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LETTER REGARDING GEORGIA DEPARTMENT OF NATURAL RESOURCES CONDITIONAL
APPROVAL OF HAZARDOUS WASTE PERMIT WITH ATTACHED MODIFICATIONS NSB
KINGS BAY GA
7/31/1998
GEORGIA DEPARTMENT OF NATURAL RESOURCES

0155
Georgia Department of Natural Resources

205 Butler Street, S.E., Suite 1154, Atlanta, Georgia 30334

Lonice C. Barrett, Commissioner
Harold F. Reheis, Director
Environmental Protection Division
404-656-2833

NSB Kings Bay Administrative Record
Document Index Number

31547-000
09.01.00.0134

July 31, 1998

Commanding Officer
Naval Submarine Base
1063 USS Tennessee Avenue
Kings Bay, GA 31547-2606

RE: Notice of Draft Permit
HW-014(S&T)(2)

Dear Sir:

On September 29, 1989, the Environmental Protection Division (EPD) issued Hazardous Waste Facility Permit No. HW-014(S)(2) to the Naval Submarine Base, Kings Bay for the storage of hazardous waste and for corrective action for prior and continuing releases of hazardous constituents. In April 1998, the Navy requested modification of that permit to incorporate the Corrective Action Plan for the Old Camden County Landfill, and to increase the amount of waste munitions treated by open burning and open detonation ("OB/OD") in your Explosive Ordnance Disposal ("EOD") unit.

The EPD has decided that the application is complete, and that the permit should be modified as requested. We have prepared a draft Permit incorporating the EOD changes, incorporating the Corrective Action Plan, and adding the Groundwater Protection Standards which Subase must meet at the Old Camden County Landfill. In accordance with applicable State Law and Rules, all interested parties must be informed of opportunities to participate in the permitting process.

A public notice has been prepared to inform citizens of the comment period for your draft permit; a copy is enclosed. Chapter 391-3-11-.11(4)(h) of the Rules requires that Subase bear the cost of the public notice. To facilitate this legal notice, this office will arrange publication of the public notice in the *Tribune and Georgian* on August 7, 1998. The public comment period will begin on that date and will end on September 25, 1998. The EPD has also scheduled a public hearing at the St. Marys Public Library at 5:00 p.m. on September 24.

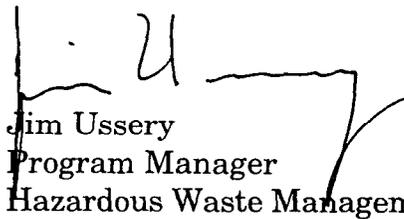
As provided for in the Rules, Subase may also comment on the draft permit during the public comment period. All comments received at the Hazardous Waste Management Branch office before 4:30 p.m. on September 25, 1998 will be considered in making a final determination on the issuance. A copy of the draft permit is attached.

Commanding Officer
July 31, 1998
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A copy of the permit Application, the draft Permit, and other materials will be available during the public comment period at the St. Marys Public Library, as well as at the EPD Atlanta offices.

If you have any questions regarding the public notification procedure, public participation process or need any assistance, please contact Billy Hendricks at (404) 656-2833.

Sincerely,



Jim Ussery
Program Manager
Hazardous Waste Management Branch

Enclosures

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State of Georgia
Department of Natural Resources
ENVIRONMENTAL PROTECTION DIVISION



AMENDMENT TO
HAZARDOUS WASTE FACILITY PERMIT

Amendment To
Permit No. HW-014(S&T)-2

Effective Date
Of Amendment DRAFT

In accordance with the provisions of the Georgia Hazardous Waste Management Act and the Rules, Chapter 391-3-11, (as amended through _____), adopted pursuant to that Act, Permit No. HW-014(S&T)-2 issued on 09/27/89 to: Naval Submarine Base, Kings Bay, Kings Bay, Camden County, Georgia

for the following:

Storage of 59,840 gallons of hazardous waste in containers

Treatment by open burning and open detonation of 4,150 pounds per day of hazardous waste

Corrective action for seven Solid Waste Management Units

Is hereby amended as follows:

Increase open burning/open detonation to 5,200 pounds per day of hazardous waste

Incorporate Corrective Action Plan for one Solid Waste Management Unit

Reason for Amendment:

Request of Permittee

This Permit Amendment is further subject to and conditioned upon the terms, conditions, limitations, standards, or schedules contained in or specified on the attached 23 page(s), which page(s) are a part of this Amendment. This Amendment is hereby made a part of Permit No. HW-014(S&T)-2 and compliance with this Amendment is hereby ordered.

Director
Environmental Protection Division

SECTION I. GENERAL PERMIT CONDITIONS

A. Scope and Effect of Permit

1. The Permittee is allowed to store and treat hazardous waste, and perform corrective action for solid waste management units and areas of concern only in accordance with the conditions of this permit. Any hazardous waste treatment, storage or disposal not authorized in this permit is prohibited. The Permittee must comply with the Georgia Hazardous Waste Management Act and the Rules for Hazardous Waste Management, Chapter 391-3-11, which Rules include certain portions of the Federal Hazardous Waste Regulations (found at Title 40 of the Code of Federal Regulations (40 CFR) Parts 260-268, 270, 273, 279 and 124). Where a citation to the Federal Regulations is made in this permit, it refers to the specific regulations adopted by EPD.
2. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
3. Compliance with this permit does not constitute a defense to any action brought by the Director under the emergency powers provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. §12-8-75, as amended.
4. Nothing in this permit shall be construed to preclude the institution of any legal action under Section 3008 of the Federal Resource Conservation and Recovery Act or under the Georgia Hazardous Waste Management Act, O.C.G.A. §§12-8-81 - 12-8-82, as amended.
5. This permit may be modified, revoked and reissued, or terminated for cause as specified at Section 391-3-11.11(7) of the Rules and 40 CFR §§270.41, 270.42, 270.43, 270.50(d) and 270.51(a). 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 of any permit condition.
6. 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.

B. Management Requirements

1. The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the facility, or of any planned changes in the

processes generating the hazardous waste, which changes might affect the performance of the permitted unit.

2. The Permittee shall maintain at the facility until closure and corrective action are completed and certified by an independent registered professional engineer, the following documents and amendments, and any revisions and modifications to these documents:
 - a. Complete copy of this permit and permit application and any plans and reports required thereunder
 - b. Inspection Schedule and Log
 - c. Waste Analysis Plan
 - d. Operating Record
 - e. Personnel training documents and records
 - f. Contingency plan
 - g. Closure plan
 - h. Sampling and Analysis Plans for corrective action, as such are approved
3. All amendments, revisions and modifications to any plan or cost estimates required by this permit shall be submitted to the Director for approval and permit modification as necessary.
4. When the Permittee becomes aware that the Permittee failed to submit any relevant facts in the permit application or in any report to the Director, or submitted incorrect information in a permit application or in any report to the Director, the Permittee shall promptly submit corrected facts or information.
5. The Permittee shall at all times properly operate and maintain all facilities, equipment, apparatus, devices or other improvements which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance include 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 a backup or auxiliary facility or similar systems only when necessary to achieve compliance with the conditions of this permit.
6. The Permittee may not commence treatment, storage or disposal of hazardous waste on any new or modified portion of the facility or perform corrective action until the Permittee has submitted to the Director by certified mail or hand delivery an application for a permit modification. No changes to the current permit may be implemented until the Director has modified the permit and an executed copy of the modified permit has been received by the Permittee.

