

I.D. NUMBER NCD982170292
PERMIT NO. NCD982170292-R1

DATE ISSUED March 9, 2005

Hazardous Waste Management Permit

Permittee: EQ North Carolina
1005 Investment Blvd.
Apex, North Carolina 27502

Owner: EQ Holding Co., Inc.
36255 Michigan Avenue
Wayne, Michigan 48184

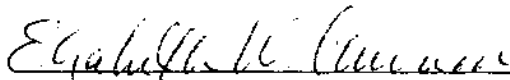
Pursuant to the 15A NCAC 13A North Carolina Hazardous Waste Management Rules, an operating permit is issued to the EQ North Carolina hazardous waste management facility located in the Neuse River Basin in Apex, Wake County on Investment Boulevard, at latitude 35°, 43", 29' and longitude 78°, 50", 18'.

The Permittee must comply with all terms and conditions of the permit. This permit consists of the conditions discussed in Parts I, II, III, IV, V, VI, VII, and VIII; the applicable regulations contained in 15A NCAC 13A including the applicable provisions of 40 CFR Parts 260 through 264, 266, 268, 270 and 124; statutory requirements of N.C.G.S. 130A- Article 9 (Solid Waste Management Act as amended) and the attached Application.

Applicable regulations are those which are in effect on the date of issuance of this permit [40 CFR 270.32(c) as adopted in 15A NCAC 13A.0113] and are attached.

This permit is based on the assumption that the information submitted in the permit application and as modified by subsequent amendments (hereafter referred to as the Attachment) is accurate and that the facility will be operated as specified in the Attachment. Any inaccuracies found in this information could lead to the termination or modification of this permit and potential enforcement action [40 CFR 270.41, 270.42, and 270.43 as adopted in 15A NCAC 13A .0113]. The Permittee shall inform the North Carolina Department of Environment and Natural Resources of any deviation from or changes in the information in the application which would affect the Permittee's ability to comply with the applicable regulations or permit conditions.

This permit is effective as of April 8, 2005, and shall remain in effect for ten (10) years until April 8, 2015, [40 CFR 270.50 as adopted in 15A NCAC 13A .0113] unless revoked and reissued, terminated or continued in accordance with 40 CFR 270.51 as adopted in 15A NCAC 13A .0113.


Elizabeth Cannon, Chief
Hazardous Waste Section

March 9, 2005
Date

The State of North Carolina
Department of Environment and Natural Resources
Division of Waste Management
Hazardous Waste Section



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15A NCAC 13A

August 10, 2004 Certification

PART I - STANDARD CONDITIONS

A. EFFECT OF PERMIT

The Permittee is allowed to store and treat hazardous waste in accordance with the conditions of this permit. Compliance with this permit constitutes compliance, for purposes of enforcement, with the N.C. Hazardous Waste Management Rules (15A NCAC 13A) and N.C.G.S. 130A-Article 9 (Solid Waste Management Act as amended). Issuance of this permit does not convey 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. Compliance with the terms of this permit does not constitute a defense to any action brought under any law governing protection of public health or the environment for any imminent and substantial endangerment to human health or the environment.

B. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 270.41, 270.42, and 270.43 as adopted in 15A NCAC 13A .0113. 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.

C. SEVERABILITY

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.

D. DUTIES AND REQUIREMENTS

1. Duty to Comply. 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 under 40 CFR 270.61 as adopted in 15A NCAC 13A .0113. Any permit noncompliance constitutes a violation of N. C. Hazardous Waste Management Rules and N.C.G.S. 130A-Article 9 (Solid Waste Management Act as amended) and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application.
2. Duty to Reapply. If the Permittee will continue an activity allowed or required by this permit after the expiration date of this permit, the Permittee shall submit a complete application for a new permit at least 180 days before this permit expires. Owners and operators of hazardous waste management units must have a permit during the active life of the unit and for any period necessary to comply with the corrective action requirements of this permit.
3. Permit Expiration. This permit and all conditions therein will remain in effect beyond the permit's expiration date and until a decision is made concerning issuance of a new permit if the Permittee has submitted a timely, complete application (see 40 CFR 270.14-270.29 and 270.10 as adopted in 15A NCAC 13A .0113) and through no fault of the Permittee, the Secretary of the Department of Environment and Natural Resources or his designee (hereafter referred to as the Department) has not issued a

new permit as set forth in 40 CFR 124.15 as adopted in 15A NCAC 13A .0105.

4. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for a 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.
5. Duty to Mitigate. The Permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.
6. Proper Operation and Maintenance. The Permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facility or similar systems only when necessary to achieve compliance with the conditions of the permit.
7. Duty to Provide Information. The Permittee shall furnish to the Department, within a reasonable time, any relevant information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.
8. Inspection and Entry. The Permittee shall allow the Department or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:
 - a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the N.C. Hazardous Waste Management Rules, any substances or parameters at any location.
9. Monitoring and Records.
 - a. 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 must be the appropriate method from Appendix I of 40 CFR Part 261 as adopted in 15A NCAC 13A .0106 and as stated in Module C of the Attachment. Laboratory methods must be those specified in Module C of the Attachment.

- b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, and records of all data used to complete the application for this permit for a period of at least three (3) years from the date of the sample, measurement, report or record. These periods may be extended by request of the Department at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.
- c. Records of monitoring information shall include:
- i. The date, exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical techniques or methods used; and
 - vi. The results of such analyses.
10. Reporting Planned Changes. The Permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility, including alterations or additions which may impact any Hazardous Waste Management Units (HWMUs), Solid Waste Management Units (SWMUs), Areas of Concern (AOCs), or the areas contaminated by them, including voluntary corrective measures to the SWMUs or AOCs listed in Appendix A at the permitted facility as defined in 40 CFR 270.2 as adopted in 15A NCAC 13A .0113.
11. Anticipated Noncompliance. The Permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
12. Transfer of Permits. This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to 40 CFR 270.40, 270.41 and 270.42 as adopted in 15A NCAC 13A .0113. Before 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 40 CFR 264 as adopted in 15A NCAC 13A .0109 and 40 CFR 270 as adopted in 15A NCAC 13A .0113.
13. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.
14. Twenty-four Hour Reporting. The Permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Permittee becomes aware of the circumstances. The following shall be included as information which must be reported orally within 24 hours:
- a. Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.
 - b. Any information of a release or discharge of hazardous waste, or of a fire or explosion from the facility, which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

- i. Name, address, and telephone number of the owner or operator;
- ii. Name, address, and telephone number of the facility;
- iii. Date, time, and type of incident;
- iv. Name and quantity of material(s) involved;
- v. The extent of injuries, if any;
- vi. An assessment of actual or potential hazard to the environment and human health outside the facility, where this is applicable; and
- vii. Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission shall also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the periods of noncompliance (including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Permittee need not comply with the five-day written notice requirement if the Department waives that requirement and the Permittee submits a written report within fifteen (15) days of the time the Permittee becomes aware of the circumstances.

15. Other Noncompliance. The Permittee shall report all other instances of noncompliance not otherwise required to be reported at the time monitoring reports are submitted. The reports shall contain the information listed in Condition I.D.14.
16. Other Information. When the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Department, the Permittee shall promptly submit such facts or information.

E. SIGNATORY REQUIREMENTS

All reports or other information requested by the Department shall be signed and certified according to 40 CFR 270.11 as adopted in 15A NCAC 13A .0113.

F. DOCUMENTS TO BE MAINTAINED AT FACILITY SITE

The Permittee shall maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and amendments, revisions and modifications to these documents:

1. Waste analysis plan submitted in accordance with 40 CFR 264.13 as adopted in 15A NCAC 13A .0109 and Module C of the Attachment.
2. Personnel training documents and records submitted in accordance with 40 CFR 264.16(d) as adopted in 15A NCAC 13A .0109 and Module H of the Attachment.
3. Contingency plan submitted in accordance with 40 CFR 264.53(a) as adopted in 15A NCAC 13A .0109 and Module G of the Attachment.
4. Closure plan submitted in accordance with 40 CFR 264.112(a) as adopted in 15A NCAC 13A .0109 and Module I of the Attachment.

5. Cost estimate for facility closure submitted in accordance with 40 CFR 264.142(d) as adopted in 15A NCAC 13A .0109 and Module I of the Attachment.
6. Operating record required by 40 CFR 264.73 as adopted in 15A NCAC 13A .0109 and Modules C, D1, D2, F, G, H, I and L of the Attachment.
7. Inspection schedules developed in accordance with 40 CFR 264.15(b) as adopted in 15A NCAC 13A .0109 and Module F of the Attachment.

All amendments, revisions and modifications to any plan or cost estimates required by this permit shall be submitted to the Department for approval and/or permit modifications.

