a miscellaneous unit performing hazardous waste thermal treatment as itemized in 40 CFR 270.19.
- Engineering and operating parameter details for the emission controls for the hazardous waste material feed building for the TDUs and ORUs that assures continued compliance with 40 CFR 264 Subpart CC, or, if emission controls are not provided, the operating procedures that will preclude material having more than 500 ppm total VOCs from being managed in the building and the TDUs.

Condition V.F.2.a

This condition provides a short list of four types of wastes that are allowed to be processed in the Oil Recovery Units (ORUs). This listing does not provide any EPA hazardous waste ID numbers for these waste types. Rather a broad reference is made to the Part A Permit Application and the CWMLC WAP. Because it is a stated intent of CWMLC to manage material in the ORUs to generate a recoverable oil, this itemization, whether in the listed wastes, or in the WAP, or both, needs to be much more specific. For example, if listed waste F001 is managed in the ORUs, then the "recoverable oil" generated from that waste is derived from listed waste F001 and remains F001. The WAP as currently written provides for no analysis or operating procedures to properly manage listed hazardous waste remaining in the ORU recoverable oils. Therefore, this "recoverable oil" could be sold by CWMLC as a recycled product rather than properly disposed as required by RCRA permit doctrine at a RCRA permitted facility such as at a high temperature hazardous waste incinerator. Furthermore, if characteristically hazardous waste is managed in the ORUs the WAP as currently written includes no analysis or procedures to verify that the "recoverable oil" is no longer hazardous waste by characteristic. The WAP needs to have substantial expansion of the characterization of the hazardous waste status of materials destined for both the ORUs and TDUs, and corresponding management methods for the recoverable oil derived from listed and characteristic hazardous waste feeds.

Also, the waste referenced in V.F.2.a.iii as "commercially exempt waste" needs to be further defined with a specific reference to the exemption(s) that would make this presumably exempt from regulation under RCRA.

Also, the waste referenced in V.F.2.a.iv as "other miscellaneous hazardous and non-hazardous

waste" need further definition as to which "hazardous" wastes are acceptable for management in the ORU and what will be the disposition of the recoverable oils that are derived from those hazardous wastes.

V.F.5.a.i.(1)

This inspection condition should contain an explicit reference to compliance with 40 CFR 264 Subpart BB. The wastes managed in the ORU are typically much greater than 10% organic content, and as such are explicitly subject to Subpart BB. Even if the feed material is characterized by CWMLC as being less than 10% organic content, the processing goal of the ORU is to generate a recoverable oil that is essentially 100% organic content.

Condition V.G.2.a

This condition provides a short list of four types of wastes that are allowed to be processed in the Thermal Desorption Units (TDUs). This listing does not provide any EPA hazardous waste ID numbers for these waste types. Rather a broad reference is made to the Part A Permit Application and the CWMLC WAP. Because it is a stated intent of CWMLC to manage material in the TDUs to generate a recoverable oil, this itemization, whether in the listed wastes, or in the WAP needs to be much more specific. For example, if listed waste F001 is managed in the TDUs, then the "recoverable oil" generated from that waste is derived from listed waste F001 and remains F001. The WAP as currently written provides for no analysis or operating procedures to properly manage listed hazardous waste remaining in the TDU recoverable oils. Furthermore, if characteristically hazardous waste is managed in the TDUs the WAP as currently written includes no analysis or procedures to verify that the "recoverable oil" is no longer hazardous waste by characteristic.

Also, the waste referenced in V.F.2.a.iv as "other miscellaneous hazardous and non-hazardous waste" need further definition as to which "hazardous" wastes are acceptable for management in the TDU and what will be the disposition of the recoverable oils that are derived from those hazardous wastes.

V.G.5.a.i.(1)

This inspection condition should contain an explicit reference to compliance with 40 CFR 264 Subpart BB. The wastes managed in the TDUs are typically greater than 10% organic content, and as such are explicitly subject to Subpart BB. Even if the feed material is characterized by CWMLC as being less than 10% organic content, the processing goal of the TDU is to generate a recoverable oil that is essentially 100% organic content.

V.H.1.b

This condition excludes the "remaining facility" from Subpart BB equipment leak requirements by stating that the material is less than 10% organic concentrations. The wastes managed in both the ORUs and TDUs are typically greater than 10% organic content, and as such are explicitly subject to Subpart BB. Even if the feed material is characterized by CWMLC as being less than 10% organic content, the processing goal of the ORUs and TDUs is to generate a recoverable oil that is essentially 100% organic content.

Attachment 1, Waste Analysis Plan

The WAP as written is not adequate for either the ORUs or TDUs. It is proposed that both listed and characteristically hazardous wastes be managed in these units. In that case, when listed waste is present in the unit's feedstream then the materials derived from that unit are also listed waste. The ORUs and TDUs generate a waste water that will remain a listed hazardous waste. Also, the recovered oil from the ORUs and TDUs remains a hazardous waste and must be managed according to RCRA manifesting and disposal requirements. Furthermore, if characteristically hazardous waste is managed in the ORUs and TDUs the WAP as currently written includes no analysis or procedures to verify that the "recoverable oil" is no longer hazardous waste by characteristic. These issues for both listed and characteristically hazardous waste residues remain true unless specific methodology are included in the WAP that allow for the conditional management of the materials otherwise. LDEQ must specifically review and approve any non-hazardous waste management of the "recovered oil." In its present form the WAP does not provide any framework for non-hazardous waste management of the "recoverable oil."

Also, the WAP should identify methods and procedures for providing compliance with the Operating Parameter Limits (OPLs) for chemical constituents in the TDU feedstream that are required to be maintained to provide continued compliance with MACT EEE emission limits. In particular compliance procedures should be established in the WAP to provide confirmation that TDU feedstream limits on mercury, chlorine, and MACT EEE listed toxic metals are maintained. No such information is present in the WAP as currently written.

ITEMIZED COMMENTS ON CWMLC PERMIT MODIFICATION DOCUMENTS WITH REFERENCE TO LDEQ HAZARDOUS WASTE REGULATIONS

The following comments relate to the CWMLC permit modification documents. These sections of the permit modification were the subject of a NOD question issued by LDEQ. When that is the case, the question number and associated response number is also presented. There were two NODs, and these are referred to as NOD1 and NOD2.

LAC 33:V.517.T.6.b [based on the nature of the question and response in NOD1, the correct citation for this should be 517.T.7.b]

Reference NOD1 Question and Response Number 42.

517.T.7.b requests that the permit application describe the facility operations plan, and provide information on the disposal method, its capacity, detailed process description, and storage and disposal procedures. In NOD1 question 42, LDEQ informs CWMLC that burning of waste in the TDU would change the definition of what the unit is doing and that this application would have to change to a combustor of hazardous waste. The CWMLC response refers to only the burning of natural gas and propane fuel. It ignores the fact that a portion of the hazardous waste feed to the TDUs is burned in the unit's associated thermal oxidizer; a processing step that USEPA specifically identifies as triggering compliance for the TDU with the appropriate technical requirements of MACT EEE, the hazardous waste combustor MACT.

It is understood that the primary burners in the TDU furnace are natural gas or propane fired, as is the auxiliary (startup) burner in the Thermal Oxidizer. However, CWMLC does not accurately describe the thermal treatment device as it relates to the environmental standards that apply to the combination of the TDU and the Thermal Oxidizer. Non-condensable gases are generated by the thermal treatment of listed and characteristic hazardous waste in the TDU. These gases are combusted in the associated Thermal Oxidizer. That act of combustion renders the combined unit to be RCRA regulated thermal treatment. That indeed does change the definition of what the unit is doing, as is postulated by LDEQ in question 42. CWMLC should provide complete plans as required by RCRA under Subpart X for the regulated thermal treatment of hazardous waste, demonstrating compliance with the appropriate technical requirements of Parts I, J, O, AA, BB, CC, Part 270 (in particular Part 270.19), and Part 63 Subpart EEE. The modification request does not provide these plans and should be amended to provide them. CWMLC should provide these plans, and in particular a "Trial Burn Plan" and "Comprehensive Performance Test Plan," so that the application does comply with LAC 517.T.7.b, and LAC Chapter 32 (i.e. RCRA Subpart X "Miscellaneous Units")

The application of these thermal treatment standards to a TDU that combusts the non-condensable gas generated from hazardous waste treatment in a Thermal Oxidizer is clearly established by USEPA in multiple enforcement actions in EPA Region 6 since 2008. CWMLC

must provide a complete permit modification request demonstrating compliance with these regulated thermal treatment requirements.

LAC 33:V.517.T.7.b
Reference NOD1 Question and Response Number 43.

CWMLC does not provide the requested information to "State if emissions are being captured from the heating of the waste." VOC emissions from the offloading pits (tanks T-601, 602) and the steam heated mix tanks (T-610 thru 613, 631 and 632) need to be controlled in compliance with RCRA Subpart CC. Alternatively, LDEQ can place a permit condition on CWMLC that the feed material for the ORUs must be below 500 ppm VOCs, as well as any "recoverable oil" that is collected from the ORUs.

LAC 33:V.517.T.7.b
Reference NOD1 Question and Response Number 44.

CWMLC does not provide the requested information to "State how the emissions from the TDU are being measured as being in compliance with air emissions standards." It is noted that the in the response, new process information is provided stating that the hazardous waste feed may be heated to as high as 2000°F in the TDU.

CWMLC should provide complete plans as required by RCRA under Subpart X for the regulated thermal treatment of hazardous waste, demonstrating compliance with the appropriate technical requirements of Parts I, J, O, AA, BB, CC, Part 270 (in particular Part 270.19), and Part 63 Subpart EEE. The modification request does not provide these plans and should be revised to include them. CWMLC should provide these plans, in particular a "Trial Burn Plan" and "Comprehensive Performance Test Plan," to comply with LAC 517.T.7.b, as well as LAC Chapter 32 (i.e. RCRA Subpart X "Miscellaneous Units").

Section 523.A.6
This section requires an emission monitoring plan as part of the permit modification. No plan is provided by CWMLC.

Section 526

This section of the code specifically requires CWMLC to provide specific information and calculations with the permit application to verify that the waste receiving buildings for the ORUs and TDUs meet the applicable RCRA requirements for emissions from tank systems. No such information is provided in the application.

CWMLC intends to place waste feed material for the ORUs and TDUs into open pits that are considered by them to be tanks. If that material contains greater than 500 ppm VOCs, specific standards for the design and operation of those tanks are required for the control of VOC

emissions from those tanks. Neither the permit modification request nor the NOD response provides any description of these required controls. In the absence of that information, CWMLC may propose taking a permit limit that the VOC content of waste materials managed in these tanks will always be less than 500 ppm VOCs. Otherwise the modification should provide description of the design and operation methods for compliance, as well as the required calculations and certifications. CWMLC response simply states that the offloading buildings do not meet the regulatory definition of a "containment building." While that may be true, it does not address that absence of required design and operating information in the modification request and final permit to demonstrate compliance with RCRA Subpart CC.

Section 529.

In the CWMLC permit modification request, the statement is made that "waste is not incinerated at the CWMLC facility" and no response or information regarding these standards is provided. While the TDU may not be an incinerator, it is clearly a RCRA permitted hazardous waste thermal treatment unit. Under the RCRA Subpart X "Miscellaneous Unit" standards the appropriate technical requirements of Section 529 apply to the unit. A response addressing those appropriate requirements should be provided by CWMLC. It is appropriate to include that response under Section 534, but the appropriate technical requirements come from this section.

According to multiple EPA Region 6 enforcement actions, a TDU that combusts all or part of the vent gases from the TDU is a RCRA permitted thermal treatment device subject to either RCRA Subpart O, or RCRA Subpart X, including appropriate provisions of Subparts O, MACT EEE and 270.19. Engineering and technical data must be provided for the TDUs to comply with these standards. They are not in the application. The application should be amended to include:

- a Trial Burn Plan containing the appropriate technical information and requirement consistent with 270.19 (LAC Chapter 31),
- description of the TDU and its operation so that it will comply with MACT EEE emission limits (dioxins and furans, PM, DRE, mercury, HCl, listed toxic metals (aka SVM and LVM), THC, CO),
- both interim and final operating parameter limits (OPLs) for the TDU process and feedstream composition, to assure compliance with emission limits,
- AWFCO system and its alarm setpoints, as a minimum.

CWMLC makes reference to an existing air permit with regard to control of emissions from the TDU and its "process vents." The CWMLC air permit application does not contain the necessary information to determine and assure compliance with RCRA Supbart X, especially the appropriate technical requirements and emission limits from MACT EEE.

Section 534.A.2

NOD1 Question/Response 51.

This section requires the permitee to provide detailed plans and engineering reports to demonstrate compliance with Chapter 32 "Miscellaneous Unit" standards (i.e. RCRA Part 264 Subpart X).

It is presumed that LDEQ question is direction to provide said detailed plans and engineering reports. CWMLC must include means for compliance with all Subpart X requirements, including appropriate requirements from Subpart O (engineering specifications and a trial burn plan), MACT "EEE" (all emission limits, OPLs, AWFCOs, etc). The NOD1 response does not provide an engineering report for the TDU with the required details.

Section 534.D
NOD1 Question/Response 52

This section requires test data to demonstrate compliance with appropriate technical requirements. In other words, a requirement to perform a trial burn to demonstrate compliance with MACT EEE emission limits.

CWMLC should provide a trial burn plan and/or comprehensive performance test plan that must include provisions to demonstrate compliance with all emissions limits (MACT "EEE" dioxins, DRE, THC, CO, PM, SVM, LVM, Hg, etc.) The state issued air permit presently has no compliance test requirement. Also the DRE given by CWMLC in the September 2015 air permit modification gives a performance standard for DRE that does not comply with MACT EEE requirements of 99.99% DRE.

In the absence of a requirement for CWMLC to perform a trial burn on the TDUs, there may be excessive air emissions of very toxic air pollutants, such as mercury, dioxins, hydrochloric acid, and toxic metals such as lead, cadmium, chromium, arsenic, etc. In fact, based on the typical design of this type of TDU, with the burning of relatively large volumes and masses of non-condensable vent gases, it is almost assured that all of the above pollutants can be in the thermal oxidizer exhaust gases. A credible comprehensive performance test is a must to assure safe operation of the TDU meeting required emission limits.

Section 1519.B.7

This section requires CWMLC to prepare and follow a Waste Analysis Plan for the testing of hazardous waste feedstreams to the ORUs and TDUs, as well as the testing and description of hazardous waste management for the products and residuals of the operation of these units.

The WAP in the permit modification does not specify tests, procedures, and criteria for management of the "recoverable oil" from the TDU and ORU. If listed wastes are managed in these units, listings transfer to the "recoverable oil" that is derived from the treatment of that hazardous waste. Oil can only be sold and burned under specific conditions and these must be included in the WAP and resulting final permit.

Also, the WAP should provide testing and management methods to assure that the waste feedstream to the TDUs does not contain chemical constituents above amounts that will cause the air emissions from the TDU's thermal oxidizers to exceed MACT EEE emission limits for

hydrogen chloride, mercury, and listed toxic metals, as a minimum. Operating Parameter Limits (OPLs) must be established for the TDU feedstream to comply with all emission limits.

Also, procedures must be given for sampling and analysis of the desorber solids to confirm they meet the LDR UTS prior to placement in the CWMLC landfill.

Also, the water that is part of the hazardous waste feed to the ORUs and TDUs remains listed hazardous waste after separation in these units. Appropriate sampling and analysis prior to land disposal is required for this waste water. Typical quantities of hazardous waste water from the ORUs and TDUs at 120,000 ton/yr feed rate would be expected to be over 20,000 gallons per day.

Section 1521.H, and Attachment 29 (of Permit Modification Document)
NOD2 Question/Response 8

LDEQ asks a question regarding the P&IDs (Process & Instrumentation Diagrams) for the ORUs and TDUs. LDEQ is correctly asking that the source of the "vent gases" from the ORUs and TDUs be described, how it originates with the process and how it flows to the final emission. CWMLC clearly states that the "process gas" that is volatilized vapors from the waste treatment process (i.e. the TDUs) is condensed then the remaining non-condensable "off gas" is routed to the thermal oxidizer(s). CWMLC then goes on to perform regulatory analysis for a RCRA waste determination as though these gases are newly generated wastes, and not actually constituents of the hazardous waste that was originally fed to the TDU only seconds ago. CWMLC makes the argument that combustion of these "uncontained gases" is not regulated by RCRA.

EPA Region 6 has clearly rejected that position in their determinations for Rineco (2010) and USET/TD*X (2012). EPA has determined that the combustion of these process gases is RCRA regulated thermal treatment. As such, the combustion must comply with appropriate technical requirements from both 40 CFR Part 264 Subpart O and 40 CFR 63 Subpart EEE.

LDEQ must include requirements that CWMLC fully describe the combustion of these process gases as RCRA regulated thermal treatment, provide appropriate test plans to demonstrate compliance with MACT EEE, and include definitive operating parameter limits in the RCRA permit to restrict operations so that emissions comply with MACT EEE emission limits.

Section 1523.A and B

The inspection plan provided by CWMLC to meet this section is deficient.

Operation of both the ORUs and TDUs will trigger compliance with BWON regulations under 40 CFR 63 Subpart FF if wastes from refineries that require control are managed in these units. Inspection plan should incorporate the statutory inspections and monitoring required for BWON compliance.

The RCRA permit application and final permit need to establish that BWON compliance is required for both the ORUs and TDUs and that means are provided for compliance. Or otherwise restrict acceptance of feed material to materials that have already been controlled to BWON standards, or restrict the feed sources to materials not subject to BWON control.

Section 1709.

NOD1 Question/Response 60
NOD2 Question/Response 4

This section requires CWMLC to install, operate, monitor, and inspect air emission controls for VOCs from tanks and "process vents" such as from the ORUs and TDUs tanks, oil water separators and waste management units. CWMLC addresses this with a short sentence stating that they will comply. A description of the methods of compliance should be provided in the permit application.
The control device requirements apply to equipment that is required to be connected to a closed vent system according to RCRA Subpart CC requirements. These are tanks and certain containers. The feed pits for the ORU and TDU are tanks and require control if they are used to managed waste with VOC content greater than 500 ppm. Significant data exist regarding average and maximum VOC content of the waste proposed for management in these units showing that the annual average VOC content is over 1000 ppm, and maximum VOC content is greater than 10,000 ppm VOC. Subpart CC controls are required on the feed receiving tanks (and/or enclosures). In the absence of air emission controls, many tons per year of VOCs from hazardous waste solids and liquids will be released to the air as uncontrolled air pollution. Of course LDEQ could impose a condition that CWMLC develop operating procedures and WAP testing to verify that all material received in the ORU and TDU facilities has less than 500 ppm VOCs as a partial means of compliance. It is noted that both the ORUs and TDUs concentrate the "recovered oil" and its VOC content and will very likely generate materials in their RCRA regulated operations that contain greater than 500 ppm VOCs, and as such are subject to RCRA Subpart CC controls for VOC air emissions.

In NOD2 response CWMLC correctly identifies that these air emission controls are also required to comply with standards for Closed Vents and Control Devices under 40 CFR 61 Subpart FF (the Benzene Waste Operations NESHAP or BWON). However, no description is provided of how compliance will be established. What mandatory components will be provided and operated? What will be monitored to establish compliance? It is noted that LDEQ is requiring CWMLC to submit plans for air emission control as condition II.E.25.f of the RCRA Permit modification.

Section 1755.

CWMLC addresses this with a short sentence stating that they will comply. A description of the methods of compliance should be provided in the permit application.
The control device requirements apply to equipment that is required to be connected to a closed

vent system according to RCRA Subpart CC requirements. These are tanks and certain containers. The feed pits for the ORU and TDU are tanks and require control if they are used to managed waste with VOC content greater than 500 ppm. Significant data exist regarding average and maximum VOC content of the waste proposed for management in these units showing that the annual average VOC content is over 1000 ppm, and maximum VOC content is greater than 10,000 ppm VOC. Subpart CC controls are required on the feed receiving tanks (and/or enclosures). In the absence of air emission controls, many tons per year of VOCs from hazardous waste solids and liquids will be released to the air as uncontrolled air pollution.

Section 3203.C

NOD1 Question and Response 80

This section requires CWMLC to prevent releases and control air emissions from the TDUs. CWMLC states that air emissions from the TDUs will be controlled in accordance with their approved state air permit.

The air permit nor its application do not include any requirement to comply with the emission limits and appropriate technical requirements of MACT EEE. The LDEQ question recognizes that additional information is required from CWMLC in the permit application to address air emissions from the TDUs. The application should provide this information in the form of engineering reports as referenced in numerous places above.

Section 3205.A

Equipment design, monitoring, inspection and recordkeeping is required for the TDU and its associated Thermal Oxidizer(s) to meet the appropriate requirements of RCRA Subpart O and MACT EEE. These units combust hazardous waste (the vented gas from RCRA regulated hazardous waste thermal treatment) and must comply with all appropriate sections of these standards.

Air emissions standards include compliance with MACT "EEE" emission limits for dioxins, PM, mercury, hydrochloric acid, toxic metals (SVM, LVM), THC and CO. The unit must be equipped with an AWFCO. Parameters for the AWFCO must be established in the permit. A trial burn plan compliant with Part 270.19 must be prepared and approved, including technical data on the proposed unit and the wastes to be treated. Operating parameter limits must be established to assure initial and continued compliance with emission limits. A trial burn must be completed within 720 hours of initial operation establishing compliance with all emission limits.

None of these elements is present in the application. They must be in accordance with EPA compliance enforcement decisions against Rineco (2010) and US Ecology Texas/TD*X (2012).

WAP Section 6.2.11
NOD1 Question/Response 83

Operating Parameter Limits (OPLs) must be established for the TDU to comply with all emission limits (Hg, Cl, SVM, LVM, etc.). The WAP must specify sampling and analysis procedures to establish that incoming waste for both the TDUs and the ORUs is managed within these OPLs.

WAP Section 6.2.11
NOD1 Question/Response 83

The WAP does not specify tests, procedures, and criteria for management of the "recoverable oil" from the TDUs and ORUs. If listed hazardous wastes are managed in these units, listings transfer to the "recoverable oil" that is derived from their treatment. Oil can only be sold and burned under specific conditions and these must be included in the WAP and resulting final permit. Otherwise all "recoverable oil" from the units should be disposed as RCRA hazardous waste and not sold as stated by CWMLC presumably with any further RCRA regulation.

Also, procedures must be given for sampling and analysis of the desorber solids to confirm they meet the LDR UTS prior to placement in the CWMLC landfill. These wastes originate from numerous different RCRA regulated waste streams and generators. The sampling and analysis for LDR verification must address the variability of both the original waste and the ORU and TDU treatment processes used by CWMLC.

Also, the water that is part of the hazardous waste feed to the ORUs and TDUs remains listed hazardous waste after separation in these units. Appropriate sampling and analysis prior to land disposal is required for this waste water. Typical quantities of hazardous waste water from the ORUs and TDUs at 120,000 ton/yr feed rate would be expected to be over 20,000 gallons per day.

EXHIBIT

Letter dated October 3, 2015 from JD Head to USEPA Region 6

Letter dated May 2, 2016 from USEPA Region 6 to JD Head

FBH
&F
FRITZ, BYRNE, HEAD & FITZPATRICK, PLLC
Attorneys at Law

October 30, 2015

Mr. John Blevins
Compliance Assurance & Enforcement Division
Division Director 6EN
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

SUBJECT: Hazardous Waste Regulatory Standards for Thermal Desorption Units at TSDFs

Dear Mr. Blevins:

Thermal desorption units (TDUs) are broadly used to treat hazardous waste and hazardous secondary materials. The application of thermal desorption technology within a recycling or reclamation process has been reviewed by Region 6 in multiple enforcement cases. The resulting allegations and consent agreements have established EPA's regulatory position. This letter presents my understanding of EPA's position on certain regulatory and technical requirements for TDUs that are installed at a RCRA treatment storage and disposal facility (TSDF).

A TDU is a thermal treatment device that heats solid material to vaporize, remove, and separate organic constituent materials from the solids. The solids are discharged with little or no residual organic contaminants. In the embodiment that is the subject of this letter, the separated organic constituents are condensed and recovered as a liquid. The TDU process characteristically generates a vent gas after the condensing system. When high organic content material is processed in the TDU it is quite common for the unit to combust the vent gas as an effective means of air pollution control. It is the regulatory applicability related to the combustion of all or a portion of the vent gas that I am seeking clarification.

TDUs at RCRA TSDFs.

One application of thermal desorption technology is to commercially reclaim oil from various generators of oil bearing hazardous waste. These hazardous wastes are generated by petroleum refining, production and transportation practices, and are typically listed as either K048, K049,

K050, K051, K052, K169, K170, K171, K172, F037 or F038, or may be hazardous by characteristic (i.e. "D" coded). If the hazardous waste recycled in the TDU comes exclusively from the above sources, the oil reclaimed from the TDU may be burned as a non-hazardous fuel if it meets the Used Oil Specification (UOS) at § 279.11, as per 40 CFR § 261.6(a)(3)(iv)(C). If the oil does not meet the UOS, it would remain a listed waste and require disposal at an appropriately permitted and operated facility, such as a Part 266 "BIF" or a Part 264 Subpart O incinerator. The generator will manifest and ship oil bearing hazardous waste to the commercial facility for treatment and/or reclamation. Based on two focused enforcement actions in EPA Region 6 since 2008, it appears EPA has concluded the following findings and regulatory requirements apply to commercial TDUs receiving offsite RCRA hazardous waste for treatment or reclamation.

1. For a TDU that combusts all or a portion of the vent gas, combustion of the TDU vent gas from RCRA hazardous waste or recyclable RCRA regulated materials is considered thermal treatment that is regulated by RCRA.
2. Thermal treatment of the vent gas requires a RCRA permit, 40 CFR Part 264 Subpart X or Subpart O, and a RCRA permit under one of these Subparts is required even if the facility is operating as a RCRA exempt recycling activity.
3. For TDUs with vent gas combustion processes that are permitted under RCRA Subpart X, the RCRA permitting authority should include in the permit application and final permit appropriate conditions from RCRA Subparts I through O, AA, BB and CC, and also include appropriate conditions from Part 63 Subpart EEE (i.e. the MACT "EEE").
4. The TDU must have an automatic waste feed cutoff system and establish appropriate operating parameter limits (OPLs) prior to initial operation to assure continued compliance with all emissions limits.
5. Minimum appropriate conditions from the MACT "EEE" include compliance with emission limits for particulate matter, hydrochloric acid, volatile metals (Hg), semivolatile metals, low volatile metals, destruction and removal efficiency, carbon monoxide, total hydrocarbons, and dioxins.
6. A compliance demonstration test (Trial Burn) is required to establish that the emissions from the combustion of the vent gas meet the emissions limits that were determined appropriate for the unit, including MACT "EEE."
7. Final OPLs shall be derived from demonstrated test conditions and established as permit requirements for the continued operation of the TDU.
8. Failure to demonstrate compliance with emissions limits requires shutdown of the TDU on RCRA regulated waste materials until corrective measures and re-demonstration can be implemented.

Please confirm that each of these enumerated statements accurately reflect EPA's regulatory conclusions for the management of commercial TDUs that combust vent gases generated from receiving offsite hazardous waste for treatment or reclamation at a TSDF.

Your support in clarifying these matters is most appreciated. My client intends to construct and install one or more TDUs in Region 6 that may be located at a TSDF and desires regulatory certainty on the issues discussed herein.

Sincerely,

J.D. Head
Fritz, Byrne, Head & Fitzpatrick, PLLC
221 W. 6th Street, Suite 960
Austin, Texas 78701
(512) 476-2020 telephone
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733

2 MAY 2016

Mr. J.D. Head
Fritz, Byrne, Head & Fitzpatrick, PLLC
221 West 6th Street
Suite 960
Austin, Texas 78701

Dear Mr. Head:

Thank you for your October 30, 2015 letter requesting clarification of the hazardous waste regulatory standards for thermal desorption units (TDUs) installed at RCRA treatment, storage, and disposal facilities (TSDFs). I apologize for the delay in responding to your request. In your scenario, the TDU reclaims oil from oil bearing hazardous wastes generated by petroleum refining, production, or transportation practices. You describe a TDU as a device that heats solid material to vaporize, remove, and separate organic constituent materials from solids. In the scenario you describe at a TSDF, the separated organic constituents are typically condensed and recovered as a liquid oil. The TDU process also generates a vent gas after the condensing stream.

Your inquiry also references 40 C.F.R. § 261.6(a)(3)(iv)(C)[1], which provides that:

> Oil reclaimed from oil-bearing hazardous waste from petroleum refining, production, or transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the used oil specification under 40 C.F.R. § 279.11 is not subject to regulation under 40 C.F.R. Parts 262 – 268, 270, or 40 C.F.R. Part 124, and is not subject to the notification requirements of Section 3010 of RCRA.

If the above conditions are met, then the reclaimed oil can be burned as a non-hazardous fuel. If the oil-bearing hazardous waste is not from petroleum refining, production, or transportation practices, then the reclaimed oil is subject to RCRA regulation.

If a TDU combusts all or a portion of the vent gas, combustion of the TDU vent gas from RCRA hazardous waste or recyclable materials [40 C.F.R. § 261.6(a)(1)] is considered thermal treatment that is regulated by RCRA. The material being treated (oil-bearing hazardous waste) is already a hazardous waste. Heating hazardous wastes to a gaseous state is subject to regulation under RCRA as treatment of hazardous waste, and thermal treatment after a material becomes a hazardous waste is fully regulated under RCRA. 54 Fed. Reg. 50968, 50973 (December 11, 1989). Thus, thermal treatment of the vent gas requires a RCRA permit.

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[1] Since you did not reference a specific State in which your client may operate a TDU, this letter cites to the applicable federal regulations. If the State has an authorized RCRA program, the corresponding state regulation would be applicable.

If the vent gas is combusted in the combustion chamber of the TDU, then a permit under 40 C.F.R. Part 264, Subpart O is required, because the TDU would meet the definition of incinerator in 40 C.F.R. § 260.10 (an enclosed device that uses controlled flame combustion). If, on the other hand, the vent gas is vented to and combusted in a thermal oxidizing unit (TOU), the permitting authority may be able to permit the entire unit (TDU and TOU) as a miscellaneous unit under 40 C.F.R. Part 264, Subpart X. A RCRA permit would be required even if the facility is operating as a RCRA exempt recycling activity under 40 C.F.R. § 261.6(a)(3)(iv)(C). If the permitting authority decides to issue a 40 C.F.R. Part 264, Subpart X permit, the permitting authority is required to include in the permit requirements from 40 C.F.R. Part 264, Subparts I through O, AA, BB, and CC, 40 C.F.R. Part 270, 40 C.F.R. Part 63, Subpart EEE, and 40 C.F.R. Part 146 that are appropriate for the miscellaneous unit being permitted as required in 40 C.F.R. § 264.601. The decisions as to what appropriate requirements would be included in the permit would be left to the permitting authority. However, EPA would expect that the permit conditions would be similar to those set forth in the enclosed Consent Agreement and Final Order, In Re: US Ecology Texas, Inc. and TD*X Associates, LP, EPA Docket Nos. RCRA-06-2012-0936 and RCRA-06-2012-0937, filed October 4, 2012.

If you have any questions, please feel free to contact Guy Tidmore of my staff at (214) 665-3142 or via e-mail at tidmore.guy@epa.gov.

Sincerely,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

Cc: Penny Wilson, ADEQ
Lourdes Iturralde, LDEQ
John Kieling, NMED
Mike Stickney, ODEQ
James Gradney, TCEQ

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2012 OCT -4 AM 9:20
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:	)	
US ECOLOGY TEXAS, INC., and TD*X ASSOCIATES LP	)	DOCKET NOS. RCRA-06-2012-0936 and RCRA-06-2012-0937
RESPONDENTS	)	

CONSENT AGREEMENT AND FINAL ORDER

The Director of the Compliance Assurance and Enforcement Division of the United States Environmental Protection Agency (EPA), Region 6 (Complainant) and US Ecology Texas, Inc. and TD*X Associates L.P. (Respondents) in the above-referenced proceeding, hereby agree to resolve this matter through the issuance of this Consent Agreement and Final Order (CAFO).

I. PRELIMINARY STATEMENT

1. This proceeding for the assessment of civil penalties and the issuance of a compliance order is brought by EPA pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), and is simultaneously commenced and concluded through the issuance of this Consent Agreement and Final Order (CAFO) pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3), and 22.37.

2. Notice of this action was given to the State of Texas prior to the issuance of this CAFO, as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. For the purposes of this proceeding, the Respondents admit the jurisdictional allegations contained herein; however, the Respondents neither admit nor deny the specific factual allegations contained in this CAFO.

4. The Respondents explicitly waive any right to contest the allegations and their right to appeal the proposed Final Order set forth therein, and waive all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

5. Compliance with all the terms and conditions of this CAFO shall resolve only those violations which are set forth herein.

6. The Respondents consent to the issuance of the CAFO hereinafter recited and consent to the issuance of the Compliance Order contained therein.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. PRELIMINARY ALLEGATIONS

7. US Ecology Texas, Inc. (USET) is a corporation incorporated under the laws of the State of Delaware and authorized to do business in the State of Texas.

8. TD*X Associates LP (TD*X) is a limited partnership authorized to do business in the State of Texas.

9. "Person" is defined in 30 T.A.C. § 3.2(25) [40 C.F.R. §§ 260.10 and 270.2], and Section 1004(5) of RCRA, 42 U.S.C. § 6903(15) as "an individual, corporation, organization, government or government subdivision or agency, business trust, partnership, association, or any other legal entity."

10. The Respondent USET is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903(15).

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11. The Respondent TD*X is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903 (15).

12. "Owner" is defined in 30 T.A.C. § 335.1(108) [40 C.F.R. § 260.10] as "the person who owns a facility or part of a facility."

13. "Operator" is defined in 30 T.A.C. § 335.1(107) [40 C.F.R. § 260.10] as "the person responsible for the overall operation of a facility".

14. "Owner or operator" is defined in 40 C.F.R. § 270.2 as "the owner or operator of any facility or activity subject to regulation under RCRA."

15. "Facility" is defined in 30 T.A.C. § 335.1(59) [40 C.F.R. § 260.10] as meaning "all contiguous land, and structures, other appurtenances, and improvements on the land, used for storing, processing, or disposing of municipal hazardous waste or industrial solid waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them)."

16. The Respondent USET owns and operates a hazardous waste treatment, storage, and disposal (TSD) facility located at 3327 County Road 69, Robstown, TX 78380, EPA I.D. No. TXD069452340, Permit No. HW-50052-001.

17. The TSD identified in Paragraph 16 is a "facility" as that term is defined in 30 T.A.C. § 335.1(59) [40 C.F.R. § 260.10].

18. The Respondent USET is the "owner" and/or "operator" of the facility identified in Paragraph 16, as those terms are defined in 30 TAC § 335.1(107) & (108) [40 C.F.R. § 260.10] and 40 C.F.R. § 270.2.

19. An oil reclamation unit is located at the facility identified in Paragraph 16.

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20. The Respondent TD*X owns and operates a thermal desorption unit (TDU), as well as the feed preparation system that includes a shaker tank (T-30), three mix tanks (T-31, T-32, and T-33), a centrifuge, and a surge tank (T-34) at the oil reclamation unit.

21. The Respondent TD*X began operating the TDU and related equipment on or about June 15, 2008.

22. On or about June 8 – 11, 2010, June 14 – 17, 2010, and August 9 – 11, 2010, the Respondent USET's TSD facility and the oil reclamation unit were inspected by representatives of EPA pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

B. VIOLATIONS

Count One – Processing Hazardous Waste Without a Permit or Interim Status

23. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment),[1] storage, or disposal of hazardous waste.

24. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

25. "Recyclable materials" is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as "hazardous wastes that are recycled".

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[1] The Texas Administrative Code uses the term "processing" instead of "treatment". The term "processing" as used by Texas is essentially equivalent to the term "treatment" as used in the federal statute and regulations.

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26. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

27. The Respondent USET receives "recyclable materials" from off-site generators, as that term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)].

28. Recyclable materials destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

29. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

30. On various dates after June 15, 2008, certain recyclable materials were processed in the tanks identified in Paragraph 20.

31. The recyclable materials identified in Paragraph 30 did not meet the exemption in 30 T.A.C. § 335.24(c)(4)(C) [40 C.F.R. § 261.6(a)(3)(iv)(C) because the hazardous wastes were not "oil-bearing hazardous wastes from petroleum refining, production, and transportation practices."

32. The Respondent TD*X processed (treated) hazardous waste as that term is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] in the tanks identified in Paragraph 20.

33. To date, neither the Respondent USED nor Respondent TD*X has applied for nor received a RCRA permit or interim status to allow the processing (treatment) of hazardous waste in the tanks identified in Paragraph 20.

34. Therefore, the Respondent USET and the Respondent TD*X have violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by processing (treating) hazardous waste without a RCRA permit or interim status.

Count Two – Processing Hazardous Waste Without a Permit or Interim Status

35. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

36. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

37. "Recyclable materials" is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as "hazardous wastes that are recycled".

38. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

39. The Respondent USET receives "recyclable materials" from off-site generators, as that term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)].

40. Recyclable materials destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

41. On various dates after June 15, 2008, certain recyclable materials were fed into the TDU that did not meet the exemption in 30 T.A.C. § 335.24(c)(4)(C) [40 C.F.R. § 261.6(a)(3)(iv)(C) because the hazardous wastes were not "oil-bearing hazardous wastes from petroleum refining, production, and transportation practices."

42. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

43. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10] as follows:

> the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air

oxidation, and microwave discharge. (See also "incinerator" and "open burning.").

44. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents to a gas treatment system. The oil is recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU's recirculating nitrogen carrier gas, along with non-condensable gases, is vented, filtered, and then injected into the combustion chamber of the TDU, where it is burned.

45. The separation of the organic constituents from the hazardous waste in the TDU's indirectly heated rotary dryer constitutes thermal processing (thermal treatment) as that term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].

46. To date, neither the Respondent USET nor Respondent TD*X has applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in the TDU.

47. Therefore, the Respondent USET and the Respondent TD*X have violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by thermally processing (thermally treating) hazardous waste without a RCRA permit or interim status.

Count Three - Processing Hazardous Waste Without a Permit or Interim Status

48. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

49. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States

Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

50. The Respondent USET receives "hazardous waste" from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

51. Hazardous wastes destined for oil reclamation are transferred to the Respondent TD*X by the Respondent USET.

52. On various dates after June 15, 2008, hazardous wastes were fed into the TDU.

53. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents to a gas treatment system. The oil is recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU's recirculating nitrogen carrier gas, along with non-condensable gases, is vented, filtered, and then injected into the combustion chamber of the TDU, where it is burned.

54. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

> The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in

> accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

55. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10] as follows:

> the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning.")

56. The burning of gases in the TDU's combustion chamber constitutes thermal processing (thermal treatment) as that term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].

57. The combustion chamber of the TDU is an enclosed device that uses controlled flame combustion.

58. The combustion chamber of the TDU does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; nor meets the definition of infrared incinerator or plasma arc incinerator."

59. To date, neither the Respondent USET nor Respondent TD*X has applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in the combustion chamber of the TDU.

60. Therefore, the Respondent USET and the Respondent TD*X have violated and continue to violate Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e) and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by thermally processing (thermally treating) hazardous waste without a RCRA permit or interim status.

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Count Four – Storing Hazardous Waste Without a Permit Or Interim Status

61. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

62. "Storage" is defined in 30 T.A.C. § 335.1(143) [40 C.F.R. § 260.10] as "the holding of solid waste for a temporary period, at the end of which the waste is processed, disposed of, recycled, or stored elsewhere."

63. Between on or about March 9, 2010, and June 11, 2010, the Respondent USET stored roll-off boxes in the area called the "Y" at the facility.

64. The roll-off boxes identified in Paragraph 63 contained material which had entered the oil reclamation process and was being temporarily staged before undergoing subsequent stages of the reclamation process. The Respondent USET discontinued the use of the area called the "Y" for this purpose.

65. "Hazardous waste" is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as "any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*"

66. The roll-off boxes identified in Paragraph 63 contained "hazardous waste" as that term is defined in T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

67. The Respondent USET had not applied for nor received a RCRA permit or interim status to allow the storage of hazardous waste at the area called the "Y".

68. Therefore, the Respondent USET has violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by storing hazardous waste without a RCRA permit or interim status.

III. COMPLIANCE ORDER

69. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), the Respondents are hereby **ORDERED** to take the following actions and provide evidence of compliance within the time period specified below:

A. Interim Operating Requirements

1. As of the effective date of this CAFO, feedstock for the oil reclamation unit shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production, and transportation practices. Oil-bearing hazardous waste from petroleum refining, production, or transportation practices includes the following listed hazardous waste from specific Petroleum Refining Sources (K049, K050, K051, K052, K169, and K170). Also acceptable is oil-bearing hazardous waste from processes which meet the definition of the following Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) as follows:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site	213112	Support Activities for Oil and Gas Operations

	preparation and related construction activities performed on a contract or fee basis)		
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products
4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

2. Using feedstock from processes meeting the definition of the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to make a separate determination whether the hazardous waste in question is "oil-bearing," and that the hazardous waste was originally generated from petroleum refining, production, or transportation practices.

3. As of the effective date of this CAFO, when the dryer feed is on, the Respondents shall operate the TDU in accordance with the interim operating parameters set forth in Appendix 1, Table A, which is attached and incorporated by reference into this CAFO. The Blending Protocols referenced in Appendix 1 is attached as Appendix 2, and incorporated by reference into this CAFO.

4. As of the effective date of this CAFO, Respondents shall comply with the Start-Up, Shutdown, and Malfunction Plan (SSM Plan) (CDT Plan, Appendix E). The Compliance Demonstration Test (CDT) Plan is attached as Appendix 3 and incorporated by reference into the CAFO.

5. Within sixty (60) days of the effective date of this CAFO, the Respondents shall conduct a tune-up of the external combustion chamber of the TDU in accordance with the following requirements:

a. As applicable, inspect the burner and clean or replace any components of the burner as necessary. The burner inspection may be delayed until the next scheduled or unscheduled unit shutdown.

b. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specification.

c. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly.

d. Optimize total emissions of carbon monoxide (CO). This optimization should be consistent with the manufacturer's specifications, if available.

e. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made. Measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made.

f. Perform sampling and analysis of both dryer furnace stacks using Method TO-15, "Determination of Volatile Organic Compounds (VOCs) In Air Collected In Specially-Prepared Canisters And Analyzed By Gas Chromatography/Mass Spectrometry (GC/MS)". If the total

organic matter result is greater than 10 ppmV for either stack, the analysis shall include speciation of the gas. This information shall be included in the report required in Paragraph 69.A.5.g below.

g. Maintain on-site a report documenting the concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume present, measured before and after the adjustments of the external combustion chamber of the TDU, and a description of any corrective actions taken as part of the combustion adjustment.

h. Subsequent tune-ups shall be conducted annually until the TDU is reconfigured.

6. Within sixty (60) days of the effective date of this CAFO, the Respondents shall conduct a fuel specification analysis of the purge vent gas for mercury and document that it does not exceed the maximum concentration of 40 micrograms/cubic meter of mercury using test methods ASTM D5954, ASTM D6350, ISO 6978-1:2003(E), or ISO 6978-2:2003(E), or an alternate test method approved by EPA. If the concentration of mercury exceeds 40 micrograms/cubic meter, the Respondents shall immediately notify EPA.

7. Within ninety (90) days of the effective date of this CAFO, the Respondents shall install, monitor, and operate an automatic hazardous waste feed cutoff (AWFCO) at the TDU in accordance with 40 C.F.R. § 63.1206(c)(3)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the interim operating parameters set forth in Appendix 1, Table A that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3)(v), (vi) and (vii).

8. Within one year of the effective date of this CAFO, the Respondents shall reconfigure the TDU so that the non-condensable vent gases are routed to a thermal oxidizing unit (TOU)

instead of the combustion chamber of the TDU (Reconfigured TDU). After reconfiguration, fuel for the TDU is limited to natural gas and propane.

9. The Respondents shall operate the Reconfigured TDU during the shakedown period in accordance with the operating parameters limits set forth in Appendix 1, Table B when the dryer feed is on. The Respondent shall not operate the Reconfigured TDU more than 720 hours (including the shakedown period and the Compliance Demonstration Test). The Respondents shall keep records of the hours of operation during the shakedown period. The Respondents shall operate a continuous emissions monitor system (CEMS) for carbon monoxide (CO) for the TOU during the shakedown period. The Respondents shall operate the Reconfigured TOU in a manner that the hourly rolling averages for CO are not exceeded. The rolling averages shall be calculated in accordance with 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

10. During the shakedown period, the Respondents shall monitor and operate an automatic hazardous waste feed cutoff (AWFCO) at the Reconfigured TDU in accordance with 40 C.F.R. § 63.1206(c)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the operating parameter limits set forth in Appendix 1, Table B that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3) (v), (vi) and (vii).

11. The Respondents shall conduct a test measuring the concentration of CO in the exhaust gases from the TOU. This test shall include three one-hour runs during which the TDU is operated on oil-bearing hazardous waste. The emissions from the TOU stack shall be monitored for carbon monoxide and oxygen using EPA Method 10. The emissions shall be

demonstrated to be less than 100 ppmV CO corrected to 7% O_2 in each run. The test frequency shall be once during each six-month period, January 1 – June 30 and July 1 - December 31, said time period to commence after conducting the CDT and continuing until the TCEQ issues a RCRA Subpart X permit for the Reconfigured TDU. Within forty-five (45) days after conducting the test, the Respondents shall submit a test report to EPA summarizing the test results. The time periods for conducting the test may be changed to once during each twelve (12) month calendar period, January 1 - December 31, if the Respondents submit to EPA, with a copy to TCEQ, a detailed feed stream analysis plan that characterizes the waste received by the facility, and EPA approves the plan. The detailed feedstream analysis plan shall be prepared in accordance with 40 C.F.R. § 264.13 and the EPA Guidance Document "Waste Analysis At Facilities That Generate, Treat, Store, And Dispose of Hazardous Waste", OSWER 9938.4-03 (April 1994). The Respondents will implement the detailed feedstream analysis plan, as approved or modified by EPA, immediately upon receipt of EPA's approval.

12. The Respondents shall prepare a report for the time period beginning on the effective date of this CAFO and ending June 30, 2013, and every six (6) months thereafter. The report shall be submitted to EPA, with a copy to TCEQ, within thirty (30) days of the end of the reporting period. The report shall include the following:

a. For each waste stream accepted by the oil reclamation unit, identify the customer, original generator, waste stream description, RCRA waste codes, the SIC or NAICS code of the process generating the waste, a summary of any analyses conducted by the Respondents to verify the waste stream profiles, and the total volume of waste accepted during the reporting period. If requested by EPA, the Respondents shall provide copies of relevant waste approval documents and manifests for the specific waste streams.

b. All time periods in which there were exceedances of the operating parameters and the AWFCO requirements set forth in Appendix 1, Tables A and B, and exceedances of the hourly rolling averages for CO (Paragraph 69.A.9).

c. All exceedances of the Reconfigured TDU Compliance Standards and the AWFCO requirements established in accordance with Paragraph 69.C.9.

d. The initial Report shall include documentation showing that the tune-up and fuel specification analysis required by Paragraphs 69.A.5 and 69.A.6 have been conducted, and provide documentation showing the date of installation and subsequent operation of the AWFCO system required by Paragraphs 69.A.7.

e. Documentation showing the installation of the TOU required by Paragraph 69.A.8, and the additional AWFCO requirements required by Appendix 1, Table B (Paragraph 69.A.10).

The Report may be submitted in an electronic format (i.e., compact disk). The Respondents may claim the report as confidential business information (CBI), in accordance with the requirements of 40 C.F.R. Part 2. However, information that is emissions data or a standard or limitation cannot be claimed as CBI. 40 C.F.R. § 2.301(e). If the Report contains any information that is claimed CBI, the Respondents shall provide a redacted version with all CBI deleted.

B. RCRA Permit Modification

1. Within one year of the effective date of this CAFO, the Respondents shall submit to TCEQ, with a copy to EPA, an application for a Class 3 RCRA Permit Modification to permit the Reconfigured TDU as a miscellaneous unit under 40 C.F.R. Part 264, Subpart X in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33].

2. The permit application shall also include relevant requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, 40 C.F.R. Part 270, and 40 C.F.R. Part 63, Subpart EEE that are appropriate for the operation of the Reconfigured TDU, including an engineering report, waste analysis, monitoring and inspection requirements, and closure requirements set forth in 30 T.A.C. § 335.152(a)(13) [40 C.F.R. §§ 264.341, 264.347, and 264.351].

3. The Respondents shall also request that the issued RCRA permit modification include the following:

a. The feedstock limitations applicable to the operation of the oil reclamation unit under 40 C.F.R. § 261.6(a)(3)(iv)(C) set forth in Paragraph 69.D;

b. The investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3) (v), (vi) and (vii);

c. Appropriate recordkeeping and reporting requirements; and

d. Any applicable risk-based terms and conditions necessary to protect human health and the environment.

4. The failure to timely submit a Class 3 Permit Modification to TCEQ and EPA within the deadline set forth in Paragraph 69.B.1 shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

5. By no later than three and one-half years (42 months) from the effective date of this CAFO, the Respondents must complete all permitting requirements and obtain issuance from the TCEQ of a final RCRA Subpart X permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33], and which

incorporates the appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, 40 C.F.R. Part 270, and 40 C.F.R Part 63, Subpart EEE. In the event that TCEQ does not issue a RCRA Subpart X permit for the Reconfigured TDU as described above by the above deadline, the Respondents' authorization to operate the Reconfigured TDU terminates on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

C. Compliance Demonstration Test

1. The Respondents shall perform a compliance demonstration test (CDT) in accordance with the approved CDT Plan, which is attached as Appendix C and incorporated by reference into the CAFO. The CDT requires the Respondents to demonstrate compliance with the emissions limits of 40 C.F.R. § 63.1219(b) set forth in Paragraph C.5, the destruction and removal efficiency standard of 40 C.F.R. § 63.1219(c)(1) set forth in Paragraph C.4, and establish limits for the operating parameters set forth in Paragraph 69.C.6 (Appendix 1, Table C).

2. Within sixty (60) days of the effective date of this CAFO, the Respondents shall submit to EPA for approval, with a copy to TCEQ, a Quality Assurance Project Plan (QAPP) for the CDT. The QAPP shall be prepared in accordance with the EPA Region 6 Guidance "Quick Reference Guide, Test Burn Program Planning for Hazardous Waste Combustion (HWC) Units" dated August 6, 2012. The Respondents shall implement the QAPP as approved or modified by EPA.

3. The Respondents shall implement the CDT in accordance with Appendix 3 within ninety (90) days after reconfiguration of the TDU pursuant to Paragraph 69.A.8 of this CAFO.

4. During the CDT, the Respondents must achieve a destruction and removal efficiency (DRE) of 99.99% for toluene, the designated principle organic hazardous constituent (POHC). The DRE shall be calculated in accordance with 40 C.F.R. § 63.1219(c)(1).

5. The emission limits that must be met during the CDT are set forth in 40 C.F.R. § 63.1219(b).

6. The operating parameters limits that will be established during the CDT are set forth in Appendix 1, Table C.

7. The Respondents must not exceed the emission limits set forth in 40 C.F.R. § 63.1219(b), and must achieve a DRE of 99.99% for toluene [as set forth in 40 C.F.R. § 63.1219(c)] for all three runs in order to have a successful CDT. If the Respondents determine, based on the results of analyses of stack samples, that they have exceeded any emission standard or failed to meet the DRE requirement during any of the three runs, they must immediately cease processing hazardous waste in the Reconfigured TDU. The Respondents must make this determination within forty-five (45) days following completion of the CDT. The Respondents may not resume operation of the Reconfigured TDU until the Respondents have submitted and received EPA approval of a revised CDT plan, at which time operations can resume to demonstrate compliance with the emission limits and DRE requirements during all of the three runs.

8. All analyses required by the CDT plan shall be performed by a NELAC accredited laboratory or by a laboratory pre-approved by TCEQ.

9. Within ninety (90) days from completion of the CDT, the Respondents shall submit a CDT Report to EPA and TCEQ prepared in accordance with requirements in the CDT Plan, documenting compliance with the DRE standard and emission limits set forth in Paragraphs 69.C.4 and 69.C.5, and identifying operating parameter limits and AWFCO settings for the parameters set forth in Appendix 1, Table C. The DRE standard, emission limits, operating parameter limits, and the AWFCO settings shall also be set forth in a separate Appendix entitled

"Reconfigured TDU Compliance Standards". All data collected during the CDT (including, but not limited to, field logs, chain-of-custody documentation, monitoring data, sampling and analytical results, and any other data or calculations supporting the emissions calculations or operating parameter limits) must be submitted to EPA and TCEQ as part of the CDT Report. However, information in the CDT Report that is emissions data or a standard or limitation cannot be claimed as CBI. 40 C.F.R. § 2.301(e). If the Report contains any information that is claimed CBI, the Respondents shall provide a redacted version with all CBI deleted.

10. As of the date of the submission of the CDT Report, the Respondent shall comply with all operating requirements set forth in the "Reconfigured TDU Compliance Standards", unless otherwise notified by EPA.

11. EPA will review the CDT Report. EPA will make a finding concerning compliance with the emissions standards, DRE requirements, and other requirements of the CDT. If EPA determines that the Respondents have met all the requirements, it shall issue a Finding of Compliance to the Respondents. If EPA determines that the Respondents did not meet all of the requirements, it shall issue a Finding of Non-Compliance. Subject to Paragraph 69.C.7 of this CAFO, the issuance of a Finding of Non-Compliance by EPA shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date.

12. The failure to timely submit a CDT Report to EPA and TCEQ within ninety (90) days from completion of the CDT shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

D. Compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C)

1. Unless the TDU and the tanks identified in Paragraph 20 are authorized by the RCRA Permit Modification required by Section III.B of this CAFO (or any subsequent permit amendment) to receive wastes that do not meet the requirements set forth in 40 C.F.R. § 261.6(a)(3)(iv)(C), feedstock for the oil reclamation unit shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production, and transportation practices. Oil-bearing hazardous waste from petroleum refining, production, or transportation practices includes the following listed hazardous waste from specific Petroleum Refining Sources (K049, K050, K051, K052, K169, and K170). Also acceptable is oil-bearing hazardous waste from processes which meet the definition of the following Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) as follows:

SIC Code	SIC Description	NAICS Code	NAICS Title
1311	Crude Petroleum & Natural Gas	211111	Crude Petroleum and Natural Gas Extraction
1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction
1381	Drilling Oil & Gas Wells	213111	Drilling Oil and Gas Wells
1382	Oil & Gas Field Exploration Services (except geophysical mapping & surveying)	213112	Support Activities for Oil & Gas Operations
1389	Oil and Gas Field Services, NEC (except construction of field gathering lines, site preparation and related construction activities performed on a contract or fee basis)	213112	Support Activities for Oil and Gas Operations
2911	Petroleum Refining	324110	Petroleum Refineries
4612	Crude Petroleum Pipelines	486110	Pipeline Transportation of Crude Oil
4613	Refined Petroleum Pipelines	486910	Pipeline Transportation of Refined Petroleum Products

4789	Transportation Services, NEC (pipeline terminals and stockyards for transportation)	488999	All Other Support Activities for Transportation
4922	Natural Gas Transmission	486210	Pipeline Transportation of Natural Gas
4923	Natural Gas Transmission and Distribution (distribution)	221210	Natural Gas Distribution
4923	Natural Gas Transmission and Distribution (transmission)	486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	488999	All Other Support Activities for Transportation
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers)	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

Nothing in this Section III.D shall be construed to preclude Respondents from seeking authorization from the TCEQ to process oil-bearing materials outside the scope of 40 C.F.R. § 261.6(a)(3)(iv)(C). However, the definition of oil-bearing hazardous waste from petroleum refining, production, or transportation practices set forth in this Paragraph shall remain the same.

2. Using feedstock from processes meeting the definition of the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to make a separate determination whether the hazardous waste in question is "oil-bearing," and that the hazardous waste was originally generated from petroleum refining, production, or transportation practices. The Respondents shall request that this provision be placed in the issued RCRA permit as applicable to the oil reclamation unit operation under 40 C.F.R. § 261.6(a)(3)(iv)(C).