C. Monitoring and Reporting

1. 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. Laboratory methods must be those specified in the most recent editions of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846, or Standard Methods for the Examination of Water and Wastewater. Sampling and analyses of groundwater shall be conducted in accordance with methods and procedures acceptable to the Director.

2. The Permittee shall retain all 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 including the certification required by 40 CFR §264.73(b)(9) for a period of at least five years from the date of the sample, measurement, report or record. These periods are automatically extended during the course of any unresolved enforcement action regarding this facility and also may be extended at any time at the Director's discretion.
3. Records of monitoring information shall include:
 - a. The date, exact place and time of sampling or measurements.
 - b. The name(s) of the individual(s) who performed the sampling.
 - c. The date(s) analyses were performed.
 - d. The name(s) of the individual(s) who performed the analyses.
 - e. The analytical techniques or methods used, the method of sample preservation, quality assurance methods, and appropriate Method Detection Limits and Practical Quantitation Limits.
 - f. The results of such analyses.
 - g. Sampling methods.
4. The Permittee shall report orally to the Director or his representative within one (1) hour from the time the Permittee becomes aware of any circumstances resulting from the operation of the hazardous waste management facility (including periods of noncompliance) which may endanger human health or the environment, including but not limited to:
 - a. Release of any hazardous waste, hazardous waste constituent, or hazardous constituent that may cause an endangerment to public drinking water supplies.
 - b. Release or discharge of hazardous waste, hazardous waste constituent, hazardous constituent, or a fire or explosion which could threaten human health or the environment.
 - c. The description of the occurrence shall include:
 - i. Name, address and telephone number of the owner or operator.
 - ii. Name, address and telephone number of facility.
 - iii. Date, time and type of incident.

- iv. Name and quantity of materials involved.
 - v. The extent of injuries, if any.
 - vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable.
 - vii. Estimated quantity and disposition of recovered material that resulted from the incident.
5. Within fifteen days of becoming aware of any reportable incident as in Section I.C.4. above which may endanger human health or the environment, the Permittee shall submit a written report of the incident to the Director including the following:
 - a. Description of occurrence as in Section I.C.4.c. above
 - b. Cause of occurrence
 - c. Period of occurrence, including exact dates and times
 - d. Expected duration of occurrence (if not already corrected)
 - e. Steps taken or planned to reduce, eliminate, and prevent recurrence
 6. 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 to the Director no later than 14 days following each schedule date.
 7. The Permittee shall report to the Director instances of noncompliance, other than those described in Sections I.C.4. and I.C.6., semiannually on July 15 (covering January 1 - June 30) and January 15 (covering July 1 - December 31). The report shall include information as required under Section I.C.4.c. for each incident.
 8. All plans and schedules required by the conditions of this Section are, upon approval by the Director, incorporated into this Section by reference and become an enforceable part of this permit. Any non-compliance with such approved plans and schedules shall be termed non-compliance with this permit.
 9. All reports or other information requested by the Director shall be signed and certified according to the requirements in 40 CFR 270.11.

D. Responsibilities

1. Right of Entry. The Permittee shall allow the Director of EPD, the Regional Administrator of EPA, and/or their authorized representatives, agents, or employees, upon the presentation of credentials and other documents as may be required by law to:
 - a. Enter 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 any records that must be kept under the conditions of this permit.

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- c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
 - d. Sample or monitor, for the purposes of assuring permit compliance or as otherwise authorized by the Georgia Hazardous Waste Management Act, any substances or parameters at any location.
2. 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 and 270.41(b)(2). 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 applicable requirements of 40 CFR Parts 264 and 270.
3. 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. Any noncompliance with this permit constitutes a violation of the Georgia Hazardous Waste Management Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application.
4. Duty to Re-apply. The Permittee must submit a complete application for a new Corrective Action permit at least 180 days before this permit expires. If the Permittee wishes to continue any other activity regulated by this permit after the expiration date of this permit, the Permittee must submit a complete application for a new permit at least 180 days before this permit expires.
5. 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 any activity in order to maintain compliance with the conditions of this permit.
6. Duty to Mitigate. The Permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment or human health resulting from noncompliance with this permit.
- ~~7. Duty to Provide Information. The Permittee shall furnish to the Director, within a reasonable time, any relevant information which the Director may request, to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or, to determine compliance with the permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.~~
8. Anticipated Non-Compliance. The Permittee shall give advance notice to the Director of any planned changes in the facility or activity which may result in noncompliance with permit requirements.

9. Reporting Planned Changes. The Permittee shall give notice to the Director within thirty (30) days prior to any planned physical alterations or additions, including voluntary corrective measures, which impact any SWMU(s) (or the areas contaminated by them) and/or AOC(s) referenced in Sections V.A and/or V.B.
10. Obligation for Corrective Action. The Permittee will continue corrective action as required in this permit. The Corrective Action permit will be continued as necessary to complete corrective action.

E. Definitions

For purposes of this permit, terms used herein shall have the same meaning as those in 40 CFR Parts 124, 260-268, 270, 273, and 279 unless this permit specifically provides otherwise. Where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

1. Area of Concern (AOC) for the purposes of this permit 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 Director to pose a current or potential threat to human health or the environment. Such areas of concern may require investigation and remedial action as required under the Georgia Hazardous Waste Management Act, §12-8-60, et. seq. and 40 CFR 270.32(b)(2) in order to ensure adequate protection of human health and the environment.
2. Contamination for the purposes of this permit refers to the presence of any hazardous waste, hazardous waste constituent, or hazardous constituent in a concentration which exceeds the concentration of that waste or constituent in the immediate vicinity of the facility (in areas not affected by the facility).
3. Corrective Action for prior or continuing releases from any solid waste management unit at the facility, as well as for other releases, for the purposes of this permit shall be any measure necessary to protect human health and the environment for all releases of hazardous waste, hazardous waste constituents, or hazardous constituents from said solid waste management units at the facility, regardless of the time at which waste was placed in the unit, as required under 40 CFR 264.101 and/or 40 CFR 264.100 and as required under the Georgia Hazardous Waste Management Act, §12-8-60, et. seq. Corrective Action may address releases to air, soils, surface water, sediment or groundwater.
4. Extent of Contamination for the purposes of this permit is defined as the horizontal and vertical area in which the concentration of any hazardous waste, hazardous waste constituent or hazardous constituent in the environmental media being investigated is above estimated quantitation limits, as defined in the most recent version of SW-846 or is a naturally occurring concentration representative of the facility.