G. BIENNIAL REPORT

The Permittee shall prepare and submit a biennial report by March 1 of each even numbered year. The report shall include, in accordance with 40 CFR 264.75 as adopted in 15A NCAC 13A .0109, the following information for facility activities during the previous calendar year:

1. The EPA identification number, name, and address of the facility;
2. The calendar year covered by the report;
3. For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;
4. A description and the quantity of each hazardous waste the facility received during the year;
5. The method of treatment, storage, or disposal of each hazardous waste;
6. The most recent closure cost estimate under 40 CFR 264.142 as adopted in 15A NCAC 13A .0109;
7. For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;
8. For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984; and
9. The certification signed by the owner or operator of the facility or his authorized representative.

Submission of the Hazardous Waste Report (EPA Form 8700-13 A/B) is sufficient to satisfy the requirements of Permit Conditions I.G.1. through I.G.9.

H. MANIFEST SYSTEM

1. The Permittee shall utilize the manifest system when receiving hazardous waste from off-site in accordance with 40 CFR 264.71 as adopted in 15A NCAC 13A .0109 unless the Permittee submits an unmanifested waste report in accordance with 40 CFR 264.76 as adopted in 15A NCAC 13A .0109.

2. The Permittee shall report any manifest discrepancies in accordance with 40 CFR 264.72 as adopted in 15A NCAC 13A .0109.

I. DOCUMENTS TO BE SUBMITTED PRIOR TO OPERATION

1. Construction Drawings. Within thirty (30) days of the effective date of the permit, the Permittee shall submit construction drawings for each of the proposed hazardous waste management units.
2. As-built Drawings. Within thirty (30) days of the effective date of the permit, the Permittee shall submit as-built drawings for each of the existing hazardous waste management units.
3. Certification of Construction or Modification. The Permittee may not commence storage of hazardous waste at the proposed units until the Permittee has submitted to the Department, by certified mail or hand delivery, a letter signed by the Permittee and an independent North Carolina-registered, professional engineer stating that the facility has been constructed in accordance with the permit; and
 - a) The Department has inspected the newly constructed facility and finds it in compliance with the conditions of the permit; or
 - b) The Department has either waived the inspection or has not notified the Permittee within fifteen (15) days of intent to inspect.
4. Thirty (30) days prior to being placed into service, the Permittee shall submit to the Department for approval the following information:
 - c) As-built blueprints for each proposed hazardous waste management unit;
 - d) Certification by an independent registered, professional engineer stating that the proposed hazardous waste management unit has been constructed in accordance with 40 CFR 264.175 as adopted in 15A NCAC 13A .0109 and Modules D1 and D2 of the Application.
5. The Permittee shall notify the Department thirty (30) days prior to the commencement of construction. The Permittee shall submit to the Department monthly construction progress reports for each proposed hazardous waste management unit beginning thirty (30) days after the Permittee has notified the Department of the commencement date of construction and continue every thirty (30) days until operation of each unit is commenced or the Department waives the requirement.
6. The Permittee shall submit an originally signed revised Financial Assurance and Liability documents required by Permit Conditions II.Q and II.R. at least sixty (60) days prior to the date on which hazardous waste is first received in the proposed units.

J. DEFINITIONS

For purposes of this permit, terms used herein shall have the same meaning as those in the North Carolina Hazardous Waste Management Rules and Solid Waste Management Law unless this permit specifically provides otherwise; where terms are not defined in 15A NCAC 13A, G.S. 130A - Article 9, the permit, or United States Environmental Protection Agency guidance documents and publications, 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.

K. CONFIDENTIAL INFORMATION

The Permittee may claim confidential any information required to be submitted by this permit in accordance with 40 CFR 270.12 as adopted in 15A NCAC 13A .0113.

L. APPROVAL/DISAPPROVAL OF SUBMITTALS

The Department will review the work plans, reports, schedules, and other documents ("submittals") which require the Department's approval in accordance with the conditions of this permit. The Department will notify the Permittee in writing of any submittal that is disapproved, and the basis therefore. Condition I.M. shall apply only to submittals that have been disapproved and revised by the Department, or have been disapproved by the Department, then revised and resubmitted by the Permittee, and again disapproved by the Department.

M. DISPUTE RESOLUTION

Notwithstanding any other provisions in this permit, in the event the Permittee disagrees, in whole or in part, with the Department's revision of a submittal or disapproval of any revised submittal required by the permit, the following may, at the Permittee's discretion, apply:

1. In the event that the Permittee chooses to invoke the provisions of this section, the Permittee shall notify the Department in writing within thirty (30) days of receipt of the Department's revision of a submittal or disapproval of a revised submittal. Such notice shall set forth the specific matters in dispute, the position the Permittee asserts should be adopted as consistent with the requirements of the permit, the basis for the Permittee's position, and any matters considered necessary for the Department's determination.
2. The Department and the Permittee shall have an additional thirty (30) days from the Department's receipt of the notification provided for in Condition I.M.1. to meet or confer to resolve any disagreement.
3. In the event an agreement is reached, the Permittee shall submit the revised submittal and implement the same in accordance with and within the time frame specified in such agreement.
4. If agreement is not reached within the thirty (30) day period, the Department will notify the Permittee in writing of his/her decision on the dispute, and the Permittee shall comply with the terms and conditions of the Department's decision in the dispute. For the purposes of this provision in this permit, the responsibility for making this decision shall not be delegated below the Chief of the Hazardous Waste Section.

Invoking any of the dispute resolution procedures of this section does not preclude the Permittee from exercising any of its other rights to petition for a contested case hearing or appeal in accordance with N.C. General Statute 150B. Nor does invoking any of the dispute resolution procedures of this section extend or delay the time periods in which the Permittee must exercise any of those other rights to petition or appeal.

5. With the exception of those conditions under dispute, the Permittee shall proceed to take any action required by those portions of the submission and of the permit that the Department determines are not affected by the dispute.

PART II - GENERAL FACILITY CONDITIONS

A. Authorized Waste. The Permittee is authorized to store and treat the following hazardous wastes or categories of hazardous waste in accordance with the conditions specified in this permit:

D001-D043	K001-K011	P001-P018	U001-U012
	K013-K052	P020-P024	U014-U039
	K060-K062	P026-P031	U041-U053
F001-F012	K064-K066	P033-P034	U055-U063
F019-F028	K069	P036-P051	U064
F032	K071	P054	U066-U099
F034-F035	K073	P056-P060	U101-U103
F037-F039	K083-K088	P062-P078	U105-U138
	K090-K091	P081-P082	U140-U174
	K093-K118	P084-P085	U176-U194
	K123-K126	P087-P089	U196-U197
	K131-K132	P092-P099	U200-U211
	K136	P101-P106	U213-U223
	K141-K145	P108-P116	U225-U228
	K147-K151	P118-P123	U234-U240
	K156-K159	P127-P128	U243-U244
	K161	P185	U246-U249
	K169-K172	P188-P192	U271
	K174-K178	P194	U278-U280
		P196-P199	U328
		P201-P205	U353
			U359
			U364
			U367
			U372-U373
			U387
			U389
			U394-U395
			U404
			U409-U411

B. Design and Operation of Facility. The Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste constituents to air, soil or surface water which could threaten human health or the environment.

C. Required Notice for Receipt of Off-Site Wastes.

1. The Permittee shall notify the Department in writing at least four (4) weeks in advance of the date the Permittee expects to receive hazardous waste from a source outside of the United States. Notice of subsequent shipments during the same calendar year of the same waste from the same foreign source is not required.
2. When the Permittee receives hazardous waste from an off-site source (except where the Permittee is also the generator), he must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The Permittee shall keep a copy of this written notice as part of the operating record.

D. General Waste Analysis. The Permittee shall follow the procedures described in the waste analysis plan as indicated in Module C1 of the Attachment. Specifically EQ North Carolina will analyze or obtain generator certification for each waste stream annually or if EQ North Carolina has reason to believe

that the process or operation generating the hazardous waste has changed or the results of an inspection indicate that the waste does not match the waste on the accompanying waste manifest. EQ North Carolina will also conduct fingerprinting of each shipment as described in Module C. The fingerprinting will be conducted on the following frequencies: every tanker load and 10% or a minimum of three (3) of each containerized waste stream. Results of these analyses shall be maintained as per 40 CFR 264.13 as adopted in 15A NCAC 13A .0109 and as identified in Condition I.D.9. The Permittee shall verify the waste analysis as part of the quality assurance program. The quality assurance program will be in accordance with current EPA practices or equivalent methods approved by the Department, and at a minimum shall ensure that the Permittee maintains proper functional instruments, uses approved sampling and analytical methods, assures the validity of sampling and analytical procedures, and performs correct calculations.

