



# HSWA PORTION OF THE RCRA PERMIT

OWNER/OPERATOR:  
City Environmental Services, Inc. of Florida  
7202 East Eight Avenue  
Tampa, Florida 33619

EPA I.D. No. FLD 981 932 494

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, 42 USC Section 6901 et seq., and the Hazardous and Solid Waste Amendments (HSWA) of 1984, P.L. 98-616, and regulations promulgated thereunder by the U.S. Environmental Protection Agency (EPA) (codified and to be codified in Title 40 of the Code of Federal Regulations), a permit is issued to City Environmental Services, Inc., of Florida, (hereafter called the Permittee), who owns and operates a hazardous waste facility located at 2002 North Orient Road in Tampa, Florida at latitude 27°57'49" and longitude 8°22'23".

This Permit, in conjunction with the Hazardous Waste Management Permit issued by the State of Florida, constitutes the full RCRA Permit for this facility. The Permittee, pursuant to this permit, shall be required to investigate any releases of hazardous waste or hazardous constituents at the facility regardless of the time at which waste was placed in a unit and to take appropriate corrective action for any such releases. The permit also requires the Permittee to comply with all land disposal restrictions and air emission standards applicable to this facility and to certify annually that on-site generation of hazardous waste is minimized to the extent practicable.

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and applicable regulations contained in 40 CFR Parts 260 through 264, 266, 268, 270, and 124 as specified in the permit and statutory requirements of RCRA, as amended by HSWA. Nothing in this permit shall preclude the Regional Administrator from reviewing and modifying the permit at any time during its term in accordance with 40 CFR §270.41.

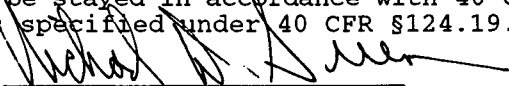
This permit is based on the premise that information and reports submitted by the Permittee prior to issuance of this permit are accurate. Any inaccuracies found in this information or information submitted as required by this permit may be grounds for termination or modification of this permit in accordance with 40 CFR §270.41, §270.42, and §270.43 and potential enforcement action. The Permittee must inform EPA 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.

The authority to perform all actions necessary to issue, modify, enforce, or revoke this permit has been delegated by the Regional Administrator to the Associate Waste Management Division Director.

This permit is effective November 6, 1996, and shall remain in effect for 10 years until November 6, 2006, unless revoked and reissued, or terminated under 40 CFR §270.41 and §270.43 or continued in accordance with 40 CFR §270.51(a). All obligations for performance of HSWA provisions required under this permit are in effect until deemed complete by the Regional Administrator.

If any conditions of this permit are appealed in accordance with 40 CFR §124.19, the effective date of the conditions determined to be stayed in accordance with 40 CFR §124.16 shall be determined by final agency action as specified under 40 CFR §124.19.

11/6/96  
Issued Date

  
Richard D. Green  
Acting Director  
Waste Management Division

# TABLE OF CONTENTS

		<u>40 CFR Regulatory Citation</u>	<u>Page</u>
Cover Page	Permit Authority Permit Duration	Part 124 Part 260 Part 261 Part 264 Part 266 Part 268 Part 270	1
Part I	STANDARD CONDITIONS		5
I.A.	Effect of Permit	§270.4 §270.30 (g)	5
I.B.	Permit Actions	§270.30 (f) §270.41 §270.42 §270.43	5
I.C.	Severability	§124.16	5
I.D.	Duties and Requirements		5
I.D.1.	Duty to Comply	§270.30 (a)	5
I.D.2.	Duty to Reapply	§270.10 (h) §270.30 (b)	6
I.D.3.	Obligation for Corrective Action	§264.101 §270.1 (c) §270.51	6
I.D.4.	Need to Halt or Reduce Activity	§270.30 (c)	6
I.D.5.	Duty to Mitigate	§270.30 (d)	6
I.D.6.	Proper Operation and Maintenance	§270.30 (e)	6
I.D.7.	Duty to Provide Information	§270.30 (h)	6
I.D.8.	Inspection and Entry	§270.30 (i)	6
I.D.9.	Monitoring and Records	§264.74 (b) §270.30 (j)	7
I.D.10.	Reporting Planned Changes	§270.30 (1) (1) & (2)	8
I.D.11.	Anticipated Noncompliance	§270.30 (1) (2)	8

		<u>40 CFR Regulatory Citation</u>	<u>Page</u>
I.D.12.	Transfer of Permit	§264.12 (c) §270.30 (1) (3) §270.40	8
I.D.13.	Compliance Schedules	§270.33	8
I.D.14.	Twenty-four Hour Reporting	§264.56 (d) & (j) §270.30 (1) (6)	8
I.D.15.	Other Noncompliance	§270.30 (1) (10)	9
I.D.16.	Other Information	§270.30 (1) (11)	9
I.E.	Signatory Requirement	§270.11 §270.30 (k)	9
I.F.	Confidential Information	§270.12 Part 2	10
I.G.	Definitions	Part 124 Part 260 Part 261 Part 264 Part 270 RCRA, as amended	10
Part II	CORRECTIVE ACTION	§264.101	13
II.A.	Applicability	§264.101 (a) §270.32 (b) (2) Section 3005 (c)	13
II.B.	Notification and Assessment for Newly Identified SWMUs and AOCs	§270.14 (d) Section 3005 (c)	13
II.C.	Notification Requirements for Newly Discovered Releases at SWMUs or AOCs	§270.14 (d) Section 3005 (c)	14
II.D.	Confirmatory Sampling	§270.14 (d)	14
II.E.	RCRA Facility Investigation	§264.101	15
II.F.	Interim Measures	§264.101	17
II.G.	Corrective Measures Study	§264.101 §264.552	19
II.H.	Remedy Approval and Permit Modification	§264.552 §270.41 §270.42	20

	<u>40 CFR Regulatory Citation</u>	<u>Page</u>
II.I. Modification of Schedule of Compliance	\$264.101(b) \$270.41(a)(4)	20
II.J. Imminent Hazards	\$264.56(d) & (j) \$270.30(l)(6)	20
II.K. Work Plan and Report Requirements	\$270.11 \$270.30(k)	21
II.L. Approval/Disproval of Submittals	\$264.101	21
II.M. Dispute' Resolution	\$264.101	22
Part III LAND DISPOSAL RESTRICTIONS	Part 268	23
APPENDIX A Summary of Solid Waste Management Units and Areas of Concern		A-1
APPENDIX B RCRA Facility Investigation (RFI) Work Plan Outline		B-1
APPENDIX C Corrective Measures Study (CMS) Plan Outline		C-1
APPENDIX D Schedule of Compliance		D-1
APPENDIX E Action Levels		E-1

## PART I - STANDARD CONDITIONS

### I.A. EFFECT OF PERMIT

Compliance with this RCRA permit constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which become effective by statute, are promulgated under 40 CFR Part 268 restricting placement of hazardous waste in or on the land or are promulgated under 40 CFR Part 264 of this chapter regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units, as specified in 40 CFR §270.4. 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 order issued or any action brought under Section 3008(a), 3008(h), 3004(v), 3008(c), 3007, 3013 or Section 7003 of RCRA, Sections 104, 106(a), 106(e), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA), or any other law providing for protection of public health or the environment.

### I.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 except for the Corrective Action schedule of compliance which shall be modified in accordance with Condition II.I. of this permit. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

### I.C. SEVERABILITY

The provisions of this permit are severable, as specified in 40 CFR §124.16 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.

### I.D. DUTIES AND REQUIREMENTS

#### I.D.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. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of RCRA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

#### I.D.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 one hundred eighty (180) calendar days before this permit expires, unless permission for a later date has been granted by the Regional Administrator.

I.D.3. Obligation for Corrective Action

The Permittee is required to continue this permit for any period necessary to comply with the corrective action requirements of this permit.

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

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

I.D.5. Duty to Mitigate

In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases of hazardous waste or hazardous constituents to the environment, and shall carry out such measures as are reasonable to prevent significant adverse effects on human health or the environment.

I.D.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) which are installed or 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 backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

I.D.7. Duty to Provide Information

The Permittee shall furnish to the Regional Administrator, within a reasonable time, any relevant information which the Regional Administrator 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 Regional Administrator, upon request, copies of records required to be kept by this permit.

I.D.8. Inspection and Entry

The Permittee shall allow the Regional Administrator, 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 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 RCRA, any substances or parameters at any location.

I.D.9. Monitoring and Records

I.D.9.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative waste sample to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261, the EPA Region 4 Environmental Compliance Branch's Standard Operating Procedure and Quality Assurance Manual (SOP) (most recent version), or an equivalent method approved by the Regional Administrator. Procedures for sampling contaminated media must be those identified in the EPA Region 4 SOP or an equivalent method approved by the Regional Administrator. Laboratory methods must be those specified in the most recent edition of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846, or an equivalent method approved by the Regional Administrator.

I.D.9.b. The Permittee shall retain at the facility, as provided for under 40 CFR Part 264, or other appropriate location as approved by the Regional Administrator, records of all monitoring information required under the terms of this permit, including all calibration and maintenance records, records of all data used to prepare documents required by this permit, copies of all reports and records required by this permit, the certification required by 40 CFR §264.73(b)(9), and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, certification or application, or until corrective action is completed, whichever date is later. As a generator of hazardous waste, the Permittee shall retain a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to 40 CFR Part 268 for at least five years from the date that the waste which is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal, or until corrective action is completed, whichever date is later. These periods may be extended by request of the Regional Administrator at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.

I.D.9.c. Records of monitoring information shall specify:

- i. The dates, exact place, and times of sampling, or measurements;
- ii. The individuals who performed the sampling or measurements;
- iii. The dates analyses were performed;
- iv. The individuals who performed the analyses;
- v. The analytical techniques or methods used; and
- vi. The results of such analyses.

I.D.10. Reporting Planned Changes

The Permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions which impact any SWMUs, AOCs, or the areas contaminated by them, including voluntary corrective measures, to the SWMUs or AOCs referenced in Conditions II.A.1., II.A.3., II.A.4., and II.C. at the permitted facility as defined in 40 CFR §270.2.

I.D.11. Anticipated Noncompliance

The Permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with the requirements of this permit.

I.D.12. Transfer of Permit

This permit may be transferred to a new owner or operator only after notice to the Regional Administrator and only if it is modified or revoked and reissued pursuant to 40 CFR §270.40(b) or §270.41(b) (2) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act. Before transferring ownership or operation of the facility during its operating life, or of a disposal facility during the post-closure care period, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270, HSWA and this permit.

I.D.13. Compliance Schedules

Written notification of compliance or noncompliance with any item identified in the compliance schedule of this permit shall be submitted according to each schedule date. If the Permittee does not notify the Regional Administrator within fourteen (14) calendar days of its compliance or noncompliance with the schedule, the Permittee shall be subject to an enforcement action. Submittal of a required item according to the schedule constitutes notification of compliance.

I.D.14. Twenty-four Hour Reporting

I.D.14.a. The Permittee shall report any noncompliance or any imminent or existing hazard from a release of hazardous waste or hazardous constituents which may endanger human health or the environment. Any such information shall be reported orally to the Regional Administrator within 24 hours from the time the Permittee becomes aware of the circumstances. This report shall include:

- i. Information concerning the release of any hazardous waste or hazardous constituents which may endanger public drinking water supplies.
- ii. Information concerning the release or discharge of any hazardous waste or hazardous constituents, or of a fire or explosion at the facility, which could threaten the environment or human health outside the facility.

I.D.14.b. 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 materials 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; and
- vii. Estimated quantity and disposition of recovered material that resulted from the incident.

I.D.14.c. A written report shall also be provided to the Regional Administrator within fifteen (15) calendar days of the time the Permittee becomes aware of the circumstances. The written report shall contain the information specified under Conditions I.D.14.a. and b.; a description of the noncompliance or imminent hazard and its cause; the periods of noncompliance (including exact dates and times); whether the noncompliance or imminent hazard has been corrected; and if not, the



anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance or imminent hazard.

I.D.15. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time written reports as required by this permit are submitted. The reports shall contain the information listed in Condition I.D.14. as appropriate.

I.D.16. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in any document(s) submitted to the Regional Administrator, the Permittee shall promptly submit such facts or information.

I.E. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to the Regional Administrator shall be signed and certified in accordance with 40 CFR §270.11.

I.F. CONFIDENTIAL INFORMATION

The Permittee may claim confidential any information required to be submitted by this permit in accordance with 40 CFR §270.12.

I.G. DEFINITIONS

For purposes of this permit, terms used herein shall have the same meaning as those in RCRA and 40 CFR Parts 124, 260, 261, 264, and 270, unless this permit specifically provides otherwise. Where terms are not defined in the regulation, the permit, or EPA guidelines or 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.

I.G.1. "Action levels" for the purposes of this permit are health-based concentrations of hazardous constituents determined to be indicators for the protection of human health and/or the environment.

I.G.2. The term "area of concern" (AOC) for 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 Regional Administrator 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) in order to ensure adequate protection of human health and the environment.

I.G.3. A "Corrective Action Management Unit" (CAMU) for purposes of this permit, includes any area within a facility that is designated by the Regional Administrator under part 264 subpart S, for the purpose of implementing corrective action requirements under §264.101 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.

I.G.4. "Corrective measures" for purposes of this permit, include all corrective action necessary to protect human health and the environment

for all releases of hazardous waste or hazardous constituents from any 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. Corrective measures may address releases to air, soils, surface water or groundwater.

- I.G.5. "Extent of contamination" for the purposes of this permit is defined as the horizontal and vertical area in which the concentrations of hazardous constituents in the environmental media being investigated are above detection limits or background concentrations indicative of the region, whichever is appropriate as determined by the Regional Administrator.
- I.G.6. "Facility" for purposes of this permit 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 §264.101, a facility includes all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA.
- I.G.7. A "hazardous constituent" for purposes of this permit are those substances listed in 40 CFR Part 261 Appendix VIII and Part 264 Appendix IX.
- I.G.8. "Interim Measures" for purposes of this permit 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.
- I.G.9. "Land Disposal" for purposes of this permit and 40 CFR Part 268 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.
- I.G.10. "Landfill" for the purposes of this permit includes any disposal facility or part of a facility where hazardous 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.
- I.G.11. A "release" for 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 or hazardous constituents.
- I.G.12. "Remediation waste" for the purposes of this permit 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 §264.101 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.
- I.G.13. "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, 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).

- I.G.14. A "solid waste management unit" (SWMU) for the purposes of this permit 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 the management of solid waste. RCRA regulated hazardous waste management units are also solid waste management units. SWMUs include areas that have been 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).
- I.G.15. A "Temporary Unit" (TU) for the purposes of this permit 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 Regional Administrator, such units must conform to specific standards, and may only be in operation for a period of time as specified in this permit.
- I.G.16. A "unit" 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, container storage area, septic tank, drain field, wastewater treatment unit, elementary neutralization unit, transfer station, or recycling unit.

## PART II - CORRECTIVE ACTION

### II.A. APPLICABILITY

The Conditions of this Part apply to:

- II.A.1. The solid waste management units (SWMUs) and areas of concern (AOCs) identified in Appendix A-1, which require a RCRA Facility Investigation (RFI);
- II.A.2. The SWMUs and AOCs identified in Appendix A-2, which require no further investigation under this permit at this time;
- II.A.3. The SWMUs and AOCs identified in Appendix A-3, which require confirmatory sampling;
- II.A.4. Any additional SWMUs or AOCs discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means; As used in this Part of the permit, the terms "discover", "discovery", or "discovered" refer to the date on which the Permittee either, (1) visually observes evidence of a new SWMU or AOC, (2) visually observes evidence of a previously unidentified release of hazardous constituents to the environment, or (3) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment;
- II.A.5. Contamination which has migrated beyond the facility boundary, if applicable. 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 Regional Administrator that, despite the Permittee's best efforts, as determined by the Regional Administrator, 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.