5. Facility for the purposes of this permit is defined as in Section 391-3-11-.02 of the Rules (40 CFR 260.10: "Facility"). The Facility, as applied to the Permittee, includes all property within the boundary marked "SUBBASE BOUNDARY" on the Facility Map, Figure B-2 of the permit application dated August 16, 1995, as amended.
 6. Hazardous Constituents for the purposes of this permit are those substances listed in 40 CFR Part 261 Appendix VIII and 40 CFR Part 264 Appendix IX "Groundwater Monitoring List."
 7. Investigation-Derived Waste (IDW) for the purposes of this permit is defined as waste generated through investigative processes. IDW may include, but is not limited to, drilling muds, cuttings, and purge water from test pit and well installations; purge water, soil, and other materials from collection of samples; residues (e.g. ash, spent carbon, well development purge water) from testing of treatment technologies including pump and treat systems; contaminated personal protective equipment (PPE); and solutions (aqueous or otherwise) used to decontaminate equipment.
 8. Interim Measures for the purposes of this permit are actions necessary to minimize or prevent the further migration of contamination or limit actual or potential human and environmental exposure to contamination while long-term Corrective Action remedies are evaluated and, if necessary, implemented.
 9. Land Disposal Facility for the purposes of this permit refers to a facility that uses a surface impoundment, landfill, land treatment or waste pile to manage or dispose of hazardous waste pursuant to §12-8-66 of the Georgia Hazardous Waste Management Act, as amended, and §3004 of RCRA, as amended.
 10. Qualified Groundwater Scientist for the purposes of this permit means a scientist who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by current State of Georgia registration and completion of accredited university courses, that enable that individual to make sound professional judgements regarding groundwater monitoring and contaminant fate and transport.
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11. Release for the purposes of this permit includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous waste, hazardous waste constituents, or hazardous constituents.
 12. Solid Waste for the purposes of this permit includes 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, semisolid, 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 which 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. Solid Waste Management Unit (SWMU) for the purposes of this permit includes, but is not limited to, any landfill, surface impoundment, waste pile, land treatment unit, incinerator, injection well, tank (including storage, treatment, and accumulation tanks), container storage unit, wastewater treatment unit, including all conveyances and appurtenances used in waste management or storm water handling, elementary neutralization unit, transfer station, or recycling unit from which hazardous waste, hazardous waste constituents, or hazardous constituents might migrate, irrespective of whether the units were intended for the management of solid and/or hazardous waste. SWMUs include areas that have been contaminated by routine and systematic releases of hazardous wastes or hazardous constituents.
14. Unit for the purposes of this permit include, but is not limited to, any landfill, surface impoundment, waste pile, land treatment unit, incinerator, injection well, stilling well, tank, container storage area, septic tank, drain field, wastewater treatment unit, elementary neutralization unit, transfer station, waste pump station, or recycling unit.

F. Conditions Related to Compliance with General Facility Standards
(40 CFR Part 264 Subparts B, C, D, E, G, H)

1. The Permittee must follow the procedures and plans described in detail in the permit application dated August 16, 1995, as amended, which are hereby incorporated by reference and include at least the following:
 - a. Waste Analysis Plan Section C
 - b. Inspection Schedule Section F
 - c. Contingency Plan Section G
 - d. Training Program Section H
 - e. Closure Plan Section I

2. The following activities must be carried out as prescribed in 40 CFR Part 264, Subparts B, C, D, and E, and in accordance with the appropriate Sections of the permit application.
 - a. Security - §264.14(b) and (c)
 - b. Repairs and inspection log - §264.15(c) and (d)
 - c. Operating record - §264.73 and disposition of records - §264.74
 - d. Reports - §264.75 and §264.77
 - e. Annual review of training - §264.16
 - f. General requirements for ignitable, reactive and incompatible wastes - §264.17
 - g. Design and operation - §264.31

- h. Access to communications or alarm system - §264.34
 - i. Testing and maintenance of equipment - §264.33
 - j. Arrangements with local authorities - §264.37
 - k. Amendment of contingency plan - §264.54
 - l. Maintain aisle space - §264.35
3. The following activities must be carried out as prescribed in 40 CFR Part 264, Subparts G and H, and Section I of the permit application.
- a. Closure in accordance with approved Plan, contingent upon submittal, at the time of notification of closure, of statistical analyses for the number of samples and their locations that will be taken to verify clean closure - §264.113
 - b. Amendment of Closure Plan and Notification of Closure - §264.112(b) and (c)
 - c. Disposal or decontamination of equipment - §264.114
 - d. Certification of Closure - §264.115

The following are applicable only to the Open Burning/Open Detonation Facility:

- e. Contingent Post-Closure - §264.117
- f. Contingent Post-Closure Plan and amendment of plan - §264.118
- g. Post-Closure Notices - §264.119
- h. Certification of Completion of Post-Closure Care - §264.120

G. Special Conditions Applicable to Entire Facility

1. Waste Minimization. The Permittee shall certify no less often than annually that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the Permittee to be economically practicable, and the proposed method of treatment, storage or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment in accordance with 40 CFR 264.73(b)(9).
2. Land Disposal Restrictions. 40 CFR Part 268 identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under 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 Part 268. Where the Permittee has applied for an extension, waiver, or variance under this Part, 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.
3. Relationship with Tenant Commands and Other Activities. Each tenant command, contractor worksite, AAFES operation, or other activity at the Facility is subject to the conditions of this permit.

- a. All satellite accumulation areas including those at tenant commands and other activities shall be operated in accordance with all requirements of Section 391-3-11-.08 of the Rules (40 CFR 262 Subpart C).
- b. Accumulated waste at any satellite accumulation area shall be removed within three days of completion of accumulation to Building 6020 or to the proper 90-day accumulation area, the Temporary Containment Area (TCA) at each tenant command or other activity.

SECTION II. STORAGE IN CONTAINERS

- A. General. The conditions in this section apply to the Hazardous Waste Storage and Transfer Facility, Building 6020, as depicted in the Topographic Map, Figure B-3, and shown in Figures D-1 through D-5, of the permit application dated August 16, 1995, as amended.
- B. Conditions Related Solely to Storage in Containers
 1. Storage in containers is expressly limited to Building 6020, the Hazardous Waste Storage and Transfer Facility, as depicted in the Topographic Map, Figure B-3, and shown in Figures D-1 through D-5.
 2. The Permittee is authorized to store a maximum of 59,840 gallons of hazardous waste in containers.
 3. If a container holding hazardous waste is not in good condition, or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition.
 4. Containers must be managed according to 40 CFR 264.173.
 5. Spilled or leaked waste and accumulated precipitation must be managed in accordance with 40 CFR 264.175(b)(5).
 6. Incompatible wastes and materials must be managed according to 40 CFR 264.177.
 7. No lab-packed waste as defined in 264.316(a) through (d) shall be opened, decanted, and combined with other wastes or repackaged into larger containers.

SECTION III. TREATMENT OF ENERGETIC MATERIALS BY OPEN BURNING OR OPEN DETONATION

- A. General. The conditions in this section apply to the Open Burning/Open Detonation Facility, Buildings 4979 and 4980, and the associated Magazines, Buildings 4969, 4970, 4971, 4972, and 4973, as depicted in the Facility Map, Figure B-2, and shown in Figures D-6.1 through D-10, of the permit application dated April 23, 1998, as amended.

1. Treatment is expressly limited to the designated treatment area delineated in the scale drawing of the unit, Figure D-9. No treatment by open burning or open detonation is allowed on any other area of the Facility. Emergency detonation-in-place will be allowed only in accordance with the Rules.
2. Storage of untreated waste is limited to the Magazines. No storage of treated or untreated waste is permitted in the treatment area. Treated waste, including ash and contaminated soil, shall be removed to Building 6020, or the appropriate TCA, within twenty-four (24) hours of treatment. Metallic debris generated by treatment may be managed as scrap metal at the option of the Permittee.
3. Treatment is expressly prohibited during meteorological conditions which could result in run-on or runoff, or atmospheric inversion or other event which limits dispersion of air pollutants.
4. Operation of the unit in accordance with the conditions of this permit and the procedures described in the permit application does not constitute a "fire" or an "explosion" as specified in 40 CFR 264 Subparts C and D, or Section I.C.4.b. of this permit.