- E. Security. The Permittee shall comply with the security provisions of 40 CFR 264.14(b) and (c) as adopted in 15A NCAC 13A .0109 and Module B of the Attachment.
- F. General Inspection Requirements. The Permittee shall follow the inspection schedule as described in Module F of the Attachment and shall comply with 40 CFR 264.15(c) and (d) as adopted in 15A NCAC 13A .0109.
- G. Personnel Training. The Permittee shall conduct personnel training in accordance with 40 CFR 264.16 as adopted in 15A NCAC 13A .0109 and as described in Module H of the Attachment.
- H. General Requirements for Ignitable, Reactive, or Incompatible Waste. The Permittee shall comply with the requirements of 40 CFR 264.17(a), (b) and (c) as adopted in 15A NCAC 13A .0109.
- I. Required Equipment. The Permittee shall equip the facility and make readily available to operating personnel the necessary equipment to carry out the contingency plan, as described in Module G of the Attachment. At all times, the equipment requirement described in 40 CFR 264.32 as adopted in 15A NCAC 13A .0109 shall be met.
- J. Testing and Maintenance of Equipment. The Permittee shall test and maintain the equipment specified in the previous permit condition and as identified in Modules F and G of the Attachment as necessary to ensure its proper operation in time of emergency.
- K. Access to Communications or Alarm System. The Permittee shall maintain access to the communications or alarm system as required by 40 CFR 264.34 as adopted in 15A NCAC 13A .0109.
- L. Contingency Plan.
 - 1. Implementation of Plan. The Permittee shall immediately carry out the provisions of the contingency plan whenever there is a fire, explosion, or release of hazardous waste or constituents which threatens or could threaten human health or the environment as required by 40 CFR 264.51(b) as adopted in 15A NCAC 13A .0109.
 - 2. Copies of Plan. The Permittee shall comply with the requirements of 40 CFR 264.53 as adopted in 15A NCAC 13A .0109.
 - 3. Amendments to Plan. The Permittee shall review and immediately amend, if necessary, the contingency plan, in accordance with 40 CFR 264.54 as adopted in 15A NCAC 13A .0109.

4. Emergency Coordinator. The Permittee shall comply with the requirements of 40 CFR 264.55 as adopted in 15A NCAC 13A .0109, concerning the emergency coordinator.
- M. Manifest System. The Permittee shall comply with the manifest requirements of 40 CFR 264.71, 264.72, and 264.76 as adopted in 15A NCAC 13A .0109.
- N. Record-Keeping and Reporting.
 1. Operating Record. The Permittee shall maintain a written operating record at the facility in accordance with 40 CFR 264.73(a), (b)(1), (2), (3), (4), (5), (6), (8), (7), (9), (11), (15) and (17) as adopted in 15A NCAC 13A .0109 and described in Modules C, D, F, G, H, I and L of the Attachment.
 2. Biennial Report. The Permittee shall comply with the biennial report requirements of 40 CFR 264.75 as adopted in 15A NCAC 13A .0109 and as amended by 15A NCAC 13A .0101(b)(3).
- O. Closure.
 1. Performance Standard. The Permittee shall close the facility in accordance with the closure plan as described in Module I of the Attachment and as required by 40 CFR 264.111 as adopted in 15A NCAC 13A .0109.
 2. Amendment to Closure Plan. The Permittee shall amend the closure plan in accordance with 40 CFR 264.112(c) as adopted in 15A NCAC 13A .0109 whenever necessary.
 3. Notification of Closure. The Permittee shall notify the Department in writing at least forty-five (45) days prior to the date he expects to begin closure.
 4. Time Allowed For Closure. Within ninety (90) days after receiving the final volume of hazardous waste, the Permittee shall treat or remove from the site all hazardous waste in accordance with the schedule specified in the closure plan. After receiving the final volume of hazardous waste, the Permittee shall complete closure activities in accordance with the schedule specified in the closure plan in Module I of the Attachment.
 5. Disposal or Decontamination of Equipment. The Permittee shall comply with the requirements of 40 CFR 264.114 as adopted in 15A NCAC 13A .0109.
 6. Certification of Closure. The Permittee shall certify that the facility has been closed in accordance with the specifications in the closure plan as required by 40 CFR 264.115 as adopted in 15A NCAC 13A .0109.
- P. Cost Estimate for Facility Closure. The Permittee shall comply with the requirements of 40 CFR 264.142 as adopted in 15A NCAC 13A .0109, including the requirements to adjust and revise the cost estimates, when necessary. The Permittee's closure cost estimate is described in Module I of the Attachment.
- Q. Financial Assurance for Facility Closure. The Permittee shall demonstrate continuous compliance with 15A NCAC 13A .0109(i) including 40 CFR 264.143 as adopted in 15A NCAC 13A .0109, or where applicable with 40 CFR 264.146, 264.149, 264.150, and 264.151 as adopted in 15A NCAC 13A .0109 by providing

documentation of financial assurance in at least the amount of the cost estimates required by Condition II.P. and Module I of the Attachment.

The financial mechanism used shall be that instrument specified in Appendix I2 of Module I of the Attachment. The Permittee may propose using a different mechanism by submitting a new financial instrument to the Department for approval. The Permittee must submit this documentation no later than sixty (60) days prior to the effective date of the proposed change. The existing financial mechanism shall remain in force until the change is approved.

- R. Liability Requirements. The Permittee shall comply with the requirements of 40 CFR 264.147 as adopted in 15A NCAC 13A .0109, including the requirements to have and maintain liability coverage for sudden and accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs.

The financial mechanism used shall be that instrument specified in Appendix I3 of Module I of the Attachment. The Permittee may propose using a different mechanism by submitting a new financial instrument to the Department for approval. The Permittee must submit this documentation no later than sixty (60) days prior to the effective date of the proposed change. The existing financial mechanism shall remain in force until the change is approved.

- S. Incapacity of Owners or Operators, Guarantors, or Financial Institutions. The Permittee shall comply with 40 CFR 264.148 as adopted in 15A NCAC 13A .0109 whenever necessary.

- T. Cost Estimate for Completion of Corrective Action.

1. The Permittee shall prepare a cost estimate for the completion of any corrective action required under this permit for solid waste management units in order to provide financial assurance for completion of corrective action as required under 40 CFR 264.101(b) as adopted in 15A NCAC 13A .0109. Such cost estimate will be based upon the cost of operation, inspection, monitoring, and maintenance of the corrective action system to meet the requirements of 40 CFR 264.101 as adopted in 15A NCAC 13A .0109 and this permit.
2. The Permittee shall submit a cost estimate for any additional corrective action for prior or continuous releases on the date specified by the Department.

- U. Financial Assurance for Corrective Action.

1. The Permittee shall demonstrate continuous compliance with 40 CFR 264.101 as adopted in 15A NCAC 13A .0109 by providing documentation of financial assurance using a mechanism specified in 40 CFR 264.143 as adopted in 15A NCAC 13A .0109 in at least the amount of cost estimate required under Condition II.T. The words "completion of corrective action" shall be substituted for "closure and/or post-closure" as appropriate in the financial mechanism.
2. The Permittee shall submit financial assurance for completion of corrective action as required under 40 CFR 264.101 as adopted in 15A NCAC 13A .0109 no later than thirty (30) days prior to beginning full operation of the approved corrective action.

V. Special Conditions.

1. When a discrepancy exists between the wording of an item in the attachment and this permit, the permit requirements take precedence over the attachment.
2. Where a discrepancy exists between the RCRA Facility Assessment (RFA) report (attached as part of the permit) and this permit as to the future requirements to be taken at the facility, the permit requirements take precedence over the requirements reflected in the report.
3. The Permittee shall provide and maintain such appropriate and secure offices and laboratory facilities as the Department may require for the use of the resident inspectors required by GS 130A-295.02(a).

PART III - STORAGE/TREATMENT IN CONTAINERS

Each of the following units may accept all wastes listed in Permit Condition II.A.

Hazardous Waste Storage Area					
Unit	Storage Unit Area	Unit Storage Capacity			Permitted Waste Management
		Gallons	55-gallon drums	Largest Container Permitted	
Bay 1	30.50' x 13.33'	14,859	270	400-gallon tote	Storage Only
Bay 2	30.50' x 25.00'	28,994	527	14-cubic-yard roll-off box	Storage and Treatment
Bay 3	44.66' x 25.00'	43,641	793	20-cubic-yard roll-off box	Storage and Treatment
Bay 4	44.66' x 25.00'	35,614	647	400-gallon tote	Storage Only
Bay 5	44.66' x 25.00'	35,614	647	400-gallon tote	Storage Only
Bay 6	44.66' x 25.00'	35,614	647	400-gallon tote	Storage Only
Bay 7	44.66' x 25.00'	35,614	647	400-gallon tote	Storage Only

Warehouse Storage Area					
	Storage Unit Area	Unit Storage Capacity			Permitted Waste Management
		Gallons	55-gallon drums	Largest Container Permitted	
	44.50' x 36.25' + 18'25" x 4.75'	26,460	448	400-gallon tote	Storage Only

Lab Pack Pour Up Room					
	Storage Unit Area	Unit Storage Capacity			Permitted Waste Management
		Gallons	55-gallon drums	Largest Container Permitted	
	22.16' x 19.16'	770	14	400-gallon tote	Storage and Treatment (Treatment will be restricted to fuels blending)

- A. Condition of Containers. If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this permit.
- B. Compatibility of Waste with Containers. The Permittee shall comply with 40 CFR 264.172 as adopted in 15A NCAC 13A .0109 and ensure that the ability of the container to contain the waste is not impaired.
- C. Management of Containers. The Permittee shall manage containers in accordance with 40 CFR 264.173 as adopted in 15A NCAC 13A .0109 and as described in Module D1 of the Attachment.

