

Permittee: DART INDUSTRIES INC.
Facility Identification/Permit Number: IDD000467332

INTRODUCTION AND SIGNATURE PAGE

Pursuant to the Idaho Hazardous Waste Management Act of 1983 (HWMA), Idaho Code §§ 39-4401 et seq., and the "*Rules and Standards For Hazardous Waste*", as amended, IDAPA 58.01.05.000 et seq., a Hazardous Waste Facility Post-Closure Care Permit (Permit) is hereby issued to Dart Industries Inc. (hereafter called the Permittee), to maintain and care for a closed hazardous waste facility located in Jerome, Idaho, at 2572 South Lincoln Street, at latitude 42° 41' 54" North and longitude 114° 30' 48" West.

The Permittee shall comply with all terms and conditions of this Permit and in the Attachments 1 through 4. 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 266, 268, 270, and 124] and as specified in the Permit.

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 which, 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, including criminal proceedings.

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 (Director) of any deviation from the Permit Conditions or changes in the information on which the application is based which 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. The Director shall enforce all conditions of this Permit which are designated in this Permit. Any challenges of any Permit Condition that concern State requirements shall be appealed to the Director in accordance with IDAPA 58.01.05.996, in accordance with, the Idaho Department of Environmental Quality Rules and Regulations, sections 58.05.03.000 et seq., "*Rules Governing Contested Cases and Declaratory Rulings*."

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 EPA's judgement, the Director should fail to enforce the permit condition. Any challenges to the EPA enforced conditions shall be appealed to the EPA in accordance with IDAPA 58.01.05.014 [40 CFR § 124.19].

This Permit is effective as of January 12, 2004 and shall remain in effect until January 12, 2014 unless, in accordance with IDAPA 58.01.05.012, the Permit is; revoked and reissued [40 CFR § 270.41], modified [40 CFR §270.42 Appendix I A.6], terminated [40 CFR § 270.43], or continued [40 CFR § 270.51]. The Permittee shall re-apply to obtain a new Post-Closure Permit a minimum of 180 calendar days prior to the expiration date of this Permit.

December 11, 2003
Date

C. Stephen Allred, Director
Idaho Department of Environmental Quality

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LIST OF ATTACHMENTS

The following documents are excerpts from the Permittee's Administrative Record, i.e., the HWMA Permit Application and other documents contained in the Department's supporting file for the draft Permit. The listed documents are hereby incorporated, in their entirety, by reference into this Permit. The Director has, as deemed necessary, modified specific language in the Attachments.

These modifications are described in the Permit Conditions (Modules I through V), and thereby supersede the language of the original Attachment. These incorporated Attachments are enforceable conditions of this Permit as modified by the specific Permit Condition.

ATTACHMENT 1 FACILITY DESCRIPTION, CONSISTING OF:

SECTION 1: Part A Permit Application for Dart Industries, Inc., Jerome, Idaho Facility, Permit Renewal Application, April 30, 2003

SECTION 2: Facility Description and Topographic Map for Dart Industries, Inc., Jerome, Idaho Facility, Permit Renewal Application, April 30, 2003.

APPENDIX 3-A: Title Deed Restriction - Topographic Survey Map, Dart Industries, Inc., Jerome, Idaho Facility, Permit Renewal Application, April 30, 2003.

ATTACHMENT 2 POST-CLOSURE SECURITY, INSPECTION, AND MAINTENANCE PLANS, consisting of:

SECTION 3: Post-Closure Plan for the Dart Industries, Inc., Jerome, Idaho Facility, Permit Renewal Application, April 30, 2003.

SECTION 4.4.5: Detection Monitoring Program Well Inspection and Maintenance for the Dart Industries, Inc., Jerome, Idaho Facility, Permit Renewal Application, page 4-28, April 30, 2003.

ATTACHMENT 3 POST-CLOSURE COST ESTIMATE and FINANCIAL ASSURANCE, consisting of:

SECTION 5: Financial Requirements for Dart Industries, Inc., Jerome, Idaho Facility, Permit Renewal Application, April 30, 2003.

APPENDIX 5-A: Financial Assurance Documentation for Dart Industries, Inc., Jerome, Idaho Facility, Permit Renewal Application, April 30, 2003.

Permit Condition V.B. requires the submittal of a revised Post-Closure cost estimate. Any/all revised Post-Closure cost estimates, as approved by the Department, shall become incorporated into this Permit as Attachment 3.

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ATTACHMENT 4 GROUNDWATER MONITORING PLAN, consisting of:

SECTIONS 4: Groundwater Monitoring Plan for Dart Industries, Inc., Jerome, Idaho Facility, Permit Renewal Application, April 30, 2003.

Appendix 4-A: Well Construction Diagrams for Dart Industries, Inc., Jerome, Idaho Facility, Permit Renewal Application, April 30, 2003.

Appendix 4-B: Groundwater Sampling Procedures for Dart Industries, Inc., Jerome, Idaho Facility, Permit Renewal Application, April 30, 2003.

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DEFINITIONS

For purposes of this Permit, the following definitions shall apply:

- a) "**Application**" shall mean the following: Dart Industries, Inc., Jerome, Idaho Facility, Part A and Part B Post-Closure Permit Renewal Application.
- b) "**Area**" shall mean the physical boundaries, as depicted in Figure A-2 of Attachment 1 of this Permit, in which remedial measures and/or groundwater monitoring activities are grouped together by similar risk, geology and hydrological characteristics.
- c) The term "**CAMP**" shall mean Corrective Action Monitoring Program.
- d) The term "**CAP**" shall mean Corrective Action Program.
- e) The term "**CFR**" shall mean Code of Federal Regulations.
- f) The term "**CMP**" shall mean Compliance Monitoring Program.
- g) "**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.
- h) "**Department**" or "**DEQ**" shall mean the Idaho Department of Environmental Quality.
- i) "**Director**" shall mean the Director of the Idaho Department of Environmental Quality or his designee, or authorized representative.
- j) The term "**DMP**" shall mean Detection Monitoring Period.
- k) The term "**EPA**" shall mean the U.S. Environmental Protection Agency.
- l) "**Facility or Site**" shall mean (1) All contiguous land and 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 them). (2) For the purpose of implementing corrective action under §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). Notwithstanding paragraph (2) of this definition, a remediation waste management site is not a facility that is subject to 40 CFR § 264.101, but is subject to corrective action requirements if the site is located within such a facility.
- m) The term "**GPS**" shall mean Groundwater Protection Standards.
- n) The term "**HSWA**" shall mean the Hazardous and Solid Waste Amendment of 1984.

