

Permittee: U.S. ECOLOGY OF IDAHO, INC.
Facility Identification/EPA ID Number: IDD000773952

INTRODUCTION AND SIGNATURE PAGE

Pursuant to the Idaho Hazardous Waste Management Act of 1983 (HWMA), as amended, Idaho Code § 39-4401 et seq., and the “*Rules and Standards For Hazardous Waste,*” IDAPA 58.01.05.000 et seq., a Post-Closure Care Permit (Permit) is hereby re-issued to U.S. Ecology of Idaho, Inc. (USEI or Permittee), for USEI's Site A hazardous waste facility located in Owyhee County near Bruneau, Idaho at 42°40'12” N latitude, and 115°52'10'W longitude.

The Permittee shall comply with all terms and conditions of the Site A Post-Closure Permit, including Attachments 1 through 7, as approved by the Idaho Department of Environmental Quality. The Permittee must comply with all applicable state and federal regulations, including IDAPA 58.01.05.004 through 58.01.05.008 and 58.01.05.010 through 58.01.05.013 [40 Code of Federal Regulations (CFR), Parts 260 through 264, 266, 268, 270, and 124] and as specified in the Permit. Any reference in this Permit to the Resource Conservation and Recovery Act (RCRA), or the Hazardous and Solid Waste Amendments of 1984 (HSWA), or federal regulations promulgated thereunder in 40 CFR, shall be deemed to include the equivalent HWMA statute or state regulation promulgated thereunder.

Applicable state and federal regulations are those that are in effect on the date of final administrative action on this Permit and any self implementing statutory provisions and related regulations that, according to the requirements of HWMA and/or the Hazardous and Solid Waste Amendments of 1984 (HSWA), as amended, are automatically applicable to the Permittee's hazardous waste management activities, notwithstanding the conditions of this Permit.

This Permit is based upon the administrative record, as required by IDAPA 58.01.05.013 [40 CFR §124.9]. 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 or modification of this Permit and/or initiation of an enforcement action. To the extent, there are inconsistencies between the Permit and the attachments, the language of the Permit shall prevail.

The Permittee must inform the Director of the Idaho Department of Environmental Quality (hereinafter referred to as “Director”) of any deviation from the permit conditions or changes in the information on which the application is based that would affect the Permittee's ability to comply, or actual compliance with the applicable regulations or Permit Conditions or which alters any Permit Condition in any way.

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The Director shall enforce all conditions of this Permit. Any challenges of any Permit Condition shall be appealed to the Idaho Board of Environmental Quality, in accordance with IDAPA 58.01.05.013 [40 CFR §124.19], and in accordance with the Idaho Department of Environmental Quality; *Rules Governing Declaratory Rulings and Contested Case Proceedings*, IDAPA 58.01.23.043.

The United States Environmental Protection Agency (EPA) shall maintain an oversight role of the State-authorized program, and in such capacity, shall enforce any permit condition based on state requirements if, in the EPA's judgment, the Director should fail to enforce that permit condition. Any challenges to the Agency-enforced conditions shall be appealed to the Agency, in accordance with [40 CFR § 124.19].

This Permit is effective as of TBD, and shall remain in effect until TBD, unless, in accordance with IDAPA 58.01.05.012, the Permit is: revoked and reissued [40 CFR § 270.41], terminated [40 CFR § 270.43], modified [40 CFR § 270.42 Appendix I.A.6], or continued [40 CFR § 270.51]. If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall reapply to obtain a new Permit at a minimum of 180 calendar days prior to the expiration date of this Permit, in accordance with IDAPA 58.01.05.012 [40 CFR §§ 270.10(h) and 270.30(b)].

Date

Toni Hardesty, Director
Idaho Department of Environmental Quality

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FIGURE 1 SITE MAP AND GROUND WATER MONITORING NETWORK (Figure 6-10 of the Permit Application as last revised August 2, 2006)

LIST OF ATTACHMENTS

The following documents are excerpts from the Permittee's RCRA Permit Application dated August 2, 2006. The Permit Application and applicable attachments from the previous RCRA Permit are part of the official Administrative Record for the Facility. The documents listed below are hereby incorporated, in their entirety, by reference, into this Permit. The Department has modified specific language in the attachments, as deemed necessary. These modifications are described in the permit conditions (Modules I through V) and, thereby, supersede the language of the original attachment. All references in these attachments to the Agency, or to designated representatives of the Agency, shall also refer to the Department or to designated representatives of the Department. All references in any of the attachments of this Permit to "Envirosafe Services of Idaho Inc. (ESII)" are superseded by reference to "U.S. Ecology, Idaho (USEI)." These incorporated attachments are enforceable conditions of this Permit, as modified by the specific permit conditions.

ATTACHMENTS

ATTACHMENT 1 FACILITY DESCRIPTION AND SITE MAPS, consisting of:

Section 2 of the Permit Application, Pages 5 through 19, as last revised August 2, 2006, including Figures 1-1, 1-2, 1-3, and Figure 1-4.

Drawing No. 2005-1 (Site Civil Features) as last revised August 2, 2006.

Drawing No. 2005-2 (Site Drainage Patterns) as last revised August 2, 2006.

Drawing No. 360L-B1-1 (Topographic Map), as last revised December 8, 1994.

Drawing No. 360L-B21-1 (Sections and Details), as last revised December 20, 1994.

Corporate Warranty Deed (dated February 5, 1998), containing the property legal description, and Closure Certification.

ATTACHMENT 2 POST-CLOSURE PLAN, consisting of:

Section 3 and 4 of the Permit Application, Pages 20 through 29, as last revised August 2, 2006, including Figure 4-1 (Post-Closure Inspection & Maintenance form).

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ATTACHMENT 3 POST-CLOSURE FINANCIAL REQUIREMENTS, consisting of:

Section 5 of the Permit Application, Pages 30 through 32, as last revised August 2, 2006, including Table 5-1 and 5-2.

ATTACHMENT 4 GROUND WATER MONITORING PLAN, consisting of:

Sections 6.1 through 6.7 of the Permit Application, Pages 33 through 72, as last revised February 27, 2007, including Figures 6-1, 6-2, 6-3, 6-4, 6-5, 6-6, 6-7, 6-8, 6-9, and Tables 6-1, 6-2, 6-3, 6-4, 6-5, 6-6.

Hydraulic conductivity, effective porosity, and ground water velocity calculations (dated February 2, 2003)

ATTACHMENT 5 GROUND WATER SAMPLING AND ANALYSIS PLAN, consisting of:

Appendix P of the Permit Application (Note: no page numbers), as last revised February 27, 2007, including the Ground water Sampling Quality Assurance Project Plan.

ATTACHMENT 6 RCRA PART A APPLICATION, consisting of:

Appendix C of the Permit Application (Note: no page numbers), as last revised March 15, 2006.

ATTACHMENT 7 PERMIT MODIFICATION TRACKING LOG (reserved for future use)

DEFINITIONS

All definitions contained in IDAPA 58.01.05.004, 005, .008 and .010 through .013 [40 CFR Parts 260, 261, 264, 266, 268, 270, and 124] are hereby incorporated, in their entirety, by reference into this Permit, except that any of the definitions used below shall supersede any definition of the same term given in IDAPA 58.01.05.000 *et seq.* Where terms are not defined in the regulations or the Permit, the meaning associated with such terms shall be defined by a standard dictionary reference of the generally accepted scientific or industrial meaning of the term.

- a. "Active well" shall mean any well being pumped at the time of that sampling event.
- b. "Application" shall mean Volume 1, Sections 1 through 6 of the HWMA/RCRA Part A and B Permit Application approved by DEQ August 2, 2006.
- c. "Area of Concern" (AOC) shall mean any area where hazardous waste or hazardous waste constituents may be present.
- d. "Corrective action" shall mean all corrective actions necessary to protect human health and the environment for all releases of hazardous waste or hazardous waste constituents at the Facility, regardless of the time at which waste was placed in the unit as specified in IDAPA 58.01.05.008 [40 CFR § 264.101].
- e. "Corrective Action Management Unit" (CAMU) shall mean an area within a facility that is designated for implementing corrective action requirements. The boundaries of the CAMU at Site A were defined during closure.
- f. "Days" shall mean calendar day(s) unless otherwise specified. Any requirement of submittal, under the terms of this Permit, that would be due on a Saturday, Sunday, or a federal or state holiday shall be due on the following business day.
- g. "Department" shall mean the Idaho Department of Environmental Quality.
- h. "Director" shall mean the Director of the Idaho Department of Environmental Quality or his/her designee or authorized representative.
- i. "Discovery (discovered)" shall mean the initial identification of an Area of Concern that has the potential to release hazardous waste or hazardous waste constituents to the environment.

- j. "Disposal Facility" shall mean the Facility or part of the Facility at which hazardous waste is intentionally placed into, or on any land or water, and at which waste will remain after closure
- k. "Facility" or "permitted Facility" shall mean USEI's Site A hazardous waste Facility located near Bruneau, Idaho, as defined in Attachment 1 of this Permit. "Facility or Site" shall mean; (1) all contiguous land, structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A Facility may consist of several treatment, storage or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of these), (2) for the purpose of implementing corrective action under IDAPA 58.01.05.008 [40 CFR § 264.101], all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).
- l. "Final Closure" shall mean the closure of all hazardous waste management units at the Facility in accordance with all applicable closure requirements so that the hazardous waste management activities under IDAPA 58.01.05.008 & 58.01.05.009 [40 CFR Parts 264 and 265] are no longer conducted at the Facility unless subject to the provisions of IDAPA 58.01.05.006 [40 CFR § 262.34].
- m. "Fully operational" related to ground water monitoring wells shall mean that water level elevations have stabilized and the wells are ready to be sampled.
- n. "Hazardous Waste Constituent" means a constituent that could cause or has caused the EPA to list a waste as hazardous per Part 261, Subpart D, or a constituent listed in Table 1 of 40 CFR § 261.24.
- o. "Hazardous Waste" shall mean a solid waste, or combination of solid wastes, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed [See Public Law 98-616 Section 1004(5)].
- p. "Hazardous Waste Management Unit (HWMU)" shall mean those operable units subject to the requirements of IDAPA 58.01.05.012 [40 CFR §§ 270.14 to 270.25].

- q. "Landfill" shall mean a disposal Facility, or part of a Facility where hazardous waste is placed in or on the land and which is not a waste pile, a land treatment Facility, a surface impoundment, an underground injection well, a salt dome or salt bed formation, an underground mine, a cave, or a CAMU. For the purposes of this permit, all regulated units at Site A are closed landfills.
- r. "Owner" shall mean U.S. Ecology of Idaho, Inc.
- s. "Permit" shall mean this Permit issued by the Idaho Department of Environmental Quality.
- t. "Permittee" or "USEI" shall mean U.S. Ecology of Idaho, Inc.
- u. "Post-Closure Care Period" shall mean a thirty-year period beginning when a hazardous waste management unit is certified as closed and during which time U.S. Ecology shall be required to maintain, monitor, and report in accordance with the requirements of [40 CFR 264 Subparts B, F, G, H, and N]. The Post-Closure Care period is unit specific and may be more than thirty years. The Director may modify the post-closure care period applicable to a unit in order to protect human health and the environment.
- v. The term "PQL" shall mean Practical Quantitation Limit.
- w. The term "QA/QC" shall mean Quality Assurance/Quality Control.
- x. "RCRA" shall mean the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. § 6901 et seq.
- y. The term "RfD" shall mean reference dose.
- z. "Regulated unit" shall mean a waste pile, surface impoundment, land treatment unit or landfill that receives hazardous waste after July 26, 1982, and subject to the requirements of IDAPA 58.01.05.008 [40 CFR §§ 264.91 through 264.100].
- aa. "Release" shall mean any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous waste constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous waste constituents).
- bb. "Remedial Action" shall mean actions required to reduce contaminate concentrations to achieve corrective action goals.

