

SECTION I—STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

You are hereby allowed to manage hazardous waste in accordance with this permit. Under this permit, the storage of RCRA hazardous waste must comply with all air emission standards and all other terms and conditions in this permit. Other aspects of the storage of RCRA hazardous wastes are subject to the conditions in the State RCRA permit.

Subject to 40 CFR § 270.4, compliance with the RCRA permit during its term generally constitutes compliance for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which become effective by statute.

This permit does not: (1) convey any property rights or any exclusive privilege; (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 public health or the environment from any imminent and substantial endangerment to human health, welfare, or the environment. (40 CFR §§ 270.4 and 270.30(g))

I.B PERMIT ACTIONS

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

The U.S. EPA may review, modify, or revoke and reissue this permit, or terminate it 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 may request a modification of this permit under the procedures specified in 40 CFR § 270.42. 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 Section 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, or modification; or denial of a permit renewal application. (40 CFR § 270.30(a))

1.E.2 Duty to Reapply

If you wish to continue an activity this permit regulates after its 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 an existing 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 until August 8, 2013. 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 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 assure 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 waste, contaminated media, spill 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 Waste Analysis Plan, Attachment C of the Part B Permit Application, 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, Attachment C of the Part B Permit Application. (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 automatically extended during the course of any unresolved enforcement action regarding this facility. (40 CFR §§ 270.30(j), 266.102(e)(10), 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.12a. 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.12b. 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 circumstances.

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 Sections 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 Sections 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 Section I.E.14 of this permit, when any other reports this permit requires are submitted. The reports must contain the information listed in Section 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 Part B Permit Application or other submittal, or submitted incorrect information in the Part B 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:

Program Management Branch, DM-7J
Waste, Pesticides and Toxics 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 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 and indicating in the cover letter that confidential business information is enclosed. 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 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 hazardous 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 referenced in this permit, 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 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, 266, 268, and 270, and 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 Section I.B of this permit.

I.J.5 If any documents referenced to this permit are found to conflict with any of the conditions in this permit, the condition of this permit 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 limitations take 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 codes 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 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.

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.

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.

II.C.5 You must not store any liquid hazardous waste containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 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.

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 -- HAZARDOUS WASTE CODES

In addition to the hazardous waste codes listed in the state-issued portion of the RCRA permit, you may handle the following newly listed hazardous wastes, promulgated under the HSWA, at your facility. 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. Management of any hazardous waste not listed in the RCRA permit is prohibited except as provided in 40 CFR § 270.42(g) which describes the procedures for managing newly listed hazardous wastes.

Listed EPAHazardous Waste CodesDescription of Hazardous Waste

K171	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media.)
K172	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media.)
K175	Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process
K176	Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide)
K177	Slag from the production of antimony oxide that is speculatively accumulated or disposed, including

slug from the production of intermediates (e.g., antimony metal or crude antimony oxide)

K181

Non-wastewaters generated from the production of certain dyes, pigments, and FD&C (Food, Drug and Cosmetics) colorants

SECTION IV -- AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS (40 CFR PART 264 SUBPART BB)

IV.A EQUIPMENT LEAKS

IV.A.1 Applicable Equipment

You must comply with all applicable requirements of 40 CFR § 264.1050 through 40 CFR § 264.1065, regarding air emission standards for equipment leaks. The applicable equipment contains or contacts hazardous waste with organic concentrations of at least 10 percent by weight. All hazardous waste processed at this facility is considered as “*In light liquid service*” as defined in 40 CFR § 264.1031. The applicable equipment includes, but is not limited to, (1) pumps, including pump seal flush systems, (2) valves, (3) pressure relief devices, including emergency pressure release systems, (4) flanges and other connectors, (5) sampling connection systems, and (6) open-ended valves or lines.

IV.A.2 Pumps in Light Liquid Service (40 CFR § 264.1052)

IV.A.2.a Each pump in light liquid service must be monitored monthly to detect leaks by the methods specified in 40 CFR § 264.1063(b), except: when each pump is (1) equipped with dual mechanical seal system satisfying the requirements of 40 CFR 264.1052(d), (2) designated, as described in 40 CFR § 264.1064(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, and meeting the requirements of 40 CFR § 264.1052(e), or (3) equipped with a closed vent system complying with the requirements of 40 CFR § 264.1052(f).

IV.A.2.b Each pump shall be checked by visual inspection each calendar week for seal leaks.

IV.A.2.c A leak is detected if: (1) an instrument reading of 10,000 ppm or greater is measured, or (2) there is an indication of liquid dripping from the pump seal.

IV.A.2.d When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in 40 CFR §264.1059 - Standards: Delay of repair. The first attempt at repair must be made no later than 5 calendar days after each leak is detected.

IV.A.3 Sampling Connection Systems (40 CFR § 264.1055)

Each sampling connection system, except *in-situ* sampling systems and sampling systems without purges, shall be equipped with a closed-purge, closed-loop, or closed-vent system which meets one of the following requirements:

IV.A.3.a Return the purged process fluid directly to the process line;

IV.A.3.b Collect and recycle the purged process fluid; or

IV.A.3.c Be designed and operated to capture and transport all the purged process fluid to a waste management unit that complies with applicable sections of 40 CFR § 264.1084 through § 264.1086 or a control device that complies with 40 CFR § 264.1060, Standards for Closed-Vent Systems and Control Devices.

