

SECTION II – GENERAL FACILITY CONDITIONS

A. DESIGN AND OPERATION OF FACILITY

The Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment, as required by 40 CFR 264.31.

B. REQUIRED NOTICES

1. Hazardous Waste Imports

The Permittee may receive hazardous waste from a foreign source in compliance with the applicable requirements of 40 CFR 262 and 264.71(a)(3). In addition to the notification requirements of 40 CFR 262.84(b), the Permittee shall notify DEQ in writing at least four (4) weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source. Notice of subsequent shipments of the same waste from the same foreign source in the same calendar year is not required.

2. Hazardous Waste from Off-Site Sources

When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), the generator must be informed in writing that the Permittee has the appropriate permits and will accept the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record. [40 CFR 264.12(b)]

C. GENERAL WASTE ANALYSIS

The Permittee shall follow the waste analysis procedures required by 40 CFR 264.13, as described in the Waste Analysis Plan, Permit Attachment 1.

At a minimum, the Permittee shall maintain proper functional instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations. If the Permittee uses a contract laboratory to perform analyses, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit. The Permittee shall repeat the analysis when it is notified or has reason to believe that the process or operation generating the waste has changed.

The Permittee must inspect and, if necessary, analyze each hazardous waste shipment received at the facility to determine whether it matches the identity of waste specified on the accompanying manifest or shipping paper. The analysis must be repeated if these inspections indicate that the hazardous wastes collected or received at the facility does not match the identity of the waste designated on the accompanying manifest or shipping paper.

D. SECURITY

The Permittee shall comply with the security provisions of 40 CFR 264.14(b) and (c) and the Security Plan, Permit Attachment 6.

E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedule set out in Permit Attachment 2. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by 40 CFR 264.15(c). Records of inspections shall be kept, as required by 40 CFR 264.15(d).

F. PERSONNEL TRAINING

The Permittee shall conduct personnel training, as required by 40 CFR 264.16. This training program shall follow the outline set forth in Permit Attachment 4. The Permittee shall maintain training documents and records, as required by 40 CFR 264.16(d) and (e).

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

The Permittee shall comply with the requirements of 40 CFR 264.17(a) for handling ignitable, reactive, and incompatible wastes.

H. PREPAREDNESS AND PREVENTION

1. Required Equipment

At a minimum, the Permittee shall maintain at the facility the equipment set forth in the Contingency Plan, Permit Attachment 3, as required by 40 CFR 264.32.

2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in the Contingency Plan, as necessary, to assure its proper operation in time of emergency, as required by 40 CFR 264.33.

3. Access to Communication or Alarm System

The Permittee shall maintain access to the communication or alarm system, as required by 40 CFR 264.34.

4. Arrangements with Local Authorities

The Permittee shall maintain arrangements with state and local authorities, as required by 40 CFR 264.37. If state or local officials refuse to enter into preparedness and prevention arrangements with the Permittee, the Permittee must document this refusal in the operating record.

I. CONTINGENCY PLAN

1. Implementation of Plan

The Permittee shall immediately carry out the provisions of the Contingency Plan, Permit Attachment 3, whenever there is a fire, explosion, or release of hazardous waste or constituents which could threaten human health or the environment.

2. Copies of Plan

The Permittee shall comply with the requirements of 40 CFR 264.53.

3. Amendments to Plan

The Permittee shall review and immediately amend, if necessary, the Contingency Plan, as required by 40 CFR 264.54. Such amendment may require Permit modification in accordance with 40 CFR 270.42.

4. Emergency Coordinator

A trained emergency coordinator shall be available at all times in case of an emergency, as required by 40 CFR 264.55. The name and contact information for all emergency coordinators are listed in the Contingency Plan. This information shall be kept current at all times, and the Permittee will promptly submit changes in the list to DEQ.

J. MANIFEST SYSTEM

The Permittee shall comply with the manifest requirements of 40 CFR 264.71, 264.72, 264.76, and OAC 252:205-5-5.

K. GENERAL CLOSURE REQUIREMENTS

1. Performance Standard

The Permittee shall close the facility, as required by 40 CFR 264.111 and in accordance with the Closure Plan, Permit Attachment 5.

2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan in accordance with 40 CFR 264.112(c) whenever necessary. Such amendment may require Permit modification in accordance with 40 CFR 270.42.

3. Notification of Closure

The Permittee shall notify DEQ in writing at least 45 days prior to the date on which it expects to begin final closure of the facility, as required by 40 CFR 264.112(d).

4. Time Allowed for Closure

After receiving the final volume of hazardous waste, the Permittee shall remove from the unit or facility all hazardous waste and shall complete closure activities in accordance with 40 CFR 264.113 and the schedules specified in the Closure Plan, Permit Attachment 5.

5. Disposal or Decontamination of Equipment, Structures, and Soils

The Permittee shall decontaminate and/or dispose of all contaminated equipment, structures, and soils as required by 40 CFR 264.114 and the Closure Plan.

6. Certification of Closure

The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan, as required by 40 CFR 264.115.

L. COST ESTIMATE FOR FACILITY CLOSURE

1. The Permittee must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with 40 CFR 264.143. [40 CFR 264.142(b)].
2. The Permittee must revise the closure cost estimate whenever there is a change in the facility's Closure Plan, as required by 40 CFR 264.142(c).

M. FINANCIAL ASSURANCE FOR FACILITY CLOSURE

The Permittee shall demonstrate continuous compliance with 40 CFR 264.143 by providing documentation of financial assurance, as required by 40 CFR 264.151 in at least the amount of the cost estimates required by Permit Condition II.L. Changes in financial assurance mechanisms must be approved by DEQ pursuant to 40 CFR 264 Subpart H.

N. LIABILITY REQUIREMENTS

The Permittee shall demonstrate continuous compliance with the requirement of 40 CFR 264.147(a) 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.

O. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall comply with 40 CFR 264.148, whenever necessary.

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