### II.B. NOTIFICATION AND ASSESSMENT REQUIREMENTS FOR NEWLY IDENTIFIED SWMUs AND AOCs

- II.B.1. The Permittee shall notify the Regional Administrator in writing, within fifteen (15) calendar days of discovery, of any suspected new AOC as discovered under Condition II.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.). The Regional Administrator may conduct, or require the Permittee to conduct, further assessment (i.e., Confirmatory Sampling) in order to determine the status of the suspected AOC. The Regional Administrator will notify the Permittee in writing of the final determination as to the status of the suspected AOC. If the Regional Administrator determines that further investigation of an AOC is required, the permit will be modified in accordance with 40 CFR §270.41.
- II.B.2. The Permittee shall notify the Regional Administrator in writing, within fifteen (15) calendar days of discovery, of any additional SWMU as discovered under Condition II.A.4.
- II.B.3. The Permittee shall prepare and submit to the Regional Administrator, within ninety (90) calendar days of notification, a SWMU Assessment Report (SAR) for each SWMU identified under Condition II.B.2. 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).
  - 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 wastes.
  - f. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit(s) (to include groundwater data, soil analyses, air, and/or surface water data).
- II.B.4. Based on the results of the SAR, the Regional Administrator shall determine the need for further investigations at the SWMUs covered in the SAR. If the Regional Administrator determines that such investigations are needed, the Permittee shall be required to prepare a plan for such investigations as outlined in Condition II.E.1.b. or II.D.1.
- II.C. NOTIFICATION REQUIREMENTS FOR NEWLY DISCOVERED RELEASES FROM SWMUs or AOCs
- II.C.1. The Permittee shall notify the Regional Administrator in writing of any newly discovered release(s) of hazardous waste or hazardous constituents discovered during the course of groundwater 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 II.A.2. or SWMU or AOCs identified in Condition II.A.4. for which further investigation under Condition II.B.4. was not required.
- II.C.2. If the Regional Administrator 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 II.E.1.b.
- II.D. CONFIRMATORY SAMPLING (CS)
- II.D.1. The Permittee shall prepare and submit to the Regional Administrator, within forty five (45) calendar days of the effective date of this permit, for SWMUs or AOCs identified in Condition II.A.3. and Appendix A-3 or within forty five (45) calendar days of notification by the Regional Administrator for a newly identified SWMU identified in Condition II.B.4., a Confirmatory Sampling (CS) Work Plan to determine any release from these SWMUs or AOCs. The CS Work Plan shall include schedules of implementation and completion of specific actions necessary to determine whether or not a release has occurred. It should also address applicable requirements and affected media. In order to partly or wholly satisfy the CS requirement, the use of data obtained outside of the permit structure may be submitted with the work plan for the Regional Administrator's review and approval. Within forty-five (45) calendar days of notification by the Regional Administrator, the Permittee shall prepare and submit to the Regional Administrator a CS Work Plan to determine if any release has occurred from suspected AOCs per Condition II.B.1. or newly identified SWMUs per Condition II.B.4.
- II.D.2. The CS Work Plan must be approved by the Regional Administrator, in writing, prior to implementation. The Regional Administrator shall specify the start date of the CS Work Plan schedule in the letter approving the CS Work Plan. If the Regional Administrator disapproves

the CS Work Plan, the Regional Administrator shall either (1) notify the Permittee in writing of the CS Work Plan's deficiencies and specify a due date for submission of a revised CS Work Plan, (2) revise the CS Work Plan and notify the Permittee of the revisions, or (3) conditionally approve the CS Work Plan and notify the Permittee of the conditions.

II.D.3. The Permittee shall implement the confirmatory sampling in accordance with the approved CS Work Plan.

II.D.4. The Permittee shall prepare and submit to the Regional Administrator in accordance with the schedule in the approved CS Work Plan, a Confirmatory Sampling (CS) Report identifying those SWMUs or AOCs listed in Condition II.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.

II.D.5. Based on the results of the CS Report, the Regional Administrator shall determine the need for further investigations at the SWMUs or AOCs covered in the CS Report. If the Regional Administrator determines that such investigations are needed, the Permittee shall be required to prepare a plan for such investigations as outlined in Condition II.E.1.b. The Regional Administrator will notify the permittee of any no further action decision.

II.E. RCRA FACILITY INVESTIGATION (RFI)

II.E.1. RFI Work Plan(s)

II.E.1.a. The Permittee shall prepare and submit to the Regional Administrator, within ninety (90) calendar days of the effective date of this permit, a RCRA Facility Investigation (RFI) Work Plan(s) for those units identified in Condition II.A.1. This Work Plan shall be developed to meet the requirements of Condition II.E.1.c.

II.E.1.b. The Permittee shall prepare and submit to the Regional Administrator, within ninety (90) calendar days of notification by the Regional Administrator, an RFI Work Plan for those units identified under Condition II.B.4., Condition II.C.2., or Condition II.D.5. The RFI Work Plan(s) shall be developed to meet the requirements of Condition II.E.1.c.

II.E.1.c. The RFI Work Plan(s) shall meet the requirements of Appendix B. The RFI Work Plan(s) shall include schedules of implementation and completion of specific actions necessary to determine the nature and extent of contamination and the potential pathways of contaminant releases to the air, soil, surface water, and groundwater. The Permittee must provide sufficient justification and associated documentation that a release is not probable or has already been characterized if a unit or a media/pathway associated with a unit (groundwater, surface water, soil, subsurface gas, or air) is not included in the RFI Work Plan(s). Such deletions of a unit, media or pathway from the RFI(s) are subject to the approval of the Regional Administrator. 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 Regional Administrator. In addition, the scope of the RFI Work Plan(s) shall include all investigations necessary to ensure compliance with 40 CFR §264.101(c).

II.E.1.d. The RFI Work Plan(s) must be approved by the Regional Administrator, in writing, prior to implementation. The Regional Administrator shall specify the start date of the RFI Work Plan schedule in the letter approving the RFI Work Plan(s). If the Regional Administrator disapproves the RFI Work Plan(s), the Regional Administrator shall either (1) notify the Permittee in writing of the RFI Work Plan's deficiencies

and specify a due date for submission of a revised RFI Work Plan, (2) revise the RFI Work Plan and notify the Permittee of the revisions and the start date of the schedule within the approved RFI Work Plan, or (3) conditionally approve the RFI Work Plan and notify the Permittee of the conditions.

#### II.E.2. RFI Implementation

The Permittee shall implement the RFI(s) in accordance with the approved RFI Work Plan(s) and Appendix B. The Permittee shall notify the Regional Administrator within twenty (20) days prior to any sampling activity.

#### II.E.3. RFI Reports

II.E.3.a. If the time required to conduct the RFI(s) is greater than one hundred eighty (180) calendar days, the Permittee shall provide the Regional Administrator with quarterly RFI Progress Reports (90 day intervals) beginning ninety (90) calendar days from the start date specified by the Regional Administrator in the RFI Work Plan 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 Work Plan 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 in relevant personnel;
- viii. Projected work for the next reporting period; and
- ix. Copies of daily reports, inspection reports, data, etc.

II.E.3.b. The Permittee shall prepare and submit to the Regional Administrator Draft and Final RCRA Facility Investigation Report(s) for the investigations conducted pursuant to the RFI Work Plan(s) submitted under Condition II.E.1. The Draft RFI Report(s) shall be submitted to the Regional Administrator for review in accordance with the schedule in the approved RFI Work Plan(s). The Final RFI Report(s) shall be submitted to the Regional Administrator within thirty (30) calendar days of receipt of the Regional Administrator's final 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, identify all hazardous constituents present in all media, and describe actual or potential receptors. The RFI 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 work plan for the final phase investigatory actions required based on the initial findings. Approval of the final phase work plan shall be carried out in accordance with Condition II.E.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.

II.E.3.c. The Permittee shall prepare and submit to the Regional Administrator, along with the Draft and Final RFI Report(s), action levels for each of the hazardous constituents reported in Condition II.E.3.b. Action levels shall be calculated as specified in Appendix F of this permit.

II.E.3.d. The Regional Administrator will review the RFI Report(s), including the action levels described in Condition II.E.3.c. The Regional Administrator shall notify the Permittee of the need for further investigative action if necessary and, if appropriate at this moment of the investigation, inform the Permittee, if not already notified, of the need for a Corrective Measures Study to meet the requirements of II.G and 40 CFR §264.101. The Regional Administrator will notify the permittee of any no further action decision. Any further investigative action required by the Regional Administrator shall be prepared and submitted in accordance with a schedule specified by the Regional Administrator and approved in accordance with Condition II.E.1.d.

## II.F. INTERIM MEASURES (IM)

### II.F.1. IM Work Plan

II.F.1.a. Upon notification by the Regional Administrator, the Permittee shall prepare and submit an Interim Measures (IM) Work Plan for any SWMU or AOC which the Regional Administrator determines is necessary. IM are necessary in order to minimize or prevent the further migration of contaminants thereby limiting current and future potential for human and environmental exposure to contaminants while long-term corrective action remedies are evaluated and, if necessary, implemented. The IM Work Plan shall be submitted within thirty (30) calendar days of such notification and shall include the elements listed in II.F.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 Work Plan for approval and reporting in accordance with the requirements under Condition II.F.

II.F.1.b. The IM Work Plan shall ensure that the interim measures are designed to mitigate any current or potential threat(s) to human health or the environment and is consistent with and integrated into any long-term solution at the facility. The IM Work Plan shall include: the interim measures objectives, procedures for implementation (including any designs, plans, or specifications), and schedules for implementation.

II.F.1.c. The IM Work Plan must be approved by the Regional Administrator, in writing, prior to implementation. The Regional Administrator shall specify the start date of the IM Work Plan schedule in the letter approving the IM Work Plan. If the Regional Administrator disapproves the IM Work Plan, the Regional Administrator shall either (1) notify the Permittee in writing of the IM Work Plan's deficiencies and specify a due date for submission of a revised IM Work Plan, (2) revise the IM Work Plan and notify the Permittee of the revisions and the start date of the schedule within the approved IM Work Plan, or (3) conditionally approve the IM Work Plan and notify the Permittee of the conditions.

### II.F.2. IM Implementation

II.F.2.a. The Permittee shall implement the interim measures in accordance with the approved IM Work Plan.

II.F.2.b. The Permittee shall give notice to the Regional Administrator as soon as possible of any planned changes, reductions or additions to the IM Work Plan.

II.F.2.c. Final approval of corrective action required under 40 CFR §264.101 which



is achieved through interim measures shall be in accordance with 40 CFR §270.41 and Condition II.H. as a permit modification.

II.F.3. IM Reports

II.F.3.a. If the time required for completion of interim measures is greater than one year, the Permittee shall provide the Regional Administrator with progress reports at intervals specified in the approved Work Plan. 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 findings;
- iii. Summaries of any deviations from the IM Work Plan during the reporting period;
- iv. Summaries of any problems or potential problems encountered during the reporting period; and
- v. Projected work for the next reporting period.

II.F.3.b. The Permittee shall prepare and submit to the Regional Administrator, within ninety (90) calendar days of completion of interim measures conducted under Condition II.F., an Interim Measures (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 all 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.

II.G. CORRECTIVE MEASURES STUDY

II.G.1. Corrective Measures Study (CMS) Work Plan

II.G.1.a. The Permittee shall prepare and submit a CMS Work Plan for those units requiring a CMS within ninety (90) calendar days of notification by the Regional Administrator that a CMS is required. This CMS Work Plan shall be developed to meet the requirements of Condition II.G.1.b. The Permittee may seek approval from the Regional Administrator for concurrent RFI/CMS. The CMS may be performed concurrent with the RFI process if the Regional Administrator determines that sufficient investigative details are available to allow concurrent action.

II.G.1.b. The CMS Work Plan shall meet the requirements of Appendix C at a minimum. The CMS Work Plan 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 deleted from the CMS Work Plan. Such deletion of a unit is subject to the approval of the Regional Administrator. The CMS shall be conducted in accordance with the approved CMS Work Plan. 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 Regional Administrator. The scope of the CMS Work Plan shall include all investigations necessary to ensure compliance with 3005(c)(3), 40 CFR §264.101, §264.552, and

§270.32(b)(2). The Permittee shall implement corrective actions beyond the facility boundary, as set forth in Condition II.A.5.

- II.G.1.c. The Regional Administrator shall either approve or disapprove, in writing, the CMS Work Plan. If the Regional Administrator disapproves the CMS Work Plan, the Regional Administrator shall either (1) notify the Permittee in writing of the CMS Work Plan's deficiencies and specify a due date for submittal of a revised CMS Work Plan, (2) revise the CMS Work Plan and notify the Permittee of the revisions, or (3) conditionally approve the CMS Work Plan and notify the Permittee of the conditions. This modified CMS Work Plan becomes the approved CMS Work Plan.

II.G.2. Corrective Measures Study Implementation

The Permittee shall begin to implement the Corrective Measures Study according to the schedules specified in the CMS Work Plan, no later than fifteen (15) calendar days after the Permittee has received written approval from the Regional Administrator for the CMS Work Plan. Pursuant to Permit Condition II.G.1.b. the CMS shall be conducted in accordance with the approved CMS Work Plan.

II.G.3. CMS Report

- II.G.3.a. The Permittee shall prepare and submit to the Regional Administrator a draft and final CMS Report for the study conducted pursuant to the approved CMS Work Plan. The draft CMS Report shall be submitted to the Regional Administrator in accordance with the schedule in the approved CMS Work Plan. The final CMS Report shall be submitted to the Regional Administrator within thirty (30) days of receipt of the Regional Administrator's final 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 Work Plan. The CMS Final Report must contain adequate information to support the Regional Administrator's decision on the recommended remedy, described under Permit Condition II.H.

- II.G.3.b. If the Regional Administrator determines that the CMS Final Report does not fully satisfy the information requirements specified under Permit Condition II.G.3.a., the Regional Administrator may disapprove the CMS Final Report. If the Regional Administrator disapproves the CMS Final Report, the Regional Administrator 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 Regional Administrator will notify the Permittee of any no further action decision.

- II.G.3.c. As specified under Permit Condition II.G.3.b., based on preliminary results and the CMS Final Report, the Regional Administrator may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

II.H. REMEDY APPROVAL AND PERMIT MODIFICATION

- II.H.1. A remedy shall be selected from the remedial alternatives evaluated in the CMS. It will be based at a minimum on protection of human health and the environment, as per specific site conditions, existing regulations, and guidance. The selected remedy may include any interim measures implemented to date.

- II.H.2. Pursuant to 40 CFR §270.41, a permit modification will be initiated by the Regional Administrator after recommendation of a remedy under Condition II.H.1. This modification will serve to incorporate a final remedy, including a CAMU if necessary, into this permit.

II.H.3. Within one hundred and twenty (120) calendar days after this Permit has been modified for remedy selection, the Permittee shall demonstrate financial assurance for completing the approved remedy.

II.I. MODIFICATION OF THE CORRECTIVE ACTION SCHEDULE OF COMPLIANCE

II.I.1. If at any time the Regional Administrator determines that modification of the Corrective Action Schedule of Compliance is necessary, the Regional Administrator may initiate a modification to the Schedule of Compliance (Appendix D).

II.I.2. Modifications that are initiated and finalized by the Regional Administrator will be in accordance with the applicable provisions of 40 CFR Part 270. The Permittee may also request a permit modification in accordance with 40 CFR Part 270 to change the Schedule of Compliance.

II.J. WORK PLAN AND REPORT REQUIREMENTS

II.J.1. All work plans and schedules shall be subject to approval by the Regional Administrator prior to implementation to assure that such work plans 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 Regional Administrator. Upon approval the Permittee shall implement all work plans and schedules as written.

II.J.2. All work plans and reports shall be submitted in accordance with the approved schedule. Extensions of the due date for submittals may be granted by the Regional Administrator based on the Permittee's demonstration that sufficient justification for the extension exists.

II.J.3. If the Permittee at any time determines that the SAR information required under Condition II.B., the CS Work Plan under Condition II.D., or RFI Work Plan(s) required under Condition II.E. no longer satisfy the requirements of 40 CFR §264.101 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 Work Plan(s) to the Regional Administrator within ninety (90) calendar days of such determination.

II.J.4. All reports shall be signed and certified in accordance with 40 CFR §270.11.

II.J.5. Three (3) copies of all reports and work plans shall be provided by the Permittee to the Regional Administrator in care of the RCRA Programs Branch Chief at the following address:

Chief, RCRA Programs Branch

Waste Management Division  
Environmental Protection Agency  
Region 4  
Atlanta Federal Center  
100 Alabama Street, S.W.  
Atlanta, Georgia 30303-3104

II.K. APPROVAL/DISAPPROVAL OF SUBMITTALS

II.K.1. The Regional Administrator will review the work plans, reports, schedules, and other documents ("submittals") which require the Regional Administrator's approval in accordance with the conditions of this permit. The Regional Administrator will notify the Permittee in writing of any submittal that is disapproved, and the basis therefore. Condition II.L. shall apply only to

submittals that have been disapproved and revised by the Regional Administrator, or that have been disapproved by the Regional Administrator, then revised and resubmitted by the Permittee, and again disapproved by the Regional Administrator.

II.L. DISPUTE RESOLUTION

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

- II.L.1.a. In the event that the Permittee chooses to invoke the provisions of this section, the Permittee shall notify the Regional Administrator in writing within thirty (30) days of receipt of the Regional Administrator'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 Regional Administrator's determination.
- II.L.1.b. The Regional Administrator and the Permittee shall have an additional thirty (30) days from EPA's receipt of the notification provided for in Condition II.L.1.a. to meet or confer to resolve any disagreement.
- II.L.1.c. In the event 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.
- II.L.1.d. If agreement is not reached within the thirty (30) day period, the Regional Administrator 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 Regional Administrator'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 Waste Management Division Director.
- II.L.1.e. 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 Regional Administrator determines are not affected by the dispute.

## PART III - LAND DISPOSAL RESTRICTIONS

### III.A. GENERAL RESTRICTIONS

- III.A.1. 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 40 CFR Part 268, 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.

### III.B. LAND DISPOSAL PROHIBITIONS AND TREATMENT STANDARDS

- III.B.1. A restricted waste identified in 40 CFR Part 268 Subpart C 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 are met.
- III.B.2. The storage of hazardous wastes restricted from land disposal under 40 CFR Part 268 is prohibited unless the requirements of 40 CFR Part 268 Subpart E are met.

## APPENDICES

APPENDIX A

SOLID WASTE MANAGEMENT UNIT SUMMARY

A.1. List of solid waste management units (SWMUs) and areas of concern (AOCs) requiring a RCRA Facility Investigation (RFI):	
SWMU Number	SWMU Name
There are no units identified at this time which require a RCRA Facility Investigation.	

