

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) PERMIT

Facility Name and Location: Federal Cartridge Company
500 Ehlen Drive
Anoka , MN 55303

Owner(s): Federal Cartridge Company
500 Ehlen Drive
Anoka, MN 55303

Operator(s): Federal Cartridge Company
500 Ehlen Drive
Anoka, MN 55303

U.S. EPA Identification Number: MND 006 156 590

Effective Date: _____

Expiration Date: _____

Authorized Activities:

The United States Environmental Protection Agency (U.S. EPA) hereby issues a Resource Conservation and Recovery Act (RCRA) permit (hereinafter referred to as the “permit”) to **Federal Cartridge Company** (hereinafter referred to as the “Permittee” or addressed in the second person as “you”) in connection with the hazardous waste treatment, storage, and disposal activities at the facility in Anoka, Minnesota.

This permit is issued under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984 (42 USC. § 6901 *et seq.*) (collectively referred to as RCRA) and U.S. EPA’s regulations promulgated there under (codified, and to be codified, in Title 40 of the Code of Federal Regulations (40 CFR)).

Specifically, this permit addresses: (1) certain restrictions and prohibitions on land disposal of hazardous wastes in accordance with 40 CFR Part 268; (2) other Federal RCRA regulations for which the state has not yet been authorized; and (3) air emissions standards for containers in accordance with 40 CFR § 264.1080 *et seq.* (40 CFR Part 264, Subpart CC)

The RCRA permit is comprised of both this permit, which contains the effective Federal RCRA permit conditions, and the effective State RCRA permit conditions issued by the State of Minnesota RCRA program authorized under 40 CFR Part 271 (hereinafter called the “State-issued portion of the RCRA permit”). Any hazardous waste activity, which requires a RCRA permit and is not included in the permit, is prohibited.

Permit Approval:

On February 11, 1985, the State of Minnesota received final authorization pursuant to Section 3006 of RCRA, 42 USC § 6926, and 40 CFR Part 271 to administer the pre-HSWA RCRA hazardous waste program. The State of Minnesota has also received final authorization to administer certain additional RCRA requirements on several occasions since then. However, because the U.S. EPA has not yet authorized the State of Minnesota to administer certain regulations, including the air emission standards for tanks and containers handling hazardous wastes (see 40 CFR § 264.1080 *et seq.*, also known as “Subpart CC”), recent additions to the regulations covering the land disposal restrictions (40 CFR Part 268), and changes to other sections of applicable regulations, the U.S. EPA Region 5 is issuing the RCRA permit requirements for operations at the Permittee’s facility which fall under these regulations.

You must comply with all terms and conditions contained in this permit. This permit consists of all the conditions contained herein, all documents attached hereto and all documents listed or cross-referenced in these documents, approved submittals (including plans, schedules and other documents), and the applicable regulations contained in 40 CFR Parts 124, 260, 261, 262, 264, 268, 270, and applicable provisions of RCRA.

This permit is based on the assumptions that: (1) the information submitted in the Permittee’s RCRA permit application dated August 21, 2003, and in any subsequent modifications to that application (hereinafter referred to as the “Application”) are accurate and (2) the facility is configured, operated and maintained as specified in the permit, and as described in the permit application.

Any inaccuracies in the submitted information may be grounds for the U.S. EPA to terminate, revoke and reissue, or modify this permit in accordance with 40 CFR §§ 270.41, 270.42 and 270.43; and for enforcement action. You must inform the U.S. EPA of any deviation from, or changes in, the information in the Application that might affect your ability to comply with the applicable regulations or conditions of this permit.

Opportunity to Appeal:

Petitions for review must be submitted within 30 days after the U.S. EPA serves notice of the final permit decision. Any person who filed comments on the draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may file a petition for review only to the extent of the changes from the draft to the final permit decision. The procedures for permit appeals are found in 40 CFR § 124.19.

Effective Date:

This permit is effective as of _____ and will remain in effect until _____, unless revoked and reissued under 40 CFR § 270.41, terminated under 40 CFR § 270.43, or continued in accordance with 40 CFR § 270.51(a).

