

PART II: GENERAL FACILITY CONDITIONS

II.A. DESIGN AND OPERATION OF FACILITY

The Permittee must construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to air, soil, surface water, or ground water which could threaten human health or the environment, as required by 6 CCR 1007-3, §264.31.

II.B. REQUIRED NOTICES

- II.B.1. The Permittee must notify the Department in writing at least four weeks in advance of the date the Permittee expects to receive hazardous waste imported from a foreign country. Notice of subsequent shipments of the same waste from the same foreign source is not required. [6 CCR 1007-3, §264.12(a)]
- II.B.2. When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), he must inform the generator in writing that he has the appropriate permits for, and will accept the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record. [6 CCR 1007-3, §264.12(b)]
- II.B.3. Before transferring ownership or operation of the facility during its operating life, or during the post closure care period, the Permittee must notify the new owner or operator in writing of the requirements of this Permit and the requirements of 6 CCR 1007-3 §264 and §100. [6 CCR 1007-3, §264.12(c)]

II.C. GENERAL WASTE ANALYSIS

The Permittee must follow the waste analysis procedures required by 6 CCR 1007-3, §264.13, and as described in the attached Waste Analysis Plan, Permit Attachment 2, and comply with the following:

- II.C.1. At a minimum, the Permittee must maintain proper functional instruments, verify the validity of sampling and analytical procedures, and perform correct calculations. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 6 CCR 1007-3, Part 261, or as described in the Waste Analysis Plan, Attachment 2.
- II.C.2. Laboratory methods must be those specified in the most current, approved version of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, as referenced in 6 CCR 1007-3, §260.11, or an equivalent approved method, as specified in the Waste Analysis Plan, Attachment 2. If the Permittee uses a

contract laboratory to perform analyses, then the Permittee must inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit. The Permittee must keep a copy of this written notice as part of the operating record.

II.C.3. The Permittee may accept wastes, which are identified with appropriate EPA waste codes or of unknown origin and composition in an emergency situation when the generator is a local, state, or federal institution. The waste may only be stored in Container Management Area A and management of the waste must be in compliance with Permit Conditions III.B.3.

II.C.4. Non-hazardous wastes and other materials not listed under Permit Conditions III.B.2., IV.B.2., V.B.2., and VI.B.2. may be managed at the Facility, provided the Permittee manages the materials in compliance with all requirements of this Permit.

II.C.5. Radioactive wastes, in compliance with the levels in this Permit Condition, may be accepted at the Facility. These wastes must be managed in accordance with the Radioactive Materials License No. 1002-01. Radioactive waste accepted must comply with the following requirements:

II.C.5.a. Dry solids containing naturally occurring radioactive material.

The specific radionuclides are limited to K-40 and all the radionuclides in the decay series for U-238, U-235 and Th-232. The total activity per gram of all such materials shall not exceed 2000 pCi. Additionally, the Ra-226 activity per gram shall not exceed 400 pCi. The physical form of the material includes but is not limited to soils, sludges, process residues, resins etc. that are compatible with the design criteria for the impoundment and approved materials processing.

II.C.5.b. In addition to the limits established above, total Uranium and Thorium content shall be less than 0.05% by weight (500 µg per gram) of the materials received for disposal.

II.C.6. Bulk polychlorinated biphenyls ("PCBs") at concentrations \leq 50ppm or PCB remediation waste, at concentrations \geq 50 ppm, as authorized under the Toxic Substances Control Act 40 CFR Part 761.61(a)(5)(i)(B)(2)(iii) may be accepted.

II.C.7. The following wastes are specifically prohibited from storage, treatment, or disposal at the facility:

- Compressed gases
- Pyrophoric/air reactive Materials
- Shock Sensitive Materials
- Infectious Wastes
- DOT Forbidden Explosives

II.D. SECURITY

- II.D.1. The Permittee must prevent the unknowing entry and minimize the possibility for unauthorized entry, of persons or livestock onto the active portion of the Facility. [6 CCR 1007-3 §264.14(a)]
- II.D.2. The Permittee shall control entry at all times through fences, gates, doors, and other entrances to the Facility. [6 CCR 1007-3 §264.14(b)]
- II.D.3. The Permittee shall maintain the fence, which consists of an eight foot chain link fence topped with barbed wire, surrounding the Facility. The fence includes an additional locked gate at the east, west and south sides of the Facility. [6 CCR 1007-3 §264.14(b)]
- II.D.4. The Permittee shall post and maintain warning signs at the entry gates and at a maximum of 200 feet intervals along the perimeter fence. The signs shall read “Danger - Unauthorized Personnel Keep Out” and shall be legible from a distance of at least 25 feet. [6 CCR 1007-3 §264.14(c)]
- II.D.5. The facility will provide at a minimum one employee present at the facility at all times when untreated waste is present in the Treatment Basins that may generate extreme heat or pressure, fire or explosions or violent reactions; produce uncontrolled toxic mists, fumes, dusts or gases; or produce uncontrolled flammable fumes or gases. Wastes will be evaluated on a case-by-case basis. The evaluation will be documented in the Operating Record. [6 CCR 1007-3 §264.14(b)]

II.E. GENERAL INSPECTION REQUIREMENTS

- II.E.1. The Permittee must follow the inspection procedures required by 6 CCR 1007-3, §264.15, and as described in the attached Inspection Plan, Attachment 3, and comply with the following requirements.
- II.E.2. The Permittee must record the date and time of the inspection and all inspection observations on the appropriate Inspection Checklist provided in Attachment 3.