**A.2. List of solid waste management units (SWMUs) and areas of concern (AOCs) requiring no further action at this time:**

Number	SWMU Name
*1	Drum Storage Area
*2	Loading/Unloading Area
3	Pre-Treatment Unit
*4	Filter Press
5	Municipal Waste Dumpster
* Unit Regulated by State Permit	

**A.3. List of solid waste management units (SWMUs) and areas of concern (AOCs) requiring Confirmatory Sampling:**

SWMU Number	SWMU Name
3	Retention Pond



APPENDIX B

RCRA Facility Investigation (RFI)  
Work Plan Outline

## APPENDIX B

### RCRA FACILITY INVESTIGATION (RFI) WORK PLAN OUTLINE

#### I. RFI WORK PLAN REQUIREMENTS

The Permittee shall prepare a RCRA Facility Investigation (RFI) Work Plan that meets the requirements of Part II of this appendix and the RFI Guidance, EPA-530/SW-89-031. This Work Plan shall also include the development of the following plans, which shall be prepared concurrently:

##### A. Project Management Plan

Permittee shall prepare a Project Management Plan which will include a discussion of the technical approach, schedules and personnel. The Project Management Plan will also include a description of qualifications of personnel performing or directing the RFI, including contractor personnel. This plan shall also document the overall management approach to the RCRA Facility Investigation.

##### B. Sampling and Analysis Plan(s)

The Permittee shall prepare a plan to document all monitoring procedures: field sampling, sampling procedures and sample analysis performed during the investigation to characterize the environmental setting, source, and releases of hazardous constituents, so as to ensure that all information and data are valid and properly documented. The Sampling Strategy and Procedures shall be in accordance with EPA Region 4 Environmental Compliance Branch's Standard Operating Procedure and Quality Assurance Manual (SOP) (most recent version). Any deviations from this reference must be requested by the applicant and approved by EPA. The Sampling and Analysis Plan must specifically discuss the following unless the SOP procedures are specifically referenced.

##### 1. Sampling Strategy

- a. Selecting appropriate sampling locations, depths, etc.;
- b. Obtaining all necessary ancillary data;
- c. Determining conditions under which sampling should be conducted;
- d. Determining which media are to be sampled (e.g., groundwater, air, soil, sediment, subsurface gas);
- e. Determining which parameters are to be measured and

where;

- f. Selecting the frequency of sampling and length of sampling period;
- g. Selecting the types of samples (e.g., composites vs. grabs) and number of samples to be collected.

2. Sampling Procedures

- a. Documenting field sampling operations and procedures, including;
  - i) Documentation of procedures for preparation of reagents or supplies which become an integral part of the sample (e.g., filters, preservatives, and absorbing reagents);
  - ii) Procedures and forms for recording the exact location and specific considerations associated with sample acquisition;
  - iii) Documentation of specific sample preservation method;
  - iv) Calibration of field instruments;
  - v) Submission of field-biased blanks, where appropriate;
  - vi) Potential interferences present at the facility;
  - vii) Construction materials and techniques, associated with monitoring wells and piezometers;
  - viii) Field equipment listing and sampling containers;
  - ix) Sampling order; and
  - x) Decontamination procedures.
- b. Selecting appropriate sample containers;
- c. Sampling preservation; and
- d. Chain-of-custody, including:
  - i) Standardized field tracking reporting forms to establish sample custody in the field prior to shipment; and

- ii) Pre-prepared sample labels containing all information necessary for effective sample tracking.

3. Sample Analysis

Sample analysis shall be conducted in accordance with SW-846: "Test Methods for Evaluating Solid Waste - Physical/Chemical Methods" (most recent version). The sample analysis section of the Sampling and Analysis Plan shall specify the following:

- a. Chain-of-custody procedures, including:
  - i) Identification of a responsible party to act as sampling custodian at the laboratory facility authorized to sign for incoming field samples, obtain documents of shipment, and verify the data entered onto the sample custody records;
  - ii) Provision for a laboratory sample custody log consisting of serially numbered standard lab-tracking report sheets; and
  - iii) Specification of laboratory sample custody procedures for sample handling, storage, and dispersment for analysis.
- b. Sample storage;
- c. Sample preparation methods;
- d. Analytical Procedures, including:
  - i) Scope and application of the procedure;
  - ii) Sample matrix;
  - iii) Potential interferences;
  - iv) Precision and accuracy of the methodology; and
  - v) Method detection limits.
- e. Calibration procedures and frequency;
- f. Data reduction, validation and reporting;
- g. Internal quality control checks, laboratory performance and systems audits and frequency, including:

- i) Method blank(s);
  - ii) Laboratory control sample(s);
  - iii) Calibration check sample(s);
  - iv) Replicate sample(s);
  - v) Matrix-spiked sample(s);
  - vi) "Blind" quality control sample(s);
  - vii) Control charts;
  - viii) Surrogate samples;
  - ix) Zero and span gases; and
  - x) Reagent quality control checks.
- h. External quality control checks by EPA, including:
- i) Spikes and blanks at sampling events for which EPA or its technical representative provides oversight; and
  - ii) The equivalent of a CLP data package for samples split with EPA or for which EPA specifically requests the package.
- i. Preventive maintenance procedures and schedules;
- j. Corrective action (for laboratory problems); and
- k. Turnaround time.

C. Data Management Plan

The Permittee shall develop and initiate a Data Management Plan to document and track investigation data and results. This plan shall identify and set up data documentation materials and procedures, project file requirements, and project-related progress reporting procedures and documents. The plan shall also provide the format to be used to present the raw data and conclusions of the investigation.

1. Data Record

The data record shall include the following:

- a. Unique sample or field measurement code;
- b. Sampling or field measurement location and sample or measurement type;
- c. Sampling or field measurement raw data;
- d. Laboratory analysis ID number;
- e. Property or component measures; and
- f. Result of analysis (e.g. concentration).

## 2. Tabular Displays

The following data shall be presented in tabular displays:

- a. Unsorted (raw) data;
- b. Results for each medium, or for each constituent monitored;
- c. Data reduction for statistical analysis, as appropriate;
- d. Sorting of data by potential stratification factors (e.g., location, soil layer, topography); and
- e. Summary data

## 3. Graphical Displays

The following data shall be presented in graphical formats (e.g., bar graphs, line graphs, area or plan maps, isopleth plots, cross-sectional plots or transits, three dimensional graphs, etc.):

- a. Display sampling location and sampling grid;
- b. Indicate boundaries of sampling area, and area where more data are required;
- c. Display geographical extent of contamination;
- d. Illustrate changes in concentration in relation to distances from the source, time, depth or other parameters; and
- e. Indicate features affecting inter-media transport and show potential receptors.

## II. RCRA Facility Investigation (RFI) Requirements

### RCRA Facility Investigation:

The Permittee shall conduct those investigations necessary to: characterize the facility (Environmental Setting); define the source (Source Characterization); define the degree and extent of release of hazardous constituents (Contamination Characterization); and identify actual or potential receptors.

The investigations should result in data of adequate technical content and quality to support the development and evaluation of the corrective action plan if necessary. The information contained in previously developed documents such as a RCRA Part B permit application and/or RCRA Section 3019 Exposure Information Report may be referenced as appropriate, but must be summarized in both the RFI Work Plan and RFI Report.

All sampling and analyses shall be conducted in accordance with the Sampling and Analysis Plan. All sampling locations shall be documented in a log and identified on a detailed site map.

#### A. Environmental Setting

The Permittee shall collect information to supplement and/or verify Part B information on the environmental setting at the facility. The Permittee shall characterize the following as they relate to identified sources, pathways and areas of releases of hazardous constituents from Solid Waste Management Units.

##### 1. Hydrogeology

The Permittee shall conduct a program to evaluate hydrogeologic conditions at the facility. This program shall provide the following information:

- a. A description of the regional and facility specific geologic and hydrogeologic characteristics affecting ground-water flow beneath the facility, including:
  - i) Regional and facility specific stratigraphy: description of strata including strike and dip, identification of stratigraphic contacts;
  - ii) Structural geology: description of local and regional structural features (e. g., folding, faulting, tilting, jointing, etc.);
  - iii) Depositional history;

- iv) Regional and facility specific ground-water flow patterns; and
  - v) Identification and characterization of areas and amounts of recharge and discharge.
- b. An analysis of any topographic features that might influence the ground-water flow system.
- c. Based on field data, tests, and cores, a representative and accurate classification and description of the hydrogeologic units which may be part of the migration pathways at the facility (i. e., the aquifers and any intervening saturated and unsaturated units), including:
  - i) Hydraulic conductivity and porosity (total and effective);
  - ii) Lithology, grain size, sorting, degree of cementation;
  - iii) An interpretation of hydraulic interconnections between saturated zones; and
  - iv) The attenuation capacity and mechanisms of the natural earth materials (e. g., ion exchange capacity, organic carbon content, mineral content etc.).
- d. Based on data obtained from groundwater monitoring wells and piezometers installed upgradient and downgradient of the potential contaminant source, a representative description of water level or fluid pressure monitoring including:
  - i) Water-level contour and/or potentiometric maps;
  - ii) Hydrologic cross sections showing vertical gradients;
  - iii) The flow system, including the vertical and horizontal components of flow; and
  - iv) Any temporal changes in hydraulic gradients, for example, due to tidal or seasonal influences.
- e. A description of man-made influences that may affect the hydrology of the site, identifying:



- i) Local water-supply and production wells with an approximate schedule of pumping; and
- ii) Man-made hydraulic structures (pipelines, french drains, ditches, etc.).

## 2. Soils

The Permittee shall conduct a program to characterize the soil and rock units above the water table in the vicinity of contaminant release(s). Such characterization may include, but not be limited to, the following types of information as appropriate:

- a. Surface soil distribution;
- b. Soil profile, including ASTM classification of soils;
- c. Transects of soil stratigraphy;
- d. Hydraulic conductivity (saturated and unsaturated);
- e. Relative permeability;
- f. Bulk density;
- g. Porosity;
- h. Soil sorption capacity;
- i. Cation exchange capacity (CEC);
- j. Soil organic content;
- k. Soil pH;
- l. Particle size distribution;
- m. Depth of water table;
- n. Moisture content;
- o. Effect of stratification on unsaturated flow;
- p. Infiltration;
- q. Evapotranspiration;
- r. Storage capacity;
- s. Vertical flow rate; and
- t. Mineral content.

## 3. Surface Water and Sediment

The Permittee shall conduct a program to characterize the surface water bodies in the vicinity of the facility. Such characterization may include, but not be limited to, the following activities and information:

- a. Description of the temporal and permanent surface water bodies including:
  - i) For lakes and estuaries: location, elevation, surface area, inflow, outflow, depth, temperature stratification, and volume;

- ii) For impoundments: location, elevation, surface area, depth, volume, freeboard, and construction and purpose;
  - iii) For streams, ditches, and channels: location, elevation, flow, velocity, depth, width, seasonal fluctuations, flooding tendencies (i. e., 100 year event), discharge point(s), and general contents.
  - iv) Drainage patterns; and
  - v) Evapotranspiration.
- b. Description of the chemistry of the natural surface water and sediments. This includes determining the pH, total dissolved solids, total suspended solids, biological oxygen demand, alkalinity, conductivity, dissolved oxygen profiles, nutrients, chemical oxygen demand, total organic carbon, specific contaminant concentrations, etc.
- c. Description of sediment characteristics including:
- i) Deposition area;
  - ii) Thickness profile; and
  - iii) Physical and chemical parameters (e. g., grain size, density, organic carbon content, ion exchange capacity, pH, etc.)

4. Air

The Permittee shall provide information characterizing the climate in the vicinity of the facility. Such information may include, but not be limited to:

- a. A description of the following parameters:
- i) Annual and monthly rainfall averages;
  - ii) Monthly temperature averages and extremes;
  - iii) Wind speed and direction;
  - iv) Relative humidity/dew point;
  - v) Atmospheric pressure;
  - vi) Evaporation data;

- vii) Development of inversions; and
- viii) Climate extremes that have been known to occur in the vicinity of the facility, including frequency of occurrence. (i. e. Hurricanes)
- b. A description of topographic and man-made features which affect air flow and emission patterns, including:
  - i) Ridges, hills or mountain areas;
  - ii) Canyons or valleys;
  - iii) Surface water bodies (e. g. rivers, lakes, bays, etc.); and
  - iv) Buildings.

B. Source Characterization

For those sources from which releases of hazardous constituents have been detected, the Permittee shall collect analytical data to completely characterize the wastes and the areas where wastes have been placed, to the degree that is possible without undue safety risks, including: type, quantity; physical form; disposition (containment or nature of deposits); and facility characteristics affecting release (e. g., facility security, and engineering barriers). This shall include quantification of the following specific characteristics, at each source area:

1. Unit/Disposal Area Characteristics:

- a. Location of unit/disposal area;
- b. Type of unit/disposal area;
- c. Design features;
- d. Operating practices (past and present)
- e. Period of operation;
- f. Age of unit/disposal area;
- g. General physical conditions; and
- h. Method used to close the unit/disposal area.

2. Waste Characteristics:

- a. Type of wastes placed in the unit;
  - i) Hazardous classification (e. g., flammable, reactive, corrosive, oxidizing or reducing agent);
  - ii) Quantity; and

- iii) Chemical composition.
- b. Physical and chemical characteristics such as;
  - i) Physical form (solid, liquid, gas);
  - ii) Physical description (e. g., powder, oily sludge);
  - iii) Temperature;
  - iv) pH;
  - v) General chemical class (e. g., acid, base, solvent);
  - vi) Molecular weight;
  - vii) Density;
  - viii) Boiling point;
  - ix) Viscosity;
  - x) Solubility in water;
  - xi) Cohesiveness of the waste; and
  - xii) Vapor pressure.
- c. Migration and dispersal characteristics of the waste such as:
  - i) Sorption capability;
  - ii) Biodegradability, bioconcentration, biotransformation;
  - iii) Photodegradation rates;
  - iv) Hydrolysis rates; and
  - v) Chemical transformations.

The Permittee shall document the procedures used in making the above determinations.

C. Characterization of Releases of Hazardous Constituents

The Permittee shall collect analytical data on groundwater, soils, surface water, sediment, and subsurface gas contamination in the

vicinity of the facility in accordance with the sampling and analysis plan as required above. These data shall be sufficient to define the extent, origin, direction, and rate of movement of contamination. Data shall include time and location of sampling, media sampled, concentrations found, conditions during sampling, and the identity of the individuals performing the sampling and analysis. The Permittee shall address the following types of contamination at the facility:

1. Groundwater Contamination

The Permittee shall conduct a groundwater investigation to characterize any plumes of contamination detected at the facility. This investigation shall at a minimum provide the following information:

- a. A description of the horizontal and vertical extent of any plume(s) of hazardous constituents originating from within the facility;
- b. The horizontal and vertical direction of contamination movement;
- c. The velocity of contaminant movement;
- d. The horizontal and vertical concentration profiles of hazardous constituents in the plume(s);
- e. An evaluation of factors influencing the plume movement; and
- f. An extrapolation of future contaminant movement.

The Permittee shall document the procedures used in making the above determinations (e. g., well design, well construction, geophysics, modeling, etc.).

2. Soil Contamination

The Permittee shall conduct an investigation to characterize the contamination of the soil and rock units above the saturated zone in the vicinity of any contaminant release. The investigation may include the following information:

- a. A description of the vertical and horizontal extent of contamination;
- b. A description of appropriate contaminant and soil chemical properties within the contaminant source area and plume. This may include contaminant solubility,

speciation, absorption, leachability, exchange capacity, biodegradability, hydrolysis photolysis, oxidation and other factors that might affect contaminant migration and transformation;

- c. Specific contaminant concentrations;
- d. The velocity and direction of contaminant movement; and
- e. An extrapolation of future contaminant movement.

The Permittee shall document the procedures used in making the above determinations.

3. Surface Water and Sediment Contamination

The Permittee shall conduct a surface water investigation to characterize contamination in surface water bodies resulting from releases of hazardous constituents at the facility. The investigation may include, but not be limited to, the following information:

- a. A description of the horizontal and vertical extent of any plume(s) originating from the facility, and the extent of contamination in underlying sediments;
- b. The horizontal and vertical direction of contaminant movement;
- c. The contaminant velocity;
- d. An evaluation of the physical, biological and chemical factors influencing contaminant movement;
- e. An extrapolation of future contaminant, movement; and
- f. A description of the chemistry of the contaminated surface waters and sediments. This includes determining the pH, total dissolved solids, specific contaminant concentrations, etc.

4. Air Contamination

The Permittee shall conduct an investigation to characterize gaseous releases of hazardous constituents into the atmosphere or any structures or buildings. This investigation may provide the following information:

- a. A description of the horizontal and vertical direction and velocity of contaminant movement;

- b. The rate and amount of the release; and
- c. The chemical and physical composition of the contaminant(s) released, including horizontal and vertical concentration profiles.

The Permittee shall document the procedures used in making the above determinations.

D. Potential Receptors

The Permittee shall collect data describing the human populations and environmental systems that are susceptible to contaminant exposure from the facility. Chemical analysis of biological samples and/or data on observable effects in ecosystems may also be obtained as appropriate. The following characteristics shall be identified:

- 1. Current local uses and planned future uses of groundwater:
  - a. Type of use (e. g., drinking water source: municipal or residential, agricultural, domestic/non-potable, and industrial); and
  - b. Location of ground water users, to include withdrawal and discharge wells, within one mile of the impacted area.

The above information should also indicate the aquifer or hydrogeologic unit used and/or impacted for each item.