By: _____
Margaret M. Guerriero, Director
Land and Chemicals Division

Date: _____

TABLE OF CONTENTS

SECTION I--STANDARD PERMIT CONDITIONS 1

 I.A EFFECT OF PERMIT 1

 I.B PERMIT ACTIONS 1

 I.B.1 Permit Review, Modification, Revocation and Reissuance, and
 Termination 1

 I.B.2 Permit Renewal 2

 I.C SEVERABILITY 2

 I.D DEFINITIONS 2

 I.E DUTIES AND REQUIREMENTS 2

 I.E.1 Duty to Comply 2

 I.E.2 Duty to Reapply 3

 I.E.3 Permit Expiration 3

 I.E.4 Need to Halt or Reduce Activity Not a Defense 3

 I.E.5 Duty to Mitigate 3

 I.E.6 Proper Operation and Maintenance 3

 I.E.7 Duty to Provide Information 4

 I.E.8 Inspection and Entry 4

 I.E.9 Monitoring and Records 4

 I.E.10 Reporting Planned Changes 5

 I.E.11 Reporting Anticipated Noncompliance 5

 I.E.12 Certification of Construction 5

 I.E.13 Transfer of Permits 6

 I.E.14 Twenty-Four Hour Reporting 6

 I.E.15 Other Noncompliance 7

 I.E.16 Other Information 8

 I.F SIGNATORY REQUIREMENT 8

 I.G REPORTS, NOTIFICATIONS AND SUBMISSIONS TO THE DIRECTOR 8

 I.H CONFIDENTIAL INFORMATION 8

 I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY 9

 I.I.1 Operating Record 9

 I.I.2 Notifications 9

 I.I.3 Copy of Permit 9

 I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY
 REFERENCE 9

 I.K COORDINATION WITH THE CLEAN AIR ACT 10

SECTION II -- LAND DISPOSAL RESTRICTIONS10

- II.A General Conditions10
- II.B Testing and Related Requirements11
- II.C Storage Prohibitions11
- II.D Blending of Metal Wastes12

SECTION III-- OTHER FEDERAL RCRA REQUIREMENTS12

- III.A Additional Hazardous Waste Numbers12

SECTION IV -- AIR EMISSION STANDARDS (40 CFR Part 264 Subpart CC)12

- IV.A General
 - IV.A.1 Waste Determination12
 - IV.A.2 Applicable Requirements12
- I.V.B Containers13
 - IV.B.1 Requirements for Level 1 Containers13
- IV.C Containers Exempt From Subpart CC Control Standards14
- IV.D Recordkeeping and Reporting Requirements14

SECTION I -- STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

The RCRA permit is comprised of both this permit, which contains the effective federal RCRA permit conditions, and the effective state RCRA permit. You are hereby allowed to manage hazardous waste in accordance with this permit. Under this permit, the storage and treatment of RCRA hazardous waste must comply with all terms and conditions in this permit. Other aspects of the storage and treatment of RCRA hazardous wastes are subject to the conditions in the state-issued portion of the RCRA permit. Any hazardous waste activity, which requires a RCRA permit and is not included in the RCRA permit, is prohibited.

Subject to 40 CFR § 270.4, compliance with the RCRA permit during its term constitutes compliance for purposes of enforcement with Subtitle C of RCRA except for those requirements not included in the permit which: (1) become effective by statute; (2) are promulgated under part 40 CFR Part 268 restricting the placement of hazardous waste in or on the land; (3) are promulgated under 40 CFR Part 264 regarding leak detection systems; or (4) promulgated under subparts AA, BB, or CC of 40 CFR Part 265 limiting air emissions. (40 CFR § 270.4)

This permit does not: (1) convey any property rights or any exclusive privilege (40 CFR § 270.30(g)); (2) authorize any injury to persons or property, or invasion of other private rights; or (3) authorize any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued, or any action brought, under: (1) Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; (2) Sections 104, 106(a), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC §§ 9601 *et seq.* (commonly known as CERCLA); or (3) any other law protecting human health, welfare, or the environment.

