

## **PART I: STANDARD PERMIT CONDITIONS**

### **I.A. EFFECT OF PERMIT**

The Permittee is allowed to store, treat, and dispose of hazardous waste in accordance with the conditions of this Permit. Any storage, treatment or disposal of hazardous waste not authorized in this Permit is prohibited. Compliance with this Permit generally constitutes compliance, for purposes of enforcement, with the Colorado Revised Statutes. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of federal, state, or local law or regulations. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under the imminent-hazard provisions of the Act, or §7003 of RCRA; Section §106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), (CERCLA), or any other law providing for protection of public health or the environment [6 CCR 1007-3 §100.46 and §100.42(g)].

### **I.B. PERMIT ACTIONS**

#### **I.B.1. Permit Modification, Revocation and Reissuance, and Termination**

This Permit may be modified, revoked and reissued, or terminated for cause, as specified in 6 CCR 1007-3 §100.60. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any permit condition. [6 CCR 1007-3, §100.60 and §100.42(f)]

#### **I.B.2. Permit Renewal**

This Permit may be renewed as specified in 6 CCR 1007-3 §100.42(b) and Permit Condition I.E.2. Review of any application for a Permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations [6 CCR 1007-3, §100.42(b)].

### **I.C. SEVERABILITY**

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

**I.D. DEFINITIONS**

For purposes of this Permit, terms used herein shall have the same meaning as those in 6 CCR 1007-3 Parts 2, 99, 100, and 260 through 268, unless this Permit specifically provides otherwise; where terms are not defined in the regulations or the Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term. "Director" means the Director of the Colorado Department of Public Health and Environment (CDPHE), Hazardous Materials and Waste Management Division, or his designee or authorized representative.

**I.E. DUTIES AND REQUIREMENTS****I.E.1. Duty to Comply**

The Permittee must comply with all conditions of this Permit, except to the extent and for the duration that such noncompliance is authorized by an emergency permit. Any Permit noncompliance, other than noncompliance authorized by an emergency Permit, constitutes a violation of the Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application. [6 CCR 1007-3 §100.42(a)]

**I.E.2. Duty to Reapply**

If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee must submit a complete application for a new Permit at least 180 days prior to Permit expiration. [6 CCR 1007-3 §100.42(b) and 100.11(e)(1)]

**I.E.3. Permit Expiration**

Pursuant to 6 CCR 1007-3 §100.45, this Permit shall be effective for a fixed term of five years. As long as CDPHE is the Permit-issuing authority, this Permit and all conditions herein will remain in effect beyond the Permit's expiration date, if the Permittee has submitted a timely, complete application and, through no fault of the Permittee, the Director has not issued a new Permit, as set forth in 6 CCR 1007-3 §100.11(e)(2).

I.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. [6 CCR 1007-3 §100.42(c)]

I.E.5. Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. [6 CCR 1007-3 §100.42(d)]

I.E.6. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of disposal and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit. [6 CCR 1007-3 §100.42(e)]

I.E.7. Duty to Provide Information

The Permittee shall furnish to the Director, within a reasonable time, any relevant information which the Director may request, to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee must also furnish to the Director, upon request, copies of records required to be kept by this Permit. [6 CCR 1007-3 §264.74(a), §100.42(h)]

I.E.8. Inspection and Entry

Pursuant to 6 CCR 1007-3 §100.42(i), the Permittee shall allow the Director, or an authorized representative; upon the presentation of credentials and other documents as may be required by law to:

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- I.E.8.a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
- I.E.8.b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- I.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
- I.E.8.d. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.
- I.E.9. Monitoring and Records
- I.E.9.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste shall be the appropriate method from Appendix I of 6 CCR 1007-3 Part 261, or other method approved by the Division; the method used to obtain representative samples of ground water must be as described in *Permit Attachment 8*. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, Standard Methods of Wastewater Analysis, or an equivalent waste analysis method as specified in the Waste Analysis Plan (Permit Attachment 2), and/or an equivalent analysis method as specified in the Groundwater Sampling Plan (*Permit Attachment 8*). [6 CCR 1007-3 §100.42(j)(1)]
- I.E.9.b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit and 6 CCR 1007-3 §264.74, the certifications required by 6 CCR 1007-3 §264.73(b)(9) and (11), and records of all data used to complete the application for this Permit, from the date of the sample, measurement, report, record, certification, or application until post-closure care is terminated. This period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. The Permittee must maintain records from all ground water

monitoring wells and associated ground water surface elevations for the post-closure care period. [6 CCR 1007-3 §264.74(b) and 100.42(j)(2)]

I.E.9.c. Pursuant to 6 CCR 1007-3 §100.42(j)(3), records of monitoring information must specify:

I.E.9.c.i. The date(s), exact place, and times of sampling or measurements;

I.E.9.c.ii. The individuals who performed the sampling or measurements;

I.E.9.c.iii. The sample collection, storage, and handling techniques;

I.E.9.c.iv. The dates analyses were performed;

I.E.9.c.v. The individuals who performed the analyses;

I.E.9.c.vi. The analytical techniques or methods used; and

I.E.9.c.vii. The results of such analyses.

#### I.E.10. Reporting Planned Changes

The Permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the Permitted facility. For a facility being modified the Permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility until:

I.E.10.a. The Permittee has submitted to the Director by certified mail or hand delivery a letter signed by the Permittee and a Registered Professional Engineer stating that the facility has been constructed or modified in compliance with the Permit; and

I.E.10.b. The Director has inspected the modified facility and finds it is in compliance with the conditions of the Permit or

Within 15 days of the date of submission of the letter in Section I.E.10.a., the Permittee has not received notice from the Director of his or her intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste. [6 CCR 1007-3 §100.42(l)(1)]

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### I.E.11. Reporting Anticipated Noncompliance

The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a facility being modified, the permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in 6 CCR 1007-3 §100.61 and §100.63, until:

- I.E.11.a. The Permittee has submitted to the Director by certified mail or hand delivery a letter signed by the Permittee and a Registered Professional Engineer stating that the facility has been constructed or modified in compliance with the Permit; and
- I.E.11.b. The Director has inspected the modified facility and finds it in compliance with the conditions of the Permit; or

Within 15 days of the date of submission of the letter in Section I.E.11.a., the Permittee has not received notice from the Director of his or her intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste. [6 CCR 1007-3 §100.42(1)(2)]

### I.E.12. Transfer of Permits

This Permit is not transferable to any person, except after notice to the Director. The Director may require modification or revocation and reissuance of the Permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the State Hazardous Waste Act, pursuant to 6 CCR 1007-3 §100.62. Before transferring ownership or operation of the facility during its operating life, or of the disposal facility during the post closure care period, the Permittee must notify the new owner or operator in writing of the requirements of 6 CCR 1007-3, Parts 264 and 100 and this Permit. [6 CCR 1007-3 §100.42(1)(3), 264.12(c)]

### I.E.13. Twenty-Four-Hour Reporting

- I.E.13.a. The Permittee shall report to the Director any noncompliance which may endanger health or the environment. Any such information shall be provided orally within 24 hours from the time the Permittee becomes aware of the circumstances. The report must include the following:

- I.E.13.a.i. Information concerning release of any hazardous waste or hazardous constituent (§261, Appendix VIII and §264, Appendix IX) that may endanger public drinking water supplies.
- I.E.13.a.ii. Any information of a release or discharge of hazardous waste or hazardous constituent, (§261, Appendix VIII and §264, Appendix IX), or of a fire or explosion from the hazardous waste management facility which could threaten the environment or human health outside the facility.
- I.E.13.b. The description of the occurrence and its cause shall include:
  - I.E.13.b.i. Name, address, and telephone number of the owner or operator;
  - I.E.13.b.ii. Name, address, and telephone number of the facility;
  - I.E.13.b.iii. Date, time, and type of incident;
  - I.E.13.b.iv. Name and quantity of materials involved;
  - I.E.13.b.v. The extent of injuries, if any;
  - I.E.13.b.vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
  - I.E.13.b.vii. Estimated quantity and disposition of recovered material that resulted from the incident.
- I.E.13.c. A written submission shall also be provided within five days of the time the Permittee becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Director may waive

the five-day written notice requirement in favor of a written report within 15 days [6 CCR 1007-3, §100.42(1)(6)].

**I.E.14. Other Noncompliance**

The Permittee shall report all instances of noncompliance not otherwise required to be reported above, Permit Conditions I.E.10 through I.E.13, at the time monitoring reports are submitted. The reports must contain the information listed in Permit Condition I.E.13 [6 CCR 1007-3 §100.42(1)(7)].

**I.E.15. Other Information**

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit application, or submitted incorrect information in a Permit application or in any report to the Director, the Permittee must submit such facts or information within 30 calendar days. [6 CCR 1007-3 §100.42(1)(8)]

**I.F. SIGNATORY REQUIREMENT**

All applications, reports, or information submitted to or requested by the Director, his designee, or authorized representative, shall be signed and certified in accordance with 6 CCR 1007-3 §100.44(a) and 100.42(k).

**I.G. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE DIRECTOR**

All reports, notifications, or other submissions which are required by this Permit to be sent or given to the Director should be sent by certified mail or hand delivered to:

Colorado Department of Public Health and Environment  
Hazardous Materials and Waste Management Division  
HMWMD-HWC-B2  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

**I.H. CONFIDENTIAL INFORMATION**

In accordance with 6 CCR 1007-3 Part 2, the Permittee may claim as confidential any information required to be submitted by this Permit.

**I.I. DOCUMENTS TO BE MAINTAINED AT THE FACILITY**

The Permittee must maintain at the facility, until post-closure care is completed and certified by an independent, Colorado Registered Professional Engineer, the following documents and all amendments, revisions and modifications to these documents:

- I.I.1. This Permit and all approved modifications.
- I.I.2. Waste Analysis Plan, as required by 6 CCR 1007-3, §264.13 and this Permit.
- I.I.3. Inspection schedules, as required by 6 CCR 1007-3 §264.15(b)(2) and this Permit.
- I.I.4. Personnel training documents and records, as required by 6 CCR 1007-3 §264.16(d) and this Permit.
- I.I.5. Contingency Plan, as required by 6 CCR 1007-3 §264.53(a) and this Permit.
- I.I.6. Operating record, as required by 6 CCR 1007-3 §264.73 and this Permit.
- I.I.7. Closure Plan, as required by 6 CCR 1007-3, 264.112(a) and this Permit.
- I.I.8. All other documents required by Permit Condition I.E.9.

## **I.J. COMPLIANCE SCHEDULES**

The following shall be submitted in accordance with the compliance schedule set forth below:

- I.J.1. The Permittee may not receive any radioactive materials under this Permit prior to the issuance of the Final Radioactive Materials License.
- I.J.2. Within thirty days (30) of the effective date of this Permit, the Permittee must develop and implement a Community Involvement Plan. The Plan must include, at a minimum, all activities contained in Permit Condition II.T. Within 15 days of implementing the Plan, the Permittee must provide a written notice to the mailing list of the location of the repositories. [6 CCR 1007-3 §100.506(f)(4)].
- I.J.3. Within sixty days (60) days of the effective date of this Permit, the Permittee must investigate the use of Electronic Leak Location (ELL) testing as a final Construction Quality Assurance (CQA) test of the primary geomembrane installation. The investigation and subsequent proposals for use must be documented and submitted to the Department for review and recommendation. Any changes in the CQA Plan will be implemented following the procedures in 6 CCR 1007-3 Section 100.63.