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- o) The term "**HWMA**" shall mean the state of Idaho, Hazardous Waste Management Act of 1983, as amended.
- p) "**Hazardous Waste**" shall mean a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, or 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)].
- q) "**Hazardous Waste Constituent**" shall mean any constituent identified in Appendix VIII of IDAPA 58.01.05.005 [40 CFR Part 261], or any constituent identified in Appendix IX of IDAPA 58.01.05.008 [40 CFR Part 264].
- r) "**Hazardous Waste Management Unit (HWMU)**" shall mean a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous constituents in the same area.
- s) The term "**IDAPA**" shall mean the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code.
- t) The term "**MCL(s)**" shall mean Maximum Contaminant Levels promulgated under the Safe Drinking Water Act.
- u) The term "**MDL(s)**" shall mean Minimum Detection Limit(s).
- v) The term "**mg/l**" shall mean milligrams per liter.
- w) "**Permit**" shall mean this Permit issued by the Idaho Department of Environmental Quality.
- x) "**Permittee**" shall mean Dart Industries Inc.
- y) The term "**QA/QC**" shall mean Quality Assurance/Quality Control.
- z) "**RCRA**" shall mean the Resource Conservation and Recovery Act of 1976, as amended by HSWA in 1984.
- 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 contaminant concentrations to achieve corrective action goals.
- cc) "**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

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management of solid or hazardous wastes. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

- dd) The term "**SVOC**" shall mean semi-volatile organic compound.
- ee) The term "**SW-846**" shall mean "Test Methods for the Evaluation of Solid Waste: Physical/Chemical Methods," USEPA, (latest edition).
- ff) The term "**UHC**" shall mean Underlying Hazardous Constituent. UHC means any constituent listed in IDAPA 58.01.05.011[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.
- gg) The term "**µg/l**" shall mean micrograms per liter.
- hh) The term "**VOC**" shall mean volatile organic compound.

All definitions contained in IDAPA 58.01.05.004, .008, and .010 through .013 [40 CFR Parts 260, 264, 266, 268, 270, and 124] are hereby incorporated, in their entirety, by reference into this Permit, except that any of the definitions used above 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 or the generally accepted scientific or industrial meaning of the term.

ACRONYMS AND ABBREVIATIONS

ASTM	American Society For Testing And Materials
CERCLA	Comprehensive Environmental Response, Compensation, And Liability Act
CFR	Code Of Federal Regulations
CME	Corrective Measures Evaluation
CMI	Corrective Measures Implementation
CAP	Compliance Monitoring Plan
CMS	Corrective Measures Study
C.A.	Construction Quality Assurance
DMP	Detection Monitoring Plan
DOT	Department Of Transportation
EPA	U.S. Environmental Protection Agency
GPS(s)	Groundwater Protection Standards
HSWA	Hazardous And Solid Waste Amendments Of 1984
HWMA	Hazardous Waste Management Act of 1983 As Amended
IDAPA	Idaho Administrative Procedures Act
MCL(s)	Maximum Contaminant Levels
MDL	Minimum Detection Limit
MDL(s)	Method Detection Limits
NIOSH	National Institute For Occupational Safety And Health
OSHA	Occupational Safety And Health Administration
POTW	Publicly Owned Treatment Works
QA/QC	Quality Assurance/Quality Control
RCRA	Resource Conservation And Recovery Act
RFA	RCRA Facility Assessment
RFI	RCRA Facility Investigation
SARA	Superfund Amendments and Reauthorization Act
SCS	Soil Conservation Service
SW 846	Test Method for Evaluating Solid Waste
SWMU	Solid Waste Management Unit

MODULE I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

The Permittee is required to maintain the closed hazardous waste unit and conduct groundwater monitoring 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. The Permittee shall not receive hazardous waste generated from sources other than the Facility.

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, as amended (HMWA). Issuance of this Permit does not convey any property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations.

I.B. ENFORCEABILITY

The terms and conditions of this Permit are enforceable pursuant to the HMWA or any other applicable federal, state, or local law. Violations of this Permit may result in civil penalties in accordance with the HMWA (Idaho Code § 39-4414) and/or criminal penalties, in accordance with the HMWA [Idaho Code § 39-4415].

I.C. 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.D. PERMIT ACTIONS

- I.D.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, or 270.43].
- I.D.2. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any permit condition.
- I.D.3. The Director may modify this Permit when the standards or regulations on which the Permit was based have been changed by statute, amended standards or regulations, or by judicial decision after the effective date of this Permit.
- I.D.4. Except for 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 modifications which substantially alter 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.D.5 Within 45 (forty-five) 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 to incorporate the change (if not already reflected/provided in the change pages submitted with the permit modification request), reprint the documents (as necessary), and submit them to the Director. The Permittee shall submit an electronic version of all permit modifications to the Director.

I.E. SEVERABILITY

- I.E.1 The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. Invalidation of any state or federal statutory or regulatory provision which forms the basis for any condition of this Permit does not affect the validity of any other state or federal statutory or regulatory basis for said provision.
- I.E.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 permitted standards in IDAPA 58.01.05.008 [40 CFR § Part 264] until final resolution of the stayed condition, unless compliance with the related applicable and relevant interim status standards in IDAPA 58.01.05.009 [40 CFR § Part 265] would be technologically incompatible with compliance with other conditions of this Permit that have not been stayed.

