HAZARDOUS WASTE PERMIT

FOR THE

STORAGE, TREATMENT, AND DISPOSAL OF HAZARDOUS WASTE

State of Oregon
Department of
Environmental
Quality

Issued in accordance with the applicable provisions of ORS Chapter 466 and the regulations promulgated at OAR Chapter 340 Divisions 100 through 120, and, the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), the Hazardous and Solid Waste Amendments of 1984 (HSWA), and the regulations promulgated at Title 40 of the Code of Federal Regulations as adopted into Oregon Rules by OAR 340-100-0002.

This Permit is effective as of August 21, 2006, and shall remain in effect until August 21, 2016, unless revoked and reissued (40 CFR §270.41), terminated (40 CFR §270.43), or continued in accordance with OAR 340-105-0051.

ISSUED TO:

Chemical Waste Management of the Northwest, Inc.
17629 Cedar Springs Lane
Arlington, OR 97812
Telephone: (541) 454-2643

ISSUED BY:

_____ _____
Lynn Hampton, Chair Date
Oregon Environmental Quality Commission

_____ _____
Joni Hammond, Regional Administrator Date
Eastern Region

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INTRODUCTION

Permittee: Chemical Waste Management of the Northwest, Inc.

Environmental Protection Agency Identification Number: ORD 089 452 353

Pursuant to Oregon Revised Statutes Chapter 466 and the hazardous waste rules promulgated by the Oregon Environmental Quality Commission in Chapter 340 of the Oregon Administrative Rules (OAR), and, pursuant to the Solid Waste Disposal Act (42 U.S.C. 3251 et seq.), as amended by the Resource Conservation and Recovery Act of 1976 [42 U.S.C. 6901 et seq., (RCRA)] and the Hazardous and Solid Waste Amendments of 1984 (HSWA) and regulations promulgated by the U.S. Environmental Protection Agency (Agency) in Title 40 of the Code of Federal Regulations, this Permit is issued to Chemical Waste Management of the Northwest, Inc. (Permittee), to operate a hazardous waste treatment, storage, and disposal Facility located in Gilliam County near Arlington, Oregon, on Cedar Springs Road at latitude 45º 37' 30" and longitude 120º 22' 30".

The Permittee shall comply with all Terms and Conditions set forth in this Permit and with documents referenced in this Permit. Some of these documents are defined and referenced as "standalone documents", "referenced standalone documents", or shortened as "documents". The Permittee shall comply with all applicable state rules, including OAR 340 Divisions 100-120, and the rules of the Oregon Department of Transportation, the Oregon Department of Water Resources, the Workers' Compensation Department, the Oregon State Health Division, and other state agencies having jurisdiction over the Facility. Additionally, the Permittee shall comply with all applicable federal regulations in 40 CFR Parts 260 through 266, Part 268, and Part 270, as adopted by Oregon rule at OAR 340-100-0002.

In some cases, within the Permit and the referenced standalone documents, the Department has included references to other documents which are not physically contained in this Permit or the referenced standalone documents. In such cases, the Permittee shall still comply with the procedures of those referenced documents, even though they are not physically contained in this Permit, to the extent necessary to remain in compliance with the conditions of this Permit and referenced standalone documents. The Permittee shall maintain a set of such referenced documents at the Facility.

The Department's issuance of this Permit is based upon the administrative record. The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the Permittee's misrepresentation of any relevant facts at any time, shall be grounds for the termination of this Permit and/or initiation of an enforcement action, including criminal proceedings. Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in the permit application or in any report to the Department, the Permittee shall promptly submit such facts or corrected information to the appropriate persons.

The Department shall enforce all Conditions of this Permit. Other state agencies having jurisdiction over the Facility shall exclusively enforce the requirements of their rules. ‡ **Rev. 1**

The first RCRA hazardous waste permit for the Facility was originally issued on March 11, 1988, by the Oregon Environmental Quality Commission, the Oregon Department of Environmental Quality, and the U.S. Environmental Protection Agency. The Permittee submitted a Permit renewal Part A and B application in March 1998. The Department has reviewed the renewal application and issued a draft hazardous waste storage, treatment, and disposal Permit for public comment. The draft hazardous waste Permit was issued for comment on February 22, 2006. The final Permit decision will be made by the Environmental Quality Commission and the Department of Environmental Quality. See ORS 466.140, 466.145, and 466.015.

This Permit may be modified in accordance with 40 CFR 270.40 (as amended by OAR 340-105-0040), 40 CFR 270.41 (as amended by OAR 340-105-0041), and 40 CFR 270.42.

Issuance of this Permit shall terminate the hazardous waste permit issued in March 1988 and its subsequent modifications.

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LIST OF STANDALONE DOCUMENTS

The following documents are incorporated, in their entirety, by reference into this hazardous waste Permit. Their structure and most of the content comes from the Permittee's RCRA 1998 Permit renewal application and from previous Department approved modifications to the hazardous waste permit which was first issued in March 1988. In cases where there are inconsistencies between this Permit and a standalone document, the Permit supersedes the standalone document. In some cases, the Department has altered specific language in the standalone documents by adding Permit Conditions and/or changing language in the standalone documents. Alterations as described in the Permit Conditions found in this Permit supersedes the language of the standalone document. These incorporated documents, as modified by specific Permit Conditions are enforceable conditions of this Permit.

Standalone
Document 1 Waste Analysis Plan, administrative record no. 06074.

Standalone
Document 2 Security Procedures, Hazard Prevention, Training Plan, administrative record no. 06075.

Standalone
Document 3 Inspection Plan, administrative record no. 06076.

Standalone
Document 4 Contingency Plan, administrative record no. 06077.

Standalone
Document 5 Closure/Post-Closure Plan, Cost Estimates, Financial Assurance, Insurance, administrative record no. 06078.

Standalone
Document 7 Groundwater Monitoring Plan, administrative record no. 06080.

Standalone
Document 8 Bulk Liquid Storage/Treatment Plan, administrative record no. 06081.

Standalone
Document 9 Container Storage Design and Operations Plan, administrative record no. 06082.

Standalone
Document 10 Stabilization/Chemical Treatment Plan, administrative record no. 06083.

Standalone
Document 11 Debris Treatment Plan, administrative record no. 06084.

Standalone
Document 12 Containment Building Design and Operations Plan, administrative record no. 06085.

Standalone
Document 13 Surface Impoundments Design and Operations Plan, Response Action Plan, administrative record no. 06086.

Standalone
Document 14 Landfill Design and Operations Plan, administrative record no. 06087.

Standalone
Document 15 Landfill Response Action Plans, administrative record no. 06088.

Standalone
Document 16 Construction Quality Assurance Plan, administrative record no. 06089.

Standalone
Document 17 Landfill Final Cover Design Plan, administrative record no. 06090.

Standalone
Document 18 Landfill Design Drawings, administrative record no. 06091.

Standalone
Document 19 Bioremediation Facility and Organic Recovery Unit Design and Operations Plan, administrative record no. 06092. ‡ **Rev. 12**

Standalone
Document 20 PCB Operations Plan, administrative record no. 06093.

Standalone
Document 21 Reserved‡ **Rev. 23**

Standalone
Document 22 Organic Recovery Unit #2 Design and Operations Plan, Administrative record no. 06094

Standalone
Document 23 WWTP-2 Liquid Storage/Treatment Plan, Administrative record no.06094

DEFINITIONS

For this hazardous waste Permit, the following definitions shall apply:

a. The term "Administrator" shall mean the Administrator of the United States Environmental Protection Agency (EPA) or a designated representative. The Director, Office of Air, Waste, and Toxics, EPA Region 10, is a duly authorized and designated representative of the Administrator for purposes of this Permit.

b. The term "Agency" shall mean the United States EPA Region 10.

c. The abbreviation “A.R. (no.) "shall mean the administrative record index number for a specific document.

d. The term "Commission" shall mean the Oregon Environmental Quality Commission.

e. The term "daily" shall mean only those days which the Permittee considers to be regular workdays which shall include Monday through Friday excluding holidays. In the event of a full temporary facility shutdown or a holiday combined with extra days, no more than 72 hours shall elapse between inspections listed at a frequency of “normal working day” or “daily.” For partial temporary shutdown where employees do arrive at the facility and can perform duties in accordance with the Permit, such duties shall be performed during partial temporary shutdown.

f. The term "Department" shall mean the Oregon Department of Environmental Quality (DEQ).

g. The term "Director" shall mean the Director of the Oregon Department of Environmental Quality or a designated representative. By Department delegation all notifications and approvals assigned to the Director are delegated to the Eastern Region Hazardous Waste Program Manager (“Manager”).

h. The term “Eastern Region Clean-up Manager” shall mean the Manager implementing the authority of ORS 465 in the Department’s Eastern Region.

i. The terms "Facility" or "Site" shall mean the legal description of the Chemical Waste Management of the Northwest, Inc., property (including structures, appurtenances, and improvements) used to store, to treat or to dispose hazardous waste as authorized by this Permit. For purposed of Permit Condition I.N., “permitted Facility” shall also include significant physical alterations not otherwise detailed in this Permit.

j. The term "Inspector" shall mean the designated representative of the "Manager" delegated to routine Facility oversight.

k. The term “Manager” shall mean the Manager of the DEQ Eastern Region Hazardous Waste Program.

l. The term "Permit" shall mean the Permit issued by the Commission and the Department pursuant to ORS 340 Divisions 105 and 106.

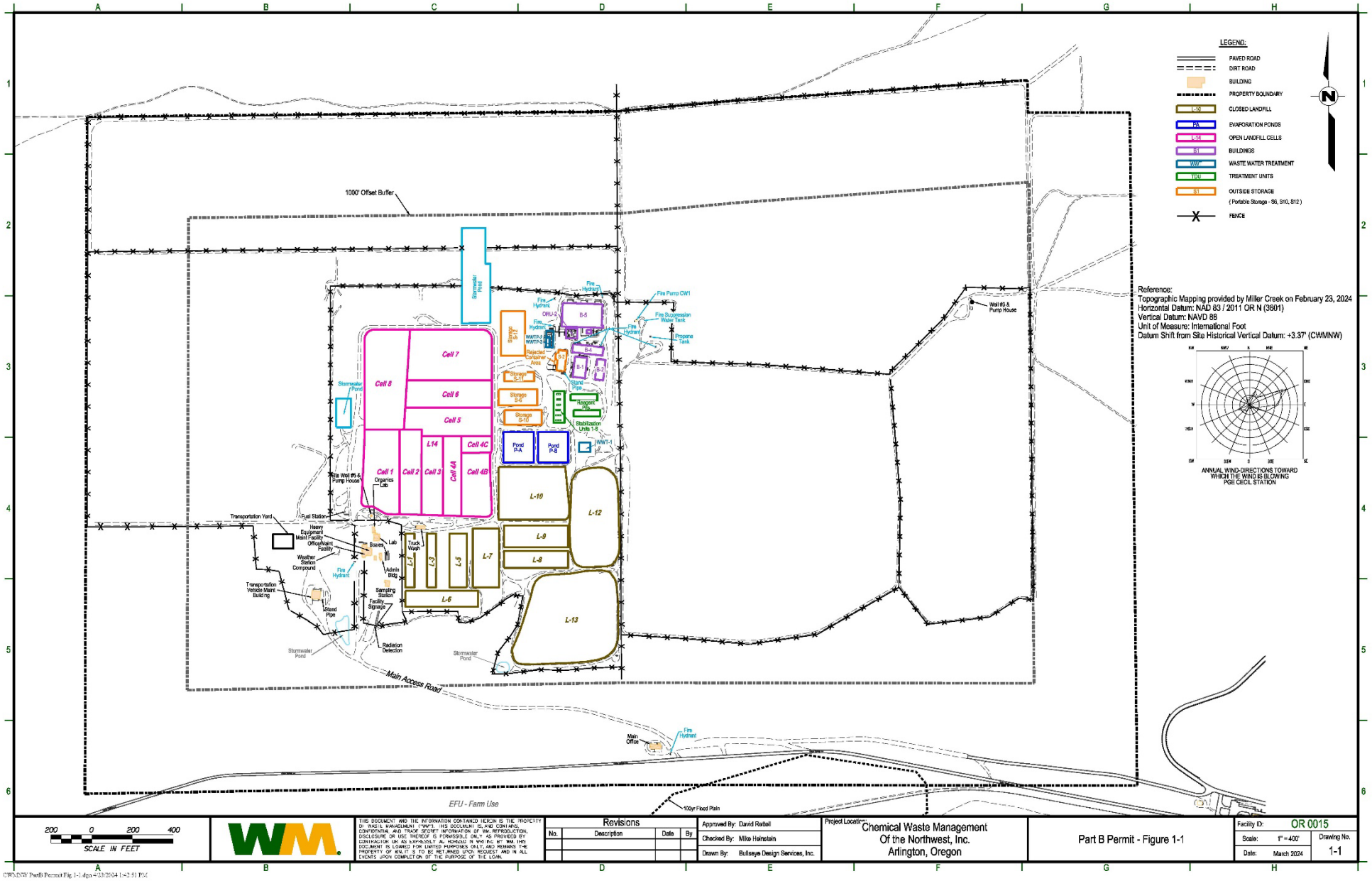
m. The term “standalone document” or “referenced standalone document" shall mean those documents listed in the List of Standalone Documents in this Permit.

n. The term “within [x] days of the effective date of this Permit” shall mean within [x] calendar days after the effective date of this Permit. If the date within [x] amount of days after the effective date of this Permit falls on a weekend or holiday, the time shall automatically be extended until the following regular workday.

o. In cases where the Permittee is required to comply with a specific provision of 40 CFR Part 264 and that provision refers to "Regional Administrator" or "Director", the term "Regional Administrator" or "Director" shall be interpreted to mean the Manager, Eastern Region Hazardous Waste Program.

p. All definitions contained in 40 CFR Parts 260 through 270, and, OAR 340 Divisions 100 through 106 and 120 are hereby incorporated, in their entirety, by reference into this Permit, except that any of the definitions used above, (a) through (o), supersede any definition of the same term in 40 CFR 260.10, 270.2, 264.141, and OAR 340-100-0010. Where a term is not defined in the Permit, regulations or rules, the term is defined according to the standard dictionary definition or the generally accepted scientific or industrial meaning of the term.

Figure 1-1 Facility Layout Map



I. STANDARD CONDITIONS

I.A. Effect of Permit

The Permittee is authorized to store, treat, and dispose hazardous waste in accordance with the Conditions of this Permit and in accordance with 40 CFR 262.34. Any storage, treatment, or disposal of hazardous waste by the Permittee at this Facility that is not authorized by this Permit or by 40 CFR 262.34, and for which a Permit is required under Section 3005 of RCRA and ORS 466.095 and 466.100 is prohibited.

I.B. Personal and Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privilege, nor does this Permit authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local laws or regulations.

I.C. Permit Actions

I.C.1.

This Permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 270.41, 270.42, 270.43 and OAR 340 Divisions 105 and 106. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. [40 CFR 270.30(f)]

I.C.2.

Except as provided by specific language in this Permit, any modification or change in design or operation of this Facility or in a hazardous waste management practice covered by the Permit shall be done in accordance with 40 CFR 270.41 and 270.42, unless a change in accordance with Permit Condition II.R. is appropriate.

I.C.3. [Reserved]

I.D. Severability

I.D.1.

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. Invalidation of any state or federal statutory or regulatory provision, which forms the basis for any Condition of this Permit, does not affect the validity of any other state or federal statutory or regulatory basis for said Condition.

I.D.2.

In the event that a condition of this Permit is stayed for any reason, the Permittee shall continue to comply with the related applicable and relevant conditions in the previously-expired permit until final resolution of the stayed condition unless compliance with the related applicable and relevant conditions in the previously-expired permit would be technologically incompatible with compliance with other Conditions of this Permit, which have not been stayed.

I.E. Duty to Comply

I.E.1.

The Permittee shall comply with all Conditions of this Permit, except that the Permittee need not comply with the Conditions of this Permit to the extent and for the duration such noncompliance is authorized in an emergency Permit [issued under 40 CFR 270.61, OAR 340-105-0061, or ORS 466.095(3)]. Any Permit noncompliance, except under the terms of an emergency Permit, constitutes a violation of the applicable provision of Oregon State law and/or RCRA, as amended by HSWA, and is grounds for enforcement action, Permit termination, modification or revocation and reissuance of the Permit, or denial of a Permit renewal application.

I.E.2.

Compliance with the terms of the Permit does not constitute a defense to any action brought under ORS 466.180, 466.185, 466.190, 466.200, 466.210, 466.225, or 465, or Sections 3007, 3008, 3013 and 7003 of RCRA (42 U.S.C. 6934 and 6973), Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) [42 U.S.C. 9606(a)], as amended by the Superfund Amendments and Reauthorization Act of 1986, or any other federal or state law governing protection of public health or the environment from any imminent and substantial endangerment to human health or the environment. Specific exclusions from compliance with this Permit are found at 40 CFR 270.4.

However, compliance with the terms of this Permit does constitute a defense to any action alleging failure to comply with the applicable law upon which this Permit is based. ‡ **Rev. 3**

I.F. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new permit, in accordance with 40 CFR 270.30(b). The Permittee shall submit such permit application at least 180 calendar days prior to the expiration date of this Permit, unless the Manager has granted permission for a later date (but no later than the expiration date of the existing Permit) in accordance with 40 CFR 270.10(h).

I.G. Continuation of Expiring Permit

This Permit, all Conditions herein and the standalone documents shall continue in force until the effective date of a new Permit if the Permittee has submitted a timely, complete application (under 40 CFR 270 Subpart B and OAR Chapter 340 Division 105), and, through no fault of the Permittee, the Manager, the Administrator, or the Commission does not issue a new Permit under 40 CFR 124.15 on or before the expiration date of the previous Permit. In accordance with 40 CFR 270.50, this Permit shall be reviewed five years after the effective date and modified, as necessary, in accordance with 40 CFR 270.41.

I.H. 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.

I.I. 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.

I.J. Proper Operation and Maintenance

The Permittee shall at all times operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee so as 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 Condition requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the Conditions of this Permit.

I.K. Duty to Provide Information

The Permittee shall furnish to the Manager or his designee, 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 shall also furnish to the Manager and Inspector, upon request, copies of records required to be kept by this Permit.

I.L. Inspection and Entry

The Permittee shall allow the Department, or its authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

I.L.1.

Enter at reasonable times upon the Permittee's premises where regulated hazardous or solid waste management units or activities are located or conducted, or where records must be kept under the Conditions of this Permit;

I.L.2.

Have access to and copy, at reasonable times, any records that must be kept under the Conditions of this Permit;

I.L.3.

Inspect at reasonable times any portion of the Facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

I.L.4.

Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by RCRA or Oregon Law, any substances or parameters at any location.

I.M. Monitoring and Records

I.M.1.

Samples and measurements taken by the Permittee for the purpose of monitoring shall be representative of the monitored activity. The Permittee may request to substitute analytical methods which are equivalent to those specifically approved for use in this Permit by meeting the following:

I.M.1.a.

The Permittee may submit to the Manager a request for a substitution of an analytical method(s) that is equivalent to the method(s) specifically approved for use in this Permit. The request shall provide information demonstrating that the proposed method(s) is equal or superior to the approved analytical method(s) in terms of sensitivity, accuracy, and precision (i.e., reproducibility); and

I.M.1.b.

The Manager notifies the Permittee in writing that the substitution of the analytical method(s) is approved. Such approved substitution of an analytical method(s) shall not require a permit modification.

I.M.2.

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 required by this Permit, the certification required by 40 CFR 264.73(b)(9), 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, certification, or recording unless a longer retention period for certain information is required by other Conditions of this Permit. This three year period may be extended by the Manager at any time by notification, in writing, to the Permittee. The Permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations for the active life of the Facility and, for disposal units, for the post-closure care period as well.

I.M.3.

Records of monitoring information shall include:

I.M.3.a.

The date, exact place, and time of sampling or measurements;

I.M.3.b.

The name, title, and affiliation of the individual(s) who performed the sampling or measurements;

I.M.3.c.

The date(s) analyses were performed;

I.M.3.d.

The name, title, and affiliation of the individual(s) who performed the analyses;

I.M.3.e.

The analytical techniques or methods used; and

I.M.3.f.

The results of such analyses.

I.N. Reporting Planned Changes

The Permittee shall give notice to the Manager, as soon as possible of any planned physical alterations or additions to the permitted Facility.

I.O. Certification of Construction or Modification

The Permittee may not commence storage, treatment, or disposal in a new hazardous waste management unit or in a modified portion of an existing unit until:

I.O.1.
The Permittee has submitted to the Manager by certified mail or hand delivery a letter signed by the Permittee and a registered professional engineer stating that the hazardous waste management unit has been constructed or modified in compliance with this Permit; and

I.O.2.a.
The Inspector has inspected the modified or newly constructed hazardous waste management unit and has notified the Permittee in writing that he finds it is in compliance with the Conditions of this Permit; or

I.O.2.b.
Within 15 days of the date of submission of the letter in Permit Condition I.O.1., the Permittee has not received notice from the Manager by letter, by certified mail or hand delivery, of his or her intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste.

I.P. Anticipated Noncompliance

The Permittee shall give advance notice to the Manager of any planned changes in the Permitted Facility or activity that might result in noncompliance with Permit requirements.

I.Q. Transfer of Permit

This Permit is issued and is personal to the Permittee and is transferable only in accordance with 40 CFR 270.40 and OAR 340-105-0040(2).

I.R. Monitoring Reports

The Permittee shall report monitoring results to the Manager at the intervals required in specific Conditions of this Permit.

I.S. Compliance Schedules

The Permittee shall submit reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule required by specific Conditions of this Permit to the Manager no later than 14 calendar days following each schedule date.

I.T. Twenty-Four Hour Reporting

I.T.1.

The Permittee shall verbally report to the Manager or Inspector, any noncompliance with this Permit which may endanger health or the environment, within 24 hours from the time the Permittee becomes aware of the noncompliance. ‡ **Rev. 3** The report shall include: [OAR 340-105-0030(2)(b)]

I.T.1.a.

Information concerning release of any hazardous waste that might cause an endangerment to public drinking water supplies; and,

I.T.1.b.

Any information of a release or discharge of hazardous waste or of a fire or explosion from the hazardous waste management facility that might threaten human health or the environment.

I.T.2.

The description of the occurrence and its cause shall include:

I.T.2.a.

Name, address, and telephone number of the owner or operator;

I.T.2.b.

Name, address, and telephone number of the Facility;

I.T.2.c.