B. Conditions Related Solely to Treatment by Open Burning

1. The Permittee is allowed to treat by open burning a maximum gross weight of four thousand (4,000) pounds of energetic hazardous waste per calendar day. The wastes to be treated are limited to propellants and other non-detonating energetics as described in Section C, Appendix C-2 of the permit application dated April 23, 1998, as amended.
2. All treatment shall be performed within the Open Burning Device as depicted in Figures D-6.1, and in the manner described in Section D-2 of the permit application dated April 23, 1998, as amended.
3. No hazardous waste may be used as accelerant in the operation of the unit. The following are specifically excluded from use as accelerant: waste solvents, waste paint or paint-related materials, OTTO fuel, and gasoline. Waste loose granular smokeless powder may be used as accelerant.
4. For each treatment event, the effectiveness of treatment must be determined as soon as practicable (but no later than twenty-four hours after treatment) in accordance with the procedures described in Section C of the permit application dated April 23, 1998, as amended.
5. Spilled or leaked waste, whether treated or untreated, and accumulated precipitation must be managed in accordance with 40 CFR 264.175(b)(5).
6. Containers must be managed according to §264.173.

7. Incompatible wastes and materials must be managed according to §264.177.

C. Conditions Related Solely to Treatment by Open Detonation

1. The Permittee is allowed to treat by open detonation a Net Explosive Weight (NEW) of hazardous waste not to exceed one thousand two hundred (1,200) pounds per calendar day. The wastes to be treated are limited to explosives and detonating energetics as described in Section C, Appendix C-2 of the permit application dated April 23, 1998, as amended.
2. All treatment shall be performed within the Open Detonation Treatment Area as depicted in Figures D-7 through D-10, and in the manner described in Section D-2 of the permit application dated April 23, 1998, as amended.
3. For each treatment event, the effectiveness of treatment must be determined as soon as practicable (but no later than twenty-four hours after treatment) in accordance with the procedures described in Section C of the permit application dated April 23, 1998, as amended.
4. Prior to any treatment event the Open Detonation Treatment Area must be cleared of all solid objects, including stones, metallic debris, or other potential projectiles, as necessary to protect human health and the environment.
5. Spilled or leaked waste, whether treated or untreated, and accumulated precipitation must be managed in accordance with 40 CFR 264.175(b)(5).
6. Containers must be managed according to §264.173.
7. Incompatible wastes and materials must be managed according to §264.177.

D. Monitoring Requirements

1. The Permittee shall operate and maintain the environmental monitoring system for the detection of release of any hazardous constituent from the treatment of hazardous waste at the Explosive Ordnance Disposal Unit, as described in Section E of the permit application dated April 23, 1998, as amended.
2. If the environmental monitoring system identifies a release to surface soil, subsurface soil, surface water, or sediment, the Permittee will prepare, and submit to the Director for approval, a work plan for an Interim Measure conforming to the requirements of Section V.F. of this permit. Upon approval of the Director, the Permittee will implement the Interim Measure in accordance with the approved schedule.

SECTION IV. CORRECTIVE ACTION PLAN AND GROUNDWATER PROTECTION STANDARD FOR EXISTING SOLID WASTE MANAGEMENT UNITS

A. Applicability

The conditions of this section apply to Solid Waste Management Units (SWMUs) listed below in order to remove or reduce groundwater contamination to the levels in the protection standards cited in Section IV.D.

SWMU 3: Old Camden County Landfill (NEESA Site 11)

B. Corrective Action Program

1. The Permittee shall implement the corrective action program as required under 40 CFR § 264.101 and as described in the Corrective Action Plan (CAP) dated July 1998, as amended, for those hazardous constituents that exceed the Groundwater Protection Standard in Section IV.D.1.
2. The Permittee shall conduct a corrective action program to remove or treat in place any hazardous constituent that exceeds levels found in the Groundwater Protection Standard (Section IV.D.1.) at the Facility and beyond the Facility boundary as required under § 12-8-66 of the Georgia Hazardous Waste Management Act, as amended, unless the Permittee can demonstrate to the satisfaction of the Director that despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such action. 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.
3. The Permittee shall treat, store and/or dispose of all contaminated groundwater and soil in accordance with all applicable federal, state and local laws.
4. The Permittee shall properly maintain all elements, structures, appurtenances and ancillary equipment described in the CAP for the duration of the compliance period and shall adhere to all schedules approved therein.
5. If the Permittee has not met the requirements of Section IV.B. and has not met the Groundwater Protection Standard for three (3) consecutive years, within one hundred eighty (180) days before the expiration date of this permit, the Permittee must submit a complete application for reissuance of the permit.

C. Groundwater Monitoring

1. The Permittee shall install and/or maintain a groundwater monitoring system as necessary to assess changes in the rate and extent of any plume of contamination or as otherwise deemed necessary to assess the effectiveness of corrective action in accordance with an approved Groundwater Monitoring Plan. The Groundwater Monitoring Plan shall include at a minimum:

- a. The locations of all wells in the groundwater monitoring and corrective action system on a map or maps of appropriate scale;
 - b. The location of a monitoring well to be used for determinations of background groundwater quality;
 - c. Construction diagrams for all wells in the groundwater monitoring and corrective action systems;
 - d. Provisions for an operations and maintenance program for all wells in the groundwater monitoring and corrective action systems;
 - e. A schedule of well inspection to determine compliance with IV.C.1.c;
 - f. A groundwater sampling schedule;
 - g.. Provisions for determining the water level elevations in all monitoring wells.
 - h. A description of all purging and sampling devices, procedures, laboratory analytical methods, quality assurance and chain-of-custody procedures;
2. The Permittee shall maintain, well marked and in good working order, the following groundwater monitoring wells and any additional monitoring wells or piezometers required by Section IV.C.3: KBA-11-1, KBA-11-2, KBA-11-3A, KBA-11-3B, KBA-11-3C, KBA-11-4, KBA-11-5, KBA-11-6, KBA-11-7, KBA-11-8A, KBA-11-8B, KBA-11-8C, KBA-11-9, KBA-11-10A, KBA-11-10B, KBA-11-10C, KBA-11-11A, KBA-11-11B, KBA-11-11C, KBA-11-12, KBA-11-13A, KBA-11-13B, KBA-11-14, KBA-11-15, KBA-11-16, KBA-11-17A, KBA-11-17B, KBA-11-17C, KBA-11-18, KBA-11-19A, KBA-11-19B, KBA-11-20, KBA-11-21, KBA-11-22A, KBA-11-22B, RW-1, RW-2, RW-3, RW-4, RW-5, RW-6, KBA-PS-1, KBA-PS-2, KBA-PS-3, KBA-PS-4, KBA-PS-5, KBA-PS-6, KBA-PS-7, KBA-PS-8, KBA-PS-9, KBA-PS-10, USGS-1A, USGS-1B, USGS-2A, USGS-2B, USGS-3A, USGS-3B, USGS-4, USGS-6, and USGS-9 in accordance with the approved Groundwater Monitoring Plan.
3. The Permittee shall install additional wells and/or piezometers as necessary to assess changes in the rate and extent of any plume of contamination or to assess the effectiveness of corrective action. Any plan for the design, location and installation of any additional monitoring wells shall be submitted to the Director for approval not later than thirty (30) days prior to proposed installation. If changes are required to the groundwater monitoring system through this section of the permit, the Permittee shall submit a permit modification request following procedures specified in § 270.42.
4. The Permittee shall determine the concentrations of constituents listed in Section IV.D.1 for all wells listed in Section IV.C.2., on a quarterly basis.