- cc. "Remediation waste" shall mean all solid and hazardous wastes, and all media (including ground water, surface water, soils, and sediments) and debris, which contain listed hazardous waste constituents or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements.
- dd. The term "SW 846" shall mean "Test Methods for Evaluating Solid Waste (Third or latest edition)."
- ee. "Schedule of compliance" shall mean a schedule of remedial and/or closure measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the HWMA.
- ff. "Solid Waste Management Unit" (SWMU) shall mean any discernable unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous wastes. Such units include any area at the Facility at which solid wastes have been routinely and systematically released. SWMUs are subject to 40 CFR § 264.101.
- gg. The term "UHC" shall mean Underlying Hazardous Constituent. UHC means any constituent listed in [40 CFR § 268.48], Table UTS – Universal Treatment Standards, except fluoride, selenium, sulfides, vanadium, and zinc, which can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent – specific UTS Treatment Standard.

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ACRONYMS AND ABBREVIATIONS

For the purpose of this Permit the following acronyms and abbreviations shall apply:

AASHTO	American Association of State Highway and Transportation Officials
ABS	Acrylonitrile Butadiene Styrene
ACI	American Concrete Institute
ACGIH	American Conference of Governmental Industrial Hygienists
ACL	Alternate Concentration Limit
AGA	American Gas Association
AGST	Above Ground Storage Tank
ALR	Action Leakage Rate
ANSI	American National Standards Institute
APC	Air Pollution Control
APP	Aquifer Protection Permit
API	American Petroleum Institute
ASA	American Standards Association
ASME	American Society of Mechanical Engineers
AST	Aboveground Storage Tanks
ASTM	American Society for Testing and Materials
BACT	Best Available Control Technology
BAT	Best Available Technology
BMP	Best Management Practice
BOD	Biochemical or Biological Oxygen Demand
C	Celsius/Centigrade
CAO	Corrective Action Order
CAA	Clean Air Act, 42 USC Section 7401 et seq. (Federal)
CAMP	Corrective Action Monitoring Program
CAMU	Corrective Action Management Unit
CEG	Certified Engineering Geologist
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CESQG	Conditionally Exempt Small Quantity Generators
CFCs	Chlorofluorocarbons
CFR	Code of Federal Regulations
CGL	Comprehensive General Liability Insurance
CHP	Certified Health Professional
CIH	Certified Industrial Hygienist
cm	centimeter; 1/100 meter
CMP	Compliance Monitoring Program
CMU	Container Management Unit

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CSA	Container Storage Area
CQA	Construction Quality Assurance
CQAP	Construction Quality Assurance Plan
CSP	Certified Safety Professional
DMP	Detection Monitoring Program
DOE	Department of Energy (Federal)
DOI	Department of the Interior (Federal)
DOT	Department of Transportation
DRE	Destruction/Removal Efficiency
EC	Emergency Coordinator
EIR	Exposure Information Report
EMS	Emergency Medical Service
EMT	Emergency Medical Technician
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
EPR	Ethylene Propylene Rubber
EP TOX	Extraction Procedure Toxicity Test (RCRA)
EQL	Estimated Quantitation Limit
ESA	Endangered Species Act, 15 USC Section 1531 et seq.
ESG	English Standard Gauge
ESH	Environmental Health and Safety
ESII	Envirosafe Services of Idaho, Inc.
ESP	Electrostatic Precipitators
F	Fahrenheit
ft.	feet / foot
FDA	Food and Drug Administration (U.S.A.)
FEMA	Federal Emergency Management Agency
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act, 7 USC
FOIA	Freedom of Information Act
FR	Federal Register
FUSRAP	Formerly Utilized Sites Remedial Action Plan
GC	Gas Chromatographic
GCL	Geosynthetic Clay Liner
GC/MS	Gas Chromatography/Mass Spectrometry
GPM	Gallons Per Minute
GPS	Ground Water Protection Standards.
GW	Ground Water
HAPs	Hazardous Air Pollutants
HCFCs	Hydrochlorofluorocarbons
HCS	Hazard Communication Standard (OSHA)
HDPE	High Density Polyethylene
HHW	Household Hazardous Waste
HMTA	Hazardous Materials Transportation Act
HOC	Halogenated Organic Compounds

HSWA	Hazardous and Solid Waste Amendment of 1984
HWMA	Hazardous Waste Management Act of 1983, Idaho Code 39-4401 et seq.
HWMU	Hazardous Waste Management Unit
ICF	Internal Control Form
IDAPA	Idaho Administrative Procedures Act
IDEQ	Idaho Department of Environmental Quality
IECC	Idaho Emergency Communication Center
IMS	Ion Mobility Spectrometry
in	Inch
Inc.	Incorporated
IPDC	Idaho Poison and Drug Center
IR	Infrared
kg	Kilogram; 1,000 grams
km	Kilometer; 1,000 meters
lb	Pound
LD50	Lethal Dose Level 50%
LCR	Leachate Collection and Removal System
LDCR	Leachate Detection, Collection and Removal System
LDR	Land Disposal Restriction
LEL	Lower Explosive Limit
MACT	Maximum Available Control Technology
MCL	Maximum Contaminant Levels (SDWA)
MCLGs	Maximum Contaminant Level Goals (SDWA)
MDL	Minimum Detection Limit
mg/l	Milligrams per liter
µg/l	Micrograms per liter
µrem	Microrem
mil	1/1000 in
mm	Millimeter; 1/1000 meter
MOU	Memorandum of Understanding
MS	Mass Spectrometry
MSDS	Material Safety Data Sheets
NARM	Nuclear Accelerator Radioactive Material
NCP	National Contingency Plan
NCSA	National Crushed Stone Association
NEC	National Electric Code
NEMA	National Electrical Manufacturers Association
NFPA	National Fire Protection Association
NIOSH	National Institute for Occupational Safety & Health
NORM	Naturally Occurring Radioactive Material
NOV	Notice of Violation
NOX	Oxides of Nitrogen
NPDES	National Pollutant Discharge Elimination System
NRC	Nuclear Regulatory Commission

OSHA	Occupational Safety and Health Administration
OSWER	Office of Solid Waste and Emergency Response (US EPA)
O&M	Operation and Maintenance
oz	Ounce
PAH	Polynuclear Aromatic Hydrocarbons
PCB	Polychlorinated Biphenol
PCDF	Polychlorinated Dibenzofurans
PCE	Perchloroethylene
pCi	Picocuries
PE	Professional Engineer
PEL	Permissible Exposure Limits (OSHA)
PM10	Particulate Matter less than 10 microns in diameter
POTW	Publicly-Owned Treatment Works
ppb	Parts per billion
PPE	Personal Protective Equipment
ppm	Parts per million
ppmw	Parts per million by weight
QA/QC	Quality Assurance/ Quality Control
RCRA	Resource Conservation and Recovery Act of 1976
RG	Registered Geologist
RGN	Reactivity Group Numbers
RTK	Right-to-Know
SARA Title III	Emergency Preparedness and Community Right to Know
SCBA	Self-Contained Breathing Apparatus
SDWA	Safe Drinking Water Act
SOP	Standard Operating Procedures
STEL	Short Term Exposure Limit
SWMP	Stormwater Management Plan
SWMU	Solid Waste Management Unit
TCLP	Toxicity Characteristics Leaching Procedure
TLV	Threshold Limit Value
TCE	Trichloroethylene
TOC	Total Organic Carbon
TSCA	Toxic Substance Control Act
TSDF	Treatment Storage and Disposal Facility
UBC	Uniform Building Code
UFC	Uniform Fire Code
UHC	Underlying Hazardous Constituent
UL	Underwriter's Laboratories, Inc
USEI	US Ecology Idaho, Inc.
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
UV	Ultraviolet Light
VO	Volatile Organics

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VOC	Volatile Organic Compound
WAP	Waste Analysis Plan
WLR	Warning Leakage Rate
WPQ	Waste Product Questionnaire
WSID	Waste Stream Identification Number
yd	Yard
yd ²	Square yard
yd ³	Cubic yard

MODULE I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

I.A.1. The Permittee is required to: maintain the closed hazardous waste landfill units; remove, treat and monitor contaminated ground water; and perform corrective action as expressly described in this Permit. Any storage, treatment, or disposal of hazardous waste by the Permittee at this Facility that is not authorized by this Permit, or by IDAPA 58.01.05.006 [40 CFR § 262.34], and for which a permit is required under Idaho Code § 39.4409 or Section 3005 of RCRA is prohibited.

I.A.2. Pursuant to IDAPA 58.01.05.012 [40 CFR § 270.4], compliance with this Permit generally constitutes compliance, for purposes of enforcement, with the Idaho Hazardous Waste Management Act (HWMA), as amended, except for the requirements not included in this Permit which become effective by future statute or regulatory changes, to include those requirements promulgated under IDAPA 58.01.05.011 [40 CFR Part 268] restricting the placement of hazardous waste in or on the land.

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 any invasion of other private rights, or any infringement of state or local laws.

I.C. ENFORCEABILITY

I.C.1. The terms and conditions of this Permit are enforceable pursuant to the HWMA or any other applicable federal, state, or local law. Violations of this Permit may result in civil penalties, in accordance with HWMA [Idaho Code § 39-4414] and the HWMA Civil Penalty Policy.

I.C.2. Any person who knowingly makes any false statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained, or used for the purposes of complying with the provisions of Idaho Code § 39-4415, shall be guilty of a misdemeanor and subject to the maximum daily fine allowed by law, or to imprisonment not to exceed one (1) year, or to both, for each separate violation or for each day of a continuing violation.

I.D. OTHER AUTHORITY

The Department expressly reserves any right of entry provided by law, and any authority to order or perform emergency or other response activities as authorized by law.

I.E PERMIT ACTIONS

- I.E.1. This Permit may be modified, revoked and reissued, or terminated for cause as specified in IDAPA 58.01.05.012 [40 CFR §§ 270.41, 270.42, and 270.43].
- I.E.2. 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.
- I.E.3. Except as provided by specific language in this Permit or except for the Director's approval of a Class 1 or 2 Permit Modification, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.42 (a) and (b)], any modification that substantially alters the Facility or its operation, as covered by this Permit, shall be administered as a Class 3 Permit Modification prior to such change taking place, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.42(c)].
- I.E.4. The Director may modify this Permit when the standards or regulations on which the Permit was based have been changed by statute, standards or regulations have been amended, or changed by way of judicial decision after the effective date of this Permit.
- I.E.5. Within forty-five (45) calendar days of a permit modification being put into effect or approved, the Permittee shall provide clean copies of the relevant portions of the Permit and Attachments revised (if not already reflected/provided in the change pages submitted with the Permit Modification Request), reprint the documents (as necessary) and submit to the Director. The Permittee shall submit an electronic version of all permit modifications and permit applications to the Director.
- I.E.6. The Permittee shall ensure that Attachment 7, the permit modification tracking log, is up to date, consistent with Permit Condition I.E.5.

I.F. SEVERABILITY

- I.F.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 that 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.F.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 standards in IDAPA 58.01.05.008 [40 CFR Part 264] and conditions of the previous permit until final resolution of the stayed condition, unless compliance with the related applicable and relevant interim status standards would be technologically incompatible with compliance with other conditions of this Permit that have not been stayed.