Date, time, and type of incident;

I.T.2.d.

Name and quantity of material (s) involved;

I.T.2.e.

The extent of injuries, if any;

I.T.2.f.

An assessment of actual or potential hazards to the environment and human health outside the Facility, where this is applicable; and,

I.T.2.g.

Estimated quantity and disposition of recovered material that resulted from the incident.

I.T.3.

Within 5 calendar days of the time the Permittee becomes aware of noncompliance that may endanger human health or the environment, the Permittee shall provide to the Manager a written submission. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times; the anticipated time noncompliance is expected to continue if the noncompliance has not been corrected; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The

Manager may waive the five-day written notice requirement in favor of a written report within fifteen days.

I.U. Other Noncompliance

The Permittee shall report to the Manager all other instances of noncompliance not reported under Conditions I.R., I.S., and I.T. of this Permit, by March 1 of the following year. This report shall contain the applicable information listed in Condition I.T. of this Permit.

I.V. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit application, or submitted incorrect information in the Permit application or in any report to the Manager or Inspector, the Permittee shall promptly submit such facts or corrected information to the appropriate persons.

I.W. Signature and Certification

All applications, reports required by the Permit and other information requested by the Manager, when submitted to the Manager, or Inspector, by the Permittee shall be signed and certified in accordance with 40 CFR 270.11.

I.X. Confidential Information

Information submitted by the Permittee to the Manager or Inspector that is claimed as trade secret, confidential, or confidential business information by the Permittee will be handled in accordance with the applicable provisions of OAR 340-100-0003.

I.Y. Fees

The Permittee shall pay fees as required under ORS 466.160, 466.165, and promulgated at OAR 340-105, and other state statutes and related rules. This Condition does not preclude the Permittee from challenging any future promulgation or adoption of a statute, rule, or administrative action imposing any fee on the Permittee.

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II. GENERAL FACILITY CONDITIONS

II.A. Design and Operations of Facility

II.A.1.

The Permittee shall design, 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, groundwater, or surface water which could threaten human health or the environment.

II.A.2.

The Permittee shall construct all future hazardous waste management units in accordance with the approved designs and specifications that are included in the standalone documents of this Permit, except for minor changes deemed necessary by the Permittee to facilitate proper construction of the units. Minor deviations from the approved designs or specifications necessary to accommodate proper construction shall be noted on the as-built drawings, and the rationale for those deviations shall be provided in narrative form. After completion of construction of each future waste management unit, the Permittee shall submit final as-built drawings and the narrative report to the Manager as part of the construction certification document specified in Permit Condition I.O.1.

II.B. Required Notices

II.B.1.
The Permittee shall notify the Inspector in writing at least four weeks in advance of the date hazardous waste from a foreign source is expected to arrive at the Facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

II.B.2.
When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), the Permittee shall inform the generator in writing that it has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The Permittee shall keep a copy of this written notice as part of the operating record in accordance with 40 CFR 264.73(b)(7).

II.C. General Waste Analysis

II.C.1.

The Permittee shall follow the procedures as stated in Standalone Document No. 1, Waste Analysis Plan. [40 CFR 264.13]

II.C.2.

The Permittee shall follow the requirements of 40 CFR 268.7(b), (c), (d) and (e).

II.C.3.

In storing hazardous waste in a storage unit, treating hazardous waste in a treatment unit, or placing hazardous waste in a land disposal unit, the Permittee is responsible for meeting the requirements of 40 CFR 268.

II.C.4.

In addition to the appropriate reporting of noncompliance under Permit Condition I.T. or I.U, upon discovery by the Permittee, or Department notification to the Permittee, that the procedures and tasks in the Waste Analysis Plan (Standalone Document No. 1) failed to characterize adequately a hazardous waste and, as a result, did not designate the proper storage, treatment, or disposal of the hazardous waste, the Permittee shall submit a report to the Department within 45 days of the discovery or notification evaluating the Waste Analysis Plan and explaining why the failure occurred.

II.C.5.

The Permittee may accept hazardous and non-hazardous wastes that are (1) containerized liquid corrosive wastes, (2) bulk liquid corrosive wastes, (3) containerized liquid ignitable and organic wastes, (4) bulk liquid ignitable and organic wastes, (5) containerized and bulk liquid reactive wastes, (6) all containerized liquid wastes not included in (1) through (5), including pesticide wastes plus every combination, (7) all bulk liquid wastes not included in (1) through (6) including pesticide wastes plus every combination, (8) bulk or containerized solid wastes including lab packs such as filter cakes and spill and site cleanup reside, (9) semi-solid or sludge wastes, (10) PCB contaminated wastes greater than or equal to 50 ppm, and (11) compressed gases.

II.C.5.a.i.

The Permittee may accept: Recoverable Organic Wastes limited to: Petroleum hydrocarbon wastes, spent non-halogenated solvents, spent halogenated solvents, commercial chemical products, off-specification species, process residues, and spill residues.

II.C.5.a.ii.

The Permittee may accept: Inorganic wastes limited to: Corrosive wastes, toxicity characteristic wastes, primary and secondary metals wastes (non-reactive), electroplating wastes (non-reactive) soils, sludge, debris, inorganic pigments, aqueous wastes (non-reactive) asbestos and asbestos containing material (RCRA regulated wastes), commercial chemical products, off-specification species, process residues, and spill residues.

II.C.5.a.iii.

The Permittee may accept: Reactive Wastes limited to: Water reactive solid wastes, commercial chemical products, off-specification species, process residues, and spill residues.

II.C.5.a.iv.

The Permittee may accept: Non-recoverable Organic Hazardous Wastes limited to: soils, sludges, debris, toxicity characteristics wastes, organic acids and bases, wood products wastes, pesticide wastes, petroleum/refining wastes, aqueous wastes (non-reactive), commercial chemical products, off-specification species, process residues and spill residues.

II.C.5.a.v.

The Permittee may accept: State-only hazardous waste containing a three percent or greater concentration of any substance or mixture of substances listed in 40 CFR 261.33(e); State-only hazardous waste containing a ten percent or greater concentration of any substance or mixture of substances listed in 40 CFR 261.33(f); spill cleanup residue, soil, water or other debris containing any amount of state-only hazardous wastes; blister agent and nerve agents materials approved for disposal from the Umatilla Army Depot; designated state-only hazardous waste

numbers P998 and P999, respectively; residues from the demilitarization, treatment, and testing of blister and nerve agents designated state-only hazardous waste numbers F998 and F999, respectively; PCB containing materials regulated under OAR 340-110; solid wastes defined by ORS 459.005 and/or OAR 340-93-0030 including cleanup materials contaminated by hazardous substances, commercial solid waste, construction and demolition waste, industrial solid waste, leachate, sludge, wood waste, and asbestos and asbestos-containing material; and pesticide wastes managed under OAR 340-109-0010.

II.C.5.b.i.

The Permittee may not accept at the Facility for treatment or disposal the following hazardous wastes: K013, K027, K044, K045, K047, P006, P009, P031, P033, P056, P063, P065, P076, P078, P081, P095, P096, P111, P112, P122, U020, U023, U033, U096, U115, U117, U124, U125, U133, U135, U160, U162, U169, U171, U189, U205, U213, U223, and U234. However, the Permittee may accept the above-listed hazardous wastes for treatment or disposal if they are residues from the treatment of these wastes and handled in accordance with the Conditions of this Permit. Also, the Permittee may accept the above-listed hazardous wastes for treatment or disposal if they meet the definition of hazardous debris at 40 CFR 268.2. The Permittee may accept for storage, treatment and disposal all soils that are or were hazardous wastes and are subject to the alternative land disposal restrictions treatment standards in 40 CFR 268.49.

II.C.5.b.ii.

The Permittee may not store the following hazardous waste compressed gasses: P009, P031, P033, P056, P063, P076, P078, P095, P096, and U135.

II.C.6.a.
For new hazardous waste codes the Permittee wants to manage at the Facility, which are promulgated after the effective date of this Permit but have been previously been managed at the facility, the Permittee shall submit a permit modification in accordance with 40 CFR 270.42(g).

II.C.6.b.
For new hazardous waste codes that have been promulgated after this Permit is issued and have not been previously managed at the Facility, the Permittee shall submit a permit modification in accordance with that table found in Appendix I of 40 CFR 270.42.

II.C.7. ‡ **Rev. 7**

II.D. Security Procedures

The Permittee shall comply with the security procedures in Standalone Document No. 2, Security Procedures, Hazard Prevention, Training Plan [A.R. 06075].

II.E. Inspection Plan

II.E.1.

The Permittee shall follow the procedures in Standalone Document No. 3, Inspection Plan [A.R. 06076].

II.E.2.

The Permittee shall remedy any deterioration or malfunction discovered by an inspection as required by 40 CFR 264.15(c). Inspection reports shall be recorded and maintained as required by 40 CFR 264.15(d).

II.E.3.

The Permittee shall maintain a copy of the latest approved Inspection Plan [A.R. 06076] at the Facility until the Facility is fully closed and certified.

II.F. Training Plan

II.F.1.

The Permittee shall train all personnel who handle hazardous waste in hazardous waste management, safety and emergency procedures, as applicable to their job description, in accordance with Standalone Document No. 2, Security Procedures, Hazard Prevention, Training Plan [A.R. 06075]. These personnel shall be trained in accordance with the Training Plan and documentation of training shall be maintained as specified in the Training Plan.

II.F.2.

The Permittee shall maintain a copy of the latest approved Security Procedures, Hazard Prevention, Training Plan [A.R. 06075] at the Facility until the Facility is fully closed and certified closed.

II.G. Hazards Prevention

The Permittee shall follow the hazards prevention procedures in Standalone Document No. 2, Security Procedures, Hazards Prevention, Training Plan [A.R. 06075].

II.H. Contingency Plan

The Permittee shall follow the contingency procedures in Standalone Document No. 4, Contingency Plan [A.R. 06077].

II.I. Manifest System, Recordkeeping, and Reporting

II.I.1.a.
The Permittee shall follow the procedures for using the manifest system and identifying and resolving significant manifest discrepancies in accordance with 40 CFR 264.71, 264.72, and 270.30(l)(7) and Standalone Document No. 1, Waste Analysis Plan [A.R. 06074].

II.I.1.b.

The Permittee shall submit an un-manifested waste report to the Manager, in accordance with 40 CFR 264.76 and 270.30(l)(8), within fifteen calendar days of receipt of un-manifested waste.

II.I.2.

The Permittee shall maintain a written operating record at the Facility in accordance with 40 CFR 264.73(a) for all records identified in 40 CFR 264.73(b)(1) through (b)(17).

II.I.3.

The Permittee shall retain all hazardous waste management records, including data collected in accordance with procedures of the Response Action Plans, and make such records available, at reasonable times, for inspection to the Inspector, in accordance with 40 CFR 264.74(a).

II.I.4.

The retention period for all records required by this Permit is extended automatically during the course of any unresolved enforcement action regarding the Facility or as directed by the Manager, in accordance with 40 CFR 264.74(b).

II.I.5.a.

The Permittee shall submit a survey plat indicating the location and dimensions of landfill units or other hazardous waste disposal units in accordance with 40 CFR 264.116 to the local land use authority and to the Department by the date of submission of certification of closure of each landfill unit at the Facility.

II.I.5.b.

The Permittee shall submit post-closure notices to the local land use authority and to the Department in accordance with 40 CFR 264.119(a).

II.I.6.

The Permittee shall submit a monthly hazardous waste management record to the Manager in accordance with OAR 340-105-0120(7). The Permittee shall submit an annual report covering Facility activities to the Manager in accordance with OAR 340-104-0075(3).

II.I.7.

The Permittee shall submit additional reports to the Manager, in accordance with 40 CFR 264.77 as required by 40 CFR Part 264 Subparts F, K through N, AA, BB, and CC.

II.I.8.

All reports, notifications, applications, or other materials required to be submitted to the USEPA shall be submitted to the Director, Office of Air, Waste and Toxics at EPA Region 10 in Seattle, WA.

II.J. Closure

II.J.1.

The Permittee shall meet the general closure performance standard in 40 CFR 264.111 during closure of all hazardous waste management units and the Facility. Compliance with 40 CFR 264.111 shall require closure of each hazardous waste management unit in accordance with the Standalone Document No. 5, Closure/Post-Closure Plan Cost Estimates, Financial Assurance, Insurance [A.R. 06078].

II.J.2.

Final cover design for landfill units L-12, L-13, and L-14 shall be as specified in Closure Cover Design Details in Standalone Document No. 17, Landfill Final Cover Design Plan [A.R. 06090], and landfill units L-12, L-13, and L-14 shall be capped in accordance with Standalone Document No. 17, Landfill Final Cover Design Plan [A.R. 06090].

II.J.3.
For all landfill units and other hazardous waste management units to be closed as landfills, minor deviations from the Permitted closure designs, specifications, or procedures necessary to accommodate proper closure shall be noted on the as-built drawings and the rationale for those deviations in designs, specifications, or procedures shall be provided in narrative form with the closure certification statements. Such minor deviations shall not be considered modifications of the Permit. ‡ **Rev. 3** Within 60 calendar days after completion of the closure of each landfill unit and other hazardous waste management units closed as landfills, the Permittee shall submit the final as-built drawings of the closed unit, the narrative report and the certification statements to the Manager.

II.J.4.

For all hazardous waste management units other than units closed as landfills, minor deviations from the Permitted closure procedures necessary to accommodate proper closure shall be described in a narrative form with the closure certification statements. Such minor deviations shall not be considered modifications of the Permit. The Permittee shall describe the rationale for implementing minor deviations as part of this narrative report. Within 60 calendar days after completion of closure of each hazardous waste management unit, other than landfill units and units closed as landfills, the Permittee shall submit the certification statements and narrative report to the Manager.

II.J.5.

The Permittee shall amend the Closure Plan when required in accordance with 40 CFR 264.112(c).

II.J.6.

The Permittee shall notify the Manager at least 60 calendar days prior to the date it expects to begin closure of any surface impoundment or landfill unit and at least 45 calendar days prior to the date it expects to begin closure of any tanks, container storage unit, or containment building.

II.J.7.

For closure at all hazardous waste units, the Permittee shall submit a task-specific/unit-specific closure work plan to the Department no less than 30 days before the Permittee begins closure activities at the specific unit. The Department shall review the work plan for conformity with this Permit and issue an approval to proceed. ‡ **Rev. 1**

II.J.8.

The Permittee shall decontaminate or dispose of all Facility equipment as specified in the Closure Plan.

II.J.9.

The Permittee shall provide certification statements that each unit at the Facility has been closed in accordance with the applicable specifications in the Closure Plan, in accordance with 40 CFR 264.115.

II.J.10 [Reserved]

II.J.11.

The Permittee shall follow the soil sampling procedures and analysis outlined in Appendix A of Standalone Document No. 5, Closure/Post-Closure Plan, Cost Estimates, Financial Assurance, Insurance [A.R. 06078]. The Permittee shall modify the sampling grid procedure, as appropriate and necessary, when sampling soils at or near the perimeter of buildings and concrete structures, or in similar situations. Such change shall not require a permit modification. The Permittee shall document the change in the closure report submitted to the Manager in accordance with Permit Condition II.J.3.

II.J.12.

In the event that any hazardous waste management unit, other than a landfill unit, cannot be "clean closed" by removing hazardous waste, hazardous constituents and contaminated subsoil as specified in section II.J. of this Permit, the Permittee shall revise the Facility post-closure plan to include a post-closure plan for that unit. The Permittee shall submit the post-closure plan for that unit to the Manager, as a Permit modification request, within 90 calendar days of the date that the Manager notifies the Permittee, in writing, that the unit shall be closed as a landfill, in accordance with 40 CFR 264.118(a).

Other Closure Conditions

II.J.13.a. [Reserved]

II.J.13.b.

Regardless of any Permit Condition found in a standalone document or this Permit, at closure for surface impoundments P-A and P-B, the Permittee shall either: (1) Remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 40 CFR 261.3(d) applies, or (2) appropriately modify this Permit and allow P-A and P-B to operate and eventually close as a landfill. [OAR 340-104-0228]

II.J.13.c.

Regardless of any Permit Condition found in a standalone document or this Permit, requests for variance and stated timelines in Standalone Document No. 5, Closure/Post-Closure Plans, Costs Estimates, Financial Assurance, Insurance [A.R. 06078] allowed for closure for all units are hereby not approved. The Permittee shall follow the closure time frames set forth in 40 CFR 264.113 unless another time frame is approved by permit modification.

II.J.13.d.

The Permittee shall upon final closure of the Facility remove all Facility hazardous waste structures (e.g., tanks, storage units, etc.,), and all Facility unused buildings, non-hazardous structures, and equipment and restore, to the extent reasonably practicable, the site to its original condition. However, the Permittee may at any time submit in writing a request for a modification to Standalone Document No. 5, Closure/Post-Closure Plans [A.R. 06078] for any structure, building or equipment the Permittee determines it desires to leave standing after the final Facility closure. In the request for a modification, the Permittee shall identify a use for any structure, building or equipment to remain standing upon final closure of the Facility. Upon Department written approval of the modification, Permittee may leave the structure, building or equipment standing upon final closure of the Facility. The closure/post-closure costs for all Facility hazardous waste structures (e.g., tanks, storage units, etc.) and all Facility unused

buildings, non-hazardous structures, and equipment shall use the estimated costs to sample and, if needed, decontaminate the structure, building or equipment. [ORS 466.150(5)]‡ **Rev. 10**

II.J.13.e.

(removed ‡ **Rev. 21**)

II.J.13.e.i.

(removed ‡ **Rev. 21**)

II.J.13.g.

Upon commencement of the end of the post -closure period, the Permittee shall negotiate in good faith and enter with the Department an Access Agreement under reasonable terms that will allow the Department to enter the Facility when necessary to carry out actions authorized by ORS 466.095 through 466.225.

II.K. Cost Estimate for Facility Closure

II.K.1.

The Permittee shall comply with the requirements of 40 CFR 264.142(a). The Permittee shall maintain a current closure cost estimate for each individual waste management unit. These costs shall be summarized, by the Permittee, for final closure of the entire Facility.

II.K.2.

The Permittee shall adjust the closure cost estimate for inflation on an annual basis, in accordance with 40 CFR 264.142(b).

II.K.3.

During the active life of the Facility, the Permittee shall revise the closure cost estimate within 30 calendar days of an approved modification to the closure plan, if such modification results in an increase in the closure cost estimate, in accordance with 40 CFR 264.142(c).

II.K.4.

During the operating life of the Facility, the Permittee shall keep at the Facility a copy of the latest closure cost estimate and, when this estimate has been adjusted in accordance with 40 CFR 264.142(b), the latest adjusted closure cost estimate in accordance with 40 CFR 264.142(d).

II.K.5.

The Permittee shall maintain an updated summary of current closure costs for the entire Facility closure based on the waste management units that have received RCRA waste, but have not yet been certified as closed and have not been released from the financial assurance requirements as specified in Permit Condition II.N., (i.e., active units).

II.K.6.

Prior to placement of hazardous waste in any new hazardous waste management unit, the Permittee shall amend, as necessary, the summary of current closure costs to reflect the estimated closure cost of that new unit. Such amended closure costs shall be annually adjusted for inflation, as required by 40 CFR 264.142(b). [See Permit Condition II.N.2.].

II.K.7.

Upon closure certification of any hazardous waste management unit, in accordance with 40 CFR 264.115, and after the Manager has released the Permittee from the financial assurance requirements for that unit as specified in Permit Condition II.N., the Permittee may adjust the summary of current closure costs to reflect the closure cost of that unit. Along with the closure certification statement for a closed unit, the Permittee shall submit the current version of the closure cost estimate for the Facility, indicating cost estimates for each remaining unit to be closed, to the Manager.

II.L. Post-Closure Care

II.L.1.

The Permittee shall comply with Standalone Document No. 5, Closure/Post-Closure Plan, Cost Estimate, Financial Assurance, Insurance [A.R. 06078]. In addition, the Permittee shall comply with 40 CFR 264.117, 264.118, 264.119, and 264.120.

II.L.2.

The period of post-closure care for each closed landfill unit shall end after 30 years from the effective date of this permit renewal. Units that have not closed by the date of this permit renewal shall have a 30 year post-closure period commencing upon the certified closure date of the unit.

II.L.3.

As part of the post closure certification sent in accordance with 40 CFR 264.120, the Permittee shall submit to the Department a report which includes a determination of future use, or abandonment of, groundwater monitoring wells at the Facility in accordance with OAR 690-240.

II.M. Cost Estimate for Post-Closure Care

II.M.1.

The Permittee shall comply with 40 CFR 264.144(a). The Permittee shall maintain a current post-closure cost estimate for each post-closure activity.

II.M.2.

The Permittee shall adjust the post-closure cost estimate for inflation on an annual basis, in accordance with 40 CFR 264.144(b).

II.M.3.

During the active life of the Facility, the Permittee shall revise the post-closure cost estimate within 30 calendar days of an approved modification to the post-closure plan, if such modification results in an increase in the post-closure cost estimate, in accordance with 40 CFR 264.144(c).

II.M.4.

During the operating life of the Facility, the Permittee shall keep at the Facility a copy of the latest post-closure cost estimate and, when this estimate has been adjusted in accordance with 40 CFR 264.144(b), the latest adjusted post-closure cost estimate in accordance with 40 CFR 264.144(d).

II.M.5.

[Reserved]

II.M.6. [Removed]

‡ **Rev. 1, 5**

II.N. Financial Assurance for Facility Closure

II.N.1.

The Permittee shall comply with 40 CFR 264.143, as amended by OAR 340-104-0143 or 40 CFR 264.146, by providing documentation of financial assurance, as required by 40 CFR 264.151, as amended by OAR 340-104-0151, in the amount of the cost estimates required by Permit Condition II.K.1.

II.N.2.

Prior to placement of hazardous waste in any new hazardous waste management unit, the Permittee shall update the closure financial assurance mechanism, as necessary, so that an adequately funded financial assurance mechanism for closure of the Facility, including the new unit, is in effect. A copy of the updated financial assurance mechanism shall be submitted to the Manager before waste is placed in the new unit. [See Permit Condition II.K.6.].

II.N.3.

Changes in financial assurance mechanisms shall be approved by the Manager pursuant to 40 CFR 264.143.

II.O. Financial Assurance for Facility Post-Closure

II.O.1.

The Permittee shall comply with 40 CFR 264.145, as amended by OAR 340-104-0145, or 40 CFR 264.146 by providing documentation of financial assurance, as required by 40 CFR 264.151, as amended by OAR 340-104-0151, in the amount of the cost estimates required by Permit Condition II.M.1.