E. TCEQ Submission, Revision, and Approval Process

1. For the Class 3 RCRA Permit Modification required be submitted to TCEQ for approval under this CAFO, TCEQ will review the application in accordance with 30 T.A.C.

§§ 281.3(c), 281.18 and 281.19(a) and (b). The Respondents must respond to any Notice of Deficiency (NOD), with a copy to EPA, within the time period specified by the TCEQ. In the event that the Respondents fail to submit a timely and complete NOD response, the Respondents' authorization to operate the TDU shall terminate on the NOD response deadline unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

F. Additional Conditions

1. To comply with this CAFO, the Respondents must obtain a RCRA permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33], and which incorporates the appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, and 40 C.F.R. Part 270, and 40 C.F.R Part 63, Subpart EEE.

2. The Respondents may seek relief under the provisions of Section IV.F of this CAFO (Force Majeure) for any delay in the performance of any such obligations resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if the Respondent has submitted a timely and complete application and has taken all other actions necessary to obtain such permit or approval.

G. EPA Review and Comment on RCRA Permit

1. Nothing in this CAFO shall limit EPA's rights under applicable environmental laws or regulations, including, but not limited to, Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), 40 C.F.R. § 270.32 and 40 C.F.R. § 271.19, to review, comment, and incorporate appropriate requirements of 40 C.F.R. Parts 264, Subparts I through O and Subparts AA through CC, and

40 C.F.R. Part 63, Subpart EEE directly into the permit or establish other permit conditions that are based on those parts; or take action under Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), against the Respondents on the ground that the RCRA permit for the Reconfigured TDU does not comply with a condition that the EPA Region 6 Regional Administrator in commenting on the permit application or draft permit stated was necessary to implement approved State program requirements, whether or not that condition was included in the issued permit. If the Respondent disputes an action taken by EPA pursuant to 40 C.F.R. § 270.32 or 40 C.F.R. § 271.19, the Defendant may invoke Dispute Resolution in accordance with Section IV.E of this CAFO.

H. Submissions

In all instances in which this Compliance Order requires written submissions to EPA and TCEQ, each submission must be accompanied by the following certification:

> "I certify under penalty of law to the best of my knowledge and belief, that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondent(s) by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

I. Monitoring, Recordkeeping, and Record Retention Requirements

1. Upon the effective date of this CAFO, all interim operating parameters (Appendix 1, Table A), shakedown operating parameters (Appendix 1, Table B), and final operating parameters limits (Appendix 1, Table C and Paragraph 69.C.6) subject to AWFCO limits shall be monitored by the facility's Continuous Process Monitoring System (CPMS), which records data once per minute in an electronic data log (DLG). In addition, the Respondents shall keep copies

of all documents relating to compliance with the operating parameters limits not monitored by the CPMS, and all other documents relating to compliance with Section III of this CAFO. All records, including electronic records, shall be kept for a period of one year after termination of the CAFO. These monitoring and recordkeeping requirements are in addition to any other monitoring and/or recordkeeping requirements required by federal, state, or local laws, regulations, or permits. This information shall be made available to EPA and TCEQ upon request.

2. In addition, the Respondents shall preserve, for a period of one year after termination of the CAFO, all records and documents in its possession or in the possession of its divisions, employees, agents, contractors, or successors which in any way relate to this CAFO regardless of any document retention policy to the contrary. This information shall be made available to EPA and TCEQ upon request.

J. EPA Approval of Submissions

EPA will review the plans set forth in Paragraphs 69.A.11 (if applicable) and 69.C.2, and notify the Respondents in writing of EPA's approval or disapproval of the plan or any part thereof. Within the time specified, the Respondents shall address the deficiencies and submit a revised plan. EPA will approve, disapprove, or modify the revised submittal. EPA approved plans shall be incorporated by reference into this CAFO.

IV. TERMS OF SETTLEMENT

A. CIVIL PENALTY

70. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the

seriousness of the alleged violations, the Respondents' good faith efforts to comply with the applicable regulations, and the June 2003 RCRA Civil Penalty Policy, it is hereby **ORDERED** that the Respondent U.S. Ecology Texas, Inc. be assessed a civil penalty of **ONE HUNDRED SIXTY-FIVE THOUSAND, SIX HUNDRED FIFTY-SEVEN DOLLARS ($165,657)**, and the Respondent TD*X Associates L.P. be assessed a civil penalty of **SIX HUNDRED TWENTY-TWO THOUSAND, FOUR HUNDRED SIXTY-THREE DOLLARS ($622,463).** The Respondent USET shall pay the assessed civil penalty within thirty (30) days of the effective date of this CAFO. The Respondent TD*X Associates L.P. shall pay the assessed civil penalty in four (4) payments as follows:

Payment No. 1: $157,978.35 within thirty (30) days of the effective date of this CAFO.

Payment No. 2: $157,978.35 ($153,268.99 civil penalty plus interest of $4,709.36) within one year of the effective date of this CAFO.

Payment No. 3: $157,978.35 ($154,822.97 civil penalty plus interest of $3,155.38) within two years of the effective date of this CAFO.

Payment No. 4: $157,978.34 ($156,392.69 civil penalty plus interest of $1,585.65) within three years of the effective date of this CAFO.

71. The Respondents shall pay the assessed civil penalty by certified check, cashier's check, or wire transfer, made payable to "Treasurer, United States of America, EPA - Region 6". Payment shall be remitted in one of three (3) ways: regular U.S. Postal mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check(s) should be remitted to:

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U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check(s) should be remitted to:

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Phone No. (314) 418-1028

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

PLEASE NOTE: Docket numbers RCRA-06-2012-0936 (Respondent USET) and RCRA-06-2012-0937 (Respondent TD*X) shall be clearly typed on the respective checks to ensure proper credit. If payment is made by check, the check shall also be accompanied by a transmittal letter and shall reference the Respondent's name and address, the case name, and docket number of the CAFO. If payment is made by wire transfer, the wire transfer instructions shall reference the Respondent's name and address, the case name, and docket number of the CAFO. The Respondents shall also send a simultaneous notice of such payment, including a copy of the check and transmittal letter, or wire transfer instructions to the following:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Lorena Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

The Respondents' adherence to this request will ensure proper credit is given when penalties are received in the Region.

72. The Respondents agree not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

73. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. *See* 40 C.F.R. § 13.11(b).

74. EPA will also assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a

penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. *See* 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. *See* 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

B. PARTIES BOUND

75. The provisions of this CAFO shall apply to and be binding upon the parties to this action, their officers, directors, agents, employees, successors, and assigns. The undersigned representative of each party to this CAFO certifies that he or she is fully authorized by the party whom he or she represents to enter into the terms and conditions of this CAFO and to execute and to legally bind that party to it.

C. ADDITIONAL REQUIREMENTS

76. The Respondents shall undertake the following additional requirements:

A. The Respondents agree that the oil reclamation unit and the TDU are subject to the requirements of 40 C.F.R. Part 61, Subpart FF.

B. Within thirty (30) days of the effective date of the CAFO, the Respondents shall submit to EPA a certification that the following equipment in the oil reclamation unit and the TDU is not in "volatile hazardous air pollutant" (VHAP) service, as that term is defined by 40 C.F.R. § 61.241:

1. pumps;
2. compressors;
3. pressure relief devices;
4. sampling connection systems;
5. open-ended valves or lines;

6. valves;

7. connectors;

8. surge control vessels;

9. bottoms receivers; and

10. control devices and systems.

This certification shall be submitted in accordance with Paragraphs 76.H and 76.I.

C. Pursuant to 40 C.F.R. § 61.354(c), as of the effective date of this CAFO, the Respondents shall install, calibrate, maintain, and operate according to manufacturer's specifications, devices to continuously monitor the control devices operations required by 40 C.F.R. § 61.349.

D. Pursuant to 40 C.F.R. § 61.345(a), within 180 days of the effective date of the CAFO, the Respondents shall install, operate, and maintain covers on Bins 1, 2, 3, 4, and the Centrifuge solid bins that meet the requirements of 40 C.F.R. § 61.345(a)(1). The cover and openings shall be in a closed, sealed position at all times that waste is in the container except when it is necessary to use the opening for waste loading, removal, inspection or sampling, as required by 40 C.F.R. § 61.345(a)(1)(ii). The Respondents shall monitor the cover and all openings for no detectable emissions initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h).

E. The Respondents shall use a submerged fill pipe when transferring waste into the containers by pumping, as required by 40 C.F.R. § 61.345(a)(2).

F. Within ninety (90) days after the reconfiguration of the TDU pursuant to Paragraph 69.A.8 of this CAFO, the Respondents shall conduct performance tests for the TOU and the carbon adsorption system to demonstrate compliance with the requirements of 40 C.F.R.

§ 61.349. The performance tests shall be conducted in accordance with the requirements of 40 C.F.R. § 61.355. A copy of the performance test results shall be submitted to EPA within ninety (90) days of completion of the performance tests. The performance tests results shall be submitted in accordance with Paragraphs 76.H and 76.I.

G. Within 210 days of the effective date of the CAFO, the Respondents shall submit a written report to EPA showing compliance with Paragraphs 76.C, 76.D, and 76.E.

H. The certification and report identified in this Section must be accompanied by the following certification:

> "I certify under penalty of law to the best of my knowledge and belief, that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondent(s) by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

I. The certification and report required under this Section shall be sent to the following:

Craig Lutz
Toxics Enforcement Section (6EN-AT)
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

D. STIPULATED PENALTIES

77. In addition to any other remedies or sanctions available to EPA, the Respondent(s) shall pay stipulated penalties in the following amounts for each day during which each failure or refusal to comply continues:

a. Failure to Timely Submit Reports or Plans - Paragraphs 69.A.11, 69.A.12, and 69.C.2

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,000
16th through 30th day	$ 1,500
31st day and beyond	$ 2,500

b. Failure to Comply with Certain Interim Operating Requirements – Paragraphs 69.A.5, 69.A.6, 69.A.7 (installation of AWFCO only), 69A.8, and 69.A.11

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,500
16th through 30th day	$ 2,500
31st day and beyond	$ 5,000

c. Failure to Comply with any Other Provision of Section III of this CAFO

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 500
16th through 30th day	$ 1,000
31st day and beyond	$ 1,500

d. Failure to Comply with Additional Requirements – Section IV.C

Period of Noncompliance	Penalty Per Violation Per Day
1st through 15th day	$ 1,500
16th through 30th day	$ 2,500
31st day and beyond	$ 5,000

Penalties shall accrue from the date of the noncompliance until the date the violation is corrected, as determined by EPA.

78. The Respondent(s) shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Paragraph 71 herein. Interest and late charges shall be paid as stated in Paragraphs 73 - 74 herein.

79. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of the Respondent(s) violation of this CAFO or of the statutes and regulations upon which this agreement is based, or for the Respondent's violation of any applicable provision of law.

E. DISPUTE RESOLUTION

80. If the Respondents object to any decision or directive of EPA in regard to Section III or IV.C, the Respondents shall notify each other and the following persons in writing of its objections, and the basis for those objections, within thirty (30) calendar days of receipt of EPA's decision or directive:

Associate Director
Hazardous Waste Enforcement Branch (6EN-H)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Chief, RCRA Enforcement Branch (6RC-ER)
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

81. The Associate Director of the Hazardous Waste Enforcement Branch or his/her designee (Associate Director), and the Respondents shall then have an additional thirty (30) calendar days from EPA's receipt of the Respondents' written objections to attempt to resolve the dispute. If an agreement is reached between the Associate Director and the Respondents, the agreement shall be reduced to writing and signed by the Associate Director and the Respondents and incorporated by reference into this CAFO.

82. If no agreement is reached between the Associate Director and the Respondents within that time period, the dispute shall be submitted to the Director of the Compliance

Assurance and Enforcement Division or his/her designee (Division Director). The Division Director and the Respondents shall then have a second 30-day period to resolve the dispute. If an agreement is reached between the Division Director and the Respondents, the resolution shall be reduced to writing and signed by the Division Director and the Respondents and incorporated by reference into this CAFO. If the Division Director and the Respondents are unable to reach agreement within this second 30-day period, the Division Director shall provide a written statement of EPA's decision to the Respondents, which shall be binding upon the Respondents and incorporated by reference into the CAFO.

83. If the Dispute Resolution process results in a modification of this CAFO, the modified CAFO must be approved by the Regional Judicial Officer and filed pursuant to Section IV.H (Modifications).

84. The invocation of dispute resolution procedures under this Section shall not extend, postpone, or affect in any way, any obligations of the Respondents under this CAFO, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first day of noncompliance, but payment shall be stayed pending resolution of the dispute. If the Respondents do not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section IV.D.

F. FORCE MAJEURE

85. A "force majeure event" is any event beyond the control of the Respondents, their contractors, or any entity controlled by the Respondents that delays the performance of any obligation under this CAFO despite the Respondents' best efforts to fulfill the obligation. "Best efforts" includes anticipating any potential force majeure event and addressing the effects of any such event (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting

delay to the greatest extent possible. "Force Majeure" does not include the Respondents' financial inability to perform any obligation under this CAFO, but does include any delays attributable to the TCEQ's permitting process and the conduct of the contested case hearing.

86. The Respondents shall provide notice orally or by electronic or facsimile transmission as soon as possible, but not later than 72 hours after the time the Respondents first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event. The Respondents shall also provide written notice, as provided in Section IV.G of this CAFO, within seven days of the time the Respondents first knew of, or by the exercise of due diligence, reasonably should have known of, the event. The notice shall state the anticipated duration of any delay; its cause(s); the Respondents' past and proposed actions to prevent or minimize any delay; a schedule for carrying out those actions; and the Respondents' rationale for attributing any delay to a force majeure event. Failure to give such notice shall preclude the Respondents from asserting any claim of force majeure.

87. The Respondent also shall provide notice orally or by electronic or facsimile transmission to the other Respondent not later than 24 hours after the time Respondent first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event, provided that the failure to give such notice shall not limit either Respondent's responsibilities under this CAFO.

88. If the Complainant agrees that a force majeure event has occurred, the Complainant may agree to extend the time for the Respondents to perform the affected requirements for the time necessary to complete those obligations. An extension of time to perform the obligations affected by a force majeure event shall not, by itself, extend the time to perform any other

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obligation. Where the Complainant agrees to an extension of time, the appropriate modification shall be made pursuant to Section IV.H of this CAFO.

89. If the Complainant does not agree that a force majeure event has occurred, or does not agree to the extension of time sought by the Respondents, the Complainant's position shall be binding, unless the Respondents invokes Dispute Resolution under Section IV.D of this CAFO. In any such dispute, the Respondents bear the burden of proving, by a preponderance of the evidence, that each claimed force majeure event is a force majeure event; that the Respondents gave the notice required by the paragraph above, that the force majeure event caused any delay the Respondents' claimed was attributable to that event; and that the Respondents exercised their reasonable best efforts to prevent or minimize any delay caused by the event. If the Respondents carry this burden, the delay at issue shall be deemed not to be a violation of the affected obligation of this CAFO.

G. NOTIFICATION

90. Unless otherwise specified elsewhere in this CAFO, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other parties that another individual has been designated to receive the communication:

Complainant:

Chief, Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Respondent U.S. Ecology Texas, Inc.:

Mary Reagan
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue
Suite 2100
Austin, Texas 78701

Respondent TD*X Associates, L.P.:

J.D. Head
Fritz, Bryne, Head & Harrison, PLLC
98 San Jacinto Boulevard
Suite 2000
Austin, TX 78701

Texas Commission on Environmental Quality

Section Manager
Industrial and Hazardous Permits Section
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13087 MC 130
Austin, TX 78711

H. MODIFICATION

91. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except as otherwise specified in this CAFO, or upon the written agreement of the Complainant and Respondent(s), and approved by the Regional Judicial Officer, and such modification or amendment being filed with the Regional Hearing Clerk.

I. RETENTION OF ENFORCEMENT RIGHTS

92. EPA does not waive any rights or remedies available to EPA for any other violations by the Respondents of Federal or State laws, regulations, or permitting conditions.

93. Except as herein provided, nothing in this CAFO shall limit the power and authority of EPA or the United States to take, direct, or order all actions to protect public health, welfare, or the environment, or prevent, abate or minimize an actual or threatened release of hazardous

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substances, pollutants, contaminants, hazardous substances on, at or from the Respondent USET's facility or Respondent TD*X's oil reclamation unit and related equipment. Furthermore, nothing in this CAFO shall be construed or to prevent or limit EPA's civil and criminal authorities, or that of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

94. The Complainant reserves all legal and equitable remedies available to enforce the provisions of this CAFO. This CAFO shall not be construed to limit the rights of the EPA or United States to obtain penalties or injunctive relief under RCRA or under other federal or state laws, regulations, or permit conditions.

95. In any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other appropriate relief relating to this Facility or the oil reclamation unit, the Respondents shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the Complainant or the United States in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

96. This CAFO is not a permit, or a modification of any permit, under any federal, State, or local laws or regulations. The Respondents are responsible for achieving and maintaining complete compliance with all applicable federal, State, and local laws, regulations, and permits. The Respondents' compliance with this CAFO shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The Complainant does not warrant or aver in any manner that the Respondents' compliance with any aspect of this

CAFO will result in compliance with provisions of the RCRA or with any other provisions of federal, State, or local laws, regulations, or permits.

J. INDEMNIFICATION OF EPA

97. Neither EPA nor the United States Government shall be liable for any injuries or damages to person or property resulting from the acts or omissions of the Respondents, their officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this CAFO, nor shall EPA or the United States Government be held out as a party to any contract entered into by the Respondents in carrying out the activities required by this CAFO.

K. COSTS

98. Each party shall bear its own costs and attorney's fees. Furthermore, each Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.

L. TERMINATION

99. At such time as the Respondents believe they have completed all of the requirements of this CAFO, they may request that EPA concur whether all of the requirements of this CAFO have been satisfied. Such request shall be in writing and shall provide the necessary documentation to establish whether there has been full compliance with the terms and conditions of this CAFO. EPA will respond to said request in writing within ninety (90) days of receipt of the request. This CAFO shall terminate when all actions required to be taken by this CAFO have been completed, and the Respondents have been notified by the EPA in writing that this CAFO has been satisfied and terminated.

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M. EFFECTIVE DATE

100. This CAFO, and any subsequent modifications, become effective upon filing with the Regional Hearing Clerk.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:

FOR THE RESPONDENT:

Date: 9/27/12

US Ecology Texas, Inc.

FOR THE RESPONDENT:

Date: September 26, 2012

Carl R Palmer
TD*X Associates L.P.

FOR THE COMPLAINANT:

Date: 10·03·12

John Blevins
Director
Compliance Assurance and
Enforcement Division

FINAL ORDER

Pursuant to the Section 3008 of RCRA, 42 U.S.C. § 6928, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right or EPA or the United States to pursue appropriate injunctive relief or other equitable relief for criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect the Respondents' (or their officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondents are ordered to comply with the Compliance Order and terms of settlement as set forth in the Consent Agreement. Pursuant to 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 10/4/12

Patrick Rankin
Regional Judicial Officer

APPENDIX 1 – OPERATING PARAMETERS

TABLE A

TDU OIL RECLAMATION SYSTEM INTERIM REQUIREMENTS PRIOR TO TOU INSTALLATION

Tag No.	Equipment Operating Parameter	Operating Parameter Limit	Compliance Basis
TT-18/19	TDU Dryer, Minimum Combustion Chamber Temperature	Maintain Temperature > 1,400°F	AWFCO: CPMS[1], 60-sec time delay
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS, 6-min Rolling Average (RA)[2]
OE-1	Purge Vent Gas Stream Maximum O_2 Concentration	O_2 < 7%	AWFCO: CPMS, 60-sec time delay
FE-101	Maximum Purge Vent Rate	Purge Vent Rate < 180 scfm	AWFCO: CPMS, Hourly Rolling Average (HRA)[3]
M-100	Minimum Percent Excess Air, Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow
TE-28	Maximum Condenser System Exhaust Temperature	Temperature < 120°F	AWFCO: CPMS, HRA
	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[4]
	Maximum TDU Feed Organic Halide Concentration	[Total Organic Halides] < 1,500 ppm/Bin	Blending Protocols & Documentation

[1] Continuous Process Monitoring System – See Paragraph 69.I of CAFO.

[2] Previous six 1-minute readings are summed and divided by six.

[3] 40 C.F.R. §§ 63.1209(b)(5).

[4] See Paragraph 69.A.3 of the CAFO.

TABLE B

TDU OIL RECLAMATION SYSTEM REQUIREMENTS AFTER TOU INSTALLATION PRE-COMPLIANCE DEMONSTRATION TEST OPERATIONS

Tag No.	Equipment Operating Parameter	Shakedown (Pre-Test) OPL	Compliance Basis
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS[5], 6-min RA[6]
M-05	TDU Dryer, Cylinder Rotation On	Motor Operating	AWFCO: CPMS, Instantaneous
M-18	Product Discharge System	Motor Operating	AWFCO: CPMS, Instantaneous
M-21	Recirculation Blower Operating	Motor Operating	AWFCO: CPMS, Instantaneous
TT-121	TOU, Minimum Combustion Chamber Temperature	Maintain Temperature > 1,400°F	AWFCO: CPMS, HRA[7]
KY-110	TOU, Minimum Residence Time (Calculated from Purge Vent Flow Rate, Exhaust T, and Air Ratio)	Residence Time > 0.5 seconds	AWFCO: CPMS, HRA
AE-5/ OE-5	TOU Exhaust Gas, Maximum CO Concentration	[CO] < 100 ppmV @ 7% O_2	AWFCO: CEMS for CO, HRA
OE-1	Purge Vent Gas Stream, Maximum O_2 Concentration	[O_2] < 7%	AWFCO: CPMS, Instantaneous
FE-101	Maximum Purge Vent Rate	Vent Flow < 250 scfm	AWFCO: CPMS, HRA
FCV-102	Valve Position to Ensure Purge Vent is not Directed Away from TOU	Valve Closed	AWFCO: CPMS, 60-sec delay
M-121	Minimum Percent Excess Air , Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow
TE-28	Maximum Condenser System Exhaust Temperature	Maintain Temperature < 120°F	AWFCO: CPMS, HRA

[5] Continuous Process Monitoring System – See Paragraph 69.I of the CAFO.

[6] Previous six 1-minute readings are summed and divided by six.

[7] 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[8], Feed Stream Analysis Plan (if applicable)[9]
	Maximum TDU Feed Organic Halide Concentration	[Total Organic Halides] < 1,500 ppm/Bin	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Semi-Volatile Metals Concentration[10]	N/A	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Low-Volatile Metals Concentration[11]	N/A	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)

[8] See Paragraph 69.A.3 of the CAFO.

[9] See Paragraph 69.A.11 of the CAFO.

[10] Semi-volatile metals means a combination of cadmium and lead.

[11] Low-volatile metals means a combination of Arsenic, Beryllium, and Chromium.

TABLE C

TDU OIL RECLAMATION REQUIREMENTS AFTER TOU INSTALLATION POST-COMPLIANCE DEMONSTRATION TEST OPERATIONS

Tag No.	Equipment Operating Parameter	Interim/Final (Post-Test) OPL	Compliance Basis
PT-1	TDU Dryer, Maximum Internal Pressure	Maintain Pressure < 0.00" W.C.	AWFCO: CPMS[12], 6-min RA[13]
M-05	TDU Dryer, Cylinder Rotation On	Motor Operating	AWFCO: CPMS, Instantaneous
M-18	Product Discharge System	Motor Operating	AWFCO: CPMS, Instantaneous
M-21	Recirculation Blower Operating	Motor Operating	AWFCO: CPMS, Instantaneous
TT-121	TOU, Minimum Combustion Chamber Temperature	OPL Established @ > 3-Run Average from CDT	AWFCO: CPMS, HRA[14]
KY-110	TOU, Minimum Residence Time (Calculated from Purge Vent Flow Rate, Exhaust T, and Air Ratio)	Residence Time > 0.5 seconds	AWFCO: CPMS, HRA
AE-5/ OE-5	TOU Exhaust Gas, Maximum CO Concentration	Semi-Annual Testing until Waste Analysis Plan Approved, then Annual Testing	Performance Testing in lieu of CEMS; Waste Analysis Plan based with other OPLs
OE-1	Purge Vent Gas Stream, Maximum O_2 Concentration	$[O_2] < 7\%$	AWFCO: CPMS, Instantaneous
FE-101	Maximum Purge Vent Rate	Vent Flow < 250 scfm	AWFCO: CPMS, HRA
FCV-102	Valve Position to Ensure Purge Vent is not Directed Away from TOU	Valve Closed	AWFCO: CPMS, 60-sec time delay
M-121	Minimum Percent Excess Air, Operation of Purge Vent Injector Air Supply	Purge Vent Air Supply > 20% Excess Air	AWFCO: CPMS, Tuning of Combustion Airflow

[12] Continuous Process Monitoring System – See Paragraph 69.I of CAFO.

[13] Previous six 1-minute readings are summed and divided by six.

[14] 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

TE-28	Maximum Condenser System Exhaust Temperature	OPL Established @ < 3-run Average Based on CDT	AWFCO: CPMS, HRA
	HEPA Filter Installed and Pressure Change Monitored to Ensure Integrity of Filter	Installed and Δ Pressure Monitoring	Installation Check; Δ Pressure Monitored Once Per Shift
	Maximum TDU Feed Mercury Concentration	[Hg] < 50 ppm/Bin	Blending Protocols & Documentation[15], Feed Stream Analysis Plan (if applicable)[16]
	Maximum TDU Feed Organic Halide Concentration	OPL Established as Measured Ratio[17]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Semi-Volatile Metals Concentration[18]	OPL Established as Measured Ratio[19]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)
	Maximum TDU Feed Low-Volatile Metals Concentration[20]	OPL Established as Measured Ratio[21]	Blending Protocols & Documentation, Feed Stream Analysis Plan (if applicable)

[15] See Paragraph 69.A.3 of the CAFO.

[16] See Paragraph 69.A.11 of the CAFO.

[17] Maximum TDU Feed Concentration established as a measured ratio (not to exceed 4000 ppm/bin) from emissions data collected during CDT. See plan example calculations.

[18] Semi-volatile metals means a combination of cadmium and lead.

[19] Maximum TDU Feed Concentration established as measured ration from emissions data collected during CDT. See plan example calculations.

[20] Low-volatile metals means a combination of Arsenic, Beryllium, and Chromium.

[21] Maximum TDU Feed Concentration established as measured ratio from emissions data collected during CDT. See plan example calculations.

APPENDIX 2 – BLENDING PROTOCOLS

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

DOCUMENT STORED IN FILE ROOM

APPENDIX 3

COMPLIANCE DEMONSTRATION TEST PLAN

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

DOCUMENT STORED IN FILE ROOM

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of October, 2012, the original and one copy of the foregoing Consent Agreement and Final Order (CAFO) was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that true and correct copies of the CAFO were sent to the following by the method indicated below:

For US Ecology Texas, Inc.

Certified Mail – Return Receipt Requested – 7007 0710 0002 1385 1491

Mary Reagan
McGinnis, Lochridge & Kilgore, L.L.P.
600 Congress Avenue, Suite 2100
Austin, Texas 78701

For TD*X Associates LP

Certified Mail – Return Receipt Requested – 7007 0710 0002 1385 1507

J.D. Head
Fritz, Bryne, Head & Harrison, PLLC
98 San Jacinto Boulevard
Suite 2000
Austin, TX 78701

Evan L Pearson

Message

From: Spalding, Susan [Spalding.Susan@epa.gov]
Sent: 6/21/2016 5:55:41 PM
To: Pearson, Evan [Pearson.Evan@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Shah, Harry [shah.harry@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Robertson, David [robertson.david@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Nann, Barbara [nann.barbara@epa.gov]; Barra, Michael [barra.michael@epa.gov]; Jones, Bruced [Jones.Bruced@epa.gov]; Luschek, Robert [Luschek.Robert@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]
Subject: RE: Draft CWM Permit Letter with Enclosure

Thanks Evan, I'll make the change.

Susan Spalding, Associate Director
Hazardous Waste Branch
EPA Region 6
(214) 665-8022

From: Pearson, Evan
Sent: Tuesday, June 21, 2016 12:50 PM
To: Spalding, Susan <Spalding.Susan@epa.gov>; Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; Shah, Harry <Shah.Harry@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Robertson, David <robertson.david@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Barra, Michael <barra.michael@epa.gov>; Jones, Bruced <Jones.Bruced@epa.gov>; Luschek, Robert <Luschek.Robert@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>
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L.A.C. 33:V.3203(a) provides . . . permits for miscellaneous units are to contain such terms and provisions as necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions must include those requirements of LAC 33:V.Chapters 3, 5, 7, 17, 19, 21, 23, 25, 27, 29, 31, 4301.F, H, 4302, 4303 and 4305, all other applicable requirements of LAC 33:V.Subpart 1, and of 40 CFR 63 Subpart EEE and 40 CFR 146 that are appropriate for the miscellaneous unit being permitted.

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To: Spalding, Susan <Spalding.Susan@epa.gov>; Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; Shah, Harry <Shah.Harry@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Robertson, David <robertson.david@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Barra, Michael <barra.michael@epa.gov>; Jones, Bruced <Jones.Bruced@epa.gov>; Luschek, Robert <Luschek.Robert@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>
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RCRA Enforcement Branch
Office of Regional Counsel
U.S. EPA - Region 6
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Dallas, Texas 75202-2733
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Message

From: Pearson, Evan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D10433F23DD64BD2A3EFC03D6367856C-PEARSON, EVAN]
Sent: 6/23/2016 4:28:58 PM
To: Spalding, Susan [Spalding.Susan@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Shah, Harry [shah.harry@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Robertson, David [robertson.david@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Nann, Barbara [nann.barbara@epa.gov]; Barra, Michael [barra.michael@epa.gov]; Jones, Bruced [Jones.Bruced@epa.gov]; Luschek, Robert [Luschek.Robert@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]
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What is the status of the letter. FYI – I will be here until 4:30 today if you want me to concur on the letter. I will not be in the office tomorrow.

From: Spalding, Susan
Sent: Tuesday, June 21, 2016 12:56 PM
To: Pearson, Evan <Pearson.Evan@epa.gov>; Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; Shah, Harry <Shah.Harry@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Robertson, David <robertson.david@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Barra, Michael <barra.michael@epa.gov>; Jones, Bruced <Jones.Bruced@epa.gov>; Luschek, Robert <Luschek.Robert@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>
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To: Spalding, Susan [Spalding.Susan@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Shah, Harry [shah.harry@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Robertson, David [robertson.david@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Nann, Barbara [nann.barbara@epa.gov]; Barra, Michael [barra.michael@epa.gov]; Jones, Bruced [Jones.Bruced@epa.gov]; Luschek, Robert [Luschek.Robert@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]
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To: Pearson, Evan <Pearson.Evan@epa.gov>; Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; Shah, Harry <Shah.Harry@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Robertson, David <robertson.david@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Barra, Michael <barra.michael@epa.gov>; Jones, Bruced <Jones.Bruced@epa.gov>; Luschek, Robert <Luschek.Robert@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733

[DATE]

Mr. Estuardo Silva
Louisiana Department of Environmental Quality
Office of Environmental Services
Waste Permits Division
Post Office Box 4313
Baton Rouge, LA 70821-4313

RE: Draft Hazardous Waste Modified Operating and Post Closure Permit
Chemical Waste Management, Inc.
7170 John Brannon Road
Carlyss, LA 70665
Permit# LAD00077201-OP-RN-MO-1
AI# 742/PER20140007

Dear Mr. Silva:

EPA has the following comments on the draft Hazardous Waste Operating and Post Closure Permit for the Chemical Waste Management, Inc. facility located at 7170 John Brannon Road, Carlyss, LA 70665 (Draft Permit). Chemical Waste Management, Inc. (Chem Waste) seeks to add two oil recovery units (ORUs), two thermal desorber units (TDUs), and 19 associated tanks to its operations at its Carlyss, Louisiana facility. The ORUs will be utilized to separate recoverable oils from drilling fluids, refinery tank bottoms, commercially exempt waste, and other non-hazardous and hazardous waste. The TDUs will treat contaminated tank bottoms, sludge, catalyst slurry oil, and other non-hazardous and hazardous waste. The TDUs will be designed to separate organic constituents from a waste stream by condensing the organic components, which would allow for the recovery or disposal of the contaminants. The non-condensable gases will be routed to a thermal oxidizer unit (TOU). The TDU is proposed to be permitted as a miscellaneous unit.

Condition II.E.25.e of the Draft Permit provides that "[o]ne hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Thermal Desorber Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and L.A.C. 33:V.Chapter 32, and all applicable regulations." Chapter 32 is entitled "Miscellaneous Units", and is the State equivalent of 40 C.F.R. Part 264, Subpart X. ~~Because no details are given regarding the operation of the proposed TDU, the public cannot comment on this issue.~~ Due to the absence of any proposed engineering specifications, performance test, operating conditions, operating parameters, monitoring and recordkeeping requirements, we have identified ~~EPA has set forth certain~~ permit requirements for the TDU and TOU below that we believe are required by the regulations for operation of the TDU and TOU.

How the TDU and TOU are permitted determine the appropriate permit requirements for the units. The material being treated in the TDU and the TOU is already a hazardous waste. Thermal treatment after a material becomes a hazardous waste is fully regulated under RCRA. 54 Fed. Reg. 50968, 50973 (December 11, 1989). The combustion of the non-condensable gases in the TOU meets the definition of "thermal treatment" in L.A.C. 33:V.109 [40 C.F.R. § 260.10] and thus requires a RCRA permit. The TOU would meet the definition of incinerator in L.A.C. 33:V.109 [40 C.F.R. § 260.10] (an enclosed device that uses controlled flame combustion). However, rather than permitting the TOU as an incinerator, LDEQ could permit the TDU and TOU together as a miscellaneous unit under L.A.C. 33:V.Chapter 32 [40 C.F.R. Part 264, Subpart X]. If this occurs, then LDEQ should ~~is required to~~ include in the permit requirements from L.A.C. 33:V.Chapters 3, 5, 7, 17, 19, 21, 23, 25, 27, 29, 31, 4301.F, H, 4302, 4303 and 4305, all other applicable requirements of L.A.C. 33:V.Subpart 1, and of 40 C.F.R. Part 63, Subpart EEE and 40 C.F.R. Part 146 that are appropriate for the miscellaneous unit being permitted.[1]

The decisions as to what appropriate requirements would be included in the permit would be left to LDEQ. However, we believe ~~EPA would expect~~ that the permit conditions would be similar to those set forth in the enclosed Consent Agreement and Final Order, In Re: US Ecology Texas, Inc. and TD*X Associates, LP, EPA Docket Nos. RCRA-06-2012-0936 and RCRA-06-2012-0937, filed October 4, 2012. These permit conditions would include, but not be limited to:
~~(~~1) a startup, shutdown, and malfunction plan; (2) a performance test, which includes meeting a 99.99% destruction removal efficiency for each principle organic hazardous constituent and meeting certain emission limits; (3) automatic waste feed cutoff system; (4) operating parameters; and (5) investigation, recordkeeping, testing, and reporting requirements. This position was also previously communicated to LDEQ in a letter from EPA to Mr. J.D. Head dated May 2, 2016, in which a copy was sent to LDEQ. A copy of this letter is also enclosed.

~~In conclusion, we believe that permit conditions as set forth above should be included in the draft permit, and re-noticed for public comment.~~

If you have any questions, please feel free to call me at (214) 665-8022.

Sincerely,

Susan Spalding, ~~Chief~~
Associate Director
Hazardous Waste Branch (6MM-R)
Multimedia Division

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[1] The equivalent Federal provisions are 40 C.F.R. Part 264, Subparts I through O, AA, BB, and CC, 40 C.F.R. Part 270, 40 C.F.R. Part 63, Subpart EEE, and 40 C.F.R. Part 146. 40 C.F.R. § 264.601.

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Enclosure

6RC	6RC	6MM	6EN
Jones	Pearson	Fruitwala	Tidmore

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733

[DATE]

Mr. Estuardo Silva
Louisiana Department of Environmental Quality
Office of Environmental Services
Waste Permits Division
Post Office Box 4313
Baton Rouge, LA 70821-4313

RE: Draft Hazardous Waste Modified Operating and Post Closure Permit
Chemical Waste Management, Inc.
7170 John Brannon Road
Carlyss, LA 70665
Permit# LAD00077201-OP-RN-MO-1
AI# 742/PER20140007

Dear Mr. Silva:

EPA has the following comments on the draft Hazardous Waste Operating and Post Closure Permit for the Chemical Waste Management, Inc. facility located at 7170 John Brannon Road, Carlyss, LA 70665 (Draft Permit). Chemical Waste Management, Inc. (Chem Waste) seeks to add two oil recovery units (ORUs), two thermal desorber units (TDUs), and 19 associated tanks to its operations at its Carlyss, Louisiana facility. The ORUs will be utilized to separate recoverable oils from drilling fluids, refinery tank bottoms, commercially exempt waste, and other non-hazardous and hazardous waste. The TDUs will treat contaminated tank bottoms, sludge, catalyst slurry oil, and other non-hazardous and hazardous waste. The TDUs will be designed to separate organic constituents from a waste stream by condensing the organic components, which would allow for the recovery or disposal of the contaminants. The non-condensable gases will be routed to a thermal oxidizer unit (TOU). The TDU is proposed to be permitted as a miscellaneous unit.

Condition II.E.25.e of the Draft Permit provides that "[o]ne hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Thermal Desorber Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and L.A.C. 33:V.Chapter 32, and all applicable regulations." Chapter 32 is entitled "Miscellaneous Units", and is the State equivalent of 40 C.F.R. Part 264, Subpart X. Because no details are given regarding the operation of the proposed TDU, the public cannot comment on this issue. Due to the absence of any proposed engineering specifications, performance test, operating conditions, operating parameters, monitoring and recordkeeping requirements, EPA has set forth certain permit requirements for the TDU and TOU below that we believe are required by the regulations for operation of the TDU and TOU.

How the TDU and TOU are permitted determine the appropriate permit requirements for the units. The material being treated in the TDU and the TOU is already a hazardous waste. Thermal treatment after a material becomes a hazardous waste is fully regulated under RCRA. 54 Fed. Reg. 50968, 50973 (December 11, 1989). The combustion of the non-condensable gases in the TOU meets the definition of "thermal treatment" in L.A.C. 33:V.109 [40 C.F.R. § 260.10] and thus requires a RCRA permit. The TOU would meet the definition of incinerator in L.A.C. 33:V.109 [40 C.F.R. § 260.10] (an enclosed device that uses controlled flame combustion). However, rather than permitting the TOU as an incinerator, LDEQ could permit the TDU and TOU together as a miscellaneous unit under L.A.C. 33:V.Chapter 32 [40 C.F.R. Part 264, Subpart X]. If this occurs, then LDEQ is required to include in the permit requirements from L.A.C. 33:V.Chapters 3, 5, 7, 17, 19, 21, 23, 25, 27, 29, 31, 4301.F, H, 4302, 4303 and 4305, all other applicable requirements of L.A.C. 33:V.Subpart 1, and of 40 C.F.R. Part 63, Subpart EEE and 40 C.F.R. Part 146 that are appropriate for the miscellaneous unit being permitted.[1]

The decisions as to what appropriate requirements would be included in the permit would be left to LDEQ. However, EPA would expect that the permit conditions would be similar to those set forth in the enclosed Consent Agreement and Final Order, In Re: US Ecology Texas, Inc. and TD*X Associates, LP, EPA Docket Nos. RCRA-06-2012-0936 and RCRA-06-2012-0937, filed October 4, 2012. These permit conditions would include, but not be limited to: (1) a startup, shutdown, and malfunction plan; (2) a performance test, which includes meeting a 99.99% destruction removal efficiency for each principle organic hazardous constituent and meeting certain emission limits; (3) automatic waste feed cutoff system; (4) operating parameters; and (5) investigation, recordkeeping, testing, and reporting requirements. This position was also previously communicated to LDEQ in a letter from EPA to Mr. J.D. Head dated May 2, 2016, in which a copy was sent to LDEQ. A copy of this letter is also enclosed.

In conclusion, we believe that permit conditions as set forth above should be included in the draft permit, and re-noticed for public comment.

If you have any questions, please feel free to call me at (214) 665-8022.

Sincerely,

Susan Spalding, Chief
Hazardous Waste Branch (6MM-R)
Multimedia Division

Enclosure

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[1] The equivalent Federal provisions are 40 C.F.R. Part 264, Subparts I through O, AA, BB, and CC, 40 C.F.R. Part 270, 40 C.F.R. Part 63, Subpart EEE, and 40 C.F.R. Part 146. 40 C.F.R. § 264.601.

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LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

DRAFT
HAZARDOUS WASTE OPERATING AND POST-CLOSURE PERMIT
CHEMICAL WASTE MANAGEMENT, INC.
LAKE CHARLES FACILITY
CARLYSS, LOUISIANA

Permit # LAD00077201-OP-RN-MO-1
AI # 742/PER20140007

Records Copy

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

May 4, 2016

Mr. Benjamin Dabadie
Environmental Manager
Chemical Waste Management, Inc. – Lake Charles Facility
7170 John Brannon Road
Sulphur, LA 70665

RE: Draft Modified Hazardous Waste Operating and Post-closure Permit
Class 3 Permit Modification
Chemical Waste Management, Inc. – Lake Charles Facility
AI#742/LAD000777201/LAD000777201-OP-RN-MO-1/PER20140007

Dear Mr. Dabadie:

Enclosed is your copy of Chemical Waste Management, Inc. – Lake Charles Facility (CWMLC) Modified Draft Hazardous Waste Operating and Post-closure Permit, LAD000777201-OP-RN-MO-1, which incorporates language pertaining to the Class 3 Permit Modification Application, dated November 5, 2014. CWMLC is requesting to add two new technologies, which will include two Oil Recovery Units (ORUs) and two Thermal Desorber Units (TDUs) with associated tanks under this Class 3 Permit Modification Application.

A comment period of forty-five (45) days will be allowed in order for the public to review and comment on this draft hazardous waste operating and post-closure permit. The specific dates for the beginning and ending of the comment period will be contained in the public notice. If the LDEQ finds a significant degree of public interest, a public hearing will also be scheduled at least forty-five (45) days after the date on which the public notice is given. If scheduled, the date, time and location of the public hearing will be contained in a separate public notice.

Prior to taking a final action on the permit, the Administrative Authority will consider all significant comments submitted on this action. Written comments must be submitted no later than 12:30 p.m. on the final day of the comment period. The issuance of the final permit decision will be in accordance with LAC 33:V.705.

Post Office Box 4313 • Baton Rouge, Louisiana 70821-4313 • Phone 225-219-3181 • Fax 225-219-3309
www.deq.louisiana.gov

Please reference Agency Interest No. 742, Activity No. PER20140007, EPA ID No. LAD000777201, and Permit No. LAD000777201-OP-RN-MO-1 on all correspondence pertaining to this matter. Any questions concerning this action should be directed to Ms. Lina Kruth Saale at (225) 219-0029 of the Waste Permits Division.

Sincerely,

Estuardo Silva
Administrator
Waste Permits Division

lks

SIGNATURE PAGE

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

DRAFT HAZARDOUS WASTE OPERATING AND POST-CLOSURE PERMIT

PERMITTEE:	CHEMICAL WASTE MANAGEMENT, INC. LAKE CHARLES FACILITY
EPA ID NUMBER:	LAD000777201
PERMIT NUMBER:	LAD000777201-OP-RN-MO-1 Agency Interest#742/Permit Activity#PER20140007
FACILITY LOCATION:	7170 John Brannon Road Carlyss, Calcasieu Parish, Louisiana, 70665

This permit is issued by the Louisiana Department of Environmental Quality (LDEQ) under the authority of the Louisiana Hazardous Waste Control Law R.S. 20:2171 et seq., the regulations adopted thereunder, and under the authority of the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA) to Chemical Waste Management, Inc. – Lake Charles Facility (hereafter called the Permittee), to operate a hazardous waste treatment, storage, and disposal facility located at 7170 John Brannon Road, Carlyss, Louisiana, Calcasieu Parish, at latitude 30° 07' 10" and longitude 93° 24' 10".

For the purposes of this permit, the "Administrative Authority" shall be the Secretary of the Louisiana Department of Environmental Quality, or his/her designee.

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein and the applicable regulations as specified in the permit. Applicable regulations are those which are in effect on the effective date of issuance of this permit.

This permit is based on the assumption that the information provided to LDEQ by the Permittee is accurate. Further, this permit is based in part on the provisions of Sections 206, 212, and 224 of the HSWA of 1984, which modify Section 3004 and 3005 of RCRA. In particular, Section 206 requires corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage or disposal facility seeking a permit, regardless of the time at which waste was placed in such unit.

Section 212 provides authority to review and modify the permit at any time. Any inaccuracies found in the submitted information may be grounds for the termination, modification, revocation, and reissuance of this permit (see LAC 33:V.323) and potential enforcement action. The

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

This permit shall be effective as of _____DRAFT_____, and shall remain in effect until _____DRAFT_____, unless revoked, reissued, modified or terminated in accordance with LAC 33:V.323 and 705 of the Louisiana Hazardous Waste Regulations. The Administrative Authority may issue any permit for a duration that is less than the maximum term of ten (10) years and the term shall not be extended beyond the maximum duration by modification in accordance with LAC 33:V.315.

The post-closure care period for the permitted units, which are subject to the requirements of LAC 33:V.3519 through 3527, including monitoring and maintenance, will be in effect for at least thirty (30) years, unless extended by the Administrative Authority. The expiration of this permit does not relieve the Permittee of the responsibility to reapply for a permit for the remainder of the thirty (30) years post-closure period.

Provisions of this permit may be appealed in writing pursuant to LA. R.S. 30:2024(A) within 30 days from receipt of the permit. Only those provisions specifically appealed will be suspended by a request for hearing, unless the secretary or the assistant secretary elects to suspend other provisions as well. A request for hearing must be sent to the following:

Louisiana Department of Environmental Quality
Office of the Secretary
Attention: Hearings Clerk, Legal Services Division
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302

_____DRAFT_____
Elliott B. Vega, Assistant Secretary
Louisiana Department of Environmental Quality

_____DRAFT_____
Date

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TECHNICAL REVIEW SHEET

Worksheet for Technical Review of Working Draft of Proposed Modified Operating Permit
LAD000777201-OP-RN-MO-1

Company Name:	**Chemical Waste Management, Inc. – Lake Charles Facility**	**AI#: 742**	**TEMPO Activity No: PER20140007**
Facility Name:	**Chemical Waste Management, Inc.**	**Remarks Submitted by: Dawn Brown, Providence**	
Permit Writer:	**Lina Kruth Saale**	**Permit Writer Email address: lina.saale@la.gov**	

Instructions

Permit Reference – Indicate specific portion(s) of the permit to which the remark relates (i.e. "Permit Condition II.E.21.a"). **Remarks** – Explain the basis for each remark. Provide regulatory citations where possible. If the remark is made due to an error or omission in the permit application this must be noted and the revised information ***must be submitted.*** Revised information may be submitted separately from this worksheet. Please be aware that revised information must be submitted in writing and certified by the Responsible Official, and if necessary, by a Professional Engineer licensed in Louisiana. *Please Note:* New or additional equipment, processes or operating conditions not addressed in the original permit application will be addressed on a case-by-case basis. The Department reserves the right to address such changes in a separate permit action.
DEQ Response – ***DO NOT COMPLETE THIS SECTION.*** This section will be completed by Waste Permits Division of DEQ, included in the proposed permit package and made available for public review during any required public comment period.

- Additional rows may be added as necessary.
- Completed Form shall be emailed to the Permit writer in MS Word compatible format within the deadline specified in the email notification.
- ***DO NOT USE THIS FORM TO SUBMIT COMMENTS DURING THE OFFICIAL PUBLIC COMMENT PERIOD.***

Permit Reference	Remarks	Waste Permits Division Response (for official use only)
Table 2 and Table 18	Proposed Building 802 will be nearly identical to Building 801. Please use the same language as Building 801 for the Maximum Permitted Storage Capacity (Liquid Storage - 240,000 gallons OR Solid Storage – 80 roll-off boxes 484,704 gallons). Also, Table 18, please add to the Service section Liquid and Solid Storage; Macroencapsulation.	The LDEQ concurs and will make the appropriate edits.
Table 10, 11, 23, & 24 V.F.3.d, V.G.3.d	Please note that these maximum permitted capacities for the Oil Recovery Units and the Thermal Desorber Units are based on an annual average daily limit. In Appendix D, Attachment 20 (Summary of Unit Capacities) of the application there is a note specific to the unit capacities.	The LDEQ acknowledges your comment, but does not concur. As provided in the permit application, the limiting factor in the processes is the design capacity of the centrifuge as part of the oil recovery units and the thermal desorber units. The maximum permitted capacities will remain at what design designates as maximum. No changes will be made.
Table 13	T-504A and T-504B, please strike through the design	The LDEQ concurs and will make the appropriate edits.

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	capacity of 75,000 gallons and the maximum operating capacity of 71,250 gallons. For T-904 please strike through the design capacity of 16,990 gallons.	
Table 16	Please center the title, "Proposed Hazardous Waste Treatment Tanks."	The LDEQ concurs and will make the appropriate edits.
V.A.1.a.ii	Please restate this condition to read: The tanks listed in Table 27 must be clearly marked with the words "Hazardous Waste" in accordance with LAC 33:V.1109.E.1.d or otherwise clearly marked to identify the contents of the tank.	The LDEQ acknowledges your comment, but does not concur. In accordance with LAC 33:V.1109.E.1.d, tanks containing hazardous waste must be clearly labeled or marked with the words "Hazardous Waste". No changes will be made.
V.A.3.a.	Should include ORU and TDU Buildings to this condition or add additional conditions for each. Example: The Permittee shall design, construct, operate, and maintain the secondary containment system, including the Oil Recovery Building (as the secondary containment for the off-loading pits T-601 and T-602), in accordance with LAC 33:V.1907 and Table 27. The Permittee shall design, construct, operate, and maintain the secondary containment system, including the Thermal Desorber Building (as the secondary containment for the off-loading pits T-701, T-702, T-703, and T-704), in accordance with LAC 33:V.1907 and Table 27.	The LDEQ concurs and will make the appropriate edits. Permit Condition V.A.3.a has been revised and will state: "The Permittee shall design, construct, operate, and maintain the secondary containment system, including Building 302 (as the secondary containment system for Tanks T-303 and T-304), the Oil Recovery Building (as the secondary containment system for the off-loading pits T-601 and T602), and the Thermal Desorber Building (as the secondary containment system for the off-loading pits of T-701, T-702, T-703, and T-704) in accordance with LAC 33:V.1907, and Table 27."
V.A.4.i. & V.A.4.j.	Please clarify that the Area for the ORU includes all areas depicted in Attachment 31 of the application. Please clarify that the Area for the TDU includes all areas depicted in Attachment 32 of the application.	The LDEQ concurs and will make the appropriate edits. Permit Condition V.A.4.i. has been revised and will state: "The Oil Recovery Unit Area consists of the Oil Recovery Building that contains the two off-loading pits (Tanks T-601 and T-602); two carbon canister units; four feed mix tanks (Tanks T-610, T-611, T-612, and T-613); three recovery water tanks (Tanks T-630, T-631, and T-632); two centrifuge units; a thermal oxidizer; an area for roll-off boxes; and a truck loading area..." Permit Condition V.A.4.j. has been revised and will state: "The Thermal Desorber Unit Area consists of the Thermal

		Desorber Unit Off-loading Building that contains the four off-loading pits (Tanks T-701, T-702, T-703, and T-704); four carbon canister units; two thermal desorber units; two vapor recovery units; two thermal oxidizers; two solids discharge areas that contain roll off boxes; four recovered water tanks (Tank T-710, T-711, T-712, and T-713); and two sludge holding tanks (Tank T-740 and T-741)..."
V.A.7.c.iv.	Consider rewording the last sentence, "The certification shall be submitted to the Administrative Authority within ~~seven (7) days~~ a reasonable amount of time after returning the tank system to use in accordance with LAC 33:V.1913.F." LAC 33:V.1913.F. does not specifically require submittal of certification within seven (7) days.	The LDEQ acknowledges your comment and has revised the last statement of Condition V.A.7.c.iv to state: "The certification required in accordance with LAC 33:V.1913.F, shall be submitted to the Administrative Authority within seven (7) days of returning the tank system to use.
Table 27	• T-305 and T-306 - Design Standard should be API-620. • T-504A – Please strike through Maximum Operating Capacity 71,250. • T-504B - Please strike though design capacity 75,000 and maximum operating capacity 71,250. • T-602 - Please add under the dimensions (sloping floor). • T-601 and T-602 - Please change materials of construction to Carbon Steel. • T-701-T-704 - Please change materials of construction to Carbon Steel.	The LDEQ concurs and will make the appropriate edits.
V.E.1.c.	Please restate: The Permittee shall notify the Administrative Authority of the intended change via ~~facsimile transmittal~~ email or verbal correspondence and follow-up with an official notification via registered mail and a telephone call.	The LDEQ acknowledges your comment and has revised Condition V.E.1.c to state: "The Permittee shall notify the Administrative Authority of the intended change via facsimile transmittal, email, or verbal correspondence and follow-up with an official notification via registered mail and a telephone call."
V.E.4.	In the introductory sentence, please revise V.G to V.I.	The LDEQ concurs and will make the appropriate edits.
V.F.8.a.i & V.G.8.a.i	Please reword Conditions V.F.8.a.i and V.G.8.a.i to read as follows: The continuous monitoring system (CMS) shall be operated	The LDEQ acknowledges your comment, but does not concur with the proposed language. The oil recovery units and the thermal desorber units are defined as "miscellaneous units." In accordance with LAC 33:V.3203, permits for miscellaneous

	and maintained in accordance with the air permit and the manufacturer's specifications.	units are to contain such terms and provisions as necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous waste constituents from the unit... The requirements of LAC 33:V.3005.E.6.a.ii are the most appropriate operating conditions for the proposed units. In accordance with LAC 33:V.109, "monitoring" is defined as the inspection and collection of data following a predesigned schedule and system on operational parameters of the facility or on the quality of the environment including the air, groundwater, surface water or soils. Permit Condition V.F.8.a.i has been revised to state: "The applicable continuous monitoring system (CMS) to the unit shall be installed, operated, and maintained in accordance with the manufacturer's specifications, this permit, and the air permit when hazardous waste is in the unit." Permit Condition V.G.8.a.i has been revised to state: "The applicable continuous monitoring system (CMS) to the unit shall be installed, operated, and maintained in accordance with the manufacturer's specifications, this permit, the air permit, and the applicable sections of LAC 33:V.1709.H."
V.F.8.a.ii & V.G.8.a.ii	Please reword Conditions V.F.8.a.ii and V.G.8.a.ii to read as follows: The permittee shall comply with the monitoring and recordkeeping provisions of the air permit that apply to the CMS.	The LDEQ acknowledges your comment, but does not concur with the proposed language. See above statement. Permit Conditions V.F.8.a.ii and V.G.8.a.ii have been revised to state: "At a minimum, the Permittee shall analyze values from the continuous monitoring parameter system (CPMS) every fifteen (15) seconds and compute and record the average values at least every sixty (60) seconds for the treatment process and closed-vent systems that indicates proper system operation. The Permittee must record these values every sixty (60)

		seconds to demonstrate compliance with the operational parameters of the unit."
V.F.8.a.iv & V.G.8.a.iv	Please reword Conditions V.F.8.a.iv and V.G.8.a.iv to read as follows: Monitoring samples and measurements 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 specified in LAC 33:V.Chapter 49.Appendix D, 40 CFR 61 Subpart FF, or an equivalent method approved by the Administrative Authority. Other sampling and analytical methods shall be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846, as revised, or equivalent methods.	The LDEQ concurs and has revised Conditions V.F.8.a.iv and V.G.8.a.iv to state: "Monitoring samples and measurements 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 specified in LAC 33:V.Chapter 49.Appendix D, 40 CFR 61 Subpart FF, or an equivalent method approved by the Administrative Authority."
V.G.4.a	Please add an "s" to the word 'Unit"	The LDEQ concurs and will make the appropriate edits.
VI.C.	Please correct the reference to Piezomoter G-10. This is no longer a piezometer it is a groundwater monitoring well.	The LDEQ concurs and will make the appropriate edits.
V.A.4.j & V.G.2.a.iv	Please update to read: "other miscellaneous hazardous and non-hazardous waste."	The LDEQ concurs and will make the appropriate edits.