In the Hazardous Waste Storage Area, all containers will be stored on pallets with the exception of roll-off boxes. 55-gallon and 85-gallon drums shall be double stacked with a pallet placed between layers. Totes designed to be stacked may be double stacked with no pallets in between the totes. Cubic-yard boxes may be double stacked with no pallets between the boxes. 30-gallon containers may be double stacked with no pallet between layers. 5-gallon pails may be triple stacked with no pallets between layers. A minimum

aisle space of 24" will be maintained between each row, a row being no more than one pallet wide.

In the Warehouse Storage Area, all containers will be stored on pallets. 55-gallon and 85-gallon drums shall be double stacked with a pallet placed between layers. Totes designed to be stacked may be double stacked with no pallets in between the totes. Cubic-yard boxes may be double stacked with no pallets between the boxes. 30-gallon containers may be double stacked with no pallet between layers. 5-gallon pails may be triple stacked with no pallets between layers. A minimum aisle space of 24" will be maintained between each row, a row being no more than one pallet wide.

In the Lab Pack Pour Up Room, all containers will be stored on pallets. 55-gallon drums shall be double stacked with a pallet placed between layers. A minimum aisle space of 24" will be maintained between each row, a row being no more than one pallet wide.

- D. Inspections. The Permittee shall inspect container storage areas in accordance with 40 CFR 264.174 as adopted in 15A NCAC 13A .0109 and as described in Module F of the Attachment.
- E. Aisle Space. At a minimum, the Permittee shall maintain aisle space as required by 40 CFR 264.35 as adopted in 15A NCAC 13A .0109. A minimum aisle space of 24" shall be maintained at all times.
- F. Containment. The Permittee shall comply with the requirements of a containment system found in 40 CFR 264.175(b)(1)-(5) as adopted in 15A NCAC 13A .0109, including having a base which is free of cracks and gaps and is able to contain leaks, spills and accumulated rainfall until such time that the material is detected and removed. The containment system must be designed for efficient drainage and have sufficient capacity to contain 10% of the total volume of containers. The Permittee shall maintain the containment system in accordance with Modules D1 and F of the Attachment.
- G. Special Requirements for Ignitable or Reactive Waste. The Permittee shall not locate containers holding ignitable or reactive waste within 50 feet of the facility's property line.
- H. Special Requirements for Incompatible Waste.
 - 1. The Permittee shall not place incompatible wastes in the same container.
 - 2. The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material.
 - 3. The Permittee shall not store a container of hazardous waste that is incompatible with any waste or material stored nearby in other containers, piles, open tanks or surface impoundments unless the container is separated from the other materials by a dike, berm, wall, or other device.
- I. Closure. The Permittee shall follow the closure plan as described in Module I of the Attachment and shall comply with 40 CFR 264.178 as adopted in 15A NCAC 13A .0109.

PART IV - STORAGE/TREATMENT IN TANKS

The Tank Farm will consist of six aboveground, carbon steel fixed-roof tanks. Tanks RT1 and RT2 will be used to store and treat solvent/organic waste. Tanks FT3, FT4, FT5, and FT6 will be used to store and treat hazardous waste fuel or aqueous waste. Tank RT1 will have a capacity of 8,000 gallons. Tank RT2 will have a capacity of 15,000 gallons. Tanks FT3, FT4, FT5, and FT6 will have a capacity of 18,000 gallons each.

The tanks are vertical, twelve (12) feet diameter cylindrical tanks with conical bottoms and top mounted agitators. The length of the vertical portions of the tanks (minus the cone) are 9.09 feet for tank RT1, 16.58 feet for tank RT2 and 20.12 feet for tanks FT3, FT4, FT5 and FT6. Each tank is fitted with a flame arrestor, an emergency relief valve, and a high level alarm system.

The six tanks will sit within a concrete secondary containment with a containment volume of 45,942 gallons or 255% of the largest tank. The secondary containment system will have interior dimensions of 55.33 feet by 37 feet with a 3 foot high, 4 inch thick containment wall.

A. Design of Tanks.

The Permittee shall maintain all tanks in accordance with Module D2 of the Attachment.

B. Secondary Containment and Integrity Assessments.

1. The Permittee shall comply with 40 CFR 264.193(b)-(f) as adopted in 15A NCAC 13A .0109 and design, construct, and operate the secondary containment system in accordance with the detailed design plans described in Module D2 of the Attachment. The new tank secondary containment systems must be in place prior to the tanks being put into service.
2. The Permittee shall comply with the following conditions until such time as secondary containment is provided that meets the requirements of 40 CFR 264.193 as adopted in 15A NCAC 13A .0109:
 - a. For the tanks, a leak test (or other tank integrity method as approved or required by the Department) must be conducted annually using the procedures as described in Module D2 of the Attachment.
 - c. For ancillary equipment, a leak test (or other integrity method as approved by the Department) must be conducted annually using the procedures as described in Module D2 of the Attachment.
 - d. If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment, the Permittee shall comply with Condition IV.D.

C. General Operating Requirements.

1. The Permittee shall not place hazardous wastes or treatment reagents in the tank system if they could cause the tank, its ancillary equipment, or a containment system to rupture, leak, corrode, or otherwise fail.
2. The Permittee shall prevent spills and overflows from the tank or containment systems using the methods described in 40 CFR 264.194(b) as adopted in 15A NCAC 13A .0109 and in Modules D2, F and G of the Attachment.

D. Response to Leaks or Spills.

In the event of a leak or a spill from the tank and/or secondary containment system, or if a system becomes unfit for continued use, the Permittee shall comply with 40 CFR 264.196 as adopted in 15A NCAC 13A .0109 and remove the system from service immediately and complete the following actions:

1. Stop the flow of hazardous waste into the system and inspect the system to determine the cause of the release;
2. Remove the waste and accumulated precipitation from the system within twenty-four (24) hours of the detection of the leak to prevent further release and to allow inspection and repair of the system. If the Permittee finds that it will be impossible to meet this time period, the Permittee must notify the Department and demonstrate that the longer time period is required;
3. Contain visible releases to the environment. The Permittee shall immediately conduct a visual inspection of all releases to the environment and based on that inspection: (a) prevent further migration of the leak or spill to soils or surface water and (b) remove and properly dispose of any visible contamination of the soil or surface water;
4. Close the system in accordance with the closure plan as described on Module I of the Attachment, unless the following actions are taken:
 - a. For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make any necessary repairs of the system before returning the tank system to service;
 - b. For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to its return to service;
 - c. For a release to the environment caused by a leak from a component of the tank system that is below ground and does not have secondary containment, the Permittee must provide this component with secondary containment that meets the requirements of 40 CFR 264.193 as adopted in 15A NCAC 13A .0109 before the component can be returned to service;
 - d. For a release to the environment caused by a leak from the aboveground portion of the tank system that does not have secondary containment, and can be visually inspected, the Permittee shall repair the tank system before its return to service;
 - e. For a release to the environment caused by a leak from the portion of the tank system component that is not readily available for visual inspection, the Permittee shall provide secondary containment that meets the requirements of 40 CFR 264.193 as adopted in 15A NCAC 13A .0109 before the component can be returned to service;
 - f. If the Permittee replaces a component of the tank system to eliminate the leak, that component must satisfy the requirements for new tank systems or components in 40 CFR 264.192 and 264.193 as adopted in 15A NCAC 13A .0109.

5. For all major repairs to eliminate leaks or restore the integrity of the tank system, the Permittee must obtain a certification by an independent, qualified, registered professional engineer that the repaired system is capable of handling hazardous wastes without release for the intended life of the system before returning the system to service.

E. Inspections.

1. The Permittee shall inspect the tank systems in accordance with 40 CFR 264.195 as adopted in 15A NCAC 13A .0109 and the inspection schedule in Module F of the Attachment. The Permittee shall also develop and follow a procedure for inspecting overflow controls.
2. The Permittee shall inspect the following components of the tank system once each operating day:
 - a. Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
 - b. Data gathered from monitoring and leak detection equipment (e.g. pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and
 - c. The area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste.
3. The Permittee shall document compliance with Conditions IV.E.2. and place this documentation in the operating record for the facility.