II.O.2.

Changes in financial assurance mechanisms shall be approved by the Manager pursuant to 40 CFR 264.145.

II.P. Liability Requirements

II.P.1.

The Permittee shall comply with the requirements of 40 CFR 264.147(a), as amended by OAR 340-104-0147, and the documentation requirements of 40 CFR 264.151, as amended by OAR 340-104-0151, including the requirements to have and maintain liability coverage for sudden

accidental occurrences in the amount of at least $1 million per occurrence with an annual aggregate of at least $2 million, exclusive of legal defense costs.

II.P.2.

The Permittee shall comply with the requirements of 40 CFR 264.147(b), as amended by OAR 340-104-0147, and the documentation requirements of 40 CFR 264.151, as amended by OAR 340-104-0151, including the requirements to have and maintain liability coverage for non-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.

II.Q. Incapacity of Owners or Operators, Guarantors, or Financial Institutions

The Permittee shall comply with 40 CFR 264.148.

II.R. Equivalent Materials/Information

If certain equipment, materials, procedures, and administrative information (such as names, phone numbers, addresses, obsolete forms, addition of new forms and to forms, format of tables or forms, deletion from forms of units certified as closed, etc.,) are specified in this Permit, the Permittee is allowed to use an equivalent or superior substitute or deletion. Use of such equivalent or superior substitute or deletion shall not be considered a modification of the Permit, but the Permittee shall present the proposed changed to the Department, and then with Department approval (such approval may be verbal or written) submit to the Department by written letter the revision, accompanied by a narrative explanation, and the date the revision becomes effective. If the Department determines that the change is not in accordance with the approval, the Department will by letter direct the Permittee to submit the change again.

II.S. RCRA Subparts AA and BB and Other Air Emissions

The Permittee shall comply with the all applicable requirements found in 40 CFR 264 Subparts AA and BB, and other air emission physical and operational limitations and requirements in this Permit and the standalone documents.

II.T. ORS 466.065 Requirements

II.T.1.

The Permittee shall not land dispose greater than 5,900,000 tons of hazardous waste during the ten-year term of this Permit without approval from the Department in accordance with ORS 466.065(1).

II.T.2.

The Permittee shall not treat greater than 37,275,980 tons of hazardous waste during the ten-year term of this Permit without approval of the Department in accordance with ORS 466.065(1).

II.T.3.

The Permittee shall comply with all applicable Federal and Oregon technological requirements for treating and disposing of hazardous waste.

II.T.4.

The Permittee shall maintain the property line setback as specified at OAR 340-120-0010(e)(B) by having at least a 1,000 foot separation between active waste management areas and facilities, and property boundaries.

II.T.5.

The Permittee, and its parent company, shall comply with all applicable Oregon and Federal requirements for financial and technical capability to properly construct and operate the Facility.

II.T.6.

The Permittee shall own, or contract with, an emergency response provider or coordinator that can provide for timely response to a spill or release in Oregon of hazardous waste being transported to the Facility by a motor vehicle owned by the Permittee.

II.T.7.

The Permittee shall determine if any transporter of hazardous waste hired by the Permittee, owns or has a contract with an emergency response provider or coordinator that can provide for timely response to a spill or release in Oregon of hazardous waste being transported by a motor vehicle to the Facility.

II.T.8.

The Permittee shall, upon arrival at the Permittee's Facility of any motor vehicle transporting hazardous waste in a motor vehicle not owned or hired by the Permittee, request to review the transporter's authorization to transport hazardous waste in Oregon and the driver's authorization to drive a motor vehicle transporting hazardous waste in Oregon. The Permittee shall provide to the Department in writing the name of any transporter or driver that fails to demonstrate the requested authorization.

II.U. Management of Subpart CC Wastes

II.U.1.

The Permittee shall not manage hazardous wastes containing an average volatile organic concentration of 500 parts per million by weight (ppmw), or more as determined by 40 CFR 264.1083, at any permitted tank or surface impoundment, until this Permit is modified to incorporate the requirements of 40 CFR 264.1082(b), except as 40 CFR 264.1080 and 40 CFR 264.1082(b) provide otherwise.

II.U.2.a.

The Permittee is authorized to manage volatile organic hazardous wastes with an average concentration of 500 parts per million by weight, or more, as determined using 40 CFR 264.1083, at all permitted storage units in accordance with the Container Level 1 or Level 2 standards, as applicable, meeting the requirements of 40 CFR 264.1086(c) and (d), respectively. Except as provided by Permit Condition II.U.3., management of Container Level 3 standards is prohibited unless this permit is modified.

II.U.2.b.

If the Permittee manages volatile organic hazardous wastes with an average concentration of 500 parts per million by weight or more, as determined by 40 CFR 264.1083, in containers at a

permitted storage unit that require Container Level 1 or 2 standards, the Permittee shall comply with 40 CFR 264.1086(c) and (d), respectively.

II.U.3.

The Permittee may manage volatile organic hazardous wastes with an average concentration of 500 parts per million by weight, or more, as determined by 40 CFR 264.1083, that are undergoing biotreatment in accordance with Bioremediation Facility and Organic Recovery Unit Design and Operations Plan [A.R. 06092], Standalone Document No. 19.

II.V. Organic Recovery unit-2 Compliance with Subpart BB Standards

II.V.1.

In accordance with 40 CFR 264.1064(m), compliance with Subpart BB standards at the Organic Recovery Unit-2 and the tank systems in Wastewater Treatment System 2 shall be demonstrated by the regulations under 40 CFR 61 Subpart ff. Documentation of compliance with 40 CFR 61 Subpart ff standards shall be maintained in the operating record.

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III. CONTAINER STORAGE

III.A. Design and Operation

III.A.1.a.

The Permittee may store those containerized wastes listed under Permit Condition II.C.5. and II.C.5.a.i.v., and the second, third and fourth sentences in Permit Condition II.C.5.b.i. only in storage units S-1, S-2, S-3, S-4, S-5, S-6, S-10, S-11A and S-12 (subareas A – E). The Permittee shall not store containerized water reactive hazardous wastes in these units except as allowed in Standalone Document No. 9, Container Storage Design and Operation Plan [A.R. 06082]. ‡ **Rev. 3**

III.A.1.b.

The Permittee shall not store hazardous wastes listed under Permit Condition II.C.5.b.ii in all container storage units.

III.A.1.c.

The Permittee may store containerized hazardous wastes in containment buildings B-2 and B-5 in compliance with Permit Conditions under III.A. through III. I and Standalone Document No. 9, Container Storage Design and Operation Plan. The Permittee may not have more than 50 hazardous waste containers in each of these containment buildings. ‡ **Rev. 3**

III.A.2.

The quantity of containerized hazardous waste stored in each designated container storage unit shall be limited by the design capacity of that unit, as specified in Standalone Document No. 9, Container Storage Design and Operations Plan [A.R. 06082].

III.A.3.

The Permittee shall store containerized hazardous waste in the manner described in Standalone Document No. 9, Container Storage Design and Operations Plan [A.R. 06082], except as otherwise specified in this section of the Permit. Compliance with the storage operation procedures outlined in Container Storage Design and Operations Plan [A.R. 06082] and Permit Condition II.A.1, shall constitute compliance with the following requirements of 40 CFR Part 264:

- 264.171 Condition of containers;
- 264.172 Compatibility with waste containers;
- 264.173 Management of containers;
- 264.174 Inspections;
- 264.176 Special requirements for ignitable or reactive wastes; and
- 264.177 Special requirements for incompatible wastes.

III.A.4.

The Permittee is authorized by law to store or treat hazardous waste in containers in accordance with 40 CFR 262.34.

III.A.4.a.

Except as provided in Section VII of this Permit, bioremediation of containerized solid wastes containing free liquids shall be conducted in storage units authorized to store liquid wastes in accordance with the operation procedures and monitoring in Standalone Document No. 19, Bioremediation Facility and Organic Recovery Unit Design and Operations Plan [A.R. 06092].

III.A.5.

All container storage units shall be designed in accordance with all design requirements, engineered drawings, and applicable recommendations in Standalone Document No. 9, Container Storage Design and Operations Plan [A.R. 06082].

III.A.5.a.

Container storage units S-3 and S-5, are not authorized to store containerized liquid hazardous wastes unless this Permit is modified. ‡ **Rev. 3**

III.B. Inspections

The Permittee shall store all containers of hazardous waste on a single tier, (i.e., no stacking) at all container storage units, except as allowed by Permit Condition III.C.1. and Stand Alone Document No. 9 and except that small containers that are suitable for stacking (e.g., boxes or crates) may be stacked to a reasonable level, (not to exceed 5 feet in height) and intermodal type containers specifically designed for stacking may be stacked, provided the stack is stable and there is no apparent hazard of such containers tipping or falling and provided that inspection of such containers is not inhibited. Containers used in bio-treatment may be stacked three high. ‡ **Rev. 3**

The Permittee shall, immediately upon request from the Inspector reposition any container, as necessary, to make the label on that container visible from the aisle for the purpose of inspection.

III.C. Aisle Space

III.C.1.

The Permittee shall maintain a minimum of 2.5 feet of aisle space for hazardous waste containers at all container storage units at the Facility. Maintenance of the specified aisle space shall constitute compliance with 40 CFR 264.35. At container storage unit S-2: The Permittee shall not double stack 55-gallon, or larger, hazardous waste containers unless all permitted floor space in an individual storage area (A, B, C, D or E) within container storage unit S-2 is occupied by a container. The Permittee may double stack 55-gallon, or larger, containers if such permitted floor space is occupied. ‡ **Rev. 3** Containers that have a volume less than 55-gallons may be double-stacked at anytime.

III.C.2.

At container storage unit S-2, the Permittee shall maintain a minimum aisle width of four (4) feet between hazardous waste container rows and between containers and walls for ignitable and reactive hazardous wastes. ‡ **Rev. 3**

III.D. Containment

III.D.1.

The Permittee shall store hazardous waste containers in a manner that minimizes the potential for container deterioration. ‡ **Rev. 3**

III.D.2.

Container storage of liquid and non-liquid hazardous wastes in S-1, S-2, S-3, S-4, S-5, S-6, S-10, S-11A and S-12(A-E) in the manner specified in Standalone Document No. 9, Container Storage Design and Operation Plan [A.R. 06082], shall constitute compliance with 40 CFR 264.175(b) and (c).

III.E. Requirement for Containerized Wastes

All containers holding hazardous waste shall be covered at all times, except when hazardous wastes are being added, removed, or inspected. ‡ **Rev. 3**

III.F. Special Requirement for Incompatible Wastes

The Permittee shall comply with 40 CFR 264.177.

III.G. Closure

The Permittee shall close all container storage units in accordance with Section 1.0 of the Closure Plan in Standalone Document No. 5 [A.R. 06078] and Section II.J. of this Permit.

III.H. Additional Conditions at Container Storage Unit S-2

III.H.1.

S-2 storage areas A through E, as shown in drawing 10-AS-1 in Standalone Document No. 9, shall be constructed such that 10% of the maximum volume stored in the specific storage area is contained within that specific storage area. At a minimum, all surrounding berms around each specific storage area shall be no less than 3 inches in height.

III.H.2.

The Permittee shall follow the operational conditions found in Standalone Document No. 9, Container Storage Design and Operations Plan [A.R. 06082] as amended by Permit Conditions III.H.3. through III.H.7.

III.H.3.

Within container storage unit S-2, the Permittee may only store hazardous wastes at storage areas A, B, C, D and E, as designated in drawing 10-AS-1 in Standalone Document No. 9. ‡ **Rev. 3** Hazardous wastes found in the designated area "Receiving Area" shall be hazardous wastes undergoing analysis in accordance with Standalone Document No. 1, Waste Analysis Plan A.R. 06074].

III.H.4.

Unless otherwise approved by the Department, the maximum allowable storage for hazardous waste containers for each storage location is: ‡ **Rev. 3**

Storage Areas				
A (# 55-gal. drums) (gallons)	B (# 55-gal. drums) (gallons)	C (# 55-gal. drums) (gallons)	D (# 55-gal. drums) (gallons)	E (# 55-gal. drums) (gallons)
164 9,020	142 7,810	142 7,810	142 7,810	188 10,340

III.H.5.

The Permittee shall maintain rows of hazardous waste containers to be no more than two 55-gallon drums wide. For hazardous waste containers larger than 55-gallon drums, a container row shall be no wider than the single largest container in that row. ‡ **Rev. 3**

III.H.6.

The Permittee may not store incompatible wastes within the same storage area which is serviced by a single sump.

III.H.7.

The Permittee shall have signage to indicate what class of hazardous waste (e.g., acid, oxidizer, toxic, etc.,) is being stored within a container storage unit which is serviced by a single sump.

III.I. Subpart CC Air Emission Requirements

The Permittee shall comply with Permit Conditions II.U.2.a. and II.U.2.b.

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IV. TANK STORAGE AND TREATMENT

IV.A. Applicability of Rules

IV.A.1.

The Permittee shall comply with the regulations pertaining to hazardous waste tank systems in 40 CFR 264 Subpart J.

IV.A.2.

The Permittee is authorized by law to store or treat hazardous waste generated on-site in tanks in accordance with 40 CFR 262.34.

IV.A.3

The Permittee shall not store hazardous wastes prohibited from storage under Permit Condition II.C.5.b.ii. in all tanks, and shall not treat hazardous wastes prohibited from treatment the first sentence of Permit Condition II.C.5.b.i. in all tanks.

IV.B. Bulk Liquid Storage and Treatment Facility/Wastewater Treatment Unit ‡ Rev. 14

IV.B.1.

The bulk liquid storage and treatment facility/wastewater treatment unit shall consist of all associated ancillary equipment, containment system, and tanks which includes: Six 10,500 gallon tanks, two 5,200 gallon mix tanks, one 1,500 gallon clarifier, one 2,600 gallon thickener tank, one 1,440 gallon surge tank, two 400 gallon sand filters, two eleven gallon bag filters, and two 1,700 gallon carbon vessels ‡ **Rev. 14 ,**as described in Standalone Document No. 8, Bulk Liquid Storage/Treatment Plan [A.R. 06081]. In addition, the tank system capacity includes the tanks described in the Wastewater Treatment Facility Operations Manual, also found in Standalone Document No. 8, Bulk Liquid Storage/Treatment Plan [A.R. 06081].

IV.B.2.

The Permittee may store and treat any wastes, in liquid form, listed under Permit Conditions II.C.5. and II.C.5.a.i-v. and the second, third and fourth sentences in Permit Condition II.C.5.b.i. in the bulk liquid storage and treatment facility. Compliance with 40 CFR 264.198 for ignitable or reactive wastes is required, in order for such wastes to be managed in the Permitted tank systems. Additionally, if the waste is incompatible with any waste already in a tank, or the tank itself, based on compatibility assessment as specified in Standalone Document No. 1, Waste Analysis Plan [A.R. 06074], such waste shall not be stored or treated in that tank.

IV.B.3.

The Permittee shall operate the bulk liquid storage and treatment facility/wastewater treatment unit ‡ **Rev. 14** in accordance with the procedures in Standalone Document No. 8, Bulk Liquid Storage/Treatment Plan [A.R. 06081].

IV.B.4.

The Permittee shall maintain spill controls, and overfill prevention controls as required by 40 CFR 264.194. Overfill prevention controls shall be set such that one foot of freeboard in each tank (headspace) is maintained at all times.

IV.C. Stabilization Unit Tanks

IV.C.1.

The stabilization unit tanks shall consist of 12 in-ground steel tanks, with a capacity of approximately 15,000 gallons each. The design of each tank and the secondary containment structure shall be as described in Standalone Document No. 10, Stabilization/Chemical Treatment Plan [A.R. 06083].

IV.C.2.

The Permittee may store and treat any wastes described in Permit Condition II.C.5. and II.C.5.a.i.-v. and the second, third and fourth sentences in Permit Condition II.C.5.b.i. in the stabilization unit tanks. Additionally, if any hazardous waste is water reactive, has a pH less than or equal to 2, or is incompatible with other wastes already in the tank, based on the compatibility assessment as specified in the Waste Analysis Plan [A.R. 06074], such waste shall be treated in accordance with the applicable sections of Standalone Document No. 10, Stabilization/Chemical Treatment Plan [A.R. 06083]. Water-reactive hazardous waste may only be treated upon Department approval for each waste stream (which approval shall not be considered a modification of this Permit).

IV.C.3.

The Permittee shall operate the stabilization unit tanks in accordance with Standalone Document No. 10, Stabilization/Chemical Treatment Plan [A.R. 06083].

IV.C.4.

The Permittee shall maintain at least two feet of freeboard in the stabilization unit tanks at all times. Hazardous waste in the unit, other than residue or stain on the inside of the tank walls, shall not exceed the two-foot freeboard requirement, except as may be necessary during the actual mixing process. Residue or stain on the inside of the tank walls above the two-foot freeboard limit shall not, in itself, result in a freeboard violation.

IV.D. Closure

The Permittee shall close all tank units in accordance with the applicable sections of Standalone Document No. 5, Closure/Post-Closure Plan, Cost Estimates, Financial Assurance, Insurance [A.R. 06078] and Section II.J. of this Permit.

IV.E. Subpart CC Air Emission Requirements

The Permittee shall comply with Permit Condition II.U.1.

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V. SURFACE IMPOUNDMENT STORAGE AND TREATMENT

V.A. Surface Impoundments.

V.A.1.

Surface impoundments shall consist of two existing units P-A and P-B.

V.A.2.a

The Permittee may store and treat any wastes, in liquid or semi-solid form, listed under Permit Condition II.C.5. and II.C.5.a.i.-v. and the second, third and fourth sentences in Permit Condition II.C.5.b.i. in the surface impoundments. The Permittee shall not store or treat any hazardous wastes which are restricted from land disposal under 40 CFR Part 268 unless the applicable treatment standard as specified in 40 CFR Part 268 has been achieved prior to placement in the surface impoundments. In addition, as new hazardous wastes are prohibited from land disposal unless the wastes meet the land disposal restriction treatment standards under 40 CFR Part 268, the Permittee shall immediately cease placement of such wastes in any surface impoundment upon the effective date of the 40 CFR Part 268 regulation.

V.A.2.b.

The Permittee shall not store hazardous wastes listed under Permit Condition II.C.5.b.ii. in the surface impoundments and shall not treat hazardous wastes listed in the first sentence under Permit Condition II.C.5.b.i. in the surface impoundments.

V.A.3.

If any waste, or the product of residue of the treatment of such waste, is incompatible with wastes already in a surface impoundment, based on the compatibility assessment as specified in Standalone Document No. 1, Waste Analysis Plan [A.R. 06074], such waste shall not be placed into the surface impoundment.

V.A.4.

The Permittee shall operate all surface impoundments in the manner specified in Standalone Document No. 13, Surface Impoundments Design and Operations Plan [A.R. 06086]. The Permittee shall operate each surface impoundment in a manner to prevent physical barriers (i.e., solid material or sludge) from restricting the mixing of liquid waste.

V.A.5.a.

The Permittee shall maintain freeboard in each surface impoundment as specified in Standalone Document No. 13, Surface Impoundments Design and Operations Plan [A.R. 06086] and shall follow the procedures specified in Surface Impoundments Design and Operations Plan [A.R. 06086] to prevent overtopping.

V.A.5.b.

The Department reserves the right to increase the amount of freeboard required at any surface impoundment if overtopping has occurred. Such a change could occur at any point during the life of this Permit and would be effective upon written notification from the Manager to the Permittee. Such a change would not require a Permit modification in accordance with 40 CFR 270.42.

V.A.6.

Prior to placement of any sludge from the surface impoundments into a landfill unit, the Permittee shall follow the stabilization (when necessary) and analyses procedures outlined in the Waste Analysis Plan [A.R. 06074], Surface Impoundments Design and Operations Plan [A.R. 06086], and Stabilization/Chemical Treatment Plan [A.R. 06083] to ensure that the sludge has been properly stabilized. The Permittee may stabilize the sludge within the surface impoundments as specified in Standalone Document No. 5, Closure/Post-Closure Plan, Cost Estimates, Financial Assurance, Insurance [A.R. 06078], and Standalone Document No. 13, Surface Impoundments Design and Operations Plan, Response Action Plan [A.R. 06086].

V.A.7.

The Permittee shall follow the requirements of Standalone Document No. 13, Surface Impoundments Design and Operations Plan [A.R. 06086] when emergency repairs are undertaken for an surface impoundment. ‡ **Rev. 3**

V.A.8.

The Permittee shall follow the procedures in Standalone Document 13, Surface Impoundments Design and Operations Plan, Response Action Plan [A.R. 06086], for units P-A and P-B, that require a response action plan.

V.B. Subpart CC Air Emission Requirements

The Permittee shall comply with Permit Condition II.U.1.

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VI. LANDFILL DISPOSAL

VI.A. Existing Closed Landfill Units L-5, L-7, L-9. L-12 and L-13

VI.A.1.

The Permittee shall inspect the leachate collection system in units L-5, L-7, L-9, **L-12 and L-13** for the presence of liquid at the frequency specified in Standalone Document No. 3, Inspection Plan [A.R. 06076]. The results of the inspection, including the amount of any liquid found, shall be entered in the operating record. Prior to final Facility closure, if liquid is found in the leachate collection system, all pumpable quantities of such liquid shall be removed, to the extent practicable, within 24 hours of the time such liquid is found. The time for removal of liquid shall be 72 hours after finding liquid in the leachate collection system after final Facility closure. In all cases, the liquid shall be managed as hazardous waste.

VI.B. Operating Landfill Units L-14

VI.B.1.

The Permittee may dispose of any wastes listed under Permit Condition II.C.5. and II.C.5.a.i.-v. and the second, third and fourth sentences in Permit Condition II.C.5.b.i. in landfill units L-14 except that the following restrictions on waste disposal shall apply:

VI.B.2.a.

The Permittee shall not dispose of hazardous wastes listed in the first sentence under Permit Condition II.C.5.b.i.

VI.B.2.b.

The Permittee shall not dispose of wastes containing free liquids. Free liquids analyses shall be performed in accordance with the applicable procedures in Waste Analysis Plan [A.R. 06074]. Note: Liquid wastes that are contained in lab packs (packaged in accordance with 40 CFR 264.316) or containers, that are very small such as ampoules, or containers that are designed to hold free liquids for use other than storage, such as capacitors or batteries (in accordance with 40 CFR 264.314), may be disposed without stabilization and related testing and verification procedures, provided other restrictions, as specified in this Permit or by other statutes or regulations, do not prohibit the land disposal of such wastes.