The Permittee must require inspectors to sign or print their names on each Inspection Checklist after indicating the status of the items inspected. Items not inspected must be marked “NI” on the Inspection Checklist. Inspectors will sign and clearly define sections of the inspection that they performed, if different inspectors complete sections of an inspection. Records of the inspections must be kept for at least three years from the date of inspection. [6 CCR 1007-3, §264.15(d)]

- II.E.3. If a deficiency can be and is corrected within the shift in which it is detected, the deficiency and correction must be noted and documented on the Inspection Form. If the deficiency cannot be corrected within the shift in which it is detected, a written corrective action report shall be filed with the original Inspection Checklist on which an item was first noted as requiring correction. An example of a Corrective Action Report is included in Permit Attachment 3. [6 CCR 1007-3 §264.15(c)]
- II.E.4. The Permittee shall remedy any deterioration or malfunction of equipment or structures identified during the inspection within fourteen (14) calendar days after the inspection in which the problem is first identified, except as provided in Condition I.E.6. and 7. of this Permit. [6 CCR 1007-3 §264.15(c)]
- II.E.5. The Permittee shall immediately initiate remedial actions to remedy any health or safety hazards and actual or imminent releases from the Facility into the environment of solid or hazardous wastes, hazardous waste constituents, potentially contaminated runoff, or precipitation runoff which has contacted solid or hazardous waste. Remedial action must be completed within twenty-four (24) hours after the problem is identified. [6 CCR 1007-3 §264.15(c)]
- II.E.6. The Permittee may submit either a verbal or written request to extend the time limits specified in Conditions II.E.4. and II.E.5. of this Permit, on a case-by-case basis. The request must include an explanation of the unforeseen or uncontrollable circumstances that have resulted in the need for additional time to complete such remedial action(s) and must be received at the Department prior to the time limit expiration. The request must be documented in the Operating Record.
- II.E.7. During the time prior to completion of final remedial actions, the Permittee shall implement interim mitigation measures to prevent or minimize continuing deterioration of structures or equipment, safety hazards, or releases of wastes.

II.F. PERSONNEL TRAINING

- II.F.1. The Permittee must conduct personnel training as required by 6 CCR 1007-3 §264.16, and as described in the Personnel Training Plan, Attachment 5, and comply with the following requirements.
- II.F.2. The Permittee must maintain qualified and competent personnel in key facility positions (such as management, supervisory personnel, and waste management personnel).
- II.F.3. Temporary contract laborers and members of the public shall be escorted throughout the restricted area under the direct supervision and in the physical presence of trained personnel. Temporary contract laborers shall sign in and out of the facility each day. The sign-in, sign-out logs for the facility shall be maintained in the Operating Record.
- II.F.4. The Permittee must maintain the following documents and records at the Facility:
- The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.
 - A written job description for each position listed in the Personnel Training Plan, Attachment 5. This description may be consistent in its degree of specificity with descriptions for other similar positions at the Facility, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position.
 - A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed in the Personnel Training Plan, Attachment 5.
 - Records that document that the training or job experience required under Permit Condition II.F. has been given to, and successfully completed by, Facility personnel. [6 CCR 1007-3 §264.16(d)]
- II.F.5. Training records on current personnel must be kept until closure of the facility; training records on former personnel must be kept for at least three years from the date the employee last worked at the Facility. Personnel training records may accompany personnel transferred within the same company. [6 CCR 1007-3 §264.16(e)]

II.F.6. Personnel who handle hazardous waste must not work without direct supervision until training requirements are met. New personnel must complete the training program within six months of their assignment to the hazardous waste management areas. [6 CCR 1007-3 §264.16(b)]

II.F.7. Facility personnel must take part in an annual review of the initial training required in Permit Condition II.F. and described in the Personnel Training Plan, Attachment 5. Annual training requirements must be completed within thirteen months of previous annual or initial training. [6 CCR 1007-3 §264.16(c)]

II. G. SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

II.G.1. The Permittee must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting, and welding, hot surfaces, frictional heat, sparks (static, electrical, mechanical), incompatible chemicals or wastes, spontaneous ignition (e.g. from heat producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the Permittee must confine smoking and open flames to specifically designated locations. “No Smoking” signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste. Smoking shall be confined to designated locations at all times. [6 CCR 1007-3 §264.17(a)]

II.G.2. When treating, storing or disposing of ignitable or reactive waste or mixing incompatible waste or incompatible waste and other materials, the Permittee must take precautions to prevent reactions which:

- Generate extreme heat or pressure, fire or explosions, or violent reactions;
- Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;
- Produce uncontrolled flammable fumes or gases in sufficient quantities to pose risk of fire or explosions;
- Damage the structural integrity of the device or Facility;
- Through other like means threaten human health or the environment. [6 CCR 1007-3 §264.17(b)]

II.G.3. The Permittee must document compliance with Permit Conditions II.G.1. and II.G.2. in the Operating Record. This documentation may be based on references to

published scientific or engineering literature, data from trial tests (bench scale or pilot scale tests), waste analysis, or the results of treatment of similar wastes by similar treatment processes and under similar operating conditions. [6 CCR 1007-3 §264.17(c)]

II.G.4. The Permittee must comply, at a minimum, with all applicable standards specified in NFPA30 - Flammable and Combustible Liquids Code, 1987 Edition.

II.G.5. The Permittee must follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in Parts III, IV, V, and VI and Attachment 4 of this Permit.

II.H. CONSTRUCTION QUALITY ASSURANCE PROGRAM

II.H.1. The Permittee must follow the Construction Quality Assurance Program (CQA) required by 6 CCR 1007-3 §264.19, and as described in the attached Construction Quality Assurance Plan, Attachment 10, and comply with the following requirements:

II.H.2. The CQA Program must be developed and implemented under the direction of a CQA officer who is a Registered Professional Engineer. [6 CCR 1007-3 §264.19(a)]

II.H.3. Waste shall not be received in a secure cell until the Permittee has submitted to the Department by certified mail or hand delivery a certification signed by the CQA officer that the approved CQA Plan has been successfully carried out and that the unit meets the requirements of §264.301(c) and (d); the procedure in §100.42(l)(2)(ii) of 6 CCR 1007-3 has been completed; and the Department has approved, in writing, the certification. Documentation supporting the CQA officer's certification must be furnished to the Department upon request. [6 CCR 1007-3 §264.19(d)]

II.I. PREPAREDNESS AND PREVENTION

- II.I.1. The Facility must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface or ground water which could threaten human health or the environment. [6 CCR 1007-3 §264.31]
- II.I.2. At a minimum the Permittee must test and maintain the equipment specified in the Contingency Plan, Attachment 4, and as required by 6 CCR 1007-3 §264.32, as necessary, to ensure proper operation in time of emergency and as required by 6 CCR 1007-3 §264.33. Documentation of this testing and maintenance must be maintained in the operating record.
- II.I.3. Access of communications or alarm system
- II.I.3.a. Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee. [6 CCR 1007-3 §264.34(a)]
- II.I.3.b. The Permittee must maintain access to the communications and alarm system described in Permit Attachment 4, and as required by 6 CCR 1007-3 §264.34.
- II.I.4. Required aisle space and roadways
- II.I.4.a. At a minimum, the Permittee must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation. [6 CCR 1007-3 §264.35]
- II.I.4.b. The roadways to all permitted hazardous waste management areas must be maintained to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment in an emergency.

II.I.5. Arrangements with Local Agencies

II.I.5.a. The Permittee must attempt to maintain arrangements with state and local agencies, as required by 6 CCR 1007-3 §264.37. The Permittee will maintain arrangements with the following agencies:

- Adams County Mutual Aid/Fire Department
- Adams County Sheriff
- Byers Rescue Squad
- Fort Morgan Community Hospital
- Emergency Medical Air Service (AMI-Presbyterian, Aurora)
- Southwestern Washington County Fire District

II.I.5.b. If any local authorities terminate or decline to enter into such arrangements with the Permittee, the Permittee must document this termination or declination in the operating record, notify the Department in writing within 10 days, specifying alternative emergency response arrangements, and comply with 6 CCR 1007-3 §264.31. [6 CCR 1007-3 §264.37(b)]

II.J. CONTINGENCY PLAN AND EMERGENCY PROCEDURES

II.J.1. The Permittee must follow the procedures required by 6 CCR 1007-3, Subpart D, and as described in the attached Contingency Plan, Attachment 4, and the following requirements:

II.J.2. The Permittee must immediately carry out the provisions of the Contingency Plan, Attachment 4, whenever there is a fire, explosion, or release of hazardous waste or hazardous constituents which could threaten human health or the environment and as specified in Attachment 4. [6 CCR 1007-3 §264.51(b)]

II.J.3. The Permittee must keep a copy of the Contingency Plan and all revisions to the Plan at the Facility, and must submit the Plan with relevant maps and figures to all local fire departments, hospitals, and local emergency response teams that may be called to provide emergency services. [6 CCR 1007-3 §264.53]

II.J.4. The Permittee must review and immediately amend, if necessary, the Contingency Plan whenever

- The facility Permit is revised;
- The Plan fails in an emergency;