I.F. DUTIES TO COMPLY

- I.F.1. The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit issued in accordance with IDAPA 58.01.05.012 [40 CFR § 270.61]. Any Permit noncompliance, other than noncompliance authorized by an emergency Permit, constitutes a violation of HWMA, and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification of the Permit; or denial of a Permit renewal application.
- I.F.2. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under §§ 3007, 3008, 3013, or 7003 of RCRA [42 U.S.C. §§ 6927, 6928, 6934 and 6973], §§ 104, 106(a) or similar HWMA provisions, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. §§ 9604, 9606(a), or 9607, commonly known as CERCLA], as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), or any other state or federal law providing for 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 the permit is based.

I.G. DUTY TO REAPPLY

A minimum of one hundred eighty (180) calendar days prior to the expiration date of this Permit, if the Permittee wishes or is required to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall reapply and obtain a new Permit, in accordance with IDAPA 58.01.05.012 [40 CFR §§ 270.10(h) and 270.30(b)].

I.H. PERMIT EXPIRATION

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

I.I. 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 and complete application (in accordance with IDAPA 58.01.05.012 [40 CFR §§ 270.10, 270.13 through 270.29]), 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 § 124.5] on or before the expiration date of this Permit.

I.J. 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.K. 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.L. DUTY TO PROVIDE INFORMATION

The Permittee shall furnish to the Department and/or the Director, within a reasonable time, any relevant information which the Department and/or the Director requests 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 Department and/or the Director upon request, copies of records required to be kept by this Permit.

I.M. INSPECTION AND ENTRY

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

- I.M.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 as required by the conditions of this Permit;
- I.M.2. Have access to and copy, at reasonable times, any records that are kept as required by the conditions of this Permit;
- I.M.3. Inspect at reasonable times any portion of the Facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- I.M.4. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the HWMA or RCRA, any substances or parameters at any location.

I.N. MONITORING AND RECORDS

- I.N.1. The Permittee shall retain, at TORF Environmental Management, Boise, Idaho, 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 report, record, or certification unless a longer retention period for certain information 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 the course of any unresolved enforcement action regarding this Facility to three (3) years beyond the conclusion of the enforcement action. An additional set of records shall be maintained at the Dart Corporate Headquarters. The Permittee shall, within 24 hours upon request, make these records available. The contacts for access to the off-site records shall be:

Mohammed Kachwalla
Dart Industries, Inc
P. O. Box 2353
Orlando, Florida 32802
Telephone No. (407) 826-4569

or Mark Torf
TORF Environmental Management
3459 E. Boulder Heights Drive
Boise, Idaho 83712
Telephone No. (208) 345-7222

- I.N.2. The Permittee shall maintain, at TORF Environmental Management, Boise, Idaho, until Post-Closure is completed and certified by an independent, registered professional engineer: a copy of this Permit and its Attachments and all modifications to this Permit; and records from all groundwater monitoring wells and associated groundwater surface elevations.
- I.N.3. In accordance with IDAPA 58.01.05.012 [40 CFR § 270.30(j)(3)], records of monitoring information shall specify:
 - I.N.3.a. The date(s), exact place, and times of sampling or measurements;
 - I.N.3.b. The name(s), title(s), and affiliation of individuals who performed the sampling or measurements;

- I.N.3.c. The date(s) analyses were performed;
 - I.N.3.d. The name(s), title(s), and affiliation of individuals who performed the analyses;
 - I.N.3.e. The analytical techniques or methods used; and
 - I.N.3.f. The results of such analyses, including the Quality Control/Quality Assurance summary.
- I.N.4. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed shall be the appropriate method from IDAPA 58.01.05.005 [40 CFR § Part 261, Appendix I] or an equivalent method approved by the Director. Laboratory methods shall be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846 (prevailing edition) (hereinafter, referred to as SW-846), Standard Methods of Water and Wastewater Analysis (prevailing edition), or other equivalent methods approved in this Permit, or an equivalent method in accordance with Permit Condition I.N.5. of this Permit.
- I.N.5. The Permittee may substitute analytical methods which are equivalent or superior to those specifically approved for use in this Permit in accordance with the following:
- I.N.5.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.N.5.b. The Permittee receives a written approval from the Director for the substitution of analytical method(s). Such approval shall not require a Permit Modification under IDAPA 58.01.05.012 [40 CFR § 270.42].
- I.N.6. The Permittee shall notify the DEQ, Director, at least fifteen (15) calendar days prior to the termination of any/all contractual arrangements with TORF Environmental Management that will affect the availability of the records required to be maintained at, and made available by, TORF Environmental Management in Boise, Idaho. The Permittee shall also locate another repository within Boise, Idaho, prior to any final release of the TORF Environmental Management contractual responsibilities. Upon notification and acceptance by the Director of the new repository, the Permittee shall modify this Permit accordingly under IDAPA 58.01.05.012 [40 CFR § 270.42].
- I.N.7. 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 on computer diskettes for direct input into the Department's groundwater monitoring database.

I.O. REPORTING PLANNED CHANGES

As soon as possible, prior to any planned physical alteration or addition, the Permittee shall give notice to the Director, of such planned physical alterations or additions to the permitted Facility, in accordance with IDAPA 58.01.05.012 [40 CFR 270.30(i)(1)].

I.P. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Director of any planned changes in the permitted Facility or activity which may result in noncompliance with requirements of this Permit. Advance notice shall not constitute a defense for any noncompliance with, or modification of this Permit.

I.Q. TRANSFER OF PERMIT

This Permit shall be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to IDAPA 58.01.05.012 [40 CFR § 270.40]. Prior to transferring ownership or operation of the Facility during its operating life, the Permittee shall notify the new owner or operator, in writing, of the requirements of IDAPA 58.01.05.008 and 58.01.05.012 [40 CFR §§ Parts 264 and 270] and this Permit.