F. Notifications and Recordkeeping.

1. The Permittee shall report to the Department within twenty-four (24) hours of detection when a leak or spill occurs from the tank or secondary containment system to the environment as described in 40 CFR 264.196(d)(1) as adopted in 15A NCAC 13A .0109.
2. Within thirty (30) days of release detection, the Permittee shall report to the Department the information in 40 CFR 264.196(d)(3) as adopted in 15A NCAC 13A .0109.
3. The Permittee shall submit to the Department all certifications of major repairs to correct leaks within seven (7) days from returning the tank system to use.
4. The Permittee shall obtain and keep on file at the facility the written statements by those persons required to certify the design and installation of the tank system as required by 40 CFR 264.192(g) as adopted in 15A NCAC 13A .0109.
5. The Permittee shall keep on file at the facility the written assessment of the tank systems' integrity as required by 40 CFR 264.191(a) as adopted in 15A NCAC 13A .0109.

G. Closure and Post-Closure Care.

1. The Permittee shall follow the closure plan as described in Module I of the Attachment and shall comply with 40 CFR 264.197 as adopted in 15A NCAC 13A .0109.

2. If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated in accordance with the closure plan, then the Permittee shall close the tank system(s) and perform post-closure care following the procedures described in 40 CFR 264.197(b) and (c) as adopted in 15A NCAC 13A .0109.

H. Special Requirements for Ignitable or Reactive Wastes.

1. The Permittee shall make sure that each tank is equipped with a flame arrestor to protect against fire and explosion from exterior sources of ignition.
2. The Permittee shall comply with the requirements of 40 CFR 264.198(b) as adopted in 15A NCAC 13A .0109.

I. Special Requirements for Incompatible Wastes.

1. The Permittee shall not place incompatible wastes in the same tank.
2. The Permittee shall not place hazardous waste in an unwashed tank which previously held an incompatible waste or material.

PART V - CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS (SWMUs)
and Areas of Concern (AOCs)

A. APPLICABILITY

The Conditions of this Part apply to:

1. The solid waste management units (SWMUs) and areas of concern (AOCs) identified in Appendix A of the permit, which require a RCRA Facility Investigation (RFI).
2. The SWMUs and AOCs identified in Appendix A which require no further investigation at this time or are addressed under the permit.
3. The SWMUs and AOCs identified in Appendix A which require confirmatory sampling.
4. Any additional SWMUs or AOCs discovered during the course of ground-water monitoring, field investigations, environmental audits, or other means.
5. Contamination beyond the facility boundary, if necessary. The Permittee shall implement corrective actions beyond the facility boundary where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of the Department that, despite the Permittee's best efforts, as determined by the Department, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for completion of such off-site corrective action will be required.
6. The Permittee may deviate from the Conditions of this Part by performing self-directed corrective action with approval from the Director. The Permittee shall sign an agreement specifying conditions of self-directed corrective action which includes reporting requirements and an implementation schedule. If, in the sole discretion of the Director, the Permittee is determined to have failed to abide by the negotiated conditions and schedule in this agreement, the Permittee will be required to follow the Conditions of this Part.

B. DEFINITIONS

For purposes of this Part, the following definitions shall be applicable:

1. The term "area of concern" (AOC) includes any area having a probable release of a hazardous waste or hazardous constituent which is not from a solid waste management unit and is determined by the Department to pose a current or potential threat to human health or the environment. Such areas of concern may require investigations and remedial action as required under Section 3005 (c)(3) of the Resource Conservation and Recovery Act and 40 CFR 270.32 (b)(2) as adopted in 15A NCAC 13A .0113 in order to insure adequate protection of human health and the environment.
2. A "Corrective Action Management Unit" (CAMU) includes any area within a facility that is designated by the Department under part 264 Subpart S, for the purpose of implementing corrective action requirements under 40 CFR 264.101 as adopted in 15A NCAC 13A .0109 and RCRA section 3008(h).

A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

3. "Corrective measures" include all corrective action necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any area of concern or solid waste management unit at the facility, regardless of the time at which waste was placed in the unit, as required under 40 CFR 264.101 as adopted by 15A NCAC 13A .0109. Corrective measures may address releases to air, soils, surface water or ground water.
4. "Extent of contamination" is defined as the horizontal and vertical area in which the concentrations of the hazardous constituents in the environmental media are above detection limits or background concentrations indicative of the region, whichever is appropriate as determined by the Department.
5. "Facility" includes 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 combination of them). For the purposes of implementing corrective action under 40 CFR 264.101 as adopted in 15A NCAC 13A .0109, a facility includes all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA.
6. A "hazardous constituent" for the purposes of this Part are those substances listed in 40 CFR Part 261 Appendix VIII as adopted in 15A NCAC 13A .0106 or 40 CFR 264 Appendix IX as adopted in 15A NCAC 13A .0109.
7. "Interim Measures" are actions necessary to minimize or prevent the further migration of contaminants and limit actual or potential human and environmental exposure to contaminants while long-term corrective action remedies are evaluated and, if necessary, implemented.
8. The term "land disposal" means placement in or on the land except for a CAMU and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, underground mine or cave, or concrete vault or bunker intended for disposal purposes.
9. "Landfill" includes any disposal facility or part of a facility where waste is placed in or on the land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit.
10. A "release" for purposes of this Part includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous waste or hazardous constituents.
11. "Remediation waste" includes all solid and hazardous wastes, and all media (including ground water, surface water, soils, and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements under 40 CFR 264.101 as adopted in 15A NCAC 13A .0109 and RCRA section 3008 (h). For

a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA sections 3004 (v) or 3008 (h) for releases beyond the facility boundary.

12. The term "solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).
13. A "solid waste management unit" (SWMU) for the purposes of this Part includes any unit which has been used for the treatment, storage, or disposal of solid waste at any time, irrespective of whether the unit is or ever was intended for management of solid waste. RCRA regulated hazardous waste management units are also solid waste management units. Solid Waste Management Units include areas which have become contaminated by routine and systematic releases of hazardous waste or hazardous constituents, excluding one-time accidental spills that are immediately remediated and cannot be linked to solid waste management activities (e.g., product or process spills).
14. A "Temporary Unit" (TU) includes any temporary tanks and/or container storage areas used solely for treatment or storage of hazardous remediation wastes during specific remediation activities. Designated by the Department, such units must conform to specific standards, and may only be in operation for a period of time as specified in this permit.
15. A "unit" for the purposes of this Part includes, but is not limited to, any landfill, surface impoundment, waste pile, land treatment unit, incinerator, injection well, tank, container storage area, septic tank, drain field, waste water treatment unit, elementary neutralization unit, transfer station, or recycling unit.

C. NOTIFICATION AND ASSESSMENT REQUIREMENTS FOR NEWLY IDENTIFIED SWMUs AND AOCs

1. The Permittee shall notify the Department in writing, within fifteen (15) calendar days of discovery, of any additional SWMUs as discovered under Condition V.A.4.
2. The Permittee shall notify the Department in writing, within fifteen (15) calendar days of discovery, of any Areas of Concern (AOCs) as discovered under Condition V.A.4. The notification shall include, at a minimum, the location of the AOC and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release, etc.). If the Department determines that further investigation of an AOC is required, the Permittee shall be required to prepare a plan for such investigations as outlined in Condition V.E.1. or Condition V.F.1.
3. The Permittee shall prepare and submit to the Department, within ninety (90) calendar days of notification, a SWMU Assessment Report (SAR) for each SWMU identified under Condition V.C.1. At a minimum, the SAR shall provide the following information:

- a. Location of unit(s) on a topographic map of appropriate scale such as required under 40 CFR 270.14(b)(19) as adopted in 15A NCAC 13A .0113.
 - b. Designation of type and function of unit(s).
 - c. General dimensions, capacities and structural description of unit(s) (supply any available plans/drawings).
 - d. Dates that the unit(s) was operated.
 - e. Specification of all wastes that have been managed at/in the unit(s) to the extent available. Include any available data on hazardous constituents in the waste.
 - f. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit(s) (to include ground-water data, soil analyses, air, and/or surface water data).
4. Based on the data in the SAR, the Department shall determine the need for further investigations at the SWMUs covered in the SAR. If the Department determines that such investigations are needed, the Permittee shall be required to prepare a plan for such investigations as outlined in Condition V.E.1. or V.F.1.

D. NOTIFICATION REQUIREMENTS FOR NEWLY DISCOVERED RELEASES AT PREVIOUSLY IDENTIFIED SWMUs AND AOCs

1. The Permittee shall notify the Department in writing of any newly discovered release(s) of hazardous waste or hazardous constituents discovered during the course of ground-water monitoring, field investigations, environmental audits, or other means, within fifteen (15) calendar days of discovery. Such newly discovered releases may be from SWMUs or AOCs identified in Condition V.A.2. or SWMUs or AOCs identified in Condition V.A.3.
2. If the Department determines that further investigation of the SWMUs or AOCs is needed, the Permittee shall be required to prepare a plan for such investigations as outlined in Condition V.F.1.b.