I.B PERMIT ACTIONS

I.B.1 Permit Review, Modification, Revocation and Reissuance, and Termination

The U.S. EPA may review and modify, revoke and reissue, or terminate this permit for cause, as specified in 40 CFR § 270.41, § 270.42, and § 270.43. The U.S. EPA may also review and modify this permit, consistent with 40 CFR § 270.41, to include any terms and conditions it determines are necessary to protect human health and the environment under Section 3005(c)(3) of RCRA. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance on your part will not stay the applicability or enforceability of any permit condition. (40 CFR § 270.30(f))

You must not perform any construction associated with a Class 3 permit modification request until such modification request is granted and the modification becomes effective. You may perform construction associated with a Class 2 permit modification request beginning 60 days after submission of the request unless the Director establishes a later date. (40 CFR § 270.42(b)(8))

I.B.2 Permit Renewal

This permit may be renewed as specified in 40 CFR § 270.30(b) and Condition I.E.2 of this permit. In reviewing any application for a permit renewal, the U.S. EPA will consider improvements in the state of control and measurement technology, and changes in applicable regulations. (40 CFR § 270.30(b) and RCRA Section 3005(c)(3))

I.C SEVERABILITY

This permit's provisions are severable; if any permit provision, or the application of any permit provision to any circumstance, is held invalid, such provision's application to other circumstances and the remainder of this permit will not be affected. Invalidation of any statutory or regulatory provision on which any condition of this permit is based does not affect the validity of any other statutory or regulatory basis for that condition. (40 CFR § 124.16(a))

I.D DEFINITIONS

The terms used in this permit will have the same meaning as in 40 CFR Parts 124, 260 through 266, 268 and 270, unless this permit specifically provides otherwise. Where neither the regulations nor the permit define a term, the term's definition will be the standard dictionary definition or its generally accepted scientific or industrial meaning.

I.E DUTIES AND REQUIREMENTS

1.E.1 Duty to Comply

You must comply with all conditions of this permit, except to the extent and for the duration for which an emergency permit authorizes such noncompliance (40 CFR § 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of RCRA and will be grounds for: enforcement action; permit termination; revocation and reissuance; modification; or denial of a permit renewal application. (40 CFR § 270.30(a))

1.E.2 Duty to Reapply

If you wish to continue the permit regulated activities after the expiration date, you must apply for and obtain a new permit. You must submit a complete application for a new permit at least 180 days before the permit expiration date, unless the Director grants permission for a later submittal date. The Director will not grant permission to submit the complete application for a new permit later than the permit's expiration date. (40 CFR §§ 270.10(h), and 270.30(b))

I.E.3 Permit Expiration

Unless revoked or terminated, this permit and all conditions herein will be effective for a fixed term not to exceed 10 years from this permit's effective date. This permit and all conditions herein will remain in effect beyond the permit's expiration date if you have submitted a timely, complete application (40 CFR § 270.10 and §§ 270.13 through 270.29), and, through no fault of your own, the Director has not made a final determination regarding permit reissuance. (40 CFR §§ 270.50, and 270.51)

I.E.4 Need to Halt or Reduce Activity Not a Defense

In an enforcement action, you are not entitled to a defense that it would have been necessary to halt or reduce the permitted activity to maintain compliance with this permit. (40 CFR § 270.30(c))

I.E.5 Duty to Mitigate

In the event of noncompliance with this permit, you must take all reasonable steps to minimize releases to the environment resulting from the noncompliance and must implement all reasonable measures to prevent significant adverse impacts on human health or the environment. (40 CFR § 270.30(d))

I.E.6 Proper Operation and Maintenance

You must always properly operate and maintain all facilities and treatment and control systems (and related appurtenances) that you install or use to comply with 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/quality control procedures. This provision requires you to operate back-up or auxiliary facilities or similar systems only when necessary to comply with this permit. (40 CFR § 270.30(e))

I.E.7 Duty to Provide Information

You must provide the Director, within a reasonable time, any relevant information that the Director requests to determine whether there is cause to modify, revoke and reissue, or terminate this permit, or to determine permit compliance. You must also provide the Director, upon request, with copies of any records this permit requires. The information you must maintain under this permit is not subject to the Paperwork Reduction Act of 1980, 44 USC §§ 3501 *et seq.* (40 CFR §§ 264.74(a) and 270.30(h))

I.E.8 Inspection and Entry

Upon the presentation of credentials and other legally required documents, you must allow the Director or an authorized representative to (40 CFR § 270.30(i)):

I.E.8.a Enter at reasonable times upon your premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;

I.E.8.b Have access to and copy, at reasonable times, any records that you must keep under the conditions of this permit;

I.E.8.c Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

I.E.8.d Sample or monitor any substances at any location at reasonable times, to ensure permit compliance or as RCRA otherwise authorizes.