- 2. Current local uses and planned future uses of surface waters directly impacted by the facility:
  - a. Domestic and municipal (e. g., potable and lawn/gardening watering);
  - b. Recreational (e. g. swimming, fishing);
  - c. Agricultural;
  - d. Industrial; and
  - e. Environmental (e. g., fish and wildlife propagation).
- 3. Human use of or access to the facility and adjacent lands, including but not limited to:
  - a. Recreation;
  - b. Hunting;

- c. Residential;
  - d. Commercial; and
  - e. Relationship between population locations and prevailing wind direction.
- 4. A general description of the biota in surface water bodies on, adjacent to, or affected by the facility.
  - 5. A general description of the ecology within the area adjacent to the facility.
  - 6. A general demographic profile of the people who use have access to the facility and adjacent land, including, but not limited to: age; sex; and sensitive subgroups.
  - 7. A description of any known or documented endangered or threatened species near the facility.



## APPENDIX C

### Corrective Measures Study (CMS) Outline

## APPENDIX C

### CORRECTIVE MEASURE STUDY (CMS) OUTLINE

The purpose of the CMS portion of the RCRA corrective action process is to identify and evaluate potential remedial alternatives for the releases of hazardous constituents that have been identified at the facility through the RFI or other investigations to need further evaluation. The scope and requirements of the CMS are balanced with the expeditious initiation of remedies and rapid restoration of contaminated media. The scope and requirements of the CMS should be focused to fit the complexity of the site-specific situation. It is anticipated that Permittee's with sites with complex environmental problems may need to evaluate a number of technologies and corrective measure alternatives. For other facilities, however, the evaluation of a single corrective measure alternative may be adequate. Therefore, a streamlined or focused approach to the CMS may be initiated. Information gathered during any stabilizations or interim measures will be used to augment the CMS and in cases where corrective action goals are met, may be a substitute for the final CMS.

Regardless of whether a streamlined/focused or a detailed CMS is required, a CMS Work Plan and CMS Report are generally required elements. The requirements for a full, detailed CMS are listed below. The Agency has the flexibility not to require sections of the plan and/or report, where site-specific situations indicate that all requirements are not necessary. Additionally, the Agency may require additional studies besides these discussed in order to support the CMS.

#### I. Corrective Measures Study (CMS) Work Plan

##### A. Elements of the CMS Work Plan

The Corrective Measures Study (CMS) Work Plan shall include at a minimum the following elements:

1. A site-specific description of the overall purpose of the CMS;
2. A description of the corrective measure objectives, including proposed target media cleanup standards (e.g., promulgated federal and state standards) and preliminary points of compliance or a description of how a risk assessment will be performed (e.g., guidance documents);
3. A description of the specific corrective measure technologies and/or corrective measure alternatives which will be studied;
4. A description of the general approach to investigating and evaluating potential corrective measures;

5. A detailed description of any proposed pilot, laboratory and/or bench scale studies;
6. A proposed outline for the CMS Report including a description of how information will be presented;
7. A description of overall project management including overall approach, levels of authority (include organization chart), lines of communication, project schedules, budget and personnel. Include a description of qualifications for personnel directing or performing the work;
8. A project schedule that specifies all significant steps in the process and when key documents (e.g., CMS Progress Reports, draft CMS Report) are to be submitted to the Agency;
9. A detailed Public Involvement Plan.

## II. Corrective Measures Study (CMS) Report

The detail of a CMS may vary based upon the complexity of the site, on-going Interim Measures, etc. However, the CMS Report may include the following elements:

### A. Introduction/Purpose

The Permittee shall describe the purpose of the CMS Report and provide a summary description of the project.

### B. Description of Current Situation

The Permittee shall submit a summary and an update to the information describing the current situation at the facility and the known nature and extent of the contamination as documented by the RCRA Facility Investigation (RFI) Report. This discussion should concentrate on those issues which could significantly affect the evaluation and selection of the corrective measures alternative(s). The Permittee shall provide an update to information presented in the RFI regarding previous response activities and interim measures which have or are being implemented at the facility. The Permittee shall also make a facility-specific statement of the purpose for the response, based on the results of the RFI. The statement of purpose should identify the actual or potential exposure pathways that should be addressed by corrective measures.

### C. Establishment of Proposed Media Specific Cleanup Standards

The Permittee shall describe the proposed media cleanup standards and point of compliance. The standards must be either background,

promulgated federal and state standards or risk-derived standards. If media clean-up standards are not proposed, then the Agency will unilaterally propose setting media clean-up standards to either background, promulgated federal and state standards or the most conservative risk-derived standards.

D. Identification, Screening and Development of Corrective Measure Technologies

1. Identification: List and briefly describe potentially applicable technologies for each affected media that may be used to achieve the corrective action objectives. Include a table that summarizes the available technologies.

The Permittee should consider innovative treatment technologies, especially in situations where there are a limited number of applicable corrective measure technologies.

2. Screening: The Permittee shall screen the corrective measure technologies to eliminate those that may prove infeasible to implement, that rely on technologies unlikely to perform satisfactorily or reliably, or that do not achieve the corrective measure objective within a reasonable time period. This screening process focuses on eliminating those technologies which have severe limitations for a given set of waste and site-specific conditions. The screening step may also eliminate technologies based on inherent technology limitations.

Site, waste, and technology characteristics which are used to screen inapplicable technologies are described in more detail below:

- a. Site Characteristics: Site data should be reviewed to identify conditions that may limit or promote the use of certain technologies. Technologies whose use is clearly precluded by site characteristics should be eliminated from further consideration.
- b. Waste Characteristics: Identification of waste characteristics that limit the effectiveness or feasibility of technologies is an important part of the screening process. Technologies clearly limited by these waste characteristics should be eliminated from consideration. Waste characteristics particularly affect the feasibility of in-situ methods, direct treatment methods, and land disposal (on/off-site).
- c. Technology Limitations: During the screening process, the level of technology development, performance record,

and inherent construction, operation, and maintenance problems should be identified for each technology considered. Technologies that are unreliable, perform poorly, or are not fully demonstrated may be eliminated in the screening process. For example, certain treatment methods have been developed to a point where they can be implemented in the field without extensive technology transfer or development.

3. Corrective Measure Development: The Permittee shall assemble the technologies that pass the screening step into specific alternatives that have the potential to meet the corrective action objectives for each media. Options for addressing less complex sites could be relatively straight-forward and may only require evaluation of a single or limited number of alternatives. Each alternative may consist of an individual technology or a combination used in sequence (i.e., treatment train). Different alternatives may be considered for separate areas of the facility, as appropriate. List and briefly describe each corrective measure alternative.

E. Evaluation of a Final Corrective Measure Alternative

For each remedy which warrants a more detailed evaluation (i.e., those that passed through the screening step), including those situations when only one remedy is being proposed, the Permittee shall provide detailed documentation of how the potential remedy will comply with each of the standards listed below. These standards reflect the major technical components of remedies including cleanup of releases, source control and management of wastes that are generated by remedial activities. The specific standards are as follows:

1. Protect human health and the environment.
2. Attain media cleanup standards set by EPA.
3. Control the source of releases so as to reduce or eliminate, to the extent practicable, further releases that may pose a threat to human health and the environment.
4. Comply with applicable standards for management of wastes.
5. Other factors.

In evaluating the selected alternative or alternatives, the Permittee shall prepare and submit information that documents that the specific remedy will meet the standards listed above. The following guidance should be used in completing this evaluation.

1. Protect Human Health and the Environment

Corrective action remedies must be protective of human health and the environment. Remedies may include those measures that

are needed to be protective, but are not directly related to media cleanup, source control or management of wastes. An example would be a requirement to provide alternative drinking water supplies in order to prevent exposures to releases from an aquifer used for drinking water purposes. Therefore, the Permittee shall provide a discussion of any short term remedies necessary to meet this standard, as well as discuss how the corrective measures alternative(s) meet this standard.

2. Attain Media Cleanup Standards

Remedies will be required to attain media cleanup standards. As part of the necessary information for satisfying this requirement, the Permittee shall address whether the potential remedy will achieve the remediation objectives. An estimate of the time frame necessary to achieve the goals shall be included. Contingent remedies may be proposed if there is doubt if the initial remedy will be successful (e.g., contingent remedies to innovative technologies).

3. Control of Sources of Releases

The Permittee shall address the issue of whether source control measures are necessary, and if so, the type of actions that would be appropriate. Any source control measure proposed should include a discussion on how well the method is anticipated to work given the particular situation at the facility and the known track record of the specific technology.

4. Comply With any Applicable Standards for Management of Wastes

The Permittee shall include a discussion of how the specific waste management activities will be conducted in compliance with all applicable state and federal regulations (e.g., closure requirements, LDRs)

5. Other Factors

There are five general factors that will be considered as appropriate by EPA in selecting/approving a remedy that meets the four standards listed above. These five decision factors include:

- a. Long-term reliability and effectiveness;
- b. Reduction in the toxicity, mobility or volume of wastes;
- c. Short-term effectiveness;
- d. Implementability; and
- e. Cost.

Examples of the type of information to include are provided below:

- a. Long-term reliability and effectiveness: The Permittee may consider whether the technology, or combination of technologies, have been used effectively under analogous site conditions, whether failure of any one technology in the alternative would have any immediate impact on receptors, and whether the alternative would have the flexibility to deal with uncontrollable changes at the site. Operation and maintenance requirements include the frequency and complexity of necessary operation and maintenance. In addition, each corrective measure alternative should be evaluated in terms of the projected useful life of the overall alternative and of its component technologies. Useful life is defined as the length of time the level of effectiveness can be maintained.
- b. Reduction in the toxicity, mobility or volume of wastes: As a general goal, remedies will be preferred that employ techniques that are capable of eliminating or substantially reducing the potential for the wastes in SWMUs and/or contaminated media at the facility to cause future environmental releases. Estimates of how the corrective measure alternative will reduce toxicity, mobility and or volume of the waste is required and may be accomplished through a comparison of initial site conditions to expected post-corrective measures conditions.
- c. Short-term effectiveness: The Permittee shall evaluate each corrective measure alternative for short-term effectiveness. Possible factors to consider are fire, explosion, exposure to hazardous constituents and potential threats associated with the treatment, excavation, transportation and re-disposal or containment of the waste material.
- d. Implementability: Information to consider when assessing implementability include:
  - i) The administrative activities needed to implement the corrective measure alternative (e.g. permits, rights of way, etc.) and the length of time these activities will take;
  - ii) The constructibility, time for implementation, and time for beneficial results;
  - iii) The availability of adequate off-site treatment, storage capacity, disposal services, needed

technical services and materials; and  
iv) The availability of prospective technologies for each corrective measure alternative.

e. Cost: The Permittee shall develop an estimate of the cost of each corrective measure alternative (and for each phase or segment of the alternative). The cost estimate shall include both capital and operation and maintenance costs. The capital costs shall include, but are not limited to, costs for: engineering, site preparation, construction, materials, labor, sampling/analysis, waste management/disposal, permitting, health and safety measures, etc. The operation and maintenance costs shall include labor, training, sampling and analysis, maintenance materials, utilities, waste disposal and/or treatment, etc. Costs shall be calculated as the net present value of the capital and operation and maintenance costs.

F. Justification and Recommendation of the Corrective Measure or Measures

The Permittee shall justify and recommend in the CMS Report a corrective measure alternative for consideration by the Agency. Such a recommendation should include a description and supporting rationale for the preferred alternative that is consistent with the corrective action standards and remedy selection decision factors discussed above. In addition, this recommendation shall include summary tables which allow the alternative or alternatives to be understood easily. Trade-offs among health risks, environmental effects, and other pertinent factors shall be highlighted. The Regional Administrator will select the corrective measure alternative or alternatives to be implemented based on the results presented in the CMS Report.



APPENDIX D

Schedule of Compliance

Schedule of Compliance	Due Date
Notification of Newly Identified SWMUs and AOCs Condition II.B.1. and Condition II.B.2.	Within fifteen (15) calendar days of discovery
SWMU Assessment Report Condition II.B.3.	Within ninety (90) calendar days of notification
Notification for Newly Discovered Releases at Previously Identified SWMUs and AOCs Condition II.C.1.	Within fifteen (15) calendar days of discovery
Confirmatory Sampling Work Plan for SWMUs or AOCs identified in Appendix A.3 Condition II.D.1	Within forty-five (45) calendar days after effective date of permit
Confirmatory Sampling Work Plan for SWMUs identified under Condition II.B.4.	Within forty-five (45) calendar days of notification by the Regional Administrator (RA)
Confirmatory Sampling Report Condition II.D.4.	In accordance with the approved CS Work Plan
RFI Work Plan for SWMU(s) and AOC(s) identified under Condition II.A.1.	Within ninety (90) calendar days from effective date of permit
RFI Work Plan for SWMU(s) and AOC(s) Identified under Condition II.B.4., Condition II.C.2., or Condition II.D.5.	Within ninety (90) calendar days after receipt of notification by Regional Administrator (RA) which SWMUs or AOCs require an RFI
RFI Progress Reports Condition II.E.3.a.	Quarterly, beginning ninety (90) calendar days from the start date specified by the RA *

Schedule of Compliance	Due Date
Draft RFI Report Condition II.E.3.b.	In accordance with the approved RFI Work Plan
Final RFI Report Condition II.E.3.b.	Within thirty (30) calendar days after receipt of RA's final comments on Draft RFI Report
Interim Measures Work Plan Condition II.F.1.a.	Within thirty (30) calendar days of notification by RA
Interim Measures Progress Reports Condition II.F.3.a.	In accordance with the approved Interim Measures Work Plan **
Interim Measures Report Condition II.F.3.b.	Within ninety (90) calendar days of completion
CMS Work Plan Condition II.G.1.a.	Within ninety (90) calendar days of notification by RA that a CMS is required
Implementation of CMS Work Plan Condition II.G.2.	Within fifteen (15) calendar days after receipt of RA approval of Plan
Draft CMS Report Condition II.G.3.a.	In accordance with the schedule in the approved CMS Work Plan
Final CMS Report Condition II.G.3.a.	Within thirty (30) calendar days of RA's final comments on Draft CMS Report
Demonstration of Financial Assurance Condition II.H.3.	Within one hundred twenty (120) calendar days after permit modification for remedy

Schedule of Compliance	Due Date
Noncompliance/Imminent Hazard Report Condition I.D.14.	Oral within 24 hours and written within fifteen (15) calendar days of becoming aware of the hazardous circumstances
<p>The above reports must be signed and certified in accordance with 40 CFR §270.11.</p> <p>* This applies to Work Plan execution that requires more than one hundred eighty (180) calendar days</p> <p>** This applies to Work Plan execution that requires more than one year.</p>	

## APPENDIX E

### Action Levels

## APPENDIX E

### ACTION LEVELS

#### I. Definition

Action levels are conservative health-based concentrations of hazardous constituents determined to be indicators for the protection of human health or the environment. Action levels shall be set for all hazardous constituents, a subset of hazardous wastes, identified in the RFI Report(s) or for those hazardous constituents which the Regional Administrator has reason to believe may have been released from a solid waste management unit (SWMU) or Area of Concern (AOC) at the facility. Should the concentration of a hazardous constituent(s) in an aquifer, surface water, soils, or air exceed its action level for any environmental medium, the Regional Administrator may require the Permittee to conduct a Corrective Measure Study (CMS) to meet the requirements of permit Condition II.G., Appendix C, and 40 CFR §264.101. If the Regional Administrator determines that a constituent(s) released from a SWMU or AOC in quantities below its respective action level(s) may pose a threat to human health or the environment, given site-specific exposure conditions, cumulative effects, ecological concerns, etc., then the Regional Administrator has the authority to require a CMS to meet the requirements of permit Condition II.G., Appendix C, and 40 CFR §264.101.

Action levels shall be concentration levels which satisfy the following criteria:

- A.
  1. Is derived in a manner consistent with EPA guidelines for assessing human and environmental health risks from hazardous constituents; and
  2. Is based on scientifically valid studies conducted in accordance with the Toxic Substances Control Act (TSCA) Good Laboratory Practice Standards, or equivalent; and
  3. For human health action levels to address carcinogens, represents a concentration associated with an excess upper bound lifetime cancer risk of  $1 \times 10^{-6}$  for class A and class B carcinogens and  $1 \times 10^{-5}$  for class C carcinogens due to continuous constant lifetime exposure; and
  4. For human health action levels to address systemic toxicants, represents a concentration to which the human population (including sensitive subgroups) could be exposed on a daily basis that is likely to be without appreciable risk of deleterious effects during a lifetime.

- B. For constituent(s) detected in groundwater, air, surface water, or soils, for which a concentration level that meets the criteria specified in section I.A.1 through I.A.4 of this appendix is not available or possible, the action level for the constituent(s) shall be the background concentration of the constituent(s).

## II. Groundwater

- A. Action levels for constituents in groundwater shall be concentrations specified as:
  - 1. MCLs; or
  - 2. For constituents for which MCLs have not been promulgated, a concentration which satisfies the criteria specified in section I.A.1 through I.A.4 of this appendix and calculated as specified in section VII of this appendix.
- B. In deriving action levels for constituents for which MCLs have not been promulgated, the recommended exposure/intake assumption of water is 2 liters/day for 70 kg adult/70 year lifetime exposure period.

## III. Surface Water

- A. Action levels for constituents in surface water shall be concentrations specified as:
  - 1. Water Quality Standards established pursuant to the Clean Water Act by the State in which the facility is located, where such standards are expressed as numeric values; or
  - 2. Numeric interpretations of State narrative water quality standards where water quality standards expressed as numeric values have not been established by the State; or
  - 3. MCLs for constituents in surface water designated by the State for drinking water supply, where numeric values or numeric interpretations, described in paragraphs 1 and 2, are not available; or
  - 4. For constituents in surface waters designated by the State for drinking water supply for which numeric values, numeric interpretations, or MCLs are not available, a concentration which meets the criteria specified in section I.A.1 through I.A.4 of this appendix and calculated as specified in section VII of this appendix, assuming exposure through consumption of the water contaminated with the constituent; or

5. For constituents in surface waters designated for use or uses other than drinking water supply and for which numeric values or numeric interpretations have not been established, a concentration established by the EPA Regional Administrator which meets the criteria specified in section I.A.1 through I.A.4 of this appendix and calculated as specified in section VII of this appendix.
- B. In deriving human health action levels for constituents in surface water, the recommended exposure/intake assumption of water is 2 liters/day for 70 kg adult/70 year lifetime exposure period.