VI.B.2.c.i.

The Permittee shall not dispose of any hazardous waste which was generated as a liquid and was then stabilized by the generator (or another off-site treatment facility) unless the Permittee has conducted testing to ensure that the waste has been properly stabilized, (i.e., achieves the appropriate treatment standard required by 40 CFR Part 268 and does not contain free liquids). Such testing shall be done by the Permittee, using sampling and analytical methods outlined in Waste Analysis Plan [A.R. 06074], and Stabilization/Chemical Treatment Plan [A.R. 06083]. Records of such analyses shall be maintained in the operating record for a minimum period of three years. This Permit Condition [VI.B.2.c.i.] shall not apply if the Permittee complies with Permit Condition VI.B.2.c.ii.

VI.B.2.c.ii.

As an alternative to the testing by the Permittee specified in Permit Condition VI.B.2.c.i., the Permittee shall maintain documentation supplied by the generator (or another off-site treatment facility) that proper stabilization has been achieved. Documentation from the generator (or another off-site treatment facility) shall contain a signed certification that the stabilized hazardous waste achieves the appropriate treatment standard required by 40 CFR Part 268 and does not contain free liquids as specified in this Permit. The Permittee shall maintain such documentation in the operating record for a minimum period of three years.

VI.B.2.d.

The Permittee shall not dispose of any wastes which are restricted from land disposal under 40 CFR Part 268 unless the applicable treatment standard in 40 CFR Part 268 has been achieved. In addition, as new hazardous wastes are prohibited from land disposal unless the wastes meet the land disposal restriction treatment standards under 40 CFR Part 268, the Permittee shall immediately cease disposing of such wastes upon the effective date of the 40 CFR Part 268 regulation, unless the treatment standards for the hazardous wastes in 40 CFR Part 268 have been achieved.

VI.B.2.e.

The Permittee shall not dispose ignitable or reactive hazardous wastes (Environmental Protection Agency Waste numbers D001 or D003, respectively) or any EPA-listed hazardous waste for which the basis for listing is ignitability or reactivity, unless the waste has been treated to render it non-ignitable or nonreactive. For such wastes, the Permittee shall follow testing procedures used to determine ignitability and reactivity as specified in Waste Analysis Plan [A.R. 06074]. This restriction on disposal of ignitable waste does not apply to ignitable waste disposed in accordance with 40 CFR 264.312(b).

Note: Cyanide or sulfide bearing waste as defined in 40 CFR 261.23(a)(5) may be packaged in accordance with 40 CFR §264.316 and disposed without first being treated or rendered nonreactive.

VI.B.3.

The Permittee shall operate landfill unit L-14 in accordance with the operating practices in Standalone Document No. 14, Landfill Design and Operations Plan [A.R. 06087]. VI.B.4.

The Permittee shall maintain a permanent accurate record of the approximate three dimensional location of each hazardous waste type, based on grid coordinates, within units L-12, L-13 and L-14 in accordance with 40 CFR 264.309. This record shall include the information necessary to locate a specific hazardous waste type and shall be based on information contained in the manifest (generator identification number, waste code, and date of disposal). This Condition shall apply to all wastes placed in units L-12, L-13 and L-14, irrespective of the date of disposal. Upon final closure of the Facility, the Permittee shall submit copies of these records for units L-12, L-13, and L-14 to the Manager.

VI.B.5.

‡ **Rev. 9** Liquid in the primary leachate collection system of unit L-14 will not exceed 30 cm (one foot) in depth over the primary liner after waste has been placed. (This does

not include the area of the sump used to accumulate sufficient quantities of liquid for pumping). Liquid in the secondary leachate collection system of unit L-12, L-13, and L-14, will be removed, when pumpable quantities exist, to the extent practicable, within 24 hours after those quantities are found. The leachate from both the primary and secondary leachate collection systems will be managed for dust suppression within the footprint of the landfill from which the leachate originated per Standalone Document 14 – Landfill Design and Operations Plan. Leachate application shall be inspected daily to assure that the application is conducted in a controlled manner to prevent ponding and runoff. Leachate not used for dust suppression will be managed as hazardous waste and routed to the wastewater treatment unit. During the post-closure period, after final Facility closure, liquid from the secondary leachate collection systems shall be pumped, as described above, within 72 hours after such liquid is found.

VI.B.6.

For landfills unit L-14, the Permittee shall follow the procedures specified in Standalone Document No. 15, Landfill Response Action Plan [A.R. 06088].

VI.B.7.

The Permittee shall close unit L-14 in accordance with the applicable sections of Standalone Document No. 5, Closure/Post-Closure Plan, Cost Estimates, Financial Assurance, Insurance [A.R. 06078], Standalone Document No. 16, Construction Quality Assurance Plan [A.R. 06088] and Standalone Document No. 17, Landfill Final Cover Design Plans [A.R. 06090], and Permit Condition II.J.

‡ Rev 28

VI.B.7.a

When implementing the evapotranspiration final cover alternative, the Permittee shall follow the fertilizer and soil amendments recommended by A&L Western Agriculture Laboratories as contained in Appendix B.3 of the Alternative Final Cover Design Report for Landfills L-12, L-13 and L-14 included in standalone 17.

VI.B.8.

The Permittee shall close unit L-14 in accordance with 40 CFR 264.19 and Standalone Document No. 16, Construction Quality Assurance Plan [A.R. 06089].

VI.B.9.

The Permittee shall follow the requirements for post-closure care of units L-12, L-13, and L-14 in accordance with the applicable sections of Standalone Document No 5, Closure/Post-Closure Plan, Cost Estimates, Financial Assurance, Insurance [A.R. 06078] and Section II.L. of this Permit. The post-closure care period for each unit shall begin at the time of completion of closure of each unit.

VI.B.10.

The landfill units shall be operated and maintained using best management practices designed to prevent fires, pyrophoric events, explosions, combustion, or conflagration within the footprint of any operating landfill. ‡ **Rev. 3**

VI.C. Waste Pile WP-1 ‡ Rev. 23

[Reserved]

VI.D. [Reserved]

VI.E. Acceptance, Storage, Treatment, and Disposal of Corrective Action Management Unit [CAMU]-Eligible Wastes

VI.E.1.

The Permittee is authorized to accept, store, treat, and dispose of CAMU-eligible wastes, as defined at 40 CFR 264.552(a)(1), in accordance with Permit Conditions VI.E.2. through VI.E.12.

VI.E.2.a.

In addition to the approved Waste Analysis Plan requirements: For each single-type CAMU remediation waste acceptance, the Permittee shall investigate and determine that the authority that designated the waste as CAMU-eligible waste is authorized for such designation in accordance with either being an US EPA regional office or state authorized by 40 CFR Part 271. The results of the investigation, which may include hand-written notes from phone calls, shall be placed in the operating record.

VI.E.2.b.

In addition to the approved Waste Analysis Plan requirements: For single CAMU remediation wastes, the Permittee shall investigate and determine if the regulatory authority that designated the waste as CAMU-eligible waste provided a public notice and an opportunity for public comment. The results of the investigation, which may include hand-written notes from phone calls, shall be placed in the operating record.

VI.E.3.

The Permittee shall comply with the requirements of 40 CFR 268.7(b)(4) except the certification shall state that the CAMU-eligible wastes meet the treatment standards in 40 CFR 264.555(a)(2).

VI.E.4.

The Permittee shall dispose all CAMU-eligible waste in landfill L-14. VI.E.5.

All CAMU-eligible wastes that are disposed in a landfill shall meet any of the standards in 40 CFR 264.555(a)(2)(i), (ii), or (iii).

VI.E.6.

For new single CAMU-eligible wastes proposed to be received at the Facility, the Permittee shall notify the Department and persons on the Facility's mailing list of the Permittee's intent to receive the waste unless exempted in accordance with Permit Condition VI.E.9. The Permittee shall abide by all conditions in any Department exemption letter.

VI.E.7.

In the notification to the Department and the Facility mailing list regarding the Permittee's intent to receive CAMU-eligible wastes at the Facility, the Permittee shall state the source of the CAMU-eligible waste, the principal hazardous constituents in the waste, and the treatment requirements. The notification shall state that there will be a 15-day period after receipt of the notification for public comment. The notification shall state that any comments should be sent to

the Department and that any comment may include an objection to receipt of the CAMU-eligible waste.

VI.E.8.a.

The Permittee may not receive any CAMU-eligible waste within the 15-day comment period specified in Permit Condition VI.E.7., and may not receive CAMU-eligible waste until the Department notifies the Permittee that the Department does not object to placement of the CAMU-eligible waste in the landfill. The Department may take a 30-day review period, with a possible 30-day extension because of public concerns or insufficient information, from the date of the Permittee's notice of intent to receive the CAMU-eligible waste.

VI.E.8.b.

The Department may object to the Permittee's placement of any single-type remediation CAMU-eligible waste stream. If the Department notifies the Permittee that the Department objects, the Permittee may not receive the single CAMU-eligible waste. If, at the end of the review period, the Department has not notified the Permittee that the Department has chosen not to object, the Permittee may not receive the single remediation CAMU-eligible waste until the objection has been resolved, or, the Permittee obtains a permit modification in accordance with 40 CFR 270.42 specifically authorizing receipt of the single remediation CAMU-eligible waste.

VI.E.9.

Upon an approved permit modification submitted by the Permittee, the Department may modify, reduce, or eliminate the notification requirements of Permit Condition VI.E.6. and VI.E.7. The Department's written decision will be based on minimal risk.

VI.E.10.

The Permittee may accept Rhone Poulenc (ORD 990 659 492) granular activated carbon remediation wastes as specifically described in the permit modification request, dated October 4, 2004. Such wastes shall be containerized when disposed of in a landfill. Such containers shall remain intact during disposal and when covered by operational lifts.

VI.E.11.

[Reserved]

VI.E.12.

The Permittee may accept and dispose the single remediation granular activated carbon CAMU-eligible wastes, as described in the permit modification request, dated October 4, 2004, from the Union Pacific Railroad Tie Treating Facility [UPRTTF], EPA ID ORD 982 658 742, The Dalles, Oregon. All CAMU-eligible wastes from the UPRTTF facility shall be disposed by macro encapsulation in accordance with this Permit and Standalone Document No 11, the Debris Treatment Plan [A.R. 06084].

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VII. CONTAINMENT BUILDING STORAGE AND TREATMENT

VII.A.1.a

The Permittee is authorized to store and treat any non-liquid wastes listed under Permit Condition II.C.5 and II.C.5.a.i.-v. and the second, third and fourth sentences in Permit Condition II.C.5.b.i. in containment buildings B-1, B-2, B-4 B-5, and B-9 including crushing and size reduction.

VII.A.1.b.

The Permittee shall not store hazardous wastes listed under Permit Condition II.C.5.b.ii. in containment buildings and shall not treat hazardous wastes listed in the first sentence under Permit Condition II.C.5.b.i. in containment buildings.

VII.A.2.

The Permittee shall operate and maintain all containment buildings in accordance with Standalone Document No. 12, Containment Buildings Design and Operations Plan [A.R. 06085] and all applicable requirements contained in 40 CFR 264 Subpart DD. Bioremediation in containment buildings authorized for the storage and treatment of hazardous wastes containing free liquids shall be conducted in accordance with Standalone Document No. 19, Bioremediation Facility and Organic Recovery Unit Design and Operations Plan [A.R. 06092].

VII.A.3.

The Permittee may store and treat wastes containing free liquids in containment building B-5.

VII.A.4.

The Permittee is authorized to operate and maintain its Organic Recovery Unit and associated ancillary equipment including tanks, containment and flare in accordance with Standalone Document No. 19, Bioremediation Facility and Organic Recovery Unit Design and Operations Plan as approved by the Department. ‡ ‡ **Rev. 12**

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VIII. (removed ‡Rev. 25)

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IX. PAST PRACTICE UNITS ‡ Rev. 15

IX.A. Definition of Past Practice Units

IX.A.1

Past practice units at this Facility shall consist of landfill units L-1, L-3, L-5, and L-6.

IX.B. Post-Closure Care of Landfill Units L-1, L-3, L-5, and L-6

IX.B.1.

The Permittee shall implement a detection groundwater monitoring program for the past practice units which complies with the requirements of Section X of this Permit. Monitoring well locations for the past practice units are listed in Table X-1 of this Permit and are displayed on Figure 1 of this Permit. Monitoring well sampling frequencies are specified in Table X-1 of this Permit.

IX.B.2.

The Permittee shall follow the post-closure care maintenance procedures outlined in Standalone Document No. 5, Closure/Post-Closure Plan, Cost Estimates, Financial Assurance, Insurance [A.R. 06078] for past practice units L-1, L-3, L-5, and L-6.

IX.C. Corrective Action for Past Practice Units L-1, L-3, L-5, and L-6

The Permittee shall follow the requirements in Permit Conditions X.D.4. through X.E.5. in response to a confirmed exceedance of the detection monitoring criteria as specified in Permit Conditions X.D.1. through X.D.3.

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X. GROUNDWATER DETECTION MONITORING PROGRAM‡ Rev. 15

X.A. Monitoring Well/Piezometer Locations

X.A.1.

The Permittee shall maintain a groundwater detection monitoring program as specified below at the locations for detection monitoring that are listed in Table X-1 of this Permit and displayed on Figure 1 of this Permit. [40 CFR 264.97 and 264.98]

X.A.2.

The Permittee shall maintain the network of piezometers, for the purpose of determining groundwater elevations, at the locations listed in Table X-2 of this Permit and displayed on Figure 1 of this Permit.

X.A.3.

The point of compliance is the vertical surface located at the hydraulically down gradient boundary of the Waste Management Areas listed in Table X-1. [40 CFR 264.95].

X.B. Well Construction, Maintenance, Replacement and Decommissioning

X.B.1.

The Permittee shall maintain the monitoring wells and piezometers identified in Permit Conditions X.A.1. and X.A.2., in accordance with Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080].

X.B.2.

All new and replacement monitoring wells and piezometers shall be drilled and constructed as approved by the Department. A well installation work plan shall be submitted to the Department, for approval, for all new and replacement monitoring wells and piezometers. The Permittee may not begin drilling until Department approval has been granted. All new and replacement monitoring wells and piezometers shall be designed, constructed, and installed in accordance with Oregon Water Resources

Department rules OAR 690-240; and, as appropriate, in general accordance with current guidance from the Department and the Environmental Protection Agency for drilling and construction of groundwater monitoring wells. Minor changes to the well installation work plan shall not be considered a Permit modification.

The Permittee shall take all reasonable precautions during drilling to prevent cross contamination between any water-bearing hydrologic zone and the geologic zones overlying and underlying the water-bearing hydrologic zone.

X.B.3.

The Permittee shall maintain all monitoring wells and piezometers in good working order, making necessary repairs in a timely manner so that sampling activities do not occur outside the sampling timeframes specified in Permit Condition X.C.2.a. The Permittee shall maintain an adequate supply of replacement parts and repair equipment so that each groundwater sampling event [as defined in Permit Condition X.C.2.a.] is not unreasonably delayed. The Permittee shall maintain a list of spare parts and equipment that will fulfill the terms of this Permit Condition.

This list shall be approved by the Department. The Department's approval under this Permit Condition shall not be considered a Permit modification.

X.B.4.

The Permittee shall follow the procedures in Table 3-2 of Standalone Document No. 3, Inspection Plan [A.R. 06076] and in Section 3.4 of Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080] for routine inspection of monitoring wells and piezometers.

X.B.5.

The Permittee shall maintain borehole integrity of each monitoring well and piezometer for any groundwater monitoring program developed to satisfy 40 CFR 264.98, 264.99 and 264.100, as required by 40 CFR 264.97(c). The Permittee shall inspect groundwater wells at the Facility not identified in the previous sentence at least once every five years beginning August 1, 2007 as provided in Section 3.4 of Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080].

X.B.6.

Any replacement monitoring wells or piezometers that may be required during the life of this Permit shall be installed as close as appropriate and practicable to the monitoring well or piezometer being taken out of service. If a monitoring well or piezometer shall be replaced for any reason during the term of this Permit, it shall be replaced within 90 calendar days of the date taken out of service unless the Department approves a longer period of time.

X.B.7.All new or replacement groundwater sampling pumps shall be dedicated bladder pumps unless the Department approves use of another type of pump or sampling device in writing. The Department's approval under this Permit Condition shall not be considered a permit modification.

X.B.8.

All monitoring wells or piezometers that require decommissioning shall be decommissioned in accordance with Oregon Water Resources Department rules OAR 690-240 and, as appropriate, in general accordance with current guidance from the Department and the Environmental Protection Agency for decommissioning groundwater monitoring wells. Written approval for monitoring well or piezometer decommissioning is required from the Department. Monitoring well or piezometer decommissioning documentation, as required by OAR 690-240-0510(6), shall be submitted to the Department within 60 calendar days after completion of decommissioning.

X.B.9.

By written direction from the Department, the Permittee shall decommission monitoring wells or piezometers in the groundwater monitoring program developed to satisfy 40 CFR 264.98, 264.99 and 264.100, that do not meet the requirements in 40 CFR 264.97(c). In determining whether to issue the written direction, the Department will consider the Permittee's evaluation, if any, for whether the monitoring well(s) or piezometer(s) meets the requirements in 40 CFR 264.97(c).

X.B.10.

The Permittee shall submit to the Department within 60 calendar days of installation of any new or replacement monitoring well or piezometer (or group of monitoring wells or piezometers), or decommissioning of an existing monitoring well or piezometer (or group of monitoring wells or piezometers), revised versions of Table X-1, Table X-2, and Figure 1. The Permittee shall obtain a Permit modification for any new or replacement monitoring well.

X.C. Program Operation

X.C.1.

Groundwater Elevations and Flow Direction

X.C.1.a.

The Permittee shall determine the elevation of the groundwater surface at each monitoring well and piezometer listed in Table X-1 and Table X-2 of this Permit, each time the groundwater is sampled. [40 CFR 264.97(f)]

X.C.1.b.

Groundwater level measurements for each monitoring well shall be obtained prior to purging the well. In order to minimize the potential for error caused by temporal variations, the Permittee shall obtain all water level measurements within as short a time as practicable. On each day that water level measurements are being collected under this Permit Condition, the barometric pressure shall be recorded and entered into the operating record.

X.C.1.c.

The Permittee shall use these data to determine the rate and direction of groundwater flow at each Waste Management Area annually, and construct groundwater elevation (or potentiometric surface) contour maps for Level 1 and Level 2 of the Selah Aquifer annually. The contour maps and flow rates shall be submitted to the Department in the second semi-annual monitoring report. The Permittee shall submit, with the contour maps, a written review of the adequacy of the groundwater monitoring system relative to observed groundwater flow directions with respect to each Waste Management Area.

X.C.1.d.

Graphs of groundwater elevation vs. time will be submitted annually, in the second semi-annual monitoring report, for all monitoring wells listed in Table X-1 and all piezometers listed in Table X-2, including all available historical groundwater elevation data.

X.C.2. Groundwater Sampling and Analysis

X.C.2.a.

The Permittee shall obtain water quality samples from each detection monitoring well listed in Table X-1 of this Permit and displayed on Figure 1 of this Permit at the frequencies designated on Table X-1 of this Permit, in accordance with the procedures in Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080]. Semiannual groundwater sampling events shall be started and finished in the months of March through May, and September through November, respectively, during each calendar year. For all semiannual, annual, and all other groundwater sampling events, the Permittee shall notify the Department within five (5) working days prior to the sampling event.

X.C.2.b.

The Permittee shall analyze all groundwater samples obtained under Permit Condition X.C.2.a. for the constituents and parameters listed in Table X-3 of this Permit, using procedures specified in Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080].

X.C.2.c.

Results of all analyses, including semiannual analyses, verification analyses, and Appendix IX analyses, shall be submitted to the Department within 45 calendar days after the Permittee's receipt of the analytical laboratory's quality-assured data report. In

no case shall the period between the last date of sampling and the date of submission to the Department of analytical results exceed 90 calendar days unless a written extension is granted by the Department. The Permittee shall document when the analytical laboratory's quality-assured data reports are received. The report submitted to the Department shall contain laboratory quality-assured results (as specified in the Standalone Document No.7, Groundwater Monitoring Plan [A.R. 06080] reported down to the method detection limit (MDL), and the reporting limit (RL) as specified in Standalone Document No.7, Groundwater Monitoring Plan [A.R. 06080]. The MDL results are for informational purposes and will be discussed in the reports for each sampling event, as described in the Groundwater Monitoring Plan.

X.C.2.d.

Semiannual groundwater monitoring reports shall also include the information listed in Section 7.2 of Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080].

X.C.2.e.

The Permittee shall enter all monitoring, testing, and quality-assured analytical data obtained pursuant to Permit Condition X.C. in the operating record as required by Permit Condition I.M. Upon written request by the Department, these results shall be submitted within 30 calendar days after the Permittee's receipt of the request, provided the Permittee has received the analytical laboratory's quality-assured data report.‡ **Rev. 16**

X.D. Data Evaluation

X.D.1.

The results of analyses obtained pursuant to Permit Condition X.C.2. shall be compared to the following detection monitoring criteria for the Volatile Organic Constituents (VOCs) listed in Table X-3:

X.D.1.a.

For Chloromethane; Dichlorodifluoromethane; Dichloroethane,1,1-; Methylene chloride; Tetrachloroethene; Toluene; Trichloroethane,1,1,1-; Trichloroethene; and Trichlorofluoromethane in detection monitoring wells 3R-2, 4B-1, 5D-1, and 5Q-1 each detection monitoring criterion listed in Table X-4 multiplied by five; or

X.D.1.b.

For all other detection monitoring wells not included in Permit Condition X.D.1.a., the detection monitoring criteria listed in Table X-4.

X.D.1.c.

For any VOCs detected in detection monitoring wells 3R-2, 4B-1, 5D-1, or 5Q-1 that are degradation products of Chloromethane; Dichlorodifluoromethane; Dichloroethane,1,1-; Methylene chloride; Tetrachloroethene; Toluene; Trichloroethane,1,1,1-; Trichloroethene; and Trichlorofluoromethane, the Permittee may add those VOCs to Permit Condition X.D.1.a. after Department approval.

X.D.2.

Upon determination of VOCs in any monitoring well exceeding the applicable criteria specified in Permit Condition X.D.1. of this Permit, the Permittee shall:

X.D.2.a.