E. CONFIRMATORY SAMPLING (CS)

1. The Permittee shall prepare and submit to the Department, within forty-five (45) calendar days of the effective date of the permit or notification by the Department for a newly identified SWMU, a Confirmatory Sampling (CS) Workplan to determine any release from SWMUs and AOCs identified in Condition V.A.3. and Appendix A. The CS Workplan shall include schedules of implementation and completion of specific actions necessary to determine a release. It should also address applicable requirements and affected media.
2. The CS Workplan must be approved by the Department, in writing, prior to implementation. The Department shall specify the start date of the CS Workplan schedule in the letter approving the CS Workplan. If the Department disapproves the CS Workplan, the Department shall either (1) notify the Permittee in writing of the CS Workplan's deficiencies and specify a due date for submission of a revised CS Workplan, or (2) revise the CS Workplan and notify the Permittee of the revisions, or (3) conditionally approve the CS work plan and notify the Permittee of the conditions.

3. The Permittee shall implement the confirmatory sampling in accordance with the approved CS Workplan.
4. The Permittee shall prepare and submit to the Department in accordance with the approved schedule, a Confirmatory Sampling (CS) Report, within sixty (60) calendar days after approval of the CS Workplan, identifying those SWMUs and AOCs listed in Condition V.A.3. that have released hazardous waste or hazardous constituents into the environment. The CS Report shall include all data, including raw data, and a summary and analysis of the data, that supports the above determination.
5. Based on the results of the CS Report, the Department shall determine the need for further investigations at the SWMUs and AOCs covered in the CS Report. If the Department determines that such investigations are needed, the Permittee shall be required to prepare a plan for such investigations as outlined in Condition V.F.1.b. The Department will notify the Permittee of any "no further action" decision.

F. RCRA FACILITY INVESTIGATION (RFI)

1. RFI Workplan(s)

- a. The Permittee shall prepare and submit to the Department, within ninety (90) calendar days of the approval of the Confirmatory Sampling Report, a RCRA Facility Investigation (RFI) Workplan for those units identified in Condition V.A.1. This Workplan shall be developed to meet the requirements of Condition V.F.1.c.
- b. The Permittee shall prepare and submit to the Department, within ninety (90) calendar days of notification by the Department, an RFI Workplan for those units identified under Condition V.C.4., Condition V.D.2. or Condition V.E.5. This RFI Workplan(s) shall be developed to meet the requirements of Condition V.F.1.c.
- c. The RFI Workplan(s) shall meet the requirements of Appendix B at a minimum. The Workplan(s) shall include schedules of implementation and completion of specific actions necessary to determine the nature and extent of releases and the potential pathways of contaminant releases to the air, land, surface water, and ground water. The Permittee must provide sufficient justification and/or documentation that a release is not probable if a unit or a media/pathway associated with a unit (ground water, surface water, soil, subsurface gas, or air) is not included in the RFI Workplan(s). Such deletions of a unit, media or pathway from the RFI(s) are subject to the approval of the Department. The Permittee shall provide sufficient written justification for any omissions or deviations from the minimum requirements of Appendix B. Such omissions or deviations are subject to the approval of the Department. The RFI Workplan may be phased to allow for subsequent investigatory activity to be contingent upon the initial phase findings. If the scope of the Workplan(s) is designed to be an initial phase, the initial phase must summarize all potential final phase activities needed to meet the requirements of this condition. In addition, the scope of the RFI Workplan(s) shall include all investigations necessary to ensure compliance with 40 CFR 264.101(c) as adopted in 15A NCAC 13A .0109.
- d. The RFI Workplan(s) must be approved by the Department, in writing, prior to implementation. The Department shall specify the start date of the RFI Workplan schedule in the letter approving the RFI Workplan(s). If the Department disapproves the RFI Workplan(s),

the Department shall either (1) notify the Permittee in writing of the RFI Workplan's deficiencies and specify a due date for submission of a revised RFI Workplan, or (2) revise the RFI Workplan and notify the Permittee of the revisions and the start date of the schedule within the approved RFI Workplan, or (3) conditionally approve the RFI work plan and notify the Permittee of the conditions.

2. RFI Implementation

The Permittee shall implement the RFI(s) in accordance with the approved RFI Workplan(s) and Appendix B. The Permittee shall notify the Department twenty (20) days prior to any sampling activity.

3. RFI Reports

a. If the time required to conduct the RFI(s) is greater than one hundred eighty (180) calendar days, the Permittee shall provide the Department with quarterly RFI Progress Reports (90 day intervals) beginning ninety (90) calendar days from the start date specified by the Department in the RFI Workplan approval letter. The Progress Reports shall contain the following information at a minimum:

- i. A description of the portion of the RFI completed;
- ii. Summaries of findings;
- iii. Summaries of any deviations from the approved RFI Workplan during the reporting period;
- iv. Summaries of any significant contacts with local community public interest groups or state government;
- v. Summaries of any problems or potential problems encountered during the reporting period;
- vi. Actions taken to rectify problems;
- vii. Changes to relevant personnel;
- viii. Projected work for the next reporting period; and
- ix. Copies of daily reports, inspection reports, laboratory/monitoring data, etc.

b. The Permittee shall prepare and submit to the Department Draft and Final RCRA Facility Investigation Report(s) for the investigations conducted pursuant to the Workplan(s) submitted under Condition V.F.1. The Draft RFI Report(s) shall be submitted to the Department for review in accordance with the schedule in the approved RFI Workplan(s). The Final RFI Report(s) shall be submitted to the Department within thirty (30) calendar days of receipt of the Department's comments on the Draft RFI Report. The RFI Report(s) shall include an analysis and summary of all required investigations of SWMUs and AOCs and their results. The summary shall describe the type and extent of contamination at the facility, including sources and migration pathways, and a description of actual or potential receptors. The Report(s) shall also describe the extent of contamination (qualitative/quantitative) in relation to background levels indicative of the

area. If the Draft RFI Report is a summary of the initial phase investigatory work, the report shall include a workplan for the final phase investigatory actions required based on the initial findings. Approval of the final phase workplan shall be carried out in accordance with Condition V.F.1.d. The objective of this task shall be to ensure that the investigation data are sufficient in quality (e.g., quality assurance procedures have been followed) and quantity to describe the nature and extent of contamination, potential threat to human health and/or the environment, and to support a Corrective Measures Study, if necessary.

- c. The Department will review the Final RFI Report(s) and notify the Permittee of the need for further investigative action and/or the need for a Corrective Measures Study to meet the requirements of V.H., Appendix C and 40 CFR 264.101 as adopted in 15A NCAC 13A .0109. The Department will notify the Permittee of any "no further action" decision. Any further investigative action required by the Department shall be prepared and submitted in accordance with a schedule specified by the Department and approved in accordance with Condition V.F.1.d.

G. INTERIM MEASURES (IM)

1. IM Workplan

- a. Upon notification by the Department, the Permittee shall prepare and submit an Interim Measures (IM) Workplan for any SWMU or AOC which the Department determines is necessary. IM are necessary in order to minimize or prevent the further migration of contaminants and limit human and environmental exposure to contaminants while long-term corrective action remedies are evaluated and, if necessary, implemented. The IM Workplan shall be submitted within thirty (30) calendar days of such notification and shall include the elements listed in V.G.1.b. Such interim measures may be conducted concurrently with investigations required under the terms of this permit. The Permittee may initiate IM by submitting an IM Workplan for approval and reporting in accordance with the requirements in Condition V.G.
- b. The IM Workplan shall ensure that the interim measures are designed to mitigate any current or potential threat(s) to human health or the environment and to be consistent with and integrated into any long-term solution at the facility. The IM Workplan shall include: the interim measures objectives, procedures for implementation (including any designs, plans, or specifications), and schedules for implementation.
- c. The IM Workplan must be approved by the Department, in writing, prior to implementation. The Department shall specify the start date of the IM Workplan schedule in the letter approving the IM Workplan. If the Department disapproves the IM Workplan, the Department shall either (1) notify the Permittee in writing of the IM Workplan's deficiencies and specify a due date for submission of a revised IM Workplan, or (2) revise the IM Workplan and notify the Permittee of the revisions and the start date of the schedule within the approved IM Workplan, or (3) conditionally approve the IM Workplan and notify the Permittee of the conditions.

2. IM Implementation

- a. The Permittee shall implement the interim measures in accordance with the approved IM Workplan.
- b. The Permittee shall give notice to the Department as soon as possible of any planned changes, reductions, or additions to the IM Workplan.
- c. Final approval of corrective action required under 40 CFR 264.101 as adopted in 15A NCAC 13A .0109 which is achieved through interim measures shall be in accordance with 40 CFR 270.41 as adopted in 15A NCAC 13A .0113 and Condition V.I. as a permit modification.