#### IV. Air

- A. Action levels for constituents in air shall be defined as concentrations which meet the criteria specified in section I.A.1 through I.A.4 of this appendix and calculated as specified in section VII of this appendix, assuming exposure through inhalation of the air contaminated with the constituent, as measured or estimated at the facility boundary, or another location closer to the unit if necessary to protect human health and the environment.
- B. In deriving human health action levels for constituents in air, the RfC should be utilized as the action level, where available. The RfC includes exposure assumptions, and no calculations are necessary to calculate an action level. If a RfC is not available, the recommended exposure/intake assumption of air is 20 cubic meters/day for 70 kg adult/70 year lifetime exposure period.

#### V. Soils

- A. Action levels for constituents in soils shall be concentrations which meet the criteria specified in section I.A.1 through I.A.4 of this appendix.
- B. The calculation of human health action levels for soil includes several specific exposure routes which must be evaluated individually: 1) ingestion, 2) inhalation and 3) leachability to groundwater. In deriving action levels to address ingestion, inhalation and leaching, the methodology found in the most recent Soil Screening Level Guidance should be reviewed for appropriate equations and assumptions.

#### VI. Sediment

- A. Action levels for constituents in sediment shall be based on whether human health or ecological health is the major concern. If



ecological concerns are deemed to predominate, then action levels for constituents in sediment shall be concentrations based on the latest sediment screening values as calculated by Region 4. If an ecological sediment screening value for a constituent of concern has not been generated by Region 4 and cannot be generated using the criteria in sections I.A.1 and I.A.2, then the ecological action level for sediment shall be background. If human health is the prevailing concern, then the human health action level for sediment shall address all applicable exposures.

## VII. Equations for Calculating Groundwater, Surface Water and Air Action Levels

### A. Systemic Toxicants

$$C_m = [RfD * W] / [I]$$

where:

$C_m$  = action level in medium (units are medium-dependant);  
 RfD = reference dose (mg/kg/day), value obtained from the Integrated Risk Information System (IRIS) or Health Effects Assessment Summary Tables (HEAST) (most recent version);  
 W = body weight (kg);  
 I = intake assumption (units are medium-dependent), specified for each medium in this appendix;

### B. Carcinogenic Constituents

$$C_m = [R * W * LT] / [CSF * I * ED]$$

where:

$C_m$  = action level in medium (units are medium-dependent);  
 R = assumed risk level (dimensionless), ( $10^{-6}$  for class A and B;  $10^{-5}$  for class C carcinogens);  
 W = weight (kg);  
 LT = assumed lifetime (70 years);  
 CSF = carcinogenic slope factor (mg/kg/day) $^{-1}$ , value obtained from the Integrated Risk Information System (IRIS) or Health Effects Assessment Summary Tables (HEAST);  
 I = intake assumption (units are medium-dependent), specified for each medium in this appendix;  
 ED = exposure duration (70 years).

### C. For those constituents for which a Rfd and a CSF may both be

available, the lower (more protective) of the two levels shall be used as an action level.

## SITE BACKGROUND

The American Creosote Works (ACW) site occupies 18 acres in a moderately dense commercial and residential district of Pensacola, Florida. The site is located about one mile southwest of the intersection of Garden and Palafox Streets approximately 600 yards north of Pensacola Bay and Bayou Chico. A number of commercial enterprises lie immediately north of the site, including a lumber company, an auto body shop, and an appliance sales and repair shop. Residential neighborhoods are immediately adjacent to the site on the east and south, and the Pensacola Yacht Club is southwest of the site.

Wood-preserving operations were carried out at the ACW site from 1902 until December 1981. Prior to 1950, creosote was used exclusively to treat poles. Use of pentachlorophenol (PCP) started in 1950 and steadily increased in later years of operation.

Four former surface impoundments were located in the western portion of the ACW site. The Main and Overflow Ponds, located adjacent to "L" Street, were used for disposal of process wastes. Prior to about 1970, wastewaters in these ponds were allowed to overflow through a spillway and drain into Bayou Chico and Pensacola Bay. In subsequent years, liquid wastes were drawn off the larger impoundments and allowed to accumulate in the smaller Railroad Impoundment and Holding Pond or were spread on the ground in designated "spillage areas" onsite. However, during periods of heavy rainfall and flooding, the ponds would overflow.

In 1980, the City of Pensacola found oily creosote-like material in the groundwater near the intersection of "L" and Cypress Streets. In 1981, the U.S. Geological Survey (USGS) installed nine groundwater monitor wells in the vicinity of the ACW Site. Samples taken from those wells revealed that a contaminant plume was moving in a southerly direction toward Pensacola Bay. EPA placed the site on the *National Priorities List (NPL)* in 1983 based on a Hazardous Ranking System (HRS) score of 58.41.

In 1983, EPA conducted a Superfund investigation, including sampling and analyses of on-site soils, wastewater sludges, drainage ditch sediment and groundwater. The major contaminants in the groundwater and soils were polynuclear aromatic hydrocarbons (PAHs), which are common to creosote.

In the fall of 1983, the main and overflow ponds were about to overflow due to heavy rains, so EPA performed

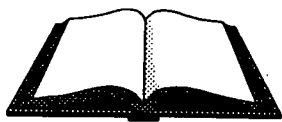
a *removal action* to dewater the two large lagoons, treat the wastewater, and discharge it to the city sewer. EPA also solidified the sludge in the lagoon with lime and fly ash and put a temporary clay cap on top of the lagoon. In 1985, EPA completed a *remedial investigation and feasibility study (RI/FS)*. Samples were taken from local surface water, groundwater wells, and onsite and offsite soils.

Based on this study, EPA signed a *Record of Decision (ROD)* in September 1985 which selected a remedy for all onsite and offsite contaminated surface soils, sludges and sediments to be placed in an onsite landfill. Groundwater cleanup was not included. However, the State of Florida did not agree with this decision, citing the need for additional information. Consequently, EPA did an additional study in 1988 (known as the Post-RI) to provide further information on the extent of contamination in surface soils. Based on the results of this study, EPA completed a revised risk assessment and a supplemental alternatives evaluation and selected a new cleanup remedy for surface soils in 1989 which called for *bioremediation* of contaminated surface soils. However, following further study during remedial design, EPA determined that this technology would not be effective for addressing all contaminants in site soils. Therefore, EPA anticipates selecting a new technology for addressing soil contamination in an amended ROD in 1997.

In 1990, EPA completed Phase II of the Post-RI which addressed contamination in groundwater, solidified sludge, and subsurface soils. Sampling and analysis indicated the presence of elevated concentrations of numerous organic compounds and dioxins in one or more environmental media (soil, surface water, groundwater, or sediments).

In 1991, EPA completed Phase III of the Post-RI to evaluate the extent of dioxin contamination in onsite and offsite surface soils. Analytical results indicated the presence of elevated dioxin concentrations in numerous on-site locations and in two sampling locations off-site. EPA completed a baseline risk assessment and an FS in 1993 which addressed groundwater, solidified sludge, and subsurface soils.

EPA signed a Record of Decision in February 1994 selecting a combination of DNAPL recovery followed by in-situ/ex-situ biological treatment of contaminated groundwater. The design for the DNAPL recovery system is slated for completion this winter.



# GLOSSARY

**Administrative Record:** Data and reports documenting EPA's selection of cleanup actions at a Superfund site.

**Applicable or Relevant and Appropriate Requirements (ARARs):** Federal or State standards from other environmental laws which relate to contaminants or circumstances similar to those found at a Superfund site. These standards provide the basis for the cleanup levels used at Superfund sites.

**Aquifer:** Underground formation of sand, soil, rock, or gravel that can store and supply groundwater to wells or springs.

**Bioremediation:** The use of micro-organisms such as bacteria specially adapted to the waste at the site to destroy contaminants.

**Cleanup:** Actions taken to deal with a release or threatened release of hazardous substances that could affect public health and/or the environment. The term "cleanup" is often used broadly to describe actions which may involve treatment, containment, or permanent disposal.

**Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA):** The law which provides authorization and funding for EPA to address contamination at abandoned or unregulated hazardous waste sites.

**Feasibility Study (FS):** An engineering report which develops and evaluates options for addressing site contamination.

**Groundwater:** Water found beneath the earth's surface that fills the pores between materials such as sand, soil, or gravel.

**Information Repository:** File of data and documents located near a Superfund site.

**National Contingency Plan (NCP):** The regulation which implements the Superfund law and prescribes how cleanup activities will be conducted.

**National Priorities List (NPL):** The list of abandoned or unregulated hazardous waste sites eligible for attention under the Superfund long-term cleanup program.

**Remedial Investigation (RI):** Study conducted during the Superfund process to collect necessary data to determine the type and extent of contamination on or near the site.

**Record of Decision (ROD):** Legal document which explains the cleanup remedy to be used at an NPL site.

**Remedial Action:** A cleanup action taken at a Superfund site to address the long-term threats posed by site contamination.

**Removal Action:** A cleanup action taken at a Superfund site to address immediate threats to human health or the environment posed by conditions at the site.

**Superfund:** The trust fund established to finance the cleanup of abandoned hazardous waste sites under CERCLA. This is also the common term used to refer to the CERCLA/SARA statute.

**Superfund Amendments and Reauthorization Act (SARA):** The law passed in 1986 to amend CERCLA and provide additional funding for site cleanup.



## CONSENT FOR ACCESS TO SAMPLE PROPERTY

NAME: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

I am of legal age and do, hereby declare that:

1. I am the legal owner/lessee (circle one) of the property located at the above address.
2. I expressly grant access to the U.S. Environmental Protection Agency, its officers, employees, contractors, agents, and authorized representatives access to the above-referenced property for the specific purpose of taking such samples as EPA may determine necessary.
3. The consent for access and use granted herein will commence on November 10, 1996 and will continue for 180 days thereafter.
4. I realize that EPA's sampling efforts are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. section 9601 et. seq. as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986, Public Law 99-499.
5. I give this permission voluntarily with knowledge of my right to refuse and without threats or promises of any kind.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



# *AMERICAN CREOSOTE WORKS SUPERFUND SITE*

## **PROPERTY ACCESS FORM**

-----

-----  
Fold on dashed lines, staple, stamp and mail



Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_

**Mark Fite, Remedial Project Manager  
South Site Management Branch/Waste Division  
U. S. EPA, Region 4  
100 Alabama Street, SW  
Atlanta, GA 30303**

D.E.P.  
NOV 25 1996  
TAMPA

---

United States  
Environmental Protection  
Agency

South Superfund  
Remedial Branch

Region 4  
345 Courtland Street, NE  
Atlanta, Georgia, 30365

---

Official Business  
Penalty for Private Use  
\$300

**INSIDE:  
AMERICAN  
CREOSOTE  
SUPERFUND  
FACT SHEET**

*Crawford*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

AUG 25 1995

4WD-RCRA

Dr. Richard D. Garrity  
Director of District Management  
Southwest District  
Florida Department of Environmental  
Protection  
3804 Coconut Palm Drive  
Tampa, Florida 33619-8218

**RECEIVED**  
SEP 01 1995

Department of Environmental Protection  
SOUTHWEST DISTRICT  
BY \_\_\_\_\_

SUBJ: 1984 Hazardous and Solid Waste Amendments Permit  
Universal Waste & Transit, Inc./Tampa, Florida  
EPA I.D. No. FLD 981 932 494

Dear Dr. Garrity:

Enclosed please find the preliminary draft Hazardous and Solid Waste Amendments (HSWA) permit for Universal Waste & Transit, Inc., Tampa, Florida. Please review and provide comments within fifteen (15) working days of receipt of this letter.

If you have any questions regarding the enclosed preliminary draft permit, please contact Ms. Kimberly C. Clifton, of my staff at (404) 347-3555 ext. 6320.

Sincerely,

*G. Alan Farmer*  
*for* G. Alan Farmer  
Chief, RCRA Branch  
Waste Management Division

Enclosure



# PRELIMINARY DRAFT

## FACT SHEET

FOR PERMIT UNDER 1984 RCRA AMENDMENTS PERTAINING TO  
SOLID AND HAZARDOUS WASTE MANAGEMENT AT  
UNIVERSAL WASTE & TRANSIT, INC.

TAMPA, FLORIDA

EPA I.D. NUMBER: FLD 981 932 494

This fact sheet is prepared pursuant to 40 CFR §124.8 for the draft permit developed by the U.S. Environmental Protection Agency (EPA) for Universal Waste & Transit (UW&T). If issued, this federal permit along with the Operating Permit from the Florida Department of Environmental Protection (FDEP) will cover all applicable sections of the Resource Conservation and Recovery Act (RCRA) except for those requirements which become effective by statute, are promulgated under 40 CFR Part 268 restricting placement of hazardous waste in or on the land or are promulgated under 40 CFR Part 264 of this chapter regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units, as specified in 40 CFR §270.4. Together, these permits constitute a complete RCRA Hazardous Waste Permit for this facility (i.e., the RCRA Permit).

### A. RCRA PERMIT PROCESS/STRUCTURE

The purpose of the permitting process is to afford EPA and interested citizens the opportunity to evaluate the ability of the Permittee to comply with the applicable requirements promulgated under the Resource Conservation and Recovery Act (RCRA), as amended by the 1984 Hazardous and Solid Waste Amendments (HSWA). EPA administers the statutory requirements of the 1984 Amendments for which Florida is not authorized. The remaining sections of this fact sheet will identify the federal portion of the RCRA Permit as the "HSWA Permit." The remaining portion of UW&T's RCRA Permit, which is administered by the FDEP, will be identified as the "Operating Permit."

### B. HSWA PERMIT STRUCTURE

The HSWA Permit is divided into four (4) parts: a cover sheet setting forth the basic legal authority for issuing the permit; a section on standard conditions applicable to all hazardous waste management facilities (Part I); a section on the corrective action conditions applicable to this particular facility (Part II); a section addressing applicable land disposal restrictions (Part III);

## C. FACILITY DESCRIPTION AND HSWA APPLICABILITY

UW&T is located in Tampa, Florida on approximately 1.4 acres of previously undeveloped land five miles east of downtown Tampa in a heavy industrial zone. The facility, which has been in existence since 1990, is a RCRA-permitted hazardous waste treatment and container storage facility which accepts hazardous and non-hazardous wastes (including household wastes) from generators and other off-site treatment/disposal facilities. The facility consists of a 5,866 square foot concrete building which contains the drum storage area composed of three separate bays and five sumps, loading/unloading area directly connected to the drum storage area, stormwater retention pond, and office/laboratory trailer.

Specific areas of the facility which are subject to the corrective action requirements of HSWA are solid waste management units (SWMUs) and areas of concern (AOCs). SWMUs are any units which have 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 the management of solid waste. AOCs are any areas having a probable release of a hazardous waste or hazardous constituent which is not from a SWMU and is determined to pose a current or potential threat to human health or the environment. Based on information submitted by the Permittee, information contained in state and EPA records, and the RCRA Facility Assessment (RFA) report, prepared by an EPA contractor, dated March 1995, and finalized July 5, 1995, six (6) SWMUs have been identified at this time. Justifications for actions required by the draft HSWA Permit are contained in documentation included in EPA administrative files.

Issuance of the HSWA Permit will provide EPA with the authority to require necessary corrective action at identified SWMUs. Specifically, the HSWA Permit for UW&T requires the submittal of a Confirmatory Sampling (CS) Work Plan for two (2) of the six (6) identified SWMUs. The objective of a CS Work Plan is to determine the presence or absence of a release. A release is defined as a hazardous constituent concentration above background. Findings from the implementation of the CS Work Plan will be the basis for determining whether further investigation is required.

The HSWA Permit for UW&T does not require the submittal of a RCRA Facility Investigation (RFI) Work Plan at this time. However, the purpose of the RFI would be to characterize the nature and extent of releases to soil, groundwater, surface water, and air. Information gained by the RFI

characterization would be utilized to determine whether or not a RCRA Corrective Measures Study (CMS) is necessary. If comparison to conservative health-based levels performed in the RFI identifies the potential need for remedial measures, the owner or operator is then responsible for performing a CMS. During this phase of the Corrective Action Process, the owner or operator would identify, study and recommend specific alternatives for remedial action. The CMS includes a public participation plan, and the public will be given an opportunity to comment on the proposed remedial alternative prior to the selection of the final remedy.

Information gathered during the RFI would be used not only to determine the potential need for and support for corrective measures, but also to aid in determining if Interim Measures (IM) are necessary. Interim Measures are activities which prevent or lessen the continued migration of contamination. Interim Measures may be used to protect human health and the environment from current or potential threats. Because Interim Measures often address the most intense and persistent areas of contamination at a facility, Interim Measures are usually incorporated into the proposed final remedy. Currently, there is not enough information available for the Agency to impose Interim Measures.

Based on current information, corrective action is not warranted for the remaining four (4) SWMUs not already covered by CS or RFI requirements. Therefore, a no further action decision at this time has been made for these particular SWMUs.