-
- The facility changes in its design, construction, operation, maintenance, or other circumstances, in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
 - The list of emergency coordinators changes; or
 - The list of emergency equipment changes. [6 CCR 1007-3 §264.54]
- II.J.5. At all times, there must be at least one employee either on the facility premises or on call (i.e. capable of verbal communication and available to respond within 30 minutes) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the Facility's Contingency Plan, all operations and activities at the Facility, the location and characteristics of wastes handled, the location of all records within the Facility, and the Facility layout. In addition, this person must have the authority to commit the resources necessary to carry out the Contingency Plan. [6 CCR 1007-3 §264.55]
- II.J.6. The Permittee shall request local emergency response personnel, such as volunteer fire department and sheriff's office personnel, to participate in emergency response training conducted at the Facility.
- II.J.7. The following occurrences will be verbally reported to the Department within 48 hours even if they do not exceed the thresholds defined in the Contingency Plan, Attachment 4, for implementation of the Contingency Plan:
- Any fire or explosion
 - Any spill or release of hazardous waste or hazardous waste constituent outside of a hazardous waste unit
 - Any spill or release of hazardous waste or hazardous waste constituent inside of a secondary containment system

II.K. MANIFEST SYSTEM

The Permittee will comply with the manifest requirements of 6 CCR 1007-3 Subpart E, including §264.71 regarding the use of the manifest system, §264.72 regarding manifest discrepancies, and §264.76 regarding unmanifested waste reports.

II.L. OPERATING RECORD

The Permittee shall maintain a written operating record at the Facility to comply with 6 CCR 1007-3 §264.73 and Part 264, Appendix I. The following items must be maintained as part of the operating record:

- II.L.1. The Permittee shall maintain a description and the quantity of each hazardous waste received, and method(s) and date(s) of its treatment, storage and/or disposal at the Facility as required by 6 CCR 1007-3, Part 264, Appendix I.
- II.L.2. The Permittee shall maintain hazardous waste management unit log books, files and/or databases to document the location of each hazardous waste within the Facility. For all units, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest. For each secure disposal cell, the location and quantity of each hazardous waste must be recorded on a map or diagram using a three-dimensional grid system.
- II.L.3. The Permittee shall maintain copies of all records and results of all waste analysis and waste determinations.
- II.L.4. The Permittee shall maintain copies of descriptions of all waste analysis discrepancies.
- II.L.5. The Permittee shall maintain copies of all samples and measurements taken for the purpose of monitoring including, but not limited to, weather instrumentation readings, drainage ditch samples, background soil samples, and groundwater and surface water samples.
 - II.L.5.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - II.L.5.b. The Permittee shall retain records of all monitoring information, including calibration (such as laboratory equipment calibrations) and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit for a period of at least three years from the date of the sample, measurement, report, or application. These periods may be extended by request of the Director at any time and are automatically extended during the course of any unresolved enforcement action regarding this Facility.

II.L.5.c. Records of monitoring information shall include:

- The dates, exact place, and time of sampling or measurement
- The individual(s) who perform the sampling or measurement
- The date(s) the analyses were performed
- Chain of custody forms
- The individual(s) who performed the analyses
- The analytical techniques and methods used
- The results of such analyses

II.L.6. The Permittee shall maintain a record and results of all inspections at the Facility

II.L.7. The Permittee shall maintain summary reports and details, including the time and date, of all incidents that require implementation of the Contingency Plan. Within five days after an incident, the Permittee must submit a written report on the incident to the Department. The report must include:

- Name, address, and telephone number of the Permittee
- Name, address, and telephone number of the Facility
- Date, time, and type of incident (e.g. fire, explosion, spill, release)
- Type and quantity of material(s) involved
- An assessment of actual and/or potential hazards to human health or the environment
- Estimated quantity and disposition of recovered material that resulted from the incident
- Remediation techniques and equipment employed
- Duration of incident
- Weather conditions at the time of the incident, including but not limited to, wind speed and direction, temperature, and precipitation

II.L.8. After the Contingency Plan is implemented and upon resumption of operations at the Facility, the Emergency Coordinator shall notify all agencies as specified in the Contingency Plan, which were contacted about the incident, and document the notification in the operating record.

II.L.9. The Permittee shall report to the Department any noncompliance with the Permit which may endanger human health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of

the circumstances. This report shall be documented in the operating record and shall include the following:

II.L.9.a. Information concerning the release from the site of any hazardous waste constituents via air, surface water or groundwater.

II.L.9.b. Information concerning the release or discharge of any hazardous waste, including but not limited to fire, explosion, spill, flood, precipitation events, escape of contaminated run-off, which could threaten human health or the environment outside the Facility. The description of the occurrence and its cause shall include:

- Name, address, and telephone number of the Permittee
- Name, address, and telephone number of the Facility
- Date, time, and type of incident
- Name and quantity of material(s) involved
- The extent of injuries, if any
- An assessment of actual and/or potential hazard to human health or the environment outside the Facility
- Estimated quantity and disposition of recovered material that resulted from the incident
- Remediation techniques and equipment employed
- Duration of incident
- Weather conditions including, but not limited to, wind speed and direction, temperature and precipitation

A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance (including exact dates and times); and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

The Permittee need not comply with the seven day written notice requirement if the Director waives the requirement and the Permittee submits a written report within fifteen days of the time the Permittee becomes aware of the circumstances. Documentation of the notification must be maintained in the operating record.