PUBLIC PARTICIPATION

PUBLIC NOTICE
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY (LDEQ)
CHEMICAL WASTE MANAGEMENT, INC. - LAKE CHARLES FACILITY
DRAFT HAZARDOUS WASTE MODIFIED OPERATING AND POST-CLOSURE PERMIT

The LDEQ, Office of Environmental Services, is accepting written comments on a Draft Hazardous Waste Modified Operating and Post-Closure Permit for Chemical Waste Management, Inc., 7170 John Brannon Road in Carlyss, Louisiana 70665, for the Lake Charles Facility. **The facility is located at 7170 John Brannon Road, Carlyss, Calcasieu Parish.**

Chemical Waste Management, Inc. is requesting to add new technologies to the current operation at the Lake Charles Facility. The two new systems will include two Oil Recovery Units (ORUs), two Thermal Desorber Units (TDUs), and associated tanks.

This permit was processed as an expedited permit in accordance with LAC 33:I.Chapter 18.

Comments and requests for a public hearing or notification of the final decision can be submitted via personal delivery, U.S. mail, email, or fax. **Comments and requests for public hearings must be received by 4:30 pm CST, Monday, June 27, 2016.** Delivery may be made to the drop-box at 602 N. 5th St., Baton Rouge, LA 70802. U.S. Mail may be sent to LDEQ, Public Participation Group, P.O. Box 4313, Baton Rouge, LA 70821-4313. Emails may be submitted to DEQ.PUBLICNOTICES@LA.GOV and faxes sent to (225) 219-3309.

Please see additional instructions for comment submission, hand delivery and information regarding electronic submission at http://www.deq.louisiana.gov/portal/Default.aspx?tabid=2256 or call (225) 219-3276.

If LDEQ finds a significant degree of public interest, a public hearing will be held. LDEQ will send notification of the final permit decision to the applicant and to each person who has submitted written comments or a written request for notification of the final decision.

The Draft Hazardous Waste Modified Operating and Post-Closure Permit is available for review at the LDEQ, Public Records Center, Room 128, 602 North 5th Street, Baton Rouge, LA. Viewing hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays). **The available information can also be accessed electronically on the Electronic Document Management System (EDMS) on the DEQ public website at www.deq.louisiana.gov.**

Additional copies may be reviewed at the Calcasieu Public Library, Sulphur Regional Branch, located at 1160 Cypress St., Sulpur, LA, 70663.

Previous notices have been published in The American Press and The Advocate on Thursday, November 13, 2014.

Inquiries or requests for additional information regarding this permit action should be directed to Ms. Lina Kruth Saale, LDEQ, Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313, phone (225) 219-0029.

Persons wishing to be included on the LDEQ permit public notice mailing list or for other public participation related questions should contact the Public Participation Group in writing at LDEQ, P.O. Box 4313, Baton Rouge, LA 70821-4313, by email at DEQ.PUBLICNOTICES@LA.GOV or contact the LDEQ Customer Service Center at (225) 219-LDEQ (219-5337).

Permit public notices including electronic access to the draft permit and associated information can be viewed on the LDEQ permits public webpage at www.deq.louisiana.gov/apps/pubNotice/default.asp and general information related to the public participation in permitting activities can be viewed at www.deq.louisiana.gov/portal/tabid/2198/Default.aspx.

Alternatively, individuals may elect to receive the permit public notices via email by subscribing to the LDEQ permits public notice List Server at http://louisiana.gov/Services/Email_Notifications_DEQ_PN/.

All correspondence should specify AI Number 742, Permit Number LAD000777201-OP-RN-MO-1, and Activity Number PER20140007.

Scheduled Publication Date: Friday, May 13, 2016

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12/01/15

FACT SHEET

FACT SHEET

DRAFT MODIFIED HAZARDOUS WASTE OPERATING AND POST-CLOSURE PERMIT

Prepared For

Chemical Waste Management, Inc.
Lake Charles Facility

EPA ID # LAD000777201
Agency Interest # 742
Carlyss, Louisiana
Calcasieu Parish

Permit # LAD00077201-OP-RN-MO-1
PER20140007

I. INTRODUCTION

This fact sheet has been developed in accordance with the Louisiana Administrative Code (LAC) 33:V.703.D and briefly sets forth principal and significant facts, legal, methodological and policy requirements of the proposed draft modified hazardous waste operating and post-closure permit for Chemical Waste Management, Inc. Lake Charles Facility (CWMLC), EPA ID Number LAD000777201, Agency Interest Number 742, for the facility located in Carlyss, Calcasieu Parish, Louisiana.

The Louisiana Department of Environmental Quality (LDEQ) has prepared this proposed draft modified hazardous waste operating and post-closure permit which addresses the requirements of LAC Title 33, Part V, Subpart 1 and the Federal Resource Conservation and Recovery Act (RCRA) as amended by the 1984 Hazardous and Solid Waste Amendments (HSWA).

CWMLC is requesting to add two new technologies to the current operation at the Lake Charles Facility. The two new systems will consist of two (2) oil recovery units (ORU's) and two (2) thermal desorber units (TDU's) with associated tanks.

II. THE PERMITTING PROCESS

The LDEQ Waste Permits Division is required to prepare this fact sheet for the draft modified hazardous waste operating and post-closure permit in order to initiate the permit decision process. The LDEQ Waste Permits Division has prepared a draft permit in accordance with LAC 33:V.323.B.2.b and LAC 33:V.703.C. This draft modified hazardous waste operating and post-closure permit sets forth all applicable conditions

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with which the Permittee must comply during the life of the permit.

The permitting process will afford the LDEQ, interested citizens, and other agencies the opportunity to evaluate the ability of the Permittee to comply with the requirements of the LAC 33:V, Subpart 1.

Chemical Waste Management, Inc – Lake Charles Facility (CWMLC) submitted a Class 3 Permit Modification Application, dated November 4, 2014. The permit application was determined to be administratively complete on January 20, 2015. The LDEQ issued an email Notice of Deficiency (NOD) #1 on April 9, 2015. The LDEQ issued a letter NOD #1 on July 8, 2015. CWMLC submitted four (4) 30-day extension requests to respond to NOD #1 on May 8, 2016, June 8, 2016, July 14, 2016, and August 7, 2016. CWMLC submitted responses to NOD #1 on September 16, 2015. The LDEQ issued NOD #2 on February 3, 2016. CWMLC submitted responses to NOD #2 on February 5, 2016 and March 30, 2016. As of March 30, 2016, all regulations have been technically addressed or will be addressed via a schedule of compliance, by the applicant for the facility as required under Subtitle C of RCRA.

The public is given a minimum of forty-five (45) days to review and comment on the draft modified hazardous waste operating and post-closure permit. The Administrative Authority, prior to making a decision or taking any final action on the draft permit, will consider all significant comments. The decision of the Administrative Authority shall be to issue, deny, modify, or revoke the draft modified hazardous waste operating and post-closure permit in accordance with LAC 33:V.705.

A. DRAFT MODIFIED HAZARDOUS WASTE OPERATING AND POST-CLOSURE PERMIT

The Administrative Authority reviewed all pertinent technical information regarding the proposed permit conditions and has made a tentative determination that the proposed permit conditions are warranted. Therefore, the LDEQ has prepared a draft modified hazardous waste operating and post-closure permit setting forth certain specific conditions pertaining to the operation, maintenance, and closure of the listed units at the facility.

This draft modified hazardous waste operating and post-closure permit is a tentative determination and is not the final decision of the Administrative Authority.

B. PUBLIC COMMENT PERIOD

LAC 33:V.715 requires that the public be given at least forty-five (45) days to comment on the draft modified hazardous waste operating and post-closure permit decision.

The specific dates for the opening and closing of the public comment period are

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contained in the public notice that was issued for this particular permitting action. Any person interested in commenting on the draft modified hazardous waste operating and post-closure permit must do so within the allotted forty-five (45) day comment period.

If the LDEQ finds a significant degree of public interest, a public hearing will be held. The location and time of the public hearing would be provided in a separate public notice.

Public notice of the proposed permitting action shall be published in specified newspapers, announced on the designated radio station, and mailed to those persons contained on the facility's mailing list.

C. LOCATIONS OF AVAILABLE INFORMATION

The administrative record, including all supporting documents, is on file at the LDEQ Public Records Center, Room 1-127, 602 North 5th Street, Baton Rouge, Louisiana. These documents may be inspected and copied (at $0.25 per copy page) at any time between the hours of 8:00 to 4:30 p.m., Monday through Friday (except holidays).

In addition, a copy of the draft modified hazardous waste operating and post-closure permit, fact sheet, and supporting documents are available for review at the local public library listed in the public notice reference in this draft permit.

D. WRITTEN COMMENT SUBMISSION

Interested persons may submit written comments on the draft modified hazardous waste operating and post-closure permit to the Administrative Authority, at the address listed below, by the closing date of the comment period. All comments should include:

1. the name and address of the commenter,
2. a concise statement of the exact basis for any comment and supporting relevant facts upon which the comment is based,
3. identification of the facility commented on (the EPA Identification Number and AI number), and
4. supporting relevant facts upon which the comments are based.

All comments, requests for public hearings, further requests for information (including copies of this decision and fact sheet) and any requests by public interest groups or individuals who would like to be included in the mailing list, should be made in writing to:

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Ms. Tommie Milam
Louisiana Department of Environmental Quality
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

Any technical questions regarding this draft permit should be addressed to:

Ms. Lina Kruth Saale
Louisiana Department of Environmental Quality
Office of Environmental Services
Waste Permits Division
Post Office Box 4313
Baton Rouge, LA 70821-4313
(225) 219-0029 or fax (225) 219-3158
lina.saale@la.gov

III. DESCRIPTION OF OVERALL SITE

Chemical Waste Management, Inc. - Lake Charles Facility (CWMLC) owns and operates a commercial hazardous waste treatment, storage, and disposal facility located on an approximately 280-acre tract near Carlyss, Louisiana. The facility is physically located at 7170 John Brannon Road in Carlyss, Louisiana, Calcasieu Parish at latitude 30° 7' 10" and longitude 93° 24' 10". The facility mailing address is 7170 John Brannon Road, Sulphur, Louisiana.

John Brannon Road divides the facility into two parts: 270 acres to the west (the site of the current operational waste management units of the facility subject to hazardous waste permitting) and 120 acres to the east. Incoming waste is currently treated as required and then disposed in the permitted hazardous waste Landfill Cell 8, located on the west side of John Brannon Road, which is adjacent to the other operational areas of the facility. Landfill Cell 8 has approximately thirty (30) years of disposal capacity remaining. CWMLC acquired 10-acre, 40-acre, and 360-acre parcels to the south and southwest of the existing facility. This property was developed as Landfill Cell 8.

IV. HAZARDOUS WASTE FACILITIES

Chemical Waste Management, Inc. - Lake Charles Facility (CWMLC) has a hazardous waste operating and post-closure permit for nineteen (19) hazardous waste tanks (14 existing and 5 proposed), one (1) operating hazardous waste landfill cell, two (2) existing biopads, six (6) container storage areas (4 existing and 2 proposed), one (1) proposed containment building, and four (4) closed landfill cells in post-closure care.

Under this Class 3 Permit Modification Application, CWMLC is requesting to modify the existing permit to add two (2) new technologies to the current operation at its Lake

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Charles facility. The two (2) new technologies will include two (2) oil recovery units, two (2) thermal desorber units, and nineteen (19) associated tanks. The oil recovery units will be utilized to separate recoverable oils from drilling fluids, refinery tank bottoms, commercially exempt waste, and other non-hazardous and hazardous waste. The thermal desorber units will treat contaminated tank bottoms, sludge, catalyst slurry oil, and other non-hazardous and hazardous waste. The thermal desorber units will be designed to separate organic constituents from a waste stream by condensing the organic components, which would allow for the recovery or disposal of the contaminants.

After careful review and consideration, the Administrative Authority puts this proposed draft permit for public notice.

V. FINANCIAL AND LIABILITY REQUIREMENTS

The applicant has provided financial assurance in the form of an insurance policy in accordance with LAC 33:V.Chapter 37, the approved closure plan, and the most recent cost estimates.

VI. IT QUESTIONS SUMMARY OF ANALYSIS

VI. SUMMARY OF ENVIRONMENTAL FACTORS CONSIDERED

In accordance with the requirements set forth by the Louisiana Supreme Court in (Save Ourselves v. LA Environmental Control Commission 452 So2d 1152 (La. 1984), the LDEQ has considered certain factors in the draft decision on this modified hazardous waste operating and post-closure permit. As part of the Part B permit application, Chemical Waste Management, Inc. – Lake Charles Facility (CWMLC) submitted the "IT Questions," which address a facility's impact on the human health and the environment in the vicinity of the existing facility. This is a preliminary analysis based on information currently available to the LDEQ.

A. The potential and real adverse environmental effects of the proposed project have been avoided to the maximum extent possible.

CWMLC is an existing facility and has been operating as a commercial hazardous waste treatment, storage, and disposal facility for over 30 years.

CWMLC has submitted a permit modification application to the existing operating and post-closure permit to add two (2) new technologies to its current operation, which includes two (2) oil recovery units, two (2) thermal desorber units, and nineteen (19) associated tanks.

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The proposed oil recovery units and the thermal desorber units will be located, designed, constructed, operated, and maintained in a manner that will ensure protection of the human health and the environment. The engineering design and operating procedures associated with the proposed units and tanks will comply with all regulatory and permitting requirements to prevent any releases to the environment. The proposed units will include protective design and operation features such as secondary containment, dust suppression, air emission control devices, and redundant shutdown systems. These actions minimize the potential and real adverse environmental effects of handling hazardous waste to the maximum extent possible.

B. A cost benefit analysis of the environmental impact balanced against the social and economic benefits of the project demonstrates that the social and economic benefits outweigh environmental impacts.

Chemical Waste Management, Inc. – Lake Charles (CWMLC) is an existing facility. CWMLC has provided waste treatment, storage, and disposal services for many businesses and industries in Louisiana for over 30 years. The existing facility has been operating in compliance with applicable regulatory and permitting requirements. The proposed oil recovery units and the thermal desorber units will be located, designed, constructed, operated, and maintained in a manner that will ensure protection of human health and the environment. The engineering design and operating procedures associated with the proposed units and tanks will comply with all regulatory and permit requirements protective of the human health and environment.

CWMLC currently employs ninety (90) full-time employees and four (4) contract workers. The operation of the oil recovery units and the thermal desorber units is expected to provide 20-30 additional jobs. Both state and local economics benefit from the provisions of employment and tax revenue generated by the facility's operations.

The proposed technologies should have little or no effect on property values or public costs as they pertain to the economics of the local community. The existing services and infrastructure in place are adequate to support the facility's current operation and proposed permit modification.

C. There are no <u>alternative projects</u> or <u>alternative sites</u> or <u>mitigating measures</u> which offer more protection to the environment than the proposed project without unduly curtailing non-environmental benefits to the extent applicable.

The proposed draft modified permit is for an existing facility. Chemical Waste Management, Inc. – Lake Charles Facility (CWMLC) is requesting to add two (2) oil recovery units and two (2) thermal desorber units, which will provide waste generators with technically sound and economically viable treatment alternatives.

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The proposed oil recovery units and the thermal desorber units will be located, designed, constructed, operated, and maintained in a manner that will ensure protection of the human health and the environment. Established monitoring, testing, analytical data, inspections, response, and reporting procedures and frequencies ensure compliance to all applicable regulatory and permitting requirements governing the proposed oil recovery units and thermal desorber units.

The existing site offers advantages over alternate sites because it is already established and constructed. Construction of a new facility at an alternate location would result in significant, unnecessary expenditure, and increased environmental footprint.

There appears to be no known alternative projects, sites, or mitigating measures that would offer more protection to the environment than permitting the existing facility without unduly curtailing non-environment benefits.

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PART A APPLICATION

OMB# 2050-0024; Expires 12/31/2014

SEND COMPLETED FORM TO: The appropriate State or Regional Office.	United States Environmental Protection Agency **RCRA SUBTITLE C SITE IDENTIFICATION FORM**

1. Reason for Submittal MARK ALL BOX(ES) THAT APPLY	**Reason for Submittal:** ☐ To provide an Initial Notification (first time submitting site identification information / to obtain an EPA ID number for this location) ☐ To provide a Subsequent Notification (to update site identification information for this location) ☐ As a component of a First RCRA Hazardous Waste Part A Permit Application ☒ As a component of a Revised RCRA Hazardous Waste Part A Permit Application (Amendment # LAD000777201) ☐ As a component of the Hazardous Waste Report (If marked, see sub-bullet below) ☐ Site was a TSD facility and/or generator of ≥1,000 kg of hazardous waste, >1 kg of acute hazardous waste, or >100 kg of acute hazardous waste spill cleanup in one or more months of the report year (or State equivalent LQG regulations)
2. Site EPA ID Number	**EPA ID Number** L A D 0 0 0 7 7 7 2 0 1
3. Site Name	**Name:** Chemical Waste Management, Inc.
4. Site Location Information	**Street Address:** 7170 John Brannon Road **City, Town, or Village:** Sulphur — **County:** Calcasieu **State:** Louisiana — **Country:** USA — **Zip Code:** 70665
5. Site Land Type	☑ Private ☐ County ☐ District ☐ Federal ☐ Tribal ☐ Municipal ☐ State ☐ Other
6. NAICS Code(s) for the Site (at least 5-digit codes)	A. 5 6 2 2 1 1 — C. ____ B. ____ — D. ____
7. Site Mailing Address	**Street or P.O. Box:** 7170 John Brannon Road **City, Town, or Village:** Sulphur **State:** Louisiana — **Country:** USA — **Zip Code:** 70665
8. Site Contact Person	**First Name:** Benjamin — **MI:** — **Last:** Dabadie **Title:** Environmental Manager **Street or P.O. Box:** 7170 John Brannon Road **City, Town or Village:** Sulphur **State:** Louisiana — **Country:** USA — **Zip Code:** 70665 **Email:** bdabadie@wm.com **Phone:** (337) 583-3676 — **Ext.:** — **Fax:**
9. Legal Owner and Operator of the Site	**A. Name of Site's Legal Owner:** Chemical Waste Management, Inc. — **Date Became Owner:** 11/01/1980 **Owner Type:** ☑ Private ☐ County ☐ District ☐ Federal ☐ Tribal ☐ Municipal ☐ State ☐ Other **Street or P.O. Box:** 7170 John Brannon Road **City, Town, or Village:** Sulphur — **Phone:** **State:** Louisiana — **Country:** USA — **Zip Code:** 70665 **B. Name of Site's Operator:** Chemical Waste Management, Inc. — **Date Became Operator:** 11/01/1980 **Operator Type:** ☑ Private ☐ County ☐ District ☐ Federal ☐ Tribal ☐ Municipal ☐ State ☐ Other

EPA ID Number | L | A | D | 0 | 0 | 0 | 7 | 7 | 7 | 2 | 0 | 1 | OMB#: 2050-0024; Expires 12/31/2014

10 ...e of Regulated Waste Activity (at your site)
...ark "Yes" or "No" for all current activities (as of the date submitting the form); complete any additional boxes as instructed.

A. Hazardous Waste Activities; Complete all parts 1-10.

Y [✓] N [ ] **1. Generator of Hazardous Waste**
If "Yes", mark only one of the following – a, b, or c.

[✓] a. LQG: Generates, in any calendar month, 1,000 kg/mo (2,200 lbs./mo.) or more of hazardous waste; or Generates, in any calendar month, or accumulates at any time, more than 1 kg/mo (2.2 lbs./mo) of acute hazardous waste; or Generates, in any calendar month, or accumulates at any time, more than 100 kg/mo (220 lbs./mo) of acute hazardous spill cleanup material.

[ ] b. SQG: 100 to 1,000 kg/mo (220 – 2,200 lbs./mo) of non-acute hazardous waste.

[ ] c. CESQG: Less than 100 kg/mo (220 lbs./mo) of non-acute hazardous waste.

If "Yes" above, indicate other generator activities in 2-4.

Y [ ] N [✓] **2. Short-Term Generator** (generate from a short-term or one-time event and not from on-going processes). If "Yes", provide an explanation in the Comments section.

Y [ ] N [✓] **3. United States Importer of Hazardous Waste**

Y [ ] N [✓] **4. Mixed Waste (hazardous and radioactive) Generator**

Y [ ] N [✓] **5. Transporter of Hazardous Waste**
If "Yes", mark all that apply.

[ ] a. Transporter

[ ] b. Transfer Facility (at your site)

Y [✓] N [ ] **6. Treater, Storer, or Disposer of Hazardous Waste** Note: A hazardous waste Part B permit is required for these activities.

Y [ ] N [✓] **7. Recycler of Hazardous Waste**

Y [ ] N [✓] **8. Exempt Boiler and/or Industrial Furnace**
If "Yes", mark all that apply.

[ ] a. Small Quantity On-site Burner Exemption

[ ] b. Smelting, Melting, and Refining Furnace Exemption

Y [ ] N [✓] **9. Underground Injection Control**

Y [✓] N [ ] **10. Receives Hazardous Waste from Off-site**

B. Universal Waste Activities; Complete all parts 1-2.

Y [✓] N [ ] **1. Large Quantity Handler of Universal Waste (you accumulate 5,000 kg or more) [refer to your State regulations to determine what is regulated]. Indicate types of universal waste managed at your site. If "Yes", mark all that apply.**

a. Batteries [✓]
b. Pesticides [✓]
c. Mercury containing equipment [✓]
d. Lamps [✓]
e. Other (specify) _____ [ ]
f. Other (specify) _____ [ ]
g. Other (specify) _____ [ ]

Y [ ] N [✓] **2. Destination Facility for Universal Waste**
Note: A hazardous waste permit may be required for this activity.

C. Used Oil Activities; Complete all parts 1-4.

Y [ ] N [✓] **1. Used Oil Transporter**
If "Yes", mark all that apply.

[ ] a. Transporter

[ ] b. Transfer Facility (at your site)

Y [ ] N [✓] **2. Used Oil Processor and/or Re-refiner**
If "Yes", mark all that apply.

[ ] a. Processor

[ ] b. Re-refiner

Y [ ] N [✓] **3. Off-Specification Used Oil Burner**

Y [ ] N [✓] **4. Used Oil Fuel Marketer**
If "Yes", mark all that apply.

[ ] a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner

[ ] b. Marketer Who First Claims the Used Oil Meets the Specifications

EPA ID Number | L | A | D | 0 | 0 | 0 | 7 | 7 | 7 | 2 | 0 | 1 | OMB#: 2050-0024; Expires 12/31/2014

D. Eligible Academic Entities with Laboratories—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR Part 262 Subpart K

- You can ONLY Opt into Subpart K if:
  - you are at least one of the following: a college or university; a teaching hospital that is owned by or has a formal affiliation agreement with a college or university; or a non-profit research institute that is owned by or has a formal affiliation agreement with a college or university; AND
  - you have checked with your State to determine if 40 CFR Part 262 Subpart K is effective in your state

Y☐ N☐ 1. Opting into or currently operating under 40 CFR Part 262 Subpart K for the management of hazardous wastes in laboratories **See the item-by-item instructions for definitions of types of eligible academic entities. Mark all that apply:**

☐ a. College or University

☐ b. Teaching Hospital that is owned by or has a formal written affiliation agreement with a college or university

☐ c. Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

Y☐ N☐ 2. Withdrawing from 40 CFR Part 262 Subpart K for the management of hazardous wastes in laboratories

11. Description of Hazardous Waste

A. **Waste Codes for Federally Regulated Hazardous Wastes.** Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more spaces are needed.

D001	D002	D003	D004	D005	D006	D007
D008	D009	D010	D011	D012	D013	D014
D015	D016	D017	D018	D019	D020	D021
D022	D023	D024	D025	D026	D027	D028
D029	D030	D031	D032	D033	D034	D035
D036	D037	D038	D039	D040	D041	D042
D043	F001	F002	F003	F004	F005	F006
F007	F008	F009	F010	F011	F012	F019
F024	F025	F032	F034	FQ035	F037	F038

B. **Waste Codes for State-Regulated (i.e., non-Federal) Hazardous Wastes.** Please list the waste codes of the State-Regulated hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed.

EPA ID Number | L | A | D | 0 | 0 | 0 | 7 | 7 | 7 | 2 | 0 | 1 | OMB#: 2050-0024; Expires 12/31/2014

12. Notification of Hazardous Secondary Material (HSM) Activity

Y☐ N☐ Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 261.2(a)(2)(ii), 40 CFR 261.4(a)(23), (24), or (25)?

If "Yes", you must fill out the Addendum to the Site Identification Form: Notification for Managing Hazardous Secondary Material.

13. Comments

14. Certification. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. For the RCRA Hazardous Waste Part A Permit Application, all owner(s) and operator(s) must sign (see 40 CFR 270.10(b) and 270.11).

Signature of legal owner, operator, or an authorized representative	Name and Official Title (type or print)	Date Signed (mm/dd/yyyy)
[signature]	David Myhan - VP	10/23/14

EPA ID Number | L | A | D | 0 | 0 | 0 | 7 | 7 | 7 | 2 | 0 | 1 | OMB#: 2050-0024; Expires 12/31/2014

ADDENDUM TO THE SITE IDENTIFICATION FORM:
NOTIFICATION OF HAZARDOUS SECONDARY MATERIAL ACTIVITY

ONLY fill out this form if:

- You are located in a State that allows you to manage excluded hazardous secondary material (HSM) under 40 CFR 261.2(a)(2)(ii), 261.4(a)(23), (24), or (25) (or state equivalent). See http://www.epa.gov/epawaste/hazard/dsw/statespf.htm for a list of eligible states; **AND**
- You are or will be managing excluded HSM in compliance with 40 CFR 261.2(a)(2)(ii), 261.4(a)(23), (24), or (25) (or state equivalent) or you have stopped managing excluded HSM in compliance with the exclusion(s) and do not expect to manage any amount of excluded HSM under the exclusion(s) for at least one year. Do not include any information regarding your hazardous waste activities in this section.

1. Indicate reason for notification. Include dates where requested.

☐ Facility will begin managing excluded HSM as of _____ (mm/dd/yyyy).

☐ Facility is still managing excluded HSM/re-notifying as required by March 1 of each even-numbered year.

☐ Facility has stopped managing excluded HSM as of _____ (mm/dd/yyyy) and is notifying as required.

2. Description of excluded HSM activity. Please list the appropriate codes and quantities in **short tons** to describe your excluded HSM activity ONLY (do not include any information regarding your hazardous wastes). Use additional pages if more space is needed.

a. Facility code (answer using codes listed in the Code List section of the instructions)	b. Waste code(s) for HSM	c. Estimated short tons of excluded HSM to be managed annually	d. Actual short tons of excluded HSM that was managed during the most recent odd-numbered year	e. Land-based unit code (answer using codes listed in the Code List section of the instructions)

3. Facility has financial assurance pursuant to 40 CFR 261.4(a)(24)(vi). (Financial assurance is required for reclaimers and intermediate facilities managing excluded HSM under 40 CFR 261.4(a)(24) and (25))

Y☐ N☐ Does this facility have financial assurance pursuant to 40 CFR 261.4(a)(24)(vi)?

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EPA ID Number | L | A | D | 0 | 0 | 0 | 7 | 7 | 7 | 2 | 0 | 1 |

OMB#: 2050-0024; Expires 12/31/2014

United States Environmental Protection Agency

HAZARDOUS WASTE PERMIT INFORMATION FORM

1. Facility Permit Contact	First Name: Benjamin	MI:	Last Name: Dabadie
	Contact Title: Manager Environmental Protection		
	Phone: (337) 583-3676	Ext.:	Email: bdabadie@wm.com
2. Facility Permit Contact Mailing Address	Street or P.O. Box: 7170 John Brannon Road		
	City, Town, or Village: Sulphur		
	State: Louisiana		
	Country: USA	Zip Code: 70665	
3. Operator Mailing Address and Telephone Number	Street or P.O. Box: 7170 John Brannon Road		
	City, Town, or Village: Sulphur		
	State: Louisiana	Phone: (337) 583-2169	
	Country:	Zip Code: 70665	
4. Facility Existence Date	Facility Existence Date (mm/dd/yyyy): 01/01/1980		

5. Other Environmental Permits

Facility Type (Enter code)	B. Permit Number	C. Description
	LA0054828	LPDES
	0520-0081-09	Air Permit
	LAD000772012	HSWA Permit
	LAD000772012	(-OP-1) RCRA Part B Permit
	98-01CFA	NOW/E&P Authorization
	MVN20034156	Section 404 CWA
	LAR100000	Stormwater Permit
	LAR10C537	Stormwater Permit

6. Nature of Business:

The Lake Charles site is a commercial hazardous waste treatment, storage, and disposal facility.

EPA ID Number | L | A | D | 0 | 0 | 0 | 7 | 7 | 7 | 2 | 0 | 1 | OMB#: 2050-0024; Expires 12/31/2014

7. Process Codes and Design Capacities – Enter information in the Section on Form Page 3

A. PROCESS CODE – Enter the code from the list of process codes below that best describes each process to be used at the facility. If more lines are needed, attach a separate sheet of paper with the additional information. For "other" processes (i.e., D99, S99, T04 and X99), describe the process (including its design capacity) in the space provided in Item 8.

B. PROCESS DESIGN CAPACITY – For each code entered in Item 7.A; enter the capacity of the process.

1. AMOUNT – Enter the amount. In a case where design capacity is not applicable (such as in a closure/post-closure or enforcement action) enter the total amount of waste for that process.
2. UNIT OF MEASURE – For each amount entered in Item 7.B(1), enter the code in Item 7.B(2) from the list of unit of measure codes below that describes the unit of measure used. Select only from the units of measure in this list.

C. PROCESS TOTAL NUMBER OF UNITS – Enter the total number of units for each corresponding process code.

Process Code	Process	Appropriate Unit of Measure for Process Design Capacity
	Disposal	
D79	Underground Injection Well Disposal	Gallons; Liters; Gallons Per Day; or Liters Per Day
D80	Landfill	Acre-feet; Hectares-meter; Acres; Cubic Meters; Hectares; Cubic Yards
D81	Land Treatment	Acres or Hectares
D82	Ocean Disposal	Gallons Per Day or Liters Per Day
D83	Surface Impoundment Disposal	Gallons; Liters; Cubic Meters; or Cubic Yards
D99	Other Disposal	Any Unit of Measure Listed Below
	Storage	
S01	Container	Gallons; Liters; Cubic Meters; or Cubic Yards
S02	Tank Storage	Gallons; Liters; Cubic Meters; or Cubic Yards
S03	Waste Pile	Cubic Yards or Cubic Meters
S04	Surface Impoundment	Gallons; Liters; Cubic Meters; or Cubic Yards
S05	Drip Pad	Gallons; Liters; Cubic Meters; Hectares; or Cubic Yards
S06	Containment Building Storage	Cubic Yards or Cubic Meters
S99	Other Storage	Any Unit of Measure Listed Below
	Treatment	
T01	Tank Treatment	Gallons Per Day; Liters Per Day
T02	Surface Impoundment	Gallons Per Day; Liters Per Day
T03	Incinerator	Short Tons Per Hour; Metric Tons Per Hour; Gallons Per Hour; Liters Per Hour; BTUs Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Gallons Per Day; Metric Tons Per Hour; or Million BTU Per Hour
T04	Other Treatment	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Short Tons Per Day; BTUs Per Hour; Gallons Per Day; Liters Per Hour; or Million BTU Per Hour
T80	Boiler	Gallons; Liters; Gallons Per Hour; Liters Per Hour; BTUs Per Hour; or Million BTU Per Hour
	Treatment (Continued)	**(for T81 – T94)**
T81	Cement Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; BTU Per Hour; Liters Per Hour; Kilograms Per Hour; or Million BTU Per Hour
T82	Lime Kiln	
T83	Aggregate Kiln	
T84	Phosphate Kiln	
T85	Coke Oven	
T86	Blast Furnace	
T87	Smelting, Melting, or Refining Furnace	
T88	Titanium Dioxide Chloride Oxidation Reactor	
T89	Methane Reforming Furnace	
T90	Pulping Liquor Recovery Furnace	
T91	Combustion Device Used in the Recovery of Sulfur Values from Spent Sulfuric Acid	
T92	Halogen Acid Furnaces	
T93	Other Industrial Furnaces Listed in 40 CFR 260.10	
T94	Containment Building Treatment	Cubic Yards; Cubic Meters; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; BTU Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million BTU Per Hour
	Miscellaneous (Subpart X)	
X01	Open Burning/Open Detonation	Any Unit of Measure Listed Below
X02	Mechanical Processing	Short Tons Per Hour; Metric Tons Per Hour; Short Tons Per Day; Metric Tons Per Day; Pounds Per Hour; Kilograms Per Hour; Gallons Per Hour; Liters Per Hour; or Gallons Per Day
X03	Thermal Unit	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; BTU Per Hour; or Million BTU Per Hour
X04	Geologic Repository	Cubic Yards; Cubic Meters; Acre-feet; Hectare-meter; Gallons; or Liters
X99	Other Subpart X	Any Unit of Measure Listed Below

Unit of Measure	Unit of Measure Code	Unit of Measure	Unit of Measure Code	Unit of Measure	Unit of Measure Code
Gallons	G	Short Tons Per Hour	D	Cubic Yards	Y
Gallons Per Hour	E	Short Tons Per Day	N	Cubic Meters	C
Gallons Per Day	U	Metric Tons Per Hour	W	Acres	B
Liters	L	Metric Tons Per Day	S	Acre-feet	A
Liters Per Hour	H	Pounds Per Hour	J	Hectares	Q
Liters Per Day	V	Kilograms Per Hour	X	Hectare-meter	F
		Million BTU Per Hour	X	BTU Per Hour	I

EPA ID Number | L | A | D | 0 | 0 | 0 | 7 | 7 | 7 | 2 | 0 | 1 |

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7. Process Codes and Design Capacities (Continued)

EXAMPLE FOR COMPLETING Item 7 (shown in line number X-1 below): A facility has a storage tank, which can hold 533.788 gallons.

Line Number		A. Process Code (From list above)			B. PROCESS DESIGN CAPACITY (1) Amount (Specify)	(2) Unit of Measure	C. Process Total Number of Units	For Official Use Only
X	1	S	0	2	533.788	G	001	
	1	S	0	1	1,810,083.00	G	005	
	2	S	0	2	4,580,420.00	G	026	
	3	T	0	1	414,748.00	U	014	
	4	D	8	0	8,507.00	A	005	
	5							
	6							
	7							
	8							
	9							
1	0							
1	1							
1	2							
1	3							

Note: If you need to list more than 13 process codes, attach an additional sheet(s) with the information in the same format as above. Number the line sequentially, taking into account any lines that will be used for "other" process (i.e., D99, S99, T04, and X99) in Item 8.

8. Other Processes (Follow instructions from Item 7 for D99, S99, T04, and X99 process codes)

Line Number (Enter #s in sequence with Item 7)		A. Process Code (From list above)			B. PROCESS DESIGN CAPACITY (1) Amount (Specify)	(2) Unit of Measure	C. Process Total Number of Units	For Official Use Only
X	2	T	0	4	100.00	U	001	
X	1	T	0	4	105,600.00	U	003	
X	2	T	0	4	2,000.00	N	008	
X	3	T	0	4	685.00	N	002	
X	4	X	9	9	330	N	002	
X	5	X	0	3	252,000	U	002	

EPA ID Number | L | A | D | 0 | 0 | 0 | 7 | 7 | 7 | 2 | 0 | 1 | OMB#: 2050-0024; Expires 12/31/2014

9. Description of Hazardous Wastes - Enter Information in the Sections on Form Page 5

A. EPA HAZARDOUS WASTE NUMBER – Enter the four-digit number from 40 CFR, Part 261 Subpart D of each listed hazardous waste you will handle. For hazardous wastes which are not listed in 40 CFR, Part 261 Subpart D, enter the four-digit number(s) from 40 CFR Part 261, Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.

B. ESTIMATED ANNUAL QUANTITY – For each listed waste entered in Item 9.A, estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in Item 9.A, estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.

C. UNIT OF MEASURE – For each quantity entered in Item 9.B, enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

ENGLISH UNIT OF MEASURE	CODE	METRIC UNIT OF MEASURE	CODE
POUNDS	P	KILOGRAMS	K
TONS	T	METRIC TONS	M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure, taking into account the appropriate density or specific gravity of the waste.

D. PROCESSES

1. PROCESS CODES:

For listed hazardous waste: For each listed hazardous waste entered in Item 9.A, select the code(s) from the list of process codes contained in Items 7.A and 8.A on page 3 to indicate all the processes that will be used to store, treat, and/or dispose of all listed hazardous wastes.

For non-listed waste: For each characteristic or toxic contaminant entered in Item 9.A, select the code(s) from the list of process codes contained in Items 7.A and 8.A on page 3 to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.

NOTE: THREE SPACES ARE PROVIDED FOR ENTERING PROCESS CODES. IF MORE ARE NEEDED:

1. Enter the first two as described above.
2. Enter "000" in the extreme right box of Item 9.D(1).
3. Use additional sheet, enter line number from previous sheet, and enter additional code(s) in Item 9.E.

2. PROCESS DESCRIPTION: If code is not listed for a process that will be used, describe the process in Item 9.D(2) or in Item 9.E(2).

NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER – Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

1. Select one of the EPA Hazardous Waste Numbers and enter it in Item 9.A. On the same line complete Items 9.B, 9.C, and 9.D by estimating the total annual quantity of the waste and describing all the processes to be used to store, treat, and/or dispose of the waste.
2. In Item 9.A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In Item 9.D.2 on that line enter "included with above" and make no other entries on that line.
3. Repeat step 2 for each EPA Hazardous Waste Number that can be used to describe the hazardous waste.

EXAMPLE FOR COMPLETING Item 9 (shown in line numbers X-1, X-2, X-3, and X-4 below) – A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operations. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

Line Number		A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES									
								(1) PROCESS CODES (Enter Code)									(2) PROCESS DESCRIPTION (If code is not entered in 9.D(1))
X	1	K	0	5	4	900	P	T	0	3	D	8	0				
X	2	D	0	0	2	400	P	T	0	3	D	8	0				
X	3	D	0	0	1	100	P	T	0	3	D	8	0				
X	4	D	0	0	2												Included With Above

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9. Description of Hazardous Wastes *(Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)*

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES (1) PROCESS CODES (Enter Code)									(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)
3	K001	250,000	T	S01	S02	T01							
4	K002	250,000	T	S01	S02	T01							
5	K003	250,000	T	S01	S02	T01							
7 6	K004	250,000	T	S01	S02	T01							
7 7	K005	250,000	T	S01	S02	T01							
7 8	K006	250,000	T	S01	S02	T01							
7 9	K007	250,000	T	S01	S02	T01							
8 0	K008	250,000	T	S01	S02	T01							
8 1	K009	250,000	T	S01	S02	T01							
8 2	K010	250,000	T	S01	S02	T01							
8 3	K011	250,000	T	S01	S02	T01							
8 4	K013	250,000	T	S01	S02	T01							
8 5	K014	250,000	T	S01	S02	T01							
8 6	K015	250,000	T	S01	S02	T01							
8 7	K016	250,000	T	S01	S02	T01							
8 8	K017	250,000	T	S01	S02	T01							
8 9	K018	250,000	T	S01	S02	T01							
9 0	K019	250,000	T	S01	S02	T01							
9 1	K020	250,000	T	S01	S02	T01							
9 2	K021	250,000	T	S01	S02	T01							
9 3	K022	250,000	T	S01	S02	T01							
9 4	K023	250,000	T	S01	S02	T01							
9 5	K024	250,000	T	S01	S02	T01							
9 6	K025	250,000	T	S01	S02	T01							
9 7	K026	250,000	T	S01	S02	T01							
9 8	K027	250,000	T	S01	S02	T01							
9 9	K028	250,000	T	S01	S02	T01							
1 0 0	K029	250,000	T	S01	S02	T01							
1 0 1	K030	250,000	T	S01	S02	T01							
1 0 2	K031	250,000	T	S01	S02	T01							
1 0 3	K032	250,000	T	S01	S02	T01							
1 0 4	K033	250,000	T	S01	S02	T01							
1 5	K034	250,000	T	S01	S02	T01							
1 6	K035	250,000	T	S01	S02	T01							
1 0 7	K036	250,000	T	S01	S02	T01							
1 0 8	K037	250,000	T	S01	S02	T01							
1 0 9	K038	250,000	T	S01	S02	T01							
1 1 0	K039	250,000	T	S01	S02	T01							
1 1 1	K040	250,000	T	S01	S02	T01							
1 1 2	K041	250,000	T	S01	S02	T01							
1 1 3	K042	250,000	T	S01	S02	T01							
1 1 4	K043	250,000	T	S01	S02	T01							
1 1 5	K044	250,000	T	S01	S02	T01							
1 1 6	K045	250,000	T	S01	S02	T01							
1 1 7	K046	250,000	T	S01	S02	T01							
1 1 8	K047	250,000	T	S01	S02	T01							
1 1 9	K048	250,000	T	S01	S02	T01							
1 2 0	K049	250,000	T	S01	S02	T01							
1 2 1	K050	250,000	T	S01	S02	T01							
1 2 2	K051	250,000	T	S01	S02	T01							
1 2 3	K052	250,000	T	S01	S02	T01							
1 2 4	K060	250,000	T	S01	S02	T01							
1 2 5	K061	250,000	T	S01	S02	T01							
1 2 6	K062	250,000	T	S01	S02	T01							
1 2 7	K071	250,000	T	S01	S02	T01							
1 2 8	K073	250,000	T	S01	S02	T01							
1 2 9	K083	250,000	T	S01	S02	T01							
1 3 0	K084	250,000	T	S01	S02	T01							
1 3 1	K085	250,000	T	S01	S02	T01							
1 3 2	K086	250,000	T	S01	S02	T01							
1 3 3	K087	250,000	T	S01	S02	T01							
1 3 4	K088	250,000	T	S01	S02	T01							
1 3 5	K093	250,000	T	S01	S02	T01							
1 3 6	K094	250,000	T	S01	S02	T01							
1 7	K095	250,000	T	S01	S02	T01							
1 8	K096	250,000	T	S01	S02	T01							
1 3 9	K097	250,000	T	S01	S02	T01							
1 4 0	K098	250,000	T	S01	S02	T01							
1 4 1	K099	250,000	T	S01	S02	T01							

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9. Description of Hazardous Wastes *(Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)*

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES (1) PROCESS CODES (Enter Code)									(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)
1 2	K 0 9 4	250,000	T	S	0	1	S	0	2	T	0	1	
1 3	K 0 9 5	250,000	T	S	0	1	S	0	2	T	0	1	
1 4 4	K 0 9 6	250,000	T	S	0	1	S	0	2	T	0	1	
1 4 5	K 0 9 7	250,000	T	S	0	1	S	0	2	T	0	1	
1 4 6	K 0 9 8	250,000	T	S	0	1	S	0	2	T	0	1	
1 4 7	K 0 9 9	250,000	T	S	0	1	S	0	2	T	0	1	
1 4 8	K 1 0 0	250,000	T	S	0	1	S	0	2	T	0	1	
1 4 9	K 1 0 1	250,000	T	S	0	1	S	0	2	T	0	1	
1 5 0	K 1 0 2	250,000	T	S	0	1	S	0	2	T	0	1	
1 5 1	K 1 0 3	250,000	T	S	0	1	S	0	2	T	0	1	
1 5 2	K 1 0 4	250,000	T	S	0	1	S	0	2	T	0	1	
1 5 3	K 1 0 5	250,000	T	S	0	1	S	0	2	T	0	1	
1 5 4	K 1 0 6	250,000	T	S	0	1	S	0	2	T	0	1	
1 5 5	K 1 0 7	250,000	T	S	0	1	S	0	2	T	0	1	
1 5 6	K 1 0 8	250,000	T	S	0	1	S	0	2	T	0	1	
1 5 7	K 1 0 9	250,000	T	S	0	1	S	0	2	T	0	1	
1 5 8	K 1 1 0	250,000	T	S	0	1	S	0	2	T	0	1	
1 5 9	K 1 1 1	250,000	T	S	0	1	S	0	2	T	0	1	
1 6 0	K 1 1 2	250,000	T	S	0	1	S	0	2	T	0	1	
1 6 1	K 1 1 3	250,000	T	S	0	1	S	0	2	T	0	1	
1 6 2	K 1 1 4	250,000	T	S	0	1	S	0	2	T	0	1	
1 6 3	K 1 1 5	250,000	T	S	0	1	S	0	2	T	0	1	
1 6 4	K 1 1 6	250,000	T	S	0	1	S	0	2	T	0	1	
1 6 5	K 1 1 7	250,000	T	S	0	1	S	0	2	T	0	1	
1 6 6	K 1 1 8	250,000	T	S	0	1	S	0	2	T	0	1	
1 6 7	K 1 2 3	250,000	T	S	0	1	S	0	2	T	0	1	
1 6 8	K 1 2 4	250,000	T	S	0	1	S	0	2	T	0	1	
1 6 9	K 1 2 5	250,000	T	S	0	1	S	0	2	T	0	1	
1 7 0	K 1 2 6	250,000	T	S	0	1	S	0	2	T	0	1	
1 7 1	K 1 3 1	250,000	T	S	0	1	S	0	2	T	0	1	
1 7 2	K 1 3 2	250,000	T	S	0	1	S	0	2	T	0	1	
1 7 3	K 1 3 6	250,000	T	S	0	1	S	0	2	T	0	1	
1 7 4	K 1 4 0	250,000	T	S	0	1	S	0	2	T	0	1	
1 7 5	K 1 4 1	250,000	T	S	0	1	S	0	2	T	0	1	
1 7 6	K 1 4 2	250,000	T	S	0	1	S	0	2	T	0	1	
1 7 7	K 1 4 3	250,000	T	S	0	1	S	0	2	T	0	1	
1 7 8	K 1 4 4	250,000	T	S	0	1	S	0	2	T	0	1	
1 7 9	K 1 4 5	250,000	T	S	0	1	S	0	2	T	0	1	
1 8 0	K 1 4 7	250,000	T	S	0	1	S	0	2	T	0	1	
1 8 1	K 1 4 8	250,000	T	S	0	1	S	0	2	T	0	1	
1 8 2	K 1 4 9	250,000	T	S	0	1	S	0	2	T	0	1	
1 8 3	K 1 5 0	250,000	T	S	0	1	S	0	2	T	0	1	
1 8 4	K 1 5 1	250,000	T	S	0	1	S	0	2	T	0	1	
1 8 5	K 1 5 6	250,000	T	S	0	1	S	0	2	T	0	1	
1 8 6	K 1 5 7	250,000	T	S	0	1	S	0	2	T	0	1	
1 8 7	K 1 5 8	250,000	T	S	0	1	S	0	2	T	0	1	
1 8 8	K 1 5 9	250,000	T	S	0	1	S	0	2	T	0	1	
1 8 9	K 1 6 0	250,000	T	S	0	1	S	0	2	T	0	1	
1 9 0	K 1 6 1	250,000	T	S	0	1	S	0	2	T	0	1	
1 9 1	K 1 6 9	250,000	T	S	0	1	S	0	2	T	0	1	
1 9 2	K 1 7 0	250,000	T	S	0	1	S	0	2	T	0	1	
1 9 3	K 1 7 1	250,000	T	S	0	1	S	0	2	T	0	1	
1 9 4	K 1 7 2	250,000	T	S	0	1	S	0	2	T	0	1	
1 9 5	K 1 7 4	250,000	T	S	0	1	S	0	2	T	0	1	
1 9 6	K 1 7 5	250,000	T	S	0	1	S	0	2	T	0	1	
1 9 7	K 1 7 6	250,000	T	S	0	1	S	0	2	T	01	1	
1 9 8	K 1 7 7	250,000	T	S	0	1	S	0	2	T	0	1	
1 9 9	K 1 7 8	250,000	T	S	0	1	S	0	2	T	0	1	
2 0 0	K 1 8 1	250,000	T	S	0	1	S	0	2	T	0	1	
2 0 1	P 0 0 1	250,000	T	S	0	1	S	0	2	T	0	1	
2 0 2	P 0 0 2	250,000	T	S	0	1	S	0	2	T	0	1	
2 0 3	P 0 0 3	250,000	T	S	0	1	S	0	2	T	0	1	
2 0 4	P 0 0 4	250,000	T	S	0	1	S	0	2	T	0	1	
2 5	P 0 0 5	250,000	T	S	0	1	S	0	2	T	0	1	
2 6	P 0 0 6	250,000	T	S	0	1	S	0	2	T	0	1	
2 0 7	P 0 0 7	250,000	T	S	0	1	S	0	2	T	0	1	
2 0 8	P 0 0 8	250,000	T	S	0	1	S	0	2	T	0	1	
2 0 9	P 0 0 9	250,000	T	S	0	1	S	0	2	T	0	1	
2 1 0	P 0 1 0	250,000	T	S	0	1	S	0	2	T	0	1	

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9. Description of Hazardous Wastes *(Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)*

Line Number			A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES (1) PROCESS CODES (Enter Code)									(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)
2		1	P	0	1	1	250,000	T	S	0	1	S	0	2	T	0	1	
2		2	P	0	1	2	250,000	T	S	0	1	S	0	2	T	0	1	
2	1	3	P	0	1	3	250,000	T	S	0	1	S	0	2	T	0	1	
2	1	4	P	0	1	4	250,000	T	S	0	1	S	0	2	T	0	1	
2	1	5	P	0	1	5	250,000	T	S	0	1	S	0	2	T	0	1	
2	1	6	P	0	1	6	250,000	T	S	0	1	S	0	2	T	0	1	
2	1	7	P	0	1	7	250,000	T	S	0	1	S	0	2	T	0	1	
2	1	8	P	0	1	8	250,000	T	S	0	1	S	0	2	T	0	1	
2	1	9	P	0	2	0	250,000	T	S	0	1	S	0	2	T	0	1	
2	2	0	P	0	2	1	250,000	T	S	0	1	S	0	2	T	0	1	
2	2	1	P	0	2	2	250,000	T	S	0	1	S	0	2	T	0	1	
2	2	2	P	0	2	3	250,000	T	S	0	1	S	0	2	T	0	1	
2	2	3	P	0	2	4	250,000	T	S	0	1	S	0	2	T	0	1	
2	2	4	P	0	2	6	250,000	T	S	0	1	S	0	2	T	0	1	
2	2	5	P	0	2	7	250,000	T	S	0	1	S	0	2	T	0	1	
2	2	6	P	0	2	8	250,000	T	S	0	1	S	0	2	T	0	1	
2	2	7	P	0	2	9	250,000	T	S	0	1	S	0	2	T	0	1	
2	2	8	P	0	3	0	250,000	T	S	0	1	S	0	2	T	0	1	
2	2	9	P	0	3	1	250,000	T	S	0	1	S	0	2	T	0	1	
2	3	0	P	0	3	3	250,000	T	S	0	1	S	0	2	T	0	1	
2	3	1	P	0	3	4	250,000	T	S	0	1	S	0	2	T	0	1	
2	3	2	P	0	3	6	250,000	T	S	0	1	S	0	2	T	0	1	
2	3	3	P	0	3	7	250,000	T	S	0	1	S	0	2	T	0	1	
2	3	4	P	0	3	8	250,000	T	S	0	1	S	0	2	T	0	1	
2	3	5	P	0	3	9	250,000	T	S	0	1	S	0	2	T	0	1	
2	3	6	P	0	4	0	250,000	T	S	0	1	S	0	2	T	0	1	
2	3	7	P	0	4	1	250,000	T	S	0	1	S	0	2	T	0	1	
2	3	8	P	0	4	2	250,000	T	S	0	1	S	0	2	T	0	1	
2	3	9	P	0	4	3	250,000	T	S	0	1	S	0	2	T	0	1	
2	4	0	P	0	4	4	250,000	T	S	0	1	S	0	2	T	0	1	
2	4	1	P	0	4	5	250,000	T	S	0	1	S	0	2	T	0	1	
2	4	2	P	0	4	6	250,000	T	S	0	1	S	0	2	T	0	1	
2		3	P	0	4	7	250,000	T	S	0	1	S	0	2	T	0	1	
2		4	P	0	4	8	250,000	T	S	0	1	S	0	2	T	0	1	
2	4	5	P	0	4	9	250,000	T	S	0	1	S	0	2	T	0	1	
2	4	6	P	0	5	0	250,000	T	S	0	1	S	0	2	T	0	1	
2	4	7	P	0	5	1	250,000	T	S	0	1	S	0	2	T	0	1	
2	4	8	P	0	5	4	250,000	T	S	0	1	S	0	2	T	0	1	
2	4	9	P	0	5	6	250,000	T	S	0	1	S	0	2	T	0	1	
2	5	0	P	0	5	7	250,000	T	S	0	1	S	0	2	T	0	1	
2	5	1	P	0	5	8	250,000	T	S	0	1	S	0	2	T	0	1	
2	5	2	P	0	5	9	250,000	T	S	0	1	S	0	2	T	0	1	
2	5	3	P	0	6	0	250,000	T	S	0	1	S	0	2	T	0	1	
2	5	4	P	0	6	2	250,000	T	S	0	1	S	0	2	T	0	1	
2	5	5	P	0	6	3	250,000	T	S	0	1	S	0	2	T	0	1	
2	5	6	P	0	6	4	250,000	T	S	0	1	S	0	2	T	0	1	
2	5	7	P	0	6	5	250,000	T	S	0	1	S	0	2	T	0	1	
2	5	8	P	0	6	6	250,000	T	S	0	1	S	0	2	T	0	1	
2	5	9	P	0	6	7	250,000	T	S	0	1	S	0	2	T	0	1	
2	6	0	P	0	6	8	250,000	T	S	0	1	S	0	2	T	0	1	
2	6	1	P	0	6	9	250,000	T	S	0	1	S	0	2	T	0	1	
2	6	2	P	0	7	0	250,000	T	S	0	1	S	0	2	T	0	1	
2	6	3	P	0	7	1	250,000	T	S	0	1	S	0	2	T	0	1	
2	6	4	P	0	7	2	250,000	T	S	0	1	S	0	2	T	0	1	
2	6	5	P	0	7	3	250,000	T	S	0	1	S	0	2	T	0	1	
2	6	6	P	0	7	4	250,000	T	S	0	1	S	0	2	T	01	1	
2	6	7	P	0	7	5	250,000	T	S	0	1	S	0	2	T	0	1	
2	6	8	P	0	7	6	250,000	T	S	0	1	S	0	2	T	0	1	
2	6	9	P	0	7	7	250,000	T	S	0	1	S	0	2	T	0	1	
2	7	0	P	0	7	8	250,000	T	S	0	1	S	0	2	T	0	1	
2	7	1	P	0	8	1	250,000	T	S	0	1	S	0	2	T	0	1	
2	7	2	P	0	8	2	250,000	T	S	0	1	S	0	2	T	0	1	
2	7	3	P	0	8	4	250,000	T	S	0	1	S	0	2	T	0	1	
2		4	P	0	8	5	250,000	T	S	0	1	S	0	2	T	0	1	
2		5	P	0	8	7	250,000	T	S	0	1	S	0	2	T	0	1	
2	7	6	P	0	8	8	250,000	T	S	0	1	S	0	2	T	0	1	
2	7	7	P	0	8	9	250,000	T	S	0	1	S	0	2	T	0	1	
2	7	8	P	0	9	2	250,000	T	S	0	1	S	0	2	T	0	1	
2	7	9	P	0	9	3	250,000	T	S	0	1	S	0	2	T	0	1	

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9. Description of Hazardous Wastes *(Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)*