I.G. DUTY TO COMPLY

- I.G.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 by an emergency permit (issued under IDAPA 58.01.05.012 [40 CFR § 270.61]). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of RCRA, amended by HSWA and/or of HWMA, and is grounds for enforcement action, permit termination, modification, or revocation and reissuance of the permit and/or denial of a permit renewal application.
- I.G.2. Compliance with the terms of this Permit does not constitute a defense to any action brought under Sections 3007, 3008, 3013, and 7003 of RCRA (42 U.S.C. §§ 6927, 6928, 6934 and 6973), or similar HWMA provisions, Sections 104, 106(a), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) [42 U.S.C. §§ 9604, 9607, or 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 standards upon which this Permit is based.

I.H. DUTY TO REAPPLY

The Permittee must apply for a new permit, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.30(b)], at least 180 calendar days prior to the expiration date of this Permit, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.10(h)]. Failure to submit a timely permit application prior to completion of corrective action and post-closure care may result in enforcement action, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.51(c)].

I.I. PERMIT EXPIRATION

I.I.1. Except as renewed, modified, revoked, reissued, or terminated by the Director, this Permit shall automatically expire ten (10) years from the effective date of this Permit.

I.I.2. In accordance with IDAPA 58.01.05.012 [40 CFR § 270.50(d)], this Permit shall be reviewed five (5) years after the effective date and modified, as necessary, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.41].

I.J. CONTINUATION OF EXPIRING PERMIT

This Permit and all conditions herein shall continue in force until the effective date of a new permit, if the Permittee has submitted a timely, complete application (under IDAPA 58.01.05.012 [40 CFR Part 270, Subpart B]), and through no fault of the Permittee, the Director has neither issued or denied a new permit under IDAPA 58.01.05.013 [40 CFR §124.15] on or before the expiration date of this permit.

I.K. 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.L. DUTY TO MITIGATE

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment resulting from the noncompliance, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

I.M. DUTY TO PROVIDE INFORMATION

The Permittee shall furnish to the Director, within a reasonable time, any relevant information that 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 Director, within five (5) days, copies of records required by this Permit.

I.N. INSPECTION AND ENTRY

Pursuant to IDAPA 58.01.05.012 [40 CFR § 270.30(i)], the Permittee shall allow the Director or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- I.N.1. Enter at reasonable times upon the Permittee's premises where a regulated Facility or activity is located or conducted, or where records are kept under the conditions of this Permit;
- I.N.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- I.N.3. Inspect at reasonable times any portion of the Facility or off-site activities, equipment (including monitoring and control equipment), practices, or operations regulated, or required under this Permit; and
- I.N.4. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by RCRA or state law, any substances or parameters at any location.

I.O. MONITORING AND RECORDS

- I.O.1. The Permittee shall retain records of all monitoring information (including all calibration and maintenance records), copies of all reports required by this Permit, the certification required by IDAPA 58.01.05.008 [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 (3) years from the date of the sample, measurement, report, certification, or recording unless a longer retention period is required by other conditions of this Permit. These periods may be extended by request of the Director, at any time, upon written notification to the Permittee. The retention times are automatically extended during any unresolved enforcement action regarding this Facility to three (3) years beyond the conclusion of any enforcement action.

I.O.2. The Permittee shall maintain at the Site B Facility, until post-closure is completed and certified by an independent, registered professional engineer: 1) a copy of this Permit and its Attachments and all modifications to this Permit, and 2) all monitoring records from surface water sampling, seep sampling, soil sampling, sediment sampling, ground water monitoring well sampling and associated ground water surface elevation recording, and ground water well installations.

I.O.3. Copies of all records maintained at the Permittee's Site B Facility shall be made available to the Department, the Director, and/or their authorized officers, employees, or representatives, within five (5) business days of the receipt of a hand-delivered or certified mail request for such. The Site B Facility contact for access to the Site A records is:

Environmental Manager
U.S. Ecology Idaho, Inc.
P.O. Box 400
Grand View, Idaho 83624
Telephone: (208) 834-2275

I.O.4. Pursuant to IDAPA 58.01.05.012 [40CFR § 270.30(j)(3)], records of monitoring information shall include:

I.O.4.a. The date, exact place, and time of sampling or measurements;

I.O.4.b. The name, title, and affiliation of the individual(s) who performed the sampling or measurements;

I.O.4.c. The date(s) analyses were performed;

I.O.4.d. The name, title, and affiliation of the individual(s) who performed the analyses;

I.O.4.e. The analytical techniques or methods used; and

I.O.4.f. The results of such analyses, including the Quality Assurance/Quality Control summary.

- I.O.5. Samples and measurements taken for monitoring purposes shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed shall be the appropriate method from IDAPA 58.01.05.005 [40 CFR Part 261, Appendix I], EPA's most recent edition of *Technical Enforcement Guidance Document* (hereinafter referred to as TEGD), or an equivalent method approved by the Director. Laboratory methods shall be those specified in the most recent edition of *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846* (herein referred to as SW-846), the most recent edition of *Standard Methods for the Examination of Wastewater*, or other alternate method approved in this Permit, or an equivalent method in accordance with Permit Condition I.O.6.
- I.O.6. The Permittee may substitute analytical method(s) that are equivalent or superior to those specifically approved for use in this Permit, in accordance with the following:
- I.O.6.a. The Permittee submits to the Director a request for substitution of analytical method(s) specifically approved for use in this Permit. The request shall provide information demonstrating that the proposed method(s) requested to be substituted are equivalent or superior in terms of sensitivity, accuracy, and precision (i.e., reproducibility); and
- I.O.6.b. The Director notifies the Permittee, in writing, by certified mail or hand delivery, that the substitution of the analytical method(s) is approved. Such approval shall not require a permit modification under IDAPA 58.01.05.012 [40 CFR § 270.42].
- I.O.7. Results of all ground water analyses required by this Permit shall be submitted to the Director within sixty (60) calendar days of the Permittee's receipt of all sample data from the laboratory, but in no case shall the period between the date of sampling and the date of submission of analytical results to the Director exceed one hundred and twenty (120) calendar days.
- I.O.8. The Department may, during the life of this Permit, require the Permittee to revise the format(s) used to present the raw data and conclusions associated with the monitoring reports. These format changes may include, but not be limited to, requiring tabular and/or graphical presentations of the raw data or the submittal of raw data in ASCII format on computer diskettes for direct input into the Department's ground water monitoring database.
- I.P. REPORTING PLANNED CHANGES

Within sixty (60) calendar days before any planned physical alteration or addition to the permitted Facility, the Permittee shall give notice to the Director of such planned physical alterations or additions.

I.Q. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

- I.Q.1. The Permittee may not commence storage, treatment, or disposal in a new hazardous waste management unit or in a modified portion of an existing closed Hazardous Waste Management Unit, except as provided in IDAPA 58.01.05.012 [40 CFR § 270.42], until the Permittee has submitted to the Director by certified mail, express mail, or hand delivery a letter signed by the Permittee and a registered professional engineer certifying that the permitted unit(s) have been constructed or modified in accordance with the approved plans and specifications in compliance with this Permit and IDAPA 58.01.05.012 [40 CFR § 270.30(l)]; and
- I.Q.1.a. The Director has reviewed and inspected the modified or newly constructed unit(s), and has notified the Permittee in writing that he finds the unit(s) to be in compliance with the conditions of this Permit or;
- I.Q.1.b. If within fifteen (15) calendar days of the date of submittal required by I.Q.1. of this Permit the Permittee has not received notice from the Director of his or her intent to inspect, prior inspection is waived.

I.R. ANTICIPATED NONCOMPLIANCE

The Permittee shall give at least thirty (30) calendar days advance notice, in writing, to the Director of any planned changes in the permitted Facility or activity that might result in noncompliance with permit requirements. Such notice does not authorize any noncompliance with or modification of this Permit.

I.S. TRANSFER OF PERMIT

This Permit is not transferable to any person, except after notice to, and acceptance by, the Director. The Director may require modification or revocation and reissuance of the Permit, pursuant to IDAPA 58.01.05.012 [40 CFR § 270.41]. Before transferring ownership or operation of the Facility during the Post-closure period, the Permittee shall notify the new owner or operator in writing of the requirements of IDAPA 58.01.05.008 and .012 [40 CFR Parts 264 and 270] and this Permit.

I.T. TWENTY-FOUR HOUR REPORTING

I.T.1. In accordance with IDAPA 58.01.05.012 [40 CFR § 270.30(6)], the Permittee shall verbally report to the Director, any noncompliance with this Permit that might endanger human health or the environment. Any such information shall be reported, as soon as possible, but not later than twenty-four (24) hours from the time the Permittee becomes aware of the noncompliance. Potential endangerment to human health and the environment may include, but not be limited to, information concerning:

I.T.1.a. A release of any hazardous waste that may endanger public drinking water supplies; or,

I.T.1.b. A release or discharge of hazardous waste, or of a fire or explosion at the Facility that could threaten human health or the environment outside the Facility; or,

I.T.1.c. Noncompliance with Permit Condition II.A.1. of this Permit.

I.T.2. The verbal description of the occurrence and its cause shall include the following (at a minimum):

- Name, title, and telephone number of the individual reporting;
- Name, address, and telephone number of the owner or operator;
- Name, address, and telephone number of the Facility;
- Date, time, and type of incident;
- Location and cause of the accident;
- Name and quantity of material(s) involved;
- The extent and description of injuries, if any;
- An assessment of actual or potential hazards to the environment and human health, where this is applicable;
- Description of any emergency action taken to minimize possible threat(s) to human health or the environment;
- Estimated quantity and disposition of recovered material that resulted from the incident; and
- Any other information necessary to fully evaluate the situation and to develop an appropriate course of action.

I.T.3. Within five (5) calendar days after the Permittee is required to provide verbal notification as specified in Permit Condition I.T.1. and I.T.2. of this Permit, the Permittee shall provide to the Director a written submission of the incident.

I.T.3.a The written submission shall include, but not be limited to, the following:

- Name, address, and telephone number of the individual reporting;
- a description including cause, location, extent of injuries, if any, and an assessment of actual or potential hazard(s) to the environment and human health outside the Facility, where this is applicable, of the incident (noncompliance and/or release);
- the period(s) in which the incident (noncompliance and/or release) occurred including exact dates and times;
- whether the results of the incident remain a threat to human health and the environment (whether the noncompliance has been corrected and/or the release has been adequately remediated); and
- if no threat remains, the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and/or steps taken or planned to adequately remediate the release.

I.T.3.b. The Permittee need not comply with the five (5) calendar day, written notice requirement if the Director waives, in writing, the requirement, and the Permittee submits a written report within fifteen (15) calendar days from the time the Permittee is required to provide verbal notification, as specified in Permit Condition I.T.1. of this Permit. The twenty-four hour reporting telephone number is 800-632-8000 (Idaho Emergency Communication Center)

I.U. OTHER NONCOMPLIANCE

When the semi-annual ground water monitoring reports are submitted to the Director, the Permittee shall report all other instances of noncompliance, not otherwise reported under Permit Conditions I.R. and I.T. of this Permit. The reports shall contain the information described in Permit Condition I.T.3.a of this Permit. Reporting shall not constitute a defense for any noncompliance.

I.V. OTHER INFORMATION

Whenever the Permittee becomes aware that he/she failed to submit any relevant facts in the Permit Application or submitted incorrect information in a Permit Application, or in any report to the Director, the Permittee shall promptly submit such facts or information to the Director, in accordance with Permit Condition I.Y of this Permit.