I.R. TWENTY-FOUR HOUR REPORTING

I.R.1. In accordance with IDAPA 58.01.05.012 [40 CFR § 270.30(l)(6)], the Permittee shall verbally report to the Director any noncompliance with this Permit which may 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 shall include, but not be limited to, noncompliance with Permit Condition II.A. of this Permit.

I.R.2. The immediate (no later than twenty-four (24) hours) verbal report shall include, but not be limited to the following:

I.R.2.a. Information concerning release of any hazardous waste that may endanger public drinking water supplies; and

I.R.2.b. Any information of a release or discharge of hazardous waste, or of a fire or explosion at the Facility, which could threaten human health or the environment.

I.R.2.c. The description of the occurrence and its cause shall include:

- i. Name, title, and telephone number of individual reporting;
- ii. Name, address, and telephone number of the owner or operator;
- iii. Name, address, and telephone number of the Facility;
- iv. Date, time, and type of incident;

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- v. Location and cause of the accident;
- vi. Name and quantity of materials involved;
- vii. The extent of injuries, if any;
- viii. An assessment of actual or potential hazards to the environment and human health, where this is applicable;
- ix. Description of any emergency action taken to minimize possible threat(s) to human health and the environment;
- x. Estimated quantity and disposition of recovered material that resulted from the incident; and
- xi. Any other information necessary to fully evaluate the situation and to develop an appropriate course of action.

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

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

- i. Name, address, and telephone number of individual reporting;
- ii. A description (include 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);
- iii. The period(s) in which the incident (noncompliance and/or release) occurred (including exact dates and times);
- iv. 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
- v. If the incidence/noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, and/or the steps taken or planned to adequately remediate the release.

I.R.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.R.1. of this Permit.

I.R.4 The reporting requirements specified in this Permit do not supersede or replace any of the facility's other reporting obligations.

I.S. OTHER NONCOMPLIANCE

The Permittee shall report all other instances of noncompliance not otherwise required to be reported in accordance with Permit Condition I.P. of this Permit, at the time the annual monitoring reports are submitted. The reports shall contain the information listed in Permit Condition I.R. of this Permit. Reporting shall not constitute a defense for any noncompliance.

I.T. OTHER INFORMATION

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

I.U. SIGNATORY REQUIREMENT

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

I.V. 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 39-4441 and 9-337 to 9-350 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 of the *Rules and Standards for Hazardous Waste*, and any other applicable state or local 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.W. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

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

Director c/o Hazardous Waste Program Manager
Idaho Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706-1255
Telephone No. (208) 373-0502

Twenty-four (24) hour telephone number (800) 632-8000
and, to:

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Regional Manager Remediation/Air Quality
Twin Falls Regional Office
601 Pole Line Road, Suite 2
Twin Falls, Idaho 83301

Plus, an additional copy to:

RCRA Resource Management & State Programs Unit
Idaho State Coordinator, WCM-122
U.S. EPA Region 10
1200 Sixth Avenue
Seattle, Washington 98101

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

I.X. BIENNIAL REPORT

The Permittee shall, by March 31 of each even numbered year, submit a biennial report to the Department covering the facilities activities, in accordance with the applicable sections of IDAPA 58.01.05.008 [40 CFR § 264.75].

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 facilities, including any 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).
- II.A.2. The Permittee shall, at all times, properly maintain and operate the facilities, as specified in this Permit, to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, groundwater, or surface water that could threaten human health or the environment.

II.B. SECURITY

The Permittee shall comply with the security provisions of IDAPA 58.01.05.008 [40 CFR § 264.117(b)], and as follows:

- II.B.1. The Facility as specified in Attachment 1 of this Permit, shall have an 8-foot-high chain-link security fence on the west, which connects to a 4-foot-high barbed wire fence on the north, east, and south sides.
- II.B.2. Access to the Facility shall be controlled by a locked chain-link security gate on the west side of the fence as described above.
- II.B.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.

II.C. TRAINING PLAN

The Permittee shall ensure that all personnel who are involved in the operation, inspection, and/or maintenance of the Facility are instructed in the proper operation of the equipment and instrumentation, including; inspection and record keeping procedures, groundwater sampling procedures, local emergency contacts for police and fire departments, and the location of the nearest telephone.

Additionally, the Permittee shall ensure that all personnel who are involved in the handling of hazardous waste are trained in hazardous waste management, safety, and emergency procedures, as applicable to their job description.

II.D. RECORD KEEPING AND REPORTING

In addition to the record keeping and reporting requirements specified elsewhere in this Permit the Permittee shall comply with the following:

- II.D.1. The Permittee shall maintain a written Operating Record at TORF Environmental Management, Boise, Idaho, in accordance with IDAPA 58.01.05.008 [40 CFR § 264.73(a)] for all records identified in the applicable sections of IDAPA 58.01.05.008 [40 CFR § 264.73(b)(1) through (b)(16)].
- II.D.2. The Permittee shall submit to the Director a biennial report in accordance with I.X. of this Permit.
- II.D.3. The Permittee shall maintain an Equipment Information Manual for groundwater 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.D.4. All reports, notifications, applications, or other materials required to be submitted to the Director shall be submitted in accordance with Permit Condition I.W. of this Permit.

II.E. EQUIVALENT MATERIALS/INFORMATION

- II.E.1 If certain equipment, materials, and administrative information (such as names, phone numbers, addresses) are specified in this Permit, the Permittee is hereby authorized to use equivalent or superior items. Use of such equivalent or superior items shall not be considered a modification of this Permit, but the Permittee shall 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. The Director may judge the soundness of the revision during inspections of the facility and take appropriate action. The format of tables, forms, and figures, are subject to the requirements of Permit and may be revised at the Permittee's discretion.
- II.E.2. 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. 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 Permit Condition I.D.4.