5. The Permittee shall submit the analytical results of the quarterly groundwater sampling as required in Section IV.C.4. within sixty (60) days of the collection of the samples.
6. The Permittee must analyze samples from monitoring wells KBA-11-3A, KBA-11-3B, KBA-11-3C, KBA-11-13A, KBA-11-13B, KBA-11-19A, KBA-11-19B, and KBA-11-22B to determine the concentrations of all hazardous constituents listed in Appendix IX of 40 CFR Part 264, and from the background monitoring well. These determinations must begin within ninety (90) days of the date of issuance of this Permit, and be submitted to the Director within 120 days of sampling. Thereafter, these determinations shall be made annually, and the results must be submitted to the Director within 120 days of sampling. If the Permittee finds Appendix IX constituents in the groundwater above background conditions, that are not identified in the Groundwater Protection Standard (Table E-1) of this Permit, the Permittee may resample within one (1) month and repeat the analysis. If the second analysis confirms the presence of new hazardous constituents, then the Permittee must report those additional concentrations to the Director within seven (7) days of the second analysis and add them to Table E-1. If the Permittee chooses not to resample, then the Permittee must report the concentrations of these additional constituents to the Director within seven (7) days and request that they be added to Table E-1.
7. The Permittee may propose to modify the Permit, pursuant to § 270.42, in order to change the wells to be maintained and/or monitored pursuant to Sections IV.C.2. and IV.C.4. if the Permittee can demonstrate to the satisfaction of the Director that:
 - a. Despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such monitoring or maintenance; and
 - b. The monitoring or maintenance is not necessary to protect human health or the environment.

D. Groundwater Protection Standard

1. The Groundwater Protection Standard shall consist of the following hazardous constituents and their concentration limits:

TABLE E-1

<u>Constituent</u>	<u>Concentration ($\mu\text{g/l}$)</u>
Tetrachloroethylene	5.0
Trichloroethylene	5.0
<i>cis</i> -1,2-dichloroethylene	70.0
<i>trans</i> -1,2-dichloroethylene	100.0
1,1-dichloroethylene	7.0
1,1-dichloroethane	Background
1,2-dichloroethane	5.0
Vinyl Chloride	2.0

Chloroethane	Background
Benzene	5.0
Ethylbenzene	700.0
Toluene	1000.0
Total xylenes	10000.0
Chlorobenzene	Background
1,4-dichlorobenzene	75.0

2. The Groundwater Protection Standard applies to all hazardous waste, hazardous waste constituents, or hazardous constituent releases.

E. Groundwater Remediation

1. The Permittee shall implement the Corrective Action System to treat groundwater according to the CAP presented in Appendix K-2 of the permit application dated April 23, 1998. The final Corrective Action Design must be submitted to the Director for approval according to the schedule contained in the CAP.
2. The Permittee shall expand the Corrective Action System as necessary to remediate all groundwater which does not meet the Groundwater Protection Standard found in Section IV.D.1. Any plan for changes in the Corrective Action System shall be submitted for approval thirty (30) days prior to proposed installation.
3. The Permittee shall insure that arrangements are made for the continuous operability of the recovery wells.
4. The groundwater compliance period shall be defined as continuing until the Groundwater Protection Standard has not been exceeded for a period of three (3) consecutive years after corrective action, as required under 40 CFR § 264.101 has been terminated. The compliance period shall begin with the effective date of this permit.
5. If a Groundwater Protection Standard is met during the compliance period, the Permittee must continue corrective action until the Groundwater Protection Standard has not been exceeded for three (3) consecutive years.
6. If the Groundwater Protection Standard is exceeded at any time during the compliance period, the Permittee will resume operation of the Corrective Action System.

F. Effectiveness of Corrective Action for Groundwater

1. The Permittee shall maintain the groundwater monitoring program, as specified in the CAP and this Permit, to demonstrate the effectiveness of the groundwater remediation system described in the CAP.

2. The Permittee shall document the effectiveness of the groundwater remediation system described in the CAP semi-annually. The first semi-annual report shall be due six (6) months from the effective date of this permit. Each subsequent semiannual report shall be due to the Director on April 30 and October 30 of each successive year. This documentation shall include:
 - a. maps depicting groundwater flow in the upper aquifer;
 - b. volume of groundwater pumped and treated;
 - c. quantity of hazardous constituents removed;
 - d. sampling analyses;
 - e. quality assurance/quality control;
 - f. concentration isopleths; and
 - g. an evaluation of the data and the corrective action program in accordance with the CAP.

G. Reporting, Recordkeeping and Response

1. All geologic work required by this Permit must be done by or under the direct supervision of a Qualified Groundwater Scientist. Any reports or other documents containing geologic interpretations must be signed and affixed with the seal of said Qualified Groundwater Scientist. Failure to comply with these requirements will result in the rejection of the geologic work and any report not so prepared.
2. The Permittee shall enter all records and results of inspections performed pursuant to the conditions of this Permit into the operating record, as required by 40 CFR 264.73(b)(5).
3. Records of monitoring information shall include:
 - a. The date, exact place and time of sampling or measurement,
 - b. The individual(s) who performed the sampling,
 - c. The depth to the groundwater surface measured to the nearest 0.01 foot,
 - d. The depth to the well bottom measured to the nearest 0.01 foot,
 - e. The amount of water purged from the well,
 - f. The temperature, pH and specific conductance of the sampled groundwater at each well,
 - g. Completed chain-of-custody forms,
 - h. The date(s) analyses were performed,
 - i. The individual(s) who performed the analyses,
 - j. The analytical techniques or methods used; the method of sample preservation; and quality assurance methods,
 - k. The results of such analyses.

H. Permit Modification

If the Director and/or the Permittee, at any time, determines that the corrective action program no longer satisfies the requirements of 40 CFR 264.101 or Sections IV.B.1 and

IV.B.2. for releases of hazardous waste constituents, hazardous waste or hazardous constituents, the Permittee must, within ninety (90) days of such determination, submit an application for a permit modification to make any appropriate changes in the program.

I. Compliance Schedule

1. Within thirty (30) days of the date of issuance of this Permit, the Permittee shall implement the CAP as described in Appendix K-2 of the permit application dated April 23, 1998.
2. Within ninety (90) days of the date of issuance of this Permit, the Permittee shall submit for approval by the Director a Groundwater Monitoring Plan which, at a minimum, meets the requirements of IV.C.1.

SECTION V. CORRECTIVE ACTION FOR RELEASES FROM SOLID WASTE MANAGEMENT UNITS AND OTHER RELEASES

For the purposes of this permit, the need to conduct corrective action shall be determined for any releases into the environment of hazardous waste, hazardous waste constituents, or hazardous constituents, including releases beyond the Permittee's property boundary. Corrective action is required for any releases of hazardous waste, hazardous waste constituents, or hazardous constituents regardless of whether or not the releases were from a solid waste management unit.