Notify the Department of this finding, in writing, within 7 calendar days after receiving the analytical laboratory's quality-assured data report [40 CFR 264.98(g)(1)]; and,

X.D.2.b.

Within 30 calendar days after this finding, collect two samples from any affected monitoring well(s), following the procedures identified in Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080], and reanalyze the samples for all VOCs specified in Table X-3 of this Permit that exceeded the applicable criteria in Permit Condition X.D.1. In no case shall the period between the date of the determination under Permit Condition X.D.2. and the date of the submission to the Department of the analytical results for the sampling under this Permit Condition exceed 135 calendar days unless a written extension is granted by the Department.

X.D.2.c.

The Permittee may elect to forgo verification sampling activities described under Permit Condition X.D.2.b. and instead follow the requirements of Permit Condition X.D.4.

X.D.3.

If the analytical laboratory's quality-assured data results from the analyses in Permit Condition X.D.2.b. show that:

X.D.3.a.

Neither verification sample confirms the detection of VOCs above the applicable detection monitoring criteria specified in Permit Condition X.D.1., the Permittee shall resume detection monitoring according to the schedule in Permit Condition X.C.2.a. and notify the Department in writing that the detection monitoring program is being resumed; or

X.D.3.b.

One or both verification samples confirm the detection of VOCs above the applicable detection monitoring criteria specified in Permit Condition X.D.1., the Permittee shall follow the requirements of Permit Condition X.D.4.

X.D.4.

Response to Confirmed Exceedance

X.D.4.a.

The Permittee shall notify the Department in writing that the detection monitoring criteria have been exceeded. This notification shall occur within 7 calendar days after receipt of the analytical laboratory's quality-assured data report obtained in Permit Condition X.D.3.b., or within 7 calendar days after receipt of the analytical laboratory's quality-assured data report received under Permit Condition X.C.2. if the Permittee elects to forgo verification sampling as provided in Permit Condition X.D.2.c.; and

X.D.4.b.

The Permittee shall sample the affected monitoring well(s) within 30 calendar days after receipt of the analytical laboratory's quality-assured data report obtained in Permit Condition X.C.2., or

within 30 calendar days of receipt of the analytical laboratory's quality-assured data report received under Permit Condition X.C.2. if the Permittee elects to forgo verification sampling as provided in permit Condition X.D.2.c., and analyze for the constituents identified in 40 CFR Part 264 Appendix IX.

X.D.4.c.i.

If any Appendix IX constituents not listed in Table X-3 of this Permit are detected above the applicable detection monitoring criteria as specified in Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080], the Permittee may resample within 30 calendar days after receipt of the analytical laboratory's quality-assured data report and repeat the Appendix IX analysis for any new constituents detected above the applicable detection monitoring criteria. If the second analysis confirms the presence of new constituents above the applicable detection monitoring criteria, the Permittee shall report the concentrations of these detected constituents to the Department within 7 calendar days after receipt of the analytical laboratory's quality-assured data report for the second analysis.

X.D.4.c.ii.

If the Permittee chooses not to resample, then the Permittee shall report the concentrations of the additional constituents detected above the applicable detection monitoring criteria to the Department within 7 calendar days after receipt of the analytical laboratory's quality-assured data report for the samples collected under Permit Condition X.D.4.b.

X.D.4.d.

Within 90 calendar days after receipt of the analytical laboratory's quality-assured data report for Appendix IX constituents required under Permit Condition X.D.4.b., the Permittee shall submit either of the following:

X.D.4.d.i.

An application for a permit modification to establish a compliance monitoring program, for the affected monitoring well(s), as specified in 40 CFR 264.98(g)(4), or, if any hazardous constituents are above the groundwater concentration limits, to initiate a corrective action program, as specified in Permit Condition X.E. unless the Permittee has submitted a notice of intent under 40 CFR 264.98(g)(4)(iv) to revise the groundwater concentration limits or,

X.D.4.d.ii.

A report demonstrating that a source other than a regulated unit or the past practice units 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; and in addition, when required by 40 CFR 264.98(h), an application for a permit modification to make any appropriate changes to the detection monitoring program.

X.D.4.e.

If the Department determines that a report submitted in accordance with condition X.D.4.d.ii. fails to identify a source of contamination other than a regulated unit or past practice unit, or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water, then the Permittee shall within 60 days of the Department's determination submit an application for a permit modification to establish a compliance monitoring program, as specified in 40 CFR 264.98(g)4, or, if any hazardous constituents are above the groundwater concentration limits, to initiate corrective action, as specified in Permit

Condition X.E. unless the Permittee has submitted a notice of intent under 40 CFR 264.98(g)(4)(iv) to revise the groundwater concentration limits.

X.D.5.

[Reserved]

X.E. Corrective Action Process

X.E.1.

Upon exceedance of the groundwater concentration limit(s), as determined by Permit Conditions X.D.4.d. or X.D.4.e., the Permittee shall send a written request to the Department's Eastern Region Environmental Cleanup Manager requesting a meeting. The written request shall be sent within 15 calendar days after it is determined that the groundwater protection standard(s) has been exceeded. The written request shall also contain the following information:

X.E.1.a.

Description of release with information known to date,

X.E.1.b.

Description of Permittee's obligation to notify the Environmental Cleanup Manager about the release in accordance with this Permit, and,

X.E.1.c.

Description of Permittee's duty to initiate corrective action in accordance with this Permit if any groundwater concentration limit(s) is exceeded.

X.E.2.

The Permittee shall meet with the Department's Eastern Region Environmental Cleanup Program within 45 calendar days after the date on the written notification sent in accordance with Permit Condition X.E.1. unless the Department approves a longer time period (which approval shall not be considered a modification of this Permit). Such a meeting is intended to initiate development of a corrective action written agreement for the Facility.

X.E.3.

The Permittee shall enter into a written agreement with the Department's Eastern Region Environmental Cleanup Program within 180 calendar days after the date on the written notification sent in accordance with Permit Condition X.E.1. The agreement shall provide that any corrective action be implemented under OAR 340-122 consistent with the requirements of 40 CFR 264.90 to 264.101. The agreement shall also provide that in the event of disagreement between the Permittee and Department regarding whether any action under the agreement is consistent with or exceeds 40 CFR 264.90 to 264.101, the Permittee and Department shall make a good faith effort to resolve the dispute by taking the following actions: (a) discussing the dispute between the Permittee's Environmental Manager and the Department's Project Manager, (b) if necessary, referring the dispute for resolution to the Permittee's Facility Manager and the Department's Cleanup Manager; and (c) if necessary, providing each other their respective positions in writing and referring the dispute for resolution by the Department's Eastern Region Administrator, in consultation with the Permittee's Market Area Manager. ‡ **Rev. 3**

X.E.4.

The agreement entered into under Permit Condition X.E.3.shall be processed as a Class 3 Permit modification and shall be considered an enforceable Condition of this Permit.

X.E.5.

During the course of the corrective action agreement, the Department may determine it necessary to revise the agreement or corrective action activities conducted under the agreement. Changes to the agreement, or corrective action activities conducted under the agreement that are implemented after the effective date of this Permit may require a modification to the Permit. The Permittee shall notify the Manager in writing at least 30 days prior to any planned changes to the agreement or corrective action activities conducted under the agreement. Upon notification by the Permittee, the Manager will determine whether or not a Permit modification will be needed. If a Permit modification is needed, the Manager shall so notify the Permittee, and upon receipt of such notice, the Permittee shall proceed with a Permit modification in accordance with the procedures set forth in 40 CFR 270.41 and 270.42, incorporated by reference under OAR 340-100-0002 and as modified by OAR -105-0041 and OAR 340-106-0005. In accordance with 40 CFR 270.42(e), as incorporated by reference under OAR 340-100-0002, the Permittee may seek, and the Manager may grant, temporary authorization to implement changes to the agreement or corrective action activities conducted under the agreement prior to the final approval of a Permit Modification.

X.E.6.

The agreement or corrective action activities conducted under the agreement, may be modified at any time under the Department's Environmental Cleanup Program authority pursuant to the agreement, provided the Permittee complies with the requirements of X.E.5. The Department's Environmental Cleanup Program authority to implement changes to the agreement, or corrective action activities conducted under the agreement, shall not be restricted or hindered by any requirements to modify this Permit. Changes approved under the Department's Environmental Cleanup program authority and implemented by the Permittee shall not be a violation of any condition of this Permit or any requirement to modify this Permit provided the Permittee complies with the requirements of X.E.5.

X.E.7.

The requirement to modify this Permit to accommodate changes in the agreement or corrective action conducted under the agreement shall not be in any way interpreted or deemed to replace, supersede, supplant, modify, or amend the Permittee's right to dispute resolution under the agreement.

X.E.8.

If, after the conclusion or stabilization of corrective action activities, either the Permittee or the Department determines that the Facility should return to a compliance monitoring program, the Permittee must submit a permit modification request to institute a renewed compliance monitoring program under this Permit.

X.F. Post Closure Monitoring

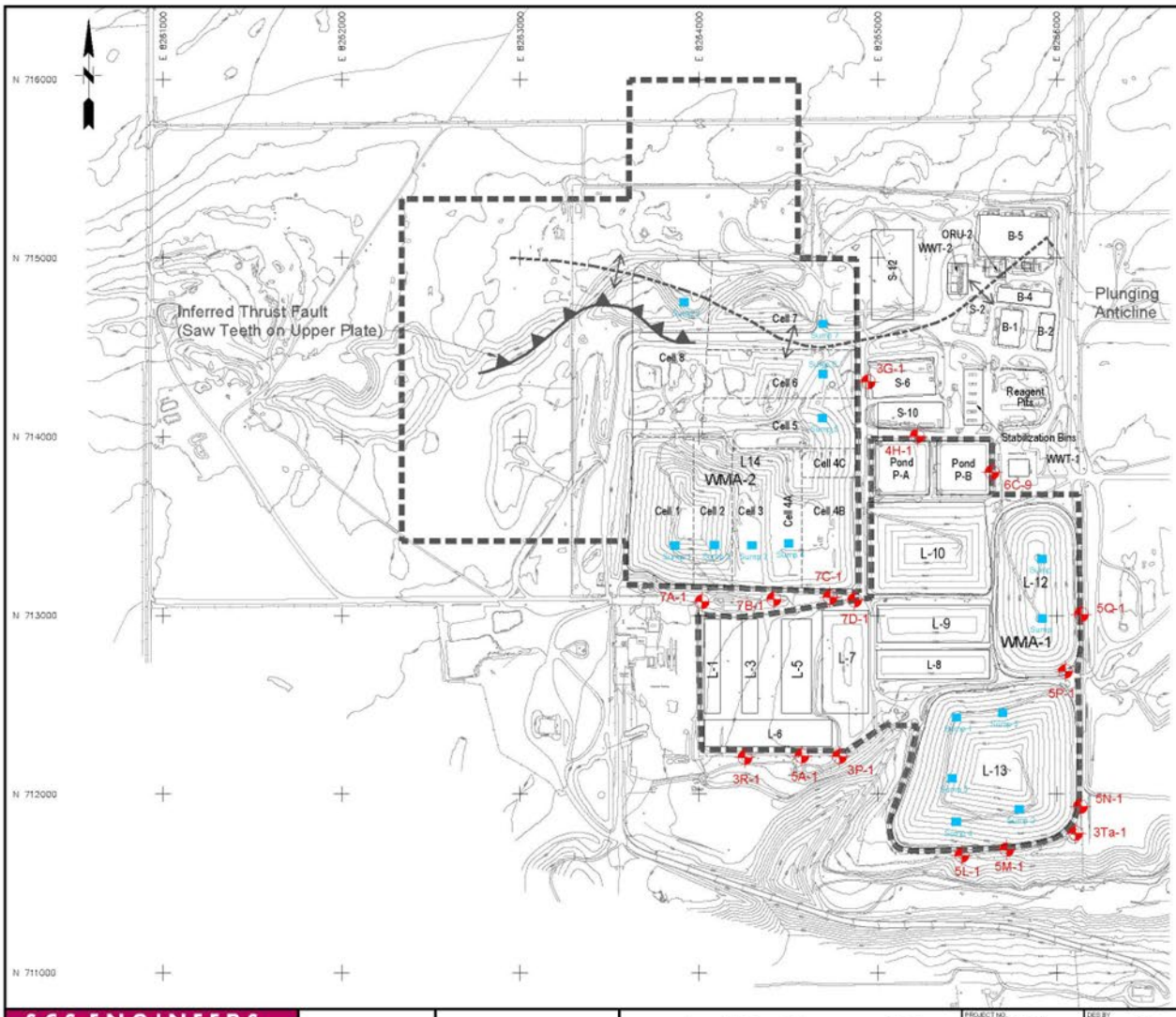
X.F.1.

All procedures described in Section X of this Permit shall apply to the post-closure care period, as well as the active life period of each regulated unit or waste management area.

X.G. Request for Permit Modification

X.G.1.

If the Permittee determines the detection monitoring program no longer satisfies the requirements of 40 CFR 264.98, then within 90 calendar days the Permittee shall submit an application for a permit modification to make any appropriate changes to the detection monitoring program. [40 CFR 264.98(h)]‡ **Rev. 17**



L-13

Pond P-A

7A-1

NOTES:

1. Wells d upper p
2. Wells d lower p
3. Wells d through the Sel

SOURCE:

1. Topograp Horizonta Vertical D Unit of M Datum Si
2. Inferred RUST En Updated Arlington Prepared

SCS ENGINEERS
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15940 S.W. 72nd Avenue
Portland, Oregon 97224
(503) 639-9201 FAX: (503) 684-6948

0 300 600 1200
SCALE IN FEET

PROJECT NO. 04219032.22	DES BY T.A.
SCALE AS SHOWN	CHK BY B.L.
CAD FILE FIGURE 7-3	APP BY G.H.

WASTE MANAGEMI
SELAH MEMBER GROU

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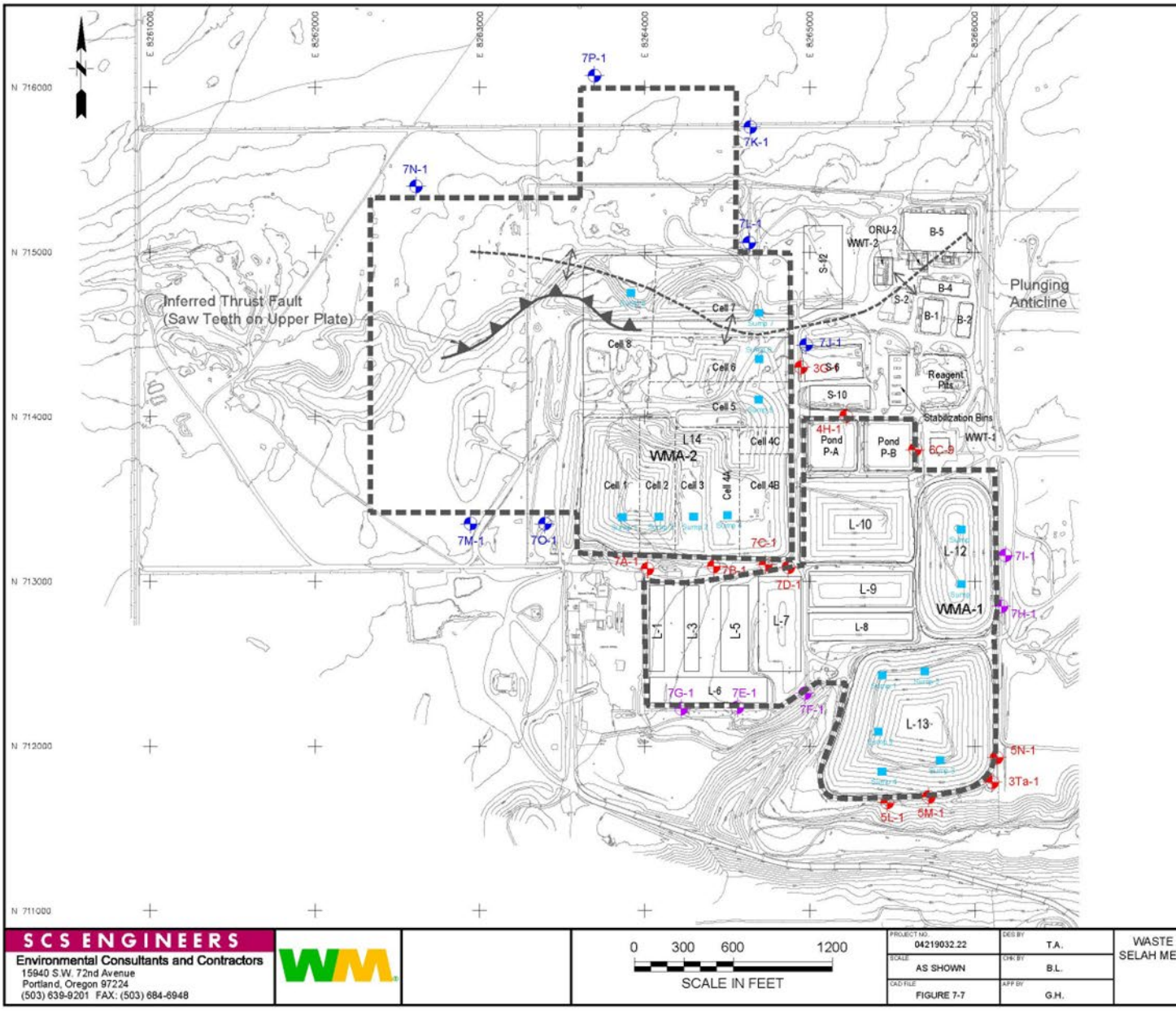

Figure 1 Site Map

TABLE X-1A

Table X-1A (REV.29)

Phase 1: Detection Monitoring Well Locations and Sampling Frequency

Monitoring Well ID	Location [a] Northing	Easting	TOC Elevation (ft) [a,b]	TSCA Monitoring Frequency	RCRA Monitoring Frequency	Post-Closure Monitoring
WASTE MANAGEMENT AREA WMA-1						
3P-1	712209.42	8264785.41	1025.84	Not Required	Semiannual	Yes
3R-1	712204.75	8264256.48	1010.90	Not Required	Semiannual	Yes
3Ta-1	711780.29	8266107.22	1029.90	Annual	Semiannual	Yes
5A-1	712212.18	8264574.73	1017.04	Not Required	Semiannual	Yes
5L-1	711656.26	8265469.62	1002.39	Annual	Semiannual	Yes
5M-1	711689.41	8265721.27	1021.38	Annual	Semiannual	Yes
5N-1	711930.00	8266133.57	1031.72	Annual	Semiannual	Yes
5P-1	712673.72	8266058.07	1025.56	Annual	Semiannual	Yes
5Q-1	712993.93	8266138.51	1035.65	Annual	Semiannual	Yes
6C-9	713801.00	8265639.00	1018.66	Not Required	Semiannual	No
WASTE MANAGEMENT AREA WMA-2						
3G-1	714300.29	8264947.14	1018.55	Annual [c]	Semiannual [d]	Yes
4H-1	714000.38	8265225.41	1021.43	Annual [c]	Semiannual [d]	Yes
7A-1	713074.69	8264024.77	990.47	Annual	Semiannual	Yes
7B-1	713091.15	8264418.42	1003.59	Annual	Semiannual	Yes
7C-1	713103.22	8264745.81	1018.13	Annual	Semiannual	Yes
7D-1	713082.85	8264881.81	1022.18	Annual	Semiannual	Yes

Table X-1A (Cont.) (REV.29)
Phase 1: Detection Monitoring Well Locations and Sampling Frequency

WASTE MANAGEMENT AREA WMA-3

Monitoring Well ID	Location [a] Northing	Easting	TOC Elevation (ft) [a,b]	TSCA Monitoring Frequency	RCRA Monitoring Frequency	Post-Closure Monitoring

Notes:

[a] RUST 1994 Survey; Oregon State Plane, North American Datum 1983-1991

[b] Top of casing elevation relative to mean sea level

[c] Quarterly for first 2 years of monitoring, then annual
[d] Quarterly for first 2 years of monitoring, then semiannual

TABLE X-1B

Table X-1B (REV.29)

Optimized (Long-Term): Detection Monitoring Well Locations and Sampling Frequency

Monitoring Well ID	Location [a] Northing	Easting	TOC Elevation (ft) [a,b]	TSCA Monitoring Frequency	RCRA Monitoring Frequency	Post-Closure Monitoring
WASTE MANAGEMENT AREA WMA-1						
3Ta-1	711780.29	8266107.22	1029.90	Annual	Semiannual	Yes
5L-1	711656.26	8265469.62	1002.39	Annual	Semiannual	Yes
5M-1	711689.41	8265721.27	1021.38	Annual	Semiannual	Yes
5N-1	711930.00	8266133.57	1031.72	Annual	Semiannual	Yes
6C-9	713801.00	8265639.00	1018.66	Not Required	Semiannual	No
7E-1	712235.08	8264560.98	TBD	Not Required	Semiannual [d]	Yes
7F-1	712320.40	8264971.13	TBD	Not Required	Semiannual [d]	Yes
7G-1	712227.33	8264220.48	TBD	Not Required	Semiannual [d]	Yes
7H-1	712847.81	8266162.89	TBD	Annual [c]	Semiannual [d]	Yes
7I-1	713158.05	8266186.11	TBD	Annual [c]	Semiannual [d]	Yes
WASTE MANAGEMENT AREA WMA-2						
3G-1	714300.29	8264947.14	1018.55	Annual [c]	Semiannual [d]	Yes
4H-1	714000.38	8265225.41	1021.43	Annual	Semiannual	Yes
7A-1	713074.69	8264024.77	990.47	Annual	Semiannual	Yes
7B-1	713091.15	8264418.42	1003.59	Annual	Semiannual	Yes
7C-1	713103.22	8264745.81	1018.13	Annual	Semiannual	Yes
7D-1	713082.85	8264881.81	1022.18	Annual	Semiannual	Yes
7J-1	714437.86	8264977.71	TBD	Annual [c]	Semiannual [d]	Yes
7K-1	715759.80	8264639.97	TBD	Annual [c]	Semiannual [d]	Yes
7L-1	715057.53	8264632.36	TBD	Annual [c]	Semiannual [d]	Yes
7M-1	713351.29	8262942.99	TBD	Annual [c]	Semiannual [d]	Yes
7N-1	715399.36	8262612.04	TBD	Annual [c]	Semiannual [d]	Yes
7O-1	713351.29	8263394.39	TBD	Annual [c]	Semiannual [d]	Yes
7P-1	716071.81	8263694.96	TBD	Annual [c]	Semiannual [d]	Yes