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES (1) PROCESS CODES (Enter Code)									(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)
20	P094	250,000	T	S01	S02	T01							
21	P095	250,000	T	S01	S02	T01							
28 2	P096	250,000	T	S01	S02	T01							
28 3	P097	250,000	T	S01	S02	T01							
28 4	P098	250,000	T	S01	S02	T01							
28 5	P099	250,000	T	S01	S02	T01							
28 6	P101	250,000	T	S01	S02	T01							
28 7	P102	250,000	T	S01	S02	T01							
28 8	P103	250,000	T	S01	S02	T01							
28 9	P104	250,000	T	S01	S02	T01							
29 0	P105	250,000	T	S01	S02	T01							
29 1	P106	250,000	T	S01	S02	T01							
29 2	P107	250,000	T	S01	S02	T01							
29 3	P108	250,000	T	S01	S02	T01							
29 4	P109	250,000	T	S01	S02	T01							
29 5	P110	250,000	T	S01	S02	T01							
29 6	P111	250,000	T	S01	S02	T01							
29 7	P112	250,000	T	S01	S02	T01							
29 8	P113	250,000	T	S01	S02	T01							
29 9	P114	250,000	T	S01	S02	T01							
30 0	P115	250,000	T	S01	S02	T01							
30 1	P116	250,000	T	S01	S02	T01							
30 2	P118	250,000	T	S01	S02	T01							
30 3	P119	250,000	T	S01	S02	T01							
30 4	P120	250,000	T	S01	S02	T01							
30 5	P121	250,000	T	S01	S02	T01							
30 6	P122	250,000	T	S01	S02	T01							
30 7	P123	250,000	T	S01	S02	T01							
30 8	P127	250,000	T	S01	S02	T01							
30 9	P128	250,000	T	S01	S02	T01							
31 0	P185	250,000	T	S01	S02	T01							
31 1	P188	250,000	T	S01	S02	T01							
31 2	P189	250,000	T	S01	S02	T01							
31 3	P190	250,000	T	S01	S02	T01							
31 4	P191	250,000	T	S01	S02	T01							
31 5	P192	250,000	T	S01	S02	T01							
31 6	P194	250,000	T	S01	S02	T01							
31 7	P196	250,000	T	S01	S02	T01							
31 8	P197	250,000	T	S01	S02	T01							
31 9	P198	250,000	T	S01	S02	T01							
32 0	P199	250,000	T	S01	S02	T01							
32 1	P201	250,000	T	S01	S02	T01							
32 2	P202	250,000	T	S01	S02	T01							
32 3	P203	250,000	T	S01	S02	T01							
32 4	P204	250,000	T	S01	S02	T01							
32 5	P205	250,000	T	S01	S02	T01							
32 6	U000	250,000	T	S01	S02	T01							
32 7	U001	250,000	T	S01	S02	T01							
32 8	U002	250,000	T	S01	S02	T01							
32 9	U003	250,000	T	S01	S02	T01							
33 0	U004	250,000	T	S01	S02	T01							
33 1	U005	250,000	T	S01	S02	T01							
33 2	U006	250,000	T	S01	S02	T01							
33 3	U007	250,000	T	S01	S02	T01							
33 4	U008	250,000	T	S01	S02	T01							
33 5	U009	250,000	T	S01	S02	T01	01						
33 6	U010	250,000	T	S01	S02	T01							
33 7	U011	250,000	T	S01	S02	T01							
33 8	U014	250,000	T	S01	S02	T01							
33 9	U015	250,000	T	S01	S02	T01							
34 0	U016	250,000	T	S01	S02	T01							
34 1	U017	250,000	T	S01	S02	T01							
34 2	U018	250,000	T	S01	S02	T01							
34 3	U019	250,000	T	S01	S02	T01							
34 4	U020	250,000	T	S01	S02	T01							
34 5	U021	250,000	T	S01	S02	T01							
34 6	U022	250,000	T	S01	S02	T01							
34 7	U023	250,000	T	S01	S02	T01							
34 8	U024	250,000	T	S01	S02	T01							

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9. Description of Hazardous Wastes *(Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)*

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES (1) PROCESS CODES (Enter Code)									D. PROCESSES (2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)
3 9	U 0 2 5	250,000	T	S	0	1	S	0	2	T	0	1	
3 0	U 0 2 6	250,000	T	S	0	1	S	0	2	T	0	1	
3 5 1	U 0 2 7	250,000	T	S	0	1	S	0	2	T	0	1	
3 5 2	U 0 2 8	250,000	T	S	0	1	S	0	2	T	0	1	
3 5 3	U 0 2 9	250,000	T	S	0	1	S	0	2	T	0	1	
3 5 4	U 0 3 0	250,000	T	S	0	1	S	0	2	T	0	1	
3 5 5	U 0 3 1	250,000	T	S	0	1	S	0	2	T	0	1	
3 5 6	U 0 3 2	250,000	T	S	0	1	S	0	2	T	0	1	
3 5 7	U 0 3 3	250,000	T	S	0	1	S	0	2	T	0	1	
3 5 8	U 0 3 4	250,000	T	S	0	1	S	0	2	T	0	1	
3 5 9	U 0 3 5	250,000	T	S	0	1	S	0	2	T	0	1	
3 6 0	U 0 3 6	250,000	T	S	0	1	S	0	2	T	0	1	
3 6 1	U 0 3 7	250,000	T	S	0	1	S	0	2	T	0	1	
3 6 2	U 0 3 8	250,000	T	S	0	1	S	0	2	T	0	1	
3 6 3	U 0 3 9	250,000	T	S	0	1	S	0	2	T	0	1	
3 6 4	U 0 4 1	250,000	T	S	0	1	S	0	2	T	0	1	
3 6 5	U 0 4 2	250,000	T	S	0	1	S	0	2	T	0	1	
3 6 6	U 0 4 3	250,000	T	S	0	1	S	0	2	T	0	1	
3 6 7	U 0 4 4	250,000	T	S	0	1	S	0	2	T	0	1	
3 6 8	U 0 4 5	250,000	T	S	0	1	S	0	2	T	0	1	
3 6 9	U 0 4 6	250,000	T	S	0	1	S	0	2	T	0	1	
3 7 0	U 0 4 7	250,000	T	S	0	1	S	0	2	T	0	1	
3 7 1	U 0 4 8	250,000	T	S	0	1	S	0	2	T	0	1	
3 7 2	U 0 4 9	250,000	T	S	0	1	S	0	2	T	0	1	
3 7 3	U 0 5 0	250,000	T	S	0	1	S	0	2	T	0	1	
3 7 4	U 0 5 1	250,000	T	S	0	1	S	0	2	T	0	1	
3 7 5	U 0 5 2	250,000	T	S	0	1	S	0	2	T	0	1	
3 7 6	U 0 5 3	250,000	T	S	0	1	S	0	2	T	0	1	
3 7 7	U 0 5 5	250,000	T	S	0	1	S	0	2	T	0	1	
3 7 8	U 0 5 6	250,000	T	S	0	1	S	0	2	T	0	1	
3 7 9	U 0 5 7	250,000	T	S	0	1	S	0	2	T	0	1	
3 8 0	U 0 5 8	250,000	T	S	0	1	S	0	2	T	0	1	
3 1	U 0 5 9	250,000	T	S	0	1	S	0	2	T	0	1	
3 2	U 0 6 0	250,000	T	S	0	1	S	0	2	T	0	1	
3 8 3	U 0 6 1	250,000	T	S	0	1	S	0	2	T	0	1	
3 8 4	U 0 6 2	250,000	T	S	0	1	S	0	2	T	0	1	
3 8 5	U 0 6 3	250,000	T	S	0	1	S	0	2	T	0	1	
3 8 6	U 0 6 4	250,000	T	S	0	1	S	0	2	T	0	1	
3 8 7	U 0 6 6	250,000	T	S	0	1	S	0	2	T	0	1	
3 8 8	U 0 6 7	250,000	T	S	0	1	S	0	2	T	0	1	
3 8 9	U 0 6 8	250,000	T	S	0	1	S	0	2	T	0	1	
3 9 0	U 0 6 9	250,000	T	S	0	1	S	0	2	T	0	1	
3 9 1	U 0 7 0	250,000	T	S	0	1	S	0	2	T	0	1	
3 9 2	U 0 7 1	250,000	T	S	0	1	S	0	2	T	0	1	
3 9 3	U 0 7 2	250,000	T	S	0	1	S	0	2	T	0	1	
3 9 4	U 0 7 3	250,000	T	S	0	1	S	0	2	T	0	1	
3 9 5	U 0 7 4	250,000	T	S	0	1	S	0	2	T	0	1	
3 9 6	U 0 7 5	250,000	T	S	0	1	S	0	2	T	0	1	
3 9 7	U 0 7 6	250,000	T	S	0	1	S	0	2	T	0	1	
3 9 8	U 0 7 7	250,000	T	S	0	1	S	0	2	T	0	1	
3 9 9	U 0 7 8	250,000	T	S	0	1	S	0	2	T	0	1	
4 0 0	U 0 7 9	250,000	T	S	0	1	S	0	2	T	0	1	
4 0 1	U 0 8 0	250,000	T	S	0	1	S	0	2	T	0	1	
4 0 2	U 0 8 1	250,000	T	S	0	1	S	0	2	T	0	1	
4 0 3	U 0 8 2	250,000	T	S	0	1	S	0	2	T	0	1	
4 0 4	U 0 8 3	250,000	T	S	0	1	S	0	2	T	01	1	
4 0 5	U 0 8 4	250,000	T	S	0	1	S	0	2	T	0	1	
4 0 6	U 0 8 5	250,000	T	S	0	1	S	0	2	T	0	1	
4 0 7	U 0 8 6	250,000	T	S	0	1	S	0	2	T	0	1	
4 0 8	U 0 8 7	250,000	T	S	0	1	S	0	2	T	0	1	
4 0 9	U 0 8 8	250,000	T	S	0	1	S	0	2	T	0	1	
4 1 0	U 0 8 9	250,000	T	S	0	1	S	0	2	T	0	1	
4 1 1	U 0 9 0	250,000	T	S	0	1	S	0	2	T	0	1	
4 2	U 0 9 1	250,000	T	S	0	1	S	0	2	T	0	1	
4 3	U 0 9 2	250,000	T	S	0	1	S	0	2	T	0	1	
4 1 4	U 0 9 3	250,000	T	S	0	1	S	0	2	T	0	1	
4 1 5	U 0 9 4	250,000	T	S	0	1	S	0	2	T	0	1	
4 1 6	U 0 9 5	250,000	T	S	0	1	S	0	2	T	0	1	
4 1 7	U 0 9 6	250,000	T	S	0	1	S	0	2	T	0	1	

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9. Description of Hazardous Wastes *(Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)*

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES (1) PROCESS CODES (Enter Code)									D. PROCESSES (2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)
4 7	U 1 6 8	250,000	T	S	0	1	S	0	2	T	0	1	
4 8	U 1 6 9	250,000	T	S	0	1	S	0	2	T	0	1	
4 9	U 1 7 0	250,000	T	S	0	1	S	0	2	T	0	1	
4 9 0	U 1 7 1	250,000	T	S	0	1	S	0	2	T	0	1	
4 9 1	U 1 7 2	250,000	T	S	0	1	S	0	2	T	0	1	
4 9 2	U 1 7 3	250,000	T	S	0	1	S	0	2	T	0	1	
4 9 3	U 1 7 4	250,000	T	S	0	1	S	0	2	T	0	1	
4 9 4	U 1 7 6	250,000	T	S	0	1	S	0	2	T	0	1	
4 9 5	U 1 7 7	250,000	T	S	0	1	S	0	2	T	0	1	
4 9 6	U 1 7 8	250,000	T	S	0	1	S	0	2	T	0	1	
4 9 7	U 1 7 9	250,000	T	S	0	1	S	0	2	T	0	1	
4 9 8	U 1 8 0	250,000	T	S	0	1	S	0	2	T	0	1	
4 9 9	U 1 8 1	250,000	T	S	0	1	S	0	2	T	0	1	
5 0 0	U 1 8 2	250,000	T	S	0	1	S	0	2	T	0	1	
5 0 1	U 1 8 3	250,000	T	S	0	1	S	0	2	T	0	1	
5 0 2	U 1 8 4	250,000	T	S	0	1	S	0	2	T	0	1	
5 0 3	U 1 8 5	250,000	T	S	0	1	S	0	2	T	0	1	
5 0 4	U 1 8 6	250,000	T	S	0	1	S	0	2	T	0	1	
5 0 5	U 1 8 7	250,000	T	S	0	1	S	0	2	T	0	1	
5 0 6	U 1 8 8	250,000	T	S	0	1	S	0	2	T	0	1	
5 0 7	U 1 8 9	250,000	T	S	0	1	S	0	2	T	0	1	
5 0 8	U 1 9 0	250,000	T	S	0	1	S	0	2	T	0	1	
5 0 9	U 1 9 1	250,000	T	S	0	1	S	0	2	T	0	1	
5 1 0	U 1 9 2	250,000	T	S	0	1	S	0	2	T	0	1	
5 1 1	U 1 9 3	250,000	T	S	0	1	S	0	2	T	0	1	
5 1 2	U 1 9 4	250,000	T	S	0	1	S	0	2	T	0	1	
5 1 3	U 1 9 6	250,000	T	S	0	1	S	0	2	T	0	1	
5 1 4	U 1 9 7	250,000	T	S	0	1	S	0	2	T	0	1	
5 1 5	U 2 0 0	250,000	T	S	0	1	S	0	2	T	0	1	
5 1 6	U 2 0 1	250,000	T	S	0	1	S	0	2	T	0	1	
5 1 7	U 2 0 2	250,000	T	S	0	1	S	0	2	T	0	1	
5 1 8	U 2 0 3	250,000	T	S	0	1	S	0	2	T	0	1	
5 9	U 2 0 4	250,000	T	S	0	1	S	0	2	T	0	1	
5 0	U 2 0 5	250,000	T	S	0	1	S	0	2	T	0	1	
5 2 1	U 2 0 6	250,000	T	S	0	1	S	0	2	T	0	1	
5 2 2	U 2 0 7	250,000	T	S	0	1	S	0	2	T	0	1	
5 2 3	U 2 0 8	250,000	T	S	0	1	S	0	2	T	0	1	
5 2 4	U 2 0 9	250,000	T	S	0	1	S	0	2	T	0	1	
5 2 5	U 2 1 0	250,000	T	S	0	1	S	0	2	T	0	1	
5 2 6	U 2 1 1	250,000	T	S	0	1	S	0	2	T	0	1	
5 2 7	U 2 1 3	250,000	T	S	0	1	S	0	2	T	0	1	
5 2 8	U 2 1 4	250,000	T	S	0	1	S	0	2	T	0	1	
5 2 9	U 2 1 5	250,000	T	S	0	1	S	0	2	T	0	1	
5 3 0	U 2 1 6	250,000	T	S	0	1	S	0	2	T	0	1	
5 3 1	U 2 1 7	250,000	T	S	0	1	S	0	2	T	0	1	
5 3 2	U 2 1 8	250,000	T	S	0	1	S	0	2	T	0	1	
5 3 3	U 2 1 9	250,000	T	S	0	1	S	0	2	T	0	1	
5 3 4	U 2 2 0	250,000	T	S	0	1	S	0	2	T	0	1	
5 3 5	U 2 2 1	250,000	T	S	0	1	S	0	2	T	0	1	
5 3 6	U 2 2 2	250,000	T	S	0	1	S	0	2	T	0	1	
5 3 7	U 2 2 3	250,000	T	S	0	1	S	0	2	T	0	1	
5 3 8	U 2 2 5	250,000	T	S	0	1	S	0	2	T	0	1	
5 3 9	U 2 2 6	250,000	T	S	0	1	S	0	2	T	0	1	
5 4 0	U 2 2 7	250,000	T	S	0	1	S	0	2	T	0	1	
5 4 1	U 2 2 8	250,000	T	S	0	1	S	0	2	T	0	1	
5 4 2	U 2 3 3	250,000	T	S	0	1	S	0	2	T	01	1	
5 4 3	U 2 3 4	250,000	T	S	0	1	S	0	2	T	0	1	
5 4 4	U 2 3 5	250,000	T	S	0	1	S	0	2	T	0	1	
5 4 5	U 2 3 6	250,000	T	S	0	1	S	0	2	T	0	1	
5 4 6	U 2 3 7	250,000	T	S	0	1	S	0	2	T	0	1	
5 4 7	U 2 3 8	250,000	T	S	0	1	S	0	2	T	0	1	
5 4 8	U 2 3 9	250,000	T	S	0	1	S	0	2	T	0	1	
5 4 9	U 2 4 0	250,000	T	S	0	1	S	0	2	T	0	1	
5 0	U 2 4 3	250,000	T	S	0	1	S	0	2	T	0	1	
5 1	U 2 4 4	250,000	T	S	0	1	S	0	2	T	0	1	
5 2	U 2 4 6	250,000	T	S	0	1	S	0	2	T	0	1	
5 5 3	U 2 4 7	250,000	T	S	0	1	S	0	2	T	0	1	
5 5 4	U 2 4 8	250,000	T	S	0	1	S	0	2	T	0	1	
5 5 5	U 2 4 9	250,000	T	S	0	1	S	0	2	T	0	1	

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9. Description of Hazardous Wastes *(Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)*

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES (1) PROCESS CODES (Enter Code)									D. PROCESSES (2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)
5 6	U 2 7 1	250,000	T	S	0	1	S	0	2	T	0	1	
5 7	U 2 7 7	250,000	T	S	0	1	S	0	2	T	0	1	
5 8	U 2 7 8	250,000	T	S	0	1	S	0	2	T	0	1	
5 5 9	U 2 7 9	250,000	T	S	0	1	S	0	2	T	0	1	
5 6 0	U 2 8 0	250,000	T	S	0	1	S	0	2	T	0	1	
5 6 1	U 3 2 8	250,000	T	S	0	1	S	0	2	T	0	1	
5 6 2	U 3 5 3	250,000	T	S	0	1	S	0	2	T	0	1	
5 6 3	U 3 5 9	250,000	T	S	0	1	S	0	2	T	0	1	
5 6 4	U 3 6 4	250,000	T	S	0	1	S	0	2	T	0	1	
5 6 5	U 3 6 5	250,000	T	S	0	1	S	0	2	T	0	1	
5 6 6	U 3 6 6	250,000	T	S	0	1	S	0	2	T	0	1	
5 6 7	U 3 6 7	250,000	T	S	0	1	S	0	2	T	0	1	
5 6 8	U 3 7 2	250,000	T	S	0	1	S	0	2	T	0	1	
5 6 9	U 3 7 3	250,000	T	S	0	1	S	0	2	T	0	1	
5 7 0	U 3 7 5	250,000	T	S	0	1	S	0	2	T	0	1	
5 7 1	U 3 7 6	250,000	T	S	0	1	S	0	2	T	0	1	
5 7 2	U 3 7 7	250,000	T	S	0	1	S	0	2	T	0	1	
5 7 3	U 3 7 8	250,000	T	S	0	1	S	0	2	T	0	1	
5 7 4	U 3 7 9	250,000	T	S	0	1	S	0	2	T	0	1	
5 7 5	U 3 8 1	250,000	T	S	0	1	S	0	2	T	0	1	
5 7 6	U 3 8 2	250,000	T	S	0	1	S	0	2	T	0	1	
5 7 7	U 3 8 3	250,000	T	S	0	1	S	0	2	T	0	1	
5 7 8	U 3 8 4	250,000	T	S	0	1	S	0	2	T	0	1	
5 7 9	U 3 8 5	250,000	T	S	0	1	S	0	2	T	0	1	
5 8 0	U 3 8 6	250,000	T	S	0	1	S	0	2	T	0	1	
5 8 1	U 3 8 7	250,000	T	S	0	1	S	0	2	T	0	1	
5 8 2	U 3 8 9	250,000	T	S	0	1	S	0	2	T	0	1	
5 8 3	U 3 9 0	250,000	T	S	0	1	S	0	2	T	0	1	
5 8 4	U 3 9 1	250,000	T	S	0	1	S	0	2	T	0	1	
5 8 5	U 3 9 2	250,000	T	S	0	1	S	0	2	T	0	1	
5 8 6	U 3 9 3	250,000	T	S	0	1	S	0	2	T	0	1	
5 8 7	U 3 9 4	250,000	T	S	0	1	S	0	2	T	0	1	
5 8	U 3 9 5	250,000	T	S	0	1	S	0	2	T	0	1	
5 9	U 3 9 6	250,000	T	S	0	1	S	0	2	T	0	1	
5 9 0	U 4 0 0	250,000	T	S	0	1	S	0	2	T	0	1	
5 9 1	U 4 0 1	250,000	T	S	0	1	S	0	2	T	0	1	
5 9 2	U 4 0 2	250,000	T	S	0	1	S	0	2	T	0	1	
5 9 3	U 4 0 3	250,000	T	S	0	1	S	0	2	T	0	1	
5 9 4	U 4 0 4	250,000	T	S	0	1	S	0	2	T	0	1	
5 9 5	U 4 0 7	250,000	T	S	0	1	S	0	2	T	0	1	
5 9 6	U 4 0 8	250,000	T	S	0	1	S	0	2	T	0	1	
5 9 7	U 4 0 9	250,000	T	S	0	1	S	0	2	T	0	1	
5 9 8	U 4 1 0	250,000	T	S	0	1	S	0	2	T	0	1	
5 9 9	U 4 1 1	250,000	T	S	0	1	S	0	2	T	0	1	

EPA ID Number | L | A | D | 0 | 0 | 0 | 7 | 7 | 7 | 2 | 0 | 1 |

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10. Map

Attach to this application a topographical map, or other equivalent map, of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all spring, rivers, and other surface water bodies in this map area. See instructions for precise requirements.

11. Facility Drawing

All existing facilities must include a scale drawing of the facility (see instructions for more detail).

12. Photographs

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment, and disposal areas; and sites of future storage, treatment, or disposal areas (see instructions for more detail).

13. Comments

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LIST OF ATTACHMENTS

ATTACHMENT 1 ..... LIST OF FACILITY DOCUMENTS INCORPORATED IN PERMIT BY REFERENCE

BODY OF PERMIT

DRAFT~~FINAL~~

MODIFIED HAZARDOUS WASTE OPERATING AND POST-CLOSURE PERMIT

~~RENEWAL~~

CHEMICAL WASTE MANAGEMENT, INC.
TREATMENT, STORAGE, AND DISPOSAL
EPA ID# LAD 000 777 201
CARLYSS, LOUISIANA
CALCASIEU PARISH

Agency Interest No. 742
~~PER20050002~~PER20140007
Permit Number LAD 000 777 201-OP-RN-~~1~~-MO-1

For

CONTAINER STORAGE AREAS
Building 201
Building 202
Building 205
Building 204
Building 801
Building 802

CONTAINMENT BUILDING
Building 301

BIOPAD
Phase I
Phase II

TANKS

T-220	T-303	T-502	T-505	T-905
T-221	T-304	T-503	T-506	T-906
T-222	T-305	T-504A	T-903	T-907
T-223	T-306	T-504B	T-904	T-601
T-602	T-610	T-611	T-612	T-613
T-630	T-631	T-632	T-701	T-702
T-703	T-704	T-710	T-711	T-712
T-713	T-740	T-741		

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LANDFILL CELLS
Cell 5 (post-closure)
Cell 6 (post-closure)
Cell 7 (post-closure)
Cell 8 (operating and post-closure)
Cell 14 (post-closure)

OIL RECOVERY UNITS
ORU-1
ORU-2

THERMAL DESORBER UNITS
TDU-1
TDU-2

I. PERMIT PREAMBLE

This permit is issued to Chemical Waste Management, Inc., Lake Charles facility, Carlyss, Calcasieu Parish, Louisiana (hereinafter referred to as the "Permittee"), by the Louisiana Department of Environmental Quality (LDEQ) under authority of the Louisiana Hazardous Waste Control Law, La. R.S. 30:2171 et seq., and the regulations adopted thereunder, and by the United States Environmental Protection Agency (EPA) under the authority of the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA).

For the purposes of this permit, "Administrative Authority" shall mean the Secretary of the LDEQ or his/her designee.

This permit is based on information submitted in the permit application, and all subsequent amendments, and on the Permittee's certification that such information is accurate and that all facilities will be constructed, operated and maintained as specified in the application.

This permit is conditioned upon full compliance with all applicable provisions of the Louisiana Hazardous Waste Control Law, La. R.S. 30:2171 et seq., and the regulations adopted thereunder.

All definitions contained in this permit shall have the meaning as defined in the Louisiana Administrative Code (LAC), Title 33, Part V, Subpart 1 unless otherwise stated herein.

All regulating citations are defined as being the regulation in effect on the date of issuance of this permit. New and/or amended regulations are not included as permit requirements until permit modification procedures, as specified in Condition II.C of this permit, are completed, except as provided by LAC 33:V.307.A.

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GLOSSARY OF TERMS

For the purpose of this permit, terms used herein shall have the same meaning as those in LAC 33:V.Subpart 1 unless the contexts of use in this permit clearly indicates otherwise. Where terms are not otherwise defined, the meaning otherwise associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

"Administrative Authority" means the secretary of the Louisiana Department of Environmental Quality (LDEQ) or his designee or the appropriate assistant secretary or his designee.

"Application" refers to the RCRA Part B Permit Application and subsequent amendments submitted by the Permittee for obtaining a Permit.

"Area of Concern" (AOC) means any discernable unit or area, which, in the opinion of the Administrative Authority, may have received solid or hazardous waste or waste containing hazardous constituents at any time. The Administrative Authority may require investigation of the unit to determine if it is a Solid Waste Management Unit (SWMU). If shown to be a SWMU by the investigation, the AOC must be reported by the Permittee as a newly identified SWMU. If the AOC is shown not to be a SWMU by the investigation, the Administrative Authority may determine that no further action is necessary and notify the Permittee in writing.

"Area of Investigation" (AOI) is a zone contiguous to and including impacted media defined vertically and horizontally by the presence of one or more constituents in concentrations exceeding the limiting SS, MO-1 RS, or MO-2 RS (depending on the option being implemented).

"Biodegradation" is the removal of hazardous contaminants from debris surfaces and surface pores in an aqueous solution and biodegration of organic or nonmetallic inorganic compounds (i.e., inorganics that contain phosphorus, nitrogen, or sulfur) in units operated under either aerobic or anaerobic conditions.

"Bioremediation" is the treatment of organic chemicals with microorganisms to break them down into less toxic or non-toxic materials.

"CAS" means Corrective Action Strategy.

"CFR" means the Code of Federal Regulations.

"CWA" means Clean Water Act.

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"Conceptual Site Model" (CSM) is part of the Data Quality Objective (DQO) process that presents a three-dimensional picture of site conditions at a discrete point in time that conveys what is known about the facility, releases mechanisms, containment fate and exposure pathways, potential receptors, and risks. The information for the CSM is documented into six (6) profiles. The CSM evolves as data gaps in the profiles become more complete, and will be refined based upon results of site characterization data. The final CSM is documented in the Risk Management Plan (RMP).

"Constituents of Concern" (COC) means the COPC's that pose a significant risk.

"Constituents of Potential Concern" (COPC) means chemicals from hazardous waste and hazardous waste constituents that are potentially site related and have data of quality for use in the Screen or site-specific risk assessment. The facility should compile a list of COPC's for each release site based on existing sampling data, waste analysis reports, etc.

"Continuous Monitoring System (CMS)" is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for continuously sampling a parameter without interruption and evaluating the detector response as defined by this permit. The installation and operation of a CMS requires, at a minimum, to comply with the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system. The calibration of a CMS must be verified at a frequency and in a manner consistent with manufacturer specifications, but no less frequent than once per year. CMS must sample the regulated parameter without interruption, evaluate the detector response at least once every 15 seconds, and compute and record the average values at least every 60 seconds when hazardous waste is in the unit.

"Continuous Parameter Monitoring System (CPMS)" means the total equipment that may be required to meet the data acquisition and availability requirements, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters (e.g., thermocouples, pressure transducers, flow meters, etc...).

~~"CWA" means Clean Water Act.~~

"Corrective Action" is an activity conducted to protect human health and the environment.

"Department" means the Louisiana Department of Environmental Quality (LDEQ).

"EPA" means the United States Environmental Protection Agency.

"HSWA" means the 1984 Hazardous and Solid Waste Amendments to RCRA.

"Hazardous constituent" means any constituent identified in LAC 33:V.Chapter 31. Table 1,

or any constituent identified in LAC 33:V.3325. Table 4.

"LDEQ" means the Louisiana Department of Environmental Quality.

"LELAP" means the Louisiana Environmental Laboratory Accreditation Program.

"Macroencapsulation" is the application of surface coating materials such as polymeric organics (e.g. resins and plastics) or use a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media.

"Microencapsulation" is the stabilization of the debris with the following reagents (or waste reagents) such that the leachability of the hazardous contaminants is reduced: (1) Portland cement; and/or (2) lime/pozzolons (e.g. fly ash and cement kiln dust). Reagents (e.g. iron salts, silicates, and clays) may be added to enhance the set/cure time and/or compressive strength or to reduce the leachability of the hazardous constituents.

"Operating record" means written or electronic records of all maintenance, monitoring, inspection, calibration, or performance testing or other data as may be required--to demonstrate compliance with this Permit, document noncompliance with this Permit, or document actions taken to remedy noncompliance with this Permit. A minimum list of documents that must be included in the operating record are identified at LAC 33:V.1529.b.

"Permittee" means Chemical Waste Management, Inc., 7170 John Brannon Road, Sulphur, Louisiana 70665 (mailing address), and 7170 John Brannon Road, Carlyss, Calcasieu Parish, Louisiana (physical location).

"RCRA Permit" means the full permit, with the Resource Conservation and Recovery Act (RCRA) and 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA portions.

"RFA" means RCRA Facility Assessment.

"RFI" means RCRA Facility Investigation.

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

"SARA" means Superfund Amendments and Reauthorization Action of 1985.

"Solid Waste Management Unit" (SWMU) mean any discernable unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which

solid wastes have been routinely and systematically released.

"Stabilization" refers to treatment processes that involve chemical reactions that reduce the leachability of a waste. Stabilization chemically immobilizes hazardous materials or reduces their solubility through a chemical reaction. The physical nature of the waste may or may not be changed by this process.

"Thermal Treatment" refers to the process of treating hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste.

If, subsequent to the issuance of this Permit, regulations are promulgated which redefine any of the above terms, the Administrative Authority may, at its discretion, apply the new definition to this Permit.

II. GENERAL PERMIT CONDITIONS

II.A. DURATION OF PERMIT

This permit is effective as of the date indicated on the accompanying signature page and shall remain in effect for a period of ten (10) years from the effective date, unless suspended, modified, revoked and reissued or terminated for just cause.

II.B. EFFECT OF PERMIT

This permit authorizes the Permittee to treat, store and dispose of hazardous waste in accordance with the conditions of this permit. The Permittee is prohibited from any storage, treatment or disposal of hazardous waste not authorized by statute, regulation or this permit. Compliance with this permit during its term constitutes compliance for purposes of enforcement, with LAC 33:V.Subpart 1, except for those requirements not included in the permit under LAC 33:V.307.A.1-4, and with Subtitle C of RCRA, HSWA, and Chapter 9 of the Louisiana Environmental Quality Act (Act). However, 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, the Act (La. R.S.30:2001 et seq.) or under Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 {42 U.S.C. 9606 (a)}.

In accordance with LAC 33:V.307.B and C, 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 laws or regulations.

II.C. PERMIT ACTIONS

Any inaccuracies found in the permit application may be cause for revocation or modification of this permit. The Permittee must inform the Administrative Authority of any deviation from, changes in, or inaccuracies in the information in the permit application.

The Administrative Authority may suspend, modify, revoke and reissue, or terminate the permit for cause or when necessary to be protective of human health or the environment as specified in 40 CFR 270.41, 270.42, 270.43 or the LAC 33:V.309.F, 311.A, or 323. The Administrative Authority may modify the permit when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. The filing of a request for permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

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II.D. SEVERABILITY

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

II.E. DUTIES AND REQUIREMENTS

II.E.1. Duty to Comply

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance may be authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit (LAC 33:V.701), constitutes a violation of the LAC 33:V.Subpart 1 and the Act is grounds for enforcement action which may include permit termination, permit revocation and reissuance, permit modification, or denial of a permit renewal application.

II.E.2. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must reapply for the permit as required by LAC 33:V.303.N and 309.B. Notification shall be at least 180 calendar days before the permit expires.

II.E.3. Permit Extension

This permit and all conditions herein will remain in effect beyond the permit's expiration date until the Administrative Authority issues a final decision on the re-application, provided the Permittee has submitted a timely, complete new permit application as provided in the LAC 33:V.309.B and 315.A.

II.E.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.

II.E.5. Duty to Mitigate

The Permittee shall immediately take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the conditions of this permit as required by the LAC 33:V.309.D.

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II.E.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 ancillary equipment and/or appurtenances) that 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 and in accordance with LAC 33:V.309.E.

II.E.7. Duty to Provide Information

The Permittee shall furnish to the Administrative Authority, within a reasonable time, any information which the Administrative Authority 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 Administrative Authority upon request, copies of records required to be kept by this permit and in accordance with LAC 33:V.309.H.

II.E.8. Inspection and Entry

In accordance with LAC 33:V.309.I, the Permittee shall allow the Administrative Authority or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

II.E.8.a. enter upon the Permittee's premises where a regulated activity is located or conducted, or where records must be maintained under the conditions of this permit;

II.E.8.b. have access to and copy, at reasonable times, any records that must be maintained under the conditions of this permit;

II.E.8.c. inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

II.E.8.d. sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Administrative Authority any substances or parameters at any location.

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II.E.9. Monitoring and Records

II.E.9.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity, in accordance with LAC 33:V.309.J.1. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, "SW-846", latest version; Manual of Ground Water Quality Sampling Procedures, 1981, EPA-600/2-81-160, as revised; Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities, 1977, EPA-530/SW-611, as revised; or an equivalent method; or an equivalent method as specified in the attached Waste Analysis Plan as referenced in Attachment 1.

II.E.9.b. Records of monitoring information, in accordance with LAC 33:V.309.J.3, shall include, but are not limited to:

II.E.9.b.i. the date, exact place, and time of sampling or measurements;

II.E.9.b.ii. the name(s) and signature(s) of the individual(s) who performed the sampling or measurements;

II.E.9.b.iii. the date(s) analyses were performed;

II.E.9.b.iv. the name(s) and signature(s) of the individual(s) who performed the analysis;

II.E.9.b.v. the analytical techniques or methods used; and

II.E.9.b.vi. the results of such analyses; and

II.E.9.b.vii. associated quality assurance performance data.

II.E.9.c. Laboratory Quality Assurance/Quality Control

In order to ensure the accuracy, precision and reliability of data generated for use, the Permittee shall submit a statement, certified as specified in LAC 33:V.513 and included in the annual report, indicating that:

II.E.9.c.i. Any commercial laboratory providing analytical results and test data to the LDEQ required by this permit is accredited by the Louisiana Environmental Laboratory Accreditation Program (LELAP) in accordance with LAC 33:I.Subpart 3, Chapter 45. Laboratory data generated by commercial laboratories not accredited under LELAP will not be accepted

by the LDEQ.

LAC 33:I.Subpart 3 (Chapters 45-49) provides requirements for the accreditation program. Regulation and a list of labs that have applied for accreditation are available on the LDEQ website located at: http://www.deq.louisiana.gov/portal/tabid/2412/Default.aspx.

In accordance with LAC 33:I.4501, the requirements for LELAP accreditation apply whenever data is:

- submitted on behalf of a facility;
- required as part of a permit application;
- required by order of the LDEQ;
- required to be included in a monitoring report submitted to the LDEQ;
- required to be submitted by contract; or
- otherwise required by the LDEQ regulations.

II.E.9.c.ii. If the Permittee decides to use its own in-house laboratory for test and analysis, the laboratory is not required to be accredited by LELAP. However, the laboratory must document quality assurance/quality control procedures onsite.

II.E.9.c.iii. For approval of equivalent testing or analytical methods, the Permittee may petition for a regulatory amendment under LAC 33:V.105.I and LAC 33:I.Chapter 9. In cases where an approved methodology for a parameter/analyte is not available or listed, a request to utilize an alternate method shall be submitted to the Administrative Authority for approval. Documentation must be submitted to the LDEQ that will verify that the results obtained from the alternate method are equal to or better than those obtained from EPA-accepted methods, as well as those deemed equivalent by the LDEQ.

II.E.10. Retention of Records

The Permittee shall maintain records through the active life of the facility (including operation, closure and post-closure periods), where applicable, as required by LAC 33:V.309.J and LAC 33:V.1529.A, B, and C, and maintain records of all groundwater monitoring data and reports, boring logs, well completion data, associated potentiometric surface maps, and associated constituent isoconcentration maps from all sampling events covered by this permit, in accordance with LAC 33:V.3315.J. All records, including plans, must be furnished upon request and made available at all reasonable times as required by LAC 33:V.1529.C.

The Permittee shall retain records of all other monitoring information required by this permit, including all calibration records, field log notes, and maintenance records for LDEQ inspection for a period of not less than three (3) years, as required by LAC 33:V.317.B, from the date of the sample, measurement, report, or record except where otherwise required by the permit, or by order of the Administrative Authority. These periods may be extended by request of the Administrative Authority at any time and are automatically extended during the course of any unresolved enforcement action regarding the closed units.

The Permittee shall, for the life of the facility, maintain records of all data used to complete the application for this permit and any supplemental information submitted under the Louisiana Hazardous Waste Control Law (La. R.S. 30:2171 et seq.).

II.E.11. Notices of Planned Physical Facility Changes

The Permittee shall give notice to the Administrative Authority, as soon as possible, of any planned physical alterations or additions to the permitted facility, in accordance with LAC 33:V.309.L.1.

II.E.12. Physical Facility after Modification

For any new or existing unit being modified, the Permittee may not treat, store, or dispose of hazardous waste in modified portion of the unit until the unit is complete and:

> **II.E.12.a.** The Permittee has submitted to the Administrative Authority, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the unit is complete and has been constructed or modified in compliance with the permit; and
>
> **II.E.12.b.** The Administrative Authority has inspected the new or modified unit following a request to make a final inspection by the Permittee as required by LAC 33:V.303.I, and finds it is in compliance with the conditions of the permit and all applicable sections of LAC 33:V.Subpart 1, and has issued an Order to Proceed. The Permittee may then commence treatment, storage, or disposal of hazardous waste.

II.E.13. Anticipated Noncompliance

The Permittee shall give advance notice to the Administrative Authority of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

II.E.14. Transfer of Permits

This permit may be transferred to a new owner or operator with written approval by the Administrative Authority and if it is modified or revoked and reissued pursuant to the

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LAC 33:V.309.L.4, 321.B, 1531.D and LAC 33:I.Chapter 19.

The Permittee's failure to notify the new owner or operator of the requirements of LAC 33:V.Subpart 1 and LAC 33:I.Chapter 19 in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) prior to or no later than forty-five (45) days after the change. The Administrative Authority may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within forty-five (45) days after the change, in accordance with LAC 33:I.1909.B. The previous Permittee and the new Permittee must comply with all applicable requirements of LAC 33:I.1909.

II.E.15. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date as required by LAC 33:V.309.L.6.

II.E.16. Emergency Unauthorized Discharge Notification

In accordance with LAC 33:I.3915, in the event of an unauthorized discharge that results in an emergency condition (an emergency condition is any condition which could be reasonably expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property), the Permittee shall notify the DPS (Department of Public Safety) 24-hour Louisiana Emergency Hazardous Materials Hotline by telephone at (225) 925-6595 immediately, but in no case later than one (1) hour after learning of the discharge. The DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will subsequently notify the Department regarding the details of the discharge.

II.E.17. Non-Emergency Unauthorized Discharge Notification

In the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Chapter 39.Subchapter E but that does not cause an emergency condition, the Permittee shall promptly notify DPS by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) within twenty-four (24) hours after learning of the discharge.

Compliance with LAC 33:I.3917 does not relieve the Permittee of the necessity of following any applicable written notification procedures in LAC 33:I.3925 or any terms and conditions of any applicable permit or license issued under the Louisiana Environmental Quality Act.

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In the event of an unauthorized discharge that requires notification under LAC 33:I.3917.A, the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will notify the Department of Environmental Quality.

II.E.18. Unauthorized Discharge to Groundwater Notification

In the event that any unauthorized discharge results in the contamination of the groundwaters of the state or otherwise moves in, into, within, or on any saturated subsurface strata, the discharger (Permittee) shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC) within seven (7) days.

II.E.19. Written Notification Reports for Unauthorized Discharges

The Permittee shall submit written reports for any unauthorized discharging that requires notification, under Conditions, II.E.16, II.E.17 and II.E.18 of this permit, to the SPOC within seven (7) calendar days after notification required by Conditions II.16 through II.18, in accordance with LAC 33:I.3925.

II.E.20. Noncompliance Reporting

The Permittee shall report orally within twenty-four (24) hours any noncompliance with the permit not reported under Conditions II.E.16, II.E.17, and II.E.18 for confirmed releases to the groundwater that may endanger human health or the environment, in accordance with LAC 33:V.309.L.7. This report shall include the following:

II.E.20.a. information concerning the release of any hazardous waste that may endanger public drinking water supplies; and

II.E.20.b. information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, that could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

II.E.20.b.i. the name, address, and telephone number of the owner or operator;

II.E.20.b.ii. the name, address, and telephone number of the facility;

II.E.20.b.iii. the date, time, and type of incident;

II.E.20.b.iv. the name and quantity of materials involved;

II.E.20.b.v. the extent of injuries, if any;

II.E.20.b.vi. an assessment of actual or potential hazards to the

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environment and human health outside the facility, where this is applicable; and

II.E.20.b.vii. the estimated quantity and disposition of recovered material that resulted from the incident.

II.E.21. Follow-up Written Report of Noncompliance

The Permittee shall also provide a written submission within five (5) days after the time the Permittee becomes aware of any noncompliance which may endanger human health or the environment not reported under Condition II.E.20. The written submission shall contain a description of the noncompliance and its cause; the periods 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. If the Administrative Authority waives the requirement, then the Permittee shall submit a written report within fifteen (15) calendar days after the time Permittee becomes aware of the circumstances, as required by LAC 33:V.309.L.7.d.

II.E.22. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time required monitoring reports are submitted. The reports shall contain the information listed in Condition II.E.20.

II.E.23. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or that it submitted incorrect information in a permit application, or in any report to the Administrative Authority, the Permittee shall promptly submit such facts or information, in accordance with LAC 33:V.309.L.12.

II.E.24. Signatory Requirement

All applications, reports or other information submitted to the Administrative Authority shall be signed and certified according to LAC 33:V.507, 509, 511, and 513.

II.E.25. Schedule of Compliance

~~**II.E.25.a.** Within sixty (60) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, updated financial assurance for closure and post-closure estimates, in accordance with applicable sections of LAC 33:V.Chapter 37.~~

II.E.25.a~~b~~. One hundred and eighty (180) days before planned construction, the Permittee must submit information pertaining to the design and operations and

certification (LAC 33:V.1802.C.2) of the proposed Containment Building 301 to the Administrative Authority for approval. The information submitted must comply with the requirements of LAC 33:V.Chapter 18, and all applicable regulations.

II.E.25.b~~e~~. One hundred and eighty (180) days before planned construction, the Permittee must submit the tank assessment for the proposed tanks (~~T-220-223,~~T-220, T-221, T-223, ~~and~~ T-305, ~~T-505 and T-506~~ T-601, T-602, T-610, T-611, T-612, T-613, T-630, T-631, T-632, T-701, T-702, T-703, T-704, T-710, T-711, T-712, T-713, T-740, and T-741), in accordance with LAC 33:V.1905.A. Once installed, in accordance with LAC 33:V.1905.B, the tank installation reports must be submitted to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 19, and all applicable regulations.

II.E.25.c~~d~~. One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications for the proposed container storage areas to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 21, and all applicable regulations.

II.E.25.d. One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Oil Recovery Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 32 and all applicable regulations.

II.E.25.e. One hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Thermal Desorber Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and LAC 33:V.Chapter 32 and all applicable regulations.

II.E.25.f~~e~~. Before placing any proposed unit or units into service, the Permittee must submit to the Administrative Authority, a revised inspection plan, a revised closure plan, and the engineering details for the air emission controls for all proposed units. The revised plans must be submitted as a permit modification, in accordance with LAC 33:V.321.C and 322.

~~**II.E.25.f.** The Permittee must submit within sixty (60) days of the effective date of this permit a revised Groundwater Sampling and Analysis Plan, as a permit modification, in accordance with LAC 33:V.322 that includes the following information:~~

~~**II.E.25.f.i.** Revised tables for detection monitoring indicator parameters to~~

~~include the following constituents present in leachate samples (i.e., May 7, 2009 leachate analysis report): carbon disulfide, 4-Methyl-2-pentanone, m-Cresol (3-Methylphenol), beta-BHC, gamma-BHC (Lindane), 4,4'-DDE, 2,4-D, 2,4,5-T with their respective practical quantitation limits (PQLs) and analytical methods for each, as stated in CWMI's Response to Geologic/Groundwater Comments, dated January 14, 2010.~~

~~**II.E.25.f.ii.** For any parameter with a proposed concentration increase (i.e., selenium), a justification and documentation for the proposed increase must be provided.~~

~~**II.E.25.f.iii.** Note that statistical analysis is not required for non-naturally-occurring parameters (e.g., VOC, SVOC, PAH), and that any detection of these parameters shall be cause for notification, resampling, and/or assessment monitoring. Background sampling shall not be conducted for these parameters. This language should be included in Section 7.1 of the revised GWSAP.~~ ~~**II.E.25.g.** Within sixty (60) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, a revised Closure Plan submitted as a permit modification in accordance with LAC 33:V.321.C. The revised Closure Plan must make no reference to applying RECAP soil screening standards to closure of aboveground units. The Permittee shall comply with the most recently approved Closure Plan until the revised plan has been approved by the Administrative Authority as a permit modification.~~

~~**II.E.25.h.** Within thirty (30) days of the effective date of this permit, the Permittee shall submit for review and approval by the Administrative Authority, a revised Hazardous Waste Permit Information Form/Part A/I that designates the correct process code for the proposed containment building (Building 301) (i.e., process code S06 or T94 not S02).~~

II.E.26. Updated Documents ~~T~~to Be Submitted Prior ~~T~~to Operation

(RESERVED)

II.E.27. Documents ~~T~~to Be Maintained at Facility Site

II.E.27.a. The Permittee shall maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and amendments, revisions, and modifications to these documents. Any revision or changes shall be submitted with the annual report and in compliance with LAC 33:V.321, 322 and 323.

II.E.27.a.i. Waste Analysis Plan submitted in accordance with LAC 33:V.1519 (see Attachment 1);

II.E.27.a.ii. Contingency Plan submitted in accordance with LAC 33:V.1513 (see Attachment 1);

II.E.27.a.iii. Closure/Post-Closure Plan submitted in accordance with LAC 33:V.3511 and 3523 (see Attachment 1);

II.E.27.a.iv. Security Plan submitted in accordance with LAC 33:V.1507 and 1513 (see Attachment 1);

II.E.27.a.v. Closure/Post-Closure cost estimate for facility closure submitted in accordance with LAC 33:V.3705 and 3709 (see Attachment 1);

II.E.27.a.vi. Arrangements with the local authorities in accordance with LAC 33:V.1511.G;

II.E.27.a.vii. Personnel Training Plan and the training records required by LAC 33:V.1515 (see Attachment 1);

II.E.27.a.viii. Operating records required by LAC 33:V.1529, and

II.E.27.a.ix. Inspection Plan developed in accordance with LAC 33:V.517.G and 1509.B (see Attachment 1).

II.E.27.b. All proposed amendments, revisions and modifications to any plan or cost estimates required by this permit shall be submitted to the Administrative Authority for approval.

II.E.28. Annual Report

An annual report must be submitted by March 1 of each year covering all unit(s) listed in this permit and their activities during the previous calendar year as required by LAC 33:V.1529.D.

II.E.29. Manifest

The Permittee shall report manifest discrepancies and unmanifested waste as per LAC 33:V.309.L.8 and 9.

II.E.30. Emissions

Air emissions from any hazardous waste facility shall not violate the Louisiana Air Quality Regulations. If air quality standards are exceeded, the site will follow air regulation protocol.

II.E.31. Water Discharges

Water discharges, if any, must be in conformity with effluent limitations established by

the Clean Water Act operating under a National Pollutant Discharge Elimination Systems (NPDES) permit and reported as required by that permit in accordance with LAC 33:V.1505.A.1.

II.E.32. Non-Listed Hazardous Waste Facilities

This permit is issued for those hazardous waste facilities listed in Condition IV (Permitted Facilities). If the Permittee determines that an unpermitted hazardous waste unit(s) exists, the Permittee must immediately notify the Administrative Authority in accordance with Condition II.E.23 of this permit.

II.E.33. Compliance with Land Disposal Restrictions

The Permittee shall comply with those land disposal restrictions set forth in La. R.S. 30:2193, and all regulations promulgated thereunder, and the HSWA portion of this permit (Condition VII and VIII).

II.E.34. Establishing Permit Conditions

Permits for facilities with pre-existing groundwater contamination are subject to all limits, conditions, remediation and corrective action programs designated under LAC 33:V.311.D and LAC 33:V.3303.

II.E.35. Obligation for Corrective Action

Owners or operators of hazardous waste management units must have all necessary permits during the active life of the unit and for any period necessary to comply with the corrective action requirements in Condition VII and VIII of this permit. The facility is obligated to complete facility-wide corrective action regardless of the operational status of the facility.

II.E.36. Attachments and Documents Incorporated by Reference

All attachments and documents required by this permit, including all plans and schedules, are incorporated, upon approval by the Administrative Authority, into this permit by reference and become an enforceable part of this permit. When applicable, the Permittee must modify the permit according to LAC 33:V.Chapter 3. Since required items are essential elements of this permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action, which may include fines, suspension, or revocation of the permit.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this permit. Written requests for extension of due dates for submittals may be granted by the Administrative Authority.

If the Administrative Authority determines that actions beyond those provided for, or

changes to what is stated herein are warranted, the Administrative Authority may modify this permit according to procedures in LAC 33:V.321.

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III. GENERAL FACILITY CONDITIONS

III.A. DESIGN AND OPERATION OF ALL FACILITIES

III.A.1. The Permittee must maintain and operate all facilities to minimize the possibility of a fire, explosion, or any unauthorized sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or water that could threaten human health or the environment.

III.A.2. (RESERVED)

III.A.3. The Permittee may receive only those off-site hazardous wastes which are listed in the Part A of this permit and approved off-site Corrective Action Management Unit (CAMU) waste, in accordance Condition V.E.2.g.

III.A.4. The Permittee must not manage new wastes in the units listed in Condition IV without submitting a permit modification, in accordance with LAC 33:V.321, and receiving approval from the Administrative Authority.

III.B. REQUIRED NOTICE

When the Permittee anticipates receipt of hazardous waste from an off-site source (except where the Permittee is also the generator), it must inform the generator in writing that the Permittee has the appropriate permits for, and will accept, the waste to be shipped by the generator. The Permittee must keep a copy of this written notice as part of the operating record as required by LAC 33:V.1527.E.

III.C. GENERAL WASTE ANALYSIS

The Permittee shall manage those wastes set forth in the Part A/I and Condition III.A.3 and follow the procedures described in the Waste Analysis Plan, referenced in Attachment 1, and in accordance with LAC 33:V.1519.

III.C.1. The Permittee shall review the Waste Analysis Plan annually and report to the Administrative Authority in the annual report whether any revision is required to stay abreast of changes in EPA methods and/or state regulatory provisions.

III.C.2. Annually, the Permittee shall submit a certified statement that indicates that any laboratory that provides chemical analyses, analytical results, or other test data to the LDEQ, by contract or by agreement, is accredited in accordance with the laboratory accreditation requirements of LAC 33:I.Chapter 45. This written statement shall be certified as specified in LAC 33:V.513 and included in the annual report. This documentation shall be resubmitted when a different laboratory is contracted for services.

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III.C.3. If there is reason to believe that the hazardous waste has changed or the operation generating the hazardous waste has changed, the Permittee shall review and re-characterize all potentially impacted hazardous waste streams generated by the Permittee on-site and treated, stored, and/or disposed on-site. The Permittee must re-characterize wastes in accordance with LAC 33:V.1519.A.3. This re-characterization shall include laboratory analyses and/or process knowledge meeting the requirements of LAC 33:V.1519.A.2, which provide information needed to properly treat, store, and dispose of the hazardous waste, including, physical characteristics and chemical components of the waste. The results of this re-characterization for wastes that have exhibited change shall be summarized in the Permittee's Annual Report.

III.C.4. Annual review of the WAP must be certified in accordance with LAC 33:V.513. When revisions are made, the WAP must also be certified by a Louisiana licensed professional engineer (PE), in accordance with LAC 33:V.1519.

III.C.5. In accordance with LAC 33:V.1519.B, the Waste Analysis Plan must meet all the sampling and Quality Assurance/Quality Control (QA/QC) procedures and protocols contained in Condition II.E.9. All test procedures used by the Permittee shall be maintained on file by the Permittee and made available to the Administrative Authority upon request.

III.D. SECURITY

The Permittee shall comply with the security provisions of LAC 33:V.1507 and the Security Plan referenced in Attachment 1.

III.E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedule in the Inspection Plan referenced in Attachment 1 of this permit. The Permittee shall remedy any deterioration or malfunction discovered by an inspection as required by LAC 33:V.1509.C. Records of inspections shall be kept as required by LAC 33:V.1509.D. The inspection schedule shall address the regulatory requirements of LAC 33:V.517.G, 1509, 1802, 1911, 2109, 2307, 2309, and 2507.

III.F. PERSONNEL TRAINING

The Permittee shall conduct personnel training as required by LAC 33:V.1515.A, B and C. This training plan shall follow the outline in the Training Plan referenced in Attachment 1. The Permittee shall maintain all training documents and records as required by LAC 33:V.1515.D and E.

III.G. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall take precautions as required by LAC 33:V.1517 to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes.

III.H. LOCATION STANDARDS

III.H.1. The Permittee has furnished evidence that it is in compliance with seismic standards as required by LAC 33:V.517.T.

III.H.2. The Permittee must not manage any hazardous waste on any portion of the property that lies within the 100 year flood plain (as identified in the Flood Insurance Rating Map) unless such areas are raised above this flood level or other means (e.g., levees) are provided to protect such areas from washouts, overtopping by wave action, soil erosion or other effects of such a flood as required by LAC 33:V.1503.B.3. Such site improvements must be certified by independent licensed professional engineers and approved by Administrative Authority prior to any hazardous waste and/or hazardous waste units being placed thereon.

III.I. PRECIPITATION RUN-ON AND RUN-OFF

The Permittee must provide for the control and/or containment of run-on and run-off from the maximum rainfall occurring in twenty-four (24) hours from a 25-year storm as defined by local rainfall records and LAC 33:V.1503.B.2. The Permittee shall comply with the requirements of LAC 33:V.1503.B.2, 1907.E.1.b, 1802.A, 2111.B.4, B.5, B.6, 2309.B, 2503.C, D, and E, and 2521.

III.J. HURRICANE EVENTS

The Permittee shall initiate those applicable portions of the Contingency Plan during a hurricane as well as appropriate actions required by LAC 33:V.1507, 1509, and 1511.

III.K. PREPAREDNESS AND PREVENTION

III.K.1. Required Equipment

At a minimum, the Permittee shall install and maintain the equipment set forth in the Contingency Plan referenced in Attachment 1, as required by and which is in conformance with LAC 33:V.1511.C.

III.K.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Condition III.K.1 to insure its proper operation in time of emergency.

III.K.3. Access to Communications or Alarm Systems

The Permittee shall maintain access to the communications or alarm system, as required by LAC 33:V.1511.E.1 and 1511.E.2.

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III.K.4. Required Aisle Space

In no case shall aisle space be less than two (2) feet. In addition, the Permittee shall maintain adequate aisle space as required by LAC 33:V.1511.F and 2109.B.

III.K.5. Arrangements with Local Authorities

The Permittee shall document in the annual report that the requirements of LAC 33:V.1511.G have been met. This documentation shall include those State and Local agencies involved and those facilities and operations covered. Documentation of annual written renewal of arrangements with State and Local agencies shall also be included in this report. Where state or local authorities decline to enter into such arrangements, the Permittee must document the refusal in the operating record.