I.W. SIGNATURE AND CERTIFICATION

All applications, reports, or other information submitted to the Director by the Permittee shall be signed and certified in accordance with IDAPA 58.01.05.012 [40 CFR §§ 270.11 and 270.30(k)].

I.X. CONFIDENTIAL INFORMATION

The Permittee may be able to make a confidentiality claim regarding information submitted to the Department. Any such claim shall be governed by Sections 39-4411 and 39-337 to 39-350 of the Idaho Code, Sections 58.01.05.004 [40 CFR § 260.2], 58.01.05.012 [40 CFR § 270.12] and 58.01.05.997, and any other applicable state or local law. The Department shall determine whether said information is exempt from disclosure pursuant to applicable law. Pursuant to those authorities, if no claim of confidentiality is made at the time of submission, the Department may make the information available to the public without further notice.

I.Y. REPORTS, NOTIFICATIONS AND SUBMISSIONS

All reports, notifications or other submissions, which are required by this Permit and IDAPA 58.01.05.012 [40 CFR § 270.5], shall be sent or given to the Director in duplicate by certified mail, express mail, or hand delivered to:

Director
c/o Hazardous Waste Program Manager
Waste Management and Remediation Division
Idaho Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706-1255
(208)373-0502

Plus an additional copy to:
RCRA Permits Section
U.S. EPA Region 10
1200 Sixth Ave.
Seattle, WA 98101

The addresses and telephone number listed above are current as of the effective date of this Permit, and may be subject to change.

I.Z. BIENNIAL REPORT

EFFECTIVE DATE: March 30, 2007

US ECOLOGY OF IDAHO SITE A
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The Permittee shall, by March 31 of each even-numbered year, submit a biennial report to the Department covering the Facility activities, in accordance with the applicable sections of IDAPA 58.01.05.008 [40 CFR § 264.75(a) through (j)].

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MODULE II - GENERAL FACILITY CONDITIONS

II.A. OPERATION AND MAINTENANCE OF FACILITY

II.A.1. The Permittee shall, at all times, properly maintain and operate the Facility, as specified in this Permit, to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste constituents to air, soil, ground water, or surface water that could threaten human health or the environment.

II.A.2. The Permittee shall, at all times, properly operate and maintain, in accordance with sound engineering and scientific practice, 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 provision requires the operation of back-up or auxiliary facilities, or similar systems, only when necessary to achieve compliance with the conditions of this Permit.

II.B. FACILITY DESCRIPTION

The USEI Site A Facility is located near Bruneau, Idaho. The Facility received hazardous waste from 1973 to 1983. The waste was disposed of in abandoned missile silos that were closed in-place and capped in 1997. A CAMU was designated at the Facility to assist in the closure of Site A. A complete legal description of the Facility is presented in Attachment 1 of this Permit.

II.C. GENERAL INSPECTION REQUIREMENTS

II.C.1 The Permittee shall follow the inspection schedules, as provided in Attachment 2, and Permit Condition V.C.

II.C.2. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by IDAPA 58.01.05.008 [40 CFR § 264.15(c)] and Attachment 2 of this Permit, on a schedule approved by the Director.

II.C.3. The Permittee shall maintain a copy of the Inspection Plan, included as Attachment 2 of this Permit, at the Site B Facility. Inspection reports shall be recorded and maintained, as required by IDAPA 58.01.05.008 [40 CFR § 264.15(d)], for at least three (3) years from the inspection date.

II.D. PERSONNEL TRAINING

The Permittee shall ensure that all personnel who are involved in the operation, inspection, maintenance, or any other post-closure activity at the Facility are instructed in the proper operation of the equipment and instrumentation, including: training in inspection and record keeping procedures; hazardous waste management, safety, and emergency procedures, as applicable to their job description; location of fire extinguishers, local emergency contacts for police and fire departments; and the location of the nearest telephone, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.14(b)(12)] and IDAPA 58.01.05.008 [40 CFR §§ 264.16 and 264.14(b)].

II.E. RECORD KEEPING

II.E.1. In addition to record keeping and reporting requirements specified elsewhere in this Permit, the Permittee shall maintain a written Operating Record at the Permittee's Site B Facility until post-closure is completed, in accordance with IDAPA 58.01.05.008 [40 CFR § 264.73], including at least the following:

II.E.1.a. A map showing the location of the closed hazardous waste management units;

II.E.1.b. A map designating the monitoring zone and location of all on-site and off-site ground water recovery and monitoring wells;

II.E.1.c. Records and results of the Operation and Maintenance activities in accordance with Attachment 2 of this Permit;

II.E.1.d. Records and results of inspections performed in accordance with Attachment 2 of this Permit; and

II.E.1.e. Records and results of ground water sampling and analysis to include results of all monitoring, testing, and QA/QC data gathered, in accordance with Module III and any other applicable sections of this Permit.

II.E.2. The Permittee shall maintain at the Site B Facility, an Equipment Information Manual for ground water monitoring, and corrective action equipment. This will list suppliers, manufacturers, and installers of all such equipment used at the Facility, and will include the available manufacturer's literature on operation and maintenance. This manual will be kept up-to-date, and equipment will be operated and maintained according to the manufacturer's literature.

II.E.3. If certain equipment, materials, and administrative information (such as names, phone numbers, addresses) are specified in this Permit, the Permittee is allowed to use an equivalent or superior substitute. Use of such equivalent or superior items, within the limits (e.g. ranges, tolerances, and alternatives) already specified in sufficient detail in this Permit and the Permit Attachments, shall not be considered a modification of the Permit. However, the Permittee must place in the Operating Record (prior to the institution of such revision) the revision, accompanied by a narrative explanation, and the date the revision became effective. Documentation of the substitution shall be submitted to the Director on a quarterly basis (at a minimum). The Department may judge the soundness of the revision and take appropriate action. The format of tables and forms are not subject to the requirements of this Permit, and may be revised at the Permittee's discretion.

If the Department determines that the substitution was not equivalent to the original, it will notify the Permittee that the Permittee's claim of equivalency has been denied, the reasons for the denial, and that the original material or equipment must be used. If the product substitution is denied, the Permittee shall comply with the original approved product specification, find an acceptable substitution, or apply for a permit modification, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.42].

Use of such equivalent or superior items shall not be considered a modification of the Permit, except as follows:

- II.E.3.a. The Permittee shall submit to the Director a Class 1 Permit Modification, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.42], whenever the Facility changes its Emergency Coordinator; and
- II.E.3.b. The format of tables, forms, and figures are subject to the requirements of Permit Condition I.O.8. of this Permit and may not be revised without prior approval of the Director unless Permit Condition V.C.4 is met.
- II.E.3.c. Items that shall not be considered under equivalent materials/information include changes in field procedures, waste handling, or sample analyses. In the event, the Permittee wants to substitute field procedures, waste handling methods or sample analyses during the term of this Permit, a written request and the Department's approval will be required before implementation.

II.F. SECURITY

The Permittee shall comply with the security provisions of IDAPA 58.01.05.008 [40 CFR §§ 264.14(b) and (c), 264.117(b) and (d)], as described in Attachment 2 of this Permit, and as follows:

- II.F.1. The Facility, as specified in Attachment 2 of this Permit, shall have a 6 foot-high, chain-link security fence topped with three strands of barbed wire surrounding the Facility.
- II.F.2. A locked chain-link security gate topped with three strands of barbed wire shall control access to the Facility.
- II.F.3. Warning signs, meeting the requirements of IDAPA 58.01.05.008 [40 CFR § 264.14(c)], shall be posted at the entrance and along the fence on each side of the Facility.

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MODULE III - GROUND WATER MONITORING

III.A. GROUND WATER MONITORING PROGRAMS

The ground water monitoring programs, applicable under the terms of this Permit, shall be undertaken in accordance with IDAPA 58.01.05.008 [40 CFR §§ 264.97 through 264.100] as summarized in Table III-1 and as follows:

III.A.1. A Detection Monitoring Program (DMP) is in effect, as of the effective date of this Permit, for monitoring wells AMW-4, APW-10, AOB-11, AOB-12, AMW-13, AMW-14, and AMW-15. For AMW-16, a Compliance Monitoring Program (CMP) is in effect as of the effective date of this Permit, and shall remain in the CMP until the conditions of Permit Condition III.A.3 are met.

III.A.2. A DMP shall remain in effect until:

III.A.2.a. The detection monitoring criteria, listed in Table III-2 as the Practical Quantitation Limits [PQL(s)] for each analyte, are demonstrated through Permit Condition III.F.2 to have been exceeded, at which time the Permittee shall proceed in accordance with Permit Condition III.A.3, or III.A.4; or

III.A.2.b. Until the Post-Closure period is over.

III.A.3. A Compliance Monitoring Program (CMP) shall be put into effect at such time as the detection monitoring criteria are demonstrated through Permit Condition III.F.2 to have been exceeded. The CMP shall remain in effect until:

III.A.3.a. The detection monitoring criteria as demonstrated in Table III-2 have not been exceeded during four (4) consecutive CMP sampling events, at which time the Permittee shall reactivate the DMP; or,

III.A.3.b. The compliance monitoring criteria, listed in Table III-2 of this Permit as the Ground water Protection Standards (GPS) and in Table III-1, are demonstrated through Permit Condition III.G.3 to have been exceeded, at which time the Permittee shall proceed in accordance with Permit Condition III.A.4; or,

III.A.3.c. If two (2) or more constituents exceed the PQL but not the GPS, a risk assessment considering ingestion of ground water using an industrial risk scenario using EPA Region IX Preliminary Remediation Goal risk equations shall be performed for both carcinogenic and non-carcinogenic compounds. If the results of

Table III-1

GROUND WATER MONITORING CRITERIA FOR THE GROUND WATER MONITORING PROGRAMS		
Monitoring Well Program	Begin	Monitoring Criteria
DMP	At permit issuance for all monitoring wells except AMW-16, or in accordance with permit condition III.A.2.	Exceedence of Table III-2 PQL.
CMP	At permit issuance for monitoring well AMW-16, or in accordance with permit condition III.A.3.	Analytical results indicate contamination equal to or below GPS in Table III-2 but greater than the PQL.
CAMP	In accordance with permit condition III.A.4.	Exceedence of GPS for any constituents in Table III-2.*

* Exceedence of a 1×10^{-4} risk in accordance with Permit Condition III.A.3.c.

- III.A.4. A Corrective Action Monitoring Program (CAMP), in accordance with 40 CFR § 264.100, shall be put into effect at such time as the compliance monitoring criteria are exceeded in any monitoring well in accordance with Permit Conditions III.A.2.a, III.A.3.b or III.A.3.c during the Post-Closure period. The Permittee shall submit to the Director, a Corrective Action Work Plan in accordance with IDAPA 58.01.05.008 [40 CFR § 264.100], within ninety (90) days of the confirmed exceedence. Appendix O, of the August 2006, Part B permit application is not adequate to satisfy the corrective action criteria of 40 CFR § 264.100. The CAMP shall remain in effect until the compliance monitoring criteria listed in Table III-2, or the risk criteria in Permit Condition III.A.3.c, are not exceeded during four (4) consecutive CAMP events. At such time, the appropriate monitoring program shall be reactivated; or until such time as the Director approves a Permit Modification for a replacement monitoring program and schedule.