Notes:

[a] RUST 1994 Survey; Oregon State Plane, North American Datum 1983-1991

[b] Top of casing elevation relative to mean sea level

[c] Quarterly for first 2 years of monitoring, then annual

[d] Quarterly for first 2 years of monitoring, then semiannual

TABLE X-2A

Table X-2A (REV.29)
Phase 1: Piezometer Locations

Monitoring Well ID	Location [a]		TOC Elevation [b]	Aquifer Level
	Easting	Northing		
Va-1	8265656.61	711421.45	794.30	1
W9-1	8263032.76	713160.82	998.14	1
2S-1	8263689.85	711892.18	983.37	1
2Wa-1	8265398.81	714177.28	1020.03	1
2X-1	8265124.28	711463.38	915.94	1
3I-1	8265611.36	714614.22	1009.28	1
3J-1	8265639.57	713970.21	1019.13	1
5O-1	8265838.39	712657.32	1019.98	1
5S-1	8266134.93	713441.01	1037.87	1
6G-1	8263511.11	713699.93	995.70	1
5U-9	8266018.49	714324.88	1037.76	1 & 2
5V-9	8265809.45	714405.50	1029.43	1 & 2

Table X-2A (cont.) (REV.29)

Phase 1: Piezometer Locations

Monitoring Well ID	Location [a]		TOC Elevation [b]	Aquifer Level
	Easting	Northing		
A-2	8263468.42	714011.17	1009.54	2
F-2	8266048.01	715326.01	1048.33	2
G-2	8266127.52	712704.47	1024.31	2
J-2	8263466.71	712256.68	982.91	2
MW1-2	8264694.07	711538.99	930.84	2
Va-2	8265662.57	711426.10	912.25	2
W9-2	8263032.76	713160.82	998.19	2
X-2	8263481.30	712602.86	986.73	2
2B-2	8264724.72	715031.73	1008.12	2
2S-2	8263689.85	711892.18	983.37	2
2U-2	8266133.98	712168.56	1031.39	2
2W-2	8265398.63	714203.30	1018.37	2
2X-2	8265124.28	711463.38	915.95	2
3G-2	8264947.47	714310.85	1018.31	2
3I-2	8265610.45	714624.44	1010.16	2
4Pa-2	8266105.95	713933.82	1037.78	2
5O-2	8265827.97	712658.15	1019.83	2
6G-2	8263511.11	713699.93	995.87	2
6J-2	8263481.40	713020.15	994.58	2
7A-2	8264015.95	713076.45	990.11	2
7D-2	8264870.37	713085.44	1021.72	2

Notes:

[a] Oregon State Plane System

[b] Top of casing elevation relative to mean sea level

TABLE X-2B

Table X-2B (REV.29)
Optimized (Long-Term): Piezometer Locations

Monitoring Well ID	Location [a]		TOC Elevation [b]	Aquifer Level
	Easting	Northing		
Va-1	8265656.61	711421.45	794.30	1
W9-1	8263032.76	713160.82	998.14	1
2S-1	8263689.85	711892.18	983.37	1
2Wa-1	8265398.81	714177.28	1020.03	1
2X-1	8265124.28	711463.38	915.94	1
3I-1	8265611.36	714614.22	1009.28	1
3J-1	8265639.57	713970.21	1019.13	1
5O-1	8265838.39	712657.32	1019.98	1
5S-1	8266134.93	713441.01	1037.87	1
5U-9	8266018.49	714324.88	1037.76	1 & 2
5V-9	8265809.45	714405.50	1029.43	1 & 2
F-2	8266048.01	715326.01	1048.33	2
G-2	8266127.52	712704.47	1024.31	2
J-2	8263466.71	712256.68	982.91	2
MW1-2	8264694.07	711538.99	930.84	2
Va-2	8265662.57	711426.10	912.25	2
W9-2	8263032.76	713160.82	998.19	2
X-2	8263481.30	712602.86	986.73	2
2B-2	8264724.72	715031.73	1008.12	2
2S-2	8263689.85	711892.18	983.37	2
2U-2	8266133.98	712168.56	1031.39	2
2W-2	8265398.63	714203.30	1018.37	2
2X-2	8265124.28	711463.38	915.95	2
3G-2	8264947.47	714310.85	1018.31	2
3I-2	8265610.45	714624.44	1010.16	2
4Pa-2	8266105.95	713933.82	1037.78	2
5O-2	8265827.97	712658.15	1019.83	2
6J-2	8263481.40	713020.15	994.58	2
7A-2	8264015.95	713076.45	990.11	2
7D-2	8264870.37	713085.44	1021.72	2

Notes:

[a] Oregon State Plane System

[b] Top of casing elevation relative to mean sea level

TABLE X-3

Table X-3 Detection Monitoring Program Groundwater Sampling Constituents and Parameters			
Volatile Organic Constituents	CAS #		
Benzene	71-43-2		
Bromodichloromethane	75-27-4		
Bromoform	75-25-2		
Bromomethane	74-83-9		
Carbon disulfide	75-15-0		
Carbon tetrachloride	56-23-5		
Chlorobenzene	108-90-7		
Chlorodibromomethane	124-48-1		
Chloroethane	75-00-3		
Chloroform	67-66-3		
Chloromethane	74-87-3		
Dichlorodifluoromethane	75-71-8		
Dichloroethane, 1,1-	75-34-3		
Dichloroethane, 1,2-	107-06-2		
Dichloroethene, 1,1-	75-35-4		
Dichloroethene, trans-1,2-	156-60-5		
Dichloropropane, 1,2-	78-87-5		
Dichloropropene, cis-1,3-	10061-01-5		
Dichloropropene, trans-1,3-	10061-02-6		
Dioxane, 1,4	123-91-1		
Ethyl benzene	100-41-4		
Hexachlorobutadiene	87-68-3		
Methylene chloride	75-09-2		
Tetrachloroethane, 1,1,2,2-	79-34-5		
Tetrachloroethene	127-18-4		
Toluene	108-88-3		
Trichloroethane, 1,1,1-	71-55-6		
Trichloroethane, 1,1,2-	79-00-5		
Trichloroethene	79-01-6	TSCA Constituents	
Trichlorofluoromethane	75-69-4	Aroclor 1016	12674-11-2
Vinyl chloride	75-01-4	Aroclor 1221	11104-28-2
Field Parameters		Aroclor 1232	11141-16-5
pH	NA	Aroclor 1242	53469-21-9
Specific Conductance	NA	Aroclor 1248	12672-29-6
Temperature	NA	Aroclor 1254	11097-69-1
Depth to Water	NA	Aroclor 1260	11096-82-5

Samples shall be collected, analyzed, and evaluated in accordance with the Permit and Standalone Document No.7, Groundwater Monitoring Plan.

TABLE X-4

Table X-4 (REV.19)
Detection Monitoring Criteria

Volatile Organic Constituents	**Criterion (µg/L)[1]**
Benzene	1
Bromodichloromethane	1
Bromoform	1
Bromomethane	2
Carbon disulfide	1
Carbon tetrachloride	1
Chlorobenzene	1
Chlorodibromomethane	1
Chloroethane	2
Chloroform	1
Chloromethane	2
Dichlorodifluoromethane	2
Dichloroethane, 1,1-	1
Dichloroethane, 1,2-	1
Dichloroethene, 1,1-	1
Dichloroethene, trans-1,2-	1
Dichloropropane, 1,2-	1
Dichloropropene, cis-1,3-	1
Dichloropropene, trans-1,3-	1
Dioxane, 1,4	20
Ethyl benzene	1
Hexachlorobutadiene	1
Methylene chloride	5
Tetrachloroethane, 1,1,2,2-	1
Tetrachloroethene	1
Toluene	1
Trichloroethane, 1,1,1-	1
Trichloroethane, 1,1,2-	1
Trichloroethene	1
Trichlorofluoromethane	2
Vinyl chloride	1

Table X-4 (cont)
Detection Monitoring Criteria

TSCA Constituents	**Criterion (µg/L)[1]**
Aroclor 1016	1 µg/L
Aroclor 1221	1 µg/L
Aroclor 1232	1 µg/L
Aroclor 1242	1 µg/L
Aroclor 1248	1 µg/L
Aroclor 1254	1 µg/L
Aroclor 1260	1 µg/L

Samples shall be collected, analyzed, and evaluated in accordance with the Permit and Standalone Document No.7, Groundwater Monitoring Plan.

[1]The criterion listed in this table for each constituent is the reporting limit specified in Standalone Document No. 7. Reporting limits shown in this table assume that no sample dilution is necessary. Actual reporting limits may be higher if dilution is necessary or blank contamination is detected.

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XI. GROUNDWATER COMPLIANCE MONITORING PROGRAM‡ Rev. 15

XI.A. Monitoring Well Locations

XI.A.1.

If a groundwater compliance monitoring program is established as provided in Article X, the Permittee shall maintain a groundwater compliance monitoring program as specified below at the locations for compliance monitoring that are listed in Table XI-1 of this Permit and displayed on Figure 1 of this Permit.

XI.B Well Construction, Maintenance, Replacement and Decommissioning

XI.B.1.

The Permittee shall maintain the monitoring wells identified in Permit Condition XI.A.1. in accordance with the Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080] .

XI.B.2.

All new and replacement monitoring wells shall be drilled and constructed as approved by the Department. A well installation work plan shall be submitted to the Department, for approval, for all new and replacement monitoring wells. The Permittee may not begin drilling until Department approval has been granted. All new and replacement monitoring wells shall be designed, constructed, and installed in accordance with Oregon Water Resources Department rules OAR 690-240; and as appropriate, in general accordance with current guidance from the Department and the EPA for drilling and construction of groundwater monitoring wells. Minor changes to the well installation work plan shall not be considered a Permit modification.
The Permittee shall take all reasonable precautions during drilling to prevent cross contamination between any water-bearing hydrologic zone and the geologic zones overlying and underlying the hydrologic zone.

XI.B.3.

The Permittee shall maintain all monitoring wells in good working order, making necessary repairs in a timely manner so that sampling activities do not occur outside the sampling timeframes specified in Permit Condition XI.C.1.a. The Permittee shall maintain an adequate supply of replacement parts and repair equipment so that each groundwater sampling event [as defined in Permit Condition XI.C.1.a.] is not unreasonably delayed. The Permittee shall maintain a list of spare parts and equipment that will fulfill the terms of this Permit Condition. This list shall be approved by the Department. The Department's approval under this Permit Condition shall not be considered a permit modification.

XI.B.4.

The Permittee shall follow the procedures in Table 3-2 of the Standalone Document No. 3, Inspection Plan [A.R. 06080], and in Section 3.4 of Standalone Document No.7, Groundwater Monitoring Plan [A.R. 06080], for routine inspection of monitoring wells.

XI.B.5.

The Permittee shall maintain borehole integrity of each monitoring well identified in Permit Condition XI.A.1, as required by 40 CFR 264.97(c).

XI.B.6.

Any replacement monitoring wells that may be required during the life of this Permit shall be installed as close as appropriate and practicable to the monitoring well being taken out of service. If a monitoring well shall be replaced for any reason during the term of this Permit, it shall be replaced within 90 calendar days of the date taken out of service unless the Department approves a longer time period.

XI.B.7.

All new or replacement groundwater sampling pumps shall be dedicated bladder pumps unless the Department approves use of another type of pump or sampling device in writing. The Department's approval under this Permit Condition shall not be considered a permit modification.

XI.B.8.

All monitoring wells that require decommissioning shall be decommissioned in accordance with Oregon Water Resources Department rules OAR 690-240 and, as appropriate, in general accordance with current guidance from the Department and Environmental Protection Agency for decommissioning of groundwater monitoring wells. Written approval for monitoring well decommissioning is required from the Department. Monitoring well decommissioning documentation, as required by OAR 690-240-0510(6), shall be submitted to the Department within 60 calendar days after completion of decommissioning.

XI.B.9.

By written direction from the Department, the Permittee shall decommission monitoring wells identified in Permit Condition XI.A.1. that do not meet the requirements in 40 CFR 264.97(c). In determining whether to issue the written direction, the Department will consider the Permittee's evaluation, if any, for whether the monitoring well meets the requirements in 40 CFR 264.97(c).

XI.B.10.

The Permittee shall submit to the Department within 60 calendar days of installation of any new or replacement monitoring well (or group of monitoring wells), or decommissioning of an existing monitoring well (or group of monitoring wells), revised versions of Table XI-1 and Figure 1. The Permittee shall obtain a Permit modification for any new or replacement monitoring well.

XI.C. Program Operation

XI.C.1. Groundwater Sampling and Analysis

XI.C.1.a.

The Permittee shall obtain water quality samples from each compliance monitoring well listed in Table XI-1 of this Permit and displayed as a compliance monitoring well on Figure 1 of this Permit, at the frequencies designated on Table XI-1 of this Permit, in

accordance with the procedures in the Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080]. Semiannual groundwater sampling events shall be started and finished in the months of March through May, and September through November, respectively, during each calendar year. The Permittee shall notify the Department within five (5) working days prior to the sampling event.

XI.C.1.b.

The Permittee shall analyze all groundwater samples obtained under Permit Condition

XI.C.1.a. for the constituents and parameters listed in Tables XI-2 and XI-3 of this Permit, using procedures specified in Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080].

XI.C.1.c.

The Permittee shall triennially analyze the groundwater sampled from the compliance monitoring well with the highest total VOC concentration during the previous sampling event for all 40 CFR 264, Appendix IX constituents. Triennial sampling shall occur upon the commencement of compliance monitoring and every third year thereafter during the compliance period.

XI.C.1.c.i.

If any Appendix IX constituents are detected above the applicable detection monitoring criteria as specified in Permit Conditions X.D.1.a. and X.D.1.b. and these constituents are not already designated for compliance monitoring and listed in Tables XI-2 or XI-3 of this Permit, the Permittee may resample within 30 calendar days after receipt of the analytical laboratory's quality-assured data report and repeat the Appendix IX analysis for any new constituents not listed in Tables XI-2 or XI-3 that are detected above the applicable detection monitoring criteria. If the second analysis confirms the presence of new constituents above the applicable detection monitoring criteria, the Permittee shall report the concentrations of these detected constituents to the Department within 7 calendar days after receipt of the analytical laboratory's quality-assured data report for the second analysis.

XI.C.1.c.ii.

If the Permittee chooses not to resample, then the Permittee shall report the concentrations of the additional constituents detected above the applicable detection monitoring criteria to the Department within 7 calendar days after receipt of the analytical laboratory's quality-assured data report for the initial Appendix IX samples collected under Permit condition XI.C.1.c.

XI.C.1.c.iii.

The Permittee shall add any newly identified Appendix IX constituents under Permit Conditions XI.C.1.c.i. and XI.C.1.c.ii.to Table XI-3, if the concentration is above the-applicable detection monitoring criteria, and submit the revised Table XI-3 to the Department for inclusion into the Permit. For any new Appendix IX constituents without a groundwater concentration limit in Table XI-4, the Permittee shall develop a groundwater concentration limit modifying the Permit in accordance with 40 CFR 270.42.

XI.C.1.d.

Results of all analyses, including semiannual analyses, annual analyses, verification analyses, and Appendix IX analyses, shall be submitted to the Department within 45 calendar days after the Permittee's receipt of the analytical laboratory's quality-assured data report. In no case shall the period between the last date of sampling and the date of submission to the Department of analytical results exceed 90 calendar days unless the Department approves a longer time period. The Permittee shall document when the analytical laboratory's quality-assured data reports are received. The report submitted to the Department shall contain laboratory quality-assured results (as specified in Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080] reported down to the method detection limit (MDL), and the reporting limit (RL) as specified in

Standalone Document No.7, Groundwater Monitoring Plan [A.R. 06080]. The MDL results are for informational purposes and will be discussed in the reports for each sampling event, as described in Standalone Document No.7, Groundwater Monitoring Plan [A.R. 06080].

XI.C.1.e.

Semiannual groundwater monitoring reports shall also include the information listed in Section 7.2 of Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080].

XI.C.1.f.

The Permittee shall enter all monitoring, testing, and quality-assured analytical data obtained pursuant to Permit Condition XI.C. in the operating record as required by Permit Condition I.M. Upon written request by the Department, these results shall be submitted within 30 calendar days after the Permittee's receipt of the request, provided the Permittee has received the analytical laboratory's quality-assured data report.

XI.D. Data Evaluation

XI.D.1.

Groundwater Concentration Limit - For each hazardous constituent detected above the applicable detection monitoring criterion from results of analyses obtained pursuant to Permit Condition XI.C.1., the Permittee shall determine if the groundwater -concentration limit has been exceeded at any compliance monitoring well at the point of compliance using the following procedures:

XI.D.1.a.

Determine if the observed concentration of any constituent listed in Tables XI-2 and XI-3 of the Permit exceeds the groundwater concentration limit listed in Table XI-4 of the Permit for that constituent;.

XI.D.1.b.

[Reserved]

XI.D.1.c.

Cumulative Carcinogenic Risk Evaluation - Determine if the carcinogenic health risk associated with those detected hazardous constituents listed in Tables XI-2 and XI-3 of the Permit that are denoted as carcinogens ("C" Risk Category) contribute a cumulative risk greater than 1×10^{-5}. For the purposes of determining compliance with this condition, the Permittee shall compute the ratio of the detected concentration of the hazardous constituent divided by the risk based concentration for the hazardous constituent shown in Table XI-4. The Permittee shall determine if the Risk Index exceeds ten using Equation 1; and

XI.D.1.d.

Cumulative Toxicity Risk Evaluation - Determine if the toxicity associated with those detected hazardous constituents listed in Tables XI-2 and XI-3 of the Permit that are denoted as non-carcinogenic ("Tox" Risk Category) systemic toxicants contribute an aggregate hazard quotient (HQ) greater than one. For the purposes of determining compliance with this condition, the Permittee shall compute the individual constituent hazard index (HI) for those detected hazardous constituents by dividing the detected concentration of the hazardous constituent by the risk-based concentration for the hazardous constituent shown in Table XI-4. The Permittee shall determine if the Risk Index exceeds one using Equation 1.

Equation 1

$$RI = \frac{C_1}{RBC_1} + \frac{C_2}{RBC_2} + \bullet \bullet \bullet + \frac{C_n}{RBC_n}$$

where,

RI = Risk Index

Cn = Concentration of the nth constituent in groundwater (mg/L)

RBCn = Risk-based concentration for the nth constituent in groundwater (mg/L)

With Department approval, the Permittee may group detected hazardous constituents by similar toxic endpoints and perform the determination in Equation 1 separately for each group of detected hazardous constituents with similar toxic endpoints.

XI.D.2.

[Reserved]

XI.D.3.

[Reserved]

XI.D.4.

Upon a determination of hazardous constituents in any monitoring well exceeding the groundwater concentration limits as specified in Permit Condition XI.D.1., the Permittee shall:

XI.D.4.a.

Notify the Department of this finding in writing, within 7 calendar days after receipt of the analytical laboratory's quality-assured data report [40 CFR 264.99(h)1]; and,

XI.D.4.b.

Within 30 calendar days after this finding, collect two verification samples from any affected monitoring well(s), following the procedures identified in Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080], and reanalyze the samples for all constituents that exceeded the limits as specified in Permit Condition XI.D.1. In no case shall the period between the date of the determination under Permit Condition XI.D.4. and the date of the submission to the Department of the analytical results for the sampling under this Permit Condition exceed 135 calendar days unless a written extension is granted by the Department.

XI.D.4.c.

The Permittee may elect to forgo verification sampling activities described under Permit Condition XI.D.4.b. and instead follow the requirements of Permit Condition XI.D.6.

XI.D.5.

If the analytical laboratory's quality-assured data results from the analyses in Permit Condition XI.D.4.b. show that:

XI.D.5.a.

The verification samples do not confirm the detection of hazardous constituents above the limits as specified in Permit Condition XI.D.1., the Permittee shall resume compliance monitoring according to the schedule in Permit Condition XI.C.1., need take no action under Permit

Condition XI.D.6., and shall notify the Department in writing that the compliance monitoring program is being resumed; or

XI.D.5.b.

One or both verification samples confirm the detection of constituents above the limits as specified in Permit Condition XI.D.1, the Permittee shall follow the requirements of Permit Condition XI.D.6.

XI.D.6.

The Permittee shall either:

XI.D.6.a.

Notify the Department in writing within 7 calendar days of determining that the groundwater concentration limit as specified in Permit Condition XI.D.1. has been exceeded at any compliance monitoring well as determined by Permit Condition XI.D.4. or XI.D.5.b., as appropriate. The notification shall indicate which limits have been exceeded. [40 CFR 264.99(h)(1)] The Permittee shall also follow the requirements specified in Permit Condition XI.D.8. or XI.E., as appropriate; or,

XI.D.6.b.

Submit to the Department a report demonstrating that a source other than a regulated unit or past practice unit caused the exceedance, or that the exceedance is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater; and in addition, when required or as provided by 40 CFR 264.99(i), an application for a permit modification to make any appropriate changes to the compliance monitoring program including changes to the groundwater concentration limits for which there was an exceedance. If the Permittee has performed verification sampling under Permit Condition XI.D.4.b., then the report shall be submitted within 90 calendar days after the Permittee's receipt of the analytical laboratory's quality-assured data report under Permit Condition XI.D.5.b. If the Permittee has elected to forgo verification sampling in accordance with Permit Condition XI.D.4.c., the report shall then be submitted within 90 calendar days after the Permittee's receipt of the analytical laboratory's quality-assured data report for the samples collected under Permit Condition XI.C.1.a.

XI.D.7.

If the Department determines that a report submitted in accordance with Permit Condition XI.D.6.b. fails to identify a source of contamination other than a regulated unit or past practice unit, or that the exceedance is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater or that any application for a permit modification to make changes to the groundwater concentration limits for which there was an exceedance has been denied, then the Permittee shall follow the requirements in Permit Condition XI.E. if the groundwater concentration limit(s) as specified in Permit Condition XI.D.1. is exceeded.

XI.E. Corrective Action Process

XI.E.1.

Upon exceedance of the groundwater concentration limit(s), as determined under the process in Permit Conditions XI.D.4. through XI.D.7., the Permittee shall send a written request to the Department's Eastern Region Environmental Cleanup Manager requesting a meeting. The

written request shall be sent within 15 calendar days after the notification date in Permit Condition XI.D.6.a. or the determination of the Department in Permit Condition XI.D.7. The written request shall also contain the following information:

XI.E.1.a.

Description of release with information known to date,

XI.E.1.b.