II.F. RECEIPT OF HAZARDOUS WASTE GENERATED OFF-SITE

The Permittee shall not receive hazardous waste generated off-site from the facility.

MODULE III - GROUNDWATER MONITORING

III.A. GROUNDWATER MONITORING PROGRAM

The Groundwater Monitoring Programs, applicable under the terms of this Permit, shall be undertaken in accordance with IDAPA 58.01.05.008 [40 CFR §§ 264.98, 264.99, and 264.100]. The Groundwater monitoring program shall consist of and be instituted as follows:

- III.A.1. A Detection Monitoring Program (DMP), which shall be put into effect immediately and shall remain in effect until:
- III.A.1.a. The Director releases the Permittee from the post-closure care monitoring requirements in accordance with IDAPA 58.01.05.008 [40 CFR § 264.120, or;
 - III.A.1.b. The detection monitoring criteria, listed in Table 3 as Method Detection Limits [MDL(s)], are (for any Table 3 parameter) demonstrated through Permit Condition III.G. to have been exceeded, at which time the Permittee shall proceed in accordance with Permit Condition III.A.2.
- III.A.2. A Compliance Monitoring Program (CMP), which shall be put into effect at such time as the detection monitoring criteria are demonstrated through Permit Condition III.G. to have been exceeded. The CMP shall remain in effect until:
- III.A.2.a. The detection monitoring criteria are demonstrated through Permit Condition III.H. to not have been exceeded during six (6) consecutive CMP sampling events, at which time the Permittee shall reactivate the DMP; or
 - III.A.2.b. The compliance monitoring criteria, listed in Table 3 as Groundwater Protection Standards (GPS), are demonstrated through Permit Condition III.H. to have been exceeded, at which time the Permittee shall proceed in accordance with Permit Condition III.A.3; or
 - III.A.2.c. The Screening Index for Systemic Toxicants (SI) exceeds unity [i.e., one (1)] in accordance with Permit Condition III.H, at which time the Permittee shall proceed in accordance with Permit Condition III.A.3.
- III.A.3. A Corrective Action Monitoring Program (CAMP), which shall be put into effect at such time as the compliance monitoring criteria are exceeded during the Post-Closure period. The CAMP shall remain in effect until:
- III.A.3.a. The compliance monitoring criteria are not exceeded during four (4) consecutive CAMP events. At such time the CMP shall be reactivated.
 - III.A.3.b. The Permittee shall submit to the Director a request for a permit modification, in accordance with Permit Condition I.D., to meet the corrective action monitoring requirements of IDAPA 58.01.06.008 [40 CFR § 264.100].

III.A.4. The groundwater criteria for initiating detection, compliance, or corrective action monitoring programs are listed in Table 1.

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 as the need arises based upon future groundwater sampling results.

Table 1 Groundwater Monitoring Criteria for Detection, Compliance, and Corrective Action Monitoring

Monitoring Program	Begin	Monitoring Criteria
Detection Monitoring	At Permit Issuance or when Permit Condition II.A.1.a. has been satisfied.	Analytical results indicate contamination below the detection monitoring criteria defined as the Minimum Detection Limit(s) (MDL) presented in Table 3.
Compliance Monitoring	When the detection monitoring criteria is exceeded, or Permit Condition III.A.3.a. has been satisfied.	Analytical results indicate contamination equal to or below the Groundwater Protection Standard(s) as presented in Table 3, but are greater than the detection monitoring criteria for any constituent.
Corrective Action Monitoring	When the compliance monitoring criteria is exceeded in accordance with Permit Conditions III.A.2.b. and III.A.3.	Exceedance of Groundwater Protection Standards for one or more constituents presented in Table 3.

III.B. GROUNDWATER WELL INSPECTION AND MAINTENANCE

III.B.1. The Permittee shall inspect and maintain all monitoring wells throughout the Post-Closure period in accordance with: Permit Condition IV.B.; Tables 3-1 and 3-2; and Attachment 2 of this Permit.

III.B.2. The need for maintenance shall not constitute grounds for missing a sampling event. The only reason that 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 consecutive sampling periods. The construction of the repair or replacement shall be in accordance with Attachment 4 of this Permit and IDAPA 58.01.05.009 [40 CFR § 265.97].

III.C. GROUNDWATER AND VADOSE ZONE MONITORING WELLS AND PARAMETERS

III.C.1. The following wells as depicted in Attachment 4 (Figure 4-1), shall be included (as appropriate) in the groundwater detection monitoring, compliance monitoring, and corrective action programs.

III.C.2. The Permittee shall monitor wells MW-7 & MW-8, as depicted in Attachment 4 (Figure 4-1), as vadose zone monitoring wells. The wells shall be examined, to determine if naturally

occurring or manmade seasonal perched water zones exist, and if necessary a sample shall be collected, analyzed, evaluated, and reported in accordance with Permit Conditions III.D. through III.I.

III.C.3. 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, within sixty (60) calendar days of the discovery for the Department's review and approval, which will propose additional perched zone monitoring wells, for the purpose of determining (but not limited to) the perched water characteristics and flow path from source to point of termination and a proposed schedule for the drilling and completion of the proposed vadose wells, as described in Attachment 4, Section 4.4.2.3 of this Permit.

Table 2 Groundwater Monitoring Network

Well Number	Well Designation	Estimated Depth to Water (feet)	Well Depth (feet)
MW-1	Upgradient Background Well	287	321
MW-2	Point of Compliance Well	279	297
MW-3	Downgradient Monitoring Well	286	306
MW-4	Downgradient Monitoring Well	275	292
MW-5	Downgradient Monitoring Well	264	299
MW-6	Downgradient Monitoring Well	267	297
MW-7	Downgradient Vadose Zone Monitoring Well	-	50
MW-8	Upgradient Vadose Zone Monitoring Well	-	50

III.D. GROUNDWATER SAMPLING & ANALYSIS

III.D.1. The Permittee shall use the techniques and procedures specified in Attachment 4 when collecting, preserving and shipping, tracking, and controlling groundwater samples.