III.A.5. Additional detection monitoring, compliance monitoring, or corrective action wells and/or programs may be added to the detection monitoring, compliance monitoring, or corrective action programs in the future, at the discretion of the Director, based upon future ground water sampling results.

III.B. WELL MAINTENANCE AND CONSTRUCTION

III.B.1. The Permittee shall construct any new monitoring well in accordance with *EPA's Technical Enforcement Guidance Document (latest edition)* and Attachment 4 of this Permit.

- The Permittee shall perform a slug test or pumping test for all new monitoring wells during construction/development to determine hydraulic conductivity. This data may be used at a later date to determine adequate performance of the monitoring well.
- The Permittee shall submit to the Director, a copy of the well construction record and boring logs, with the as-built drawings for each well, within sixty (60) days after completion of each well.

III.B.2 The Permittee shall inspect and maintain all monitoring wells throughout the post-closure period, in accordance with Attachment 4 of this Permit. The Permittee shall maintain borehole integrity of each monitoring well in accordance with IDAPA 58.01.05.008 [40 CFR § 264.97(c)]. The Permittee shall maintain all monitoring wells in good working order, making necessary repairs in a timely manner, so that the sampling program is not hindered or delayed.

III.B.3. The need for maintenance shall not constitute grounds for missing a sampling event. The only reason this would constitute grounds for missing a scheduled sampling event would be the accidental destruction of the well. Under no circumstances shall a monitoring well remain out of commission for two (2) consecutive sampling events. The construction of the repair or replacement shall be in accordance with Attachment 4 of this Permit. If a monitoring well/piezometer must be replaced for any reason during the term of this Permit, it shall be replaced within ninety (90) calendar days of the date taken out of service, and/or be fully operational at the time of the next sampling event.

III.B.4. Replacement of Destroyed Wells: In the event a monitoring well is destroyed, the Permittee shall:

- Notify the Director within seven (7) calendar days of discovery of the destroyed well.
- The Permittee shall immediately propose a new location for a replacement well that is neither less than twenty (20) feet, nor more than fifty (50) feet from the original destroyed well, or other suitable location upon approval from the Director.
- The Permittee shall plug and abandon the destroyed well in accordance with the Idaho Department of Water Resources' abandonment criteria.
- The Permittee shall notify the Director at least five (5) days before installation of any replacement wells. Replacement wells shall be constructed in accordance with Permit Condition III.B.1, IDAPA 58.01.05.008 [40 CFR § 264.97], and Attachment 4 of this Permit.

III.C. GROUND WATER MONITORING WELLS

- III.C.1. The Ground water Monitoring Network shall be comprised of the wells listed in Permit Condition III.A.1, and in Table III-3, and shown in Figure 1.
- III.C.1.a If at anytime during the Post-Closure care period, a perched water zone is identified (whether it is seasonal or manmade), the Permittee shall submit a plan for the Director's review and approval, within sixty (60) calendar days of the discovery. The plan shall include a proposal for perched zone monitoring wells to determine the perched water characteristics and flow path from source to point of termination, and a proposed schedule for the drilling and completion of the additional wells.
- III.C.2. The Permittee may at any time petition the Director to modify the Ground water Monitoring Network and/or monitoring frequency. All changes to the Ground water Monitoring Network shall be through permit modification, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.42] and Permit Condition I.E.3.

III.D. GROUND WATER SAMPLING & ANALYSIS

- III.D.1. The Permittee shall use the techniques and procedures specified in this Permit, and Attachments 4 and 5 of this Permit when collecting, preserving, shipping, tracking, controlling, and analyzing ground water samples. The Permittee shall notify the Director of all planned sampling events at least five (5) working days in advance of the planned sampling, and shall notify the Director of all other sampling events, as soon as possible prior to the event.
- III.D.2. The Permittee shall collect, and have analyzed a minimum of one duplicate sample for every twenty (20) samples collected for analysis (the location to be determined on a rotating basis with preference given to any compliance well). The results of the analysis of these samples shall be presented in the reports required by Permit Condition III.H.
- III.D.3. The Permittee shall collect a minimum of one (1) equipment rinsate sample for every twenty (20) samples collected.
- III.D.4. Field measurements of field parameters including pH, temperature, and specific conductivity shall be measured and recorded at each monitoring well, as specified in Attachments 4 and 5. Pre-sample purging shall be conducted in accordance with Attachments 4 and 5.
- III.D.5. The Permittee shall, throughout the Post-Closure care period, sample all wells listed in Permit Condition III.A.1. on a semiannual basis, in accordance with Attachments 4 and 5 of this Permit, for the parameters identified in Table III-2. The Permittee shall perform this analysis in accordance with Method 8260 of the Third Edition, or latest, of EPA SW-846 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," or an equivalent or superior method, with prior Director approval.
- III.D.6. During detection and/or compliance monitoring, the Permittee shall complete the spring monitoring event during the months of April, May, or June, and the fall monitoring during September, October, or November.
- III.D.7. If problems are identified with either the field sampling procedures, or the laboratory QA/QC, the need to resample shall be at the discretion of the Director.

III.D.8. If the ground water is found to contain any constituent(s) with concentrations above a GPS of 1×10^{-4} risk (or 1×10^{-4} cumulative risk) as listed in Table III-2, the Permittee shall manage all purged ground water as a hazardous waste. The Permittee shall store all purged ground water exceeding a GPS in a secure location until undergoing treatment at Site B. If ground water exceeds 1×10^{-4} risk (or 1×10^{-4} cumulative risk), and is to be stored on-site for more than ninety (90) days, the Permittee shall submit a permit modification request containing all information required under IDAPA 58.01.05.012 [40 CFR § 270.14] for the permitting of hazardous waste storage units or containers.

III.E. GROUND WATER ELEVATION

III.E.1. The Permittee shall determine the ground water surface elevation at each monitoring well or piezometer before each sampling event. The Permittee shall collect all water elevation measurements for the entire Ground water Monitoring Network within a twenty-four (24) hour period when calculating semi-annual flow direction and velocities.

III.E.2. The Permittee shall semi-annually calculate the ground water flow direction and rate until the end of the Post-Closure period. The method used for this calculation shall be as described in Attachments 4 and 5. Ground water flow rates, directions, contour maps, and summary tables shall be submitted to the Director with each semi-annual ground water sampling event.

III.F. DETECTION MONITORING PROGRAM

III.F.1. Detection Monitoring Sampling Parameters and Frequency

As of the effective date of this Permit, the Permittee shall sample the Detection Monitoring wells in accordance with Permit Condition III.A.1. The Permittee shall collect and analyze samples for the VOCs listed in Table III-2 of this Permit, in accordance with Permit Condition III.D.

III.F.2. Detection monitoring criteria and data evaluation.

The criteria for evaluating data from each Detection Monitoring sampling event shall be to compare the sample analytical results with the Detection Monitoring Criteria (the PQLs) in Table III-2 of this Permit, as follows:

- III.F.2.a. If the analytical results are less than or equal to the Detection Monitoring Criteria in Table III-2, the Permittee shall continue the DMP until Permit Condition III.A.2.b. has been satisfied; or,
- III.F.2.b. If the analytical results exceed the Detection Monitoring Criteria listed in Table III-2, the Permittee shall comply with Permit Condition III.F.3.
- III.F.3. Response to exceedence of detection monitoring criteria.
 - III.F.3.a. Upon detection of any parameter(s) that exceeds the Practical Quantitation Limits specified in Table III-2, the Permittee shall perform the following:
 - III.F.3.a.1 Notify the Director of this finding, in writing, within seven (7) calendar Days and;
 - III.F.3.a.2 Comply with Permit Condition III.F.5, or at the Permittee's discretion, immediately collect two verification samples from all affected well(s), purging the well(s) between samples, and reanalyze both samples for all parameters listed in Table III-2.
 - III.F.3.b. If analytical results from either verification sample confirms the detection of constituents in concentrations that exceed the Detection Monitoring Criteria given in Table III-2, the affected well(s) shall be sampled within thirty (30) calendar days and analyzed for the constituents identified in IDAPA 58.01.05.008 [40 CFR Part 264, Appendix IX]. The Permittee shall notify the Director in writing within seven (7) days of making this finding and submit all analytical results. Within ninety (90) calendar days of confirmation of an exceedence, the Permittee shall perform the requirements of either III.F.3.c. or III.F.3.d.
 - III.F.3.c. The Permittee shall submit to the Director a report that includes the following:
 - III.F.3.c.1. A summary of the results of the Appendix IX analysis, required by Permit Condition III.F.
 - III.F.3.c.2. A determination as to the monitoring program that will be initiated based upon a comparison of analytical results to the Compliance Monitoring Criteria and Corrective Action Monitoring Criteria presented in Table III-2 of this Permit.

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- III.F.3.d. The Permittee may choose to demonstrate, in accordance with IDAPA 58.01.05.008 [40 CFR § 264.98(g)(6)], that an off-site source caused the increase, or that the increase resulted from an error in sampling, analysis, or evaluation. When required by IDAPA 58.01.05.008 [40 CFR § 264.98(g)(6)(iii)], the Permittee shall submit an application for a permit modification to make any appropriate changes to the compliance monitoring program at the Facility, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.42].
- III.F.4. If the Permittee successfully demonstrates to the Director that a source from a non-regulated unit caused the exceedence or that the exceedence resulted from an error in sampling, analysis or evaluation, the Director shall notify the Permittee to remain in the detection monitoring program. Otherwise, the Director shall inform the Permittee that he shall comply with Permit Condition III.F.3.c. within the time frame to be established by the Director. This period will not be greater than sixty (60) calendar days.
- III.F.5. If the Permittee determines that verification samples are not warranted, the Permittee may forgo verification sampling and comply with the requirements of either Permit Condition III.F.3.c. or III.F.3.d.
- III.G. COMPLIANCE MONITORING PROGRAM
- III.G.1. Compliance Monitoring Wells:
- As of the effective date of this Permit, monitoring well AMW-16 shall be included in the compliance monitoring program. All other compliance monitoring wells shall be determined through permit modification, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.42], and Permit Condition I.E.3.
- III.G.2. Compliance Monitoring Sampling Parameters and Frequency:
- III.G.2.a. During the Compliance Monitoring Program (CMP), the Permittee shall sample wells in accordance with Permit Condition III.A.3. The Permittee shall collect and analyze the samples for VOCs listed in Table III-2 of this Permit, in accordance with Permit Condition III.D.

III.G.2.b. Every three years, all designated CMP wells shall be analyzed for all constituents listed in IDAPA 58.01.05.008 [40 CFR Part 264, Appendix IX]. As a result of this sampling, any newly identified compounds shall be added to the existing list of analytes in Table III-2, in accordance with IDAPA 58.01.05.008 [40 CFR § 264.99(g)] and through permit modification, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.42]. Upon detection of any additional monitoring constituents, as a result of the Appendix IX sampling, the Permittee may resample within thirty (30) days and repeat the Appendix IX analysis. The Permittee shall submit the resample analytical results to the Director. If the second analysis confirms the presence of the new constituents, the Permittee shall, within seven (7) calendar days of receiving the data, notify the Director in writing of the findings.

III.G.3. Compliance Monitoring Criteria and Data Evaluation:

The criteria for evaluating data from each compliance monitoring sampling event shall be to compare the sample analytical results with the compliance monitoring criteria (the Ground water Protection Standards) in Table III-2 of the Permit, as follows:

III.G.3.a. If the analytical results for the CMP well(s) are less than, or equal to the compliance monitoring criteria in Table III-2 (GPS), the Permittee shall continue the CMP until Permit Condition III.A.3 has been satisfied; or,

III.G.3.b. If the analytical results from any well listed in Permit Condition III.A.1. of this Permit exceed the 1×10^{-4} risk criteria (GPS) in accordance with Permit Condition III.A.3.c, the Permittee shall comply with Permit Condition III.A.4.