III.L. CONTINGENCY PLAN

III.L.1. Implementation of Plan

The Permittee shall immediately carry out the provisions of the Contingency Plan referenced in Attachment 1 of this permit, which complies with the emergency procedures described by LAC 33:V.1513.F, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that threaten or could threaten human health or the environment

III.L.2. Copies of Plan

The Permittee shall comply with the requirements of LAC 33:V.1513.C.

III.L.3. Amendments to Plan

The Permittee shall review and amend in a timely manner, if necessary, the Contingency Plan, as required by LAC 33:V.1513.D.

III.L.4. Emergency Coordinator

The Permittee shall comply with the requirements of LAC 33:V.1513.E concerning the emergency coordinator.

III.M. MANIFEST SYSTEM

III.M.1. Use of the Manifest System

The Permittee shall comply with the applicable manifest requirements of LAC 33:V. Chapter 11.

III.N. RECORDKEEPING AND REPORTING

III.N.1. Operating Record

The Permittee shall maintain a written operating record at the facility in accordance with LAC 33:V.1529.A, B, and C.

III.N.2. Annual Report

The Permittee shall comply with the annual report requirements of LAC 33:V.1529.D.

III.N.3. Operations Manual

The Permittee shall compile and keep current an operations manual –covering all aspects of the Permittee's treatment, storage and disposal facilities.

III.O. CLOSURE

The Closure/Post-closure Plan shall include the following responses by the Permittee to LAC 33:V.1915, 2117, 2315, 2521, 3503, 3505, 3507, 3509, 3511, 3513, 3515, and the approved TSCA closure plan.

III.O.1. Closure Performance Standard

The Permittee shall close the facility in accordance with the Closure Plan referenced in Attachment 1, and applicable requirements of LAC 33:V.3505, 3507, 3511, and the approved TSCA closure plan.

III.O.2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan where necessary, in accordance with LAC 33:V.3511.C. Any modification shall be subject to LAC 33:V.321, 322, and 323, where applicable.

III.O.3. Notification of Closure

The Permittee shall notify the Administrative Authority at least forty–five (45) days prior to the date he expects to begin closure, in accordance with LAC 33:V.3511.D.

III.O.4. Time Allowed ~~F~~for Closure

After receiving the final volume of hazardous waste, the Permittee shall treat, dispose or remove from the site all hazardous waste in accordance with the schedule specified in the Closure Plan referenced in Attachment 1 and LAC 33:V.3513. After receiving the final volume of hazardous waste, the Permittee shall complete closure activities in accordance with the schedule specified in the Closure Plan referenced in Attachment 1.

III.O.5. Disposal of Decontamination of Equipment

The Permittee shall decontaminate and/or dispose of all facility equipment in accordance with the Closure Plan referenced in Attachment 1, and LAC 33:V.3515.

III.O.6. Certification of Closure

The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan referenced in Attachment 1 and as required by LAC 33:V.3517.

III.O.7. Inventory at Closure

The Permittee shall be responsible for closure cost based upon the maximum permitted facility inventories (including the less than ninety (90) day storage area and TSCA waste storage area) listed below in Tables 1, 3, 5, 7, and 8 (cost estimates for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste):

TABLE 1
Existing Container Storage Areas

Container Storage Area	Containment Capacity (Gallons)	Volume of Largest Container Allowed (Gallons)	Maximum Permitted Storage Capacity
Container Management Unit 1			
Building 201[2]	44,468	6,000	Liquid Storage: 2,457 drums (135,135 gallons) AND Solid Storage: 1,956 drums (107,580 gallons) **Combined Total: 242,715 gallons**
Building 202	13,367	6,000	
Building 204	17,809	6,000	
Transportation Staging Building			
Building 801	35,600	6,000	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)
Leachate Loading Building			
Building 501[1]	9,865	6,000	38,610 gallons

[1]Building 501 is not a permitted container storage area. Building 501 only stores hazardous waste for less than ninety (90) days.

[2]Building 201 stores TSCA waste in Area 2. At final closure, the Permittee must close Area 2 in accordance with the approved TSCA closure plan. Approved cost estimates for closure must be updated accordingly

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TABLE 2
Proposed Container Storage Areas

Container Storage Area	Containment Capacity (Gallons)	Volume of Largest Container Allowed (Gallons)	Maximum Permitted Storage Capacity
Container Management Unit 2			
Building 205	See Condition II.E.25.a~~d~~ of this Permit	6,000	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)~~Liquid Storage: 1,052 drums (57,860 gallons) AND~~ ~~Solid Storage: 640 drums (35,200 gallons)~~ ~~Total: 93,060 gallons~~
Transportation Staging Building			
Building 802	See Condition II.E.25.a~~d~~ of this Permit	6,000	80 roll-off boxes (484,704 gallons)

TABLE 3
Existing Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-502	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-503	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-504 A	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-504 B	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-505	Wastewater Holding Tank	1,006,900	956,555
T-506	Wastewater Holding Tank	1,006,900	956,555
T-903	Leachate Collection Storage Only	17,000	16,150
T-904	Leachate Collection Storage Only	16,990	16,150

T-905	Leachate Collection Storage Only	13,000	12,350
T-906	Leachate Collection Storage Only	33,874	32,180
T-907	Leachate Collection Storage Only	33,874	32,180

TABLE 4
Proposed Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-220	Receiving Tank	400	380
T-221	Solvent Flush Tank	400	380
T-222	Waste Holding Tank	14,500	13,775
T-223	Waste Holding Tank	14,500	13,775
~~T-505~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~T-506~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
Oil Recovery Unit Area			
T-630	Recovered Water Tank No. 1	21,000	19,950
T-631	Recovered Water Tank No. 2	21,000	19,950
T-632	Recovered Water Tank No. 3	21,000	19,950
Thermal Desorber Unit Area			
T-710	Recovered Water Tank No. 1	21,000	19,950
T-711	Recovered Water Tank No. 2	21,000	19,950
T-712	Recovered Water Tank No. 3	21,000	19,950
T-713	Recovered Water Tank No. 4	21,000	19,950
T-740	Sludge Holding Tank	5,000	4,750
T-741	Sludge Holding Tank	5,000	4,750

TABLE 5
Existing Hazardous Waste Treatment Tanks ~~in Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-303	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440

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T-304	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-306	Pre-Treatment Tank Treatment Only	20,625	19,594

TABLE 6
Proposed Hazardous Waste Treatment Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-305	Pre-Treatment Tank Treatment Only	20,625	19,594
Oil Recovery Unit Area			
T-601	Off-loading Pit	38,776	36,837
T-602	Off-loading Pit	38,776	36,837
T-610	Feed Mix Tank	31,500	29,925
T-611	Feed Mix Tank	31,500	29,925
T-612	Feed Mix Tank	31,500	29,925
T-613	Feed Mix Tank	31,500	29,925
Thermal Desorber Unit Area			
T-701	Off-loading Pit	53,020	50,369
T-702	Off-loading Pit	53,020	50,369
T-703	Off-loading Pit	53,020	50,369
T-704	Off-loading Pit	53,020	50,369

TABLE 7
Landfill Cell

Landfill Cell	Maximum Permitted Storage Capacity
Cell 8	6,270,000 cubic yards

TABLE 8
Existing Biopads

UNIT NAME	SERVICE	CAPACITY
Biopad Phase I	Biological Treatment	342.5 tons/day
Biopad Phase II	Biological Treatment	342.5 tons/day

~~TABLE 9~~
~~Proposed Biopad~~

~~UNIT NAME~~	~~SERVICE~~	~~CAPACITY~~
~~Biopad Phase II~~	~~Biological Treatment~~	~~342.5 tons/day~~

TABLE 9~~10~~
Proposed Containment Building Storage

CONTAINMENT BUILDING	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Building 301	See Condition II.E.25.a~~b~~ of this Permit	Solid Storage only and Treatment; Macroencapsulation	504,900 gallons

TABLE 10
Proposed Oil Recovery Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Oil Recovery Unit-1	Recoverable Liquid Oil Separation	126,000 gallons/day
Oil Recovery Unit-2	Recoverable Liquid Oil Separation	126,000 gallons/day

TABLE 11
Proposed Thermal Desorber Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Thermal Desorber Unit-1	Organic Solid Constituents Separation	165 tons/day
Thermal Desorber Unit-2	Organic Solid Constituents Separation	165 tons/day

III.P. POST-CLOSURE

The Permittee will attempt to clean close all hazardous waste units (except for closed landfill cells). If the facility cannot be clean closed, the Permittee shall submit a post-closure plan for approval by the Administrative Authority. If some waste residues or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527; including maintenance and monitoring throughout the post-closure care period (including the landfill cells).

III.P.1. Inventory of Post-Closure

The Permittee shall be responsible for post-closure care costs for the following permitted facilities:

Table 12~~1~~
Post-Closure Landfill Cells

Landfill Cell	Status	Maximum Permitted Capacity
Cell 5	Post-Closure	309.9 Acre-Feet or 500,000 cubic yards
Cell 6	Post-Closure	2,519.01 Acre-Feet or 4,064,000 cubic yards
Cell 7	Post-Closure	1,466.53 Acre-Feet or 2,366,000 cubic yards
Cell 14	Post-Closure	325.42 Acre-Feet or 525,000 cubic yards
Cell 8 [1]	Currently operating	3,886.36 Acre-Feet or 6,270,000 cubic yards

[1] Post-Closure care for Landfill Cell 8 will begin after final closure.

III.P.2. Amendments to the Post-Closure Plan

The Permittee shall amend the Post-Closure Plan when necessary in accordance with LAC 33:V.3523.D. Any modifications shall be subject to the permit modification requirements in LAC 33:V.321.

III.Q. COST ESTIMATES FOR CLOSURE/POST-CLOSURE

III.Q.1. The Permittee must maintain cost estimates for closure of all facilities in accordance with LAC 33:V.3705.B and 3707.

III.Q.2. The Permittee shall maintain and adjust the closure cost for inflation, as specified in LAC 33:V.3705.B, 3705.C, and for other circumstances that increase the cost of closure.

III.Q.3. The Permittee must adjust the closure cost estimate within thirty (30) days after approval by the Administrative Authority of any request to modify the closure plan in accordance with LAC 33:V.3705.C. The Permittee shall consider the impact of any inventory and or process changes on the closure cost estimate.

III.Q.4. The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure most expensive in accordance with LAC 33:V.3705.A.1-4. The closure cost estimate shall be based on the maximum permitted inventory of each facility as specified in Tables 1, 3, 5, 7, and 8 (cost estimates for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste). The closure cost must include allowance for decontaminating the Stabilization Building 302, any associated contaminated equipment, and the adjacent areas of Mixing Basins (Tanks T-303 and T-304) in the stabilization building, listed in Table 5. The closure cost estimate must include an allowance for decontaminating the Oil Recovery Units, any associated contaminated equipment, and the adjacent areas of the Oil Recovery Area (Tanks T-601, T-602, T-610, T-611, T-612, T-613, T-630, T-631, and T-632), listed in Table 4, 6, and 10. The closure cost estimate must also include an allowance for decontaminating the Thermal Desorber Units, any associated contaminated equipment, and the adjacent areas of the Thermal Desorber Unit Area (Tanks T-701, T-702, T-703, T-704, T-711, T-712, T-713, T-740, and T-741), listed in Table 4, 6, and 11. Closure cost estimates must include less than ninety (90) day storage areas, loading and unloading areas (i.e., wastewater loading/unloading), and cost associated with the closure of the TSCA waste storage area.

III.Q.5. The Permittee's post-closure cost estimate of all facilities as specified in Table 12~~1~~, and as required by LAC 33:V.3709.A shall be included in separate post-closure plan.

III.Q.6. The Permittee shall maintain and adjust the post-closure cost estimate for inflation in accordance with LAC 33:V.3709.B.

III.Q.7. The Permittee shall adjust the post-closure estimate within thirty (30) days after approval by the Administrative Authority of any request to modify the post-closure plan in accordance with LAC 33:V.3709.C. The Permittee shall consider the impact of any inventory and/or process changes on the post-closure cost estimate.

III.Q.8. The post-closure cost estimate must equal the annual post-closure cost multiplied by the number of years in the post-closure period as specified in LAC 33:V.3521.A.

III.Q.9. Any closure/post-closure modifications are subject to LAC 33:V.321.

III.Q.10. If the Permittee is unable to complete clean closure of all facilities specified in Tables 1-11~~0~~ as per LAC 33:V.Chapter 35 and as acceptable by the Administrative Authority, a post-closure plan must be submitted for each facility unable to achieve clean closure (except for the closed landfill cells) within ninety (90) days from the date the Permittee or Administrative Authority determines that the unit must be closed as a landfill. The post-closure plan must meet the requirements of LAC 33:V.3523.B (including the closed landfill cells).

III.R. FINANCIAL ASSURANCE FOR FACILITY CLOSURE AND POST-CLOSURE

The Permittee shall have and maintain financial assurance for closure in accordance with LAC 33:V.3707 for all units listed under Tables 1, 3, 5, 7, and 8 (financial assurance for the proposed units in Tables 2, 4, 6, 9, 10, and 11 will be submitted before acceptance of initial waste):

The Permittee shall have and maintain financial assurance for post-closure in accordance with LAC 33:V.3711 for all units listed under Table 12~~1~~.

III.S. LIABILITY REQUIREMENTS

The Permittee shall have and maintain liability coverage for sudden accidental occurrences for treatment, storage, and disposal facilities or a group of such facilities in accordance with LAC 33:V.3715.A.

III.T. INCAPACITY OF THE PERMITTEE

The Permittee shall comply with LAC 33:V.3717 whenever bankruptcy is~~n~~ initiated for the Permittee or its institutions providing financial assurance. If insurance is used for compliance with LAC 33:V.3715, the Permittee shall immediately notify the Administrative Authority if the insurance company is placed in receivership. The Permittee must establish other financial assurance or liability coverage within sixty (60) days after such an event.

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IV. PERMITTED FACILITIES

IV.A. TANKS

Details of the existing and proposed hazardous waste storage and treatment tanks listed in Tables 13-16~~12-15~~, including design and operational specifications, are contained in Condition V.A of this Permit.

TABLE ~~12~~13
(11~~9~~) Existing Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-502	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-503	Wastewater Holding Tank Storage Only	1,006,900	956,555
T-504 A	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-504 B	Wastewater Holding Tank Storage Only	87,000 ~~75,000~~	75,000 ~~71,250~~
T-505	Wastewater Holding Tank	1,006,900	956,555
T-506	Wastewater Holding Tank	1,006,900	956,555
T-903	Leachate Collection Storage Only	17,000	16,150
T-904	Leachate Collection Storage Only	17,000 ~~16,990~~	16,150
T-905	Leachate Collection Storage Only	13,000	12,350
T-906	Leachate Collection Storage Only	33,874	32,180
T-907	Leachate Collection Storage Only	33,874	32,180

TABLE 1~~4~~3
(1~~3~~6) Proposed Hazardous Waste Storage Tanks

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
T-220	Receiving Tank	400	380
T-221	Solvent Flush Tank	400	380
T-222	Waste Holding Tank	14,500	13,775
T-223	Waste Holding Tank	14,500	13,775
~~T-505~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
~~T-506~~	~~Wastewater Holding Tank~~	~~1,006,900~~	~~956,555~~
Oil Recovery Unit Area			
T-630	Recovered Water Tank No. 1	21,000	19,950
T-631	Recovered Water Tank No. 2	21,000	19,950
T-632	Recovered Water Tank No. 3	21,000	19,950
Thermal Desorber Unit Area			
T-710	Recovered Water Tank No. 1	21,000	19,950
T-711	Recovered Water Tank No. 2	21,000	19,950
T-712	Recovered Water Tank No. 3	21,000	19,950
T-713	Recovered Water Tank No. 4	21,000	19,950
T-740	Sludge Holding Tank	5,000	4,750
T-741	Sludge Holding Tank	5,000	4,750

TABLE 1~~5~~4
(3) Existing Hazardous Waste Treatment Tanks~~ in the Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-303	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-304	Stabilization Mixing Basin Tank Treatment Only	17,309	16,440
T-306	Pre-Treatment Tank Treatment Only	20,625	19,594

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TABLE 16~~5~~
(11) Proposed Hazardous Waste Treatment Tanks ~~in the Stabilization Unit (Bldg. 302)~~

TANKS	SERVICE	DESIGN CAPACITY (GALLONS)	MAXIMUM OPERATING CAPACITY (GALLONS)
Stabilization Unit (Building 302)			
T-305	Pre-Treatment Tank Treatment Only	20,625	19,594
Oil Recovery Unit Area			
T-601	Off-loading Pit	38,776	36,837
T-602	Off-loading Pit	38,776	36,837
T-610	Feed Mix Tank	31,500	29,925
T-611	Feed Mix Tank	31,500	29,925
T-612	Feed Mix Tank	31,500	29,925
T-613	Feed Mix Tank	31,500	29,925
Thermal Desorber Unit Area			
T-701	Off-loading Pit	53,020	50,369
T-702	Off-loading Pit	53,020	50,369
T-703	Off-loading Pit	53,020	50,369
T-704	Off-loading Pit	53,020	50,369

IV.B. CONTAINER STORAGE AREAS

Details of the existing and proposed container storage areas in Tables 17-18~~16-17,~~ including design and operational specifications, are contained in Permit Condition V.B of this Permit.

TABLE 17~~6~~
(4) Existing Container Storage Areas

CONTAINER STORAGE AREA	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Container Management Unit 1			
Building 201	140′ x 160′	Liquid and Solid Storage; Macroencapsulation	Liquid Storage: 2,457 drums (135,135 gallons) AND Solid Storage: 1,956 drums (107,580 gallons) **Combined Total: 242,715 gallons**
Building 202	80′ x 120′		
Building 204	50′ x 50′ and southern quarter extending eastward 75′		

Transportation Staging Building			
Building 801	500′ x 50′	Liquid and Solid Storage; Macroencapsulation; Biotreatment	Liquid Storage - 240,000 gallons OR Solid Storage - 80 roll-off boxes (484,704 gallons)

TABLE 18~~7~~
(2) Proposed Container Storage Areas

CONTAINER STORAGE AREA	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Container Management Unit 2			
Building 205	See Condition II.E.25.d of this Permit	Liquid and Solid Storage; Macroencapsulation	Liquid Storage: 1,052 drums (57,860 gallons) AND Solid Storage: 640 drums (35,200 gallons) **Total: 93,060 gallons**
Transportation Staging Building			
Building 802	See Condition II.E.25.d of this Permit	Liquid and Solid Storage Only; Macroencapsulation	80 roll-off boxes (484,704 gallons)

IV.C. CONTAINMENT BUILDING

Details of the proposed containment building storage and treatment in Table 19~~8~~, including design and operational specifications, are contained in Permit Condition V.C of this Permit.

TABLE 19~~8~~
(1) Proposed Containment Building

CONTAINMENT BUILDING	DIMENSIONS	SERVICE	MAXIMUM PERMITTED CAPACITY
Building 301	See Condition II.E.25.a~~b~~ of this Permit	Solid Storage only and Treatment; Macroencapsulation	504,900 gallons

IV.D. BIOPADS

Details of the existing ~~and proposed container storage~~Biopads in Tables 20~~19~~, including design and operational specifications, are contained in Permit Condition V.D of this Permit.

TABLE 20~~19~~
(2~~1~~) Existing Biopads

UNIT NAME	SERVICE	CAPACITY
Biopad Phase I	Biological Treatment	342.5 tons/day
Biopad Phase II	Biological Treatment	342.5 tons/day

~~TABLE 20~~
~~(1) Proposed Biopad~~

~~UNIT NAME~~	~~SERVICE~~	~~CAPACITY~~
~~Biopad Phase II~~	~~Biological Treatment~~	~~342.5 tons/day~~

IV.E. LANDFILL DISPOSAL

Details of the existing landfill listed in Table 21, including design and operational specifications, are contained in Condition V.E of this Permit.

TABLE 21
(1) Active Landfill

UNIT NAME	SERVICE	CAPACITY
Cell 8	Active Hazardous Waste Landfill	6,270,000 cubic yards

IV.F. POST-CLOSURE LANDFILLS

Details of the existing post-closure landfills listed in Table 22, including design and operational specifications, are contained in Condition V.I~~G~~ of this Permit.

TABLE 22
(4) Closed Landfills

UNIT NAME	SERVICE	CAPACITY
Cell 5	Closed Hazardous Waste Landfill	500,000 cubic yards
Cell 6	Closed Hazardous Waste Landfill	4,064,000 cubic yards
Cell 7	Closed Hazardous Waste Landfill	2,366,000 cubic yards
Cell 14	Closed Hazardous Waste Landfill	525,000 cubic yards

IV.G. OIL RECOVERY UNITS

Details of the proposed Oil Recovery Units listed in Table 23, including design and operational specifications, are contained in Condition V.F of this Permit.

TABLE 23
(2) Proposed Oil Recovery Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Oil Recovery Unit-1	Recoverable Liquid Oil Separation	126,000 gal/day
Oil Recovery Unit-2	Recoverable Liquid Oil Separation	126,000 gal/day

IV.H. THERMAL DESORBER UNITS

Details of the proposed Thermal Desorber Units listed in Table 24, including design and operational specifications, are contained in Condition V.G of this Permit.

TABLE 24
(2) Proposed Thermal Desorber Units

UNIT NAME	SERVICE	MAXIMUM PERMITTED CAPACITY
Thermal Desorber Unit-1	Organic Solid Constituents Separation	165 tons/day
Thermal Desorber Unit-2	Organic Solid Constituents Separation	165 tons/day

V. PERMIT CONDITIONS APPLICABLE TO PERMITTED FACILITIES

V.A. TANKS

V.A.1. Description of Tank Systems

The conditions set forth in Permit Condition V.A, shall apply, as applicable, to the permitted tank systems designated in Tables 13-16.~~12-15~~.

V.A.1.a. Permitted Tanks

V.A.1.a.i. The tanks listed in Table 27~~25~~ are permitted for hazardous waste storage or treatment as designated in Tables 13-16~~12-15~~. These tanks have been certified by an independent, professional engineer licensed in the State of Louisiana and have sufficient structural integrity for the storage of hazardous waste.

V.A.1.a.ii. The tanks listed in Table 27~~5~~ must be clearly marked with the words "Hazardous Waste" in accordance with LAC 33:V.1109.E.1.d.

V.A.1.a.iii. The Permittee is prohibited from storing or treating hazardous waste in any tank storage system not listed in Table 27~~5~~ for greater than ninety (90) days, unless an extension is granted by the Administrative Authority in accordance with LAC 33:V.1109.E.2.

V.A.2. Permitted and Prohibited Wastes

V.A.2.a. Permitted Waste

Subject to the terms of this permit, the Permittee is allowed to store or treat hazardous waste in the tanks as described in Condition V.A.1.a of this permit, and the hazardous wastes identified in the most current RCRA Subtitle C Site Identification Form (Part A Permit Application).

V.A.2.b. Prohibited Waste

The Permittee is prohibited from storing or treating hazardous waste that is not identified in the most current RCRA Subtitle C Site Identification Form (Part A Permit Application) and as described in Condition V.A.2.a of this permit.

V.A.3. Secondary Containment

V.A.3.a. Duty to Comply with LAC 33:V.1907

The Permittee shall design, construct, operate, and maintain the secondary containment system, including Building 302 (as the secondary containment

system for Tanks T-303 and T-304), the Oil Recovery Building (as the secondary containment system for the off-loading pits T-601 and T602), and the Thermal Desorber Building (as the secondary containment system for the off-loading pits of T-701, T-702, T-703, and T-704) in accordance with LAC 33:V.1907, and Table 27~~5~~.

V.A.3.b. Prevention of Migration

V.A.3.b.i. Secondary containment systems must be maintained and operated to prevent any migration of wastes or accumulated liquid out of the systems to the soil, groundwater, or surface water at any time during the use of the tank system, in accordance with LAC 33:V.1907.B.1.

If wastes or accumulated liquid is detected to migrate out of the secondary containment system to the soil or groundwater, or if groundwater is detected to migrate into the secondary containment system at any time, the entire tank system shall be considered unfit for use, and the procedures of LAC 33:V.1913 shall be followed.

V.A.3.b.ii. Ancillary equipment must be provided with secondary containment, except as excluded by LAC 33:V.1907.F.

V.A.3.b.iii. Secondary containment systems must be free of cracks or gaps and other surface defects that would allow liquid to migrate out of the containment system, in accordance with LAC 33:V.1907.E.

V.A.3.b.iv. Spilled or leaked waste and/or accumulated precipitation must be removed from the secondary containment system within twenty-four (24) hours or in as timely a manner as is possible to prevent harm to human health and the environment, if it can demonstrated to the Administrative Authority that removal of the spilled or leaked waste and/or accumulated precipitation cannot be accomplished within twenty-four (24) hours.

V.A.4. Operating Requirements

V.A.4.a. All permitted tanks and associated piping, pumps, instruments, containments, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 19 and the specification and design criteria provided in the Permit Application and Table 27~~5~~.

V.A.4.b. The design temperature and pressure for each tank listed in Table 27~~5~~ shall not change unless a permit modification is requested by the Permittee and subsequently approved by the Administrative Authority.

V.A.4.c. Duty to Comply with LAC 33:V.1909.A

The Permittee shall comply with LAC 33:V.1909.A. Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

V.A.4.e. Duty to Comply with LAC 33:V.1909.B

The Permittee shall comply with LAC 33:V.1909.B and Tables 13-16~~12-15~~ and Table 27~~5~~ of this permit. The Permittee must use appropriate controls and practices to prevent spills and overflows from tanks and containment systems.

V.A.4.f. Tank Covers

All hazardous waste storage tanks listed in Table 27~~5~~ shall be covered, except for the stabilization mixing basins (Tanks T-303 and T-304), the Oil Recovery Unit off-loading pits (Tanks T-601 and T-602), and the Thermal Desorber Unit off-loading pits (T-701, T-702, T-703, and T-704)~~, shall be covered~~. Tanks T-303 and T-304 shall remain enclosed within Building 302. The Oil Recovery Unit off-loading pits (Tanks T-601 and T-602) shall remain enclosed within the Oil Recovery Building. The Thermal Desorber Unit off-loading pits (Tanks T-701, T-702, T-703, and T-704) shall remain enclosed within the Thermal Desorber Unit Off-Loading Building. All tanks shall not be vented directly to the atmosphere if the tanks are used to store, or if a possibility exists that they may be used to store, volatile or malodorous waste.

V.A.4.g. Maintenance

The Permittee shall maintain the permitted tank systems according to the design code specified for each tank as listed in Table 27~~5~~ and not exceed the listed operating conditions.

V.A.4.h. Stabilization Unit

The Stabilization Unit consists of two mixing basins, Tanks T-303 and T-304, and a pre-treatment tank, Tank T-306. Tanks T-303 and T-304 are both enclosed in Building 302. Tank T-306 is immediately adjacent to Building 302. The Stabilization Unit is permitted to conduct the following stabilization technologies:

V.A.4.h.i. Macroencapsulation

V.A.4.h.ii. Microencapsulation

V.A.4.h.iii. Chemical oxidation for cyanide or sulfide-bearing wastes

V.A.4.h.iv. Deactivation of corrosives and oxidizers

V.A.4.h.v. Any other stabilization technologies as discussed in the 2005 Permit Renewal Application and/or approved by the Department.

V.A.4.i. Oil Recovery Unit Area

The Oil Recovery Unit Area consists of the Oil Recovery Building that contains the two off-loading pits (Tanks T-601 and T-602); two carbon canister units; four feed mix tanks (Tanks T-610, T-611, T-612, and T-613); three recovery water tanks (Tanks T-630, T-631, and T-632); two centrifuge units; a thermal oxidizer; an area for roll-off boxes; and a truck loading area. The Oil Recovery Units technology will separate recoverable oils from drilling fluids, refinery tank bottoms, commercially exempt waste, and other miscellaneous hazardous and non-hazardous waste.

V.A.4.j. Thermal Desorber Unit Area

The Thermal Desorber Unit Area consists of the Thermal Desorber Unit Off-loading Building that contains the four off-loading pits (Tanks T-701, T-702, T-703, and T-704); four carbon canister units; two thermal desorber units; two vapor recovery units; two thermal oxidizers; two solids discharge areas that contain roll off boxes; four recovered water tanks (Tank T-710, T-711, T-712, and T-713); and two sludge holding tanks (Tank T-740 and T-741). The Thermal Desorber Units technology will treat contaminated tank bottoms, sludge, catalyst slurry oil, and other miscellaneous hazardous and non-hazardous waste.

V.A.5. Ignitable, Reactive, and Incompatible Wastes

The Permittee shall store ignitable, reactive, or incompatible wastes only in accordance with LAC 33:V.1517.B, 1917 and 1919.

V.A.6. Inspections

V.A.6.a. Inspection Schedule

The Permittee shall comply with LAC 33:V.1911.A through C by following the inspection schedule submitted in the Inspection Plan (see Attachment 1).

V.A.6.b. Daily Inspection

V.A.6.b.i. At least once per day while the tank is operating in hazardous waste service, the Permittee shall inspect the following:

V.A.6.b.i.(1) Aboveground portions of the tank system, as applicable, including the tank, ancillary piping, valves, and vent controls, to detect corrosion, cracks or releases of waste.

V.A.6.b.i.(2) Data gathered from monitoring and leak detection equipment.

V.A.6.b.i.(3) The construction materials and area immediately surrounding the externally accessible portion of the tank system and ancillary equipment, e.g. secondary containment system, to detect erosion, cracks and signs of hazardous waste releases.

V.A.6.b.i.(4) For the control of leakage of defective internal heating coils, monitor the steam return and exhaust line to detect contamination from internal heating coals that are utilized in oil recovery tanks.

V.A.6.b.ii. All deficiencies noted during daily inspections must be recorded and remedied in a timely manner.

V.A.6.c. External Inspection

At a minimum, external inspection of each tank covered by this permit shall be performed annually. The inspection shall be performed by a person meeting the minimum qualifications required under the inspection standard in Table 27~~5~~. The inspection checklist shall be comparable to that in API Standard 510 or 653, as applicable.

If the result of such an inspection reveals that the tank is unfit for continued service, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.d. Internal Inspection

Internal inspection of each tank covered by this permit shall be performed at the frequencies specified in Table 25~~3~~. The inspection shall be performed by a person meeting the minimum qualifications required under the inspection standard in Table 27~~5~~. The inspection checklist shall be comparable to that in API Standard 510 or 653, as applicable.

If the result of such an inspection reveals that the tank is unfit for continued service, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.e. Thickness Testing

V.A.6.e.i. An authorized inspector shall take tank thickness measurements on tank roofs, as applicable, and shells and shall be taken at least on each tank quadrant at the frequencies specified in Table 2~~6~~4. Tank thickness readings shall be taken in the same place during each testing event in order to form a comparison of readings for corrosion rate determination.

V.A.6.e.ii. Tank thickness readings shall also be taken at any spot where visual corrosion or compromised integrity is evident.

V.A.6.e.iii. An authorized inspector shall perform tank thickness measurements on tank bottoms at the frequencies specified in Table 2~~6~~4.

V.A.6.e.iv. When any tank shell thickness measurement at a single point is less than that required in Table 2~~7~~5, the Permittee shall immediately comply with either Condition V.A.6.e.iv.(1) or (2) below. Condition V.A.6.e.iv.(2) shall not be used for any tank where the shell thickness measurement is less than 0.100 inches.

V.A.6.e.iv.(1) When a tank is deemed unfit for use, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The tank shall be repaired or replaced and the certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.e.iv.(2) An engineering evaluation shall be performed, conforming to the appropriate standard or standards, as allowed by the design or inspection standard in Table 2~~7~~5. If the evaluation determines that the tank is unfit for service, the Permittee shall comply with Condition V.A.6.e.iv.(1) immediately. The evaluation must be submitted to the Waste Permits Division for approval within forty-five (45) days of the initial measurement.

V.A.6.e.v. Tank thickness measurements shall not be averaged, unless allowed under the tank inspection standard in Table 2~~7~~5. Averaging of tank thickness measurements shall be reported to the Administrative Authority.

V.A.6.f. Overfill Controls

Tank levels shall be checked daily and overfill controls shall be visually inspected along with other aboveground portions of the tanks daily. Function of the overfill

controls shall be tested annually.

V.A.7. Response to Leaks and Spills

V.A.7.a. Duty to Comply with LAC 33:V.1913.A through E

In the event of a leak or spill from a tank system, secondary containment system, or if a system becomes unfit for use, the Permittee shall comply with LAC 33:V.1913.A through E.

V.A.7.b. Leaks and Spills

V.A.7.b.i. Upon discovering a leak or spill, the Permittee must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

V.A.7.b.ii. Within twenty-four (24) hours of detecting a leak from the tank system, or in as timely a manner as is practical if the Permittee demonstrates that it is not possible to remove the waste within twenty-four (24) hours, the Permittee must remove as much waste as necessary to prevent further release from the tank or secondary containment system and to allow inspection and repair of the tank system, in accordance with LAC 33:V.1913.B.1.

V.A.7.b.iii. Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste must be cleaned up in a timely manner, as required by LAC 33:V.1505.C.3.

V.A.7.b.iii.(1) If the collected material is discharged through a point source to United States waters or to a Publicly Owned Treatment Works, it is subject to the requirements of the Clean Water Act.

V.A.7.b.iii.(2) If the collected material is released to the environment, it may be subject to reporting under applicable requirements of LAC 33:V.1505, LAC 33:I.Chapter 39, and 40 CFR Part 302.

V.A.7.b.iv. When a leak or spill occurs, the Permittee shall remove and properly dispose of any visible contamination of the soil or surface water, in accordance with LAC 33:V.1913.C.2.

V.A.7.b.v. A tank system from which a leak or spill has occurred must be closed in accordance with the approved Closure Plan and LAC 33:V.1915, unless the requirements of LAC 33:V.1913.E.2-3 are satisfied.

V.A.7.b.v.(1) For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service, in accordance with LAC 33:V.1913.E.2.

V.A.7.b.v.(2) For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning the tank to service, in accordance with LAC 33:V.1913.E.3.

V.A.7.b.vi. If the Permittee replaces a component of the tank system to eliminate a leak, that component must satisfy the requirements for new tank systems or components in LAC 33:V.1905 and 1907. An engineer's certification shall not be required for such day-to-day routine maintenance or service practices as replacement or repair of worn portions of tank system components (e.g. valves, bearings, seals), adjustment or repairs to instruments, etc.

V.A.7.b.vii. All leaks and spills shall be documented in the daily inspection log.

V.A.7.c. Major Repairs

V.A.7.c.i. The Permittee shall comply with LAC 33:V.1913.F when performing major repairs to a tank system.

V.A.7.c.ii. Major repairs shall include, but not be limited to, installation of an internal liner, repair of a ruptured tank, repair of a ruptured secondary containment area, and removal of a tank from its foundation for any reason.

V.A.7.c.iii. The Permittee shall conform to the appropriate portion of the most recent inspection code listed in Table 27~~5~~ for maintenance, inspection, re-rating, repair, and alteration of all tanks.

V.A.7.c.iv. The tank shall not be returned to service unless the Permittee has obtained a certification by an independent professional engineer licensed in the State of Louisiana that the system is capable of handling hazardous waste without release for the intended life of the system. The certification of repairs shall include an inspection in accordance with the requirements of any applicable codes, such as API 510 or API 653. The certification required in accordance with LAC 33:V.1913.F shall be submitted to the Administrative Authority within seven (7) days of returning the tank system to use. ~~in accordance with LAC 33:V.1913.F.~~

V.A.8. Air Emission Control Equipment Standards

The Permittee shall comply with Condition V.~~H~~F.2 of this Permit for air emission control equipment for all permitted hazardous waste tanks.

V.A.9. Recordkeeping

V.A.9.a. New Tanks

The Permittee shall obtain, and keep on file at the facility, the written statements by those persons required to certify the design and installation of new tank systems, in accordance with LAC 33:V.1905.G.

V.A.9.b. Written Assessment

The Permittee shall keep on file at the facility, written assessments of the tank systems' integrity. Assessments shall be updated at the time of submittal of the Permit Renewal Application and at any other time deemed necessary by the Administrative Authority (i.e., permit modifications, tank replacements, tank repairs, etc.).

V.A.9.c. Inspections

V.A.9.c.i. The Permittee shall document in the operating record for the facility inspection of those items in Conditions V.A.6.b-e of this Permit.

V.A.9.c.i.(1) The daily log sheets shall include all monitored parameters for the prevention of spills and overflows, which may include temperature, pressures, and either levels or pump flows into and out of the tanks.

V.A.9.c.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.A.9.c.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.A.9.c.ii. The Permittee shall document in the operating record all tests and inspections of overfilling controls.

V.A.9.c.iii. The Permittee shall keep on file at the facility the results of the internal and external inspections required by Conditions V.A.6.c-d of this Permit. The Permittee shall note all deficiencies discovered during the inspection in the inspection log. Corrective action taken in response to

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deficiencies must be included as part of the operating record for the facility.

V.A.9.c.iv. The Permittee shall keep on file all information related to tank thickness testing required under Condition V.A.6.e of this Permit.

V.A.9.c.iv.(1) This information shall include, at a minimum, the date(s) of assessment, the location where measurement readings are taken, the raw measurement data, comparison of actual reading to minimum thickness requirements, the corrosion rate, and calculation of remaining tank life.

V.A.9.c.iv.(2) If an engineering evaluation is performed in accordance with Condition V.A.6.e.iv.(2) of this Permit, the results of such an evaluation shall be kept in the operating record.

The engineering evaluation must include, at a minimum, details on how the evaluation was performed, references to applicable tank codes, raw data, calculations performed, and an explanation of why the tank is or is not fit for continued service.

V.A.9.c.iv.(3) Any tank thickness measurements that are averaged under Condition V.A.6.e.iv. of this Permit must be supported by documentation with references to the applicable tank codes. The documentation shall include all raw measurement data, calculations, and results of averaging. This information shall be kept as a part of the operating record for the facility.

V.A.9.c.v. The Permittee shall keep on file at the facility the records of repairs required under Condition V.A.7.c of this Permit.

V.A.9.d. Releases

V.A.9.d.i. The Permittee shall keep on file at the facility, notification reports submitted under LAC 33:V.1913.D.

V.A.9.d.ii. Within twenty-four (24) hours of detecting a reportable leak or spill from a tank system or secondary containment system to the environment, the Permittee shall report the leak or spill in accordance with either Condition II.E.16 (Emergency Unauthorized Discharge) or Condition II.E.17 (Non-Emergency Unauthorized Discharge) of this Permit.

V.A.9.d.iii. Within thirty (30) days of detecting a reportable release to the environment from a tank system or secondary containment system, the Permittee shall report the following information to the Administrative

Authority's Single Point of Contact (SPOC):

V.A.9.d.iii.(1) Likely route of migration of the release;

V.A.9.d.iii.(2) Characteristics of the surrounding soil, including soil composition, geology, hydrogeology, and climate;

V.A.9.d.iii.(3) Results of any monitoring or sampling conducted in connection with the release (if available). If the Permittee finds it will be impossible to meet this time schedule, the Permittee must provide the Administrative Authority with a schedule of when the results will be available. This schedule must be provided before the required thirty (30) day submittal period expires;

V.A.9.d.iii.(4) Proximity of downgradient drinking water, surface water, and populated areas; and

V.A.9.d.iii.(5) A description of response actions taken or planned.

V.A.9.e. Repairs

The Permittee shall keep on file at the facility all certifications required by Condition V.A.7.c of this Permit.

V.A.10. Closure and Post-Closure Care

V.A.10.a. Duty to Comply with LAC 33:V.1915.A

The Permittee shall comply with LAC 33:V.1915.A by following the procedures specified in the Closure Plan, Attachment 1.

V.A.10.b. Duty to Comply with LAC 33:V.1915.B

If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated in accordance with Condition V.A.10.a of this Permit, the Permittee shall comply with LAC33:V.1915.B.

V.A.10.c. Post-Closure

The Permittee shall attempt to clean close all tank systems. If a tank cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-

closure care period.

TABLE 25~~3~~
Internal Inspection Frequencies

Tank No.	Visual Internal Inspection Frequency	Complete Internal Inspection Frequency
T-220	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-221	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-222	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-223	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-303	Annually	As often as required by the inspection standard in Table 27~~5~~[1]
T-304	Annually	As often as required by the inspection standard in Table 27~~5~~[1]
T-305	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-306	Every three (3) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-502	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-503	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 A	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 B	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-505	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-506	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-601	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-602	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-610	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-611	Every two (2) years	As often as required by the inspection standard in Table 27[1]

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T-612	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-613	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-630	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-631	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-632	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-701	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-702	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-703	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-704	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-710	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-711	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-712	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-713	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-740	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-741	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-903	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-904	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-905	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-906	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-907	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]

[1] The required frequency of inspection with reference to the applicable section of the standard shall be kept on site and available for review by the Administrative Authority upon request.

TABLE 2~~6~~4
Tank Thickness Measurements Frequencies

TANK	ROOF AND SHELL	BOTTOM
T-220	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-221	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-222	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-223	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-303	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-304	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-305	See Condition II.E.25.b~~e~~ of this Permit	As often as required by the inspection standard in Table 27~~5~~[1]
T-306	Every three (3) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-502	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-503	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 A	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-504 B	Every two (2) years	As often as required by the inspection standard in Table 27~~5~~[1]
T-505	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-506	Every two (2) years ~~See Condition II.E.25.c of this Permit~~	As often as required by the inspection standard in Table 27~~5~~[1]
T-601	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-602	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-610	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-611	See Condition II.E.25.b of this	As often as required by the

	Permit	inspection standard in Table 27[1]
T-612	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-613	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-630	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-631	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-632	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-701	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-702	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-703	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-704	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-710	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-711	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-712	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-713	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-740	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-741	See Condition II.E.25.b of this Permit	As often as required by the inspection standard in Table 27[1]
T-903	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-904	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-905	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-906	Every two (2) years	As often as required by the inspection standard in Table 27[1]
T-907	Every two (2) years	As often as required by the inspection standard in Table 27[1]

[1] The required frequency of inspection with reference to the applicable section of the standard shall be kept on site and available for review by the Administrative Authority upon request.

TABLE 27~~5~~
Design and Operating Parameters for RCRA Tank Systems

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-220	Proposed	N/A	4′ x 6′	400	380	API-620	API-653	150	ATM	Carbon Steel	1/4	1/8	See Condition II.E.25.be of this Permit
T-221	Proposed	N/A	4′ x 6′	400	380	API-620	API-653	150	ATM	Carbon Steel	1/4	1/5 ~~3/16~~	See Condition II.E.25.be of this Permit
T-222	Proposed	N/A	12′ x 21′	14,500	13,775	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	See Condition II.E.25.be of this Permit
T-223	Proposed	N/A	12′ x 21′	14,500	13,775	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	External Concrete Liner
T-303	Existing	1995	12′ x 21′ x 10′	17,309	16,440	API-650	API-653	150	ATM	Carbon Steel	1	3/8	External Concrete Liner; Building 302
T-304	Existing	1995	12′ x 21′ x 10′	17,309	16,440	API-650	API-653	150	ATM	Carbon Steel	1	3/8	External Concrete Liner; Building 302
T-305	Proposed	N/A	12′ x 21′ ~~See Condition II.E.25.be of this Permit~~	20,625	19,594	API-~~650~~620	API-653	150	ATM	Carbon Steel	3/8	1/4	See Condition II.E.25.be of this Permit
T-306	Existing	1993	12′ x 21′	20,625	19,594	API-620	API-653	150	ATM	Carbon Steel	3/8	1/4	External Concrete Liner; Building 302

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-502	Existing	1993	69′ x 36′	1,006,900	956,555	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner
T-503	Existing	1999	69′ x 36′	1,006,900	956,555	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner
T-504 A	Existing	2001	24′ x 24′	87,000 ~~75,000~~	75,000 ~~71,250~~	API-620	API-653	150	ATM	Carbon Steel	Roof - 5/16 Ring 1 - 5/16 Ring 2 - 1/4 Ring 3 - 1/4 Cone Bottom - 3/8	Roof - 5/16 Ring 1 - 3/16 ~~5/16~~ Ring 2 - 9/64 ~~1/4~~ Ring 3 - 9/64 ~~1/4~~ Cone Bottom - 19/64 ~~3/8~~	External Concrete Liner

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-504 B	Existing	2001	24′ x 24′	87,000 ~~75,000~~	75,000 ~~71,250~~	API-620	API-653	150	ATM	Carbon Steel	Roof - 5/16 Ring 1 - 5/16 Ring 2 - 1/4 Ring 3 - 1/4 Cone Bottom - 3/8	Roof – 5/16 Ring 1 – 3/16~~5/16~~ Ring 2 – 9/64~~1/4~~ Ring 3 - 9/64~~1/4~~ Cone Bottom - 19/64~~3/8~~	External Concrete Liner
T-505	Existing ~~Proposed~~	2015 ~~N/A~~	69′ x 36′	1,006,900	956,955	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner See ~~Condition II.E.25.e of this Permit~~
T-506	Existing ~~Proposed~~	2015 ~~N/A~~	69′ x 36′	1,006,900	956,955	API-650	API-653	150	ATM	Carbon Steel	Top 4′ - 3/16 Next 8′ - 3/8 Next 8′ - 3/8 Next 8′ - 1/2 Bottom 8′ - 1/2	Top 4′ - 3/16 Next 8′ - 3/16 Next 8′ - 3/16 Next 8′ - 5/16 Bottom 8′ - 5/16	External Concrete Liner See ~~Condition II.E.25.e of this Permit~~

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-601[2]	Proposed	N/A	30' x 18' x 12' (sloping floor)	38,776	36,837	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-602[2]	Proposed	N/A	30' x 18' x 12' (sloping floor)	38,776	36,837	N/A	N/A	Ambient	N/A	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-610	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-611	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-612	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-613	Proposed	N/A	15.5' x 22.5'	31,500	29,925	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-630	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-631	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-632	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-701[3]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-702[3]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-703[3]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1	3/8	See Condition II.E.25.b of this Permit
T-704[3]	Proposed	N/A	27'L x 22'W x 11.9' (average depth)	53,020	50,369	N/A	N/A	Ambient	ATM	Carbon Steel	1"	3/8	See Condition II.E.25.b of this Permit
T-710	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-711	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-712	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-713	Proposed	N/A	12' x 25'	21,000	19,950	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit

Tank No.	Existing or Proposed[1]	Year Placed Into Service	Dimensions (D X H)	Design Capacity (gallons)	Maximum Operating Capacity (gallons)	Design Standard	Inspection Standard	Design Temperature (°F)	Design Pressure	Materials of Construction	Nominal Thickness (inches)	Minimum Thickness (inches)	Secondary Containment Type
T-740	Proposed	N/A	96' x 160'	5,000	4,750	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-741	Proposed	N/A	96' x 160'	5,000	4,750	API-620	API-653	200	ATM	Carbon Steel	1/4	3/16	See Condition II.E.25.b of this Permit
T-903	Existing	1991	10' x 30'	17,000	16,150	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-904	Existing	1993	10' x 30'	17,000 16,990	16,150	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-905	Existing	1991	8' x 30' 10' x 25'	13,000	12,350	UL-142	API-653	150	ATM	Carbon Steel	1/4	1/8	External Concrete Liner
T-906	Existing	2008	15.5' x 24'	33,874	32,180	API-650	API-653	150	ATM	Carbon Steel	3/8	3/16	External Concrete Liner
T-907	Existing	2008	15.5' x 24'	33,874	32,180	API-650	API-653	150	ATM	Carbon Steel	3/8	3/16	External Concrete Liner

[1]The proposed tanks are permitted for the capacities listed in Tables 14 and 16. ~~13 and 15.~~
[2]The proposed pits are part of the Oil Recovery Units.
[3]The proposed pits are part of the Thermal Desorber Units.

V.B. CONTAINER STORAGE AREAS

The permit conditions as set forth under this Condition shall apply where applicable, to the permitted container storage facilities as designated in Condition IV, Tables ~~16~~-17-18.

V.B.1. Conditions and Operations

V.B.1.a. Conditions of Containers

V.B.1.a.i. The Permittee shall be in compliance with all appropriate conditions set forth in LAC 33:V.Chapter 21.

V.B.1.a.ii. The Permittee shall maintain the condition of all containers in accordance with LAC 33:V.2103. If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the hazardous waste to a container that is in good condition or manage the waste in some other way that complies with the requirements of LAC 33:V.Chapter 21.

V.B.1.a.iii. The Permittee shall maintain the integrity of all containers in accordance with LAC 33:V.2105. Hazardous wastes or treatment reagents must not be placed in containers if they could impair the ability of the container to contain the wastes or treatment reagents.

V.B.1.b. Management of Containers

V.B.1.b.i. The Permittee shall manage the containers in accordance with LAC 33:V.2107.A and B.

V.B.1.b.ii. The Permittee shall store all wastes in containers that are compatible with the hazardous wastes as required by LAC 33:V.2105. Hazardous wastes being transported offsite must be packaged and labeled in accordance with DOT standards listed in 49 CFR 173 and 178 as required by LAC 33:V.1109 and LAC 33:V.1759.F.

V.B.1.b.iii. The Permittee must place and store incompatible, ignitable, and reactive wastes only in accordance with LAC 33:V.1517, 2113, and 2115.

V.B.1.b.iv. If any hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined by RCRA and in accordance with LAC 33:V.109. In this event, management of the container is exempt from the requirements of LAC 33:V.Chapter 21.

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V.B.1.b.v. Containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

V.B.1.b.vi. Containers holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

V.B.1.b.vii. Pallets shall be placed in rows with a minimum of two (2) feet of access aisle space between the rows, or the width necessary to get emergency equipment to any area of the aisle, whichever is greater.

V.B.1.b.viii. All containers must be placed so that hazardous waste identification labels may be read from the access aisle.

V.B.1.b.viv. No drums or pallets may be stored directly over any sump area.

V.B.1.b.x. Containers holding thirty (30) gallons or more must be placed on pallets not more than two (2) containers high with no more than four (4) containers per tier on each pallet.

V.B.1.b.xi. If any hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined in LAC 33:V.109. In this event, management of the container is exempt from the requirements of LAC 33:V.Chapter 21.

V.B.1.c. Operations

V.B.1.c.i. All permitted container storage areas and associated piping, pumps, instruments, containments, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 21 and the specifications, design criteria, and design limits specified in the Permit Application.

V.B.1.c.ii. Unloading, Loading and Receiving/Staging

V.B.1.c.ii.(1) All trucks containing hazardous waste shall be managed in accordance with LAC 33:V.1527 and in accordance with the approved Waste Analysis Plan.

V.B.1.c.ii.(2) Sufficient pumping capacity such as portable pumps or vacuum trucks shall be provided to remove any spilled material from the sumps located in each of the unloading areas in a timely manner and to prevent any overflow from the contaminated area.

V.B.1.c.ii.(3) All loads that have entered the security gate will be inspected, prior to their leaving the sampling station(s), for leaks and any load found leaking will be responded to immediately, and moved to a contained area as soon as possible.

V.B.1.c.ii.(4) All hazardous waste trucks containing liquids that have been accepted for management, and are being held beyond the sampling station(s) for longer than twenty-four (24) hours, must be located in an area having the capability of holding the entire liquid contents of the trucks unless being transported to or from on-site treatment, storage or disposal.

V.B.1.c.ii.(5) A representative sample of the waste for each waste stream to be treated or disposed at the facility must be analyzed to verify the information on the manifest when required by, and in the manner specified by, the approved Waste Analysis Plan.

V.B.1.c.ii.(6) The quantity of waste received must be recorded and chemical and physical characteristics identified in accordance with the approved Waste Analysis Plan with regard to ignitability, reactivity or incompatibility. Only compatible wastes shall be stored in common containment or tanks.

V.B.1.c.iii. Biotreatment in Containers

Biotreatment in containers shall only be conducted in Building 801 and the proposed Building 802 in tarp-covered, twenty (20) to twenty-five (25) cubic yard roll-off boxes.

V.B.1.c.iv. Macroencapsulation in Containers

Macroencapsulation in containers shall only be conducted in existing Buildings 201, 202, 204, and 801, and the proposed Buildings 205, and 802 in one of the following:

V.B.1.c.iv.(1) specifically designed , one-piece, high-strength and high-density polyethylene (HDPE) containment units;

V.B.1.c.iv.(2) polyethylene bladder bags;

V.B.1.c.iv.(3) overlapped closure polyethylene box liners; or

V.B.1.c.iv.(4) other suitable technologies that are specifically formulated and designed to resist contaminants and leachate.

V.B.1.c.v. Container Decant/Filling/Processing

V.B.1.c.v.(1) Container decant/filling/processing shall be conducted in the existing Building 204, and the proposed Building 205.

V.B.1.c.v.(2) The Permittee must use appropriate controls and practices to prevent spills and overflows from the vessels and containment systems.

V.B.1.c.v.(3) At a minimum, overfill prevention controls for hazards waste will include, where applicable; level sensing devices, high level alarm, automatic feed cutoff or bypass to a standby truck.

V.B.1.c.v.(4) The Permittee must inspect the container decant/filling/processing units according to the inspection schedules specified in the approved inspection plan, referenced in Attachment 1.

V.B.1.c.v.(5) At closure, the Permittee must remove or decontaminate all waste residues from the system, in accordance with the approved closure/post-closure plan, referenced in Attachment 1.

V.B.2. Permitted and Prohibited Wastes

V.B.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to store in the container storage areas as described in Condition V.B of this Permit, the hazardous waste described in the most current Part A permit application, in the containers as described in Condition IV, Tables ~~16~~-17-18.

V.B.2.b. Prohibited Wastes

The Permittee is prohibited from storing hazardous waste that is not identified in Condition V.B.2.a.

V.B.3. Secondary Containment

V.B.3.a. The Permittee shall always maintain enough secondary containment capacity to contain at least ten percent (10%) of the total volume of containers or the volume of the largest container, whichever is greater, in accordance with LAC 33:V.2111.B.3. Containers that do not contain free liquids (per the Paint Filter Liquids Test) do not need to be considered in this determination.

V.B.3.b. Container storage systems must have a containment system that is designed and operated in accordance with LAC 33:V.2111.B. The containment system must be designed and operated as follows:

V.B.3.b.i. a base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

V.B.3.b.ii. the base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

V.B.3.b.iii. run-on into the containment system must be prevented unless the containment system has sufficient excess capacity in addition to that required in LAC 33:V.2111.B.3 to contain any run-on which might enter the system;

V.B.3.b.iv. spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system; and

V.B.3.b.v. if the collected material is a hazardous waste, it must be managed in accordance with all applicable requirements.

V.B.4. Requirements for Ignitable, Reactive, and Incompatible Waste

V.B.4.a. The Permittee must store ignitable, incompatible, or reactive waste in accordance with LAC 33:V.1517 and LAC 33:V.2113, LAC 33:V.2115.A, B, C, and D.

V.B.4.b. Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility property line.

V.B.4.c. Hazardous wastes must not be placed in an unwashed container that previously held an incompatible waste or material.

V.B.4.d. A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers must be separated from the other materials or protected from them by means of a dike, berm, wall, other device, or approved management technique.

V.B.4.e. The Permittee must place the results of each waste analysis and any documented information regarding compatibility testing in the operating record of the facility.

V.B.5. Inspections

V.B.5.a. The Permittee shall inspect the containers and containment area(s) in accordance with LAC 33:V.2109 and LAC 33:V.1509. Results of such inspections must be placed in the operating record (for a minimum of three years). All incidents involving leaking containers and spilled materials reportable under applicable regulations (the Clean Water Act [CWA], RCRA, and the Superfund Amendments and Reauthorization Act of 1986 [SARA]) shall be detailed in the annual report (due March 1 of each year).

V.B.5.b. At least weekly, the Permittee must inspect where containers are stored for leaking containers and for deterioration of containers and containment systems caused by corrosion or other factors (including sealants used to maintain a base free of cracks or gaps). Remedial action shall be taken in accordance with LAC 33:V.1509.C and LAC 33:V.1513, when applicable.

V.B.5.c. All containers shall be stacked in such a fashion that each container identification label can be read from the access aisle.

V.B.5.d. All inspection records shall be maintained according to the recordkeeping requirements of LAC 33:V.1529.