3. IM Reports

- a. If the time required for completion of interim measures is greater than one (1) year, the Permittee shall provide the Department with progress reports at intervals specified in the approved workplan. The Progress Reports shall contain the following information at a minimum:
 - i. A description of the portion of the interim measures completed;
 - ii. Summaries of any deviations from the IM Workplan during the reporting period;
 - iii. Summaries of any problems or potential problems encountered during the reporting period;
 - iv. Projected work for the next reporting period; and
 - v. Copies of laboratory/monitoring data.
- b. The Permittee shall prepare and submit to the Department, within ninety (90) calendar days of completion of interim measures conducted under Condition V.G., an IM Report. The IM Report shall contain the following information at a minimum:
 - i. A description of interim measures implemented;
 - ii. Summaries of results;
 - iii. Summaries of any problems encountered;
 - iv. Summaries of accomplishments and/or effectiveness of interim measures; and
 - v. Copies of all relevant laboratory/monitoring data, etc. in accordance with Condition I.D.9.

H. CORRECTIVE MEASURES STUDY

1. Corrective Measures Study (CMS) Workplan

- a. The Permittee shall prepare and submit a CMS Workplan for those units requiring a CMS within ninety (90) calendar days of notification by the Department that a CMS is required. This CMS Workplan shall be developed to meet the requirements of Condition V.H.1.b.

- b. The CMS Workplan shall meet the requirements of Appendix C at a minimum. The CMS Workplan shall include schedules of implementation and completion of specific actions necessary to complete a CMS. The Permittee must provide sufficient justification and/or documentation for any unit identified in accordance with Condition V.H.1.a. which is deleted from the CMS Workplan. Such deletion of a unit is subject to the approval of the Department. The CMS shall be conducted in accordance with the approved CMS Workplan. The Permittee shall provide sufficient written justification for any omissions or deviations from the minimum requirements of Appendix C. Such omissions or deviations are subject to the approval of the Department. The scope of the CMS Workplan shall include all investigations necessary to ensure compliance with 3005(c)(3), 40 CFR 264.101 and 40 CFR 264.552 as adopted in 15A NCAC 13A .0109, and 270.32(b) as adopted in 15A NCAC 13A .0113. The Permittee shall implement corrective actions beyond the facility boundary, as set forth in Condition V.A.5.
- c. The Department shall either approve or disapprove, in writing, the CMS plan. If the Department disapproves the CMS Workplan, the Department shall either (1) notify the Permittee in writing of the CMS Workplan's deficiencies and specify a due date for submittal of a revised CMS Workplan, or (2) revise the CMS Workplan and notify the Permittee of the revisions, or (3) conditionally approve the CMS Workplan and notify the Permittee of the conditions. This modified CMS Workplan becomes the approved CMS Workplan .

2. Corrective Measures Study Implementation

The Permittee shall begin to implement the Corrective Measures Study according to the schedules specified in the CMS Workplan, no later than fifteen (15) calendar days after the Permittee has received written approval from the Department for the CMS Workplan. The CMS shall be conducted in accordance with the approved CMS Workplan approved in accordance with Condition V.H.1.c.

3. CMS Report

- a. The Permittee shall prepare and submit to the Department a draft and final CMS Report for the study conducted pursuant to the approved CMS Workplan. The draft CMS Report shall be submitted to the Department in accordance with the schedule in the approved CMS Workplan. The final CMS Report shall be submitted to the Department within thirty (30) calendar days of receipt of the Department's comments on the draft CMS Report. The CMS Report shall summarize any bench-scale or pilot tests conducted. The CMS Report must include an evaluation of each remedial alternative. If a remedial alternative requires the use of a CAMU, the CMS report shall include all information necessary to establish and implement the CAMU. The CMS Report shall present all information gathered under the approved CMS Workplan. The CMS Final Report must contain adequate information to support the Department's decision on the recommended remedy, described under Condition V.I.
- b. If the Department determines that the CMS Final Report does not fully satisfy the information requirements specified under Permit Condition V.H.3.a., the Department may disapprove the CMS Final Report. If the Department disapproves the CMS Final Report, the Department shall notify the Permittee in writing of deficiencies in the CMS Final Report and specify a due date for submittal of a

revised CMS Final Report. The Department will notify the Permittee of any no further action decision.

- c. As specified under Condition V.H.3.a., based on preliminary results and the CMS Final Report, the Department may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

I. REMEDY APPROVAL AND PERMIT MODIFICATION

1. A remedy shall be selected by the Department from the remedial alternatives evaluated in the CMS. The remedy will be based at a minimum on protection of human health and the environment, as per specific site conditions, existing regulations, and guidance.
2. Pursuant to 40 CFR 270.41 as adopted in 15A NCAC 13A .0113, a permit modification will be initiated by the Department upon concurrence of a remedy selected in accordance with Condition V.I.1. This modification will serve to incorporate a final remedy, including a CAMU, if necessary, into the permit.
3. Within one hundred and twenty (120) calendar days after this Permit has been modified, the Permittee shall demonstrate financial assurance for completing the approved remedy.

J. MODIFICATION OF THE CORRECTIVE ACTION SCHEDULE OF COMPLIANCE

1. If at any time the Department determines that modification of the Corrective Action Schedule of Compliance is necessary, the Department may initiate a modification to the Schedule of Compliance, Appendix D.
2. Modifications that are initiated and finalized by the Department will be in accordance with the applicable provisions of 40 CFR 270 as adopted in 15A NCAC 13A .0113. The Permittee may also request a permit modification in accordance with 40 CFR 270 as adopted in 15A NCAC 13A .0113.

K. IMMINENT HAZARDS

1. The Permittee shall report to the Department any imminent or existing hazard to public health or the environment from any release of hazardous waste or hazardous constituents. Such information shall be reported orally within 24 hours from such time the Permittee becomes aware of the circumstances. This report shall include the information specified under Condition I.D.14.
2. A written report shall also be provided to the Department within fifteen (15) calendar days of the time the Permittee becomes aware of the circumstances. The written report shall contain the information specified under Condition I.D.14. and; a description of the release and its cause; the period of the release; whether the release has been stopped; and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the release.

L. WORKPLAN AND REPORT REQUIREMENTS

1. All plans and schedules shall be subject to approval by the Department prior to implementation to assure that such workplans and schedules are consistent with the requirements of this permit and with applicable regulations and guidance. The Permittee shall revise all submittals and

schedules as specified by the Department. Upon approval the Permittee shall implement all plans and schedules as written.

2. The results of all plans and reports shall be submitted in accordance with the approved schedule. Extensions of the due date for submittals may be granted by the Department based on the Permittee's demonstration that sufficient justification for the extension exists.
3. If the Permittee at any time determines that the SAR information required under Condition V.C., or RFI Workplan(s) required under Condition V.F., no longer satisfies the requirements of 40 CFR 264.101 as adopted in 15A NCAC 13A .0109 or this permit for prior or continuing releases of hazardous waste or hazardous constituents from solid waste management units and/or areas of concern, the Permittee shall submit an amended RFI Workplan(s) to the Department within ninety (90) calendar days of such determination.
4. All reports shall be signed and certified in accordance with 40 CFR 270.11 as adopted in 15A NCAC 13A .0113.
5. Two (2) paper copies and one (1) electronic copy of all reports and plans shall be provided by the Permittee to the Department at the following address:

Ms. Elizabeth Cannon, Chief
Hazardous Waste Section
Waste Management Division
1646 Mail Service Center
Raleigh, NC 27699-1646

Electronic reports shall be in MS Word or a common text format.
Electronic data shall be in MS Access or a comma delimited format.
Data files shall also include a meta data file describing the fields in the data file. Plans shall be electronic to the most reasonable extent possible.

PART VI - WASTE MINIMIZATION

A. GENERAL REQUIREMENTS

Pursuant to 40 CFR 264.73(b)(9) as adopted in 15A NCAC 13A .0109, and Section 3005(h) of RCRA, 42 U.S.C. 6925(h), the Permittee must certify, no less often than annually that:

1. The Permittee has a program in place to reduce the volume and toxicity of hazardous waste to the degree determined by the Permittee to be economically practicable; and
2. The proposed method of treatment, storage or disposal is the most practicable method available to the Permittee which minimizes the present and future threat to human health and the environment.

B. WASTE MINIMIZATION RECORD KEEPING

The Permittee shall maintain copies of the certification in the facility operating record as required by 40 CFR 264.73(b)(9) as adopted in 15A NCAC 13A .0109.

C. WASTE MINIMIZATION PROGRAM OBJECTIVES

The Waste Minimization program required under Condition VI.A. above should address the objectives listed in Appendix E.