IV.A.4 Open-ended Valves or Lines (40 CFR § 264.1056)

IV.A.4.a Each open-ended valve or line must be equipped with a: (1) cap, (2) blind flange, (3) plug, or (4) second valve, which seals the open end at all times except during operations requiring hazardous waste stream flow through the open-ended valve or line.

IV.A.4.b When a double block and bleed system is used, the bleed valve or line may remain open during operations that require venting the line between the block valves but shall seal the open end at all other times.

IV.A.5 Valves in Light Liquid Service (40 CFR § 264.1057)

IV.A.5.a Each valve shall be monitored monthly to detect leaks in accordance with 40 CFR § 264.1057(a) and (c), except as provided in 40 CFR §§ 264.1057(f), (g), and (h).

IV.A.5.b If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

IV.A.6 Pressure Relief Devices in Light Liquid Service, and Flanges and Other Connectors (40 CFR § 264.1058)

IV.A.6.a Pressure relief devices in light liquid service and flanges and other connectors must be monitored within 5 days by the method specified in 40 CFR § 264.1063(b) if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method. If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

IV.A.6.b When a leak is detected, you must repair the leak as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in 40 CFR § 264.1059. The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

IV.A.6.c First attempts at repair include, but are limited to, the best practices described under 40 CFR § 264.1057(e).

IV.A.7 Delay of Repair (40 CFR § 264.1059)

IV.A.7.a Delay of repair of equipment for which leaks have been detected will be allowed if: (1) the repair is technically infeasible without a hazardous waste management unit shutdown; or (2) the equipment is isolated from the hazardous waste management unit and does not continue to contain or contact hazardous waste with organic concentrations at least 10 % by weight .

IV.A.7.b Delay of repair for valves will be allowed if: (1) emissions of purged material resulting from immediate repair are greater than the emissions likely to result from delay of repair; and (2) when repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with 40 CFR § 264.1060.

IV.A.7.c Delay of repair for pumps will be allowed if: (1) repair requires the use of a dual mechanical seal system that includes a barrier fluid system; and (2) repair is completed as soon as practicable, but not later than 6 months after the leak was detected.

IV.A.7.d Delay of repair beyond a hazardous waste management unit shutdown will be allowed for a valve only if it meets the provisions of 40 CFR § 264.1059(e).

IV.A.8 Closed-Vent Systems and Control Devices (40 CFR § 264.1060)

Closed-vent systems and control devices shall comply with the provisions of

40 CFR §§ 264.1033 and 264.1060.

IV.A.9 Alternative Standards for Valves in Light Liquid Service: Skip Period Leak Detection and Repair (40 CFR § 264.1062)

You may elect for all valves subject to the requirements of 40 CFR § 264.1057 and Section IV.A.7 within a hazardous waste management unit to comply with one of the alternative work practices specified below. You must notify the Director before implementing one of the alternative work practices.

IV.A.9.a After 2 consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than 2 %, you may begin to skip one of the quarterly leak detection periods for the valves.

IV.A.9.b After 5 consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than 2 %, you may begin to skip 3 of the quarterly leak detection periods for the valves.

You must monitor valve leaks monthly in accordance with 40 CFR § 264.1057, if the percentage of valves leaking is greater than 2 %, but you may again elect to use the alternative standards after meeting the requirements of 40 CFR § 264.1057(c)(1).

IV.B TEST METHODS AND PROCEDURES (40 CFR § 264.1063)

The leak test methods and procedures must be as specified in 40 CFR § 264.1063.

IV.C RECORDKEEPING AND REPORTING REQUIREMENTS (40 CFR §§ 264.1064 and 264.1065)

You must comply with the recordkeeping and reporting requirements of 40 CFR § 264.1064 and 264.1065.

SECTION V – AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS (40 CFR PART 264 SUBPART CC)

The information request response submitted by you, dated May 17, 2005, states that hazardous waste tanks and containers permitted under the State RCRA permit are equipped with and operating air emission controls according to 40 CFR § 61.340, Subpart FF, National Emission Standard for Benzene Waste Operations. For purposes of this Permit, U.S.EPA deems that information request response to be a certification (“Certification”) pursuant to 40 CFR § 264.1080(b)(7) with respect to those hazardous waste tanks and containers.

Therefore, according to 40 CFR § 264.1080(b)(7), the requirements of the air emission standard for tanks and containers specified in 40 CFR §§ 264.1084 and 264.1086 is not applicable to your facility. The tanks and containers specified in the Part B Permit Application shall be equipped with and operating air pollution controls in accordance with the requirements of 40 CFR § 61.340, Subpart FF, National Emission Standard for Benzene Waste Operations.

You shall update the Certification, which is attached in the May 17, 2005 response, annually certifying that all of the tanks and containers specified in the Part B application will comply with the applicable 40 CFR Part 61 of CAA to control air emission pollutants from these tanks and containers. The certification shall be retained at the facility and must be provided to the U.S. EPA representatives, or its designees, upon request.

For any changes of the certification or the compliance status of the tanks and containers with the CAA, you shall inform the U.S. EPA, RCRA program, in writing, about the changes not later than 30 days prior to such changes. In the event that any of the tanks and containers specified in the Part B permit application are no longer equipped with and operating air emission controls according to 40 CFR § 61.340, Subpart FF, such tanks and/or containers shall be subject to and comply with all applicable requirements of 40 CFR Part 264, Subpart CC, and you shall then submit a class 2 permit modification request providing for the application of 40 CFR Part 264, Subpart CC to those hazardous waste tanks and/or containers.