III.G.4. Response to Exceedence of Compliance Monitoring Criteria: If the analytical results of samples taken from any well listed in Permit Condition III.A.1. exceed the Compliance Monitoring Criteria (GPS) in Table III-2, the Permittee shall institute a Corrective Action Monitoring Program for that well, in accordance with Permit Condition III.A.4; and,

III.G.4.a. Notify the Director of the finding (in writing) within seven (7) calendar days of receipt of the analytical results, identifying the presence of contaminants at or above the established GPSs, in accordance with IDAPA 58.01.05.008 [40 CFR § 264.99(h)(1)]. At this time, the Permittee may elect to immediately collect two (2) verification samples from any affected well(s), purging the well(s) between samples, and reanalyze for all compounds required in the Compliance Monitoring Program. If analytical results from either verification sample confirm the detection of compounds above the Compliance Monitoring Criteria, as specified in Tables III-1 and III-2, then the Permittee shall:

- III.G.4.b. Submit to the Director a Corrective Action Plan, in accordance with IDAPA 58.01.05.008 [40 CFR § 264.100], applicable to the affected area(s) and constituents, within 120 calendar days of receipt of the analytical results, identifying the presence of contaminants at or above the established GPSs; or;
- III.G.4.c. Submit to the Director, a report demonstrating that another source (other than a Past Practice Unit or regulated unit) caused the contamination and/or that the reported contaminant concentrations resulted from an error in sampling, analysis, or evaluation. In making this demonstration, the Permittee shall follow procedures in accordance with IDAPA 58.01.05.008 [40 CFR § 264.99(i)]:
- Notify the Director, in writing, within seven (7) calendar days of the Permittee's intent to make such a demonstration;
 - Within ninety (90) days, submit a report to the Director that demonstrates that a source (other than the Past Practice Unit or regulated unit) caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from an error in sampling, analysis, or evaluation;
 - Within ninety (90) days, submit to the Director an application for a permit modification to make any appropriate changes to the Compliance Monitoring Program at the Facility; and,
 - Continue ground water monitoring for the affected well(s), in accordance with the Compliance Monitoring Program, if DEQ has approved the report that an off-site source caused the contamination.
- III.G.5. The Permittee shall continue the Compliance Monitoring Program addressing all zones of saturation at the affected well(s) until:
- III.G.5.a. Constituents identified in the affected well(s) do not exceed the limit specified in Table III-2 for four (4) consecutive sampling events; or,
- III.G.5.b. The Permittee enters into a Corrective Action Program under IDAPA 58.01.05.008 [40 CFR § 264.101] for the affected area(s).
- III.G.6. If the Permittee determines that the Compliance Monitoring Program no longer satisfies the requirements of the IDAPA 58.01.05.008 [40 CFR § 264.99], the Permittee shall, within ninety (90) days, submit an application for permit modification to make any appropriate changes to the program, in accordance with IDAPA 58.01.05.008 [40 CFR § 264.99(j)].

III.G.7. In the event VOCs are detected above a PQL in an up-gradient or background monitoring well, the well shall be incorporated in the Compliance Monitoring Program in accordance with Permit Condition III.G.1.

III.H. DATA REPORTING FOR DETECTION AND COMPLIANCE MONITORING

During detection and/or compliance monitoring, the Permittee shall complete the spring monitoring event during the months of April, May, or June and the fall monitoring during September, October, or November. The Permittee shall submit within sixty (60) days of receipt of all analytical data, a semi-annual report to the Director that shall include at a minimum:

- III.H.1. A narrative summary of ground water monitoring data which has been collected to-date, and a detailed listing of the monitoring and analytical data obtained since submitting the previous report, including laboratory quality assurance and quality control (QA/QC) information, and all newly identified compounds from the Appendix IX testing if applicable;
- III.H.2. A table summary of the ground water elevations collected in accordance with Permit Condition III.D. The results of ground water flow direction and rate calculations shall be submitted semi-annually, and shall include a statement that either:
 - III.H.2.a The data indicate that the monitoring well network(s) as described in this Permit are still valid for the purpose of satisfying the requirements of IDAPA 58.01.05.008 [40 CFR § 264.97(a)]; or
 - III.H.2.b The data indicate that an in-depth evaluation of the monitoring well network is warranted and a proposal to modify the monitoring well network, including a schedule for such, shall be submitted to the Director within ten (10) calendar days of the submittal of this statement.
- III.H.3. Equations, calculations, and parameters used to calculate ground water velocities and direction collected in accordance with Permit Condition III.D;
- III.H.4. A summary of maintenance work done on ground water monitoring equipment.

III.I. GROUND WATER PROTECTION STANDARDS

Groundwater Protection Standards (GPS) for any newly-identified chemical constituent shall be the GPS calculated using the EPA Region IX Preliminary Remediation Goal equation for a 1×10^4 risk (1 in 10,000 risk) considering ingestion of groundwater in an industrial scenario. When the calculated GPS is lower than an EPA Maximum Contaminant Level (MCL), the MCL shall be used in lieu of the calculated GPS. Other equivalent risk equations may be substituted with prior Director approval.

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Table III-2

Ground water monitoring analytes, detection limits (PQL), and ground water protection standards (GPS)			
Analyte (by Method 8260b)	CAS Number	PQL (ug/L)	GPS* (ug/l)
Benzene	71-42-2	1	35.4
Bromodichloromethane	75-27-4	1	18.1
Bromoform	75-25-2	1	851
Bromomethane	74-83-9	1	866
Carbon Tetrachloride	56-23-5	1	17.1
Chlorobenzene	108-90-7	1	10,606
Chlorodibromomethane	124-48-1	1	13.1
Chloroethane	75-00-3	1	464
Chloroform	67-66-3	2	16.6
Chloromethane	74-87-3	1	15,817
1,1-Dichloroethane	75-34-3	1	81,111
1,2-Dichloroethane	107-06-2	1	12.3
1,1-Dichloroethylene	75-35-4	1	33,884
Cis-1,2-Dichloroethylene	156-59-2	1	6,083
Trans-1,2-Dichloroethylene	156-60-5	1	12,167
1,2-Dichloropropane	78-87-5	1	16.1
1,3-Dichloropropene	542-75-6	1	39
Ethyl benzene	100-41-4	1	133,987
Methylene Chloride	75-09-2	1	428
1,1,2,2-Tetrachloroethane	79-34-5	1	5.5
Tetrachloroethylene (PCE)	127-18-4	1	10.4
Toluene	108-88-3	1	72,342
1,1,1-Trichloroethane	71-55-6	1	317,172
1,1,2-Trichloroethane	79-00-5	1	19.9
Trichloroethylene (TCE)	79-01-6	1	5**
1,1,2-Trichloro-1,2,2-Trifluoroethane (CFC 113)	76-13-1	1	5,917,980
Vinyl Chloride	75-01-4	1	2

* Source: US EPA Region IX PRG Table, October 2004

** MCL>10E-4

*** All detected constituents from each monitoring well will be added together to determine cumulative risk

TABLE III-3

Ground Water Monitoring Well Network and Well Construction Details							
Well No.	TOC Elevation (ft)	Total Depth (ft)	Casing Depth (ft)	Casing Diameter (in.)	Open Well Diameter (in.)	Pump Depth (ft)	Proposed Use
AMW-4	3646.94	1,005	300	6	6	953	Downgradient Monitoring Well
AMW-6	3628.71	997	397	6	6	NA	Piezometer
AMW-7	3656.16	1,000	347	6	6	NA	Piezometer
APW-10	3623.22	1,050	296	8	8	931	Downgradient Monitoring Well
AOB-11	3616.63	1,003	300	8	8	927	Downgradient Monitoring Well
AOB-12	3620.94	1,000	302	8	8	928	Downgradient Monitoring Well
AMW-13	3624.87	1,000	400	8	8	937	Downgradient Monitoring Well
AMW-14	3627.00	1,000	400	8	8	936	Downgradient Monitoring Well
AMW-15	3664.88	1,000	300	8	8	958	Monitoring Well
AMW-16	3645.95	1,020	300	8	8	NA	Downgradient Monitoring Well

NA = Not Applicable

MODULE IV - CORRECTIVE ACTION

IV.A. SOLID WASTE MANAGEMENT UNITS (SWMUs)

- IV.A.1. The Director may require corrective action, as specified in the following permit conditions for any newly identified Solid Waste Management Units (SWMUs), and in accordance with IDAPA 58.01.5008 [40 CFR § 264.101], where newly identified SWMUs are those not documented in the previous RCRA Facility Assessment Report, or Facility Administrative Record maintained by the Department as having undergone corrective action.
- IV.A.2. The Permittee shall conduct a corrective action investigation, in accordance with Permit Conditions IV.B through IV.H of this Permit, for each newly identified SWMU.

IV.B. STANDARD CONDITIONS

- IV.B.1. Failure to submit the information required by the permit conditions within this Permit, or falsification of any submitted information, is grounds for termination of this Permit in accordance with IDAPA 58.01.5012 [40 CFR § 270.43], and for an enforcement action pursuant to Permit Condition I.C of this Permit.
- IV.B.2. All plans, reports, notifications, and other submissions to the Director, as required by the permit conditions of this Permit, shall be signed and certified in accordance with Permit Condition I.W of this Permit.
- IV.B.3. The Permittee shall submit to the Director (by certified mail, express mail, or hand delivered to the address specified in Permit Condition I.Y of this Permit) a minimum of three (3) copies of each plan, report, notification, or other submissions required by the permit conditions within this Permit.
- IV.B.4. All plans and schedules, as required by the permit conditions of this Permit (upon written approval from the Director) shall be incorporated into Module IV of this Permit upon completion of an appropriate comment period, in accordance with Permit Condition IV.H of this Permit. Any noncompliance with such approved plans and schedules shall be deemed noncompliance with this Permit.
- IV.B.5. The Permittee shall only receive extension(s) of the specified Compliance Schedule due date(s) for the submittal(s), required by the permit conditions within Module IV of this Permit, upon written approval from the Director, in accordance with Permit Condition IV.H of this Permit.

- IV.B.6. If the Director determines that further actions beyond those provided by the permit conditions within Module IV of this Permit, or changes to permit conditions stated herein, are warranted, the Director shall modify the permit, in accordance with Permit Condition IV.H of this Permit.
- IV.B.7. All raw data (such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken, pursuant to the permit conditions in Module IV of this Permit) shall be maintained at the Facility during the effective term of this Permit.
- IV.C. NOTIFICATION REQUIREMENTS & ASSESSMENT OF NEWLY-IDENTIFIED SWMUs
- IV.C.1. The Permittee shall notify the Director, in writing (by certified mail, express mail, or hand delivery), of any newly identified SWMU(s). The Permittee shall submit written notification within thirty (30) calendar days of discovering the SWMU(s). The notification shall include the location of the new SWMU(s) and information on the suspected or known wastes at the site.
- IV.C.2. Within one hundred fifty (150) calendar days following discovery of the SWMU(s), the Permittee shall submit to the Director (by certified mail or hand delivery), a SWMU Assessment Plan.
- IV.C.3. The SWMU Assessment Plan shall include the information or the means by which the following information will be obtained:
- IV.C.3.a. Information concerning past and present operations at the unit(s); and
- IV.C.3.b. Any ground water, surface water, soil (surface or subsurface strata), or air sampling and analysis data needed to determine whether a release of hazardous waste and/or hazardous waste constituent(s) from such unit(s) has occurred, is occurring, or is likely to occur. The SWMU Assessment Plan shall demonstrate that the Sampling and Analysis Program (if applicable) is capable of yielding representative samples, and must include parameters sufficient to identify migration of hazardous waste and/or hazardous waste constituent(s) from the newly discovered SWMUs to the environment.
- IV.C.4. The Permittee shall receive written approval from the Director for the SWMU Assessment Plan; or
- IV.C.5. The Permittee shall receive written notice from the Director of the SWMU Assessment Plan's deficiencies, and the written notice will specify a due date for submittal of a revised Assessment Plan; or
- IV.C.6. The Permittee shall receive written notice from the Director of the revisions incorporated, by the Director, in the SWMU Assessment Plan. The revised Assessment Plan shall become the approved SWMU Assessment Plan.