II.L.10. The Permittee must maintain, as part of the operating record, a written job description for each position listed in the Personnel Training Plan, Attachment 5, and a record of the individuals employed in each of those positions. These

descriptions must include the requisite skill, education or other qualifications, and duties of employees assigned to each position.

II.L.11. The Permittee shall maintain records that document that the training required by this Permit has been given to, and completed by the appropriate personnel. [6 CCR 1007-3 §264.16(d)(4)]

II.L.11.a. The Permittee shall maintain as part of the operating record training records of current personnel until closure of the facility. The Permittee shall maintain training records for former employees for 3 years from the date the employee last worked at the facility.

II.L.11.b. The Permittee must maintain training records of emergency response training or local emergency response agencies/individuals and document refusal by those agencies to take part in the training.

II.L.12. The Permittee shall maintain copies of all monitoring and measurements which are taken during the closure period including monitoring to determine the level of decontamination. The Permittee shall maintain copies of all closure notices, certifications, and documents required during the Closure Care period.

II.L.13. The Permittee shall maintain a Post-Closure operating record which includes the following:

- Post-closure sampling and analytical data, including the amount of leachate or liquids removed from Leachate Collection/Leak Detection System(s).
- Survey plat indicating landfill location and three dimensional record of hazardous waste in each cell.
- Inspection reports and inspection log forms including any necessary remedial action.
- Detailed reports of incidents which required implementation of the Contingency Plan.
- Documentation of the required post-closure personnel training or employees or contractors.
- Certification of Post-Closure and Notice in Deed of Post-Closure.

II.L.14. The Permittee shall maintain in the operating record documentation of the current financial assurance mechanisms for Closure and Post-Closure.

II.L.15. The Permittee shall maintain in the operating record all closure cost estimates under 6 CCR 1007-3 §266.12 and all post closure cost estimates under 6 CCR 1007-3 §266.13.

II.L.16. The Permittee shall maintain records of Secure Cell and Treatment Building Leachate Collection Systems/Leak Detection Systems. The Permittee shall notify the Department if contamination, as defined by Permit Condition VII.C.3., is present in the Leak Detection System as verified by the required analysis. Notification shall be reported orally within 24 hours from the time the Permittee becomes aware of the contamination and a written submission shall also be provided within seven days of the time the Permittee becomes aware of the contamination. All analytical results which show contamination shall be submitted to the Department.

II.L.17. The Permittee shall record daily in the operating record the volume of liquids removed from each sump. [6 CCR 1007-3 §264.73 and §264.303(b)]

II.L.18. The Permittee shall maintain copies of samples analyses for the CDPS Wastewater Treatment Operation including on-site use, and discharge samples, as part of the operation for 3 years from the date of the analysis.

II.L.19. The Permittee shall record in the operating record the amount of flammable or combustible liquids received at and removed from the Container Management Building and the Container Storage Area on a daily basis. The record shall identify the class of the liquid based on flashpoint and the amount of liquids received and removed. The flammable and combustible liquid classes are as follows:

- Class I (flashpoint less than 100° F)
- Class II (flashpoint between 100° F and 140° F)
- Class III (flashpoint greater than 140°F)

II.L.20. The Permittee shall retain the following documentation for inclusion in each tank certification report: remedial investigation or corrective action engineering feasibility reports, or other reports as needed through the Facility Closure period: [6 CCR 1007-3 §264.191]

- Certification, by a Registered Professional Engineer, of structural integrity.
- Tank and containment coating certification.
- Proper installation of coupons.
- As-built drawing for tank foundations and containment areas.

II.L.21. The Permittee shall retain records related to construction and operation of Segregated Stormwater Retention Basin ~~and Lift Station A~~ through the Facility closure period, including but not limited to, pump flow volume records and meter accuracy demonstration calculations.

II.L.22. The Permittee shall retain the following documentation in the operating record for inclusion in each secure cell certification report, remedial investigation or corrective action engineering feasibility reports, or other reports as needed, through the Facility Post-Closure period: [6 CCR 1007-3 §264.74]

- Exploratory boring logs and any sample tests.
- Construction inspection reports, logs, soil and water sample analyses, moisture content, compaction and permeability test results, and corrective or remedial work reports, including sand zone replacement.
- Construction reports detailing geomembrane liner installation including seam evaluation reports.
- As-built drawings of all constructed Secure Cells, with all changes in details of original design clearly marked.
- Geologic maps of cell excavations, and associated soil gradation analyses.
- Record of compliance with ignitable, reactive, or incompatible waste restrictions for each Secure Cell.
- The record of the location and quantity of each hazardous waste, radioactive material, or non-hazardous waste placement, recorded on a map or diagram, using a three-dimensional grid system.