III.D.2. The Permittee shall store all purge water associated with the sampling events until such time as the analytical data is received. If the purge water is found to contain a constituent listed in Table 3 in concentrations above the Groundwater Protection Standards (GPS) in Table 3, the Permittee shall manage it as a hazardous waste. Such contaminated purge waters shall be managed in accordance with IDAPA regulations.

III.D.3. The Permittee shall analyze all groundwater samples collected during implementation of the groundwater detection monitoring, compliance monitoring, and corrective action programs for purgeable halocarbons (Method 601) and purgeable aromatics (Method 602).

III.D.4. The evaluation of the laboratory QA/QC data from each sampling event shall be completed within fourteen (14) days of receipt of results from sample analyses. Analytical results shall be obtained within forty-five (45) days of each sampling event.

Table 3 Constituent Analyte List and the Detection and Compliance Monitoring Criteria

Constituent	MDL (µg/l)	GPS (µg/l)
1,1-Dichloroethane	1.0	5.0
1,2-Dichloroethane	1.0	5.0
1,1-Dichloroethylene	1.0	7.0
Tetrachloroethylene	1.0	5.0
Trichloroethylene	1.0	5.0
Methylene Chloride	1.0	5.0
Vinyl Chloride	1.0	2.0
Benzene	1.0	5.0

MDL = Method Detection Limit
 GPS = Groundwater Protection standard

III.E. GROUNDWATER ELEVATION

III.E.1. The Permittee shall determine the groundwater surface elevation at each monitoring well immediately prior to each sampling event.

III.E.2. The Permittee shall annually calculate the groundwater flow direction and rate until the end of the Post-Closure period. The method used for this calculation shall be as described in Attachment 4, Section 4.2.4.10.

III.F. SAMPLING FREQUENCY

The Permittee shall, throughout the Post-Closure care period, sample all wells listed in Permit Condition III.C.1. and III.C.2. in accordance with the schedules presented in Table 1 of this Permit. Monitoring of the wells will occur annually during detection monitoring and semi-annually during compliance monitoring.

III.G. DETECTION MONITORING PROGRAM CRITERIA AND DATA EVALUATION

III.G.1. The Permittee shall collect and analyze samples annually from each detection monitoring well listed in Table 2 for the constituents of concern listed in Table 3 of this Permit. The Permittee shall collect and analyze the samples in accordance with Permit Condition III.D. Monitoring will occur during the spring monitoring period.

III.G.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, for the parameters set forth in Table 3 of this Permit, to the Method Detection Limits [MDL(s)] in Table 3, as follows:

III.G.2.a. If the analytical results are less than or equal to the detection monitoring criteria (MDL) set forth in Table 3, the Permittee shall continue the DMP until Permit Condition III.A.1.a has been satisfied; or

III.G.2.b. If the analytical results exceed the detection monitoring criteria as defined in Table 3, the Permittee shall comply with Permit Condition III.G.3.

III.G.3. Response to Exceedance of Detection Monitoring Criteria

III.G.3.a. Upon detection of any constituent(s) that exceed the detection monitoring criteria (MDL) specified in Table 3, the Permittee shall perform the following:

III.G.3.a.1. Notify the Director of this finding, in writing, within seven (7) calendar days after completion of data validation; and

III.G.3.a.2. At the Permittee's discretion, immediately collect two (2) verification samples from all affected well(s), purging the well(s) between samples, and reanalyze both samples for all constituents listed in Table 3, or forgo the verification process and comply with the requirements of Permit Condition III.G.3.b.

III.G.3.a.3. If analytical results from either verification sample confirm the detection of constituents in concentrations that exceed the detection monitoring criteria given in Table 3, the Permittee shall proceed as follows:

Notify the Director in writing within seven (7) days of this finding that the appropriate Monitoring Program is being initiated with appropriate quality assurance and quality control. The appropriateness of the Monitoring Program shall be determined as follows:

- i. If the analytical results indicate that ONLY ONE (1) Table 3 parameter is exceeding the MDL (but not the GPS), the Compliance Monitoring Program is appropriate;
- ii. If the analytical results indicate that ONE OR MORE Table 3 parameters exceed the GPS(s), the Corrective Action Program is appropriate;
- iii. If the analytical results indicate that TWO OR MORE Table 3 parameters are exceeding MDL(s) (but none exceed a GPS), the Permittee shall use the following equation to evaluate if further risk determinations shall be conducted. The initial Screening Index equation (SI) is as follows:

SI = $(\text{CONCa}/\text{GPSa}) + (\text{CONCb}/\text{GPSb}) + (\text{CONCc}/\text{GPSc})$ where:

CONC = the concentration of each systemic toxicant detected in the analytical results obtained during groundwater monitoring

GPS = Groundwater Protection Standard for the systemic toxicant listed in Table 3.

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If the calculated index IS LESS THAN unity (i.e., one), the Compliance Monitoring Program is appropriate.

If the calculated index EXCEEDS unity, then the Corrective Action Monitoring Program is appropriate.