V.B.6. Leaks and Spills

V.B.6.a. The Permittee shall manage spilled or leaked waste and accumulated precipitation according to LAC 33:V.2111.B.5.

V.B.6.b. Storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority.

V.B.6.c. The Permittee shall manage any collected material as required by LAC 33:V.2111.B.6. Spilled or leaked material shall be handled in a timely manner as required by LAC 33:V.2111.B.5.

V.B.7. Air Emission Control Equipment Standards

The Permittee shall comply with Condition V.~~H~~F.3 of this permit for air emission control equipment for all permitted container storage areas.

V.B.8. Recordkeeping

V.B.8.a. Inspections

The Permittee shall document in the operating record for the facility inspection of those items in Condition V.B.5 of this Permit.

V.B.8.a.i. The weekly log sheets shall include all inspected areas.

V.B.8.a.ii. The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.B.8.a.iii. Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.B.9. Closure and Post-Closure Care

V.B.9.a. At closure, the Permittee must remove all hazardous waste, residues, and containers from the container storage areas. All containers and liners must be handled as a hazardous waste (unless meeting the definition of "empty" container in accordance with LAC 33:V.109). All residuals and contaminated soils must be removed as required by the Closure Plan referenced in Attachment 1 of this permit, and as required by LAC 33:V.2117. If some waste residues or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.B.9.b. At closure, the Permittee shall adhere to the procedures detailed in the approve closure plan referenced in Attachment 1 of this permit and as required by LAC 33:V.2117 and LAC 33:V.Chapter 35, Closure Requirements, and the closure requirements of the approved TSCA Closure Plan. If the facility cannot be clean closed, the Permittee shall submit a post-closure plan for approval by the Administrative Authority.

V.B.9.c. A post-closure plan must be submitted for each container storage area failing to achieve clean closure (or an alternative closure standard approved under LAC 33:V.3501.D.2 or LAC 33:V.3507.B) within ninety (90) days from the date that the Permittee or the Administrative Authority determines that the unit must be closed as a landfill. The post-closure plan must meet the requirements of LAC 33:V.3523.B.

V.B.9.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the confirmatory sampling procedures prior to the commencement of closure, based upon the wastes historically managed by each unit during its lifetime.

V.C. CONTAINMENT BUILDING

V.C.1. Description of Containment Building

The permit conditions as set forth under this Condition shall apply to the permitted containment building designated in Table 19~~8~~.

V.C.2. Permitted and Prohibited Wastes

V.C.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to store hazardous waste identified in the most current Part A Permit Application in the containment building as described in Table 1~~9~~8.

V.C.2.b. Prohibited Waste

The Permittee is prohibited from storing hazardous waste that is not identified in Condition V.C.2.a of this Permit.

V.C.3. Containment

V.C.3.a. The Permittee must use controls and practices to ensure containment of the hazardous waste within the unit; and, at a minimum, must:

V.C.3.a.i. maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

V.C.3.a.ii. maintain the level of the stored hazardous waste within the containment walls of the unit so that the height of any containment walls of the unit is not exceeded; and

V.C.3.a.iii. take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling waste. An area must be designated to decontaminate equipment, and any rinsate must be collected and properly managed.

V.C.4. Operating Requirements

V.C.4.a. The Permitted containment building and associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 18 and the specifications, design criteria, and design limits in the Permit Application and Condition II.E.25.a~~b~~ of this Permit.

V.C.4.b. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions (40 CFR Part 60, Appendix A, Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

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V.C.4.c. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in 40 CFR 60, Subpart 292.

V.C.4.d. Wash-down or decontamination areas shall be constructed and standard operating procedures developed for decontaminating equipment prior to removal from the containment building.

V.C.4.e. Decontamination pads or areas shall be constructed and standard operating procedures developed for the removal and containment of dust from personnel.

V.C.4.f. The Permittee shall evaluate the presence of free liquids using the paint filter test, a visual examination, or other appropriate means and document such evaluation.

V.C.4.g. Macroencapsulation shall only be conducted in one of the following:

V.C.4.g.i. specifically designed, one-piece, high-strength and high-density polyethylene (HDPE) containment units;

V.C.4.g.ii. polyethylene bladder bags;

V.C.4.g.iii. overlapped closure polyethylene box liners; or

V.C.4.g.iv. other suitable technologies that are specifically formulated and designed to resist contaminants and leachate.

V.C.4.h. Storage in containers shall be in accordance with Condition V.B.

V.C.5. Ignitable, Reactive, and Incompatible Wastes

The Permittee shall store ignitable, reactive, or incompatible wastes only in accordance with LAC 33:V.1517.

V.C.6. Inspections

V.C.6.a. Inspection Schedule

The Permittee shall comply with LAC 33:V.1802.C.4 by following the inspection schedule submitted in the Inspection Plan (see Attachment 1).

V.C.6.b. Weekly Inspection

V.C.6.b.i. At least once every seven (7) days, the Permittee must inspect data gathered from monitoring equipment and leak detection equipment as

well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.

V.C.6.b.ii. All deficiencies noted during weekly inspections must be recorded and remedied in a timely manner. Remedial action as described in LAC 33:V.1513 shall be taken.

V.C.7. Response to Leaks or Spills

V.C.7.a. The Permittee shall manage spilled or leaked waste in accordance with LAC 33:V.1802.C.3.

V.C.7.b. The Permittee shall promptly repair any condition which the owner or operator detects throughout the active life of the containment building that could lead to or cause a release of hazardous waste in accordance with the following procedures:

V.C.7.b.i. upon detection of a condition that has led to a release of hazardous waste (e.g., upon detection of leakage from the primary barrier), the owner or operator must:

V.C.7.b.i.(1) enter a record of the discovery in the facility operating record;

V.C.7.b.i.(2) immediately remove the portion of the containment building affected by the condition from service; and

V.C.7.b.i.(3) determine what steps must be taken to repair the containment building, remove any leakage, and establish a schedule for accomplishing the cleanup and repairs.

V.C.8. Air Emission Control Equipment Standards

See Condition II.E.25.fe of this Permit.

V.C.9. Recordkeeping

V.C.9.a. Inspections

V.C.9.a.i. The Permittee shall document in the operating record for the facility inspection of those items in Condition V.C.6.b of this Permit.

V.C.9.a.i.(1) The weekly log sheets shall include all inspected areas.

V.C.9.a.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.C.9.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.C.9.b. Releases

V.C.9.b.i. The Permittee shall keep on file at the facility, notification reports submitted under LAC 33:V.1802.C.3.

V.C.9.b.ii. Within seven (7) days after discovery of a condition as described in Condition V.C.7. of this Permit, notify the Office of Environmental Services, Waste Permits Division of the condition.

V.C.9.b.iii. Within fourteen (14) working days after discovery of a condition as described in Condition V.C.7. of this Permit, provide a written notice to the Administrative Authority with a description of the steps taken to repair the containment building and the schedule for accomplishing the work.

V.C.9.b.iv. Upon completing all repairs and cleanup due to a condition discovered as described in Condition V.C.7 of this Permit, the owner or operator must notify the Office of Environmental Services, Waste Permits Division in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with LAC 33:V.1802.C.3.a.iv.

V.C.10. Closure and Post-Closure Care

V.C.10.a. Duty to Comply with LAC 33:V.1803.A

The Permittee shall comply with LAC 33:V.1803.A by following the procedures specified in the Closure Plan, Attachment 1.

V.C.10.b. Duty to Comply with LAC 33:V.1803.B

If the Permittee demonstrates that not all contaminated components, subsoils, structures, and equipment can be practicably removed or decontaminated in accordance with Condition V.C.10.a of this Permit, the Permittee shall comply with LAC33:V.1803.B.

V.C.10.c. Post-Closure

The Permittee shall attempt to clean close the containment building. If the containment building cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health

and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527 and Condition V.B.9, including maintenance and monitoring throughout the post-closure care period.

V.D. BIOPADS

V.D.1. Description of Biopads

The permit conditions as set forth under this Condition shall apply to the permitted existing ~~and proposed b~~Biopads Phase I and II designated in Tables ~~19~~-20.

V.D.2. Permitted and Prohibited Wastes

V.D.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the biopads to biologically treat hazardous waste identified in the most current Part A Permit Application that is categorized as one of the following wastes:

V.D.2.a.i. pesticides

V.D.2.a.ii. petroleum hydrocarbons

V.D.2.a.iii. nitroaromatics

V.D.2.a.iv. wood treating wastes

V.D.2.a.v. chlorinated hydrocarbons

V.D.2.a.vi. refinery-related materials

V.D.2.a.vii. other similar wastes that have been demonstrated in industry and/or literature to be amenable to biological treatment and/or scientifically evaluated to be amenable to biological treatment

V.D.2.b. Prohibited Waste

The Permittee is prohibited from treating the following hazardous wastes in the biopads:

V.D.2.b.i. hazardous wastes F020, F021, F022, F023, F026, and F027; and

V.D.2.b.ii. any hazardous waste that is not identified in Condition V.D.2.a of this Permit.

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V.D.3. Design and Operating Requirements

V.D.3.a. The permitted biopads and associated ancillary equipment shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 23 and the specifications, design criteria, and design limits approved by the Administrative Authority.

V.D.3.b. Liner Systems

The following liner system components associated with the biopads, listed in order from the bottom to the top of the biopads, must be operated and maintained, in accordance with LAC 33:V.2303:

V.D.3.b.i. a minimum three (3) foot thick layer of compacted clay; and

V.D.3.b.ii. a forty (40) mil textured HDPE secondary geomembrane, in accordance with LAC 2303.C.1.b;

V.D.3.b.iii. a sixteen (16) ounce per square yard nonwoven leachate detection geotextile;

V.D.3.b.iv. a forty (40) mil textured HDPE primary geomembrane;

V.D.3.b.v. a sixteen (16) ounce per square yard nonwoven leachate collection geotextile; and

V.D.3.b.vi. a 1.5 foot thick layer of lime-stabilized clay protective cover.

V.D.3.c. Leachate Collection and Removal Systems

The leachate collection and removal systems for the biopads must be maintained and operated to collect and remove leachate from the biopads, in accordance with LAC 33:V.2303.C.4.

V.D.3.d. Leak Detection Systems

The leak detection systems must be maintained and operated to detect any migration of liquids into the spaces between the liner systems, in accordance with LAC 33:V.2303.C.

V.D.3.e. Run-on and Run-off Control Systems

V.D.3.e.i. A run-on control system must be operated and maintained to prevent flow onto any active portion of the biopads.

V.D.3.e.ii. A run-off management system must be operated and maintained to collect and control any water volume collected.

V.D.3.e.iii. Collection and holding facilities (e.g., tanks or basins) associated with the run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain the design capacity of the system.

V.D.3.e.iv. The run-on and run-off control systems must maintain a design capacity to control water volume resulting from a 24-hour, 25-year storm.

V.D.3.f. Liquids or materials containing free liquids shall not be placed directly on the biopad.

V.D.3.g. The biopiles must be covered or otherwise managed to control wind dispersal.

V.D.4. Ignitable, Reactive, and Incompatible Wastes

V.D.4.a. Ignitable or reactive waste must not be placed in the biopads unless the waste and the biopads satisfy all applicable requirements of LAC 33:V.Chapter 22, and:

V.D.4.a.i. the waste is treated, rendered, or mixed before or immediately after placement in the biopads so that:

V.D.4.a.i.(1) the resulting waste, mixture, or dissolution of material no longer meets the description of ignitable or reactive wastes under the characteristics of ignitability or reactivity in LAC 33:V.4903.B or D; and

V.D.4.a.i.(2) the general requirements for ignitable, reactive, or incompatible wastes as specified in LAC 33:V.1517.B are met; or

V.D.4.a.ii. the waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

V.D.4.b. Incompatible wastes, or incompatible wastes and materials must not be placed in the same biopad, unless LAC 33:V.1517.B is complied with.

V.D.4.c. A pile of hazardous waste that is incompatible with any waste or waste stored nearby in containers, other piles, or open tanks must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device.

V.D.4.d. Hazardous waste must not be piled on the same base where incompatible

waste or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with LAC 33:V.1517.B.

V.D.5. Inspections

V.D.5.a. Duty to Comply with LAC 33:V.2307.A

The Permittee shall comply with LAC 33:V.2307.A. The facility must provide the Administrative Authority with thirty (30) days of advance notice of any synthetic liner installations to allow the Administrative Authority the opportunity to inspect the liner and its installation.

V.D.5.b. Duty to Comply with LAC 33:V.2307.B

The Permittee is exempt from complying with LAC 33:V.2307.B. The biopad's synthetic liner system is located beneath a 1.5 foot thick layer of lime-stabilized clay protective cover.

V.D.5.c. During any biopad construction or installation, liners or cover systems must be inspected for uniformity, damage, imperfections, (e.g., holes, cracks, thin spots, or foreign materials). Immediately after any biopad construction or installation:

V.D.5.c.i. synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

V.D.5.c.ii. soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.

V.D.5.d. Weekly Inspections

V.D.5.d.i. While the biopad is in operation, it must be inspected weekly and after storms to detect the evidence of any of the following:

V.D.5.d.i.(1) deterioration, malfunctions, or improper operation of run-on and run-off control systems;

V.D.5.d.i.(2) proper functioning of wind dispersal control systems, where present;

V.D.5.d.i.(3) the presence of leachate in and proper functioning of leachate collection and removal systems, where present; and

V.D.5.d.i.(4) the presence of liquids in the leak detection system.

V.D.5.d.ii. All deficiencies noted during weekly inspections must be recorded and remedied in a timely manner.

V.D.5.d.iii. The facility must record the amount of liquids removed from the leak detection system sump at least once each week during the active life and closure period of the biopad.

V.D.6. Response to Leaks

V.D.6.a. If a tear is found in the liner systems of the biopads, the Permittee must:

V.D.6.a.i. notify the Administrative Authority of the tear within seven (7) days after detecting the tear; and

V.D.6.a.ii. remove accumulated liquid, repair or replace the damaged liner to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the tear has been repaired.

V.D.6.b. If the flow rate into any leak detection system exceeds the action leakage rate (established by the approved Response Action Plan (RAP) for the biopads) for any sump, the Permittee must:

V.D.6.b.i. notify the Administrative Authority in writing of the exceedance within seven (7) days of the determination;

V.D.6.b.ii. determine to the extent practicable the location, size, and cause of any leak;

V.D.6.b.iii. determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the biopad for inspection, repairs, or controls, and whether or not the biopad should be closed;

V.D.6.b.iv. determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and

V.D.6.b.v. Determinations made in accordance with Conditions V.D.7.b.ii-iv of this Permit must meet the requirements with LAC 33:V.2306.C.

V.D.7. Recordkeeping

V.D.7.a. Inspections

V.D.7.a.i. The Permittee shall document in the operating record for the facility inspection of those items in Condition V.D.5.d. of this Permit.

V.D.7.a.i.(1) The weekly log sheets shall include all inspected areas.

V.D.7.a.i.(2) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.D.7.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.D.7.b. Response Actions

V.D.7.b.i. Within fourteen (14) days of determination that the action leakage rate has been exceeded, as discussed in Condition V.D.6.b, the owner or operator must submit a preliminary written assessment to the Administrative Authority as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.

V.D.7.b.ii. Within thirty (30) days after the notification that the action leakage rate has been exceeded, as discussed in Condition V.D.6.b, the owner or operator must submit to the Administrative Authority the results of the analyses specified in LAC 33:V.2306.B.3-5, of actions taken, and of remedial actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Administrative Authority a report summarizing the results of any remedial actions taken and actions planned.

V.D.8. Closure and Post-Closure Care

V.D.8.a. Duty to Comply with LAC 33:V.2315.A

The Permittee shall comply with LAC 33:V.2315.A by following the procedures specified in the Closure Plan, Attachment 1.

V.D.8.b. Duty to Comply with LAC 33:V.2315.B

If the Permittee demonstrates that not all contaminated components, subsoils, structures, and equipment can be practicably removed or decontaminated in accordance with Condition V.D.8.a of this Permit, the Permittee shall comply with LAC33:V.2315.B.

V.D.8.c. Post-Closure

The Permittee shall attempt to clean close the biopads. If the biopad cannot be clean closed and the Permittee has not demonstrated through a risk assessment

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approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.E. LANDFILL

V.E.1. General Design, Construction and Requirements

V.E.1.a. The design, construction and operations of the hazardous waste landfill designated as Landfill Cell 8, in Table 21, must comply with this permit, the applicable regulatory requirements of LAC 33:V.517, 533 and LAC 33:V.Chapter 25, and shall be in accordance with the plans and specifications for design, construction and operations approved herein. All plans and specifications for the design, construction and operation of the hazardous waste landfill facility, approved at the time of construction of Landfill Cell 8 and attached hereto and made a permanent part of the permit, are approved subject to the terms of this permit and any other order of the Administrative Authority.

V.E.1.b. Any variance from or modification to the approved drawings, specifications or terms and conditions of this permit for the design or construction of the landfill unit that deviates from the design intent or performance standards is not allowed without prior written approval from the Administrative Authority.

V.E.1.c. At least twenty four (24) hours prior to effecting any variance from or modification to the approved plans and specifications for design, construction and operation of the landfill and the terms and conditions of the permit that do not constitute a deviation from the design intent or performance standards, the Permittee shall notify the Administrative Authority of the intended change via facsimile transmittal or email and follow-up with an official notification via registered mail, and a telephone call. This notification shall include a justification for the proposed action.

V.E.1.d. The Administrative Authority reserves the right to require the implementation of additional procedures if it is subsequently determined that a change effected without said approval was deemed by the Administrative Authority as being in deviation from the design intent or performance standards of the approved drawings, specifications or terms and conditions of this permit.

V.E.1.e. Prior to construction of the soil liner for a landfill, a test fill using materials characterized as the same as those to be used in the new landfill shall be required. The Permittee shall construct and test in accordance with procedures contained in the Chemical Waste Management, Inc. (CWMI) "Quality Assurance Document for the Installation of Lining Systems." Any modifications and/or

latest revision must be submitted to the Department for review and approval. The test fill will be identical in thickness and composite make-up as approved for the facility design.

Alternatively, soil liner construction records and test results from prior, similarly constructed cells, (i.e., Cell 14 and/or Cell 6 and/or Cell 7) can become the basis for test fill documentation and certification.

After the successful construction of the test fill(s), the Permittee shall provide written certification of proper construction and evaluation and said certification shall specifically address:

V.E.1.e.i. Results of all pre-construction, construction and post-construction QA/QC inspection and testing.

V.E.1.e.ii. Summary of materials and construction specification, methodology and equipment.

V.E.2. General Operating Conditions

V.E.2.a. The Permittee shall operate and maintain the one (1) existing permitted operating Landfill Cell 8, listed in Table 21, to meet the following performance standards:

V.E.2.a.i. Operate and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from a 24-hour, 25-year storm in accordance with LAC 33:V.2503.D. Any incidences of run-on entering the containment areas shall be reported and made a part of the annual report.

V.E.2.a.ii. Operate and maintain a run-off management system to collect and control at least the water volume resulting, from a 24-hour, 25-year storm in accordance with LAC 33:V.2503.E. Any incidences of run-off not collected and controlled shall be reported and made a part of the annual report.

V.E.2.a.iii. The Permittee may landfill only those wastes which, at a minimum, meet the criteria specified in LAC 33:V.2503, 2511, 2513, 2515, 2517 and 2519 and in compliance with Condition VII and VIII.

V.E.2.a.iv. The Permittee may not place bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not absorbents have been added) in the landfill.

V.E.2.a.v. All collection and holding facilities (sumps and tanks) associated with the run-on and run-off control systems must be emptied

expeditiously after storms to maintain the design capacity of the system. Collected material must be disposed of properly as required by LAC 33:V.2503.F.

V.E.2.a.vi. Hazardous waste within the landfill must be covered or otherwise managed to insure minimum wind dispersal as required by LAC 33:V.2503.G.

V.E.2.a.vii. While in operation, the landfill must be inspected weekly and after storms to detect evidence of any of the following, as required by LAC 33:V.2507.C:

> **V.E.2.a.vii.(1)** deterioration, malfunctions, or improper operation of run-on and run-off control systems;
>
> **V.E.2.a.vii.(2)** the presence of liquids in leak detection systems;
>
> **V.E.2.a.vii.(3)** proper functioning of wind dispersal control systems, where present; and
>
> **V.E.2.a.vii.(4)** the presence of leachate in and proper functioning of leachate collection and removal systems, where present.

V.E.2.a.viii. Accumulated rainfall and groundwater must be removed from the active portions of the landfill in a timely manner.

V.E.2.a.ix. Closure and post-closure care shall conform with LAC 33:V.2521 and the closure/post-closure plan referenced in Attachment 1 of this permit, which is in compliance with the applicable rules and regulations.

V.E.2.a.x. The receiving and monitoring of wastes into the landfill must be performed according to LAC 33:V.1527 and the Waste Analysis Plan referenced in Attachment 1.

V.E.2.a.xi. The leachate detection and collection system must be properly maintained and inspected weekly and after storms to detect the presence of liquids and the proper functioning of the systems. If liquids are encountered at the level of greater than one (1) foot above the lip of the collection sump in a leachate collection system, it shall be removed to the lowest practical level. For both leachate collection and detection systems, records shall be maintained on the amount of fluid removed each week. The volume of fluid removed from each leachate collection and detection system must be reported quarterly.

No later than 180 days before planned waste disposal in disposal modules

associated with Cell 8, the Permittee must propose, for review and approval by the Administrative Authority, a Response Action Plan (RAP) for Cell 8, in accordance with Federal Register Vo. 57, No. 19, dated January 29, 1992 (or subsequent revisions) and with LAC 33:V.2504, that includes the proposed Action Leakage Rates for disposal modules associated with Cell 8, in accordance with LAC 33:V.2504. The RAP will describe the criteria used to evaluate the systems and the responses required to address liquids in the leachate detection collection, and removal systems for cells constructed at the site that meet minimum technology requirement having compacted clay and synthetic membrane liner systems. The RAP will also address potential sources of liquids. Responses to the detection of fluids in these systems may include no action, modifying operating procedures, repairing the liner system if possible, and when appropriate, notification to the Administrative Authority.

V.E.2.a.xii. The Permittee must maintain operating records as required by LAC 33:V.2509. At a minimum the accurate location of each waste load shall be recorded in the operating record within twenty-four (24) hours of being placed in the landfill. These records are to include a system of accurate tracking of each waste load throughout the facility. The tracking system must record: pre-acceptance information and analyses, the date of the pre-acceptance data, acceptance information and analyses, all internal transfers of wastes from receipt at the facility to treatment, storage, and final disposal; all internal waste transfers for on-site generated wastes such as contaminated rainwater, landfill leachate, truck washings, etc., and the results of all test analyses on the solidified wastes; the contents, date, weight or volume and location of wastes placed into and removed from storage; and the method, location and date of final disposal, treatment, or reclamation at the facility. Other than laboratory acceptance results which are recorded on a real time basis during the review of the shipment, all data shall be entered into the tracking system by the close of the next business day. The tracking system must provide a coordinate for the accurate location within the landfill of each day's disposal or each disposal event.

V.E.2.a.xiii. The Permittee will continue to operate and maintain the four (4) ambient air monitoring stations as outlined in the Louisiana Department of Environmental Quality – Air Quality Division Air Permit and/or subsequent modification, and as required by LAC 33:V.3305.E.

V.E.2.b. Special Requirements for Ignitable or Reactive Waste

V.E.2.b.i. Except as provided in LAC 33:V.2511.B and 2519, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meet all applicable requirements of LAC 33:V.Chapter 22, and;

V.E.2.b.i.(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste in LAC 33:V.4903.B or D; and

V.E.2.b.ii.(2) LAC 33:V.1517.B is complied with.

V.E.2.b.ii. Except for prohibited wastes subject to treatment standards in LAC 33:V.Chapter 22, ignitable wastes in containers may be landfilled without meeting the requirements of LAC 33:V.2511.A, provided that the wastes are disposed of in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes:

V.E.2.b.ii.(1) must be disposed of in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; and

V.E.2.b.ii.(2) must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and

V.E.2.b.ii.(3) must not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

V.E.2.c. Special Requirements for Incompatible Wastes

Incompatible wastes, or incompatible wastes and materials, must not be placed in the same landfill cell, unless incompatible waste handling requirements of LAC 33:V.1517 are complied with as required by LAC 33:V.2515.

V.E.2.d. Special Requirements for Containers

Containers placed in the landfill must be either at least ninety (90) percent full in the landfill; or emptied and crushed flat, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill as required by LAC 33:V.2517.

V.E.2.e. Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

The Permittee must comply with the requirements of LAC 33:V.2519 and the requirements of Louisiana Department of Public Safety (LDPS) hazardous materials/hazardous waste regulations, LAC 33:V.Subpart 2.Chapter 101.

V.E.2.f. Monitoring and Inspection

While the landfill is in operation, the Permittee must inspect it weekly and after storms in accordance with Condition V.E.2.a.vii. and as required by LAC 33:V.2507.C.

V.E.2.f.i. The Permittee is required to have a leak detection system under LAC 33:V.2503.L or M and must record the amount of liquids removed from each leak detection systems sump at least once each week during the active life and closure period as required by LAC 33:V.2507.D.

V.E.2.f.ii. After final cover is installed, the amount of liquids removed from each leak detection system sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If, at any time during the post-closure care period, the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the Permittee must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two (2) consecutive months as required by LAC 33:V.2507.D.1.

V.E.2.g. Special Requirements for Corrective Action Management Unit (CAMU) Wastes

The Permittee shall notify the Administrative Authority and persons on the facility mailing list, in accordance with LAC 33:V.717.A.1.e, of the Permittee's intent to receive CAMU-eligible waste in accordance with LAC 33:V.2607. The notice must identify the source of the remediation waste, the principal hazardous constituents in the waste, and any treatment requirements.

Any comments from persons on the facility mailing list, including objections to the receipt of the CAMU-eligible waste, shall be provided to the Administrative Authority within fifteen (15) days of notification.

The Administrative Authority shall have the opportunity to object to the placement of the CAMU-eligible waste in the landfill for a period of thirty (30) days after notification. The Administrative Authority may extend the review period an additional thirty (30) days because of public concerns or insufficient information.

The CAMU-eligible wastes shall not be placed in the landfill until the Administrative Authority has notified the Permittee that Administrative Authority does not object to its placement.

If the Administrative Authority objects to the placement or does not notify the Permittee that the Administrative Authority has chosen not to object, the facility shall not receive the waste, notwithstanding LAC 33:V.307.A, until the objection has been resolved or the Permittee obtains a permit modification in accordance with the procedures of LAC 33:V.321.C, specifically authorizing receipt of the waste.

Off-site facilities treating CAMU-eligible wastes complying with LAC 33:V.2607 must comply with the requirements of LAC 33:V.2247.C, except that the certification must be with respect to the treatment requirements of LAC 33:V.2607.A.2.

V.E.3. Landfill Design and Construction Requirements

The Permittee shall comply with the following minimum requirements from the design and construction of the hazardous waste landfill as specified in LAC 33:V.517 and LAC 33:V.Chapter 25, and the referenced drawings (or subsequently approved design drawings).

V.E.3.a. The active hazardous waste landfill shall consist of one (1) disposal cell. This cell is designated as Cell 8. Cell 8 is subdivided into subunits designated as modules. All excavation depth, side slopes, final height (cell conformation) and other construction specifications shall conform to the approved design drawings.

V.E.3.b. Each module of the landfill shall have a composite liner system designed, constructed and maintained to prevent the discharge of any wastes or waste constituents from the landfill into the area groundwater. Landfill module excavation depths and contours shall conform to those displayed and detailed on the approved design drawings. The composite liner system shall consist of the following minimum requirements:

V.E.3.b.i. Pressure Relief System

Each excavated module shall be provided a pressure relief system placed upon the in-situ soils. This system shall cover the bottom and all side slopes of the module. The system on the slope shall consist of a high density polyethylene (HDPE) drainage net placed between the filter fabrics. The filter fabrics or geotextiles shall have the appropriate physical properties to prevent their clogging by the underlying and overlying clayey soils. The riser pipe for the pressure relief sump, shall be constructed parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the lining systems within the planned limits of waste disposal. The pressure relief system sump shall be overlain with clean (free of clay clods and deleterious materials) silicious gravel and the bottom of the module shall have the pressure relief system overlain by clean silicious sand. Details of the typical pressure relief system are displayed on the approved design drawings.

V.E.3.b.ii. Secondary Liner System

The secondary liner system shall consist of a three (3) foot recompacted clay liner overlain by a sixty (60) mil, HDPE geomembrane. This system is to cover the entire bottom and all side slopes of the module. The recompacted clay liner shall have a laboratory, hydraulic conductivity of 1 x 10^{-7}cm/sec or less. The synthetic, sixty (60) mil, HDPE liner shall be anchored in such a manner as to prevent movement of or pull out of the system due to daily waste placement operations and settlement forces generated from subsequent consolidation of subsurface soils. Details of the secondary liner system are displayed on the approved design drawings.

V.E.3.b.iii. Leak Detection System

The secondary liner system shall be overlain by a leak detection system. This system shall consist of an HDPE drainage net, placed upon the secondary sixty (60) mil, HDPE liner, and covered with an appropriate geotextile or filter fabric so as to prevent clogging of the drainage net by the overlying clay soils. The drainage net shall have the transmissivity equal to or greater than one (1) foot of gravel having a conductivity of permeability of 1 x 10^{-2} cm/se or greater. This system shall cover the entire bottom and all side slopes of the module. The drainage net and associated filter fabric shall be anchored outside of the module in such a manner as to prevent movement or pullout of the system due to operations or subsurface settlement forces. The riser pipe from the associated leak detection sump shall rise upward and parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the lining system within the planned limits of waste disposal.

V.E.3.b.iv. Primary Liner System

The primary lining system shall overlie the leak detection system and consist of a three (3) foot recompacted clay liner overlain by a sixty (60) mil, HDPE synthetic liner. The recompacted clay liner shall have a laboratory, hydraulic conductivity of 1 x 10^{-7}cm/sec or less and extend across the entire bottom of the module. The sixty (60) mil, HDPE liner shall cover the primary recompacted clay liner, and extend up all the side walls of the module. The synthetic liner shall be anchored in such a manner as to prevent movement of or pull out of the liner due to daily operations or subsurface settlement forces. The slope of the primary system on the floor of the landfill shall be at least 2%.

V.E.3.b.v. Leachate Collection System

The leachate collection system shall overlie the primary lining system and

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consist of one (1) foot of clean (free of clods and deleterious materials), silicious gravel covering the bottom of the module. The underlying HDPE primary liner shall be protected by a geotextile. The gravel shall have an equivalent permeability of 1×10^{-2} cm/sec or greater. The gravel shall be covered with an appropriate filter fabric to prevent clogging of the gravel. A HDPE drainage net shall cover all the side slopes of the module and extend into the bottom gravel layer. The drainage net shall have the same covering filter fabric as used for the gravel layer. The riser pipe from the leachate collection sump shall rise upward parallel to the side slope of the module and exit the module in such a manner as not to penetrate any of the module lining system. The side slope drainage net and geotextile shall be anchored in such a manner as to prevent movement or pullout of the fabric and net due to daily operations and subsurface settlement forces. Details of the leak detection, primary lining and leachate collection systems are displayed on the approved design drawings.

V.E.3.c. Materials Specifications Quality Assurance and Quality Control

The Permittee must use laboratories appropriately accredited by the Administrative Authority for the testing associated with construction of new modules for Landfill Cell 8 in accordance with LAC 33:I.Subpart 3. This information must be provided to the Administrative Authority in the "as-built reports" for the individual modules of Cell 8.

The materials and the quality assurance/quality control procedures to be used in the construction of the hazardous waste landfill are as stated in the "Revised Guidance Documents for Quality Assurance for the Installation of the Lining Systems," dated February 16, 2010. Any revisions hereafter must be submitted to the Administrative Authority for approval.

V.E.4. Closure/Post-Closure

Closure/post-closure of Landfill Cell 8 shall be in accordance with Conditions III.O and V.I~~G~~ of this permit and the closure/post-closure plan referenced in Attachment 1.

V.E.4.a. The final closure height for Landfill Cell 8 shall not exceed + 92.1 National Geodetic Vertical Datum (NGVD). The Permittee must cover the landfill with a final cover designed and constructed to:

V.E.4.a.i. provide long-term minimization of migration of liquids through the closed landfill;

V.E.4.a.ii. function with minimum maintenance;

V.E.4.a.iii. promote drainage and minimize erosion or abrasion of the cover;

V.E.4.a.iv. accommodate settling and subsidence so that the cover's integrity is maintained; and

V.E.4.a.v. have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

V.E.4.b. After final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519-3527, including maintenance and monitoring throughout the post-closure care period (specified in Condition V.I~~G~~ and LAC 33:V.3521.A.1). The Permittee must:

V.E.4.b.i. maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

V.E.4.b.ii. maintain and monitor the leak detection system in accordance with LAC 33:V.2503.L.4.d, 2503.L.5, and 2507.D, where such a system is present between double liner systems and comply with all other applicable leak detection system requirements of LAC 33:V.Subpart 1;

V.E.4.b.iii. continue to operate the leachate collection and removal system until leachate is no longer detected;

V.E.3.b.iv. maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of LAC 33:V.Chapter 33;

V.E.4.b.v. prevent run-on and run-off from eroding or otherwise damaging the final cover; and

V.E.4.b.vi. protect and maintain surveyed benchmarks used in complying with LAC 33:V.Chapter 33.

V.E.4.c. Within sixty (60) days of completion of closure of each module for landfill Cell 8, and within sixty (60) days of completion of final closure, the Permittee shall submit a certification that the hazardous waste management unit or facility has been closed in accordance with specifications in the approved closure plan as required by LAC 33:V.3517. The certification must be signed by the Permittee and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Administrative Authority upon request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V.3707.

V.E.4.d. A survey plot must be submitted to the local zoning authority or the authority with jurisdiction over local land use, and the Administrative Authority no later than the submission of the certification of closure as required by LAC 33:V.3517.B.

V.E.4.e. During the post-closure care period, if liquid leaks into the leak detection system installed under LAC 33:V.3305, the Permittee must notify the Office of Environmental Services of the leak in writing within seven (7) days after detecting the leak.

V.F. OIL RECOVERY UNITS

V.F.1. Description of Oil Recovery Units

The permit conditions as set forth under this Condition shall apply to the Oil Recovery Units designated in Table 23.

V.F.2. Permitted and Prohibited Waste

V.F.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the Oil Recovery Units to separate recoverable oils listed in the Waste Analysis Plan (see Attachment 1) and identified in the most current Part A Permit Application that ~~is~~are categorized as one of the following wastes:

V.F.2.a.i. drilling fluids

V.F.2.a.ii. refinery tank bottoms

V.F.2.a.iii. commercially exempt waste

V.F.2.a.iv. other miscellaneous hazardous and non-hazardous waste

V.F.2.b. Prohibited Waste

The Permittee is prohibited from processing waste that is not identified in Condition V.F.2.a of this Permit. The Permittee must submit a permit modification request to manage additional wastes and receive approval by the Administrative Authority.

V.F.3. General Design, Operating, and Maintenance Requirements

V.F.3.a. The permitted Oil Recovery Units and associated equipment shall be operated and maintained in accordance with all applicable sections of LAC 33:V.Chapter 32 and the specifications, design criteria, design limits approved by

this permit and/or the Administrative Authority.

V.F.3.b. The Permittee must use controls and practices to maintain the containment areas for the Oil Recovery Unit Area to prevent run-on and run-off.

V.F.3.c. The Permittee shall maintain the Oil Recovery Unit Area in a manner that minimizes the possibility of fire, explosion, or any unplanned, sudden or non-sudden releases of hazardous waste constituents to air, soil, or surface water that might threaten human health or the environment in accordance with LAC 33:V.1511.B.

V.F.3.d. The Permittee shall not process more than 126,000 gallons per day of waste per unit.

V.F.4. Operating Requirements

V.F.4.a. The proposed Oil Recovery Unit, Oil Recovery Unit Area, and associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 32, the specifications, design criteria, and design limits in the Permit Application, Condition II.E.25.d of this Permit, and the air permit.

V.F.4.b. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

V.F.4.c. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in LAC 33:V. Chapter 17 and the air permit.

V.F.5 Inspections

V.F.5.a. Requirements

V.F.5.a.i. The Permittee shall inspect the Oil Recovery Units, the Oil Recovery Unit Area, and associated equipment in accordance with the Inspection Plan (see Attachment 1). The Permittee shall complete the following as part of these inspections:

V.F.5.a.i.(1) The Oil Recovery Units, the Oil Recovery Unit Area, and associated equipment shall be subject to a daily thorough, visual inspection by the Permittee, whenever the unit contains hazardous waste. The purpose of these inspections shall be to

identify leaks, spills, fugitive emissions, and signs of tampering.

V.F.6 Recordkeeping

V.F.6.a. Inspections

V.F.6.a.i. The Permittee shall document in the operating record for the facility inspection of those items in Condition V.F.5 of this Permit.

V.F.6.a.i.(1) The daily and weekly log sheets shall include all inspected areas.

V.F.6.a.i.(2). The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.F.6.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.F.7. Response to Leaks and Spills

V.F.7.a. The Permittee must properly manage all spilled or leaked waste and accumulated precipitation associated with the Oil Recovery Unit Area, and all other associated equipment and structures.

V.F.7.a.i. Any collected spilled or leaked waste that is a hazardous waste must be managed as a hazardous waste in accordance with all applicable requirements. Spilled or leaked waste must be removed in as timely a manner as is necessary to prevent overflow of the spilled and leaked waste collection system.

V.F.7.a.ii. Contact storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority. Accumulated precipitation must be removed in a timely manner to prevent overflow of the accumulated precipitation collection system.

V.F.8. Monitoring and Calibration

V.F.8.a. Requirements

V.F.8.a.i. The applicable continuous monitoring system (CMS) to the unit shall be installed, operated, and maintained in accordance with the manufacturer's specifications, this permit, and the air permit, when hazardous waste is in the unit.

V.F.8.a.ii. At a minimum, the Permittee shall analyze values from the

continuous parameter monitoring system (CPMS) every fifteen (15) seconds and compute and record the average values at least every sixty (60) seconds for an hourly rolling average basis for the treatment process and closed-vent system that indicate proper system operation.

V.F.8.a.iii. The Administrative Authority may request data be submitted in any format or units that facilitates the completion of air modeling, risk assessment, or compliance procedures.

V.F.8.a.iv. Monitoring samples and measurements 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 specified in LAC 33:V.Chapter 49.Appendix D, 40 CFR 61 Subpart FF, or an equivalent method approved by the Administrative Authority.

Other sampling and analytical methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, as revised, or equivalent methods.

V.F.8.a.v. The Permittee must calibrate all continuous monitoring equipment according to the manufacturer's specifications and any applicable state regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for review by the Administrative Authority.

V.F.9. Air Emission Control Equipment Standards

See Condition II.E.25.f of this Permit and the air permit.

V.F.10. Closure and Post-Closure

V.F.10.a. The Permittee shall close the Oil Recovery Units, the Oil Recovery Unit Area, and all other associated equipment according to the requirements specified in LAC 33:V.Chapters 32 and 35 and in accordance with the Closure Plan (see Attachment 1).

V.F.10.b. At closure, the Permittee must attempt to clean close and remove all hazardous waste and residues from the Oil Recovery Units, the Oil Recovery Unit Area, and all other associated equipment. If the Oil Recovery Unit Area cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment; or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period.

V.F.10.c. If the facility cannot be clean closed, the Permittee shall submit a Post-Closure Plan that meets the requirements of LAC 33:V.3523.B. for approval by the Administrative Authority.

V.F.10.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the clean-closure confirmatory sampling procedures prior to the commencement of closure based upon the wastes historically managed at the unit.

V.G. THERMAL DESORBER UNITS

V.G.1. Description of Thermal Desorber Units

The permit conditions as set forth under this Condition shall apply to the Thermal Desorber Units designated in Table 24.

V.G.2. Permitted and Prohibited Waste

V.G.2.a. Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to utilize the Thermal Desorber Units to separate organic constituents from a waste stream by volatizing and condensing the organic components, which would allow for the the recovery or disposal of the contaminants. The waste stream is listed in the Waste Analysis Plan (see Attachment 1) and identified in the most current Part A Permit Application that is categorized as one of the following wastes:

V.G.2.a.i. contaminated tank bottoms

V.G.2.a.ii. sludge

V.G.2.a.iii. catalyst slurry oil

V.G.2.a.iv. other miscellaneous hazardous and non-hazardous waste

V.G.2.b. Prohibited Waste

The Permittee is prohibited from treating waste that is not identified in Condition V.G.2.a of this Permit. The Permittee must submit a permit modification request to manage additional wastes and receive approval by the Administrative Authority.

V.G.3. General Design, Operating, and Maintenance Requirements

V.G.3.a. The Thermal Desorber Units and associated equipment shall be operated

32 and the specifications, design criteria, design limits approved by the Administrative Authority.

V.G.3.b. The Permittee must use controls and practices to maintain the containment areas for the Themal Desorber Unit Area to prevent run-on and run-off.

V.G.3.c. The Permittee shall maintain the Thermal Desorber Unit Area in a manner that minimizes the possibility of fire, explosion, or any unplanned, sudden or non-sudden releases of hazardous waste constituents to air, soil, or surface water that might threaten human health or the environment in accordance with LAC 33:V.1511.B.

V.G.3.d. The Permittee shall not treat more than 165 tons per day of waste per unit.

V.G.4. Operating Requirements

V.G.4.a. The Thermal Desorber Units, Thermal Desorber Unit Area, and associated piping, pumps, instruments, containment, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 32, the specifications, design criteria, and design limits in the Permit Application, Condition II.E.25.e of this Permit, and the air permit.

V.G.4.b. The Permittee must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visual emissions in accordance with the air permit. This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

V.G.4.c. The Permittee shall operate and maintain all particulate collection devices in accordance with sound air pollution control practices as detailed in the LAC 33:V. Chapter 17 and the air permit.

V.G.5 Inspections

V.G.5.a. Requirements

V.G.5.a.i. The Permittee shall inspect the Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment in accordance with the Inspection Plan (see Attachment 1). The Permittee shall complete the following as part of these inspections:

V.G.5.a.i.(1) The Thermal Desorber Units, Thermal Desorber Unit Area, and associated equipment shall be subject to a daily

thorough, visual inspection by the Permittee, whenever the unit contains hazardous waste. The purpose of these inspections shall be to identify leaks, spills, fugitive emissions, and signs of tampering.

V.G.6 Recordkeeping

V.G.6.a. Inspections

V.G.6.a.i. The Permittee shall document in the operating record for the facility inspection of those items in Condition V.G.5 of this Permit.

V.G.6.a.i.(1) The daily and weekly log sheets shall include all inspected areas.

V.G.6.a.i.(2). The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.G.6.a.i.(3) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.G.7. Response to Leaks and Spills

V.G.7.a. The Permittee must properly manage all spilled or leaked waste and accumulated precipitation associated with the Thermal Desorber Unit Area, and all other associated equipment and structures.

V.G.7.a.i. Any collected spilled or leaked waste that is a hazardous waste must be managed as a hazardous waste in accordance with all applicable requirements. Spilled or leaked waste must be removed in as timely a manner as is necessary to prevent overflow of the spilled and leaked waste collection system.

V.G.7.a.ii. Contact storm water shall be managed and discharged through a properly permitted NPDES wastewater treatment system or other disposal method authorized by the Administrative Authority. Accumulated precipitation must be removed in a timely manner to prevent overflow of the accumulated precipitation collection system.

V.G.8. Monitoring and Calibration

V.G.8.a. Requirements

V.G.8.a.i. The applicable continuous monitoring system (CMS) to the unit shall be installed, operated, and maintained in accordance with the manufacturer's specifications, this permit, the air permit, and the

manufacturer's specifications, this permit, the air permit, and the applicable sections of LAC 33:V.1709.H.

V.G.8.a.ii. At a minimum, the Permittee shall analyze values from the continuous parameter monitoring system (CPMS) every fifteen (15) seconds and compute and record the average values at least every sixty (60) seconds for an hourly rolling average basis for the treatment process and closed-vent system that indicate proper system operation.

V.G.8.a.iii. The Administrative Authority may request data be submitted in any format or units that facilitates the completion of air modeling, risk assessment, or compliance procedures.

V.G.8.a.iv. Monitoring samples and measurements 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 specified in LAC 33:V.Chapter 49.Appendix D, 40 CFR 61 Subpart FF, or an equivalent method approved by the Administrative Authority.

Other sampling and analytical methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, as revised or equivalent methods.

V.G.8.a.v. The Permittee must calibrate all continuous monitoring equipment according to the manufacturer's specifications and any applicable state or federal regulations. Calibration procedures shall be included in the operating record of the facility and available at all times for review by the Administrative Authority.

V.G.9. Air Emission Control Equipment Standards

See Condition II.E.25.f of this Permit and the air permit.

V.G.10. Closure and Post-Closure

V.G.10.a. The Permittee shall close the Thermal Desorber Units, the Thermal Desorber Unit Area, and all other associated equipment according to the requirements specified in LAC 33:V.Chapters 32 and 35 and in accordance with the Closure Plan (see Attachment 1).

V.G.10.b. At closure, the Permittee must attempt to clean close and remove all hazardous waste and residues from the Thermal Desorber Units, the Thermal Desorber Unit Area, and all other associated equipment. If the Thermal Desorber Unit Area cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment:

or if any waste residue or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 and 3527, including maintenance and monitoring throughout the post-closure care period

V.G.10.c. If the facility cannot be clean closed, the Permittee shall submit a Post-Closure Plan that meets the requirements of LAC 33:V.3523.B, for approval by the Administrative Authority.

V.G.10.d. The Administrative Authority may re-evaluate the adequacy of the closure plan and/or the clean-closure confirmatory sampling procedures prior to the commencement of closure based upon the wastes historically managed at the unit.

V.~~F~~H. AIR EMISSION STANDARDS

V.~~F~~H.1. Performance Standards for Equipment Leaks

V.~~F~~H.1.a. The Oil Recovery Unit Area and the Thermal Desorber Unit Area must be equipped with operating air emissions controls in accordance with LAC 33:V.1705.A.3 and 40 CFR 61 Subpart FF – Benzene Waste Organic NESHAP (BWON). The facility must maintain documentation of compliance in the facility operating record.

V.H.1.b. The remaining facility is exempt from LAC 33:V.Chapter 17 Subchapter B in accordance with LAC 33:V.1717.B. No equipment that contains or contacts hazardous waste with organic concentrations of at least ten (10) percent by weight shall be managed at the facility.

V.~~F~~H.1.c~~b~~. The facility must maintain an exemption log in the facility operating record in accordance with LAC 33:V.1743.K.

V.~~F~~H.2. Standards for Tanks

V.~~F~~H.2.a. Existing Hazardous Waste Storage Tanks

Tanks T-502, T-503, T-504 A, T-504 B, T-505, T-506, T-903, T-904, T-905, T-906, and T-907 are exempt from LAC 33:V.Chapter 17 Subchapter C in accordance with LAC 33:V.1751.C.1. No hazardous waste entering Tanks T-502, T-503, T-504 A, T-504 B, T-505, T-506, T-903, T-904, T-905, T-906, and T-907 shall have an average volatile organic concentration, at the point of waste origination, greater than 500 parts per million by weight.

V.~~F~~H.2.a.i. The average volatile organic concentration shall be determined in accordance with the procedures in LAC 33:V.1753.A.

V.HF.2.a.ii. The facility shall review and update, as necessary, the volatile organic concentration determination once every twelve (12) months.

V.HF.2.a.iii. In accordance with LAC 33:V.1765.F, the facility shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the facility shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of LAC 33:V.1753.

V.HF.2.b. Proposed Hazardous Waste Storage Tanks

See Condition II.E.25.fe of this Permit.

V.HF.2.c. Existing Hazardous Waste Treatment Tanks

V.HF.2.c.i. Tanks T-303, T-304, and T-306 are exempt from LAC 33:V.Chapter 17 Subchapter C in accordance with LAC 33:V.1751.C.1. No hazardous waste entering Tanks T-303, T-304, and T-306 shall have an average volatile organic concentration, at the point of waste origination, greater than 500 parts per million by weight.

V.HF.2.c.i.(1) The average volatile organic concentration shall be determined in accordance with the procedures in LAC 33:V.1753.A.

V.HF.2.c.i.(2) The facility shall review and update, as necessary, the volatile organic concentration determination once every twelve (12) months.

V.HF.2.c.i.(3) In accordance with LAC 33:V.1765.F, the facility shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the facility shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of LAC 33:V.1753.

V.HF.2.c.ii. Building 302, which houses Tanks T-303, T-304, and T-306, shall be maintained closed when treatment operations are being conducted.

V.HF.2.c.iii. A ventilation system shall continuously exchange the air in Building 302 and route the air from Building 302 to a baghouse filter system when treatment operations are being conducted.

V.HF.2.c.iii.(1) Dust generated by the baghouse system shall be returned to Tanks T-303 and T-304 for reuse in the treatment process.

V.HF.2.c.iv. A negative pressure shall be maintained in Building 302 whenever treatment operations are being conducted.

V.HF.2.d. Proposed Hazardous Waste Treatment Tanks

See Condition II.E.25.fe of this Permit.

V.HF.3. Standards Ffor Container Storage Areas

V.HF.3.a. The Permittee shall comply with the applicable requirements of LAC 33:V.1747 to 1799 for the permitted container storage areas, as listed in Table 286.

V.H.4. Standards for Proposed Oil Recovery Units

V.H.4.a. The Permittee shall comply with the applicable requirements of LAC 33:V.Chapter 17, Subchapters B and C, and the air permit for the Oil Recovery Units.

V.H.5. Standards for Proposed Thermal Desorber Units

V.H.5.a. The Permittee shall comply with the applicable requirements of LAC 33:V.Chapter 17, Subchapters B and C, and the air permit for the Thermal Desorber Units.

TABLE 2~~8~~6
Air Emission Controls for Containers

CONTAINER STORAGE AREA	LAC REFERENCE(S)	AIR EMISSION CONTROLS
Building 201	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 202	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 205	See Condition II.E.25.~~e~~f of this Permit	
Building 204	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 801	LAC 33:V.1759.A, B, C, D, F, G, and H; LAC 33:V.1763-1767	Level 1 and Level 2
Building 802	See Condition II.E.25.~~e~~f of this Permit	

V.I~~G~~. PERMIT CONDITIONS APPLICABLE TO THE PERMITTED CLOSED POST-CLOSURE UNITS

V.I~~G~~.1. Post-Closure Care Period

Upon the effective date of this permit the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527, including maintenance and monitoring, for each of the hazardous waste management units (Landfill Cells 5, 6, 7, 14, and 8, at final closure), as specified in this permit. The post-closure care period will be in effect for the period of thirty (30) years, unless extended or shortened by the Administrative Authority, as specified in LAC 33:V.3521.A.1 and 2.

V.I~~G~~.2. Post-Closure Maintenance

After final closure, the owner or operator must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527 and Permit Condition III.P of this permit, including maintenance and monitoring throughout the post-closure care period specified

in Condition V.I~~G~~.1 and LAC 33:V.3521.A.1. The owner or operator must:

V.I~~G~~.2.a. maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

V.I~~G~~.2.b. maintain and monitor the leak detection system in accordance with LAC 33:V.2503.L.4.d, 2503.L.5, and 2507.D, where such system is present between double liner systems and comply with all other applicable leak detection system requirements of LAC 33:V.Subpart 1;

V.I~~G~~.2.c. continue to operate the leachate collection and removal system until leachate is no longer detected;

V.I~~G~~.2.d. maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of LAC 33:V.Chapter 33;

V.I~~G~~.2.e. manage a run-on and run-off control system to prevent erosion and other damage to the final cover;

V.I~~G~~.2.f. protect and maintain surveyed benchmarks used in complying with LAC 33:V.Chapter 33;

V.I~~G~~.2.g. for all closed permitted landfill units, maintain the cover with a final cover designed, constructed and maintained to:

V.I~~G~~.2.g.i. provide long-term minimization of migration of liquids through the permitted landfill cells,

V.I~~G~~.2.g.ii. function with minimal maintenance at all permitted landfill units,

V.I~~G~~.2.g.iii. promote drainage and minimize erosion or abrasion of the final cover at all permitted landfill units,

V.I~~G~~.2.g.iv. accommodate settling and subsidence, as necessary, so that the cover's integrity is maintained for all permitted landfill units, and

V.I~~G~~.2.g.v. have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

The annual report shall include a Post-Closure activity report.

During the post-closure care period, if liquid is present in a leak detection system installed under LAC 33:V.3305, and collects at a rate above the action leakage rate (where such a rate has been established) or above two standard deviations from the mean

of historic data (where action leakage rates have not been established), the Permittee must notify the Office of Environmental Services of the leakage rate in writing within seven (7) days after determining the leakage rate.

V.I~~G~~.3. Post-Closure Restrictions

The Administrative Authority may require, at partial and final closure, continuation of any of the security requirements of LAC 33:V.1507, during part or all of the post-closure period when access by the public or domestic livestock may pose a hazard to human health.

The Permittee must post warning signs at each entrance to the closed units, in accordance with LAC 33:V.3521.B and LAC 33:V.1507.K.

V.I~~G~~.4. Post-Closure Property or Site Use

Post-closure use of property on or in which hazardous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of the containment system, or the function of the permitted closed unit's monitoring systems, unless the Administrative Authority finds that the disturbance:

V.I~~G~~.4.a. is necessary to the proposed use of the property and will not increase the potential hazard to human health or the environment; or

V.I~~G~~.4.b. is necessary to reduce a threat to human health or the environment.

Any post-closure activity other than that specified in this permit must have prior approval of the Administrative Authority.

V.I~~G~~.5. Post-Closure Contact

The Permittee shall provide the name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period.

V.I~~G~~.6. Post-Closure Notices

V.I~~G~~.6.a. The Permittee shall maintain, on site, a certification, signed by the Permittee, that he has recorded the notation as specified by LAC 33:V.3517 and maintain a copy of the document in which the notation has been placed.

V.I~~G~~.6.b. If the Permittee or any subsequent Permittee of the land upon which these hazardous waste disposal units is located wishes to remove hazardous wastes and hazardous waste residues, the liner (if any), or contaminated soils, then he or she must request a modification to the post-closure permit in accordance with the applicable requirements in LAC 33:V.Chapters 3 and 7. The

Permittee must demonstrate that the removal of hazardous wastes will satisfy the criteria of LAC 33:V.3521. By removing hazardous waste, the Permittee may become a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33:V.Subpart 1. If the Permittee is granted a permit modification or otherwise granted approval to conduct such removal activities, the Permittee may request that the Administrative Authority approve either:

V.I~~G~~.6.b.i. the removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

V.I~~G~~.6.b.ii. the addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

V.I~~G~~.7. Certification of Completion of Post-Closure Care

No later than sixty (60) days after completion of the established post-closure care period for each hazardous waste disposal unit(s), the Permittee must submit to the Administrative Authority, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the Permittee and an independent Louisiana registered professional engineer. Documentation supporting the independent Louisiana registered professional engineer's certification must be furnished to the Administrative Authority upon request until the Administrative Authority releases the Permittee from the financial assurance requirements for post-closure care under LAC 33:V.3711.I.

VI. GROUND WATER PROTECTION

VI.A. APPLICABILITY

The regulation of LAC 33:V. Chapters 3, 5, 15, 25, 33, and 35, LAC 33:I. Chapter 39, and Louisiana Water Control Law, R.S., 30:2203 and 2076 of the Environmental Quality Act, R.S., 30:2001 et seq., and the provisions of this section shall apply to ground water protection programs at Chemical Waste Management, Incorporated, located in Carlyss, Louisiana. All requirements and conditions of this section must be satisfied and shall apply during the active life of the facilities. This includes compliance, closure, and post-closure care periods. The regulated units are identified as:

VI.A.1. Landfill Cell 5 – clay lined landfill.

VI.A.2. Landfill, Cell 14 – double composite liner system (2 clay liners and 2 synthetic liners) landfill.

VI.A.3. Landfill, Cell 6 – double composite liner system (2 clay liners and 2 synthetic liners) landfill.