- IV.C.7. The SWMU Assessment Plan, as approved by the Director and as specified in Permit Conditions IV.C.4, IV.C.5, and IV.C.6 of this Permit, shall be incorporated within this Permit, in accordance with Permit Condition IV.H of this Permit. The Permittee shall be notified in writing of the approval of the permit modification.
- IV.C.8. The Permittee shall implement the approved SWMU Assessment Plan within thirty (30) calendar days of receiving written notice of the permit modification approval, specified in Permit Condition IV.C.7 of this Permit.
- IV.C.9. The SWMU Assessment Plan shall contain a schedule, including the submission date for a SWMU Assessment Report.
- IV.C.10. The SWMU Assessment Report shall describe all results obtained from the implementation of the approved SWMU Assessment Plan. At a minimum, the report shall provide the following information for each newly SWMU identified:
- IV.C.10.a The SWMU location, identified on a map;
- IV.C.10.b The type and function of the unit, including general dimensions and a structural description;
- IV.C.10.c. The period during which the unit was operated; and
- IV.C.10.d. All wastes that were or are being managed at the SWMU, including results of any sampling and analysis used to determine whether releases of hazardous wastes and/or hazardous waste constituent(s) have occurred, are occurring, or are likely to occur from the unit.
- IV.C.11. Based on the results of SWMU Assessment Report, the Director shall determine the need for further investigations at specific unit(s) included in the SWMU assessment. If the Director determines that such investigations are needed, the Director will require the Permittee to prepare a plan for such investigations. This plan shall be reviewed for approval in accordance with the requirements of Permit Condition IV.D of this Permit.
- IV.C.12 The Permittee shall notify the Director (in writing by certified mail, express mail, or hand delivery) of any release(s) of hazardous waste and hazardous waste constituent(s) discovered during the course of ground water monitoring, field investigation, environmental auditing, or other activities undertaken during the RCRA Facility Investigation (RFI).

The written notification shall be received by the Director no later than fifteen (15) calendar days after discovery. Such releases may be from already documented or newly identified units. The Director may require further investigation of the new releases. Further investigation, if required, shall be

performed in accordance with the requirements of Permit Condition IV.D of this Permit.

IV.D. RCRA FACILITY INVESTIGATION (RFI)

IV.D.1. The Permittee shall conduct a RFI, as deemed necessary by the Director, to determine the nature and extent of known and suspected releases of hazardous wastes and/or hazardous waste constituent(s) originating from any location at the Facility including from a SWMU, as identified in accordance with Permit Condition IV.C of this Permit, and to gather data to support a Corrective Measures Study. The Permittee shall conduct the RFI in accordance with an approved Work Plan, completed in accordance with current guidance documents from EPA (*RCRA Facility Investigation Guidance, Volumes I through IV*, or equivalent).

IV.D.2. The Permittee shall conduct the RFI for each newly identified SWMU, in accordance with the schedule specified in Table IV-1 of this Permit.

IV.D.3. The RFI Compliance Schedules, specified in Table IV-1 of this Permit, may be modified in accordance with Permit Condition IV.H of this Permit.

IV.E. INTERIM MEASURES

IV.E.1. If, during the course of any activity initiated in compliance with the permit conditions of Module IV of this Permit, the Director determines that a release or potential release of hazardous waste and/or hazardous waste constituent(s) from a SWMU poses a threat to human health or the environment, the Director may require the Permittee to perform specific interim measures.

IV.E.2. The Director shall notify the Permittee in writing of the requirement to perform the interim measures specified in the Interim Measures Plan, in accordance with Permit Condition IV.E.3 of this Permit. The Permittee shall comply with the specified Interim Measures Plan alternative (Permit Condition IV.E.3.a or IV.E.3.b of this Permit) designated in the written notification.

IV.E.3. The Permittee shall perform the requirements of the Interim Measures Plan, in accordance with the alternative specified in either Permit Condition IV.E.3.a or IV.E.3.b of this Permit.

IV.E.3.a. The Director shall determine specific actions to implement the interim measures. The Director shall provide an Interim Measures Plan with the written notification specified in Permit Condition IV.E.2 of this Permit; or,

IV.E.3.b. Within thirty (30) calendar days of receiving the written notification requiring the Interim Measures Plan, as specified in Permit Condition IV.E.2 of this Permit,

the Permittee shall provide (by certified mail, express mail, or hand delivery) the Interim Measures Plan to the Director for approval.

- IV.E.4. The Interim Measures Plan shall identify specific action(s) to be taken to implement the interim measures and a schedule for implementing the required measures. At a minimum, the Interim Measures Plan shall consider (but not be limited to) the following factors:
 - IV.E.4.a. Time required to develop and implement a final remedy;
 - IV.E.4.b. Actual and potential exposure of human and environmental receptors;
 - IV.E.4.c. Actual and potential contamination of drinking water supplies and sensitive ecosystems;
 - IV.E.4.d. The potential for further degradation of the medium absent of interim measures;
 - IV.E.4.e. Presence of hazardous waste in containers that may pose a threat of release;
 - IV.E.4.f. Presence and concentration of hazardous waste, including hazardous waste constituent(s) in solids that have the potential to migrate to ground water or surface water;
 - IV.E.4.g. Weather conditions that may affect the current levels of contamination;
 - IV.E.4.h. Risks of fire, explosion, or accident; and,
 - IV.E.4.i. Other situations that may pose threats to human health and the environment.
- IV.E.5. The Interim Measures Plan shall be incorporated into this Permit, in accordance with Permit Condition IV.H of this Permit.

IV.F. CORRECTIVE MEASURES STUDY AND IMPLEMENTATION

- IV.F.1. Based on the results of the RFI, the Permittee shall identify, screen, and develop the alternative or alternatives for removal, containment, treatment and/or other remediation of the contamination. The Permittee shall conduct the Corrective Measures Study in accordance with an approved Work Plan, completed in accordance with current guidance documents from EPA (*RCRA Corrective Action Interim Measures Guidance – Interim Final, RCRA Facility Investigation Guidance, Volumes I through IV*, or equivalent).
- IV.F.2. Upon the Director's approval of the Corrective Measures Study, pursuant to Permit Condition IV.F.1 of this Permit, the Permittee shall prepare and submit to the Director for approval (by certified mail, express mail, or hand delivery),

the Corrective Measures Implementation Program Plan, in accordance with an approved Work Plan.

- IV.F.3. Upon the Director's approval of the Corrective Measures Implementation Program Plan, pursuant to Permit Condition IV.F.2 of this Permit, the Permittee shall conduct the Corrective Measures Implementation Program Plan, in accordance with the approved Work Plan for the corrective measures design and construction.
- IV.F.4. The Permittee shall conduct the Corrective Measures Study and prepare the Corrective Measures Implementation Program Plan, as specified in Permit Conditions IV.F.1 and IV.F.2 of this Permit, in accordance with the schedule specified in Table IV-2.
- IV.F.5. The Permittee shall prepare and submit to the Director for approval a Compliance Schedule for conducting the Corrective Measures Implementation Program Plan, as required by Permit Condition IV.F.3 of this Permit.
 - IV.F.5.a. The Permittee shall provide a justification for each compliance date in the Compliance Schedule, based on the complexity of the Corrective Measures Implementation Program Plan, and reasonable contract and administrative time requirements.
 - IV.F.5.b. On or before the compliance date for submittal of the draft Corrective Measures Implementation Program Plan specified in Table IV-2 of this Permit, the Permittee shall submit to the Director for approval (by certified mail, express mail, or hand delivery) the Compliance Schedule and subsequent justification, pursuant to Permit Condition IV.F.5 of this Permit,.
 - IV.F.5.c. Upon the Director's approval of the Corrective Measures Implementation Program Plan Compliance Schedule, the Compliance Schedule shall be incorporated into this Permit concurrently with the final Corrective Measures Implementation Program Plan, in accordance with IDAPA 58.01.5012 [40 CFR §§ 270.41 and 270.42].
- IV.F.6. The Permittee shall conduct the Corrective Measures Implementation, as specified in Permit Condition IV.F.3 of this Permit, in accordance with Permit Condition IV.F.5 of this Permit.
- IV.F.7. The Corrective Measures Study and Corrective Measures Implementation Compliance Schedules, specified in Table IV-2 of this Permit, shall be modified in accordance with Permit Condition IV.H of this Permit.
- IV.G. REPORTING REQUIREMENTS

IV.G.1. The Permittee shall submit to the Director signed quarterly progress reports of all activities (i.e., SWMU Assessments, Interim Measures, RFIs, and/or Corrective Measures Studies) conducted, pursuant to the permit conditions of Module V of this Permit. The Permittee shall initially submit the quarterly progress reports no later than ninety (90) calendar days after being notified in writing that the approved SWMU Assessment Plan has been incorporated within Module IV of this Permit, through a permit modification.

IV.G.2. At a minimum, the quarterly progress reports shall contain the following:

IV.G.2.a. A description of the work completed;

IV.G.2.b. Summaries of all findings and all raw data;

IV.G.2.c. Summaries of all problems, or potential problems encountered during the reporting period, and actions taken or to be taken to rectify the problems; and

IV.G.2.d. Projected work for the next reporting period.

IV.G.3. The Permittee shall maintain copies of other reports, drilling logs, etc. at the Site B Facility during the effective period of this Permit. The Permittee shall provide copies of the said reports, logs, etc. to the Director upon request.

IV.G.4. As specified under Permit Condition IV.B.5 of this Permit, the Director may require the Permittee to conduct new or more extensive assessments, investigations, or studies (as needed) based on information provided in these progress reports or other supporting information.