- III.G.3.a.4 The Permittee shall comply with the requirements of Permit Condition III.G.3.b.
- III.G.3.b. The Permittee must sample the affected well(s) within fifteen (15) calendar days and the collected samples must be 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.
- Within sixty (60) calendar days of this sampling event, the Permittee shall perform the requirements of either Permit Condition III.G.3.c.
- III.G.3.c. The Permittee shall submit to the Director a report that includes the following:
- III.G.3.c.1. The results of the Appendix IX analysis required by Permit Condition III.G.3.b.
- III.G.3.c.2. A determination, in accordance with III.G.3.a.3, if a Compliance Monitoring Program or a Corrective Action Monitoring Program will be implemented.
- III.G.3.c.3. In accordance with IDAPA 58.01.05.008 [40 CFR § 264.98(g)(3)], a list of any additional chemical constituents or analytical parameters identified during the Appendix IX sampling that are to be the basis for the Compliance or Corrective Action Monitoring Programs.
- III.G.4. The Permittee may choose to demonstrate, in accordance with IDAPA 58.01.05.008 [40 CFR § 264.98(g)(6)], that a source other than the regulated unit caused the contamination, or that the increased contamination 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 current monitoring programs at the facility, in accordance with IDAPA 58.01.05.012 [40 CFR § 270.42] and Permit Condition I.D.
- III.G.5. If the Permittee successfully demonstrates to the Director that a source other than a regulated unit caused the exceedance or that the exceedance 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 will instruct the Permittee to comply with Permit Condition III.G.3.c. within the time frame established by the Director. This period will not be less than forty-five (45) calendar days.
- III.G.6.a. If analytical results from both verification samples described in Permit Condition III.G.3.a.2, fail to confirm the detection of parameter(s) from Table 3 in concentrations that exceed the detection monitoring criteria, the Permittee shall resume detection monitoring and notify the Director that the Detection Monitoring Program has been resumed.

- III.G.6.b. If analytical results from only one of the verification samples, described in Permit Condition III.G.3.a.2., confirms the detection of parameter(s) from Table 3 in concentrations that exceed the Detection Monitoring Criteria, the Permittee shall return to the verification procedure, which begins in Permit condition III.G.3.a.2.

III.H. COMPLIANCE MONITORING PROGRAM

III.H.2. Compliance Monitoring Sampling Constituents/Parameters and Frequency

- III.H.2.a. During the Compliance Monitoring Program (CMP), the Permittee shall sample wells in accordance with Permit Condition III.B semi-annually, during the spring and fall monitoring periods. The Permittee shall collect and analyze the samples semi-annually for the constituents listed in Table 3 of this Permit plus any/all additional constituents identified from Appendix IX sampling, in accordance with Permit Condition III.F.4.c.3.
- III.H.2.b. On an annual basis, any/all monitoring wells in the Compliance Monitoring Program 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 3, in accordance with IDAPA 58.01.05.008 [40 CFR § 264.99(g)] and through permit modification, in accordance with Permit Condition I.D.

III.H.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 in Table 1 of this Permit, as follows:

- III.H.3.a. If the analytical results for any constituent listed in Table 3 is greater than the GPS in Table 3, the Permittee shall proceed in accordance with Permit Condition III.H.4.
- III.H.3.b. If the analytical results indicate that ONLY ONE (1) Table 3 parameter is exceeding an MDL (but not the GPS), the Permittee shall continue the Compliance Monitoring Program;
- III.H.3.c. If the analytical results indicate that TWO OR MORE Table 3 parameters are exceeding MDL(s) (but none exceed a GPS), the Permittee shall use the following equation to evaluate if further risk determinations shall be conducted. The initial Screening Index equation (SI) is as follows:

SI = $(\text{CONCa}/\text{GPSa}) + (\text{CONCb}/\text{GPSb}) + (\text{CONCc}/\text{GPSc})$ where:

CONC = the concentration of each systemic toxicant detected in the analytical results obtained during groundwater monitoring

GPS = Groundwater Protection Standard for the systemic toxicant listed in Table 3.

- i. If the calculated index IS LESS THAN unity, the Permittee shall continue the Compliance Monitoring Program;
- ii. If the calculated index EXCEEDS unity, the Permittee shall proceed in accordance with Permit Conditions III.H.4.

III.H.4. Response to Exceedance of Compliance Monitoring Criteria

- III.H.4.a. If the analytical results of samples taken from any well listed in Table 2 exceed the compliance monitoring criteria in Table 3 or Permit Condition III.H.3.b., the Permittee shall:
 - III.H.4.b. Notify the Director of this finding, in writing, within seven (7) calendar days after completion of data validation; and
 - III.H.4.b.1. At the Permittee's discretion, within fifteen (15) days of sample validation, collect two (2) verification samples from all affected well(s), purging the well(s) between samples, and reanalyze both samples for all parameters listed in Table 3, or forgo the verification process and comply with the requirements of Permit Condition III.H.4.c.
 - III.H.4.b.2. If analytical results from either of the verification samples confirm the detection of parameters in concentrations that exceed the GPS as defined in Table 3. The Permittee shall notify the Director in writing within seven (7) days of making this finding. Within sixty (60) calendar days of sampling, the Permittee shall perform the requirements of III.H.4.c.
 - III.H.4.c. Establish a CAMP in accordance with Permit Condition III.A.3 of this Permit.
 - III.H.4.c.1. Submit a request for a permit modification in accordance with Permit Condition III.A.3.a.
 - III.H.4.c.2. Reporting requirements for the CAMP will be identified within the permit modification establishing the CAMP.

III.I. DATA REPORTING FOR THE COMPLIANCE AND DETECTION MONITORING PROGRAMS

- III.I.1 While in the detection monitoring program, the Permittee shall submit annual reports to the Director. The report must be submitted within 60 days of receipt of sampling results. These reports shall contain at least the following information pertaining to the period since the previous report:
 - III.I.1.a. A narrative summary of sampling data which has been collected to date, and a detailed listing of the monitoring and analytical data obtained since the previous report, including laboratory quality assurance and quality control information;
 - III.I.1.b. A summary of maintenance work done on groundwater monitoring equipment, in accordance with IV.C of this Permit;

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- III.I.1.c. A narrative discussion as to whether or not water was found in the shallow wells MW-7 & MW-8; and
- III.I.1.d. A table summary of the groundwater elevations and well depth data collected as required by Permit Condition III.E.
- III.I.2. In the event the Compliance Monitoring Program is activated, the Permittee shall submit semi-annual reports to coincide with the semi-annual monitoring requirements.
- III.I.3. The results of groundwater flow direction and rate calculations, in accordance with Attachment 4 of this Permit, shall be submitted annually, including a summary/statement that either;
 - III.I.3.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.I.3.b. The data indicate that an in-depth evaluation of the monitoring well network is warranted and a proposal, including a schedule, for such will be submitted to the Director within ten (10) calendar days of the submittal of this summary.