VI.A.4. Landfill, Cell 7 – double composite liner system (2 clay liners and 2 synthetic liners.

VI.A.5. Landfill, Cell 8 – double composite liner system (2 clay and 2 synthetic liners) landfill that consist of the currently constructed modules and modules that are scheduled for construction in the future.

VI.B. REQUIRED PROGRAM

The Permittee must continue to conduct detection monitoring from the existing well system for Cells 5, 14, 6, 7, and 8 and must commence construction and operation of the detection monitoring systems for modules south of the southern boundaries of Modules 3 and 4 and prior to waste placement in Module 5 as shown in the approved design drawings for Cell 8, and as outlined in Condition VI.H of this permit. If required, Compliance Monitoring (Permit Condition VI.I) and/or Corrective Action Monitoring (Permit Condition VJ~~I~~.J) programs will be initiated in accordance with the permit. All wells, listed in Table 29~~7~~ must be monitored, and all piezometers listed on Table 29~~7~~ must be measured for water levels unless exempted from the program at a later date by the administrative authority. All wells and piezometers, must be maintained, protected from moving equipment, and cannot be abandoned unless exempted from the program at a later date by the Administrative Authority.

In accordance with LAC 33:V.3305.D, leachate monitoring systems shall be established (for new landfill modules) and maintained (for existing landfill modules) as described in ConditionV.E.2, and V.E.3 of this permit, regarding riser pipe location and construction, and pumping systems. In accordance with LAC 33:V.3305.E, air monitoring is described in Condition V.E.2.a.xiii.

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VI.C. GROUNDWATER PROGRAM

VI.C.1. For existing wells, the Permittee must utilize and maintain the present groundwater monitoring system listed in Table 29~~7~~ of this permit. Facility monitoring wells designated F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW02BS, and MW02BD are designated upgradient wells for all regulated units as listed in Condition VI.A. Monitoring wells F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11 and D01B are designated downgradient of Cell No. 5 and shall serve as the point of compliance for Cell No. 5. Monitoring wells F26, F27, F28, F29, F38, F39, F40, and D02A are designated downgradient of Cell No. 14 and shall serve as the point of compliance for Cell No. 14. Monitoring wells F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, and F45, are designated downgradient of Cell No. 6 and shall serve as the point of compliance for Cell No. 6. Monitoring wells F17, F18, F19, F20, F21, F22, F23, F24, F25, and E03 are designated downgradient of Cell No. 7. Facility monitoring wells G-28, G-29, and G-30 are designated upgradient wells for Cell 8. Monitoring wells G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35 and G-36 are designated downgradient of Phase I of Cell No. 8 (Modules 1, 2, 3, and 4) and shall serve as the point of compliance for Phase I (Modules 1, 2, 3, and 4) of Cell No. 8. ~~Future~~ M~~m~~onitoring wells G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, and G-21 are designated as ~~proposed~~ downgradient monitoring wells ~~and shall be installed prior to placement of waste in Module 5 as shown on the approved design drawings~~ for ~~Cell 8. Wells M03A,~~ MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, ~~GP02, GP03, GP04, GP05, GP06, GP07,~~ and ~~GP08~~ must be maintained as piezometers to monitor water levels inside and outside the slurry trench in the Lower Pervious Zone ~~along with Piezometer G-10, which provides water level data for the 60 Foot Sand on the south side of Cell 8 during placement of waste in Modules 1, 2, 3, and 4 of Cell No. 8 and prior to conversion of G-10~~. These Piezometers ~~along with G-10~~ provide water level data for the Lower Pervious Zone and the 60 Foot Sand surrounding Cell 8. If water level information indicates the potential for groundwater in the Lower Pervious Zone to flow from the landfill outward, additional evaluation and/or sampling may be required.

Procedures for future monitoring well construction, as well as for borehole abandonment, must conform to the standards and guidelines in the latest edition of "Construction of Geotechnical Boreholes and Groundwater Monitoring Systems Handbook" prepared by the Louisiana Department of Environmental Quality and the Louisiana Department of Transportation and Development, dated December 2000 (or subsequent revisions) as required in Condition VI.K~~L~~.

The Permittee must comply with conditions specified in this permit that are designed to ensure that hazardous waste and hazardous waste constituents do not exceed the Practical Quantitation Limits (PQL) as specified in Tables 31 and 33.~~29 and 30.~~

VI.C.2. The Permittee must utilize and maintain the present ground water monitoring system referenced in Condition VI.C.1 and identified in Table 29~~7~~. In addition, all

monitoring wells must be maintained so that surface infiltration is prohibited and ground water samples are generated that are representative of the monitored zone.

VI.C.3. The Permittee must also conduct field measurements, in quadruplicate, of pH and Specific Conductance (conventional parameters, see Table 30~~28~~) as standard indicators of ground water quality, each time a well is sampled. The results must be interpreted and reported per Condition VI.C.4 of this permit.

VI.C.4. The Permittee must adhere to the Sampling and Analysis Plan outlined below:

VI.C.4.a. All wells, other than piezometers, must be sampled semi-annually and annually, as referenced in Tables 31 and 32~~29 and 30~~ and the samples managed and tested as required under this Condition. The analytical results must be submitted to the administrative authority within 90 days after completion of the groundwater sampling event. Additionally, monitoring results must be compiled in reportable form and maintained on site by the Permittee for review at any time by Departmental personnel, until submitted to the Administrative Authority with the groundwater monitoring report. However, if subsequent contamination to groundwater is discovered, then reporting must be in accordance with Conditions VI.D and VI.H of this permit as applicable. Single samples will be obtained for analysis of the parameters in Tables 31 and 32~~29 and 30~~; only field determinations of pH and specific conductance will be made in quadruplicate.

VI.C.4.b. All monitoring wells and piezometers must be measured for total depth at least once per year. Wells with dedicated pumps which prohibit direct total depth measurement must be measured for total depth biennially (every other year). To accomplish these measurements, it shall be acceptable to use a permanently installed weighted stainless steel cable marked at the bottom depth when first installed. Acceptable subsequent measurements can then be referenced to the original cable mark. Depth to water must be measured on the same day and prior to purging. All measurements (total depth and depth to water) must be to the nearest 0.01 foot, and the values must be recorded in field notes and reproduced and submitted in the Groundwater Annual Report in accordance with LAC 33:V.1529.D. If 10% of the screened interval is blocked by sediments, the well must be redeveloped prior to the next required sampling event.

VI.C.4.c. Purging must be accomplished by removing a minimum of three casing volumes of groundwater from the well at a rate equal to or less than the recharge rate of the aquifer. The well must be sampled immediately upon purging and/or when sufficient water for sampling has recharged the well. Purging and sampling methods must be consistent throughout the life of the facility.

VI.C.4.d. Samples must be withdrawn using dedicated or adequately cleaned equipment for each well. No equipment or method may be used that will chemically or physically alter or influence the sample. Care must be taken to avoid placing clean sampling equipment on the ground or on any contaminated

surface. Sampling methods and equipment must be compatible throughout the active life of the facility.

VI.C.4.e. Sample preservation, handling and containerization must meet the specifications of the Test Methods for Evaluating Solid Waste Physical/Chemical Methods 3rd Ed. (EPA Publication Number SW-846), 1986, as amended) or an equivalent substitute as approved by the Administrative Authority (see Table 30~~28~~).

VI.C.4.f. Analytical methods equivalent to SW-846 (or analyses for parameters not listed in SW-846) must be approved by the Administrative Authority prior to implementation.

VI.C.4.g. A chain of custody protocol must be employed that will allow for the tracing of possession and handling of samples from the time of collection through laboratory analysis. All sample containers must be labeled to prevent mis-identification, have proper seals, and indicate the test parameters required.

VI.C.4.h. Up-to-date field logs must be kept at the site which documents for each sample the well identification number, total well depth, water level, water color (visual), well evacuation procedures and equipment, sample withdrawal procedures and equipment, date, time, sample identification numbers, field measurements (pH, specific conductance, etc.) and methods, name of collector, field observations, calculations of the standing water volume in the well, and the total volume evacuated.

VI.D. HAZARDOUS CONSTITUENTS, PARAMETERS, ANALYTICAL FREQUENCY, AND CONCENTRATION LIMITS

VI.D.1. The monitoring wells, hazardous constituents, semi-annual and annual sampling frequency, and PQLs are referenced in Conditions VI.C.1 and Tables 29, 31, and 32.~~27, 29, and 30.~~

The Permittee shall continue detection monitoring and shall notify the Administrative Authority in accordance with the schedule specified in Condition VI.H, when any laboratory analytical result for a detection monitoring parameter referenced in Tables 31 and 32 ~~29 and 30~~ from groundwater obtained from wells listed in Table 29~~7~~ or from any other monitoring wells at the site, exceeds the appropriate PQL referenced in Tables 31 and 32 ~~29 and 30~~ and has been verified by resampling and reanalysis to exceed this PQL at the points of compliance. In the event that compliance monitoring and/or corrective action is required pursuant to this Section, the Permittee shall institute corrective actions in all areas where groundwater has been affected by releases from a regulated unit of hazardous wastes or constituents exceeding the established groundwater protection standards and implement corrective measures in other areas impacted by the regulated units which may be discovered to exceed these limits in the future.

If, at any time, it is determined that any detection monitoring parameter concentration is a result of past or present facility operations or other non-naturally occurring conditions, the Permittee must submit to the Administrative Authority, within ninety (90) days of the determination, a request for a permit modification in accordance with LAC 33:V.321. This modification must include a plan to initiate assessment actions, which will include delineation of the vertical and horizontal extent of the ground water contamination, and will institute or extend corrective actions for impacted zones.

VI.D.2. If the owner or operator determines, pursuant to LAC 33:V.3319.D, that the PQLs under this Condition are being exceeded at any well, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. In making a demonstration under this Condition, the owner or operator must follow the provision established in LAC 33:V.3319.I.

VI.E. POINT OF COMPLIANCE

The points of compliance at which the groundwater protection standard of LAC 33:V.3305.A apply at which monitoring must be conducted are the vertical intervals intercepted by the monitor well screens as identified in Table 2~~9~~7.

VI.F. COMPLIANCE PERIOD

The compliance period during which the ground water protection standard of LAC 33:V.3305.A applies is the active life of the regulated units, and the thirty (30) years of post-closure monitoring, or as required by the administrative authority, if a unit is not clean closed. The compliance period begins when a compliance monitoring program meeting the requirements of Condition VI.I of this permit is initiated.

If a unit is clean closed then the compliance period is the active life of the unit and the post-closure monitoring as specified by the Administrative Authority. In the event of a release from a regulated unit, the compliance period is the active life of the unit, the duration of the corrective action to remediate the release, and three (3) additional consecutive years after an acceptable clean up level has been achieved. If termination of the corrective action and/or post corrective action monitoring occurs within the thirty (30) year post-closure monitoring period, then the Permittee must revert back to post-closure monitoring as described in this Condition or a monitoring schedule as specified by the administrative authority.

VI.G. GENERAL REQUIREMENTS

VI.G.1. The Permittee's groundwater monitoring system for the hazardous waste management facilities identified in Condition VI.A shall consist of all monitoring wells referenced in Conditions VI.C.1 and Table 2~~9~~7 of this Condition, unless exempted in the future by the Administrative Authority. In addition, water levels will be measured in piezometers referenced in Table 2~~9~~7.

VI.G.2. Upgradient wells F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW2BS, MW02BD, G-28, G-29, and G-30 must always yield groundwater samples that are representative of groundwater that has not been affected by possible leakage from the waste management units. Downgradient wells F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11 D01B, F26, F27, F28, F29, F38, F39, F40, D02A, F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, F45, F17, F18, F19, F20, F21, F22, F23, F24, F25, E03, G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35, and G-36 must represent the quality of groundwater beneath the facilities that reach the points of compliance. Downgradient Monitoring Wells for Phase 2 (Modules 5, 6, 7, 8, 9, and 10) of Cell 8 include G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, G-21 (See discussion in Condition VI.C.1). Piezometers M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, and GP08~~, G-10~~ must yield groundwater level data that is representative of the formation in which they are screened.

VI.G.3. The Permittee must maintain the structural and mechanical integrity of all monitoring wells and piezometers and provide protection from accidental damage and surface infiltration as well as implement a monitoring well inspection schedule. A written report on the damage to any well must be submitted to the administrative authority within 90 days of the inspection.

VI.G.4. The Permittee must conform to the sampling and analysis requirements listed in Conditions VI.C.4, herein, and as required by LAC 33:V.3305 and LAC 33:V.3315.A potentiometric map must be prepared and submitted on a semi-annual basis for the 60 Foot/Channel Sand. Additionally a map of groundwater levels, showing gradient direction(s) for the Lower Pervious Zone shall also be prepared and submitted on a semi-annual basis.

VI.G.5. The Permittee must use the statistical procedure outlined in Condition VI.H of this permit, and in accordance with LAC 33:V.3315.H.3 and I.4.

VI.G.6. The Permittee must also graphically represent the values of pH and specific conductance (i.e., conventional parameters, see Table 30~~28~~) and any parameters as applicable for each sampling episode. The graphic interpretations of data must be submitted with the analytical results in the annual report and should be utilized in evaluating facility impact on groundwater.

VI.G.7. Records of all sampling and analytical work must be maintained at the site during the life of the facilities, including post-closure care periods.

VI.G.8. The Permittee shall submit Semi-Annual Groundwater Reports by September 1st and March 1st of each year. The reports shall include the following: 1) a table showing well number, well depth. Interval screened, zone monitored, well diameter, screen and casing material (and the type pump, if applicable) for all wells; 2) a facility map showing all wells (e.g., up gradient, point of compliance, etc.) and identifying zones in which

wells are screened; 3) a scaled potentiometric surface showing well locations, groundwater elevations with respect to mean sea level for each monitored zone; 4) a summary of all analytical data, including QA/QC; 5) a statistical method (PQL's or Shewart-CUSUM control chart limits) shall be used in evaluating data for each hazardous constituent, as approved by the Administrative Authority; 6) for those hazardous constituents that have been detected as defined in LAC 33:V.3303.A.1 at the point of compliance as a result of a release from the regulated unit, a graphical representation of data pursuant to the statistical method employed for those constituents (The graphical representation must include: contaminant concentration isopleth maps and contaminant concentration versus time graphs, as applicable); 7) a discussion of any significant changes in the data from the last reporting period; 8) a discussion of the down time for any well or part of the system and actions taken to return the system to normal operations and maximum efficiency; and 9) evaluation of the effectiveness and progress of any corrective action associated with the permitted unit, if applicable.

An annual groundwater report must be submitted each year no later than March 1, as required by LAC 33:V.1529.D. This report shall include the requirements of the September 1st submittal and shall also summarize all groundwater activities for the preceding calendar year including an evaluation of the monitoring strategy in relation to the direction of groundwater flow and locations of wells associated with the regulated facilities. Applicable calculations must also include groundwater flow contaminant migration rates (as applicable), statistical comparisons, and any other information as required by this permit.

VI.H. DETECTION MONITORING PROGRAM

VI.H.1. All Monitoring wells listed in Conditions VI.C.1 and Table 29~~7~~ must be sampled for the parameters listed in Tables 31 and 32~~29 and 30~~ on a semi-annual and annual basis.

VI.H.2. For Detection Monitoring at existing monitoring wells as listed in Conditions VI.C.1 and Table 29~~7~~, the Permittee must utilize the groundwater detection monitoring system described in Condition VI.G to obtain samples that provide a reliable indication of the statistically significant presence of indicator parameters in groundwater, utilizing PQLs as set forth in Tables 31 and 32. ~~29 and 30.~~ As part of the statistical evaluation, verification resampling at wells that yield an initial test result greater than the PQL (or Shewart-CUSUM control chart limit for monitoring wells F13, F14, and F15), shall be done within 30 days after the sampling event. A statistically significant presence or change of an indicator parameter will only be declared if the verification resample also yields a result greater than the PQL in Tables 31 and 32~~29 and 30~~ or the Shewart-CUSUM control chart limit shown on Table 31~~29~~.

For Detection Monitoring at required monitoring wells associated with areas after completion of waste placement in Phase I and II modules of Cell No. 8, the Permittee must utilize the groundwater detection monitoring system described in Condition VI.G to obtain samples that provide a reliable indication of the statistically significant presence of naturally occurring indicator parameters in groundwater. Statistical methods shall

include prediction limits, Shewart-CUSUM control chart limits, or tolerance intervals, by order of preference, based upon the distribution of background concentrations or the presence of non-naturally occurring parameters at or above the PQLs listed in Tables 31 and 32. ~~29 and 30.~~ As part of the statistical evaluation, verification resampling at wells that yield initial results greater than the chosen statistical limit and/or PQL shall be done as soon as practical after reporting this initial result. A statistically significant presence of a naturally occurring parameter or a detection of a non-naturally occurring parameter above the parameter's PQL will only be declared if the verification resample also yields a result greater than the chosen statistical limit for a naturally occurring parameter or the PQL listed in Tables 31 and 32 ~~29 and 30~~ for a non-naturally occurring parameter.

VI.H.3. The system as described in Condition VI.C shall be sampled in accordance with the schedule in Condition VI.H.1 (semi-annually and annual). Background values for indicator parameters and PQL's for the existing monitoring well network have already been established, as shown in Tables 31 and 32~~29 and 30~~. For the natural occurrence of arsenic at wells F13, F14, and F15, Shewart-CUSUM control chart limits have been computed. Background values and PQLs for indicator parameters and other hazardous constituents will be updated with additional data to provide temporal variation. Parameters selected for analysis under the Detection Monitoring Program are presented in Tables 31 and 32~~29 and 30~~ of this permit with associated PQLs.

Within 90 days of the sampling event, the Permittee shall submit a report to the Administrative Authority containing test results, the statistical comparative data, and the groundwater potentiometric maps for the sampling event. Copies of the field logs and chain of custody, and a list of the parameters that were statistically significant above background concentrations for naturally occurring parameters or at or above the PQLs listed in Tables 31 and 32~~29 and 30~~ for non-naturally occurring parameters must be forwarded for review by the Administrative Authority.

VI.H.4. The sampling and analysis program outlined in Condition VI.C.4 must be utilized for groundwater sampling.

VI.H.5. If the Permittee determines that there are statistically significant changes in naturally occurring indicator parameters in Tables 31 and 32~~29 and 30~~ or concentrations of non-naturally occurring in parameters listed Tables 31 and 32~~29 and 30~~ as specified by the semi-annual and annual sampling schedule listed in Condition VI.H.1 at any monitoring well listed in Table 29~~7~~ and VI.C of this permit, the Permittee must notify the Administrative Authority of this finding in writing within seven (7) days indicating which parameters exhibit statistically significant change. The Permittee must also, within 30 days after the sampling event, sample the groundwater in all monitoring wells associated with the regulated unit listed in Table 29~~7~~, of this permit and determine whether constituents listed in LAC 33:V.3325.Table 4 are statistically present, and if so, in what concentrations.

For any LAC 33:V.3325.Table 4 compounds statistically present, at levels equal to or above PQL's, in the analysis, the owner or operator may resample within thirty (30) days

and repeat the analysis for those compounds statistically present. If the results of the second analysis confirm the initial results, then those constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds detected, the hazardous constituents detected during this initial LAC 33:V.3325.Table 4 analysis will become the compliance monitoring parameters.

VI.H.6. If the results of resampling do not confirm that an impact on groundwater has occurred, a report on this conclusion shall be submitted to the Administrative Authority and detection monitoring will continue before the next sampling event.

VI.H.7. If the results of resampling confirm the statistical presence of LAC 33:V.3325.Table 4 compounds from the initial sampling, the Permittee must also, within 90 days, submit to the Administrative Authority an application for a permit modification to establish a compliance monitoring program meeting the requirements of LAC 33:V.3319. The application must include the following information:

VI.H.7.a. an identification of the concentration of any LAC 33:V.3325.Table 4 constituent statistically detected in the groundwater at each monitoring well at the compliance point;

VI.H.7.b. any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements at each well at the compliance point;

VI.H.7.c. any proposed changes to the groundwater monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of LAC 33:V.3319;

VI.H.7.d. for each hazardous constituent statistically present, after verification resampling at monitoring wells listed in Table 2~~97~~, where physically present, a proposed concentration limit under LAC 33: V.3309.A.3.a or b, or a notice of intent to seek an alternate concentration limit under LAC 33.V.3309.B.

Within 180 days, the Permittee must submit to the Administrative Authority:

VI.H.7.e. all data necessary to justify an alternate concentration limit sought under LAC 33:V.3309.B; and

VI.H.7.f. an engineering feasibility plan for a corrective action program necessary to meet the requirement of LAC 33:V.3321, unless

VI.H.7.f.i. all hazardous constituents identified under LAC 33:V.3317.G.2 are listed in Table 1 of LAC 33:V.3309, and their concentrations do not exceed the respective values given in that table; or

VI.H.7.f.ii. the Permittee has sought an alternative concentration limit under LAC 33:V.3309.B for every hazardous constituent identified under LAC 33:V.3317.G.2.

VI.H.8. If the Permittee determines, pursuant to LAC 33:V.3317.F, that there is a statistically significant difference (above the listed PQL or Shewart-CUSUM control chart limit) after verification resampling for the existing monitor well network; above the chosen statistical limit after verification resampling for wells associated with existing and future modules for Cell 8, for chemical parameters or hazardous constituents specified pursuant to LAC 33:V.3317.A at any monitoring well listed in Table 29~~7~~, of this permit, where physically present, he or she may demonstrate that a source other than a regulated unit caused the statistical presence or that the statistical presence is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. The Permittee may make a demonstration under this Paragraph in addition to, or in lieu of, submitting a permit modification application under LAC 33:V.3317.G.4; however, the Permittee is not relieved of the requirement to submit a permit modification application within the time specified in LAC 33:V.3317.G.4 unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this Paragraph, the Permittee must:

VI.H.8.a. notify the administrative authority in writing within seven (7) days of determining statistically significant evidence of contamination at the well(s) shown on Table 29~~7~~ of this permit that he or she intends to make a demonstration under this Paragraph;

VI.H.8.b. within 90 days, submit a report to the administrative authority that demonstrates that a source other than a regulated unit caused the contamination or that the concentration resulted from error in sampling, analysis, or evaluation;

VI.H.8.c. within 90 days, submit to the administrative authority for a permit modification to make any appropriate changes to the detection monitoring program for the facility; and

VI.H.8.d. continue to monitor in accordance with the detection monitoring program established in Condition VI.H.

VI.I. COMPLIANCE MONITORING

If the Permittee is required to establish a compliance monitoring program under this Condition VI.I and LAC 33:V.3303, the Permittee, at a minimum, must follow the regulations in LAC 33:V.3319.

VI.J. CORRECTIVE ACTION PROGRAM

If the Permittee is required to establish a corrective action program under this section and LAC

33:V.3303, the Permittee, at a minimum, must follow the regulations in LAC 33:V.3321.

VI.K. CONSTRUCTION AND ABANDONMENT OF MONITORING WELLS AND GEOTECHNICAL BOREHOLES

The construction and abandonment of groundwater monitoring wells must conform to the standards and guidelines specified in **"CONSTRUCTION OF GEOTECHNICAL BOREHOLES AND GROUNDWATER MONITORING SYSTEMS HANDBOOK"**, latest edition. This document is printed by and available from the Louisiana Department of Transportation and Development (DOTD), Water Resources Section, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245. The document is also available online at http://dnr.louisiana.gov/assets/OC/env_div/gw_res/200010_GREENBOOK.pdf~~http://www.dotd.state.la.us/intermodal/wells/wellhandbook.com~~.

A work plan for the construction of a new well must be submitted to the Administrative Authority for approval as the entire groundwater monitoring system must be approved. Any required new well should be installed within thirty (30) days of approval of the work plan by the Administrative Authority. Upon completion of new or replacement well, a copy of DOTD-GW-1 S, DOTD Well Registration Short Form, is to be provided to the Administrative Authority.

The Permittee must provide for the sealing of any vertical migration path resulting from exploratory boring, leachate collection or detection systems and/or groundwater monitoring programs as provided in LAC 33:V.3323. A work plan for the plugging and abandonment of a well must be submitted for approval by the Administrative Authority, whenever such migration pathways are discovered. Upon completion of well abandonment, a copy of DOTD-GW-2, DOTD Well Plugging and Abandonment Form, is to be provided to the Administrative Authority.

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TABLE 29~~7~~
MONITORING WELL SYSTEM

Upgradient Monitoring Wells (Cells 5,6, 7, and 14) F30, F31, F32, F33, MW01AS, MW01AD, B04A, MW02BS, MW02BD Upgradient Monitoring Wells (Cell 8) G-28, G-29, G-30 (See discussion in Condition VI.C.1)
Downgradient Monitoring Wells for Cell 5 F01, F02, F03, F04, F05, F06, F07, F08, F09, F10, F11, D01B
Downgradient Monitoring Wells for Cell 14 F26, F27, F28, F29, F38, F39, F40, D02A
Downgradient Monitoring Wells for Cell 6 F12, F13, F14, F15, F16, F34, F35, F36, F37, F41, F42, F43, F44, F45
Downgradient Monitoring Wells for Cell 7 F17, F18, F19, F20, F21, F22, F23, F24, F25, E03
Downgradient Monitoring Wells for Phase 1 (Modules 1, 2, 3, and 4) of Cell 8 G-1, G-2, G-3, G-22, G-23, G-24, G-25, G-26, G-27, G-31, G-32, G-33, G-34, G-35, G-36
Downgradient Monitoring Wells for Phase 2 (Modules 5, 6, 7, 8, 9, and 10) of Cell 8 G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16, G-17, G-18, G-19, G-20, G-21 (See discussion in Condition VI.C.1)
Piezometers M03A, MW-14A, C01A, C02B, MW05A, MW11A, MW06, MW12B, MW07, MW13A, GP01, GP02, GP03, GP04, GP05, GP06, GP07, GP08, ~~G-10*~~ ~~*G-10 is a piezometer for Phase 1 (Modules 1, 2, 3, and 4) of Cell 8 and will be converted into a monitoring well for Phase 2 (prior to placement of waste in Module 5) of Cell 8~~

TABLE 30~~28~~
PARAMETERS, CONTAINERS, AND PRESERVATION

Parameter	Container Type	Preservation Method
Volatile Organic Compounds	Glass Zero headspace	Cool to 4 degrees C
Semi-Volatile Organic Compounds	Glass Minimal headspace	Cool to 4 degrees C
Dissolved Metals	Plastic	HNO_3 to pH < 2.0
Conventional Parameters	Glass or Plastic	Cool to 4 degrees C

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TABLE 31~~29~~
MONITOR WELL DETECTION MONITORING PARAMETERS AND PRACTICAL QUANTITATION LIMITS (PQLS)
(Semi-Annual Sampling Schedule)

Volatile Organic Compound	PQL µg/l	Analytical Method*
Chloromethane	10	8260B
Bromomethane	10	8260B
Vinyl Chloride	2	8260B
Chloroethane	10	8260B
1,1-Dichloroethene	5	8260B
1,1-Dichloroethane	5	8260B
trans-1,2-Dichloroethene	~~10~~ 7	8260B
Chloroform	5	8260B
1,2-Dichloroethane	5	8260B
1,1,1-Trichloroethane	5	8260B
Carbon Tetrachloride	5	8260B
Bromodichloromethane	5	8260B
1,1,2,2-Tetrachloroethane	5	8260B
1,2-Dichloropropane	5	8260B
trans-1,3-Dichloropropene	5	8260B
Trichloroethene	5	8260B
Dibromochloromethane	5	8260B
1,1,2-Trichloroethane	5	8260B
Benzene	5	8260B
cis-1,3-Dichloropropene	5	8260B
Bromoform	5	8260B
Tetrachloroethene	5	8260B
Toluene	5	8260B
Chlorobenzene	5	8260B
Ethyl Benzene	5	8260B
Trichlorofluoromethane	10	8260B
Methylene Chloride	5	8260B
Acetone	20	8260B
2-Butanone (MEK)	5	8260B
Carbon disulfide	5	8260B
4-Methyl-2-pentanone	5	8260B
Ethyl ether	5	8260B
Xylenes (total)	10	8260B
Dissolved Metal		
Arsenic	10**	200.7
Chromium	20	200.7
Cadmium	10	200.7
Lead	10	200.7
Selenium	~~50~~20	200.7

* Methods may be replaced with equivalent methods that meet the appropriate performance standards

**PQL of 10 µg/l for monitor wells other than F13, F14, and F15. Limits for these wells follow:
F13: Shewart-CUSUM Control Chart Limit = 18.4 µg/l
F14: Shewart-CUSUM Control Chart Limit = 36.1 µg/l
F15: Shewart-CUSUM Control Chart Limit = 18.4 µg/l

TABLE 32~~0~~
MONITOR WELL DETECTION MONITORING PARAMETERS AND PRACTICAL QUANTITATION LIMITS (PQLS)
(Annual Sampling Schedule)

Semi-Volatile Organic Compound	PQL µg/l	Analytical Method*
Phenol	10	8270C
bis(2-chloroethyl)ether	10	8270C
2-Chlorophenol	10	8270C
1,3-Dichlorobenzene	10	8270C
1,4-Dichlorobenzene	10	8270C
Benzyl Alcohol	20	8270C
1,2-Dichlorobenzene	10	8270C
2-Methylphenol	10	8270C
bis(2chloroisopropyl)ether	10	8270C
4-Methylphenol	10	8270C
N-Nitroso-Dipropylamine	10	8270C
Hexachloroethane	10	8270C
Nitrobenzene	10	8270C
Isophorone	10	8270C
2-Nitrophenol	10	8270C
2,4-Dimethylphenol	10	8270C
Benzoic acid	50	8270C
bis(2-chloroethoxy)methane	10	8270C
2,4-Dichlorophenol	10	8270C
1,2,4-Trichlorobenzene	10	8270C
Naphthalene	10	8270C
4-Chloroaniline	20	8270C
Hexachlorobutadiene	10	8270C
4-Chloro-3-methylphenol (para-chloro-meta-cresol)	10	8270C
m-cresol (3-Methylphenol)	20	8270C
2-Methylnaphthalene	10	8270C
Hexachlorocyclopentadiene	10	8270C
2,4,6-Trichlorophenol	10	8270C
2,4,5-Trichlorophenol	10	8270C
2-Chloronaphthalene	10	8270C
2-Nitroaniline	50	8270C
Dimethyl Phthalate	10	8270C
Acenaphthylene	10	8270C
3-Nitroaniline	50	8270C
Acenaphthene	10	8270C
2,4-Dinitrophenol	50	8270C
4-Nitrophenol	50	8270C
2,4-Dinitrotoluene	10	8270C
2,6-Dinitrotoluene	10	8270C
4-Chlorophenyl Phenyl Ether	10	8270C
Fluorene	10	8270C
4-Nitroaniline	50	8270C
4,6-Dinitro-2-methylphenol	50	8270C
N-nitrosodiphenylamine	10	8270C
4-Bromophenyl Phenyl Ether	10	8270C

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Hexachlorobenzene~~Hexachlorobenzene~~	10	8270C
Pentachlorophenol	50	8270C
Phenanthrene	10	8270C
Anthracene	10	8270C
Fluoranthene	10	8270C
Pyrene	10	8270C
3,3'-Dichlorobenzidine	20	8270C
Benzo(a)anthracene	10	8270C
Chrysene	10	8270C
Benzo(b)fluoranthene	10	8270C
Benzo(k)fluoranthene	10	8270C
Benzo(a)pyrene	10	8270C
Ideno(1,2,3-cd)pyrene	10	8270C
Dibenz(a,h)anthracene	10	8270C
Benzo(g,h,i)perylene	10	8270C
Aniline	10	8270C
Beta-BHC	0.05	8081
Gamma-BHC (Lindane)	0.05	8081
4-4'-DDE	0.05	8081
2,4-D	4	8151
2,4,5-T	1	8151
Other Parameter		
Cyanide (total)	40	335.3
Mercury (dissolved)	2	245.1

* Methods may be replaced with equivalent methods that meet the appropriate performance standards

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HAZARDOUS AND SOLID WASTE AMENDMENTS (HSWA)

VII. GENERAL CONDITIONS PURSUANT TO THE HAZARDOUS AND SOLID WASTE AMENDMENTS

VII.A. STANDARD CONDITIONS

VII.A.1. Waste Minimization

Annually, by March 1, for the previous year ending December 31, the Permittee shall enter into the operating record as required by LAC 33:V.1529.B.19, a statement certified according to LAC 33:V.513.A specifying that the Permittee has a program in place to reduce the volume and toxicity of hazardous wastes generated by the facility's operation to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or practicable disposal method that is currently available to the Permittee which minimizes the present and future threat to human health and the environment. A current description of the program shall be maintained in the operating record and a copy of the annual certified statement shall be submitted to the Administrative Authority. The following criteria should be considered for the program:

VII.A.1.a. Any written policy or statement that outlines goals, objectives, and/or methods for source reduction and recycling of hazardous waste at the facility;

VII.A.1.b. Any employee training or incentive programs designed to identify and implement source reduction and recycling opportunities;

VII.A.1.c. An itemized list of the dollar amounts of capital expenditures (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste;

VII.A.1.d. Factors that have prevented implementation of source reduction and/or recycling;

VII.A.1.e. Sources of information on source reduction and/or recycling received at the facility (e.g., local government, trade associations, suppliers, etc.);

VII.A.1.f. An investigation of additional waste minimization efforts that could be implemented at the facility. This investigation would analyze the potential for reducing the quantity and toxicity of each waste stream through production reformulation, recycling, and all other appropriate means. The analysis would include an assessment of the technical feasibility, cost, and potential waste reduction for each option;

VII.A.1.g. A flow chart or matrix detailing all hazardous wastes the facility produces by quantity, type, and building/area;

VII.A.1.h. A demonstration of the need to use those processes that produce a

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particular hazardous waste due to a lack of alternative processes or available technology that would produce less hazardous waste;

VII.A.1.i. A description of the waste minimization methodology employed for each related process at the facility. The description should show whether source reduction or recycling is being employed;

VII.A.1.j. A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years; and

VII.A.1.k. The Permittee may meet the requirements for waste minimization by developing an Environmental Management System according to the EPA document, Integrated Environmental Management System Implementation Guide, EPA 744-R-00-011, October 2000, found on https://www.epa.gov/sites/production/files/2013-12/documents/iems_implementation_guide_full.pdf.

VII.A.2. Dust Suppression

Pursuant to LAC 33:V.4139.B.4, and the Toxic Substances Control Act, the Permittee shall not use waste or used oil or any other material which is contaminated with dioxin, polychlorinated biphenyls (PCBs), or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment.

VII.A.3. Failure to Disclose

The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts at any time may be cause for termination or modification of this Permit in accordance with LAC 33:323.B.2 and 3.

VII.A.4. Suspension, Modification, or Revocation and Reissuance, and Termination of Permit

This Permit may be modified, revoked and reissued, or terminated for cause as specified in LAC 33:V.323. The filing of a request by the Permittee for a permit modification, revocation and reissuance, 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.

VII.A.4.a. If the Administrative Authority tentatively decides to modify or revoke and reissue a permit under LAC 33:V.321.C. or 323, a draft permit shall be prepared incorporating the proposed changes. The Administrative Authority may request additional information and, in the case of a modified permit, may require the submission of an updated permit application.

VII.A.4.b. The Permittee may initiate permit modification proceedings under

LAC 33:V.321.C. All applicable requirements and procedures as specified in LAC 33:V.321.C shall be followed.

VII.A.4.c. Modifications of this Permit do not constitute a reissuance of the Permit.

VII.A.5. Permit Review

This Permit may be reviewed by the Administrative Authority five years after the date of permit issuance and may be modified as necessary as provided for in LAC 33:V.315 and LAC 33:V.323. Nothing in this section shall preclude the Administrative Authority from reviewing and modifying the Permit at any time during its term.

VII.A.6. Compliance with Permit

Compliance with a RCRA permit during its term constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which:

VII.A.6.a. Become effective by statute;

VII.A.6.b. Are promulgated under LAC 33:V.Chapter 22 restricting the placement of hazardous wastes in or on the land; or

VII.A.6.c. Are promulgated under LAC 33:V.Chapters 23, 25 and 29 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, construction quality assurance (CQA) programs, monitoring action leakage rates, and response action plans, and will be implemented through the procedures of LAC 33:V.321.C Class 1 permit modifications.

VII.A.7. Specific Waste Ban

VII.A.7.a. The Permittee shall not place in any land disposal unit the wastes specified in LAC 33:V. Chapter 22 after the effective date of the prohibition unless the Administrative Authority has established disposal or treatment standards for the hazardous waste and the Permittee meets such standards and other applicable conditions of this Permit.

VII.A.7.b. The Permittee may store wastes restricted under LAC 33:V.Chapter 22 solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal provided that it meets the requirements of LAC 33:V.2205 including, but not limited to, clearly marking each tank or container.

VII.A.7.c. The Permittee is required to comply with all applicable requirements

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of LAC 33:V.2245 as amended. Changes to the Waste Analysis Plan will be considered permit modifications at the request of the Permittee, pursuant to LAC 33:V.321.C.

VII.A.7.d. The Permittee shall review the waste analysis plan and analyze the waste when a process changes in order to determine whether the waste meets applicable treatment standards. Results shall be maintained in the operating record pursuant to Section III.C.1 and 2.

VII.A.8. Information Submittal for the Corrective Action Strategy

Failure to comply with any condition of the Permit, including information submittal, constitutes a violation of the Permit and is grounds for enforcement action, permit amendment, termination, revocation, suspension, or denial of permit renewal application. Falsification of any submitted information is grounds for termination of this Permit (LAC 33:V.323.B.3).

The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Administrative Authority required by this Permit using the Corrective Action Strategy are signed and certified in accordance with LAC 33:V.Chapter 5, Subchapter B. A summary of the planned reporting requirements pursuant to the corrective action requirements of this Permit is found in Table 1 after section VIII. Five (5) copies each of these plans, reports, notifications or other submissions and one (1) electronic copy (3.5" IBM compatible disk or CD-ROM) of all portions thereof which are in word processing format shall be submitted to the Administrative Authority by Certified Mail or hand delivered to:

Louisiana Department of Environmental Quality
Office of Environmental Services
Remediation Services Division
P.O. Box 4313
Baton Rouge, LA 70821-4313

All plans and reports required under the corrective action strategy must follow the guidelines for formatting and content found in the RECAP document to the extent practicable. Further guidance on formatting and content may be provided by the Administrative Authority, as deemed necessary.

VII.A.9. Plans and Schedules Incorporation into Permit

All plans and schedules required by this Permit are, upon approval by the Administrative Authority, incorporated into this Permit by reference and become an enforceable part of this Permit. When applicable, the Permittee must modify the permit according to LAC 33:V. Chapter 3. Since required items are essential elements of this Permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action under Section 3008 of RCRA which

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may include fines, suspension, or revocation of the Permit. Also, where applicable the Permittee must meet all the permit modification requirements of LAC 33:V.321, 322 and 323.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this Permit. Written requests for extensions of due dates for submittals may be granted by the Administrative Authority in accordance with LAC 33:I.1505.E.

If the Administrative Authority determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Administrative Authority may modify this Permit according to procedures in LAC 33:V.321.

VII.A.10. Data Retention

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Permit shall be maintained at the facility during the term of this Permit, including any reissued Permits.

VII.A.11. Management of Wastes

All solid wastes which are managed pursuant to a remedial measure taken under the corrective action process or as an interim measure addressing a release or the threat of a release from a solid waste management unit shall be managed in a manner protective of human health and the environment and in compliance with all applicable Federal, State and local requirements. As a response to the Louisiana legislature mandate La. R.S. 30:2272 (Act 1092 of the 1995 Regular Session) to develop minimum remediation standards, the LDEQ promulgated the Risk Evaluation Corrective Action Program (RECAP). RECAP's tiered approach to risk evaluation and corrective action establishes not only across the board numerical standards for most media, but also allows for the development of more site-specific numerical standards, as warranted. The Permittee is required to comply with all applicable requirements of RECAP. Approval of units for managing wastes and conditions for operating the units shall be granted through the permitting process. Previously approved remedial measures and/or corrective action activities only apply when warranted by new information and/or data that was not available to the Administrative Authority at the time of submission and approval of the measures and/or activities relevant to the previously approved remedial measures and/or corrective action activities.

VII.B. AA-BB AIR REGULATIONS

See Condition V.H. Air Emission Standards.

VII.C. SPECIFIC CONDITION - CLOSURE

Pursuant to Section 3005(j)(1) of the Hazardous and Solid Waste Amendments of 1984, the Permittee shall close any closing units in accordance with the following provisions:

VII.C.1. Other than consolidation of any wastes from the sites in conformance with LAC 33:V.Chapter 22, Land Disposal Restrictions, the Permittee shall not place waste prohibited by LAC 33:V.Chapter 22 into any closing units;

VII.C.2. The Permittee shall perform unit closures in accordance with the Closure Plan(s) as approved at the time of closure, and which meet(s) all relevant State and Federal closure requirements at the time of closure; and

VII.C.3. The Permittee shall notify the Administrative Authority in writing at least sixty (60) days prior to commencement of closure.

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VIII. SPECIAL CONDITIONS PURSUANT TO HAZARDOUS AND SOLID WASTE AMENDMENTS—CORRECTIVE ACTION STRATEGY

Corrective Action for Releases: Section 3004(u) of RCRA, as amended by the Hazardous and Solid Waste Amendments (HSWA), and LAC 33:V.3322 require that permits issued after November 8, 1984, address corrective action for releases of hazardous waste or hazardous constituents from any solid waste management unit at the facility, regardless of when the waste was placed in the unit.

EPA's traditional RCRA corrective action approach is structured around several elements common to most activities. In the first phase, RCRA facility assessment (RFA), EPA or the authorized state assesses the facility to identify releases and determine the need for corrective action. In the second phase, RCRA facility investigation (RFI), the facility conducts a more detailed investigation to determine the nature and extent of contaminants released to ground water, surface water, air, and soil. If remedial action is needed, a third phase, corrective measures study (CMS), is started. During this phase, the facility conducts a study, which when completed, describes the advantages, disadvantages, and costs of various cleanup options. After selection of a final remedy, the fourth phase, corrective measures implementation (CMI), is initiated. The facility is required to design, construct, operate, maintain, and monitor the final remedy(s).

The Corrective Action Strategy (CAS) is an alternate corrective action approach that can be implemented during any phase of corrective action for a release area. The Permittee shall use the CAS approach as the framework for corrective action to clarify, facilitate and expedite the process, and shall use the **Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP)** for screening and media-specific cleanup standards. EPA has interpreted the term "release" to mean, "any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment." (50 FR 2873, July 15, 1985). The CAS refers to "release areas" as solid waste management units (SWMUs) and areas of concern (AOCs) while the RECAP refers to release areas as areas of investigation (AOIs). SWMUs and AOCs may also be referred to as "AOIs" when investigated and managed under the RECAP.

VIII.A. ALTERNATE CORRECTIVE ACTION

VIII.A.1. This Permit will utilize the CAS Guidance Document (https://www.epa.gov/sites/production/files/2015-09/documents/r6-cas2015.pdf) developed by the U.S. Environmental Protection Agency (EPA) Region 6 whenever the Administrative Authority determines that it will serve to facilitate the corrective action. The CAS Guidance Document shall be utilized to the fullest extent practicable for planning and implementation of the corrective action. The CAS in this Permit shall not supersede existing Federal, State, and local regulations. The two primary objectives are to prioritize corrective action at the facility, and streamline corrective action administrative procedures, resulting in the protection of human health and the environment.

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The CAS is a performance-based approach; using data quality objectives, investigations begin with the endpoint in mind. The CAS is a risk management strategy that can be implemented during any phase of corrective action. However, the CAS need not be applied to work that has already been completed to the satisfaction of the Administrative Authority. Performance standards are established at the beginning of the corrective action process, allowing earlier and more focused implementation. Releases are screened using RECAP screening numbers to determine the priority of corrective action, and remedial alternatives are selected on the basis of their ability to achieve and maintain the established performance standards.

There is no one specific path through the CAS process. The CAS is a facility-wide approach, focusing corrective action on releases that pose the greatest risk first. Screening releases will also enable some areas of interest to qualify for no further action at this time (Condition VIII.A.3.a.), thus resources can be used to best benefit the protection of human health and the environment. The CAS process also considers activities previously conducted under the traditional corrective action process. Appendix 1 of this permit contains a summary of corrective action activities completed to date and also describes where the Permittee is in the CAS process at the time of issuance of this permit. The applicability of various provisions of the CAS will depend on where the Permittee is in the CAS process as detailed in Appendix 1.

The traditional RCRA corrective action process and reports (i.e., RFIs, CMSs, CMIs, etc.) are not elements of the CAS. However, the use of information and reports from the traditional corrective action process, if available, is encouraged, in addition to new site-specific information.

The Administrative Authority, through an agency-initiated permit modification, may remove the CAS as the means of facility-wide corrective action in the case of the failure of the Permittee to disclose information, abide by the terms and conditions of this permit, adhere to agreed schedules, or show adequate progress; or should an impasse occur between the Permittee and the Administrative Authority. The Administrative Authority will institute other means of corrective action (such as traditional corrective action) at the facility through modification of this permit.

VIII.A.2. Performance Standards

Expectations for the outcome of corrective action at a facility are established in the CAS by three performance standards as defined in Conditions VIII.A.2.a through c. The Permittee's proposed performance standards shall be presented during the scoping meeting. The Permittee must justify the proposed performance standards through evaluation and documentation of land use, ground water designation (current and reasonably expected future use), types of receptors present, exposure pathways, etc.; as described in RECAP, Chapter 2. Through the application of the performance standards and RECAP, the Permittee and Administrative Authority shall determine whether a release must be addressed through corrective action, and whether implemented corrective

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actions are protective of human health and the environment.

The Permittee shall submit the performance standards in writing along with the Conceptual Site Model (Condition VIII.D) within one-hundred and twenty (120) days after the scoping meeting. The Administrative Authority may either approve the performance standards proposed by the Permittee or establish performance standards that the Administrative Authority deems necessary to protect human health and the environment.

The three CAS performance standards are defined below. The order in which the performance standards are listed does not indicate that one performance standard takes priority over another. All applicable performance standards must be achieved by the Permittee.

VIII.A.2.a. Source Control Performance Standard

Source control refers to the control of materials that include or contain hazardous wastes or hazardous constituents that act as a reservoir for migration of contamination to soil, sediment, ground water, surface water, or air, or as a source for direct exposure.

The facility must determine if source material is present. Removal, containment, treatment, or a combination of the three, must be evaluated on a case-by-case basis. Controlling source material is a predominating issue in the CAS, and must be addressed to ensure protectiveness over time. Prioritization of the SWMUs and AOCs does not mean avoidance of controlling source materials.

VIII.A.2.b. Statutory and Regulatory Performance Standard

Applicable statutory and regulatory requirements (Federal, State, and local) must be identified. These requirements may dictate media-specific contaminant levels (e.g., maximum contaminant levels (MCLs) in drinking water) that must be achieved and may become a performance standard for the Permittee.

VIII.A.2.c. Final Risk Goal Performance Standard

The final risk goal is the level of protection to be achieved and maintained by the Permittee. The final risk goal shall be based on site-specific issues including land use, special subpopulations, contaminant concentrations based on acceptable risk, location at which the levels are measured, and the remediation time frame, as specified by RECAP.

One final risk goal may apply to the entire facility, but it is more likely that different releases will require different final risk goals due to variations in location of releases, land use, proximity of receptors, etc. The final risk goal will be based on sound risk assessment methodologies (Condition VIII.A.3).

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VIII.A.3. Use of RECAP

The latest edition of the RECAP document shall be used by the Permittee to determine the need for further corrective actions under this permit. The RECAP consists of a tiered framework comprised of a Screening Option (SO), and three Management Options (MO). The tiered management options allow site evaluation and corrective action efforts to be tailored to site conditions and risks. As the MO level increases, the approach becomes more site-specific and hence, the level of effort required to meet the objectives of the Option increases.

The RECAP shall be used by the Permittee to evaluate data quality and data usability (RECAP Section 2.4 and 2.5), to determine the identity of an AOI as described in RECAP Section 2.6, and for estimations of Area of Investigation Concentrations and Groundwater Compliance Concentrations for each media as defined in RECAP Section 2.8.

The RECAP shall be used by the Permittee to evaluate land use as described in RECAP Section 2.9, and groundwater/aquifer use as described in RECAP Section 2.10.

The RECAP shall be used by the Permittee to prioritize AOCs, SWMUs, and AOIs that require remediation so site investigations are focused on the release areas that pose the greatest risk. As the CSM is compiled, the Permittee shall assess historical data (RECAP Section 2.5) and use the following management options, as appropriate, to address each release site.

VIII.A.3.a. Use of the Screening Option - The Permittee shall use the Screening Standards (SS) which are LDEQ-derived screening numbers for soil and groundwater for non-industrial and industrial land use scenarios. The SS shall be used to demonstrate that an AOI does not pose a threat to human health and the environment and, hence does not require further action at this time (NFA-ATT) or that further evaluation is warranted under a higher Management Option.

VIII.A.3.b. Use of Management Option 1 – The Permittee shall use Management Option 1 (MO-1) which provides a RECAP standard (RS) derived for non-industrial and industrial exposure scenarios using currently recommended default exposure parameters and toxicity values. Under MO-1, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-1 limiting RS, then the Permittee may; (1) remediate to the MO-1 limiting RS (and comply with closure/post closure requirements for MO-1), or (2) proceed with a MO-2 or MO-3 evaluation.

VIII.A.3.c. Use of Management Option 2 – The Permittee shall use Management Option 2 (MO-2) which provides for the development of soil and groundwater RS using site-specific data with specified analytical models to evaluate constituent fate and transport at the AOI. The results of this evaluation

shall be used in conjunction with standard reasonable maximum exposure (RME) assumptions to identify site-specific MO-2 RS. Under MO-2, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-2 limiting RS, then the Permittee may; (1) remediate to the MO-2 limiting RS (and comply with closure/post closure requirements for MO-2), or (2) proceed with a MO-3 evaluation.

VIII.A.3.d. Use of Management Option 3 – The Permittee shall use Management Option 3 (MO-3) which provides the option of using site-specific data for the evaluation of exposure and the evaluation of environmental fate and transport at the AOI. The results of the site-specific evaluation may be to develop site-specific MO-3 RS. Under MO-3, an AOI may warrant a NFA-ATT determination, or if an exposure, source, or compliance concentration detected at the AOI exceeds a MO-3 limiting RS, then the Permittee shall; (1) remediate to the MO-3 RS, (2) conduct confirmatory sampling, and (3) comply with closure/post closure requirements for MO-3.

VIII.A.4. Corrective Action for Releases Beyond Facility Boundary

Section 3004(v) of RCRA as amended by HSWA, and State regulations promulgated as LAC 33:V.3322.C require corrective actions beyond the facility property boundary, where necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, unless the Permittee demonstrates that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where offsite access is denied.

VIII.A.5. Financial Responsibility

Assurances of financial responsibility for corrective action shall be provided by the Permittee as specified in the Permit following major modification for remedy selection. The Administrative Authority reserves the right to require financial assurance prior to remedy selection based upon facility compliance history, the extent and degree of contamination, financial health of the Permittee, and input from the public.

VIII.A.6. Summary of Corrective Action Activities

A summary of the corrective action activities associated with the facility is provided in Condition VIII, Appendix 1 of this permit. AOCs and SWMUs that are currently being managed or proposed for management under a prescribed corrective action program (e.g., groundwater order, corrective action order, CERCLA) are identified in Condition VIII, Appendix 1, Table 1 of this permit.

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VIII.A.7. Approval of Alternate Schedule

The Permittee may submit a written request for an alternate schedule for a submittal deadline as presented in Condition VIII, Table 1. The request should propose a specific alternate schedule and include an explanation as to why the alternate schedule is necessary. The Administrative Authority will consider site-specific criteria in either approving or disapproving the request for an alternate schedule.

VIII.B. PROJECT DEVELOPMENT AND SCOPING MEETING

VIII.B.1. Notice of Intent

The Permittee must submit to the Administrative Authority a Notice of Intent to conduct corrective action using the CAS upon identification of a newly identified SWMU or AOC per Condition VIII.L or notification of newly identified releases at a SWMU or AOC per Condition VIII.M. The notice of intent should state the following in a concise manner:

VIII.B.1.a. General information regarding facility location;

VIII.B.1.b. General information regarding the facility's operational history;

VIII.B.1.c. General discussion on how the Permittee will proceed through the CAS;

VIII.B.1.d. Brief description of proposed performance standards for corrective action; and

VIII.B.1.e. Propose a date for a scoping meeting between the Permittee and the Administrative Authority to be held within sixty (60) days of the date of the Notice of Intent.

VIII.B.2. Scoping Meeting

The scoping meeting will serve as the first CAS milestone where the Permittee and the Administrative Authority identify expectations concerning CAS implementation. The length and extent of the meeting will depend on the complexity of the site. Agreements on land use, groundwater classification, the level of detail required in the conceptual site model (see Condition VIII.D) and expectations for remediation goals will be discussed during the scoping meeting(s). During the scoping meeting the Permittee will present the following information to the Administrative Authority:

VIII.B.2.a. A conceptual site model (if one already has been developed);

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VIII.B.2.b. Discussions on history of corrective action at the facility, including facility investigations, risk evaluations or risk assessments, interim measure/stabilizations and final remedies implemented;

VIII.B.2.c. Proposed performance standards for the facility with justification, and potential risk management approaches;

VIII.B.2.d. Discussions on how the Permittee plans to use the CAS to meet its corrective action obligations, including permitting and compliance issues;

VIII.B.2.e. A Communication Strategy Plan that specifies where in the CAS process the Permittee is currently and how the Permittee will provide information about future progress at the facility to the Administrative Authority (i.e., progress reports, conference calls, routine meetings, etc.);

VIII.B.2.f. Site-specific concerns (i.e., sensitive environments or special subpopulations);

VIII.B.2.g. Need for interim measures or stabilization activities, if necessary; and

VIII.B.2.h. Schedule for submittal of the CAS Investigation Workplan and proposed schedule for conducting and completing CAS requirements, including public participation.

Information plans and reports that have already been developed by the Permittee during the corrective action process can be referenced during the scoping meeting. The Permittee must coordinate with the Administrative Authority in order to determine the date, time, and location of the scoping meeting.

VIII.C. REPORTING REQUIREMENTS

VIII.C.1. The Permittee shall submit, in accordance with Condition VII.A.8, signed reports of all activities conducted pursuant to the provisions of this Permit as required by the Administrative Authority. The reporting schedule shall be determined on a case-by-case basis by the Administrative Authority. These reports shall contain, as applicable to the stage of corrective action, the information required by CAS, as well as the following:

VIII.C.1.a. A description of the work completed and an estimate of the percentage of work completed;

VIII.C.1.b. Summaries of all findings, including summaries of laboratory data;

VIII.C.1.c. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;

VIII.C.1.d. Projected work for the next reporting period;

VIII.C.1.e. Summaries of contacts pertaining to corrective action or environmental matters with representatives of the local community, public interest groups or State government during the reporting period;
VIII.C.1.f. Changes in key project personnel during the reporting period; and

VIII.C.1.g. Summaries of all changes made in implementation during the reporting period.

VIII.C.2. Copies of other reports relating to or having bearing upon the corrective action work (e.g., inspection reports, drilling logs and laboratory data) shall be made available to the Administrative Authority upon request.

VIII.C.3. In addition to the written reports as required in Condition VIII.C.1 and VIII.C.2 above, at the request of the Administrative Authority, the Permittee shall provide status review through briefings with the Administrative Authority.

VIII.C.4. The determination and approval of remedy selections, schedules of submittals and minor changes to any corrective action workplans may be made by the Administrative Authority during the scoping meeting or status review briefings as described in Condition VIII.C.3.