In addition to requiring confirmatory sampling for identified SWMUs, the permit also includes provisions for notifying EPA of newly identified releases from previously identified SWMUs or AOCs, newly identified SWMUs and newly identified AOCs which are discovered after permit issuance. The HSWA Permit also requires notification of imminent hazards, and when applicable, compliance with the requirements developed under land disposal restrictions.

#### D. PERMIT CONDITIONS

##### HSWA PERMIT COVER PAGE

The Cover Page cites authority for issuance of the HSWA Permit and establishes the term of the permit.

## PART I. STANDARD PERMIT CONDITIONS

Part I of the permit sets forth standard administrative conditions applicable to all hazardous waste management facilities. Unless otherwise specified, all citations refer to the regulations as codified in Title 40 of the Code of Federal Regulations (40 CFR).

<u>Activity</u>	<u>Regulation (40 CFR)</u>	<u>Permit Condition</u>
Effect of Permit	§270.4 §270.30 (g)	I.A.
Permit Actions	§270.30 (f) §270.41 §270.42 §270.43	I.B.
Severability	§124.16	I.C.
Duty to Comply	§270.30 (a)	I.D.1.
Duty to Reapply	§270.10 (h) §270.30 (b)	I.D.2.
Obligation for Corrective Action	§264.101 §270.1 (c) §270.51	I.D.3.
Need to Halt or Reduce Activity	§270.30 (c)	I.D.4.
Duty to Mitigate	§270.30 (d)	I.D.5.
Proper Operation and Maintenance	§270.30 (e)	I.D.6.
Duty to Provide Information	§264.74 §270.30 (h)	I.D.7.
Inspection and Entry	§270.30 (i)	I.D.8.
Monitoring and Records	§264.74 (b) §270.30 (j)	I.D.9.
Reporting Planned Changes	§270.30 (l) (1) & (2)	I.D.10.
Anticipated Noncompliance	§270.30 (l) (2)	I.D.11.

Transfer of Permit	§264.12(c) §270.30(1)(3) §270.40	I.D.12.
Compliance Schedules	§270.33	I.D.13.
Twenty-four Hour Reporting	§264.56(d) & (j) §270.30(1)(6)	I.D.14.
Other Noncompliance	§270.30(1)(10)	I.D.15.
Other Information	§270.30(1)(11)	I.D.16.
Signatory Requirement	§270.11 §270.30(k)	I.E.
Confidential Information	§270.12, Part 2	I.F.
Definitions	Part 124 Part 260 Part 261 Part 264 Part 270 RCRA	I.G.

## PART II. SPECIFIC PERMIT CONDITIONS

Part II of the permit sets forth the specific conditions for this facility with which the Permittee must comply.

## PERMIT CONDITION

### II.A. Applicability

### II.B. Notification and Assessment for Newly Identified SWMUs and AOCs

### II.C. Notification Requirements for Newly Discovered Releases at SWMUs or AOCs

### II.D. Confirmatory Sampling

### II.E. RCRA Facility Investigation

### II.F. Interim Measures

## JUSTIFICATION

40 CFR §264.101(a) requires that corrective action be instituted as necessary to protect human health and the environment for all releases of hazardous waste or constituents from many solid waste management units, regardless of the time that waste was placed in the unit.

40 CFR §270.14(d) gives EPA authority to require the Permittee to submit specific information for each solid waste management unit at a facility. 40 CFR §270.14(d)(3) also gives EPA authority to require the Permittee to conduct and provide the results of sampling and analysis where the Regional Administrator ascertains it is necessary to determine whether a more complete investigation is necessary.

In order to decide whether corrective action under 40 CFR §264.101 is required, it is necessary to characterize the nature and extent of releases, identify exposure pathways, and evaluate effects on human health and the environment.

Interim measures may be necessary to protect human health and the environment. Therefore, justification for this condition is identical to those stated for Condition II.G. 40 CFR §270.33(a) requires progress reports if the time to complete any interim activity exceeds one year.

- II.G. Corrective Measures Study 40 CFR §264.101(a) requires corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage, or disposal facility seeking a permit under Subtitle C, regardless of the time at which waste was placed in such unit. 40 CFR §264.101(b) requires assurance of financial responsibility for completing corrective action. 40 CFR §264.101(c) requires corrective action beyond the facility boundary. Once a final remedy has been selected, it will be officially incorporated into the permit through a permit modification (40 CFR §270.41 and 40 CFR §270.42). 40 CFR §264.101(b) requires the permit to contain schedules of compliance for corrective action which cannot be completed prior to issuance.
- II.H. Remedy Approval and Permit Modification
- II.I. Modification of the Corrective Action Schedule of Compliance
- II.J. Imminent Hazard and Reporting Requirements 40 CFR §270.30(h) requires the Permittee to furnish, within a reasonable time, any relevant information which the Regional Administrator may request to determine whether cause exists for modifying the permit, or to determine compliance with the permit. 40 CFR §270.33(a) requires progress reports if the time required to complete any interim activity exceeds one year. 40 CFR §270.30(l)(6) requires the Permittee to report any endangerment of human health or the environment within 24 hours from the time the Permittee becomes aware of the circumstances.

II.K. Plan and Report Requirements

40 CFR §270.11 and §270.30(k) require that all applications, reports, and/or information submitted to the Regional Administrator be signed and certified.

II.L. Approval/Disapproval of Submittals

In order to facilitate the corrective action process required under 40 CFR

II.M. Dispute Resolution

§264.101, the Permittee is given the opportunity, under these conditions, to attempt informal resolution of any disagreement regarding the Regional Administrator's revision of a submittal or disapproval of a revised submittal.

PART III. LAND DISPOSAL RESTRICTIONS

Part III of this permit outlines land disposal restrictions in accordance with 40 CFR Part 268.

E. VARIANCES

This permit does not provide for variances to the regulations cited above.

F. PROCEDURES

The issuance of a complete RCRA Hazardous Waste Permit to UW&T, Tampa, Florida will be coordinated by both the EPA and the FDEP. The portions of the RCRA Permit issued by the State of Florida will cover those portions of RCRA, including HSWA provisions, for which it has final authorization to administer. Consequently, the federal portion of the RCRA Permit will address those provisions which the state has not received final authorization to administer. If the State portion of the RCRA Permit is written to include those conditions contained in the federal permit, then the State may assume administration for those requirements contained in the federal portion of the RCRA Permit upon receiving final authorization for those provisions.



The regulations under 40 CFR §124.10 require that a 45-day comment period be instituted for each draft permit under the Resource Conservation and Recovery Act. The comment period will begin on \_\_\_\_\_, which is the date of publication of the public notice in major local newspapers of general circulation, and will end on \_\_\_\_\_. The public notice will also be broadcast over local radio stations.

The draft federal HSWA permit and fact sheet may be viewed and copied at the EPA Regional Office in Atlanta, Georgia between the hours of 8:00 am to 4:30 pm, Monday through Friday, except legal holidays. Additional copies of the draft federal permit and fact sheet will be available for public review at the Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida, 32399, (904) 488-0300 and the Florida Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida, 32256, (904) 448-4300.

Persons wishing to require a public hearing or to comment on the permit application or the proposed permit conditions should submit such requests or comments in writing. Copies of comments regarding the federal RCRA permit should be sent to the Environmental Protection Agency, ATTENTION: Mr. G. Alan Farmer, Chief, RCRA Branch, Waste Management Division, at 345 Courtland Street, N.E., Atlanta, Georgia 30365. All comments must be received no later than midnight, \_\_\_\_\_.

When EPA makes a final permit decision to either issue, deny or modify the permit, notice will be given to the applicant and each person who has submitted written comments or requested notice of the final decision. The final permit decision shall become effective thirty (30) after the service of notice of the decision unless a later date is specified or review is requested under 40 CFR §124.19. If no comments were received requesting a change in the draft permit, the final permit shall become effective immediately upon issuance.

G. CONTACT PERSONS

EPA:

Kent Williams  
U.S. Environmental Protection  
Agency  
RCRA Branch  
345 Courtland Street, N.E.  
Atlanta, Georgia 30365  
(404) 347-3433

State of Florida:

Dr. Richard D. Garrity  
Florida Department of  
Environmental Protection  
Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619  
(813) 744-6100

PRELIMINARY DRAFT



HSWA PORTION OF THE RCRA PERMIT

OWNER/OPERATOR: Universal Transit Property Co. EPA I.D. No. FLD 981 932 494  
Universal Waste & Transit, Inc.  
2002 N. Orient Road  
Tampa, Florida 33619

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, 42 USC Section 6901 et seq., and the Hazardous and Solid Waste Amendments (HSWA) of 1984, P.L. 98-616, and regulations promulgated thereunder by the U.S. Environmental Protection Agency (EPA) (codified and to be codified in Title 40 of the Code of Federal Regulations), a permit is issued to Universal Waste & Transit, Inc., (hereafter called the Permittee), who owns and operates a hazardous waste facility located in Tampa, Florida at latitude 27°57'49" and longitude 8°22'23".

This Permit, in conjunction with the Hazardous Waste Management Permit issued by the State of Florida, constitutes the full RCRA Permit for this facility. The Permittee shall be required to investigate any releases of hazardous waste or hazardous constituents pursuant to this permit at the facility regardless of the time at which waste was placed in a unit and to take appropriate corrective action for any such releases. The permit also requires the Permittee to comply with all land disposal restrictions and air emission standards applicable to this facility and to certify annually that on-site generation of hazardous waste is minimized to the extent practicable.

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and applicable regulations contained in 40 CFR Parts 260 through 264, 266, 268, 270, and 124 as specified in the permit and statutory requirements of RCRA, as amended by HSWA. Nothing in this permit shall preclude the Regional Administrator from reviewing and modifying the permit at any time during its term in accordance with 40 CFR §270.41.

This permit is based on the premise that information and reports submitted by the Permittee prior to issuance of this permit are accurate. Any inaccuracies found in this information or information submitted as required by this permit may be grounds for termination or modification of this permit in accordance with 40 CFR §270.41, §270.42, and §270.43 and potential enforcement action. The Permittee must inform EPA 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.

The authority to perform all actions necessary to issue, modify, enforce, or revoke this permit has been delegated by the Regional Administrator to the Associate Waste Management Division Director.

This permit is effective \_\_\_\_\_, and shall remain in effect for \_\_\_\_\_ years until \_\_\_\_\_, unless revoked and reissued, or terminated under 40 CFR §270.41 and §270.43 or continued in accordance with 40 CFR §270.51(a). All obligations for performance of HSWA provisions required under this permit are in effect until deemed complete by the Regional Administrator.

If any conditions of this permit are appealed in accordance with 40 CFR §124.19, the effective date of the conditions determined to be stayed in accordance with 40 CFR §124.16 shall be determined by final agency action as specified under 40 CFR §124.19.

Issued Date \_\_\_\_\_

James S. Kutzman  
Associate Director  
Office of RCRA & Federal Facilities  
Waste Management Division

# TABLE OF CONTENTS

		<u>40 CFR Regulatory Citation</u>	<u>Page</u>
Cover Page	Permit Authority Permit Duration	Part 124 Part 260 Part 261 Part 264 Part 266 Part 268 Part 270	1
Part I	STANDARD CONDITIONS		5
I.A.	Effect of Permit	§270.4 §270.30 (g)	5
I.B.	Permit Actions	§270.30 (f) §270.41 §270.42 §270.43	5
I.C.	Severability	§124.16	5
I.D.	Duties and Requirements		5
I.D.1.	Duty to Comply	§270.30 (a)	5
I.D.2.	Duty to Reapply	§270.10 (h) §270.30 (b)	6
I.D.3.	Obligation for Corrective Action	§264.101 §270.1 (c) §270.51	6
I.D.4.	Need to Halt or Reduce Activity	§270.30 (c)	6
I.D.5.	Duty to Mitigate	§270.30 (d)	6
I.D.6.	Proper Operation and Maintenance	§270.30 (e)	6
I.D.7.	Duty to Provide Information	§270.30 (h)	6
I.D.8.	Inspection and Entry	§270.30 (i)	6
I.D.9.	Monitoring and Records	§264.74 (b) §270.30 (j)	7
I.D.10.	Reporting Planned Changes	§270.30 (1) (1) & (2)	8
I.D.11.	Anticipated Noncompliance	§270.30 (1) (2)	8

	<u>40 CFR Regulatory</u> <u>Citation</u>	<u>Page</u>
I.D.12. Transfer of Permit	§264.12 (c) §270.30 (1) (3) §270.40	8
I.D.13. Compliance Schedules	§270.33	8
I.D.14. Twenty-four Hour Reporting	§264.56 (d) & (j) §270.30 (1) (6)	8
I.D.15. Other Noncompliance	§270.30 (1) (10)	9
I.D.16. Other Information	§270.30 (1) (11)	9
I.E. Signatory Requirement	§270.11 §270.30 (k)	9
I.F. Confidential Information	§270.12 Part 2	10
I.G. Definitions	Part 124 Part 260 Part 261 Part 264 Part 270 RCRA, as amended	10
Part II CORRECTIVE ACTION	§264.101	13
II.A. Applicability	§264.101 (a) §270.32 (b) (2) Section 3005 (c)	13
II.B. Notification and Assessment for Newly Identified SWMUs and AOCs	§270.14 (d) Section 3005 (c)	13
II.C. Notification Requirements for Newly Discovered Releases at SWMUs or AOCs	§270.14 (d) Section 3005 (c)	14
II.D. Confirmatory Sampling	§270.14 (d)	14
II.E. RCRA Facility Investigation	§264.101	15
II.F. Interim Measures	§264.101	17
II.G. Corrective Measures Study	§264.101 §264.552	19
II.H. Remedy Approval and Permit Modification	§264.552 §270.41 §270.42	20

	<u>40 CFR Regulatory</u> <u>Citation</u>	<u>Page</u>
II.I.     Modification of Schedule of Compliance	\$264.101(b) \$270.41(a)(4)	20
II.J.     Imminent Hazards	\$264.56(d) & (j) \$270.30(l)(6)	20
II.K.     Work Plan and Report Requirements	\$270.11 \$270.30(k)	21
II.L.     Approval/Disproval of Submittals	\$264.101	21
II.M.     Dispute Resolution	\$264.101	22
Part III   LAND DISPOSAL RESTRICTIONS   Part 268		23
APPENDIX A   Summary of Solid Waste Management Units and Areas of Concern		A-1
APPENDIX B   RCRA Facility Investigation (RFI) Work Plan Outline		B-1
APPENDIX C   Corrective Measures Study (CMS) Plan Outline		C-1
APPENDIX D   Schedule of Compliance		D-1
APPENDIX E   Action Levels		E-1

## PART I - STANDARD CONDITIONS

### I.A. EFFECT OF PERMIT

Compliance with this RCRA permit constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which become effective by statute, are promulgated under 40 CFR Part 268 restricting placement of hazardous waste in or on the land or are promulgated under 40 CFR Part 264 of this chapter regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units, as specified in 40 CFR §270.4. 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 order issued or any action brought under Section 3008(a), 3008(h), 3004(v), 3008(c), 3007, 3013 or Section 7003 of RCRA, Sections 104, 106(a), 106(e), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*, commonly known as CERCLA), or any other law providing for protection of public health or the environment.

### I.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 except for the Corrective Action schedule of compliance which shall be modified in accordance with Condition II.I. of this permit. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

### I.C. SEVERABILITY

The provisions of this permit are severable, as specified in 40 CFR §124.16 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.

### I.D. DUTIES AND REQUIREMENTS

#### I.D.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. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of RCRA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

#### I.D.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 one hundred eighty (180) calendar days before this permit expires, unless permission for a later date has been granted by the Regional Administrator.

I.D.3. Obligation for Corrective Action

The Permittee is required to continue this permit for any period necessary to comply with the corrective action requirements of this permit.

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

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

I.D.5. Duty to Mitigate

In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases of hazardous waste or hazardous constituents to the environment, and shall carry out such measures as are reasonable to prevent significant adverse effects on human health or the environment.

I.D.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) which are installed or 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 backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

I.D.7. Duty to Provide Information

The Permittee shall furnish to the Regional Administrator, within a reasonable time, any relevant information which the Regional Administrator 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 Regional Administrator, upon request, copies of records required to be kept by this permit.

I.D.8. Inspection and Entry

The Permittee shall allow the Regional Administrator, 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 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 RCRA, any substances or parameters at any location.



I.D.9. Monitoring and Records

I.D.9.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative waste sample to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261, the EPA Region 4 Environmental Compliance Branch's Standard Operating Procedure and Quality Assurance Manual (SOP) (most recent version), or an equivalent method approved by the Regional Administrator. Procedures for sampling contaminated media must be those identified in the EPA Region 4 SOP or an equivalent method approved by the Regional Administrator. Laboratory methods must be those specified in the most recent edition of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846, or an equivalent method approved by the Regional Administrator.

I.D.9.b. The Permittee shall retain at the facility, as provided for under 40 CFR Part 264, or other appropriate location as approved by the Regional Administrator, records of all monitoring information required under the terms of this permit, including all calibration and maintenance records, records of all data used to prepare documents required by this permit, copies of all reports and records required by this permit, the certification required by 40 CFR §264.73(b)(9), and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, certification or application, or until corrective action is completed, whichever date is later. As a generator of hazardous waste, the Permittee shall retain a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to 40 CFR Part 268 for at least five years from the date that the waste which is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal, or until corrective action is completed, whichever date is later. These periods may be extended by request of the Regional Administrator at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.

I.D.9.c. Records of monitoring information shall specify:

- i. The dates, exact place, and times of sampling, or measurements;
- ii. The individuals who performed the sampling or measurements;
- iii. The dates analyses were performed;
- iv. The individuals who performed the analyses;
- v. The analytical techniques or methods used; and
- vi. The results of such analyses.