Notwithstanding any provision of this permit, U.S. EPA retains the inspection and access authority which it has under RCRA and other applicable laws.

I.E.9 Monitoring and Records

I.E.9.a Samples and measurements taken for monitoring purposes must be representative of the monitored activity. The methods used to obtain a representative sample of the wastes, contaminated media, treatment residue, or other waste to be analyzed must be the appropriate methods from Appendix I of 40 CFR Part 261, or the methods specified in the state-approved waste analysis plan, or an equivalent method approved by the Director. Laboratory methods must be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods* (SW-846, latest edition), *Methods for Chemical Analysis of Water and Wastes* (EPA 600/4-79-020), or an equivalent method, as specified in the referenced waste analysis plan. (40 CFR § 270.30(j)(1))

I.E.9.b You must retain, at the facility, all records as specified in 40 CFR § 264.74.

I.E.9.c You must submit all monitoring results at the intervals specified in this permit.

I.E.9.d You must retain all reports, records, or other documents, required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the reports, records, or other documents, unless a different period is specified in this permit. The 3-year period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. (40 CFR §§ 270.30(j) and 270.31))

I.E.10 Reporting Planned Changes

You must notify the Director as soon as possible of any planned physical alterations or additions to the permitted facility. (40 CFR § 270.30(1)(1))

I.E.11 Reporting Anticipated Noncompliance

You must notify the Director, in advance, of any planned changes in the permitted facility or activity that may result in permit noncompliance. Advance notice will not constitute a defense for any noncompliance. (40 CFR § 270.30(1)(2))

I.E.12 Certification of Construction

Subject to the requirements of 40 CFR § 270.32(b)(2) and § 270.42 Appendix I, you must not operate any RCRA air emission control devices completed after the effective date of this permit until you have submitted to the Director, by certified mail or hand-delivery, a letter signed both by your authorized representative and by a registered professional engineer. That letter must state that the portions of the facility covered by this permit (including all air emission control devices required by this permit) have been constructed in compliance with the applicable conditions of this permit. In addition, you must not operate the permitted control devices until either:

I.E.12.a The Director or his/her representative has inspected those portions of the facility and finds them in compliance with the conditions of the permit; or

I.E.12.b The Director waives the inspection, if the inspection is not conducted within 30 days from the receipt of the certification.

I.E.13 Transfer of Permits

This permit is not transferable to any person, except after notice to the Director. You must inform the Director and obtain prior approval of the Director before transferring ownership or operational control of the facility (40 CFR § 270.42, Appendix I). Under 40 CFR § 270.40, the Director may require permit modification, or revocation and reissuance to change the Permittee's name and incorporate other RCRA requirements. Before transferring ownership or operation of the facility during its operating life, you must notify the Director and obtain prior approval and notify the new owner or operator in writing of the requirements of this permit and the requirements of 40 CFR Parts 264, 268, and 270. (40 CFR §§ 264.12(c), 270.30(1)(3), and 270.40(a))

I.E.14 Twenty-Four Hour Reporting

I.E.14.a You must report to the Director any noncompliance with this permit that may endanger human health or the environment. Any such information must be promptly reported orally, but no later than 24 hours after you become aware of the noncompliance.

I.E.14.b The report must include the following information (40 CFR §§ 270.30(1)(6) and 270.33): (1) release of any hazardous waste that may endanger public drinking water supplies; (2) release or discharge of hazardous waste; or (3) fire or explosion from the hazardous waste management facility, that could threaten the environment or human health outside the facility. You must include the following information:

- (1) Name, title and telephone number of the person making the report;
- (2) Name, address and telephone number of the facility;
- (3) Name, address and telephone number of owner or operator;
- (4) Date, time and type of incident;
- (5) Location and cause of incident;
- (6) Identification and quantity of material(s) involved;
- (7) Extent of injuries, if any;
- (8) Assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (9) Description of any emergency action taken to minimize the threat to human health and the environment; and

- (10) Estimated quantity and disposition of recovered material that resulted from the incident.