PART VII - LAND DISPOSAL RESTRICTIONS

A. GENERAL RESTRICTIONS

1. 40 CFR Part 268 as adopted in 15A NCAC 13A .0112 identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances which an otherwise prohibited waste may continue to be placed on or in a land treatment, storage or disposal unit. The Permittee shall maintain compliance with the requirements of 40 CFR 268 as adopted in 15A NCAC 13A .0112. Where the Permittee has applied for an extension, waiver or variance under 40 CFR 268 as adopted in 15A NCAC 13A .0112 the Permittee shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached pending final approval of such application.

B. LAND DISPOSAL PROHIBITIONS AND TREATMENT STANDARDS

1. A restricted waste identified in 40 CFR Part 268 Subpart C as adopted in 15A NCAC 13A .0112 may not be placed in a land disposal unit without further treatment unless the requirements of 40 CFR Part 268 Subparts C and/or D as adopted in 15A NCAC 13A .0112 are met.
2. The storage of hazardous wastes restricted from land disposal under 40 CFR Part 268 as adopted in 15A NCAC 13A .0112 is prohibited unless the requirements of 40 CFR 268 Subpart E as adopted in 15A NCAC 13A .0112 are met.

C. DEFINITIONS

1. For the purposes of 40 CFR Part 268 as adopted in 15A NCAC 13A .0112, "Land Disposal" means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, underground mine or cave, or concrete vault or bunker intended for disposal purposes.

PART VIII - ORGANIC AIR EMISSIONS REQUIREMENTS FOR PROCESS VENTS AND EQUIPMENT
LEAKS

A. GENERAL INTRODUCTION

In the June 21, 1990, Federal Register, EPA published the final rule for Phase I Organic Air Emission Standards (40 CFR Parts 264 and 265, Subparts AA and BB) for hazardous waste treatment, storage, and disposal facilities. Subpart AA contains emission standards for process vents associated with distillation fractionation, thin-film evaporation, solvent extraction, and air or steam stripping operations that process hazardous waste with an annual average total organic concentration of at least ten (10) parts per million (ppm) by weight. SUBPART AA DOES NOT APPLY TO AIR STRIPPING OPERATIONS USED FOR CORRECTIVE ACTION PURPOSES. Subpart BB contains emission standards that address leaks from specific equipment (i.e. pumps, valves, compressors, etc.) that contains or contacts hazardous waste that has an organic concentration of at least ten (10) percent by weight.

B. ORGANIC AIR EMISSION STANDARDS

The Permittee has no units at the present time to which the Organic Air Emissions Requirements of 40 CFR 264, Subpart AA (for process vents), and/or Subpart BB (for equipment leaks) as adopted in 15A NCAC 13A .0113 applies. If the Permittee should change, modify or otherwise identify any unit that is or has become subject to these regulations, the Permittee is required to comply with all 40 CFR 264 as adopted in 15A NCAC 13A .0109, Subpart AA and Subpart BB regulations and is required to submit all 40 CFR 270.24 and 270.25 as adopted in 15A NCAC 13A .0113 informational requirements within thirty (30) calendar days after implementation of the unit's modification.

PART IX - RCRA ORGANIC AIR EMISSION REQUIREMENTS

A. APPLICABILITY

1. Subpart CC applies to all tanks, containers, surface impoundments and/or miscellaneous units, identified in Condition IX.A., except as provided for in 40 CFR 264.1 and 264.1080(b) as adopted in 15A NCAC 13A .0109.

The Conditions of this Part apply to:

2. Hazardous waste management units identified below, for which required control equipment has been installed and is operational or are exempt from Subpart CC standards under 40 CFR 264.1082(c) as adopted in 15A NCAC 13A .0109.

Table IX.A.2. Hazardous Waste Management Units for Which Subpart CC Emissions Controls are Installed		
HWMU Designation/ Identification Number	HWMU Type	Description of Air Emission Control System
Hazardous Waste Storage Area (Bays 2 through 7)	Containers	DOT approved containers

3. Hazardous waste management units identified below, for which required control equipment has not yet been installed or placed in operation as of permit issuance.

Table IX.A.3. Hazardous Waste Management Units for Which Subpart CC Emissions Controls Need to be Installed			
HWMU Designation/ Identification Number	HWMU Type	Description of Proposed Air Emission Control System	Installation Due Date
Warehouse Storage Area	Containers	DOT approved containers	Prior to placing hazardous waste in the unit
Lab Pack Pour Up Room	Containers	DOT approved containers	Prior to placing hazardous waste in the unit
Tank Farm (Tanks RT1, RT2, FT3, FT4, FT5 and FT6)	Tanks	Fixed roof tanks	Prior to placing hazardous waste in the unit

B. EMISSION CONTROL TECHNOLOGY

1. The Permittee shall install and maintain all regulated units and associated emission control technology in accordance with the detailed

plans, schedules, information and reports as contained Module D of the Attachment.

2. For hazardous waste management units identified in Condition IX.A.3., the Permittee shall complete control equipment installation, begin operation, and perform any testing to demonstrate that the installed equipment meets the applicable standards of Subpart CC, respectively, no later than the "Installation Due Date" specified in Table IX.A.3. If additional time is needed to complete installation or complete testing, the Permittee must formally request a change in the schedule of compliance, in accordance with the permit modification provisions of 40 CFR 270.42 as adopted in 15A NCAC 13A .0113.

C. GENERAL STANDARDS

The Permittee shall comply with the applicable requirements of 40 CFR Part 264, Subpart CC as adopted in 15A NCAC 13A .0109. If the Organic Air Emission control equipment is not installed and operational by December 6, 1996, the Permittee is required to submit a Schedule for Implementation in accordance 40 CFR 265.1082 as adopted in 15A NCAC 13A .0110. The Schedule for Implementation shall indicate that the Organic Air Emission Control equipment be installed and operational as soon as possible, but no later than December 8, 1997, for units subject to Subpart CC, except controls on tanks used for stabilization, and June 8, 1998, for tanks used for stabilization that are subject to Subpart CC. The Permittee shall comply with 40 CFR 265, Subpart CC as adopted in 15A NCAC 13A .0110 until such time the Organic Air Emission Control equipment is installed and operational. Upon approval of the final Organic Air Emissions Control Option, this Permit will be modified in accordance with 40 CFR 270.42 as adopted in 15A NCAC 13A .0113.

D. REPORTING REQUIREMENTS

1. For each tank, surface impoundment, or container which manages hazardous waste that is exempted from using air emission controls, a written report shall be submitted to the Department within fifteen (15) days of each occurrence when hazardous waste is placed in the waste management unit in noncompliance with 40 CFR 264.1082(c)(1) or (c)(2) as adopted in 15A NCAC 13A .0109, as applicable. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent reoccurrence of the noncompliance.
2. For tanks listed in Conditions IX.A.2. or IX.A.3., which use air emission controls in accordance with the requirements 40 CFR 264.1084(c) as adopted in 15A NCAC 13A .0109, a written report shall be submitted to the Department within fifteen (15) days of each occurrence when hazardous waste is managed in the tank in noncompliance with the Conditions specified in 40 CFR 264.1084(c)(1) through (c)(4) as adopted in 15A NCAC 13A .0109. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent reoccurrence of the noncompliance.
3. For control devices used in accordance with the requirements of 40 CFR 264.1087 as adopted in 15A NCAC 13A .0109, a semiannual written report shall be submitted to the Department except as provided for in Condition IX.D.4. of this Part. The report shall describe each occurrence during the previous 6-month period when a control device is operated continuously for 24 hours or longer in noncompliance with the applicable

operating values defined in 40 CFR 264.1035(c)(4) as adopted in 15A NCAC 13A .0109 or when a flare is operated with visible emissions as defined in 40 CFR 264.1033(d) as adopted in 15A NCAC 13A .0109. The written report shall include the EPA identification number, facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance.

4. A report to the Department in accordance with the requirements of Condition IX.D.3. of this Part is not required for a 6-month period during which all control devices subject to 40 CFR Part 264, Subpart CC, as adopted in 15A NCAC 13A .0109 are operated by the owner or operator such that during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in 40 CFR 264.1035(c)(4) as adopted in 15A NCAC 13A .0109 of this part or a flare operate with visible emissions as defined in 40 CFR 264.1033(d) as adopted in 15A NCAC 13A .0109.
5. All reports shall be signed and dated by an authorized representative of the Permittee as per 40 CFR 270.11(b) as adopted in 15A NCAC 13A .0113.

E. NOTIFICATION OF NEW UNITS

Prior to installing any tank, container, surface impoundment or miscellaneous unit subject to 40 CFR Part 264, Subpart CC, the Permittee shall apply for a permit modification under 40 CFR 270.42 as adopted in 15A NCAC 13A .0113, and provide specific Part B application information required under 40 CFR 270.14-17 and 270.27 as adopted in 15A NCAC 13A .0113, as applicable, with the modification request.