A. Applicability

1. The determination of the need for and subsequent implementation of Corrective Action is required by 40 CFR 264.101(a) and §12-8-66 of the Georgia Hazardous Waste Management Act for releases from all Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) contained within the facility property boundaries and, as required by §12-8-66 of the Georgia Hazardous Waste Management Act and 40 CFR 264.101(c), for releases extending beyond the facility property boundaries.
2. The conditions of this Section apply to the following SWMUs as identified in the RCRA Facility Assessment (RFA) dated June 9, 1993, and in Appendix K-1 of the permit application dated April 23, 1998, and any additional SWMUs or AOCs discovered by any other means:

SWMU 3: Old Camden County Landfill (NEESA Site 11)
SWMU 4: Army Reserve Disposal Area, Towhee Trail (NEESA Site 5)
SWMU 5: Fire Fighting Pit (NEESA Site 2)
SWMU 6: Army Reserve Disposal Area near Old Sewage Lagoon 3990 (NEESA Site 16)

The following SWMUs as identified in the RFA dated June 9, 1993, have been adequately investigated and remediated and no further remedial action is required:

- SWMU 1: Area adjacent to the boat paint kitchen at Refit #2
SWMU 2: Outside building 5117 at the 90-day storage area
SWMU 7: Paint mix and storage building inside the Hull Cleaning Support Shop Building 5073

B. Notification and Assessment Requirements for Newly Identified SWMUs or AOCs

1. The Permittee shall notify the Director in writing, within fifteen (15) calendar days of the discovery of any additional SWMUs or AOCs discovered under Section V.A. Notification shall include, at a minimum, the location of the SWMU or AOC and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release, etc.). The permit shall be modified in accordance with 40 CFR Part 270 to incorporate the newly discovered SWMUs or AOCs.
2. The Permittee shall prepare a SWMU Assessment Report (SAR) for each additional SWMU or AOC discovered subsequent to issuance of this permit which is known or suspected to have releases to the environment. The SAR shall be submitted within sixty (60) days of discovery of a new SWMU or AOC. The report must also include, at a minimum, the following information for each SWMU or AOC:
 - a. Type of unit
 - b. Location of the unit on a topographic map of appropriate scale
 - c. General dimensions and capacities (including available plans or drawings)
 - d. Function of the unit
 - e. Dates that the unit was operated
 - f. Description of the wastes that were placed in the unit
 - g. Description of any known releases or spills (to include groundwater data, soil analyses, sediment, air and/or surface-water data)
3. Based on the contents of the SAR, the Director shall determine the need for further investigations at the SWMUs or AOCs covered in the SAR. If the Director determines that such investigations are needed, the Permittee shall be notified to prepare an RFI workplan, as outlined in Section V.D., for such investigations.

C. Notification Requirements for Newly Discovered Releases at Previously Identified SWMUs and AOCs

1. The Permittee shall notify the Director in writing of any newly discovered release(s) at SWMUs or AOCs previously identified in Section V.A & V.B, discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means, within fifteen (15) calendar days of discovery.
2. The Director will determine whether the Permittee shall perform further investigation of such newly discovered releases. If required by the Director, the Permittee shall prepare a workplan for a RCRA Facility Investigation (RFI). The RFI workplan shall conform to the requirements outlined in Section V.D.2.

D. RCRA Facility Investigation (RFI)

1. The Permittee shall complete and submit an RFI Workplan for:
 - a. SWMUs or AOCs discovered subsequent to issuance of this permit which are known or suspected to have releases to the environment. This workplan shall be submitted not later than one hundred eighty (180) days after EPD notification as per Section V.B.3.
 - b. SWMUs and AOCs identified in Section V.A requiring investigation. This workplan shall be submitted within one hundred eighty (180) days of the effective date of this permit.
2. The RFI Workplan, required by Section V.D.1. shall include, but is not limited to, a schedule of implementation and report submittal; a description of the specific actions necessary to determine the nature and extent of contamination; potential migration pathways for releases (e.g., air, land, surface water, and groundwater); actual or potential receptors and applicable background concentrations. The Permittee must provide sufficient justification that migration through a potential pathway is unlikely before it can be excluded from the Workplan. Such exclusions are subject to the approval of the Director.
3. Upon approval by the Director of the RFI Workplan(s) required by Section V.D.1., the Permittee shall conduct the RFI in accordance with the schedule contained therein.
4. RFI Reports
 - a. The Permittee shall complete and submit the RFI Report(s) in accordance with the schedule contained in the RFI Workplan required by Section V.D.1. The Reports shall provide a summary of all activities undertaken during the RFI(s) to implement the approved Workplan. The Report shall provide a complete description of the nature and extent of contamination identified during the RFI(s) including sources, migration pathways, actual or potential receptors and applicable background concentrations. The RFI Report shall address all releases which extend beyond the facility property boundary unless the Permittee demonstrates to the Director's satisfaction that, despite the Permittee's best efforts, the Permittee was unable to obtain permission to undertake actions required by the Workplans.
 - b. If the time required to conduct the RFI is greater than one hundred eighty (180) calendar days, the Permittee may be required to provide the Director with semiannual RFI Progress Reports (six-calendar-month intervals) beginning one hundred eighty (180) calendar days from the initiation of the RFI as specified in the approved RFI Workplan. The Progress Reports shall, at a minimum, contain the following information:

- 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 all contacts with local community public interest groups or State government regarding RFI investigations
 - v. Summaries of any problems or potential problems encountered during the reporting period
 - vi. Actions taken to rectify problems
 - vii. Changes in relevant personnel
 - viii. Projected work for the next reporting period
5. The Director shall review the final RFI Report required by Section V.D.4., and upon determination that each Report is complete, shall notify the Permittee of the need for further investigative actions and/or the need for Corrective Action as required under 40 CFR 264.101(a), 40 CFR 264.101(c), and §12-8-71(b) of the Georgia Hazardous Waste Management Act.

E. Corrective Action Plan (CAP)

1. Upon written notification by the Director that Corrective Action is needed, the Permittee shall submit a Corrective Action Plan in accordance with a schedule to be determined by the Director. The Corrective Action Plan must include a description of the remedial actions to be taken at each SWMU and/or AOC, media and/or structure clean-up values, a schedule of implementation and completion, and a cost estimate for completion of Corrective Action as required by 40 CFR 264.101(b).
2. Upon approval by the Director of any Corrective Action Plan required by Section V.E.1., the Permittee shall implement any required Corrective Action in accordance with the schedule in the approved CAP.
3. If the Director or the Permittee at any time determine that any SWMU and/or AOC investigation, Corrective Action Plan or Interim Measure required under Sections V.D., V.E. or V.F. no longer satisfy the requirements of 40 CFR §264.101 or this permit for prior or continuing releases from SWMUs or AOCs, the Permittee must submit an amended plan or report to the Director within sixty (60) days of such determination.
4. If the Permittee is required to develop a Corrective Action Plan under Section V.E., the Permittee shall apply for a permit modification pursuant to 40 CFR 270.42 to incorporate the approved CAP into the permit.