I.E.14.c In addition to the oral notification required under Conditions I.E.14.a and I.E.14.b of this permit, a written report must also be provided within 5 calendar days after you become aware of the circumstances. The written report must include, but is not limited to, the following:

- (1) Name, address and telephone number of the person reporting;
- (2) Incident description (noncompliance and/or release or discharge of hazardous waste), including cause, location, extent of injuries, if any, and an assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (3) Period(s) in which the incident (noncompliance and/or release or discharge of hazardous waste) occurred, including exact dates and times;
- (4) Whether the incident's results continue to threaten human health and the environment, which will depend on whether the noncompliance has been corrected and/or the release or discharge of hazardous waste has been adequately cleaned up; and
- (5) If the noncompliance has not been corrected, the anticipated period for which it is expected to continue, and the steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance.

The Director may waive the requirement that written notice be provided within 5 calendar days; however, you will then be required to submit a written report within 15 calendar days of the day on which you must provide oral notice, in accordance with Conditions I.E.14.a and I.E.14.b of this permit. (40 CFR § 270.30(1)(6))

I.E.15 Other Noncompliance

You must report all instances of noncompliance not reported under Condition I.E.14 of this permit, when any other reports this permit requires are submitted. The reports must contain the information listed in Condition I.E.14. (40 CFR § 270.30(1)(10))

I.E.16 Other Information

I.E.16.a Whenever you become aware that you failed to submit or otherwise omitted any relevant facts in the permit application or other submittal, or submitted incorrect information in the permit application or other submittal, you must promptly notify the Director of any incorrect information or previously omitted information, submit the correct facts or information, and explain in writing the circumstances of the incomplete or inaccurate submittal.
(40 CFR § 270.30(l)(11))

I.E.16.b All other requirements contained in 40 CFR § 270.30 not specifically described in this permit are incorporated into this permit and you must comply with all those requirements.

I.F SIGNATORY REQUIREMENT

You must sign and certify all applications, reports, or information this permit requires, or which are otherwise submitted to the Director, in accordance with 40 CFR § 270.11.
(40 CFR § 270.30(k))

I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR

Except as otherwise specified in this permit, all reports, notifications, or other submittals that this permit requires to be submitted to the Director should be sent by certified mail or hand-delivered to the U.S. Environmental Protection Agency, Region 5, at the following address:

RCRA Branch, LR-8J
Land and Chemicals Division
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

I.H CONFIDENTIAL INFORMATION

In accordance with 40 CFR Part 2 Subpart B, you may claim any information this permit requires, or is otherwise submitted to the Director, as confidential. You must assert any such claim at the time of submittal in the manner prescribed on the application form or instructions, or, in the case of other submittals, by stamping the words “Confidential Business Information” on each page containing such information. If you made no claim at the time of submittal, the Director may make the information available to the public without further notice. If you assert a claim, the information will be treated in accordance with the procedures in 40 CFR Part 2. (40 CFR § 270.12)

I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY

You must maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and all amendments, revisions, and modifications to them.

I.I.1 Operating Record

You must maintain in the facility's operating record the documents required by this permit, and by the applicable portions of 40 CFR §§ 264.1035, 264.1064, 264.1084, 264.1088, 264.1089 and 40 CFR § 264.73 (as they apply to the equipment used to comply with this permit).

I.I.2 Notifications

You must maintain notifications from generators accompanying initial incoming shipment of wastes subject to 40 CFR Part 268, Subpart C, that specify treatment standards, as required by 40 CFR §§ 264.73, 268.7 and this permit.

I.I.3 Copy of Permit

You must keep a copy of this permit on site, including all the documents listed in any attachments, and you must update it as necessary to incorporate any official permit modifications.

I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE

I.J.1 All attachments and documents that this permit requires to be submitted, if any, including all plans and schedules are, upon the Director's approval, incorporated into this permit by reference and become an enforceable part of this permit. Since required items are essential elements of this permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject you to enforcement action under Section 3008 of RCRA. This action may include fines, or permit suspension or revocation.

I.J.2 This permit also includes the documents attached hereto, all documents cross-referenced in these documents, and the applicable regulations contained in 40 CFR Parts 124, 260, 261, 262, 264, 268, 270, and the applicable provisions of RCRA, all of which are incorporated herein by reference.