II.L.23. The Permittee shall retain records from the Facility groundwater monitoring and inspection programs through the Post-Closure period, including but not limited to the following: [6 CCR 1007-3 §§264.15(a), 264.74, 264.99, 264.100]

- Well boring and/or core logs.
- Soil sample gradation analyses and permeability test results.
- Well completion reports.
- Sampling logbooks.
- Annual flow rate and direction reports.
- Interim information reports and final source determination reports.
- Corrective action feasibility plans and/or variance applications.
- Sample custody forms.
- Groundwater analysis and QA/QC reports.
- Background concentration calculations.

- Quarterly statistical test calculations for LCS, LDS and PS.
- Semi-annual statistical test calculations for groundwater monitoring wells.

II.L.24. The Permittee shall maintain records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted pursuant to 40 CFR §268.5, a petition pursuant to 40 CFR §268.6, or a certification under 40 CFR §268.8, and the applicable notice required by a generator under 6 CCR 1007-3 §268.7(a).

II.L.25. For wastes generated off-site which have been treated, a copy of the notice, and the certification and demonstration, if applicable, required by the generator or the owner or operator under 6 CCR 1007-3, §268.7 or 40 CFR §268.8.

II.L.26. For wastes generated on-site which have been treated, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required by the generator or the owner or operator under §268.7 or 40 CFR §268.8.

II.L.27. For wastes generated off-site which are to be disposed of at the Facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator of a treatment facility under §268.7 or 40 CFR §268.8, whichever is applicable

II.L.28. For wastes generated on-site which are to be disposed of at the Facility, the information contained in the notice by the generator or owner or operator of a treatment facility under 6 CCR 1007-3 §268.7, except for the manifest number, and the certification and demonstration if applicable, required under 40 CFR §268.8, which is applicable

II.L.29. For wastes generated off-site which are accepted for storage at the Facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or owner or operator under 6 CCR 1007-3 §268.7 or 40 CFR §268.8

II.L.30. For wastes generated on-site which are stored at the Facility, the information contained in the notice, except for the manifest number, and the certification and demonstration if applicable, required by the generator or owner or operator under 6 CCR 1007-3 §268.7 or 40 CFR §268.8.

II.M. ADDITIONAL RECORD KEEPING AND REPORTING

In addition to the recordkeeping and reporting requirements specified elsewhere in this Permit, the Permittee must comply with the following:

II.M.1. The Permittee must comply with the biennial reporting requirements of 6 CCR 1007-3 §264.75.

II.M.2. Waste Minimization

II.M.2.a. The Permittee must maintain a written program to reduce the volume or quantity and toxicity of hazardous waste generated by the Permittee to the maximum degree determined by the Permittee to be economically practicable, and use treatment, storage, or disposal methods currently available to the Permittee which minimize the present and future threat to human health and the environment. A copy of the waste minimization program will be maintained at the Facility as part of the operating record. [6 CCR 1007-3 §264.73(b)(9)]

II.M.2.b. The Permittee must certify annually in the operating record that the above described waste minimization practices are being implemented at the Facility. The certification shall be submitted to the Department by December 31 of each year.

II.M.3. The Permittee must also report to the Department:

II.M.3.a. By 10:00 am each Monday, a weekly summary of anticipated waste receipts for the coming week. The summaries may be submitted by e-mail or facsimile. The Department must be notified, as soon as practicable, of any changes in the schedule of in-coming wastes or materials.

II.M.3.b. Releases, fires, and explosions as specified in this Permit and 6 CCR 1007-3 §264.56(j).

II.M.3.c. Facility closures as specified in this Permit and 6 CCR 1007-3 §264.115.

II.M.3.d. All reports otherwise required by 6 CCR 1007-3 §264 Subparts F, K through N, AA, BB, and CC.

II.M.3.e. Annual report information for the purpose of assessing facility annual fees in accordance with 6 CCR 1007-3 §100.31. [6 CCR 1007-3, §264.77]

II.N. CLOSURE REQUIREMENTS

- II.N.1. The Permittee must close the Facility, as required by 6 CCR 1007-3, Subpart G, and in accordance with the Closure Plan, Attachment 6, and comply with the following.
- II.N.2. The Permittee must amend the Closure Plan whenever necessary, in accordance with 6 CCR 1007-3 §264.112(c), following the modification procedures in 6 CCR 1007-3 §100.63.
- II.N.3. The Permittee must notify the Director in writing at least 60 days prior to the date on which he expects to begin closure of a landfill unit or the treatment building. The Permittee must notify the Director in writing at least 45 days prior to the date on which he expects to begin closure of a tank or container storage unit. The Permittee must notify the Director in writing at least 30 days prior to the date on which he expects to begin closure of any piece of equipment.
- II.N.4. After receiving the final volume of hazardous waste, the Permittee must treat or remove from each unit or the Facility all hazardous waste, and must complete closure activities in accordance with 6 CCR 1007-3 §264.113 and the schedules specified in the Closure Plan, Attachment 6. Partial closures must follow the time frames set forth in 6 CCR 1007-3 Subpart G and the Closure Plan, Attachment 6.
- II.N.5. The Permittee must decontaminate or dispose of all contaminated equipment, structures, and soils, as required by 6 CCR 1007-3 §264.114 and the Closure Plan, Attachment 6.
- II.N.6. The Permittee and an independent, qualified, Colorado Registered Professional Engineer must certify that the Facility has been closed in accordance with the specifications in the approved Closure Plan, as required by 6 CCR 1007-3 §264.115.