F. Interim Measures (IM)

1. Requirement for Interim Measures

The Permittee shall conduct Interim Measures (IM) for any SWMU or AOC, either upon notification by the Director that IM are necessary or if the Permittee wishes to implement IM in order to stabilize a release.

2. IM Workplan

- a. The IM Workplan shall be submitted within thirty (30) calendar days of such notification and shall include the elements listed in Section V.F.2.b. Such Interim Measures may be conducted concurrently with investigations required under the terms of this permit.
- b. The IM Workplan shall be consistent with and integrated into any long-term Corrective Action 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 Director, in writing, prior to implementation. The Director shall specify the start date of the IM in the letter approving the IM Workplan.

3. IM Implementation

- a. The Permittee shall implement the Interim Measures in accordance with the schedule contained in the approved IM Workplan.
- b. The Permittee shall give notice to the Director, for approval, at least fifteen (15) days prior to any planned changes, reductions or additions to the IM Workplan.
- c. Final approval of Corrective Action required by 40 CFR 264.101 which is achieved through Interim Measures shall be in accordance with 40 CFR 270.41.

4. IM Reports

- a. Within ninety (90) days of completion of Interim Measures, the Permittee shall complete and submit to the Director an Interim Measures Report. The Report shall provide, but is not limited to, the following information:
 - i. A description of Interim Measures implemented
 - ii. A summary of all data or other information obtained during implementation of Interim Measures
 - iii. A summary of the effectiveness of the Interim Measures in achieving the objective of containing, removing and/or treating Contamination resulting

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- from a Release from a SWMU or AOC in order to protect human health and the environment
- iv. A summary of all problems encountered during the Interim Measures implementation, and the solutions to those problems
 - v. Copies of all relevant laboratory/monitoring data
- b. If the time required for completion of Interim Measures is greater than one year, the Permittee shall provide the Director with Progress Reports at intervals specified in the approved IM 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 and the solutions to those problems
 - iv. Projected work for the next reporting period
 - v. Copies of laboratory/monitoring data

G. Reporting, Recordkeeping and Response

1. All Workplans and schedules shall be subject to approval by the Director prior to implementation. Upon approval, the Permittee shall implement all Workplans and schedules as written, or as specified by the Director.
2. In the event of the Director's disapproval (in whole or in part) of any document required by this Section of the permit, the Director shall specify any deficiencies in writing.
3. All Workplans and Reports shall be submitted in accordance with the approved schedule. Extensions of the due date for submittals may be granted by the Director based on the Permittee's demonstration that sufficient justification for the extension exists.
4. The Permittee shall enter all monitoring, testing and analytical data obtained pursuant to the conditions of this permit into the operating record, as required by 40 CFR 264.73(b)(6).
5. The Permittee shall have all workplans and reports, which involve installation of groundwater monitoring wells or systems and/or the interpretation of data gathered from those wells or systems, prepared and certified by a Qualified Groundwater Scientist.
6. All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and any other supporting information gathered or generated during activities undertaken pursuant to this Section shall be maintained at the facility during the term of this permit, including any reissued permits.

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7. The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Director required in this Section are signed and certified in accordance with 40 CFR 270.11.



Modifying RCRA Permits

Introduction

The Resource Conservation and Recovery Act (RCRA) requires each hazardous waste treatment, storage, and disposal facility to manage hazardous waste in accordance with a permit issued by the Environmental Protection Agency (EPA) or a state agency that has a hazardous waste program approved by EPA. A RCRA permit establishes the facility's operating conditions for managing hazardous waste. EPA and state agencies use the permit to specify the administrative and technical standards for each facility. Over time, however, the facility needs to modify the permit to improve equipment or make changes in response to new standards. Recognizing this, EPA established procedures early in the program for modifying permits. The Agency has now revised these procedures to provide more flexibility to both owners and operators of facilities and EPA and to increase public involvement. This brochure briefly describes EPA's new procedures for modifying RCRA permits.

These procedures are effective now in states where EPA administers the RCRA

program. However, authorized states will not use these procedures until they have adopted them as part of their own programs.

The Old Process

Acknowledging that a permit would need to be modified for various reasons during its life, EPA established in 1980 a process for modifying them. The process included different procedures for major and minor modifications. A minor permit modification allowed a limited number of minor changes to occur, after EPA reviewed and approved the modification request. There was no requirement for public notice and comment.

For major modifications, EPA would follow procedures that were almost the same as those for issuing an initial permit. These procedures included developing a draft permit modification, announcing in a local newspaper and on the radio the availability of the proposed modification, providing a 45-day public comment period, and, if requested, holding a public hearing. Public participation was limited to the specific permit conditions being modified.

A Need for Change

The old permit modification process was becoming increasingly unwieldy. It was impeding the ability of treatment, storage, and disposal facilities to respond quickly to improvements in technology and shifts in the types of wastes being generated. This made the routine changes necessary for effective operations more difficult to accomplish. Furthermore, the procedures often did not involve the public early enough in the modification process.

In response to these concerns, EPA developed new procedures with help from representatives from states and industrial, environmental, and public interest groups. The new process provides more flexibility for facilities to respond to changing conditions, clean up waste, and generally improve their waste management operations. In addition, the new procedures allow for more public involvement by expanding public notification and participation opportunities.

The Congress, in an effort to address the nation's growing concern about its hazardous and solid waste problem, enacted the Resource Conservation and Recovery Act (RCRA). The Hazardous and Solid Waste Amendments of 1984 greatly expanded RCRA and the Environmental Protection Agency's (EPA) authority to regulate these wastes.

As a result, EPA is developing regulations and programs to reduce, recycle, and treat wastes; restrict land disposal; and require corrective action for releases of hazardous wastes, or their constituents, into the environment. EPA's Office of Solid Waste, through its publications, aims to foster public understanding and encourage citizen involvement in helping to manage the nation's waste problem.

The New Process

The new process establishes three classes of permit modifications and sets administrative procedures for approving modifications in each class.

- Class One addresses routine and administrative changes. Lowest range of permit modifications.
- Class Two primarily addresses improvements in technology and management techniques. Middle range of modifications.
- Class Three deals with major changes to a facility and its operations. Highest range of modifications.

Class One Modifications

Class One modifications do not substantially alter the conditions in the permit or reduce the facility's ability to protect human health and the environment. Such changes may include

- Improving administrative and routine functions.
- Upgrading plans and records maintained by the facility.
- Replacing some equipment with functionally equivalent equipment.

Most Class One changes do not require approval by the authorized permitting agency—either EPA or a state—before they are implemented. There are several types of changes, however, that may require such approval. EPA may deny any Class One modification.

Notifying the Public. Within 90 days of implementing a change, a facility making a Class One modification must notify the public by sending a notice to all parties on its mailing list. This mailing list includes people and organizations who have asked to be notified of the facility's activities. The list is maintained by the permitting agency. Citizens may be added to

the mailing list by sending a written request to the agency. Any member of the public may ask EPA to review a Class One modification.

Class Two Modifications

Class Two modifications include those changes that enable a facility to respond to variations in the types and quantities of wastes that it manages, technological advancements, and new regulatory requirements. Class Two changes do not substantially alter the facility's design or the management practices prescribed by the permit. They do not reduce—and in most cases should enhance—the facility's ability to protect human health and the environment. Under some circumstances, the permitting agency may determine that the modification request should follow the more restrictive Class Three procedures.