I.J.3 Any inconsistency or deviation from the approved designs, plans and schedules is a permit noncompliance. The Director may grant written requests for extensions of due dates for submittals required in this permit.

I.J.4 If the Director determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Director may modify this permit according to procedures in Condition I.B of this permit.

I.J.5 If any documents attached to this permit are found to conflict with any of the Conditions in this permit, the Condition will take precedence.

I.K COORDINATION WITH THE CLEAN AIR ACT

You must fully comply with all applicable Clean Air Act (CAA) and RCRA permit limits. Where two or more operating limitations apply, the most stringent operating limitation takes precedence.

SECTION II -- LAND DISPOSAL RESTRICTIONS

You must comply with the following Conditions only to the extent that the parallel Conditions of the state-issued portion of the RCRA permit were not issued under the authority of RCRA.

II.A GENERAL CONDITIONS

II.A.1 You must comply with all the applicable self-implementing requirements of 40 CFR Part 268 and all applicable land disposal requirements which become effective by statute. (42 U.S.C. § 6924)

II.A.2 A mixture of any restricted waste with nonrestricted waste(s) is a restricted waste under 40 CFR Part 268.

II.A.3 Except as expressly allowed under 40 CFR Part 268, you must not in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with 40 CFR Part 268, Subpart D, to circumvent the effective date of a prohibition in 40 CFR Part 268, Subpart C, to otherwise avoid a prohibition in 40 CFR Part 268, Subpart C, or to circumvent a land disposal prohibition imposed by Section 3004 of RCRA.

II.A.4 You must maintain a current list of the EPA hazardous waste numbers handled by the facility that are identified in 40 CFR Part 268, Subparts B and C. The list must include all waste numbers handled by the facility, and any associated treatment standards, and shall be updated through the inclusion of new treatment standards, as promulgated or amended. This list must be provided to the U.S. EPA representatives, or their designees, upon request.

II.B TESTING AND RELATED REQUIREMENTS

II.B.1 In accordance with 40 CFR § 268.7(a), you must test any waste generated at the facility, or use knowledge of the waste, to determine if the waste is restricted from land disposal.

II.B.2 You must comply with all applicable treatment standards provided in 40 CFR Part 268, Subpart D.

II.B.3 You must comply with all the applicable notification, certification, and recordkeeping requirements described in 40 CFR § 268.7(a) and (b).

II.C STORAGE PROHIBITIONS

II.C.1 You must comply with all the applicable prohibitions on storage of restricted wastes specified in 40 CFR Part 268, Subpart E.

II.C.2 Except as otherwise provided in 40 CFR § 268.50, you may store restricted wastes in tanks and containers solely for the purpose of the accumulation of such quantities of hazardous wastes as necessary to facilitate proper recovery, treatment, or disposal provided that:

II.C.2.a Each container is clearly marked to identify its contents and the date each period of accumulation begins; and

II.C.2.b Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at the facility.

II.C.3 You may store restricted wastes for up to 1 year unless the U.S. EPA or its authorized agent can demonstrate that such storage was not solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal. (40 CFR § 268.50(b))

II.C.4 You may store restricted wastes beyond 1 year; however, you bear the burden of proving that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal. (40 CFR § 268.50(c))

II.C.5 You must not store any liquid hazardous waste containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 parts per million (ppm) unless the waste is stored in a storage facility that meets the requirements of 40 CFR § 761.65(b). This waste must be removed from storage and treated or disposed as required by 40 CFR Part 268 within 1 year of the date when such wastes are first put into storage. (40 CFR § 268.50(f))

II.D BLENDING OF METAL WASTES

You must not dilute metal-bearing wastes (listed in Appendix XI of 40 CFR Part 268), if the diluted waste will be used as fuel in any RCRA permitted combustion facility, unless you have demonstrated that the diluted waste complies with one or more of the criteria specified in 40 CFR § 268.3(c).

SECTION III -- OTHER FEDERAL RCRA REQUIREMENTS

III.A ADDITIONAL HAZARDOUS WASTE NUMBERS

In addition to the hazardous waste numbers listed in the state-issued portion of the RCRA permit, you may handle newly listed hazardous wastes, promulgated under the HSWA, at your facility only if you have processed a Class 1 and /or Class 2 permit modification in accordance with 40 CFR § 270.42(g). All handling of these wastes must comply with the applicable provisions of both the state-issued portion and the federally-issued portion of the RCRA permit.