IV.H. MODIFICATION OF THE CORRECTIVE ACTION SCHEDULE OF COMPLIANCE

IV.H.1. Requests for modifications of the final compliance dates, pursuant to the permit conditions in Module IV of this Permit, shall be submitted to the Director for approval, in accordance with IDAPA 58.01.5012 [40 CFR §§ 270.41 and 270.42]. The Corrective Action Schedule of Compliance (final compliance dates), subject to modification, includes the following:

IV.H.1.a. The compliance date(s), as specified in Table IV-1 of this Permit, for submittal of the RFI Final Report;

IV.H.1.b. The compliance date(s), as specified in Table IV-2 of this Permit, for submittal of the Corrective Measures Study Report;

- IV.H.1.c. The compliance date(s), as specified in Table IV-2 of this Permit, for submittal of the final Corrective Measures Implementation Program Plan, in accordance with Permit Condition IV.F.2 of this Permit;
- IV.H.1.d. Once established in accordance with Permit Condition IV.F.5 of this Permit, the compliance date(s) for submittal of the corrective measures final (100% completion) Design and Construction Plans, in accordance with Permit Condition IV.F.3 of this Permit;
- IV.H.1.e. Compliance dates, as specified in Tables IV-1 and IV-2 of this Permit, for implementing the approved plans and/or reports; and
- IV.H.1.f. Compliance dates for quarterly submittal of progress reports.
- IV.H.2. Pursuant to IDAPA 58.01.5012 [40 CFR § 270.42(a)], the Compliance Schedules, specified by the Director, shall be modified if the Director determines that good cause exists for which the Permittee had no control, and for which there is no reasonable available remedy.
- IV.H.3. If adequate funds for Corrective Measures Implementation are not available, the Director and the Department reserve the right to pursue any actions deemed necessary to protect human health and the environment, not excluding judicial recourse or termination of this Permit.
- IV.H.4. The Permittee shall submit to the Director for approval a request for modifications of the interim compliance dates that do not affect the final compliance dates. If the Director approves the interim compliance date modifications, Tables IV-1 and/or IV-2 of this Permit shall incorporate the modified compliance dates as approved, and such change shall not be considered a permit modification under IDAPA 58.01.5012 [40 CFR § 270.41].

TABLE IV-1. RCRA FACILITY INVESTIGATION (RFI) COMPLIANCE SCHEDULE FOR NEWLY IDENTIFIED SOLID WASTE MANAGEMENT UNITS (SWMUs)	
RFI ACTIVITY	DUE DATE
Submit Draft RFI-Phase II (Task II & III) Work Plan and Schedule	Within ninety (90) calendar days of the Director's notification that an RFI is needed, in accordance with Permit Condition IV.C.11 of this Permit.
Initiate RFI-Phase II (Task II & III) Activities	Within forty-five (45) calendar days of the Director's approval of the Task II and III Work Plan and Schedule.
Submit Task IV Draft Report	As specified in the Director's approved RFI-Phase II (Task II & III) Work Plan and Schedule.
Submit Task IV Final & Summary Reports	As specified in the Director's approved RFI-Phase II (Task II & III) Work Plan and Schedule.
Progress Reports on Tasks II through IV	Quarterly (every 90 days) beginning ninety (90) calendar days after the Director's approved RFI-Phase II (Task II & III) activities.

TABLE IV-2. CORRECTIVE MEASURES STUDY AND IMPLEMENTATION COMPLIANCE SCHEDULE	
CMS SUBMISSION/CMI SUBMISSION	DUE DATES
Submit CMS Work Plan (Appendix B, Task I & II)	Within sixty (60) calendar days of the RFI Final Report.
Submit Draft CMS Report (Appendix B, Task I, II & III)	Within three hundred (300) calendar days of the Director's approval of the CMS Work Plan.
Submit Final CMS Report (Appendix B, Task I, II & III)	Within sixty (60) calendar days of receiving the Director's comments on the Draft CMS Report.
Submit Draft CMS Program Plan (Appendix B, Task IV)	Within ninety (90) calendar days of the Director's approval of the Final CMS Report.
Submit Final CMS Program Plan (Appendix B, Task IV)	Within sixty (60) calendar days of receiving the Director's comments on the Draft CMI Program Plan.
Submit Corrective Measures Design Preliminary Design Approximately 30% Complete	As specified in the Director's approved CMI Program Plan.
Submit Corrective Measures Design Preliminary Design Approximately 60% Complete	As specified in the Director's approved CMI Program Plan.
Submit Corrective Measures Design Preliminary Design Approximately 95% Complete	As specified in the Director's approved CMI Program Plan.
Submit Final Corrective Measures Design	As specified in the Director's approved CMI Program Plan.
Progress Reports on Appendix B, Tasks I through IV	Quarterly, every ninety (90) calendar days, beginning 90 calendar days after the Director's approval of the Final RFI Report.
Submit Draft CQA Program Plan	As specified in the Director's approved CMI Program Plan.
Submit Final CQA Program Plan	Within sixty (60) calendar days of the Director's approval of the Draft CQA.
Construction of Corrective Measures	Within sixty (60) calendar days of the Director's approval of the Final CQA.
Pre-Final Inspection	Forty-five (45) calendar days following report of pre-final inspection.
Corrective Measures Construction Report	Within ninety (90) calendar days following completion of construction.
Corrective Measures Implementation Quarterly Progress Reports	Quarterly, every ninety (90) calendar days, beginning 90 calendar days after the Director's approval of the Final RFI Report.

MODULE V - POST-CLOSURE CARE

V.A. POST-CLOSURE

Post-Closure Care, applicable under the terms of this Permit, shall be undertaken in accordance with IDAPA 58.01.05.008 [40 CFR §§ 264.117 through 264.120 and 264.310] and as follows:

- V.A.1. The Permittee began Post-Closure Care for the designated Facility and regulated units on February 9, 1998, following the Director's issuance of written approval of the Closure Certification Report.
- V.A.2. Post-Closure care shall continue for a minimum of thirty (30) years after closure activities have been completed.
- V.A.3. Post-Closure care shall be performed in accordance with Permit Module V and Attachment 2 of this Permit.
- V.A.4. The Director can extend the Post-Closure period, if necessary, to protect human health or the environment.

V.B. POST-CLOSURE MAINTENANCE ACTIVITIES

- V.B.1. The Permittee shall maintain the Facility as required by IDAPA 58.01.05.008 [40 CFR § 264.117 and § 264.310]. During the post-closure period, the Permittee shall be responsible for conducting, as set forth in Attachment 2 of this Permit, the following inspections and maintenance activities:
 - V.B.1.a. Maintain the integrity and effectiveness of all final covers on the former Silos and associated structures, including making repairs to the caps, as necessary, to correct the effects of settling, subsidence, erosion, or other impacts;
 - V.B.1.b. Maintain the ground water monitoring system and, if applicable, all corrective action equipment;
 - V.B.1.c. Maintain the security of the Facility in accordance with by IDAPA 58.01.05.008 [40 CFR § 264.14] including the locked gate and security fence, topped with barbed wire, and all posted warning signs;
 - V.B.1.d. Prevent run-on and run-off from eroding or otherwise damaging the final covers on the former Silos and associated structures; and,

V.B.1.e. Protect and maintain surveyed benchmarks used in complying with IDAPA 58.01.05.008 [40 CFR § 264.309].

V.C. POST-CLOSURE INSPECTION PLAN

The Permittee shall comply with the inspection requirements of IDAPA 58.01.05.008 [40 CFR § 264.15] and schedules as submitted under the terms of this Permit.

V.C.1. The Permittee shall maintain copies of the inspection schedules, logs and tables of this Permit, as well as the Inspection Procedures, included as Attachment 2 of this Permit, at the locations designated in Permit Condition I.P. until Post-Closure has been completed and certified.

V.C.2. The Permittee shall remedy, as required by IDAPA 58.01.05.008 [40 CFR § 264.15(c)], any deterioration or malfunction discovered by an inspection.

V.C.3. The Permittee shall record inspections on the Inspection Log Sheets included as Figure 4-1 in Attachment 2 of this Permit.

V.C.3.a. The Permittee shall retain the Inspection Log Sheets, for at least three (3) years from the date of the inspection.

V.C.3.b. The Permittee shall complete the Inspection Log Sheets by including the following information:

V.C.3.b.(1) The name and title of the inspector;

V.C.3.b.(2) The date and time of the inspection;

V.C.3.b.(3) The date and nature of any repairs or other remedial actions; and

V.C.3.b.(4) Notations as to the overall status of the items inspected, pertinent observations made, and the remedial action(s) needed and/or completed.

V.C.4. The Permittee may add inspection requirements to an existing inspection form in cases where such additional requirements will result in a more comprehensive or detailed Inspection Plan without a permit modification. These changes shall be noted in the Facility operating record and sent to the Director. The Permittee must submit a copy of the revised inspection form, for the Director's approval, accompanied by a narrative explanation, to the Director within fifteen (15) calendar days of the date of the revision.

V.D. POST-CLOSURE PROPERTY USE

Post-Closure use of property on or within areas in which hazardous wastes remain after closure must never be allowed to disturb the integrity of the final covers or the function of the Facility's monitoring systems, unless the Director finds the disturbance:

- V.D.1. Is necessary to the proposed use of the property and will not increase the potential hazard to human health or the environment, or is necessary to reduce a threat to human health or the environment.
- V.D.2. If the Permittee, or any subsequent owner or operator of the land upon which the hazardous waste disposal unit is located, wishes to remove hazardous waste and hazardous waste residues, any part of the closure cap or liner, or any contaminated soils, a request for a modification to this Permit shall be submitted in accordance with the applicable requirements of IDAPA 58.01.05.012 and .013 [40 CFR Parts 270 and 124]. The Permittee or subsequent owner or operator of the land shall demonstrate that the removal of hazardous waste or hazardous waste residues shall satisfy the criteria of IDAPA 58.01.05.008 [40 CFR §§ 264.117(c) and 264.119].

V.E. CERTIFICATION

In accordance with IDAPA 58.01.05.008 [40 CFR §264.120], no later than sixty (60) calendar days after completion of the established Post-Closure period, the Permittee shall submit to the Director, by registered mail, certification that the Post-Closure care was performed in accordance with this Permit. The Permittee and an independent, registered professional engineer must sign the certification. Documentation supporting the independent, registered professional engineer's certification must be furnished to the Director, upon request, until the Director releases the Permittee from the Post-Closure care monitoring requirements under 40 CFR §264.145(i).

V.F. POST-CLOSURE MONITORING PLAN

The Permittee shall demonstrate compliance with the Post-Closure Monitoring Plan in accordance with IDAPA 58.01.05.008 [40 CFR §§ 264.118 and 264.310 (b)], and Attachment 2.

V.G. POST-CLOSURE COST ESTIMATE AND FINANCIAL ASSURANCE

V.G.1. The Permittee shall maintain a current Post-Closure cost estimate, prepared in accordance with IDAPA 58.01.05.008 [40 CFR § 264.144(a)], as presented in Attachment 3 of this Permit.

V.G.2. In accordance with IDAPA 58.01.05.008 [40 CFR 264.144(b)], the Permittee shall annually adjust the Post-Closure cost estimate for inflation prior to June 1st or, within sixty (60) days before the anniversary date of the current financial assurance instrument, and submit the revised cost estimate to the Director for review.

V.G.3. The Permittee shall submit a revised Post-Closure cost estimate within 30 days of any change in the Facility's Post-Closure operations.

V.G.4. All revised Post-Closure cost estimates, as approved by the Director, shall become incorporated into this Permit to amend Attachment 3.

V.G.5. The Permittee must keep the latest Post-Closure cost estimate and financial assurance documentation at the Site B Facility.

V.G.6. The Permittee shall demonstrate continuous compliance with IDAPA 58.01.05.008 [40 CFR § 264.145] by maintaining, at the Site B Facility, documentation for financial assurance (see IDAPA 58.01.05.008 [40 CFR § 264.151]) in at least the amount of the cost estimate required by Permit Condition V.G.1. The Director must approve changes in financial assurance mechanisms.

V.H. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall comply with IDAPA 58.01.05.008 [40 CFR § 264.148] whenever necessary. In the event the financial assurance mechanism is to be canceled through failure of the financial institution, bankruptcy by the Permittee or moved to another institution, the Permittee will notify the Department and the Director a minimum of sixty (60) days before the event.

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EFFECTIVE DATE: March 30, 2007

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FIGURE

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Figure 1. Ground Water Monitoring Well Network.