VIII.D. SPECIFIC CONDITION – CONCEPTUAL SITE MODEL (CSM)

No later than 120 days after the scoping meeting, the Permittee shall submit to the Administrative Authority a CSM (along with the Performance Standards detailed in Condition VIII.A.2) or an update of any CSM submitted at the scoping meeting providing background information and the current conditions at the facility. The level of detail required for the CSM will be discussed during the scoping meeting. At a minimum, the CSM must address current site conditions, land use, known and/or potential constituent source(s), routes of constituent migration, exposure media (i.e., soil, surface waters, groundwater), exposure points, points of compliance and pathways, receptors and source media to be evaluated under the RECAP. The CSM must include a completed Figure 8 (LAC 33:I.Chapter 13). The Permittee may include completed investigations, existing data, or previously submitted documents in the CSM by reference. References must include the names, dates, and brief summaries of the documents.

If a CSM has been previously developed, the scoping meeting will also provide the opportunity for the Permittee and Administrative Authority to consider and identify all data gaps in the CSM. The initial CSM shall be considered the "base document" to be prepared and updated by the facility as new information is gathered during investigations. The CSM shall be used by the facility to make decisions regarding risk management options, ecological risk, and monitored natural attenuation determinations (RECAP Section 2.16), or technical impracticability (TI) waiver determinations, when appropriate.

The Administrative Authority reserves the right to require revisions to the CSM based upon data resulting from ongoing investigations and activities. Revisions to the CSM may also be required

for newly identified SWMUs or AOCs according to Condition VIII.L of this permit (See Appendix 1, Ongoing Corrective Action) and based on new information and information not previously considered by the Administrative Authority.

The CSM shall be divided into Profiles as detailed in Conditions VIII.D.1 through 6. If the Permittee chooses to use existing data and documents in the CSM, it may not be necessary to prepare the Profiles as detailed in Conditions VIII.D.1 through 6. However, the existing documents and data must provide sufficient information and detail which corresponds to the information required by the Facility, Land Use and Exposure, Physical, Release, Ecological, and Risk Management Profiles.

VIII.D.1. Facility Profile

The Permittee shall include in the CSM a Facility Profile which shall summarize the regional location, pertinent boundary features, general facility structures, process areas, and locations of solid waste management units or other potential sources of contaminant migration from the routine and systematic releases of hazardous constituents to the environment (e.g., truck or railcar loading/unloading areas). The Permittee shall also include historical features that may be potential release areas because of past management practices. The Facility Profile shall include:

VIII.D.1.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.1.a.i. General geographic location;

VIII.D.1.a.ii. Property lines with the owners of all adjacent property clearly indicated;

VIII.D.1.a.iii. Facility structures, process areas and maintenance areas;

VIII.D.1.a.iv. Any other potential release areas shall be delineated, such as railcar loading/unloading areas or any other AOI as described in RECAP Section 2.6; and

VIII.D.1.a.v. Locations of historical features that may be potential release areas or any areas of past solid and hazardous waste generation, treatment, storage or disposal activities.

VIII.D.1.b. The Facility Profile shall also include a description of ownership and operation of the facility.

VIII.D.1.c. The Permittee shall provide pertinent information for those spills that have not been assessed and reported to the Administrative Authority during

facility investigations, addressed by facility spill contingency plans, or previously remediated or deemed for no further action. The information must include at minimum, approximate dates or periods of past waste spills, identification of the materials spilled, the amount spilled, the location where spilled, and a description of the response actions conducted (local, state, federal, or private party response units), including any inspection reports or technical reports generated as a result of the response.

VIII.D.2. Land Use and Exposure Profile

The Permittee shall include in the CSM a Land Use and Exposure Profile which includes surrounding land uses (industrial and non-industrial, as described in RECAP Sections 2.9.1 and 2.9.2), resource use locations (water supply wells, surface water intakes, etc.), beneficial resource determinations (groundwater classifications as described in RECAP Section 2.10), natural resources (wetlands, etc.), sensitive subpopulation types and locations (schools, hospitals, nursing homes, day care centers, etc.), applicable exposure scenarios, and applicable exposure pathways identifying the specific sources, releases, migration mechanisms, exposure media, exposure routes and receptors. The Land Use and Exposure Profile shall include:

VIII.D.2.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.2.a.i. Surrounding land uses, resource use locations, and natural resources/wetlands;

VIII.D.2.a.ii. Locations of sensitive subpopulations; and

VIII.D.2.a.iii. An exposure pathway flowchart which outlines sources, migration pathways, exposure media and potential receptors as depicted in Figure 8 (CMS example) of the RECAP.

VIII.D.3. Physical Profile

The Permittee shall include in the CSM a Physical Profile which shall describe the factors that may affect releases, fate and transport, and receptors, including; topography, surface water features, geology, and hydrogeology. The Physical Profile shall include:

VIII.D.3.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V.Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.3.a.i. Topographic maps with a contour interval of five (5) or ten (10) feet, a scale of one inch to 100 feet (1:100), including hills, gradients, and surface vegetation or pavement;

VIII.D.3.a.ii. Surface water features including routes of all drainage ditches, waterways, direction of flow, and how they migrate to other surface water bodies such as canals and lakes;

VIII.D.3.a.iii. Regional geology including faulting and recharge areas, as well as local geology depicting surface features such as soil types, outcrops, faulting, and other surface features;

VIII.D.3.a.iv. Subsurface geology including stratigraphy, continuity (locations of facies changes, if known), faulting and other characteristics;

VIII.D.3.a.v. Maps with hydrogeologic information identifying water-bearing zones, hydrologic parameters such as transmissivity, and conductivity. Also locations and thicknesses of aquitards or impermeable strata; and

VIII.D.3.a.vi. Locations of soil borings and production and groundwater monitoring wells, including well log information, and construction of cross-sections which correlate substrata. Wells shall be clearly labeled with ground and top of casing elevations (can be applied as an attachment).

VIII.D.4. Release Profile

The Permittee shall include in the CSM a Release Profile which shall describe the known extent of contaminants in the environment, including sources, contaminants of concern (COC), areas of investigations, distribution and magnitude of known COCs with corresponding sampling locations, and results of fate and transport modeling depicting potential future extent/magnitude of COCs. The Release Profile shall include:

VIII.D.4.a. Map(s) and other documents depicting the following information (all maps shall be consistent with the requirements set forth in LAC 33:V. Chapter 5 and be of sufficient detail and accuracy to locate and report all current site conditions):

VIII.D.4.a.i. Estimations of source concentrations, exposure concentrations and compliance concentrations for each affected media as defined in Section 2.8 of RECAP;

VIII.D.4.a.ii. Isopleth maps depicting lateral extent and concentrations of COCs;

VIII.D.4.a.iii. Results of fate and transport modeling showing potential exposure concentrations and locations; and

VIII.D.4.a.iv. Locations of potential sources including past or present waste units or disposal areas and all SWMUs/AOCs.

VIII.D.4.b. Table(s) depicting the following information for each SWMU/AOC, including but not limited to: location; type of unit/disposal/release area; design features; operating practices (past and present); period of operation; age of unit/disposal/release area; general physical condition; and method of closure.

VIII.D.4.c. Table(s) depicting the following waste/contaminant characteristics for those areas referenced in Condition VIII.D.4.b, including but not limited to: type of waste placed in the unit (hazardous classification, quantity, chemical composition), physical and chemical characteristics (physical form, description, temperature, pH, general chemical class, molecular weight, density, boiling point, viscosity, solubility in water, solubility in solvents, cohesiveness, vapor pressure); and migration and dispersal characteristics of the waste (sorption coefficients, biodegradability, photodegradation rates, hydrolysis rates, chemical transformations).

VIII.D.5. Ecological Profile

The Permittee shall include in the CSM an Ecological Profile that shall describe the physical relationship between the developed and undeveloped portions of the facility, the use and level of disturbance of the undeveloped property, and the type of ecological receptors present in relation to completed exposure pathways. When compiling data for the Ecological Profile, current, as well as, future impacts to receptors and/or their habitats shall be considered. The Ecological Profile shall include:

VIII.D.5.a. A history and description of the developed property on the facility, including structures, process areas, waste management units, and property boundaries;

VIII.D.5.b. A history and description of the undeveloped property, including habitat type (wetland, grassy area, forest, ponds, etc.). Include a description of the primary use, degree and nature of any disturbance, along with proximity to drainage ditches, waterways and landfill areas;

VIII.D.5.c. A description of the site receptors in relation to habitat type, including endangered or protected species, mammals, birds, fish, etc.;

VIII.D.5.d. A description of the relationship between release areas and habitat areas, specifically relating chemicals of potential ecological concern (COEC) to ecological receptors;

VIII.D.5.e. An ecological checklist as described in Section 7.0 of RECAP. An ecological checklist (presented in Appendix C, Form 18 of the RECAP) shall be used to determine if a tier 1 (screening level) Ecological Risk Assessment (ERA) is warranted.

VIII.D.6. Risk Management Profile

The Permittee shall include in the CSM a Risk Management Profile that shall describe how each AOI at the facility will be managed for the protection of human health and the environment. The Risk Management Profile will serve as documentation of the results of the site ranking system (described in Section 2.2 of RECAP). The Risk Management Profile will also document the criteria and verify that the SO, MO-1, MO-2 or MO-3 is appropriate for application at each AOI. The Risk Management Profile shall include:

VIII.D.6.a. A table for tracking the management options for each AOI, and the determination made, whether an AOI is deemed for no further action at this time (NFA-ATT) or is going to use either the SO, MO-1, MO-2 or MO-3 management option.

VIII.D.6.b. A list of identified site-wide data gaps for further investigation.

VIII.D.6.c. Documentation of all interim measures which have been or are being undertaken at the facility, including under State or Federal compliance orders, other than those specified in the Permit. This documentation shall include the objectives of the interim measures and how the measure is mitigating a potential threat to human health or the environment and/or is consistent with and integrated into requirements for a long term remedial solution.

VIII.E. INTERIM MEASURES

VIII.E.1. If at any time during the term of this Permit, the Administrative Authority determines that a release or potential release of hazardous constituents from a SWMU/AOC poses a threat to human health and the environment, the Administrative Authority may require interim measures. The Administrative Authority shall determine the specific measure(s) or require the Permittee to propose a measure(s). The interim measure(s) may include a permit modification, a schedule for implementation, and an Interim Measures Workplan. The Administrative Authority may modify this Permit according to LAC 33:V.321 to incorporate interim measures into the Permit. However, depending upon the nature of the interim measures, a permit modification may not be required.

VIII.E.2. The Permittee may propose interim measures at any time by submittal of an Interim Measures Workplan subject to the approval of the Administrative Authority.

VIII.E.3. The Administrative Authority shall notify the Permittee in writing of the requirement to perform interim measures and may require the submittal of an Interim

Measures Workplan. The following factors will be considered by the Administrative Authority in determining the need for interim measures and the need for permit modification:

VIII.E.3.a. Time required to develop and implement a final remedy;

VIII.E.3.b. Actual and potential exposure to human and environmental receptors;

VIII.E.3.c. Actual and potential contamination of drinking water supplies and sensitive ecosystems;

VIII.E.3.d. The potential for further degradation of the medium in the absence of interim measures;

VIII.E.3.e. Presence of hazardous wastes in containers that may pose a threat of release;

VIII.E.3.f. Presence and concentration of hazardous waste including hazardous constituents in soil that has the potential to migrate to ground water or surface water;

VIII.E.3.g. Weather conditions that may affect the current levels of contamination;

VIII.E.3.h. Risks of fire, explosion, or accident; and

VIII.E.3.i. Other situations that may pose threats to human health and the environment.

VIII.E.5. Upon approval of the Interim Measures Workplan and completion of the interim measure(s) implementation, the Permittee will submit a report to the Administrative Authority describing the completed work.

VIII.E.6. At anytime during or after the interim measure(s), including the issuance of an NFA-ATT, the Administrative Authority may require the Permittee to submit the SWMUs/AOCs for further corrective action.

VIII.F. CAS (CORRECTIVE ACTION STRATEGY) INVESTIGATION WORKPLAN

VIII.F.1. The CAS Investigation Workplan that describes site investigation activities for corrective action shall be submitted to the Administrative Authority within 180 days after the scoping meeting between the Permittee and the Administrative Authority. The CAS Investigation Workplan must address releases of hazardous waste or hazardous constituents to all media, unless otherwise indicated, for those SWMUs/AOCs listed in Appendix 1, Table 1. The focus of the site investigation phase for corrective action is to collect data to fill in data gaps identified in the CSM. The corrective action

investigations may be conducted in phases if warranted by site conditions, contingent upon approval by the Administrative Authority.

VIII.F.1.a. The CAS Investigation Workplan shall describe the management options (MO) for each AOI/release area, data quality objectives for achieving each management option, and proposals for release characterizations (sampling and analysis/quality assurance plans) to support the data quality objectives (DQOs). (DQOs are determined based on the end use of the data to be collected, and the DQO development process should be integrated into project planning and refined throughout the CAS implementation. DQOs shall be used to 1) ensure that environmental data are scientifically valid, defensible, and of an appropriate level of quality given the intended use, and 2) expedite site investigations. The CAS Investigation Workplan is required to have DQOs that are developed to support the performance standard for each release.) The CAS Investigation Workplan shall detail all proposed activities and procedures to be conducted at the facility, the schedule for implementing and completing such investigations, the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the site investigations. The scope of work for the site investigation can be found in RECAP Appendix B.

VIII.F.1.b. The CAS Investigation Workplan shall describe sampling, data collection quality assurance, data management procedures (including formats for documenting and tracking data and other results of investigations) and health and safety procedures.

VIII.F.1.c. Development of the CAS Investigation Workplan and reporting of data shall be consistent with the latest version of the following EPA and State guidance documents or the equivalent thereof:

VIII.F.1.c.i. Guidance for the Data Quality Assessment, Practical Methods for Data Analysis. QA97 Version EPA QA/G-9. January 1998;

VIII.F.1.c.ii. Guidance for the Data Quality Objectives Process. EPA QA/G-4. September 1994;

VIII.F.1.c.iii. Data Quality Objectives Remedial Response Activities. EPA/540/G87-003. March 1987;

VIII.F.1.c.iv. Guidance on Quality Assurance Project Plans. EPA QA/G-5. February 1998;

VIII.F.1.c.v. Interim EPA Data Requirements for Quality Assurance Project Plans. EPA Region 6, Office of Quality Assurance. May 1994;

VIII.F.1.c.vi. 29 CFR 1910.120 (b) for the elements to Health and Safety plans;

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VIII.F.1.c.vii. RCRA Groundwater Monitoring: Draft Technical Guidance EPA/530-R-93-001 November 1992;

VIII.F.1.c.viii. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods; SW-846, 3rd Edition. November 1992, with revisions;

VIII.F.1.c.viv. The LDEQ Handbook - **Construction of Geotechnical Boreholes and Groundwater Monitoring Systems," prepared by the LDEQ and the Louisiana Department of Transportation and Development.** This document is printed by and available from the Louisiana Department of Transportation and Development, Water Resources Section, P. O. Box 94245, Baton Rouge, Louisiana 70804-9245; and

VIII.F.1.c.x. The LAC 33:I.Chapter 13 and Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP).

VIII.F.2. After the Permittee submits the CAS Investigation Workplan; the Administrative Authority will approve, disapprove, or otherwise modify the CAS Investigation Workplan in writing. All approved workplans become enforceable components of this Permit.

In event of disapproval (in whole or in part) of the workplan, the Administrative Authority shall specify deficiencies in writing. The Permittee shall modify the CAS Investigation Workplan to correct these within the time frame specified in the notification of disapproval by the Administrative Authority. The modified workplan shall be submitted in writing to the Administrative Authority for review. Should the Permittee take exception to all or part of the disapproval, the Permittee shall submit a written statement of the ground for the exception within fourteen (14) days of receipt of the disapproval.

VIII.F.3. The Administrative Authority shall review for approval, as part of the CAS Investigation Workplan or as a new workplan, any plans developed pursuant to Condition VIII.L addressing further investigations of newly-identified SWMUs/AOCs, or Condition VIII.M addressing new releases from previously-identified SWMUs/AOCs.

VIII.G. IMPLEMENTATION OF SITE INVESTIGATION ACTIVITIES UNDER CAS

No later than fourteen (14) days after the Permittee has received written approval from the Administrative Authority for the CAS Investigation Workplan, the Permittee shall implement the site investigation activities according to the schedules and in accordance with the approved CAS Investigation Workplan and the following:

VIII.G.1. The Permittee shall notify the Administrative Authority at least 10 working days prior to any field sampling, field-testing, or field monitoring activity required by this Permit to give LDEQ personnel the opportunity to observe investigation procedures and/or split samples.

VIII.G.2. Deviations from the approved CAS Investigation Workplan, which are necessary during implementation, must be approved by the Administrative Authority and fully documented and described in the progress reports (Condition VIII.C), RECAP Report (Condition VIII.H) and the final Risk Management Plan (Condition VIII.J).

VIII.H. RECAP REPORT

Within ninety (90) days after completion of the site investigation the Permittee shall submit a RECAP Report to the Administrative Authority for approval. The RECAP Report shall document the results of the site investigation activities, and the evaluation of the impacts from releases. The Administrative Authority will review and evaluate the report and provide the Permittee with written notification of the report's approval or a notice of deficiency. If the Administrative Authority determines the RECAP Report does not fully meet the objectives stated in the CAS Investigation Workplan (Permit Condition VIII.F), the Administrative Authority shall notify the Permittee in writing of the report's deficiencies, and specify a due date for submittal of a revised Final Report to the Administrative Authority.

VIII.H.1. The Permittee shall screen site-specific data using the appropriate RECAP standard (RS) for each AOI (depending on the MO), evaluate impacts from releases with exposure scenario evaluations, and update the Risk Management Profile of the CSM.

VIII.H.2. The report shall include, but not be limited to, the following:

VIII.H.2.a. Documentation of site investigation activities and results;

VIII.H.2.b. Evaluation of exposure scenarios to document impacts from releases;

VIII.H.2.c. Deviations from the CAS Investigation Workplan;

VIII.H.2.d. Results of screening activities using RECAP standards (RS), including SO, MO-1, MO-2, or MO-3 RS for each media;

VIII.H.2.e. The revised CSM with updated profiles which incorporate investigation and screening results; and

VIII.H.2.f. Proposed revisions to performance standards based on new information (e.g., change in land use, difference in expected receptors and/or exposure, or other differences in site conditions), if warranted.

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VIII.I. REMEDIAL ALTERNATIVES STUDY

Upon completion and approval of the RECAP Report, the Permittee shall proceed with the evaluation of remedial alternatives to complete corrective action for each AOI according to the performance standards described in Condition VIII.A.2. The remedial alternatives shall be submitted to the Administrative Authority in the Remedial Alternatives Study (RAS) within ninety (90) days of the Administrative Authority's approval of the RECAP Report. In the Remedial Alternatives Study, the Permittee shall identify and evaluate various potential remedies that would meet the performance-based corrective action objectives and propose one or more specific remedies based on an evaluation of applicable data and available corrective action technologies. The RAS shall be prepared in a manner that addresses the extent and nature of the contamination at the facility.

VIII.I.1. The Permittee shall evaluate remedies for each AOI that shall:

VIII.I.1.a. attain compliance with corrective action objectives for releases of hazardous waste and/or hazardous constituents, as established in the Conceptual Site Model or in later investigations approved by the Administrative Authority;

VIII.I.1.b. control sources of releases;

VIII.I.1.c. meet acceptable waste management requirements;

VIII.I.1.d. protect human health and the environment; and

VIII.I.1.e. meet applicable statutory and regulatory requirements (as noted in Condition VIII.A.2.b).

VIII.I.2. The Permittee shall evaluate the use of presumptive remedies and innovative technologies to achieve the appropriate remedial performance standards for each AOI.

VIII.I.3. The Permittee shall review the current interim measures/ stabilization activities to evaluate if these measures meet all the criteria for final remedy.

VIII.I.4. If under certain site-specific conditions, or when it is not technically or economically feasible to attain the corrective action objectives, the Permittee may propose to use institutional controls to supplement treatment or containment-based remedial actions upon approval of the Administrative Authority (Section 2.15 of RECAP).

VIII.I.5. The RAS shall at a minimum include:

VIII.I.5.a. An evaluation of the performance reliability, ease of implementation, and the potential impacts of the potential remedies;

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VIII.I.5.b. An assessment of the effectiveness of potential remedies in achieving adequate control of sources and meeting remedial performance standards;

VIII.I.5.c. An assessment of the costs of implementation for potential remedies;

VIII.I.5.d. An assessment of the time required to begin and complete the remedy;

VIII.I.5.e. An explanation of the rationale for the remedy proposed for each AOI or group of AOIs; and

VIII.I.5.f. An assessment of institutional requirements (e.g., state permit requirements that may impact remedy implementation).

VIII.I.6. The Administrative Authority will review and evaluate the RAS and provide the Permittee with written notification of the study's approval or a notice of deficiency. If the Administrative Authority determines the RAS does not fully meet the requirements detailed in Conditions VIII.I.1 through VIII.I.5, the Administrative Authority shall notify the Permittee in writing of the RAS's deficiencies, and specify a due date for submittal of a revised RAS to the Administrative Authority. In addition, the Administrative Authority may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

VIII.J. RISK MANAGEMENT PLAN

Within ninety (90) days of the Administrative Authority's approval of the RAS, the remedy/remedies proposed for selection shall be documented and submitted in the Risk Management Plan. The Permittee shall propose corrective action remedies in accordance with Chapter IV of the RCRA Corrective Action Plan (Final), May 1994, OSWER Directive 9902.3-2A or as directed by the Administrative Authority.

VIII.J.1. The Risk Management Plan shall at a minimum include:

VIII.J.1.a. A summary of the remedial alternatives for each AOI and the rationale used for remedy selection;

VIII.J.1.b. The final CSM with proposed remedies, including locations of AOIs addressed by a risk management activity, COC concentrations that represent the long-term fate and transport of residual COCs and the exposure pathways affected by the risk management activity;

VIII.J.1.c. Cost estimates and implementation schedules for proposed final remedies;

VIII.J.1.d. Proposed remedy design and implementation precautions, including special technical problems, additional engineering data required, permits and regulatory requirements, property access, easements and right-of-way

requirements, special health and safety requirements, and community relations activities;

VIII.J.1.e. Remedy Performance Criteria and Monitoring

The Permittee shall identify specific criteria (such as land use changes, fate and transport model verification and constructed remedy performance) that will be evaluated to demonstrate that the risk management activity implemented will remain protective. A schedule for periodic performance review (such as monitoring data summaries, including graphical and statistical analyses) shall be established to demonstrate that the implemented activities are consistently achieving and maintaining desired results. Further, a mechanism shall be established to re-evaluate risk management activities in the event the implemented action does not achieve and maintain the performance standards;

VIII.J.1.f. Contingency plans; and

VIII.J.1.g. Description and schedules for performance reviews.

VIII.J.2. After the Permittee submits the Risk Management Plan, the Administrative Authority will review and evaluate the plan and subsequently either inform the Permittee in writing that the plan is acceptable for public review or issue a notice of deficiency.

VIII.J.3. If the Administrative Authority determines the Risk Management Plan does not fully meet the remedial objectives, the Administrative Authority shall notify the Permittee in writing of the plan's deficiencies and specify a due date for submittal of a revised Final Risk Management Plan. In addition, the Administrative Authority may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

VIII.J.4. After the Administrative Authority has determined the Risk Management Plan is acceptable for public review, the Administrative Authority shall inform the Permittee in writing and instruct the Permittee to submit the plan as a Class 3 permit modification request in accordance with the requirements of LAC 33:V.321.C.3.

VIII.J.5. After conclusion of a 60-day comment period, the Administrative Authority will either grant or deny the Class 3 permit modification request. In addition the Administrative Authority must consider and respond to all significant comments received during the 60-day comment period.

VIII.J.6. If the Class 3 Modification request is granted, the Administrative Authority shall prepare a draft permit incorporating the proposed changes in accordance with LAC 33:V.703.C and solicit public comment on the draft permit modification according to Condition VIII.N.3 of this permit.

VIII.J.7. If, after considering all public comments, the Administrative Authority determines that the Risk Management Plan is adequate and complete, the Administrative Authority will issue a public notice for final approval the Class 3 permit modification. The resultant modified permit will include schedules for remedy implementation as well as financial assurance provisions as required by Condition VIII.A.5 of this permit.

VIII.K . DETERMINATION OF NO FURTHER ACTION

VIII.K.1. NFA-ATT Determinations for Specific SWMUs/AOCs

VIII.K.1.a. Based on the results of the site investigations, screening, risk evaluations and risk management activities, the Permittee may request a NFA-ATT determination for a specific SWMU/AOC by submittal of a Class 1[1] permit modification ([1] requiring Administrative Authority approval) request under LAC 33:V.321.C.1. The NFA-ATT request must contain information demonstrating that there are no releases of hazardous constituents from a particular SWMU/AOC that pose a threat to human health and/or the environment.

The basis for the determination of NFA-ATT shall follow the guidelines as described in the RECAP (Section 1.2.1 of RECAP) for each AOI, depending on the MO used.

VIII.K.1.b. If, based upon review of the Permittee's request for a permit modification, the results of the site investigations, and other information the Administrative Authority determines that releases or suspected releases from an individual SWMU/AOC which were investigated either are non-existent or do not pose a threat to human health and/or the environment, the Administrative Authority may grant the requested modification.

VIII.K.1.c. In accordance with LAC 33:V.321.C.1.a.ii, the Permittee must notify the facility mailing list within ninety (90) days of the Administrative Authority's approval of the Class 1[1] permit modification ([1] requiring Administrative Authority approval) request.

VIII.K.2. Facility-Wide NFA-ATT Determination

VIII.K.2.a. Upon the completion of all activities specified in the Risk Management Plan and after all SWMUs and AOCs at the facility have been remediated according to the standards dictated by the selected RECAP MO, the Permittee shall submit a summary report supporting a determination of NFA-ATT on a facility-wide basis.

VIII.K.2.b. The summary report must include a historical narrative for each SWMU/AOC at the site that includes a summary of the investigation, sampling & analysis, remedial, and confirmatory sampling activities leading to the NFA-ATT request. The basis for the determination of NFA-ATT shall follow the guidelines

as described in the RECAP (Section 1.2.1 of RECAP) for each AOI, depending on the MO used. The facility-wide NFA-ATT determination must consider any newly-identified SWMUs/AOCs discovered after submittal of the Risk Management Plan.

VIII.K.2.c. The Administrative Authority will review and evaluate the summary report and subsequently either inform the Permittee in writing that the report is acceptable for public review or issue a notice of deficiency.

VIII.K.2.d. If the Administrative Authority determines the summary report does not fully demonstrate that all remedial objectives have been satisfied, the Administrative Authority shall notify the Permittee in writing of the summary report's deficiencies and specify a due date for submittal of a revised summary report.

VIII.K.2.e. After the Administrative Authority has determined the facility-wide NFA-ATT summary report is acceptable for public review, the Administrative Authority shall inform the Permittee in writing and instruct the Permittee to submit the summary report as a Class 3 permit modification request in accordance with the requirements of LAC 33:V.321.C.3.

VIII.K.2.f. After conclusion of a 60-day comment period, the Administrative Authority will either grant or deny the Class 3 permit modification request. In addition the Administrative Authority must consider and respond to all significant comments received during the 60-day comment period.

VIII.K.2.g. If, based upon review of the Permittee's Class 3 permit modification request, the results of the site investigations, confirmatory sampling, and other pertinent information, the Administrative Authority determines that all SWMUs and AOCs have been remediated to the selected MO and no further action at the facility is warranted, the Administrative Authority will grant the modification request.

VIII.K.2.h. If the Class 3 Modification request is granted, the Administrative Authority shall prepare a draft permit incorporating the proposed changes in accordance with LAC 33:V.703.C and solicit public comment on the draft permit modification according to Condition VIII.N.4 of this permit.

VIII.K.2.i. If, after considering all public comments, the Administrative Authority determines that all activities specified in the Risk Management Plan have been completed and that all SWMUs and AOCs have been remediated to the selected MO, the Class 3 permit modification for facility-wide NFA-ATT will receive final approval. The CAS permit conditions will remain a part of the modified permit in the event that the remedial actions taken fail to maintain the established performance standard and to address any SWMUs/AOCs discovered at a later date.

VIII.K.3. Continued Monitoring

If necessary to protect human health and/or the environment, a determination of NFA-ATT shall not preclude the Administrative Authority from requiring continued monitoring of air, soil, groundwater, or surface water, when site-specific circumstances indicate that releases of hazardous waste or hazardous constituents are likely to occur.

VIII.K.4. Additional Investigations

A determination of NFA-ATT shall not preclude the Administrative Authority from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates a release or likelihood of a release from a SWMU/AOC at the facility that is likely to pose a threat to human health and/or the environment. In such a case, the Administrative Authority shall initiate a modification to the Permit according to LAC 33:V.321.

VIII.L. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SWMUs AND POTENTIAL AOCs

VIII.L.1. The Permittee shall notify the Administrative Authority, in writing, of any newly-identified SWMUs and potential AOCs (i.e., a unit or area not specifically identified during previous corrective action assessments, RFA, etc.), discovered in the course of ground water monitoring, field investigations, environmental audits, or other means, no later than thirty (30) days after discovery. The Permittee shall also notify the Administrative Authority of any newly-constructed land-based SWMUs (including but not limited to, surface impoundments, waste piles, landfills, land treatment units) and newly-constructed SWMUs where any release of hazardous constituents may be difficult to identify (e.g., underground storage tanks) no later than thirty (30) days after construction. The notification shall include the following items, to the extent available:

VIII.L.1.a. The location of the newly-identified SWMU or potential AOC on the topographic map required under LAC 33:V.517.B. Indicate all existing units (in relation to other SWMUs/AOCs);

VIII.L.1.b. The type and function of the unit;

VIII.L.1.c. The general dimensions, capacities, and structural description of the unit (supply any available drawings);

VIII.L.1.d. The period during which the unit was operated;

VIII.L.1.e. The specifics, to the extent available, on all wastes that have been or are being managed at the SWMU or potential AOC; and

VIII.L.1.f. Results of any sampling and analysis required for the purpose of determining whether releases of hazardous waste including hazardous constituents

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have occurred, are occurring, or are likely to occur from the SWMU/AOC.

VIII.L.2. Based on the information provided in the notification, the Administrative Authority will determine whether or not the area is a newly-identified SWMU or AOC. If the area is determined to be a newly-identified SWMU or AOC, the Administrative Authority will inform the Permittee in writing and request that the Permittee submit a Class 1[1] permit modification ([1] requiring Administrative Authority approval) request under LAC 33:V.321.C.1 to add the newly-identified SWMU/AOC to Appendix 1, Table 1 of this permit.

Further, the Administrative Authority will determine the need for further investigations or corrective measures at any newly identified SWMU or AOC. If the Administrative Authority determines that such investigations are needed, the Administrative Authority may require the Permittee to prepare a plan for such investigations. The plan for

investigation of SWMU or AOC will be reviewed for approval as part of the current CAS Investigation Workplan or a new CAS Investigation Workplan. The results of the investigation of any newly-discovered SWMU/AOC shall be incorporated into the CSM.

VIII.M. NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT A SWMU OR AOC

The Permittee shall notify the Administrative Authority of any release(s) from a SWMU or AOC of hazardous waste or hazardous constituents discovered during the course of ground water monitoring, field investigation, environmental auditing, or other means. The notification must be in accordance with the procedures specified in Conditions II.E.16 through II.E.20 of this permit and based upon the nature, extent, and severity of the release. Such newly-discovered releases may be from newly-identified SWMUs or AOCs, newly-constructed SWMUs, or from SWMUs or AOCs for which, based on the findings of the CSM, completed RECAP Report, or investigation of an AOC, the Administrative Authority had previously determined no further investigation was necessary. The notification shall include information concerning actual and/or potential impacts beyond the facility boundary and on human health and the environment, if available at the time of the notification.

The Administrative Authority may require further investigation and/or interim measures for the newly-identified release(s), and may require the Permittee to prepare a plan for the investigation and/or interim measure. The plan will be reviewed for approval as part of the CAS Investigation Workplan or a new CAS Investigation Workplan. The Permit will be modified to incorporate the investigation, according to the Class 1[1] permit modification ([1]requiring Administrative Authority approval) procedures under LAC 33:V.321. The results of the investigation of any newly-identified release(s) shall be incorporated into the CSM.

VIII.N. PUBLIC PARTICIPATION REQUIREMENTS

Public participation is an essential element in the implementation of any corrective action program at the facility. The CAS promotes the early and continued involvement of stakeholders

in site remediation activity during permit issuance, renewal, or modification. The public is invited to review and comment on the corrective action requirements contained in any draft permitting decisons or draft permit modification documents and the associated plans and reports submitted by the Permittee. The Administrative Authority reserves the right to require more extensive public participation requirements based upon site-specific conditions and other relevant factors (e.g., compliance history, potential offsite impact, community interest, etc.). At a minimum, the public participation requirements shall include the following.

VIII.N.1. NFA-ATT Determinations for Specific SWMUs/AOCs

Based on the results of the site investigations, screening, risk evaluations and risk management activities, the Permittee may request a NFA-ATT determination for a specific SWMU/AOC by submittal of a Class 1[1] permit modification request ([1]requiring

Administrative Authority approval) under LAC 33:V.321.C.1. The Permittee must notify the facility mailing list within 90 days of the Administrative Authority's approval of the Class 1[1] permit modification request, in accordance with LAC 33:V.321.C.1.a.ii and Condition VIII.K.1.c of this permit.

VIII.N.2. Draft Permitting Decision

The public may review and comment on the terms and conditions of the CAS during the public notice and comment period of the draft permitting decision. The Administrative Authority shall issue public notice upon preparation of the draft permitting decision in accordance with LAC 33:V.715. During the forty-five (45) day public comment period, the Administrative Authority will accept public comments on the draft permitting decision. At the end of the public comment period, the Administrative Authority will consider and address all public comments and make any necessary revisions to the draft permitting decision. After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permitting decision. The final permitting decision will include a "Responsiveness Summary" detailing all comments received on the draft permitting decision and the actions taken (if necessary) to correct the draft before issuance of the final permitting decision.

VIII.N.3. Final Remedy Selection

The public may review and comment on the terms and conditions of the Risk Management Plan as described in Conditions VIII.J.4 through VIII.J.7 of this permit. If after addressing all public comments the Administrative Authority determines that the Risk Management Plan is satisfactory, the Administrative Authority will prepare a draft permit modification document in accordance with LAC 33:V.703.C.

The draft permit modification document will include a "Basis of Decision". The "Basis of Decision" will identify the proposed remedy for corrective action at the site and the reasons for its selection, describe all other remedies that were considered, and solicit for

public review and comments on the Risk Management Plan included in the draft permit modification document.

After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permit modification. The final permit modification will include a "Responsiveness Summary" detailing all comments received on the draft permit modification and the actions taken (if necessary) to correct the draft before issuance of the final permit modification.

VIII.N.4. Facility-Wide NFA-ATT

Upon the completion of all activities specified in the Risk Management Plan and after all facility remedial objectives have been met, the Permittee may submit a summary report for a determination of NFA-ATT on a facility-wide basis in accordance with Condition VIII.K.2 of this permit. The public may review and comment on the summary report as described in Condition VIII.K.2.b. If after addressing all public comments the Administrative Authority determines that all SWMUs and AOCs have been remediated to the selected MO and no further action at the facility is warranted, the Administrative Authority will prepare a draft permit modification document in accordance with LAC 33:V.703.C.

The draft permit modification document will include a "Basis of Decision". The "Basis of Decision" will provide a summary detailing contamination sources, site investigations, the MO selected for the facility, facility remedial standards, remedial actions, and sampling results demonstrating that the facility remedial standards have been achieved.

After addressing all public comments, the Administrative Authority will issue a public notice for issuance of the final permit modification. The final permit modification will include a "Responsiveness Summary" detailing all comments received on the draft permit modification and the actions taken (if necessary) to correct the draft before issuance of the final permit modification.

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Table 33: Corrective Action Strategy Notification and Reporting Requirements

Below is a summary of the major notifications and reports that may be required by the Administrative Authority under the Corrective Action Strategy of this Permit in the event of releases requiring RCRA corrective action. The Administrative Authority will notify the Permittee of the notification and reporting requirements during the scoping meeting or another applicable stage of the corrective action process.

Actions	Due Date
Submit Notice of Intent to request use of the CAS to the Administrative Authority for review and comment (Condition VIII.B.1)	To be submitted upon identification of a newly identified SWMU or AOC per Condition VIII.L or notification of newly identified releases at a SWMU or AOC per Condition VIII.M.
CAS Scoping Meeting held between facility and Administrative Authority (Condition VIII.B.2)	Within sixty (60) days of submittal of the Notice of Intent
Submit Progress Reports on all activities to the Administrative Authority (Condition VIII.C.1)	Schedule to be determined by the Administrative Authority on a case-by-case basis
Make available other reports relating to corrective action to the Administrative Authority (Condition VIII.C.2)	Upon request of the Administrative Authority
Provide briefings to the Administrative Authority (Condition VIII.C.3)	As necessary and upon request by the Administrative Authority
Submit Conceptual Site Model (CSM) (Condition VIII.D) and facility Performance Standards (Condition VIII.A.2) to the Administrative Authority	Within one-hundred and twenty (120) days after the scoping meeting
Perform Interim Measures (Condition VIII.E)	As determined by the Administrative Authority on a case by case basis
Submit Corrective Action Strategy (CAS) Workplan for the facility investigation to the Administrative Authority (Condition VIII.F)	Within one-hundred and eighty (180) days after the CAS Scoping Meeting
Implement site investigation activities under CAS Investigation Workplan according to approved schedule (Condition VIII.G)	Within fourteen (14) days of receipt of approval by the Administrative Authority
Submit RECAP Report to the Administrative Authority (Condition VIII.H)	Within ninety (90) days of completion of the site investigation
Submittal of Remedial Alternatives Study (RAS) to the Administrative Authority	Within ninety (90) days of completion of approval of the RECAP Report by the

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(Condition VIII.I)	Administrative Authority
Submit Risk Management Plan to the Administrative Authority (Condition VIII.J)	Within sixty (90) days of approval of the RAS by the Administrative Authority
Submit NFA (and Permit Modification) request to the Administrative Authority (Condition VIII.K)	As necessary
Notification of newly-identified SWMUs and potential AOCs (Condition VIII.L)	Thirty (30) days after discovery
Notification of newly-discovered releases (Condition VIII.M)	Fifteen (15) days after discovery

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APPENDIX 1

Table 1: SUMMARY OF CORRECTIVE ACTION ACTIVITIES

AOC/SWMU Group or Area	*AOC or SWMU Number/Area Name*	*AOC/SWMU Description*	*Status of CA Activity*	*Corrective Action*	*EDMS Document ID #/ Approval Date*
SWMU	SWMU-6	Former Landfarm Area	No physical remedy required	NFA-ATT	09/26/00
	SWMU-11	Inactive Retention Basin (Area includes SWMU 7, Former Landfarm Area)	No physical remedy required	NFA-ATT	09/26/00
	SWMU 3	Former Landfill Cells 1, 2, 3	SWMU removed from RFI by EPA	N/A	02/28/91
	SWMU 46,	Inactive Basin in Process Area	SWMU removed from RFI by EPA	N/A	02/28/91
	SWMU 47	Inactive Basin South of Former Landfarm	SWMU removed from RFI by EPA	N/A	02/28/91
	Tanks T-301 and T-302	Stabilization Mixing Basins	Clean closure of tanks approved	N/A	12/23/94
AOC	Vehicle Fueling Area	BG-1 Active Vehicle Fueling Area	Risk based closure approved	NFA-ATT	04/12/10

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ATTACHMENT 1

ATTACHMENT 1
LIST OF FACILITY DOCUMENTS INCORPORATED
IN THE PERMIT BY REFERENCE

CHEMICAL WASTE MANAGEMENT, INC. – LAKE CHARLES FACILITY
AI#742/EPA ID#LAD00777201
PERMIT NO. LAD000777201-OP-RN-MO-1

DOCUMENT TYPE	APPLICATION/ DOCUMENT DATE	ELECTRONIC DATABASE MANAGEMENT SYSTEM (EDMS) DOCUMENT ID[1]	COMMENTS
Closure Plan/ Post-closure Plan and Cost Estimates	9/16/2015	9927941	Response to NOD I for Class 3 Permit Modification Application, Attachments 17 & 18
	2/5/2016	10076710	Response to NOD II for Class 3 Permit Modification Application, Appendix D, Attachment 6
Contingency Plan	11/5/2014	9927941	Response to NOD I for Class 3 Permit Modification Application, Attachment 16
Groundwater Sampling and Analysis Plan (Groundwater Monitoring Plan)	11/5/2014	9528605	Class 3 Permit Modification Application, Volume 1: Part 3, Appendix A, Attachment 5
Inspection Plan	11/5/2014	9927941	Response to NOD I for Class 3 Permit Modification Application, Attachment 15
	2/5/2016	10076710	Response to NOD II for Class 3 Permit Modification Application, Attachment 3
Personnel Training Plan	11/5/2014	9528605	Class 3 Permit Modification Application, Volume 1: Part 3, Appendix A, Attachment 6
Security Plan	11/5/2014	9927941	Response to NOD I for Class 3 Permit Modification Application, Attachment 14
Waste Analysis Plan	11/5/2014	9927941	Response to NOD I for Class 3 Permit Modification Application, Attachments 13

[1] EDMS is the LDEQ's electronic repository of official records that have been created or received by LDEQ. Employees and members of the public can search and retrieve documents stored in the EDMS via this web application. (See http://edms.deq.louisiana.gov/app/doc/querydef.aspx)

Message

From: Tidmore, Guy [tidmore.guy@epa.gov]
Sent: 5/5/2016 3:26:53 PM
To: Pearson, Evan [Pearson.Evan@epa.gov]
CC: Robertson, David [robertson.david@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]
Subject: RE: Louisiana TDU activity - CWMLC [update]

I've reached out to Fruitwalla, and will get his take.

From: Pearson, Evan
Sent: Thursday, May 05, 2016 10:11 AM
To: Tidmore, Guy <tidmore.guy@epa.gov>
Cc: Robertson, David <robertson.david@epa.gov>
Subject: FW: Louisiana TDU activity - CWMLC [update]

Now that we got our TDX letters out, are we going to do anything about the Chem Waste issue?

From: JD Head [mailto:JDHead@fbhf.com]
Sent: Tuesday, March 15, 2016 11:34 AM
To: Pearson, Evan <Pearson.Evan@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: Louisiana TDU activity - CWMLC [update]

Gentlemen, the attachments and summary below concern Chem Waste's proposal in Louisiana to locate TDUs at a hazardous waste site and combust the non-condensible portion of the organic chemical constituents in an associated thermal oxidizer unit..No draft permit has been issued by the DEQ- however, Chem Waste is not proposing the appropriate technical standards set forth in Region 6"s recent CAFOs on similar units .My understanding is that Chem Waste's position is that uncontained gas is not a solid waste when combusted. I believe EPA should look into this situation , as it could become an outlier from the current regulatory regime concerning TDUs

Update on CWM Lake Charles TDU Permit:

Since May 2015 CWM and LDEQ have interacted with an NOD response, a second NOD and that response.

- CWMLC has not provided any technical documents, plans or commitments to incorporate any of the MACT EEE emission limits on the thermal oxidizer that combusts 100% of the TDU process vent emissions.
- CWMLC has responded that the vent gas is "uncontained gas" and not subject to any RCRA jurisdiction.
- LDEQ has received these comments, but as yet has not issued any questions or determinations that the TDU vent gas being combusted triggers the incorporation of any of the MACT EEE requirements into the Subpart X permit.

If this proceeds to Draft Permit without any further substantive interaction it is likely that no technical requirements to comply with MACT EEE will be in the draft permit. No AWFCO. No emission limits. No OPLs. No stack test. No WAP to identify air pollutants in the feed that will cause MACT EEE emission limits to be exceeded (i.e. chlorine, mercury, metals).

J. D. Head

Fritz, Byrne, Head & Fitzpatrick, PLLC
221 West Sixth Street, Suite 960
Austin, TX 78701
TEL: 512/476-2020
FAX: 512/477-5267

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Message

From: Pearson, Evan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D10433F23DD64BD2A3EFC03D6367856C-PEARSON, EVAN]
Sent: 5/23/2016 8:13:47 PM
To: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: FW: LDEQ public notice for Calcasieu Parish [Chem Waste Lake Charles TDU draft Part B permit]
Attachments: calcasieu PUBp-PN Chem Waste Mgt-Lake Charles Facility.doc

Are we going to do anything about it?

From: Carl Palmer [mailto:cpalmer@tdxassociates.com]
Sent: Monday, May 23, 2016 2:47 PM
To: Tidmore, Guy <tidmore.guy@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>
Cc: JD Head <JDHead@FBHf.com>
Subject: Re: LDEQ public notice for Calcasieu Parish [Chem Waste Lake Charles TDU draft Part B permit]

Guy and Evan,

In case you haven't seen, the LDEQ Draft RCRA permit is out for public comment for the two TDUs that CWM is requesting for installation at their Lake Charles, LA TSDF. The draft permit has no requirement for CWM to comply with any RCRA emission limit, in particular no requirement to meet MACT EEE emission limits. The only air emission requirement is a general one for CWM to comply with the State issued air permit for the units. Both TDUs vent 100% of the non-condensible gases from their hazwaste thermal treatment to an associated thermal oxidizer.

The public comment period closes on June 27, 2016.

The LDEQ draft permit has a condition that requires CWM to provide detailed plans for operating the TDUs 180 days prior to start of construction. That may be how LDEQ plans to implement compliance. However, the draft permit gives no technical requirements or specifications for these plans, and in particular gives no specification that they meet the appropriate technical requirements of MACT EEE, the draft permit does not require that they meet the MACT EEE emission limits, the draft permit does not require that CWM adopt OPLs to maintain compliance with MACT EEE emission limits, and the draft permit does not require that a comprehensive performance test be performed to demonstrate compliance with the MACT EEE emission limits.

Please plan to provide written comments to LDEQ. That may be one way to assure that CWM is required to implement the Region's policies.

Sincerely,
Carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile
http://www.tdxassociates.com

----- Forwarded Message -----
From: DEQ PUBLIC NOTICES <DEQ.PUBLICNOTICES@LA.GOV>

To: LDEQ-PN-CALCASIEU@LISTSERV.DOA.LA.GOV
Sent: Friday, May 13, 2016 10:26 AM
Subject: LDEQ public notice for Calcasieu Parish

Dear Concerned Citizen:

According to our records, you have expressed an interest in receiving electronic public notification of environmental permitting actions for facilities located in a specified parish or parishes within our state. The attached public notice document(s) either solicits your comments on an environmental permit action, or announces a scheduled public hearing.

Information included in the attached document identifies the facility and its location, along with a description of the environmental permit action or scheduling of a public hearing. The notice also includes directions on how to provide your comments or concerns to LDEQ about the permit action. You will also find contact information for agency personnel working on this matter, as well as information on finding files associated with this action through our online file system, EDMS using the Agency Interest (AI) and Permit Activity (PER) numbers provided. Please note: Some material associated with the draft permit will not be available for public review until the day of publication (*provided at the end of the public notice*).

More information on public participation for permitting activities can be found on DEQ's Public Participation Group webpage at: http://www.deq.louisiana.gov/portal/tabid/2198/Default.aspx

Please call LDEQ Customer Service Center at: (225) 219-LDEQ (219-5337) if you have questions related to permits public participation activities.

Thank you.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733

[DATE]

Ms. Lina Kruth Saale
Louisiana Department of Environmental Quality
Office of Environmental Services
Waste Permits Division
Post Office Box 4313
Baton Rouge, LA 70821-4313

RE: Draft Hazardous Waste Modified Operating and Post Closure Permit
Chemical Waste Management, Inc.
7170 John Brannon Road
Carlyss, LA 70665
Permit# LAD00077201-OP-RN-MO-1
AI# 742/PER20140007

Dear Ms. Saale:

EPA has the following comments on the draft Hazardous Waste Operating and Post Closure Permit for the Chemical Waste Management, Inc. facility located at 7170 John Brannon Road, Carlyss, LA 70665 (Draft Permit). Chemical Waste Management, Inc. (Chem Waste) seeks to add two oil recovery units (ORUs), two thermal desorber units (TDUs), and 19 associated tanks to its operations at its Carlyss, Louisiana facility. The ORUs will be utilized to separate recoverable oils from drilling fluids, refinery tank bottoms, commercially exempt waste, and other non-hazardous and hazardous waste. The TDUs will treat contaminated tank bottoms, sludge, catalyst slurry oil, and other non-hazardous and hazardous waste. The TDUs will be designed to separate organic constituents from a waste stream by condensing the organic components, which would allow for the recovery or disposal of the contaminants. The non-condensable gases will be routed to a thermal oxidizer unit (TOU). The TDU is proposed to be permitted as a miscellaneous unit.

Condition II.E.25.e of the Draft Permit provides that "[o]ne hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Thermal Desorber Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and L.A.C. 33:V.Chapter 32, and all applicable regulations." Chapter 32 is entitled "Miscellaneous Units", and is the State equivalent of 40 C.F.R. Part 264, Subpart X.

The material being treated in the TDU and the TOU is already a hazardous waste. Thermal treatment after a material becomes a hazardous waste is fully regulated under RCRA. 54 Fed. Reg. 50968, 50973 (December 11, 1989). The combustion of the non-condensable gases in the TOU meets the definition of "thermal treatment" in L.A.C. 33:V.109 [40 C.F.R. § 260.10] and thus requires a RCRA permit. The TOU would meet the definition of incinerator in L.A.C. 33:V.109 [40 C.F.R. § 260.10] (an enclosed device that uses controlled flame combustion).

However, rather than permitting the TOU as an incinerator, LDEQ could permit the TDU and TOU together as a miscellaneous unit under L.A.C. 33:V.Chapter 32 [40 C.F.R. Part 264, Subpart X]. If this occurs, then LDEQ is required to include in the permit requirements from L.A.C. 33:V.Chapters 3, 5, 7, 17, 19, 21, 23, 25, 27, 29, 31, 4301.F, H, 4302, 4303 and 4305, all other applicable requirements of L.A.C. 33:V.Subpart 1, and of 40 C.F.R. Part 63, Subpart EEE and 40 C.F.R. Part 146 that are appropriate for the miscellaneous unit being permitted.[1]

The decisions as to what appropriate requirements would be included in the permit would be left to LDEQ. However, EPA would expect that the permit conditions would be similar to those set forth in the enclosed Consent Agreement and Final Order, In Re: US Ecology Texas, Inc. and TD*X Associates, LP, EPA Docket Nos. RCRA-06-2012-0936 and RCRA-06-2012-0937, filed October 4, 2012. These permit conditions would include, but not be limited to: (1) a startup, shutdown, and malfunction plan; (2) a performance test, which includes meeting a 99.99% destruction removal efficiency for each principle organic hazardous constituent and meeting certain emission limits; (3) automatic waste feed cutoff system; (4) operating parameters; and (5) investigation, recordkeeping, testing, and reporting requirements. This position was also previously communicated to LDEQ in a letter from EPA to Mr. J.D. Head dated May 2, 2016, in which a copy was sent to LDEQ. A copy of this letter is also enclosed.

If you have any questions, please feel free to call _____ at _____

Sincerely,

Name
Title

Enclosure

cc: Benjamin Dabadie (CWM)

[1] The equivalent Federal provisions are 40 C.F.R. Part 264, Subparts I through O, AA, BB, and CC, 40 C.F.R. Part 270, 40 C.F.R. Part 63, Subpart EEE, and 40 C.F.R. Part 146. 40 C.F.R. § 264.601.

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FACT SHEET – CHEM WASTE MANAGEMENT PERMIT COMMENT LETTER

1. TD*X operated a thermal desorber unit (TDU) as part of an oil reclamation unit at the U.S. Ecology facility in Robstown, Texas. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous feed material. A nitrogen carrier gas was used to transfer the vapor phase organic constituents to a gas treatment system. The oil was recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU's recirculating nitrogen carrier gas, along with non-condensable gases, was vented and injected into the combustion chamber of the TDU, where it was burned. The burning of the vent gas constitutes thermal treatment, and the TDU did not have a RCRA permit for the TDU.

2. On October 4, 2012, EPA entered into a Consent Agreement and Final Order (CAFO) with U.S. Ecology and TD*X, which required the parties to install a thermal oxidizer unit (TOU) to burn the vent gases. If a system has two or more hazardous waste treatment units in series, EPA policy allows the permitting authority to make a case-by-case determination of how the overall system is classified. Using this policy, EPA determined that the TDU and TOU could be permitted under 40 C.F.R. Part 264, Subpart X. EPA also required certain permit conditions, including: (1) a startup, shutdown, and malfunction plan; (2) a performance test, which includes meeting a 99.99% destruction removal efficiency for the principle organic hazardous constituent and meeting certain emission limits; (3) an automatic waste feed cutoff system; (4) operating parameters; and (5) investigation, recordkeeping, testing, and reporting requirements.

3. EPA received a letter from an attorney whose client wanted to install a TDU at other refineries. He wanted regulatory certainty on certain issues set forth in the letter.

4. On May 5, 2016, EPA sent to a letter to the attorney, stating that the TDUs operating at a refinery should have the same or similar provisions as set forth in EPA's CAFO.

5. EPA recently learned that the Chem Waste Management facility in Carlyss, Louisiana had a draft RCRA permit out for public comment. Chem Waste seeks to install two oil recovery units, two TDUs, and 19 tanks at its facility. The TDU will be permitted as a miscellaneous unit. However, the operating parameters for the TDU are not part of the draft permit. They will be submitted to LDEQ 180 days before construction. The non-condensable gas will be routed to a TOU. However, the TOU will not be a RCRA permitted unit. It will only have an air permit. It is unclear as to whether other Subpart X requirements will be required for the TDU and TOU.

6. Region 6 RCRA enforcement would like a comment letter sent to LDEQ, stating its position that the TOU needs to be part of the RCRA permit, and that a number of Subpart X provisions need to be included in the permit. This will help ensure a level playing field among the companies operating TDUs.

7. The public comment period ends Monday, June 27, 2016.

CONTACTS: Legal – Evan Pearson – 5-8074; Technical - Guy Tidmore – 5-3142

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733

[DATE]

Ms. Lina Kruth Saale
Louisiana Department of Environmental Quality
Office of Environmental Services
Waste Permits Division
Post Office Box 4313
Baton Rouge, LA 70821-4313

RE: Draft Hazardous Waste Modified Operating and Post Closure Permit
Chemical Waste Management, Inc.
7170 John Brannon Road
Carlyss, LA 70665
Permit# LAD00077201-OP-RN-MO-1
AI# 742/PER20140007

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[DATE]

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Baton Rouge, LA 70821-4313

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How the TDU and TOU are permitted determine the appropriate permit requirements for the units. The material being treated in the TDU and the TOU is already a hazardous waste. Thermal treatment after a material becomes a hazardous waste is fully regulated under RCRA. 54 Fed. Reg. 50968, 50973 (December 11, 1989). The combustion of the non-condensable gases in the TOU meets the definition of "thermal treatment" in L.A.C. 33:V.109 [40 C.F.R. § 260.10] and thus requires a RCRA permit. The TOU would meet the definition of incinerator in L.A.C. 33:V.109 [40 C.F.R. § 260.10] (an enclosed device that uses controlled flame combustion). However, rather than permitting the TOU as an incinerator, LDEQ could permit the TDU and TOU together as a miscellaneous unit under L.A.C. 33:V.Chapter 32 [40 C.F.R. Part 264, Subpart X]. If this occurs, then LDEQ should ~~is required to~~ include in the permit requirements from L.A.C. 33:V.Chapters 3, 5, 7, 17, 19, 21, 23, 25, 27, 29, 31, 4301.F, H, 4302, 4303 and 4305, all other applicable requirements of L.A.C. 33:V.Subpart 1, and of 40 C.F.R. Part 63, Subpart EEE and 40 C.F.R. Part 146 that are appropriate for the miscellaneous unit being permitted.[1]

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~~In conclusion, we believe that permit conditions as set forth above should be included in the draft permit, and re-noticed for public comment.~~

If you have any questions, please feel free to call me at (214) 665-8022.

Sincerely,

Susan Spalding, ~~Chief~~
Associate Director
Hazardous Waste Branch (6MM-R)
Multimedia Division

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Enclosure

6RC	6RC	6MM	6EN
Jones	Pearson	Fruitwala	Tidmore

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