Class Two modifications address changes like

- Increases of 25 percent or less in a facility's tank treatment or storage capacity.
- Authorization to treat or store new wastes that do not require different management practices.
- Modifications to improve the design of regulated units or improve management practices.

The new procedures require the facility to submit a request for approval of the change to the permitting agency. The request describes the change, explains why it is needed, and provides information showing that the change complies with EPA's technical standards for the facility. For Class Two modifications, a facility may begin construction 60 days after submitting a request, although the permitting agency may delay all or part of the construction.

Involving the Public. The permit holder must notify people and organizations on the facility mailing list about the modification request by sending them a letter and publishing a notice in a major local newspaper. The notice must appear within seven days before or after the facility submits the request to the permitting agency. The newspaper notice marks the beginning of a 60-day comment period and announces the time and place of an informal public meeting.

This public comment period is an opportunity for the public to review the facility's permit modification plans at the same time as the permitting agency—early in the process. All written comments submitted during the 60-day comment period will be considered by the agency before a final decision is made on the modification request.

The public meeting is conducted by the permittee and is held no fewer than 15 days after the start of the comment period and no less than 15 days before it ends. The purpose of this meeting is to provide for an exchange of views between the public and the facility's owner or operator and, if possible, to resolve any issues concerning the permit modification. The meeting is less formal than the public hearings held when a new RCRA permit is under development. Because the meeting is intended to be a dialogue between the facility owner or operator and its neighbors, the permitting agency is not required to attend the meeting. EPA believes that the meeting will result in more public comments being submitted to the agency and, perhaps, voluntary revisions to the permittee's modification request.

To inform citizens about how the facility has met the conditions of the permit, the permitting agency must make the facility's compliance history available to the public. A compliance history may include a summary of any permit violations, when

violations have occurred, and how the violations have been corrected.

Default Provision. The procedures for Class Two modifications include a default provision to ensure that the permitting agency responds promptly to the facility's request. The agency must respond to a request within 90 days or, if the agency calls for an extension, 120 days. If the agency does not reach a final decision on the request within 120 days, the facility is automatically allowed to conduct the requested activities for 180 days. During this period, the facility must comply with all federal and state regulations governing hazardous waste facilities. If the permitting agency still has not acted by day 250, the facility then must let the public know that the facility will become permanently authorized to conduct the proposed activities unless the agency approves or denies the request by day 300. At any time during the Class Two procedures, the agency may reclassify the request as Class Three if there is significant public concern or if the permitting agency determines that the facility's proposal is too complex for the Class Two procedures. This reclassification would remove the possibility of an automatic decision by default.

Class Two Modification Schedule

Day 1	Modification request received by agency. Newspaper notice published and mailing list notified.
Days 15-45	Informal public meeting held.
Day 60	Written public comments due to agency.
Day 90	Agency response to Class Two modification request due. Deadline may be extended 30 days.
Day 120	If no response, requested activity may begin for 180 days.

Day 250	If still no response, public notified.
Day 300	If still no response, activity permanently authorized.

Class Three Modifications

Class Three modifications address changes that substantially alter a facility or its operation. For example, the following modification requests fall under Class Three:

- Requests to manage new wastes that require different management practices.
- Major changes to landfill, surface impoundment, and waste pile liner, leachate collection, and detection systems.
- Increases in tank, container, or incinerator capacity of more than 25 percent.
- Major changes to the facility's groundwater monitoring program.

Involving the Public. For Class Three modifications, the facility must initially follow the same public notice, comment, and meeting procedures as for Class Two modifications. This allows for early public review and comment on proposed changes. Then the permitting agency must prepare a draft permit modification, allow 45 days for public comment on the draft, hold a public hearing if requested, and then issue or deny the permit modification request.

Public Involvement Steps for Class Three Modifications:

- The facility representative
- Requests a modification of the permit to the permitting agency.
 - Notifies the public.
 - Holds a public meeting.

The permitting agency

- Allows 60 days for public comment on the modification request.
- Prepares draft permit modification conditions.
- Notifies the public of the agency's draft permit conditions.
- Allows 45 days for public comment on permit conditions.
- Holds a public hearing, if requested.
- Issues or denies the revised permit conditions.

Temporary Authorization

For certain Class Two or Three modifications, the permitting agency may grant a facility temporary authorization to perform certain activities for up to 180 days. For example, temporary authorizations may be granted to ensure that cleanups, or corrective actions, and closure activities can be undertaken quickly and that sudden changes in operations not covered under a facility's permit can be addressed promptly. Activities performed under a temporary authorization must comply with the applicable waste management regulations. The facility must notify the public within seven days of making the request. The permitting agency may grant a temporary authorization without notifying the public. A facility may renew a temporary authorization only by requesting a permit modification and initiating public participation.

Administering Permit Modifications

These procedures are effective now in states where EPA administers the RCRA program. States with hazardous waste programs equivalent to, or more stringent than, the federal program may be authorized by EPA to administer RCRA hazardous waste programs. Authorized states

are not required to adopt this new permit modification process, although it is expected that many of them will. Therefore, for state-administered RCRA permits, the state agency may use different modification procedures until it adopts the new modification approach. However, EPA may use these new procedures in authorized states whenever it is necessary to change a RCRA permit to implement provisions imposed by federal law. EPA regional offices, listed below, maintain up-to-date information about which states are following this and other hazardous waste programs.

- Review modification requests.
- State your support for, or objection to, the requested modifications during the public comment period by providing written comments.
- Participate in the public meetings. These informal meetings allow facility representatives to explain their permit modification requests and answer your questions.

For a copy of the new regulations governing the permit modification process and more information on the new permit modification process or other RCRA programs,

call EPA's RCRA Hotline: 800-424-9346; in Washington, D.C., the number is 382-3000. Or contact EPA Regional Offices:

Getting Involved

EPA encourages community involvement in the permitting and permit modification processes. The revised permit modification procedures expand opportunities for the public to be notified and to participate. The procedures also allow for the expeditious approval of requests when there is no apparent public concern about proposed changes.

Citizen Involvement Steps

- Contact your EPA regional office or state agency to identify the permitting agency.
- Write the permitting agency and request to be put on the mailing list to receive notices of permit modification requests.

Region I

JFK Federal Building
Boston, MA 02203
(617) 573-9644

Region II

26 Federal Plaza
New York, NY 10278
(212) 264-8682

Region III

841 Chestnut Building
Philadelphia, PA 19107
(215) 597-7940

Region IV

345 Courtland Street, N.E.
Atlanta, GA 30365
(404) 347-3433

Region V

230 E Dearborn Street
13th Floor (HR-11)
Chicago, IL 60604
(312) 353-0398

Region VI

First International Bldg.
1445 Ross Avenue
Dallas, TX 75202
(214) 655-6785

Region VII

726 Minnesota Avenue
Kansas City, KS 66101
(913) 236-2888

Region VIII

999 18th Street
One Denver Pl., Suite 1300
Denver, CO 80202-2413
(303) 293-1676

Region IX

215 Fremont Street
San Francisco, CA 94105
(415) 974-8026

Region X

1200 Sixth Avenue
Seattle, WA 98101
(206) 442-1099

United States
Environmental Protection
Agency
Office of Solid Waste
Washington, DC 20460