Description of Permittee's obligation to notify the Environmental Cleanup Manager about the release in accordance with this Permit, and

XI.E.1.c.

Description of Permittee's duty to initiate corrective action in accordance with this Permit if any groundwater concentration limit(s) is exceeded.

XI.E.2.

The Permittee shall meet with the Department's Eastern Region Environmental Cleanup Program within 45 calendar days after the date on the written notification sent in accordance with Permit Condition XI.E.1. unless the Department approves a longer time period. Such a meeting is intended to initiate development of a corrective action written agreement for the Facility.

XI.E.3.

The Permittee shall enter into a written agreement with the Department's Eastern Region Environmental Cleanup Program within 180 calendar days after the date on the written notification sent in accordance with Permit Condition XI.E.1. The agreement shall provide that any corrective action be implemented under OAR 340-122. The agreement shall also provide that in the event of disagreement between the Permittee and Department regarding whether any action under the agreement is consistent with or exceeds 40 CFR 264.90 to 264.101, the Permittee and Department shall make a good faith effort to resolve the dispute by taking the following actions: a) discussing the dispute between the Permittee's Environmental Manager and the Department's Project

Manager, b) if necessary, referring the dispute for resolution to the Permittee's Facility Manager and the Department's Cleanup Manager; and c) if necessary, providing each other their respective positions in writing and referring the dispute for resolution by the Department's Eastern Region Administrator, in consultation with the Permittee's Market Area Manager ‡ **Rev. 3**.

XI.E.4.

The agreement entered into under Permit Condition XI.E.3. shall be processed as a Class 3 Permit modification and shall be considered an enforceable Condition of this Permit.

XI.E.5.

During the course of the corrective action agreement, the Department may determine it necessary to revise the agreement or corrective action activities conducted under the agreement. Changes to the agreement, or corrective action activities conducted under the agreement that are implemented after the effective date of this Permit may require a modification to the Permit. The Permittee shall notify the Manager in writing at least 30 days prior to any planned changes to the agreement or corrective action activities conducted under the agreement. Upon notification by

the Permittee, the Manager will determine whether or not a Permit modification will be needed. If a Permit modification is needed, the Manager shall so notify the Permittee, and upon receipt of such notice, the Permittee shall proceed with a Permit modification in accordance with the procedures set forth in 40 CFR 270.41 and 270.42, incorporated by reference under OAR 340-100-0002 and as modified by OAR -105-0041 and OAR 340-106-0005. In accordance with 40 CFR 270.42(e), as incorporated by reference under OAR 340-100-0002, the Permittee may seek, and the Manager may grant, temporary authorization to implement changes to the agreement or corrective action activities conducted under the agreement prior to the final approval of a Permit Modification.

XI.E.6.

The agreement or corrective action activities conducted under the agreement may be modified at any time under the Department's Environmental Cleanup Program authority pursuant to the agreement, provided the Permittee complies with the requirements of XI.E.5. The Department's Environmental Cleanup Program authority to implement changes to the agreement, or corrective action activities conducted under the agreement, shall not be restricted or hindered by any requirements to modify this Permit. Changes approved under the Department's Environmental Cleanup program authority and implemented by the Permittee shall not be a violation of any condition of this Permit or any requirement to modify this Permit provided the Permittee complies with the requirements of X.E.5.

XI.E.7

The requirement to modify this Permit to accommodate changes in the agreement or corrective action conducted under the agreement shall not be in any way interpreted or deemed to replace, supersede, supplant, modify, or amend the Permittee's right to dispute resolution under the agreement.

XI.E.8.

If, after the conclusion or stabilization of corrective action activities, either the Permittee or the Department determines that the Facility should return to a compliance monitoring program, the Permittee must submit a permit modification request to institute a renewed compliance monitoring program under this Permit.

XI.E.9.

For any specific compliance monitoring program that has demonstrated an exceedance of the groundwater concentration limit(s), as determined under the process in Permit Conditions XI.D.4. through XI.D.7., the Permittee shall continue with that specific groundwater compliance monitoring program as specified in Section XI of this Permit until there is a written agreement for corrective action in effect. Unless the corrective action written agreement provides otherwise, the Permittee shall continue the groundwater compliance monitoring program as set forth in Section XI of this Permit after the corrective action agreement is in place.

XI.F. Post Closure Monitoring

XI.F.1.

All procedures described in Section XI of this Permit shall apply to the post-closure care period, as well as the active life period of each regulated unit or waste management area.

XI.G. Request for Permit Modification

XI.G.1.

If the Permittee determines the compliance monitoring program no longer satisfies the requirements of 40 CFR 264.99, then within 90 calendar days the Permittee shall submit an application for a permit modification to make any appropriate changes to the compliance monitoring program. [40 CFR 264.99(j)]

XI.G.2.

If the Permittee demonstrates that concentrations at all compliance monitoring wells identified in Table XI-1 of the Permit are below the detection monitoring criteria as specified in Permit Condition IX.D.1. for a period of three consecutive years, the Permittee may submit an application for a permit modification to modify the groundwater compliance monitoring program.

TABLE XI-1

Table XI-1 [Reserved]
Compliance Monitoring Program
Compliance Monitoring Wells

Point of Compliance	Location		Frequency of Sampling and Analysis		
Well Name	Northing	Easting	Table XI-2 Analysis	Table XI-3 Analysis	Appendix IX Analysis*

Notes:
See Permit Condition XI.C. for compliance monitoring requirements.
Datum is the Oregon State Plane Coordinate System.
*Sampling for Appendix IX constituents is required triennially at one compliance well, the well that had the highest total VOC concentration during the most recent sampling event.

Table XI-2 [Reserved]

Compliance Monitoring Program

Semi-Annual Monitoring Constituent List

Hazardous Constituent	CAS #	Hazardous Constituent	CAS #

Notes:

Samples shall be collected, analyzed, and evaluated in accordance with the Permit and Standalone Document No.7, Groundwater Monitoring Plan.

For a given compliance monitoring well, the semi-annual monitoring constituent list will consist of any VOCs confirmed under Permit Conditions X.D.2. through X.D.3.b. to exceed the applicable criteria specified in Permit Condition X.D.1. at the well.

Table XI-3 [Reserved]

Compliance Monitoring Program

Supplemental Annual Appendix IX Constituent List

Hazardous Constituent	CAS #

Notes:

Samples shall be collected, analyzed, and evaluated in accordance with the Permit and Standalone Document No.7, Groundwater Monitoring Plan.

For a given compliance monitoring well, the supplemental annual Appendix IX constituent list will consist of any Appendix IX constituents not listed in Table XI-2 that are confirmed under Permit Condition XI.C.

TABLE XI-4

Table XI-4
Compliance Monitoring Program
Constituent-Specific Groundwater Concentration Limits [in (mg/l)]

Hazardous Constituent	CAS[1] Number	Groundwater Concentration Limit[2]	Risk Category[3]	Risk-Based Concentration for Cumulative Risk Evaluation [4]
Acenaphthene	83-32-9	0.0424	Tox	1,825
Acetone	67-64-1	10,000	Tox	27,400
Acetophenone	98-86-2	61	Tox	3,040
Acetonitrile	75-05-8	5,150	Tox	515
Acrolein	107-02-8	2.1	Tox	0.2100
Acrylonitrile	107-13-1	1.915	C, Tox	0.1915
Aldrin	309-00-2	0.0018	C, Tox	0.0167
Allyl Chloride	107-05-1	36	Tox	9,125
Aniline	62-53-3	0.01**	C, Tox	49.8051
Anthracene	120-12-7	0.01**	Tox	9,125
Aramite	140-57-8	0.001	C, Tox	11.3556
Benzene	71-43-2	17.5	C, Tox	25
Benzo[a]anthracene	56-55-3	0.01**	C	0.3889
Benzo[b]fluoranthene	205-99-2	0.01**	C	0.3889
Benzo[k]fluoranthene	207-08-9	0.01**	C	3.8889
Benzo[a]pyrene	50-32-8	0.01**	C	10
Benzyl Alcohol	100-51-6	429	Tox	54,750
Bis(2-Chloroethyl) Ether	111-44-4	0.5006	C	0.0501
Bis(2-Chloro-1-Methylethyl) Ether	108-60-1	0.0129	C	0.0013
Bis(2-ethylhexyl) Phthalate (DEHP)	117-81-7	0.01**	C, Tox	20.2778
Bromodichloromethane	75-27-4	67.4	C, Tox	400
Bromoform	75-25-2	31	C, Tox	400
Bromomethane	75-83-9	152	Tox	43.3500
Butyl Benzyl Phthalate	85-68-7	0.0269	Tox	36,500
Carbon Disulfide	75-15-0	11.9	Tox	5,214.2857

Table XI-4
Compliance Monitoring Program
Constituent-Specific Groundwater Concentration Limits [in (mg/l)]

Hazardous Constituent	CAS[1] Number	Groundwater Concentration Limit[2]	Risk Category[3]	Risk-Based Concentration for Cumulative Risk Evaluation [4]
Carbon Tetrachloride	56-23-5	7.93	C, Tox	25
Chlordane	57-74-9	0.00056	C, Tox	10
Chloroaniline, p- (4-Chloroaniline)	106-47-8	53	Tox	730
Chlorobenzene	18-90-7	4.72	Tox	500
Chlorobenzilate	510-15-6	0.10	C, Tox	1.0514
Chlorodibromomethane (Dibromochloromethane)	124-48-1	26	C, Tox	400
Chloroethane	75-0-3	57	C, Tox	19.75
Chloroform	67-66-3	79.2	C, Tox	400
Chloromethane	74-87-3	64.5	C, Tox	11.40
Chloronaphthalene, 2- (beta-Chloronaphthalene)	91-58-7	0.12	Tox	2,435
Chlorophenol, 2-	95-57-8	220	Tox	152
Chloroprene (2-Chloro-1,3-Butadiene)	126-99-8	220	Tox	71.5
Chrysene	218-01-9	0.01**	C	38.8890
Cresol, o-(2-Methylphenol)	95-48-7	260	Tox	9,125
Cresol, m- (3-Methylphenol)	108-39-4	180	Tox	9,125
Cresol, p- (4-Methylphenol)	106-44-5	180	Tox	915
DDD	72-54-8	0.0009	C	1.1829
DDE	72-55-9	0.0012	C	0.835
DDT	50-29-3	0.00025	C, Tox	0.835
Diallate	2303-16-4	0.14	C	4.6539
Dibenz[a,h]anthracene	53-70-3	0.01**	C	0.0389
Dibenzofuran	132-64-9	0.031	Tox	61
Dibromo-3-Chloropropane, 1,2-(DBCP)	96-12-8	10.0*	C, Tox	1.0

Table XI-4
Compliance Monitoring Program
Constituent-Specific Groundwater Concentration Limits [in (mg/l)]

Hazardous Constituent	CAS[1] Number	Groundwater Concentration Limit[2]	Risk Category[3]	Risk-Based Concentration for Cumulative Risk Evaluation [4]
Dibromoethane, 1,2- (Ethylene Dibromide, EDB)	106-93-4	2.5	C,Tox	0.25
Dichlorobenzene, 1,2- (o-Dichlorobenzene)	95-50-1	1.56	Tox	3,000
Dichlorobenzene, 1,3- (m-Dichlorobenzene)	541-73-1	1.56	Tox	72.5
Dichlorobenzene, 1,4- (p-Dichlorobenzene)	106-46-7	0.74	C,Tox	375
Dichlorobenzidine, 3,3-	91-94-1	0.05**	C	0.6309
Dichlorodifluoromethane	75-71-8	2.8	Tox	1,970
Dichloroethane, 1,1-	75-34-3	50.6	Tox	3,990
Dichloroethane, 1,2-	107-6-2	85.2	C, Tox	25
Dichloroethene, 1,1-	75-35-4	22.5	Tox	35
Dichloroethene, cis-1,2	156-59-2	35	Tox	350
Dichloroethene, trans-1,2	156-60-5	63	Tox	500
Dichlorophenol, 2,4-	120-83-2	45	Tox	547.5
Dichlorophenoxyacetic Acid, 2,4- (2,4-D)	94-75-7	4	Tox	350
Dichloropropane, 1,2-	78-87-5	28	C, Tox	25
Dichloropropane, cis-1,3-	10061-1-5	18.25	C, Tox	1.825
Dichloropropane, trans-1,3-	10061-2-6	18.25	C,Tox	1.825
Dieldrin	60-57-1	0.00195	C, Tox	0.0177
Diethyl Phthalate	84-66-2	10.80	Tox	146,000
Dimethoate	60-51-5	238	Tox	36.5
Dimethylbenzidine, 3,3′-	119-93-7	1.2343	C	0.1234
Dimethylphenethylamine, alpha, alpha-	122-09-8	180	Tox	182.5
Dimethylphenol, 2,4-	105-67-9	78.7	Tox	3,650
Dimethyl Phthalate	131-11-3	42.9	Tox	1,825,000

Table XI-4
Compliance Monitoring Program
Constituent-Specific Groundwater Concentration Limits [in (mg/l)]

Hazardous Constituent	CAS[1] Number	Groundwater Concentration Limit[2]	Risk Category[3]	Risk-Based Concentration for Cumulative Risk Evaluation [4]
Di-n-Butyl Phthalate (Dibutyl Phthalate)	84-74-2	0.112	Tox	18,250
Di-n-Octyl Phthalate	117-84-0	0.01**	Tox	7,300
Dinitrobenzene, 1,3-	99-65-0	4.69	Tox	18.25
Dinitro-o-Cresol, 4,6- (4,6-Dinitro-2-methylphenol)	534-52-1	1.28	Tox	18.25
Dinitrophenol, 2,4-	51-28-5	27.9	Tox	365
Dinitrotoluene, 2,4-	121-14-2	2.70	Tox	365
Dinitrotoluene, 2-6-	606-20-2	1.82	Tox	182.5
Dinoseb	88-85-7	0.52	Tox	35
Dioxane, 1,4-	123-91-1	52*	C	5.2
Diphenylamine	122-39-4	0.53	Tox	4,565
Disulfoton	298-04-4	0.163	Tox	7.3
Endrin	72-20-8	0.0025	Tox	10
Ethylbenzene	100-41-4	1.69	Tox	3,500
Ethyl Methacrylate	97-63-2	0.20	Tox	2,740
Fluoranthene	206-44-0	0.01**	Tox	7,300
Fluorene	86-73-7	0.0198	Tox	1,215
HCH alpha (alpha-BHC)	319-84-6	0.05**	C, Tox	0.0451
HCH beta (beta-HCH)	319-85-7	0.05**	C, Tox	0.1577
HCH gamma (gamma-BHC, Lindane)	58-89-9	0.068	C, Tox	1.0
Heptachlor	76-44-8	0.0018	C, Tox	0.25
Heptachlor Epoxide	1024-57-3	0.002	C, Tox	1.0
Hexachlorobenzene	118-74-1	0.062	C, Tox	5.0
Hexachlorobutadiene	87-68-3	0.0323	C, Tox	55
Hexachlorocyclopentadiene	77-47-4	0.018	Tox	250
Hexachloroethane	67-72-1	0.50	C, Tox	20.2778
Hexachlorophene	70-30-4	1.40	Tox	55

Table XI-4
Compliance Monitoring Program
Constituent-Specific Groundwater Concentration Limits [in (mg/l)]

Hazardous Constituent	CAS[1] Number	Groundwater Concentration Limit[2]	Risk Category[3]	Risk-Based Concentration for Cumulative Risk Evaluation [4]
Indeno [1,2,3-cd]pyrene	193-39-5	0.01**	C	0.3889
Isobutyl Alcohol (Isobutanol)	78-83-1	850	Tox	9,125
Isophorone	78-59-1	120	C,Tox	289.8304
Kepone	143-50-0	0.3549	C, Tox	0.0355
Methacrylonitrile	126-98-7	52	Tox	5.2
Methoxychlor	72-43-5	0.00045	Tox	200
Methyl Ethyl Ketone (2-Butanone)	78-93-3	2200	Tox	34,840
Methyl Methacrylate	80-62-6	141	Tox	7,100
Methyl Parathion	298-00-0	0.55	Tox	4565
Methyl-2-Pentanone, 4-	108-10-1	190	Tox	9,950
Methylene Bromide (Dibromomethane)	74-95-3	117	Tox	304
Methylene Chloride	75-09-2	130	C, Tox	25
Naphthalene	91-20-3	0.31	Tox	31
Nitroaniline, 2-Methyl-5- (5-Nitro-o-toluidine)	99-55-8	86.0269	C	8.6027
Nitroaniline, 2- (o-Nitroaniline)	88-74-4	12.6	Tox	550
Nitroaniline, 3- (m-Nitroaniline)	99-09-2	8.90	C, Tox	13.5185
Nitroaniline, 4- (p-Nitroaniline)	100-01-6	8.0	C, Tox	13.5185
Nitrobenzene	98-95-3	20.9	Tox	17
Nitrophenol, 4-(p-Nitrophenol)	100-02-7	0.0804	Tox	1,460
N-Nitrosodi-n-butylamine	924-16-3	0.1030	C	0.0103
N-Nitroso di-n-propylamine	621-64-7	0.4056	C	0.0406
N-Nitrosodiethylamine	55-18-5	0.0189	C	0.0019
N-Nitrosodimethylamine	62-75-9	0.0557	C, Tox	0.0056

Table XI-4
Compliance Monitoring Program
Constituent-Specific Groundwater Concentration Limits [in (mg/l)]

Hazardous Constituent	CAS[1] Number	Groundwater Concentration Limit[2]	Risk Category[3]	Risk-Based Concentration for Cumulative Risk Evaluation [4]
N-Nitrosodiphenylamine	86-30-6	0.351	C, Tox	57.9365
N-Nitroso-N-methylethylamine (N-Nitrosomethylethylamine)	10595-95-6	0.1290	C	0.0129
N-Nitrosopyrrolidine	930-55-2	1.3519	C	0.1352
Parathion	56-38-2	0.103	Tox	1,095
PCB Aroclor 1016	12674-11-2	0.007	C, Tox	2.5
PCB Aroclor 1221	11104-28-2	0.007	C, Tox	2.5
PCB Aroclor 1232	11141-16-5	0.007	C, Tox	2.5
PCB Aroclor 1242	53469-21-9	0.007	C, Tox	2.5
PCB Aroclor 1248	12672-29-6	0.007	C, Tox	2.5
PCB Aroclor 1254	11097-69-1	0.007	C, Tox	2.5
PCB Aroclor 1260	11096-82-5	0.007	C, Tox	2.5
Pentachlorobenzene	608-93-5	2.40	Tox	146
Pentachloronitrobenzene	82-68-8	0.05**	Tox	1.0919
Pentachlorophenol	87-86-5	19.5	C, Tox	5
Phenol	108-95-2	828	Tox	54,750
Phenylenediamine, p- (4-Phenylenediamine)	106-50-3	380	Tox	34,675
Phorate	298-02-2	0.50	Tox	36.5
Pronamide	23950-58-5	0.15	Tox	13,690
Pyrene	129-00-0	0.01**	Tox	915
Pyridine	110-86-1	1,825	Tox	182.5
Silvex; 2-(2,4,5-Trichlorophenoxy) Propionic Acid	93-72-1	1.40	Tox	1,460
Styrene	100-42-5	3.10	Tox	500
T, 2,4,5- (2,4,5-Trichlorophenoxyacetic Acid)	93-76-5	2.20	Tox	1,825

Table XI-4
Compliance Monitoring Program
Constituent-Specific Groundwater Concentration Limits [in (mg/l)]

Hazardous Constituent	CAS[1] Number	Groundwater Concentration Limit[2]	Risk Category[3]	Risk-Based Concentration for Cumulative Risk Evaluation [4]
TCDD 2,3,7,8- (Dioxin)	1746-01-6	0.000193	C	0.0002
Tetrachlorobenzene, 1,2,4,5-	95-94-3	0.003	Tox	55
Tetrachloroethane, 1,1,1,2-	630-20-6	22.0914	C, Tox	2.2091
Tetrachloroethane, 1,1,2,2-	79-34-5	2.83*	C, Tox	0.283
Tetrachloroethene	127-18-4	2	C, Tox	25
Tetrachlorophenol, 2,3,4,6-	58-90-2	10	Tox	5,475
Tetraethyl Dithiopyrophosphate (Sulfotepp)	3689-24-5	0.25	Tox	91.5
Toluene	108-88-3	5.26	Tox	5,000
Toluidine, o-(2-Methylaniline)	95-53-4	11.8287	C	1.1829
Toxaphene	8001-35-2	0.0074	C	15
Trichlorobenzene, 1,2,4-	120-82-1	3	Tox	350
Trichloroethane, 1,1,1-	71-55-6	13.3	Tox	1,000
Trichloroethane, 1,1,2-	79-0-5	44.2	C, Tox	25
Trichloroethene	79-1-6	11	C, Tox	25
Trichlorofluoromethane	75-69-4	11	Tox	6,441
Trichlorophenol, 2,4,5-	95-95-4	12	Tox	250
Trichlorophenol, 2,4,6-	88-06-2	8	C, Tox	18.25
Trichloropropane, 1,2,3-	96-18-4	0.0818	C, Tox	0.0082
Trinitrobenzene, 1,3,5- (sym-trinitrobenzene)	99-35-4	3.50	Tox	5,475
Vinyl Acetate	108-05-4	200	Tox	2,060
Vinyl Chloride	75-1-4	27.6	C, Tox	10
Xylenes	1330-20-7	1.10	Tox	50,000
Antimony	7440-36-0	300	Tox	30
Arsenic	7440-38-2	500	C, Tox	50

Table XI-4
Compliance Monitoring Program
Constituent-Specific Groundwater Concentration Limits [in (mg/l)]

Hazardous Constituent	CAS[1] Number	Groundwater Concentration Limit[2]	Risk Category[3]	Risk-Based Concentration for Cumulative Risk Evaluation [4]
Barium	7440-39-3	100,000	Tox	10,000
Beryllium	7440-41-7	200	Tox	20
Cadmium	7440-43-9	250	Tox	25
Chromium VI	18540-29-9	5,000	Tox	500
Cobalt	7440-48-4	36,500	Tox	3,650
Copper	7440-50-8	65,000	Tox	6,500
Cyanide (free)	57-12-5	10,000	Tox	1,000
Lead	7439-92-1	750	Tox	75
Mercury	7487-94-7	100	Tox	10
Nickel	7440-02-0	36,500	Tox	3,650
Selenium	7782-49-2	2,500	Tox	250
Silver	7440-22-4	9,125	Tox	913
Thallium	7440-28-0	100	Tox	10
Tin	7440-31-5	1,000,000	Tox	109,500
Vanadium	7440-62-2	1,825	Tox	183
Zinc	7440-66-6	547,500	Tox	54,750

Notes:

[1]CAS = Chemical Abstract Services

[2]These groundwater concentration limits for organic hazardous constituents are based on one percent of the aqueous solubility limit for each hazardous constituent and are used as alternate concentration limits (ACLs) under 40 CFR 264.98. Where one percent of the aqueous solubility limit for a hazardous constituent exceeds the ACL (without the 10 percent safety factor) as determined in *Demonstration Report: Development of Sitewide Alternate Concentration Limits in Groundwater* (CWM and CH2M Hill 2007), the determined ACL is used (shown with an asterisk * in the table). Also, where one percent of the aqueous solubility limit for a hazardous constituent is less than the reporting limit for the hazardous constituent, the reporting limit is used (shown with two asterisks** in the table). The groundwater concentration limits for inorganic hazardous constituents are the ACLs (without the 10 percent safety factor and capped at one million parts per million where necessary).