MODULE IV - POST-CLOSURE CARE

IV.A. POST-CLOSURE PERIOD

The period of Post-Closure care for the Facility shall be ~~thirty (30)~~ twenty (20) years, commencing the effective date of the original Permit (November 1, 1993). At any time during this ~~thirty (30)~~ twenty (20) year Post-Closure period, the Director may, in accordance with the Permit Modification procedures in IDAPA 58.01.05.013 and .05.012 [40 CFR § Parts 124 and 270]:

- IV.A.1. Extend the Post-Closure period if necessary to protect human health or the environment (e.g., groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment); or
- IV.A.2. Shorten the Post-Closure care period if he finds that the reduced period is sufficient to protect human health and the environment (e.g., groundwater monitoring results indicate that the closed hazardous waste management unit is secure).

IV.B. GENERAL INSPECTION REQUIREMENTS

- IV.B.1. The Permittee shall comply with the Attachment 2 of this Permit, and the following:
- IV.B.2. The Permittee shall maintain copies of the Inspection Schedules and Logs, Tables 3-1 and 3-2 of Attachment 2 of this Permit, as well as the Inspection Procedures, included as Attachment 2 in this Permit, at TORF Environmental Management, Boise, Idaho, until Post-Closure is completed and certified.
- IV.B.3. The Permittee shall immediately remedy, as required by IDAPA 58.01.05.008 [40 CFR § 264.15(c)], any deterioration or malfunction discovered by an inspection.
- IV.B.4. The Permittee shall record inspections on the Inspection Log Sheets as specified in IDAPA 58.01.05.008 [40 CFR § 264.15 (d)] included as Table 3-1 of Attachment 2 of this Permit.
 - IV.B.4.a. The Permittee shall retain the Inspection Log Sheets required by Permit Condition II.C.4. for at least three (3) years from the date of the inspection.
 - IV.B.4.b. The Permittee shall complete the Inspection Log Sheets by including the following information:
 - i. The name and title of the inspector;
 - ii. The date and time of the inspection;
 - iii. The date and nature of any repairs or other remedial actions; and
 - iv. Notations as to the overall status of the items inspected, pertinent observations made, and the remedial action(s) needed and/or completed.

- IV.B.4.c. 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 receiving a Permit modification. These changes should be noted in the facility operating record at the time the changes are made.

IV.C. MAINTENANCE ACTIVITIES

The Permittee shall maintain the Facility, as it is described in Attachment 1 of this Permit, as required by IDAPA 58.01.05.008 [40 CFR § 264.117]. During the Post-Closure period, the Permittee shall be responsible for conducting, as set forth in Tables 3-1 & 3-2 of Attachment 2, the following inspections and maintenance activities:

- IV.C.1. Maintain the integrity and effectiveness of the cover, including making repairs to the cap, as necessary, to correct the effects of settling, subsidence, erosion, and other events;
- IV.C.2. Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of IDAPA 58.01.05.008 [40 CFR § Part 264, Subpart F];
- IV.C.3. Maintain the security of the Facility;
- IV.C.4. Prevent run-on and run-off from eroding or otherwise damaging the cover; and
- IV.C.5. Protect and maintain surveyed benchmarks used in complying with IDAPA 58.01.05.008 [40 CFR § 264.309].

IV.D. POST-CLOSURE PROPERTY USE

- IV.D.1 Post-Closure use of property on or in which hazardous wastes remain after closure must never be allowed to disturb the integrity of the final cover or the function of the Facility's monitoring systems, unless the Director finds that the disturbance necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or the disturbance is necessary to reduce a threat to human health or the environment.
- IV.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, the liner, if any; or contaminated soils, then he shall request a modification to this Permit in accordance with the applicable requirements of IDAPA 58.01.05.012 and .05.013 [40 CFR §§ Parts 124 and 270]. The Permittee or subsequent owner or operator of the land shall demonstrate that the removal of hazardous waste or hazardous waste residues will satisfy the criteria of IDAPA 58.01.05.008 [40 CFR § 264.117(c)].

IV.E. CERTIFICATION

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, a certification that the Post-Closure care was performed in accordance with this Permit. The certification must be signed by the Permittee and an independent registered professional engineer.

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.

IV.F. POST-CLOSURE COST ESTIMATE

- IV.F.1. The Permittee shall submit a revised Post-Closure cost estimate, prepared in accordance with IDAPA 58.01.05.008 [40 CFR § 264.144(a)], to account for:
- IV.F.1.a. The sampling and inspection frequencies established at Permit Condition III.F.; and
 - IV.F.1.b. The frequency of the submittal of annual groundwater monitoring reports established at Permit Condition III.I.
- IV.F.2. The Permittee shall annually adjust, and submit to the director for review and approval, the Post-Closure cost estimate for inflation by April 30 of each year.
- IV.F.3. The Permittee must revise the Post-Closure cost estimate whenever there is a change in the Facility's Post-Closure operations.
- IV.F.4. Any/all revised Post-Closure cost estimates, as approved by the Department, shall become incorporated into this Permit as Attachment 3.
- IV.F.5. The Permittee must keep the latest Post-Closure cost estimate and financial assurance at TORF Environmental Management, Boise, Idaho.

IV.G. LIABILITY REQUIREMENTS

The Permittee shall demonstrate continuous compliance with IDAPA 58.01.05.008 [40 CFR § 264.145] by maintaining at the 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 Part V.B. Changes in financial assurance mechanisms must be approved by the Director. Financial assurance documentation shall be submitted at least annually, and within ninety (90) days after the close of the Permittee's fiscal year.

IV.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.