II.O. CLOSURE COST ESTIMATE FOR THE FACILITY

- II.O.1. During the operating life of the Facility, the Permittee shall adjust the Closure Cost Estimate annually; the Closure Cost Estimate must be submitted to the Department by the anniversary date of the initial establishment of the current financial assurance instrument for closure each year. The adjustment must be made using an

inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business. [6 CCR 1007-3 §266.12(b)]

II.O.2. The Permittee shall revise the Closure Cost Estimate whenever a change in the Closure Plan increases the cost of closure. [6 CCR 1007-3 §266.12(c)]

II.O.3. The Permittee shall keep at the Facility the latest Closure Cost Estimate prepared in accordance with 6 CCR 1007-3 §266.12(a) and (c) and when this estimate has been adjusted in accordance with Condition II.O.1., the latest adjusted Closure Cost Estimate. [6 CCR 1007-3 §266.12(d)]

II.P. GENERAL POST CLOSURE REQUIREMENTS

II.P.1. The Post-Closure Care period shall commence at the date of certification of Closure and continue for a period of 30 years unless extended by the Department. The Permittee shall comply with the requirements of 6 CCR 1007-3, Subpart G, the requirements of the Post Closure Plan, Attachment 7, and the following requirements. [6 CCR 1007-3 §264.117(a)(1)]

II.P.2. Within 60 days of completion of the post closure care period for each hazardous waste disposal unit, the Permittee shall submit to the Department a certification by both the Permittee and an independent Registered Professional Engineer that the Post-Closure Care activities were in accordance with the Post-Closure Plan. In addition, the certification shall include documentation of any previous or on-going incidents, both sudden and non-sudden which could affect human health and the environment. [6 CCR 1007-3 §264.120]

II.P.3. The Permittee must obtain approval from the Director prior to an amended Post-Closure Plan becoming effective. [6 CCR 1007-3 §264.118(b) and (c)]

II.P.4. The Permittee may amend the Post-Closure Plan at any time during the active life of the Facility or during the Post-Closure Care period. The Permittee must amend the plan whenever changes in operating plans or facility design, or events which occur during the active life of the Facility or during the Post-Closure Period affect the Post-Closure Plan. [6 CCR 1007-3 §264.118(d)]

II.P.5. When a permit modification is requested during the active life of the Facility to authorize a change in operating plans or facility design, which will affect the Post-Closure Plan, a modification of the Post-Closure Plan must be requested at the same time. In all other cases, the request for modification of the Post-Closure Plan

must be made within 60 days after the change in operating plans or facility design or the events which affect the Post-Closure Plan occur. [6 CCR 1007-3 §264.118(d)]

- II.P.6. Within 60 days after closure is completed, the Permittee must submit to the Adams County Planning Department Office, and to the Department, a survey plat indicating the location and dimensions of Secure Disposal Cells or other disposal areas with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a Professional Land Surveyor. The plat filed with the Adams County Planning Department must contain a note, prominently displayed, which states the Permittee's obligation to restrict disturbance of the site. In addition, the Permittee must submit to the Adams County Planning Department and to the Department a record of the type, location and quantity of hazardous waste disposed of within each cell or area of the Facility. Any changes in the type, locations, or quantity of hazardous waste disposed of within each cell or area of the Facility that occurs after the survey plat and record of waste have been filed must be reported to the Adams County Planning Department and to the Department. [6 CCR 1007-3 §264.119]
- II.P.7. The owner must record a notation on the deed to the Facility property or on all other instruments which are normally examined during a title search that will in perpetuity notify any potential purchaser of the property that the land has been used to manage hazardous wastes; that its use is restricted under the provisions of the Colorado Hazardous Waste Regulations, 6 CCR 1007-3, Section 264.117(c); and that the survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or area of the Facility required in Section 265.119 of 6 CCR 1007-3, have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the Director.