I.D.10. Reporting Planned Changes

The Permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions which impact any SWMUs, AOCs, or the areas contaminated by them, including voluntary corrective measures, to the SWMUs or AOCs referenced in Conditions II.A.1., II.A.3., II.A.4., and II.C. at the permitted facility as defined in 40 CFR §270.2.

I.D.11. Anticipated Noncompliance

The Permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with the requirements of this permit.

I.D.12. Transfer of Permit

This permit may be transferred to a new owner or operator only after notice to the Regional Administrator and only if it is modified or revoked and reissued pursuant to 40 CFR §270.40(b) or §270.41(b)(2) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act. Before transferring ownership or operation of the facility during its operating life, or of a disposal facility during the post-closure care period, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270, HSWA and this permit.

I.D.13. Compliance Schedules

Written notification of compliance or noncompliance with any item identified in the compliance schedule of this permit shall be submitted according to each schedule date. If the Permittee does not notify the Regional Administrator within fourteen (14) calendar days of its compliance or noncompliance with the schedule, the Permittee shall be subject to an enforcement action. Submittal of a required item according to the schedule constitutes notification of compliance.

I.D.14. Twenty-four Hour Reporting

I.D.14.a. The Permittee shall report any noncompliance or any imminent or existing hazard from a release of hazardous waste or hazardous constituents which may endanger human health or the environment. Any such information shall be reported orally to the Regional Administrator within 24 hours from the time the Permittee becomes aware of the circumstances. This report shall include:

- i. Information concerning the release of any hazardous waste or hazardous constituents which may endanger public drinking water supplies.
- ii. Information concerning the release or discharge of any hazardous waste or hazardous constituents, or of a fire or explosion at the facility, which could threaten the environment or human health outside the facility.

I.D.14.b. 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 materials 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; and
- vii. Estimated quantity and disposition of recovered material that resulted from the incident.

I.D.14.c. A written report shall also be provided to the Regional Administrator within fifteen (15) calendar days of the time the Permittee becomes aware of the circumstances. The written report shall contain the information specified under Conditions I.D.14.a. and b.; a description of the noncompliance or imminent hazard and its cause; the periods of noncompliance (including exact dates and times); whether the noncompliance or imminent hazard has been corrected; and if not, the

anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance or imminent hazard.

I.D.15. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time written reports as required by this permit are submitted. The reports shall contain the information listed in Condition I.D.14. as appropriate.

I.D.16. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in any document(s) submitted to the Regional Administrator, the Permittee shall promptly submit such facts or information.

I.E. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to the Regional Administrator shall be signed and certified in accordance with 40 CFR §270.11.

I.F. CONFIDENTIAL INFORMATION

The Permittee may claim confidential any information required to be submitted by this permit in accordance with 40 CFR §270.12.

I.G. DEFINITIONS

For purposes of this permit, terms used herein shall have the same meaning as those in RCRA and 40 CFR Parts 124, 260, 261, 264, and 270, unless this permit specifically provides otherwise. Where terms are not defined in the regulation, the permit, or EPA guidelines or 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.

I.G.1. "Action levels" for the purposes of this permit are health-based concentrations of hazardous constituents determined to be indicators for the protection of human health and/or the environment.

I.G.2. The term "area of concern" (AOC) for 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 Regional Administrator 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) in order to ensure adequate protection of human health and the environment.

I.G.3. A "Corrective Action Management Unit" (CAMU) for purposes of this permit, includes any area within a facility that is designated by the Regional Administrator under part 264 subpart S, for the purpose of implementing corrective action requirements under §264.101 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.

I.G.4. "Corrective measures" for purposes of this permit, include all corrective action necessary to protect human health and the environment

for all releases of hazardous waste or hazardous constituents from any 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. Corrective measures may address releases to air, soils, surface water or groundwater.

- I.G.5. "Extent of contamination" for the purposes of this permit is defined as the horizontal and vertical area in which the concentrations of hazardous constituents in the environmental media being investigated are above detection limits or background concentrations indicative of the region, whichever is appropriate as determined by the Regional Administrator.
- I.G.6. "Facility" for purposes of this permit 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 §264.101, a facility includes all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA.
- I.G.7. A "hazardous constituent" for purposes of this permit are those substances listed in 40 CFR Part 261 Appendix VIII and Part 264 Appendix IX.
- I.G.8. "Interim Measures" for purposes of this permit 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.
- I.G.9. "Land Disposal" for purposes of this permit and 40 CFR Part 268 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.
- I.G.10. "Landfill" for the purposes of this permit includes any disposal facility or part of a facility where hazardous 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.
- I.G.11. A "release" for 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 or hazardous constituents.
- I.G.12. "Remediation waste" for the purposes of this permit 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 §264.101 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.
- I.G.13. "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, 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).

- I.G.14. A "solid waste management unit" (SWMU) for the purposes of this permit 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 the management of solid waste. RCRA regulated hazardous waste management units are also solid waste management units. SWMUs include areas that have been 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).
- I.G.15. A "Temporary Unit" (TU) for the purposes of this permit 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 Regional Administrator, such units must conform to specific standards, and may only be in operation for a period of time as specified in this permit.
- I.G.16. A "unit" 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, container storage area, septic tank, drain field, wastewater treatment unit, elementary neutralization unit, transfer station, or recycling unit.

## PART II - CORRECTIVE ACTION

### II.A. APPLICABILITY

The Conditions of this Part apply to:

- II.A.1. The solid waste management units (SWMUs) and areas of concern (AOCs) identified in Appendix A-1, which require a RCRA Facility Investigation (RFI);
- II.A.2. The SWMUs and AOCs identified in Appendix A-2, which require no further investigation under this permit at this time;
- II.A.3. The SWMUs and AOCs identified in Appendix A-3, which require confirmatory sampling;
- II.A.4. Any additional SWMUs or AOCs discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means; As used in this Part of the permit, the terms "discover", "discovery", or "discovered" refer to the date on which the Permittee either, (1) visually observes evidence of a new SWMU or AOC, (2) visually observes evidence of a previously unidentified release of hazardous constituents to the environment, or (3) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment;
- II.A.5. Contamination which has migrated beyond the facility boundary, if applicable. 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 Regional Administrator that, despite the Permittee's best efforts, as determined by the Regional Administrator, 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.

### II.B. NOTIFICATION AND ASSESSMENT REQUIREMENTS FOR NEWLY IDENTIFIED SWMUs AND AOCs

- II.B.1. The Permittee shall notify the Regional Administrator in writing, within fifteen (15) calendar days of discovery, of any suspected new AOC as discovered under Condition II.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.). The Regional Administrator may conduct, or require the Permittee to conduct, further assessment (i.e., Confirmatory Sampling) in order to determine the status of the suspected AOC. The Regional Administrator will notify the Permittee in writing of the final determination as to the status of the suspected AOC. If the Regional Administrator determines that further investigation of an AOC is required, the permit will be modified in accordance with 40 CFR §270.41.
- II.B.2. The Permittee shall notify the Regional Administrator in writing, within fifteen (15) calendar days of discovery, of any additional SWMU as discovered under Condition II.A.4.
- II.B.3. The Permittee shall prepare and submit to the Regional Administrator, within ninety (90) calendar days of notification, a SWMU Assessment Report (SAR) for each SWMU identified under Condition II.B.2. 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).
- 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 wastes.
- f. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit(s) (to include groundwater data, soil analyses, air, and/or surface water data).

II.B.4. Based on the results of the SAR, the Regional Administrator shall determine the need for further investigations at the SWMUs covered in the SAR. If the Regional Administrator determines that such investigations are needed, the Permittee shall be required to prepare a plan for such investigations as outlined in Condition II.E.1.b. or II.D.1.

II.C. NOTIFICATION REQUIREMENTS FOR NEWLY DISCOVERED RELEASES FROM SWMUs or AOCs

II.C.1. The Permittee shall notify the Regional Administrator in writing of any newly discovered release(s) of hazardous waste or hazardous constituents discovered during the course of groundwater 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 II.A.2. or SWMU or AOCs identified in Condition II.A.4. for which further investigation under Condition II.B.4. was not required.

II.C.2. If the Regional Administrator 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 II.E.1.b.

II.D. CONFIRMATORY SAMPLING (CS)

II.D.1. The Permittee shall prepare and submit to the Regional Administrator, within forty five (45) calendar days of the effective date of this permit, for SWMUs or AOCs identified in Condition II.A.3. and Appendix A-3 or within forty five (45) calendar days of notification by the Regional Administrator for a newly identified SWMU identified in Condition II.B.4., a Confirmatory Sampling (CS) Work Plan to determine any release from these SWMUs or AOCs. The CS Work Plan shall include schedules of implementation and completion of specific actions necessary to determine whether or not a release has occurred. It should also address applicable requirements and affected media. In order to partly or wholly satisfy the CS requirement, the use of data obtained outside of the permit structure may be submitted with the work plan for the Regional Administrator's review and approval. Within forty-five (45) calendar days of notification by the Regional Administrator, the Permittee shall prepare and submit to the Regional Administrator a CS Work Plan to determine if any release has occurred from suspected AOCs per Condition II.B.1. or newly identified SWMUs per Condition II.B.4.

II.D.2. The CS Work Plan must be approved by the Regional Administrator, in writing, prior to implementation. The Regional Administrator shall specify the start date of the CS Work Plan schedule in the letter approving the CS Work Plan. If the Regional Administrator disapproves

the CS Work Plan, the Regional Administrator shall either (1) notify the Permittee in writing of the CS Work Plan's deficiencies and specify a due date for submission of a revised CS Work Plan, (2) revise the CS Work Plan and notify the Permittee of the revisions, or (3) conditionally approve the CS Work Plan and notify the Permittee of the conditions.

- II.D.3. The Permittee shall implement the confirmatory sampling in accordance with the approved CS Work Plan.
- II.D.4. The Permittee shall prepare and submit to the Regional Administrator in accordance with the schedule in the approved CS Work Plan, a Confirmatory Sampling (CS) Report identifying those SWMUs or AOCs listed in Condition II.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.
- II.D.5. Based on the results of the CS Report, the Regional Administrator shall determine the need for further investigations at the SWMUs or AOCs covered in the CS Report. If the Regional Administrator determines that such investigations are needed, the Permittee shall be required to prepare a plan for such investigations as outlined in Condition II.E.1.b. The Regional Administrator will notify the permittee of any no further action decision.

II.E. RCRA FACILITY INVESTIGATION (RFI)

II.E.1. RFI Work Plan(s)

- II.E.1.a. The Permittee shall prepare and submit to the Regional Administrator, within ninety (90) calendar days of the effective date of this permit, a RCRA Facility Investigation (RFI) Work Plan(s) for those units identified in Condition II.A.1. This Work Plan shall be developed to meet the requirements of Condition II.E.1.c.
- II.E.1.b. The Permittee shall prepare and submit to the Regional Administrator, within ninety (90) calendar days of notification by the Regional Administrator, an RFI Work Plan for those units identified under Condition II.B.4., Condition II.C.2., or Condition II.D.5. The RFI Work Plan(s) shall be developed to meet the requirements of Condition II.E.1.c.
- II.E.1.c. The RFI Work Plan(s) shall meet the requirements of Appendix B. The RFI Work Plan(s) shall include schedules of implementation and completion of specific actions necessary to determine the nature and extent of contamination and the potential pathways of contaminant releases to the air, soil, surface water, and groundwater. The Permittee must provide sufficient justification and associated documentation that a release is not probable or has already been characterized if a unit or a media/pathway associated with a unit (groundwater, surface water, soil, subsurface gas, or air) is not included in the RFI Work Plan(s). Such deletions of a unit, media or pathway from the RFI(s) are subject to the approval of the Regional Administrator. 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 Regional Administrator. In addition, the scope of the RFI Work Plan(s) shall include all investigations necessary to ensure compliance with 40 CFR §264.101(c).
- II.E.1.d. The RFI Work Plan(s) must be approved by the Regional Administrator, in writing, prior to implementation. The Regional Administrator shall specify the start date of the RFI Work Plan schedule in the letter approving the RFI Work Plan(s). If the Regional Administrator disapproves the RFI Work Plan(s), the Regional Administrator shall either (1) notify the Permittee in writing of the RFI Work Plan's deficiencies



and specify a due date for submission of a revised RFI Work Plan, (2) revise the RFI Work Plan and notify the Permittee of the revisions and the start date of the schedule within the approved RFI Work Plan, or (3) conditionally approve the RFI Work Plan and notify the Permittee of the conditions.

II.E.2. RFI Implementation

The Permittee shall implement the RFI(s) in accordance with the approved RFI Work Plan(s) and Appendix B. The Permittee shall notify the Regional Administrator within twenty (20) days prior to any sampling activity.

II.E.3. RFI Reports

II.E.3.a. If the time required to conduct the RFI(s) is greater than one hundred eighty (180) calendar days, the Permittee shall provide the Regional Administrator with quarterly RFI Progress Reports (90 day intervals) beginning ninety (90) calendar days from the start date specified by the Regional Administrator in the RFI Work Plan 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 Work Plan 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 in relevant personnel;
- viii. Projected work for the next reporting period; and
- ix. Copies of daily reports, inspection reports, data, etc.

II.E.3.b. The Permittee shall prepare and submit to the Regional Administrator Draft and Final RCRA Facility Investigation Report(s) for the investigations conducted pursuant to the RFI Work Plan(s) submitted under Condition II.E.1. The Draft RFI Report(s) shall be submitted to the Regional Administrator for review in accordance with the schedule in the approved RFI Work Plan(s). The Final RFI Report(s) shall be submitted to the Regional Administrator within thirty (30) calendar days of receipt of the Regional Administrator's final 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, identify all hazardous constituents present in all media, and describe actual or potential receptors. The RFI 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 work plan for the final phase investigatory actions required based on the initial findings. Approval of the final phase work plan shall be carried out in accordance with Condition II.E.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.

II.E.3.c. The Permittee shall prepare and submit to the Regional Administrator, along with the Draft and Final RFI Report(s), action levels for each of the hazardous constituents reported in Condition II.E.3.b. Action levels shall be calculated as specified in Appendix F of this permit.

II.E.3.d. The Regional Administrator will review the RFI Report(s), including the action levels described in Condition II.E.3.c. The Regional Administrator shall notify the Permittee of the need for further investigative action if necessary and, if appropriate at this moment of the investigation, inform the Permittee, if not already notified, of the need for a Corrective Measures Study to meet the requirements of II.G and 40 CFR §264.101. The Regional Administrator will notify the permittee of any no further action decision. Any further investigative action required by the Regional Administrator shall be prepared and submitted in accordance with a schedule specified by the Regional Administrator and approved in accordance with Condition II.E.1.d.

## II.F. INTERIM MEASURES (IM)

### II.F.1. IM Work Plan

II.F.1.a. Upon notification by the Regional Administrator, the Permittee shall prepare and submit an Interim Measures (IM) Work Plan for any SWMU or AOC which the Regional Administrator determines is necessary. IM are necessary in order to minimize or prevent the further migration of contaminants thereby limiting current and future potential for human and environmental exposure to contaminants while long-term corrective action remedies are evaluated and, if necessary, implemented. The IM Work Plan shall be submitted within thirty (30) calendar days of such notification and shall include the elements listed in II.F.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 Work Plan for approval and reporting in accordance with the requirements under Condition II.F.

II.F.1.b. The IM Work Plan shall ensure that the interim measures are designed to mitigate any current or potential threat(s) to human health or the environment and is consistent with and integrated into any long-term solution at the facility. The IM Work Plan shall include: the interim measures objectives, procedures for implementation (including any designs, plans, or specifications), and schedules for implementation.

II.F.1.c. The IM Work Plan must be approved by the Regional Administrator, in writing, prior to implementation. The Regional Administrator shall specify the start date of the IM Work Plan schedule in the letter approving the IM Work Plan. If the Regional Administrator disapproves the IM Work Plan, the Regional Administrator shall either (1) notify the Permittee in writing of the IM Work Plan's deficiencies and specify a due date for submission of a revised IM Work Plan, (2) revise the IM Work Plan and notify the Permittee of the revisions and the start date of the schedule within the approved IM Work Plan, or (3) conditionally approve the IM Work Plan and notify the Permittee of the conditions.

### II.F.2. IM Implementation

II.F.2.a. The Permittee shall implement the interim measures in accordance with the approved IM Work Plan.

II.F.2.b. The Permittee shall give notice to the Regional Administrator as soon as possible of any planned changes, reductions or additions to the IM Work Plan.

II.F.2.c. Final approval of corrective action required under 40 CFR §264.101 which

is achieved through interim measures shall be in accordance with 40 CFR §270.41 and Condition II.H. as a permit modification.

II.F.3. IM Reports

II.F.3.a. If the time required for completion of interim measures is greater than one year, the Permittee shall provide the Regional Administrator with progress reports at intervals specified in the approved Work Plan. 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 findings;
- iii. Summaries of any deviations from the IM Work Plan during the reporting period;
- iv. Summaries of any problems or potential problems encountered during the reporting period; and
- v. Projected work for the next reporting period.

II.F.3.b. The Permittee shall prepare and submit to the Regional Administrator, within ninety (90) calendar days of completion of interim measures conducted under Condition II.F., an Interim Measures (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 all 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.