SECTION IV -- AIR EMISSIONS STANDARDS (40 CFR Part 264, Subpart CC)

IV.A GENERAL

IV.A.1 Waste Determination

Per the requirements of 40 CFR § 264.1082 and in accordance with the procedures specified in 40 CFR § 264.1083, you must determine the average volatile organic (VO) concentration of: (1) generated hazardous waste at the point of origination, and (2) treated hazardous waste. You must determine the maximum organic vapor pressure of a hazardous waste.

IV.A.2 Applicable Requirements

You must comply with all applicable requirements of 40 CFR § 264.1080 through 40 CFR § 264.1090, regarding air emission standards for containers handling hazardous waste. All containers and tanks not exempt from 40 CFR Part 264 Subpart CC must be managed using Level 1, Level 2 or Level 3 control as appropriate. You must not conduct any waste stabilization process, as defined in 40 CFR § 265.1081, in containers.

IV.B CONTAINERS

IV.B.1 Requirements for Level 1 Containers

You must manage hazardous waste with a VO concentration of 500 parts per million and greater by weight (ppmw) in containers with Container Level 1 standards as stipulated under 40 CFR § 264.1086(c). The hazardous waste stored in Level 1 containers must meet the following requirements.

IV.B.1.a Containers with a design capacity greater than 0.46 m³ (122 gallons) shall not be used in light material service as defined in 40 CFR § 265.1081.

IV.B.1.b A Level 1 container must meet one of the following:

- (1) meets the applicable U.S. Department of Transportation (DOT) regulations as specified in 40 CFR § 264.1086(f), or
- (2) be equipped with a cover and closure devices with an acceptable tightness and construction materials in accordance with 40 CFR § 264.1086(c)(1)(ii), or
- (3) be an open-top container with organic vapor suppressing barrier to prevent hazardous waste from being exposed to the atmosphere as specified in 40 CFR § 264.1086(c)(1)(iii).

Containers, which do not meet the DOT regulations as specified in 40 CFR § 264.1086(f), must be equipped with covers and enclosures suitable for the physical and chemical characteristics of hazardous waste in containers, maintaining container integrity throughout the life of the container, and the environments under which the containers are placed in the storage facility. Any chemical used for vapor suppression must not generate heat and/or fume and must be compatible with the hazardous waste in the container. Vapor suppression chemicals must act as an acceptable and stable barrier to the hazardous waste, thus preventing releases of VO into the environment. The barrier shall not chemically react with the hazardous waste. (40 CFR § 264.1086(c)(2))

IV.B.1.c All covers and closure devices must be in closed position whenever hazardous waste is in a container. Opening of a closure device or cover is allowed if

it meets the purpose and operates as defined in 40 CFR § 264.1086(c)(3)(i) through (v).

IV.B.1.d You must inspect the containers and their covers and closure devices in accordance with 40 CFR § 264.1086(c)(4).

IV.B.1.d You must not manage or store containers which require a Level 2 control until a permit modification, in accordance with 40 CFR § 270.42, is approved by the Director.

IV.C CONTAINERS EXEMPT FROM SUBPART CC CONTROL STANDARDS

IV.C.1 Under this permit, you must demonstrate by direct measurement or approved method that for each container you claim to be exempt under Subpart CC, the average VO concentration for hazardous waste, determined in accordance with 40 CFR §§ 264.1083(a) and 265.1084(a)(2) and (3), is less than 500 ppmw.

IV.C.2 For each container, you must review and update this determination in accordance with 40 CFR § 264.1082(c)(1) at least once every 12 months following the date of the initial determination. For each container, you must prepare and maintain the records described in 40 CFR § 264.1089(f). These records must be maintained as part of the operating record.

IV.D RECORDKEEPING AND REPORTING REQUIREMENTS

The Permittee shall comply with all applicable record keeping and reporting requirements described in 40 CFR § 264.1089 and § 264.1090.

Minco
File: Draft Federal Cartridge (Federal Cartridge -DFPmt)
Wen Huang/Jim Blough
October 10, 2007

RCRA BRANCH

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