II.Q. POST CLOSURE COST ESTIMATE FOR THE FACILITY

- II.Q.1. During the operating life of the Facility, the Permittee shall adjust the Post Closure Cost Estimate annually; the Post Closure Cost Estimate must be submitted to the Department by the anniversary date of the initial establishment of the current financial assurance instrument for closure each year. The adjustment must be made using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business. [6 CCR 1007-3 §266.12(b)]
- II.Q.2. The Permittee shall revise the Post Closure Cost Estimate whenever a change in the Post Closure Plan increases the cost of closure. [6 CCR 1007-3 §266.12(c)]

- II.Q.3. The Permittee shall keep at the Facility the latest Post Closure Cost Estimate prepared in accordance with 6 CCR 1007-3 §266.12(a) and (c) and when this estimate has been adjusted in accordance with Condition II.Q.1., the latest adjusted Post Closure Cost Estimate. [6 CCR 1007-3 §266.12(d)]

II.R. FINANCIAL ASSURANCE

- II.R.1. The Permittee shall demonstrate continuous compliance with 6 CCR 1007-3, Section 266.14 by providing documentation of financial assurance, through the use of one or more of the mechanisms specified in 6 CCR 1007-3 §266.14(a) through 266.14(j) in at least the amount of the total closure and post-closure costs as specified in Permit Attachments 6 and 7.
- II.R.2. The Permittee shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden and non-sudden accidental occurrences arising from operations of the Facility, and continuous compliance with the requirements of 6 CCR 1007-3, Section 266.16 by maintaining liability coverage for sudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs and maintaining liability coverage for non-sudden accidental occurrences in the amount of at least \$5 million per occurrence with an annual aggregate of at least \$10 million, exclusive of legal defense costs. The Permittee shall demonstrate the required liability coverage by having one or more of the financial assurance mechanisms for liability coverage specified in 6 CCR 1007-3 Sections 266.16(f) through (l) in place at all times.
- II.R.3. The Permittee shall cease receiving wastes upon the effective expiration or cancellation of the current mechanism for demonstrating liability coverage until an alternate mechanism allowed by 6 CCR 1007-3, Section 266.16 (f) - (l) is in effect.
- II.R.4. The Permittee shall comply with 6 CCR 1007-3, Section 266.17 by notifying the Department by certified mail of the commencement of a voluntary or involuntary proceeding under Title II (Bankruptcy), U.S. Code, naming the Permittee within 10 days after commencement of the proceeding.

II.S. LAND DISPOSAL RESTRICTIONS

The Permittee must comply with all applicable requirements of 6 CCR 1007-3 Part 268 and 40 CFR Part 268. Compliance includes, but is not limited to the following:

- II.S.1. The testing of treatment residues in accordance with Sections 268.7 (b)(1), (2), and (3).
- II.S.2. The certification requirements for treatment facilities specified in Section 268.7 (b)(5).
- II.S.3. The notification requirements for treatment facilities specified in Sections 268.7 (b)(4), (6), and (7).
- II.S.4. The record keeping and testing requirements for disposal facilities specified in Section 268.7(c).
- II.S.5. The hazardous waste storage prohibitions specified in Part 268, Subpart E.
- II.S.6. The marking requirements for owners and operators specified in Section 268.50(a)(2).
- II.S.7. The Permittee must not treat or ship off-site any land disposal restricted hazardous waste until the generator of the waste provides the Permittee with all applicable notification and certifications specified in Section 268.7(a).

II.T. PUBLIC INVOLVEMENT REQUIREMENTS

The Permittee shall maintain a public involvement program to inform the public regarding regulatory and technical matters related to the permitted facility, to provide a mechanism for the public to obtain information about the permitted facility, and to accept and respond to comments or concerns voiced by the public regarding the permitted facility. The public involvement program will be developed and implemented according to the Compliance Schedule in Permit Condition I.J.2. The public involvement program shall provide for the following activities:

- II.T.1. Maintain information repositories, in accordance with 6 CCR 1007-3 §100.506(f), at the locations to be determined per the Compliance Schedule in Permit Condition I.J. The information repositories must contain all documents, reports, data, and information deemed necessary by the Director to inform the public about the permitted facility. The Permittee will make permitting documents available in the

information repositories within 15 days of document issuance. The Permittee shall maintain the repositories through out the Post Closure Period for the Facility. The Permittee may change the location of any information repository with the approval of the Director and in accordance with the procedures for modification of permits 6 CCR 1007-3 §100.60. Modification of the location for an information repository shall be considered a Class I Modification with prior written approval from the Director.

- II.T.2. Participate in meetings at least quarterly with the Department, and the Concerned Citizens of Eastern Colorado, and any other interested agency or party. The purpose of these meeting will be to share information regarding any comments or concerns received from the public regarding the permitted facility, provide correspondence logs for the previous quarter regarding the permitted facility, and provide updates for past and anticipated site activities. The Permittee will take, distribute and maintain minutes of the quarterly meetings.
- II.T.3. Except in case of an emergency, or in matters regarding enforcement of this Permit, when either CHDT or CDPHE is issuing a press release or initiating media contact for the purposes of providing information to the media with reference to any permitted activities, CHDT or CDPHE shall advise the other Parties of such press release or media contact and the contents thereof, at least two (2) days prior to issuance. CDPHE or CHDT may review, evaluate and comment upon informational material (e.g., fact sheets, information updates, newsletters, etc.) pertaining to any permitted activities prepared to support community involvement activities.