[3] C = Carcinogenic; Tox = Noncarcinogenic (i.e., systemic toxicant)

[4]The risk-based concentrations for the Selah Member are based on the RBC for carcinogenic and non-carcinogenic ACLs, whichever is the lower concentration limit, times the 10 percent safety factor. These values will be used, if compliance monitoring becomes necessary, to assess the cumulative risk posed by detected constituents in groundwater. The values are not artificially capped because doing so would bias the cumulative risk calculation and not allow an accurate evaluation of cumulative risk to be completed.

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XII. CORRECTIVE ACTION

All historic hazardous waste operations at Permittee's Facility have been authorized and regulated by the Department pursuant to permits. Both EPA and the Department have investigated and evaluated the Permittee's Facility for the presence of any unidentified solid waste management unit (SWMU) including from December 1985 through April 1989 and in 2002. Neither EPA nor the Department has identified the presence of a SWMU that has not been regulated by this Permit or previous permit issuance. Permit Conditions in this Section XII are included as a precautionary matter should a new SWMU be identified in the future. ‡ **Rev. 3**

XII.A Standard Conditions

XII.A.1.

ORS 466.105(10) and 40 CFR 264.101 require that hazardous waste Permits address corrective action for releases of hazardous wastes including hazardous constituents from any solid waste management unit (SWMU) at the Facility, regardless of when the waste was placed in the unit.

XII.A.2.

All future plans and schedules required by this section of this Permit, including plans and schedules pursuant to Permit Condition XII.A.5., are upon approval by the Department, incorporated into this Permit by reference. Extensions of the due dates for submittals may be granted by the Manager either in writing or in accordance with 40 CFR 270.41 or 40 CFR 270.42.

XII.A.3.

[Reserved]

XII.A.4.a.

Any release of a hazardous constituent into the environment from any solid waste management units (SWMUs) which is not a Permitted unit or a past practice unit, as defined in Permit Condition IX.A, shall require the Permittee to notify in writing the Department's Eastern Region Hazardous Waste Program Manager within 15 days of discovery.

XII.A.4.b.

The Department shall review the notification and provide an opportunity for the Permittee to comment before deciding if the release should be referred to the Department's Eastern Region Clean-up program. ‡ **Rev. 3**

XII.A.5.

All referred corrective action activity initiated from Permit Condition XII.A. 4. shall be implemented by the Department's Clean-up Program pursuant to an agreement with provisions as set forth in Permit Condition IX.E.3. ‡ **Rev. 3**

XII.B NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY--IDENTIFIED SOLID WASTE MANAGEMENT UNITS

XII.B.1.

The Permittee shall notify the Hazardous Waste Program Manager of any newly-identified SWMU found at the Facility which is not a SWMU previously identified in the administrative record. Such written notification shall be made within 15 days of discovery.

XII.B.2.

After such notification, the Hazardous Waste Manager may request in writing that the Permittee prepare a SWMU Assessment Plan and a proposed schedule of implementation and completion of the Plan for any newly-identified SWMU discovered after the effective date of this Permit. The Permittee shall submit the SWMU Assessment Plan to the Department's Eastern Region Hazardous Waste Manager.

XII.B. 3.

After the Permittee submits the SWMU Assessment Plan, the Eastern Region Hazardous Waste Manager shall either approve or disapprove the Plan in writing. If the Manager approves the Plan, the Permittee shall begin to implement the Plan within 30 calendar days after receiving such written approval. If the Manager disapproves the Plan, the Manager shall notify the Permittee in writing of the Plan's deficiencies and specify a due date for submittal of a revised Plan. If the Manager approves the revised Plan the Permittee shall implement the Plan after 30 calendar days of receiving written approval. The Manager's approval of a plan shall not be considered a modification of this Permit.

XII.C. Additional Corrective Action Permit Conditions

XII.C.1.

Unless otherwise approved by the Department after consultation with the Permittee, prior to decommissioning any monitoring well or piezometer that is not routinely sampled in the detection or compliance monitoring programs at the Facility, the Permittee shall assess the potential for the monitoring well or piezometer to have acted as a vertical conduit for migration of contamination from the vadose zone to groundwater. This assessment shall consider, at a minimum, the proximity of the monitoring well or piezometer to unlined landfill areas and previously closed Solid Waste Management Units. If the Department reasonably determines based on the above assessment that a potential exists for migration of contamination from the vadose zone to groundwater, the Permittee shall collect a groundwater sample from the monitoring well or piezometer to be decommissioned in accordance with procedures in Standalone Document No. 7, Groundwater Monitoring Plan [A.R. 06080] and analyze the sample for the constituents and parameters listed in Table IX-3 and report the analytical results to the Department.

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XIII. AMENDMENTS TO STANDALONE DOCUMENTS

XIII.A. Amendments to the Waste Analysis Plan [Standalone No. 1]‡ Rev. 4

XIII.B. Amendments to the Security Procedures, Hazard Prevention, Training Plan [Standalone No. 2]

[Reserved]

XIII.C. Amendments to the Inspection Plan [Standalone No. 3]

XIII.C.1. ‡ **Rev. 4**

XIII.D. Amendments to the Contingency Plan [Standalone No. 4]

[Reserved]

XIII.E. Amendments to the Closure/Post-Closure Plan, Cost Estimates, Financial Assurance, Insurance [Standalone No. 5]

[Reserved]

XIII.G. Amendments to the Groundwater Monitoring Plan [Standalone No. 7]

[Reserved]

XIII.H. Amendments to the Bulk Liquid Storage/Treatment Plan, [Standalone No. 8]

[Reserved]

XIII.I. Amendments to the Container Storage Design and Operations Plan [Standalone No. 9]

[Reserved]

XIII.J. Amendments to the Stabilization/Chemical Treatment Plan [Standalone No. 10]

[Reserved]

XIII.K. Amendments to the Debris Treatment Plan [Standalone No. 11]

[Reserved]

XIII.L. Amendments to the Containment Building Design and Operations Plan [Standalone No. 12]

XIII.L.1. ‡ **Rev. 4**

XIII.L.2. ‡ **Rev. 4**

XIII.M. Amendments to the Surface Impoundments Design and Operations Plan [Standalone No. 13]

[Reserved]

XIII.N. Amendments to the Landfill Design and Operations Plan [Standalone No. 14]

[Reserved]

XIII.O. Amendments to the Landfill Response Action Plans [Standalone No. 15]

[Reserved]

XIII.P. Amendments to the Construction Quality Assurance Plan [Standalone No. 16]

XIII.P.1.

Before any additional landfill L-14 cells are constructed, or and new lined hazardous waste unit is constructed, the Permittee shall submit a project-specific Quality Assurance Plan (QAP), as described in Section 1.1 in Standalone Document No. 16, in accordance with 40 CFR 270.42. No construction may begin until the Department approves the modification.

XIII.P.2.

The Permittee may only use a Geosynthetic Installer, as described in section 1.2.5 of Standalone Document No. 16, that has a minimum experience of installing 10,000,000 ft^2 of geosynthetic material.

XIII.P.3.

Before the Permittee constructs an engineered soil liner, using soils that are different, or characteristically different, than the soil liners at landfill L-12 or L-13, the Permittee shall submit for Department approval an in-situ permeability test in accordance with 40 CFR 270.42. The Permittee may not begin emplacement of the soil liner until the Department approves in writing the results of the in-situ test.

XIII.P.4.

Regardless of any statement in Standalone Document No. 16, the Permittee shall include in project-specific QAPs (as described in section 1.1 of Standalone Document No. 16) mandatory conformance testing for all geosynthetic materials used in the project.

XIII.P.5.

Section 9.7.4A on page 9-11A of Standalone Document No. 16 Construction Quality Assurance Plan, first paragraph, second sentence, shall read, "Such trial seams shall be made at the beginning of each seaming period, and at least once each five hours, for each production seaming apparatus and for each seaming personnel used that day."

XIII.P.6.

Section 9.9.2A on page 9-16A of Standalone Document No. 16, Construction Quality Assurance Plan, first bulleted item, shall read, "A minimum frequency of one test location per 500 ft (152 m) of production seam length performed by each welding machine. This frequency is to be determined as an average taken throughout the entire facility."

XIII.P.7.

Section 13.7 on page 13.7 of Standalone Document No. 16 Construction Quality Assurance Plan, last paragraph, third sentence, shall read, "The hydrated material shall be covered with new dry GCL material, removed and replaced with new dry GCL material."

XIII.Q. Amendments to the Landfill Final Cover Design Plan [Standalone No. 17]

[Reserved]

XIII.R. Amendments to the Landfill Design Drawings [Standalone No. 18]

[Reserved]

XIII.S. Amendments to the Bioremediation Facility and Organic Recovery Unit Design and Operations Plan [Standalone No. 19]

XIII.S.1‡ **Rev. 4**

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XIV. PCB DISPOSAL PERMIT

XIV.A. PCB Disposal Permit Facility Establishment

This section of the hazardous waste document is a separate PCB disposal facility permit from the hazardous waste Permit in Sections I through XII. Attached to the Hazardous Waste Permit, this Section XIV is the Permit for PCB storage, treatment and disposal at the Chemical Waste Management of the Northwest, Inc., facility located near Arlington in Gilliam County. This PCB disposal facility permit could have been issued as a separate document, but, for efficiency, it is attached to the hazardous waste permit so that the requirements for storage, treatment and disposal of hazardous waste and storage, treatment and disposal of PCB are in one volume.

This PCB disposal facility Permit is issued in accordance with ORS 466.065 and 466.250 through 466.355, and the rules promulgated at OAR Chapter 340 Division 110 and consistent with the Toxic Substance Control Act and the regulations promulgated at 40 CFR Part 761. This permit issuance terminates permit license HW-1 issued in 1980.

This Permit shall be identified as PCB-1 and is effective as of August 21, 2006, and shall remain in effect until August 21, 2016, unless revoked and reissued, terminated, or continued in accordance with OAR 340-105-0051.

Issued To:

Chemical Waste Management of the Northwest, Inc.

17629 Cedar Springs Lane

Arlington, OR 97812

Issued By:

_____ _____

Lynn Hampton, Chair Date

Oregon Environmental Quality Commission

_____ _____

Joni Hammond, Regional Administrator Date

Oregon Department of Environmental Quality

State of Oregon
Department of
Environmental
Quality

XIV.B. Standard Conditions

XIV.B.1. Effect of Permit

The Permittee is authorized to store, to treat and to dispose PCB or PCB items in accordance with the Conditions of this Permit. Any disposal of PCB or PCB items by the Permittee at this Facility that is not authorized by this Permit and for which a Permit is required under Section 6 of TSCA and ORS 466.255 is prohibited. The definitions found in OAR 340-100-0010 and OAR 340-110-0003 are incorporated into this Permit.

XIVI.B.2. Personal and Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privilege, nor does this Permit authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local laws or regulations.

XIV.B. 3. Permit Actions

XIV.B.3.a.

This Permit may be modified, revoked and reissued, or terminated for cause by the Department as specified in 40 CFR 270.41, 270.42, 270.43, and OAR 340 Divisions 105 and 106.

XIV.B.3.b.

The filing of a request for a Permit modification, or revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance on the part of the Permittee shall not stay the applicability or enforceability of any Permit Condition except as provided in 40 CFR 270.41, 270.42, 270.43, and OAR Divisions 105 and 106.

XIV.B.4. Severability

XIV.B.4.a.

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. Invalidation of any state or federal statutory or regulatory provision, which forms the basis for any condition of this Permit, does not affect the validity of any other state or federal statutory or regulatory basis for said condition.

XIV.B.4.b.

In the event that a Condition of this Permit is stayed for any reason, the Permittee shall continue to comply with the related applicable and relevant conditions found in the previously expired permit until final resolution of the stayed Condition unless compliance with the related applicable and relevant conditions in the previously expired-permit would be technologically incompatible with compliance with other conditions of this Permit, which have not been stayed.

XIV.B.5. Duty to Comply

XIV.B.5.a.

The Permittee shall comply with all Conditions of this Permit, except that the Permittee need not comply with the Conditions of this Permit to the extent and for the duration such noncompliance is authorized in an emergency permit issued by the Department or Environmental Protection Agency. Any Permit noncompliance, except under the terms of an emergency permit, constitutes

a violation of the applicable provision of Oregon State law or rule and is grounds for enforcement action, Permit termination, modification or revocation and reissuance of the Permit, or denial of a Permit renewal application.

XIV.B.5.b.

Compliance with the terms of the Permit does not constitute a defense to any action brought under ORS 459, 465, 466.180, 466.185, 466.190, 466.200, 466.210, 466.225,, or Sections 3007, 3008, 3013 and 7003 of RCRA (42 U.S.C. 6934 and 6973), Section 7 of the Toxic Substances Control Act (TSCA), or Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) [42 U.S.C. 9606(a)], as amended by the Superfund Amendments and Reauthorization Act of 1986, or any other federal or state law governing protection of public health or the environment from any imminent and substantial endangerment to human health or the environment.

However, compliance with the terms of this Permit does constitute a defense to any action alleging failure to comply with the applicable law upon which this Permit is based. ‡ **Rev. 3**

XIV.B.6. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new Permit, utilizing 40 CFR 270.30(b). The Permittee shall submit such Permit application at least 180 calendar days prior to the expiration date of this Permit, unless the Manager has granted permission for a later date (but no later than the expiration date of the existing Permit) in accordance with 40 CFR 270.10(h).

XIV.B.7. Continuation of Expiring Permit

This Permit, all Conditions herein and Standalone Documents No. 20, PCB Operations Plan, shall continue in force until the effective date of a new Permit if the Permittee has submitted a timely, complete application, and, through no fault of the Permittee, the Commission does not issue a new Permit under 40 CFR 124.15 on or before the expiration date of the previous Permit.

XIV.B.8. Need to Halt or Reduce Activity Not 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.

XIV.B.9. 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.

XIV.B.10. Proper Operation and Maintenance

The Permittee shall at all times operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee so as 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 Condition requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the Conditions of this Permit.

XIV.B.11. Duty to Provide Information

The Permittee shall furnish to the Manager, or his designee, 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 shall also furnish to the Manager and Inspector, upon request, copies of records required to be kept by this Permit.

XIV.B.12. Inspection and Entry

The Permittee shall allow the Department, or its authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

XIV.B.12.a.

Enter at reasonable times upon the Permittee's premises where regulated PCB management units or activities are located or conducted, or where records shall be kept under the Conditions of this Permit;

XIV.B.12.b.

Have access to and copy, at reasonable times, any records that shall be kept under the Conditions of this Permit;

XIV.B.12.c.

Inspect at reasonable times any portion of the Facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

XIV.B.12.d.

Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by TSCA or Oregon Law, any substances or parameters at any PCB Disposal Facility location.

XIV.B.13. Monitoring and Records

The Permittee will monitor and record PCB disposal activities in accordance with 40 CFR 761.75(b)(8)(iv) and 40 CFR 761.180(b), (d) and (f) and Standalone Document No. 20, PCB Operations Plan [A.R. 06093].

XIV.B.14. Reporting Planned Changes

The Permittee shall give notice to the Manager, as soon as possible of any planned physical alterations or additions to the permitted PCB Disposal Facility.

XIV.B.15. Anticipated Noncompliance

The Permittee shall give advance notice to the Manager of any planned changes in the permitted PCB Disposal Facility or activity that might result in noncompliance with Permit requirements.

XIV.B.16. Transfer of Permit

This Permit is personal to the Permittee and is transferable only in accordance with OAR 340-110-0075.

XIV.B.17. Twenty-four Hour Reporting

XIV.B.17.a.

The Permittee shall verbally report to the Manager or Inspector, any PCB noncompliance with this Permit which may endanger health or the environment, within 24 hours from the time the Permittee becomes aware of the noncompliance. The report shall include:

XIV.B.17.b.

Information concerning release of any PCB waste that might cause an endangerment to public drinking water supplies; and,

XIV.B.17.c.

Any information of a release or discharge of PCB waste or of a fire or explosion from the PCB Disposal Facility that might threaten human health or the environment. The description of the occurrence shall include the information requirements in Permit Condition I.T.2.

XIV.B.18. Other Noncompliance

The Permittee shall report to the Manager all other instances of PCB noncompliance with this Permit not otherwise reported at the time monitoring reports are submitted.

XIV.B.19. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant PCB facts in the Permit application, or submitted incorrect information in the Permit application or in any report to the Manager or Inspector, the Permittee shall promptly submit such facts or corrected information to the appropriate persons.

XIV.B.20. Signature and Certification

All written applications, reports required by this Permit and other information requested by the Manager, when submitted to the Manager, or Inspector, by the Permittee shall be signed and certified as required by 40 CFR Part 761 in accordance with 40 CFR 761.3.

XIV.B.21 Confidential Information

Information submitted by the Permittee to the Manager or Inspector that is claimed as trade secret, confidential, or confidential business information by the Permittee will be handled in accordance with the applicable provisions of OAR 340-100-0003.

XIV.B.22. Fees

The Permittee shall pay fees as required under ORS 466.325, 466.345, 466.350 and as promulgated at OAR 340-105, and other state statutes and related rules. This Condition does not preclude the Permittee from challenging any future promulgation or adoption of a statute, rule, or administrative action imposing any fee on the Permittee.

XIV.C. Storage, Treatment, And Disposal Standards

XIV.C.1.

This Permit hereby incorporates into this PCB Permit by reference Standalone Document No. 20 PCB Operation Plan [A.R. 06093].

XIV.C.2.

All notifications and correspondence sent to the Environmental Protection Agency, in accordance with the PCB Operation Plan, shall also be sent to the Department of Environmental Quality Eastern Region Hazardous Waste Manager.

XIV.D. Requirement for Groundwater Monitoring or Waiver

The Permittee shall not place PCB or PCB items into landfill L-14 until there is an in-place groundwater monitoring system unless a waiver has been issued by the Department in accordance with 40 CFR 761.75(c)(4).

XIV.E. Additional Disposal Requirements

XIV.E.1.

The Permittee may dispose of PCB or PCB items only in Landfill L-14. XIV.E.2.

In the event of a PCB spill, the Permittee shall comply with Standalone Document No. 4, Contingency Plan [A.R. 06077].

XIV.E.3.

The Permittee shall comply with OAR 340-110-0061(6) regarding waste oils containing PCB.

XIV.E.4.

If the Permittee uses containers described in 40 CFR 761.65(c)(7)(i), the Permittee shall have and implement a Spill Prevention Control and Countermeasure plan in accordance with OAR 340-110-0065(2).

XIV.F. Groundwater Monitoring

XIV.F.1.

Groundwater monitoring requirements found in Section X of the Hazardous Waste Permit are incorporated and made part of this PCB Permit.

XIV.F.2.

The Permittee shall perform the groundwater tasks and procedures as set forth in Section X of the Hazardous Waste Permit in a manner consistent with 40 CFR 761.75(b)(6).

XIV.F.3.

The Permittee shall sample and analyze for PCBs, pH, and specific conductance in the groundwater in accordance with Section X of the Hazardous Waste Permit in a manner consistent with 40 CFR 761.75(b).

XIV.G. ORS 466.065 Conditions

XIV.G.1.

The Permittee shall not accept for treatment or disposal during the ten-year term of this Permit an amount of PCB more than 110 percent of the PCB treated or disposed by the Facility under any permit without approval of the Department in accordance with ORS 466.065.

XIV.G.2.

The Permittee shall comply with all applicable federal and Oregon technological requirements for treating and disposing of PCB.

XIV.G.3.

The Permittee shall comply with all applicable Oregon and federal requirements for financial and technical capability to properly construct and operate the PCB disposal Facility [ORS 466.065(4).]

XIV.G.4.

The Permittee shall own, or contract with, an emergency response provider or coordinator that can provide for timely response to a PCB spill or release in Oregon of PCB being transported to the Facility by a motor vehicle owned by the Permittee [ORS 466.065(5).]

XIV.G.5.

The Permittee shall require that any transporter of PCB hired by the Permittee, owns, or has a contract with, an emergency response provider or coordinator that can provide for timely response to a spill or release in Oregon of PCB being transported by a motor vehicle to the Facility [ORS 466.065(6).]

XIV.G.6.

Upon arrival at the facility of any motor vehicle transporting PCB not described in Permit Conditions XIV.G.5. and XIV.G.4., the Permittee shall request to review the transporter's authorization to transport PCB in Oregon and the driver's authorization to drive a motor vehicle transporting PCB in Oregon. The Permittee shall report to the Department the name of any transporter or driver failing to demonstrate the requested authorization [ORS 466.065(7).]

XIV.H. Equivalent Materials/Information

If certain equipment, materials, procedures, and administrative information (such as names, phone numbers, addresses, obsolete forms, addition of new forms and to forms, deletion from forms of units certified as closed, etc.) are specified in this Permit, the Permittee is allowed to use an equivalent or superior substitute or deletion. Use of such equivalent or superior substitute or deletion shall not be considered a modification of the Permit, but the Permittee shall present the proposed change to the Department, and then with Department approval that the item is equivalent or superior (such approval may be verbal or written) submit to the Department by written letter the revision, accompanied by a narrative explanation, and the date the revision becomes effective which may be the date of the submittal or a later date. The Department may judge the soundness of the revision as to whether the item is equivalent or superior. If the Department determines that the change is not in accordance with the approval, the Department will by letter direct the Permittee to submit the change again. The format of tables or forms is not subject to the requirements of this Permit and may be revised at the Permittee’s discretion.

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