II.G. CORRECTIVE MEASURES STUDY

II.G.1. Corrective Measures Study (CMS) Work Plan

II.G.1.a. The Permittee shall prepare and submit a CMS Work Plan for those units requiring a CMS within ninety (90) calendar days of notification by the Regional Administrator that a CMS is required. This CMS Work Plan shall be developed to meet the requirements of Condition II.G.1.b. The Permittee may seek approval from the Regional Administrator for concurrent RFI/CMS. The CMS may be performed concurrent with the RFI process if the Regional Administrator determines that sufficient investigative details are available to allow concurrent action.

II.G.1.b. The CMS Work Plan shall meet the requirements of Appendix C at a minimum. The CMS Work Plan 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 deleted from the CMS Work Plan. Such deletion of a unit is subject to the approval of the Regional Administrator. The CMS shall be conducted in accordance with the approved CMS Work Plan. 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 Regional Administrator. The scope of the CMS Work Plan shall include all investigations necessary to ensure compliance with 3005(c)(3), 40 CFR §264.101, §264.552, and

§270.32(b)(2). The Permittee shall implement corrective actions beyond the facility boundary, as set forth in Condition II.A.5.

- II.G.1.c. The Regional Administrator shall either approve or disapprove, in writing, the CMS Work Plan. If the Regional Administrator disapproves the CMS Work Plan, the Regional Administrator shall either (1) notify the permittee in writing of the CMS Work Plan's deficiencies and specify a due date for submittal of a revised CMS Work Plan, (2) revise the CMS Work Plan and notify the Permittee of the revisions, or (3) conditionally approve the CMS Work Plan and notify the Permittee of the conditions. This modified CMS Work Plan becomes the approved CMS Work Plan.

II.G.2. Corrective Measures Study Implementation

The Permittee shall begin to implement the Corrective Measures Study according to the schedules specified in the CMS Work Plan, no later than fifteen (15) calendar days after the Permittee has received written approval from the Regional Administrator for the CMS Work Plan. Pursuant to Permit Condition II.G.1.b. the CMS shall be conducted in accordance with the approved CMS Work Plan.

II.G.3. CMS Report

- II.G.3.a. The Permittee shall prepare and submit to the Regional Administrator a draft and final CMS Report for the study conducted pursuant to the approved CMS Work Plan. The draft CMS Report shall be submitted to the Regional Administrator in accordance with the schedule in the approved CMS Work Plan. The final CMS Report shall be submitted to the Regional Administrator within thirty (30) days of receipt of the Regional Administrator's final 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 Work Plan. The CMS Final Report must contain adequate information to support the Regional Administrator's decision on the recommended remedy, described under Permit Condition II.H.

- II.G.3.b. If the Regional Administrator determines that the CMS Final Report does not fully satisfy the information requirements specified under Permit Condition II.G.3.a., the Regional Administrator may disapprove the CMS Final Report. If the Regional Administrator disapproves the CMS Final Report, the Regional Administrator 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 Regional Administrator will notify the Permittee of any no further action decision.

- II.G.3.c. As specified under Permit Condition II.G.3.b., based on preliminary results and the CMS Final Report, the Regional Administrator may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

II.H. REMEDY APPROVAL AND PERMIT MODIFICATION

- II.H.1. A remedy shall be selected from the remedial alternatives evaluated in the CMS. It will be based at a minimum on protection of human health and the environment, as per specific site conditions, existing regulations, and guidance. The selected remedy may include any interim measures implemented to date.

- II.H.2. Pursuant to 40 CFR §270.41, a permit modification will be initiated by the Regional Administrator after recommendation of a remedy under Condition II.H.1. This modification will serve to incorporate a final remedy, including a CAMU if necessary, into this permit.

- II.H.3. Within one hundred and twenty (120) calendar days after this Permit has been modified for remedy selection, the Permittee shall demonstrate financial assurance for completing the approved remedy.

II.I. MODIFICATION OF THE CORRECTIVE ACTION SCHEDULE OF COMPLIANCE

- II.I.1. If at any time the Regional Administrator determines that modification of the Corrective Action Schedule of Compliance is necessary, the Regional Administrator may initiate a modification to the Schedule of Compliance (Appendix D).
- II.I.2. Modifications that are initiated and finalized by the Regional Administrator will be in accordance with the applicable provisions of 40 CFR Part 270. The Permittee may also request a permit modification in accordance with 40 CFR Part 270 to change the Schedule of Compliance.

II.J. WORK PLAN AND REPORT REQUIREMENTS

- II.J.1. All work plans and schedules shall be subject to approval by the Regional Administrator prior to implementation to assure that such work plans 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 Regional Administrator. Upon approval the Permittee shall implement all work plans and schedules as written.
- II.J.2. All work plans and reports shall be submitted in accordance with the approved schedule. Extensions of the due date for submittals may be granted by the Regional Administrator based on the Permittee's demonstration that sufficient justification for the extension exists.
- II.J.3. If the Permittee at any time determines that the SAR information required under Condition II.B., the CS Work Plan under Condition II.D., or RFI Work Plan(s) required under Condition II.E. no longer satisfy the requirements of 40 CFR §264.101 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 Work Plan(s) to the Regional Administrator within ninety (90) calendar days of such determination.
- II.J.4. All reports shall be signed and certified in accordance with 40 CFR §270.11.
- II.J.5. Three (3) copies of all reports and work plans shall be provided by the Permittee to the Regional Administrator in care of the RCRA Branch Chief at the following address:

Chief, RCRA Branch  
Waste Management Division  
Environmental Protection Agency  
Region IV  
345 Courtland Street  
Atlanta, Georgia 30365

II.K. APPROVAL/DISAPPROVAL OF SUBMITTALS

- II.K.1. The Regional Administrator will review the work plans, reports, schedules, and other documents ("submittals") which require the Regional Administrator's approval in accordance with the conditions of this permit. The Regional Administrator will notify the Permittee in writing of any submittal that is disapproved, and the basis therefore. Condition II.L. shall apply only to submittals that have been disapproved and revised by the Regional Administrator, or that have been disapproved by the Regional Administrator,

then revised and resubmitted by the Permittee, and again disapproved by the Regional Administrator.

II.L. DISPUTE RESOLUTION

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

- II.L.1.a. In the event that the Permittee chooses to invoke the provisions of this section, the Permittee shall notify the Regional Administrator in writing within thirty (30) days of receipt of the Regional Administrator'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 Regional Administrator's determination.
- II.L.1.b. The Regional Administrator and the Permittee shall have an additional thirty (30) days from EPA's receipt of the notification provided for in Condition II.L.1.a. to meet or confer to resolve any disagreement.
- II.L.1.c. In the event 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.
- II.L.1.d. If agreement is not reached within the thirty (30) day period, the Regional Administrator 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 Regional Administrator'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 Waste Management Division Director.
- II.L.1.e. 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 Regional Administrator determines are not affected by the dispute.

## PART III - LAND DISPOSAL RESTRICTIONS

### III.A. GENERAL RESTRICTIONS

- III.A.1. 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 40 CFR Part 268, 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.

### III.B. LAND DISPOSAL PROHIBITIONS AND TREATMENT STANDARDS

- III.B.1. A restricted waste identified in 40 CFR Part 268 Subpart C 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 are met.
- III.B.2. The storage of hazardous wastes restricted from land disposal under 40 CFR Part 268 is prohibited unless the requirements of 40 CFR Part 268 Subpart E are met.

# PRELIMINARY DRAFT

## APPENDICES



Universal Waste & Transit  
Tampa, Florida

APPENDIX A

SOLID WASTE MANAGEMENT UNIT SUMMARY

A.1. List of solid waste management units (SWMUs) and areas of concern (AOCs) requiring a RCRA Facility Investigation (RFI):	
SWMU Number	SWMU Name
There are no units identified at this time which require a RCRA Facility Investigation.	

**A.2. List of solid waste management units (SWMUs) and areas of concern (AOCs) requiring no further action at this time:**

SWMU Number	SWMU Name
*1	Drum Storage Area
*2	Loading/Unloading Area
*4	Filter Press
5	Municipal Waste Dumpster
* Unit Regulated by State Permit	

**A.3. List of solid waste management units (SWMUs) and areas of concern (AOCs) requiring Confirmatory Sampling:**

SWMU Number	SWMU Name
3	Retention Pond
6	Pre-Treatment Unit

# PRELIMINARY DRAFT

## APPENDIX B

### RCRA Facility Investigation (RFI) Work Plan Outline

## APPENDIX B

### RCRA FACILITY INVESTIGATION (RFI) WORK PLAN OUTLINE

#### I. RFI WORK PLAN REQUIREMENTS

The Permittee shall prepare a RCRA Facility Investigation (RFI) Work Plan that meets the requirements of Part II of this appendix and the RFI Guidance, EPA-530/SW-89-031. This Work Plan shall also include the development of the following plans, which shall be prepared concurrently:

##### A. Project Management Plan

Permittee shall prepare a Project Management Plan which will include a discussion of the technical approach, schedules and personnel. The Project Management Plan will also include a description of qualifications of personnel performing or directing the RFI, including contractor personnel. This plan shall also document the overall management approach to the RCRA Facility Investigation.

##### B. Sampling and Analysis Plan(s)

The Permittee shall prepare a plan to document all monitoring procedures: field sampling, sampling procedures and sample analysis performed during the investigation to characterize the environmental setting, source, and releases of hazardous constituents, so as to ensure that all information and data are valid and properly documented. The Sampling Strategy and Procedures shall be in accordance with EPA Region 4 Environmental Compliance Branch's Standard Operating Procedure and Quality Assurance Manual (SOP) (most recent version). Any deviations from this reference must be requested by the applicant and approved by EPA. The Sampling and Analysis Plan must specifically discuss the following unless the SOP procedures are specifically referenced.

##### 1. Sampling Strategy

- a. Selecting appropriate sampling locations, depths, etc.;
- b. Obtaining all necessary ancillary data;
- c. Determining conditions under which sampling should be conducted;
- d. Determining which media are to be sampled (e.g., groundwater, air, soil, sediment, subsurface gas);
- e. Determining which parameters are to be measured and where;

- f. Selecting the frequency of sampling and length of sampling period;
- g. Selecting the types of samples (e.g., composites vs. grabs) and number of samples to be collected.

2. Sampling Procedures

- a. Documenting field sampling operations and procedures, including;
  - i) Documentation of procedures for preparation of reagents or supplies which become an integral part of the sample (e.g., filters, preservatives, and absorbing reagents);
  - ii) Procedures and forms for recording the exact location and specific considerations associated with sample acquisition;
  - iii) Documentation of specific sample preservation method;
  - iv) Calibration of field instruments;
  - v) Submission of field-biased blanks, where appropriate;
  - vi) Potential interferences present at the facility;
  - vii) Construction materials and techniques, associated with monitoring wells and piezometers;
  - viii) Field equipment listing and sampling containers;
  - ix) Sampling order; and
  - x) Decontamination procedures.
- b. Selecting appropriate sample containers;
- c. Sampling preservation; and
- d. Chain-of-custody, including:
  - i) Standardized field tracking reporting forms to establish sample custody in the field prior to shipment; and

- ii) Pre-prepared sample labels containing all information necessary for effective sample tracking.

3. Sample Analysis

Sample analysis shall be conducted in accordance with SW-846: "Test Methods for Evaluating Solid Waste - Physical/Chemical Methods" (most recent version). The sample analysis section of the Sampling and Analysis Plan shall specify the following:

- a. Chain-of-custody procedures, including:
  - i) Identification of a responsible party to act as sampling custodian at the laboratory facility authorized to sign for incoming field samples, obtain documents of shipment, and verify the data entered onto the sample custody records;
  - ii) Provision for a laboratory sample custody log consisting of serially numbered standard lab-tracking report sheets; and
  - iii) Specification of laboratory sample custody procedures for sample handling, storage, and dispersement for analysis.
- b. Sample storage;
- c. Sample preparation methods;
- d. Analytical Procedures, including:
  - i) Scope and application of the procedure;
  - ii) Sample matrix;
  - iii) Potential interferences;
  - iv) Precision and accuracy of the methodology; and
  - v) Method detection limits.
- e. Calibration procedures and frequency;
- f. Data reduction, validation and reporting;
- g. Internal quality control checks, laboratory performance and systems audits and frequency, including:

- i) Method blank(s);
  - ii) Laboratory control sample(s);
  - iii) Calibration check sample(s);
  - iv) Replicate sample(s);
  - v) Matrix-spiked sample(s);
  - vi) "Blind" quality control sample(s);
  - vii) Control charts;
  - viii) Surrogate samples;
  - ix) Zero and span gases; and
  - x) Reagent quality control checks.
- h. External quality control checks by EPA, including:
- i) Spikes and blanks at sampling events for which EPA or its technical representative provides oversight; and
  - ii) The equivalent of a CLP data package for samples split with EPA or for which EPA specifically requests the package.
- i. Preventive maintenance procedures and schedules;
- j. Corrective action (for laboratory problems); and
- k. Turnaround time.

C. Data Management Plan

The Permittee shall develop and initiate a Data Management Plan to document and track investigation data and results. This plan shall identify and set up data documentation materials and procedures, project file requirements, and project-related progress reporting procedures and documents. The plan shall also provide the format to be used to present the raw data and conclusions of the investigation.

1. Data Record

The data record shall include the following:

- a. Unique sample or field measurement code;
- b. Sampling or field measurement location and sample or measurement type;
- c. Sampling or field measurement raw data;
- d. Laboratory analysis ID number;
- e. Property or component measures; and
- f. Result of analysis (e.g. concentration).

2. Tabular Displays

The following data shall be presented in tabular displays:

- a. Unsorted (raw) data;
- b. Results for each medium, or for each constituent monitored;
- c. Data reduction for statistical analysis, as appropriate;
- d. Sorting of data by potential stratification factors (e.g., location, soil layer, topography); and
- e. Summary data

3. Graphical Displays

The following data shall be presented in graphical formats (e.g., bar graphs, line graphs, area or plan maps, isopleth plots, cross-sectional plots or transits, three dimensional graphs, etc.):

- a. Display sampling location and sampling grid;
- b. Indicate boundaries of sampling area, and area where more data are required;
- c. Display geographical extent of contamination;
- d. Illustrate changes in concentration in relation to distances from the source, time, depth or other parameters; and
- e. Indicate features affecting inter-media transport and show potential receptors.



## II. RCRA Facility Investigation (RFI) Requirements

### RCRA Facility Investigation:

The Permittee shall conduct those investigations necessary to: characterize the facility (Environmental Setting); define the source (Source Characterization); define the degree and extent of release of hazardous constituents (Contamination Characterization); and identify actual or potential receptors.

The investigations should result in data of adequate technical content and quality to support the development and evaluation of the corrective action plan if necessary. The information contained in previously developed documents such as a RCRA Part B permit application and/or RCRA Section 3019 Exposure Information Report may be referenced as appropriate, but must be summarized in both the RFI Work Plan and RFI Report.

All sampling and analyses shall be conducted in accordance with the Sampling and Analysis Plan. All sampling locations shall be documented in a log and identified on a detailed site map.

### A. Environmental Setting

The Permittee shall collect information to supplement and/or verify Part B information on the environmental setting at the facility. The Permittee shall characterize the following as they relate to identified sources, pathways and areas of releases of hazardous constituents from Solid Waste Management Units.

#### 1. Hydrogeology

The Permittee shall conduct a program to evaluate hydrogeologic conditions at the facility. This program shall provide the following information:

- a. A description of the regional and facility specific geologic and hydrogeologic characteristics affecting ground-water flow beneath the facility, including:
  - i) Regional and facility specific stratigraphy: description of strata including strike and dip, identification of stratigraphic contacts;
  - ii) Structural geology: description of local and regional structural features (e. g., folding, faulting, tilting, jointing, etc.);
  - iii) Depositional history;

- iv) Regional and facility specific ground-water flow patterns; and
  - v) Identification and characterization of areas and amounts of recharge and discharge.
- b. An analysis of any topographic features that might influence the ground-water flow system.
- c. Based on field data, tests, and cores, a representative and accurate classification and description of the hydrogeologic units which may be part of the migration pathways at the facility (i. e., the aquifers and any intervening saturated and unsaturated units), including:
  - i) Hydraulic conductivity and porosity (total and effective);
  - ii) Lithology, grain size, sorting, degree of cementation;
  - iii) An interpretation of hydraulic interconnections between saturated zones; and
  - iv) The attenuation capacity and mechanisms of the natural earth materials (e. g., ion exchange capacity, organic carbon content, mineral content etc.).
- d. Based on data obtained from groundwater monitoring wells and piezometers installed upgradient and downgradient of the potential contaminant source, a representative description of water level or fluid pressure monitoring including:
  - i) Water-level contour and/or potentiometric maps;
  - ii) Hydrologic cross sections showing vertical gradients;
  - iii) The flow system, including the vertical and horizontal components of flow; and
  - iv) Any temporal changes in hydraulic gradients, for example, due to tidal or seasonal influences.
- e. A description of man-made influences that may affect the hydrology of the site, identifying:

- i) Local water-supply and production wells with an approximate schedule of pumping; and
- ii) Man-made hydraulic structures (pipelines, french drains, ditches, etc.).

2. Soils

The Permittee shall conduct a program to characterize the soil and rock units above the water table in the vicinity of contaminant release(s). Such characterization may include, but not be limited to, the following types of information as appropriate:

- a. Surface soil distribution;
- b. Soil profile, including ASTM classification of soils;
- c. Transects of soil stratigraphy;
- d. Hydraulic conductivity (saturated and unsaturated);
- e. Relative permeability;
- f. Bulk density;
- g. Porosity;
- h. Soil sorption capacity;
- i. Cation exchange capacity (CEC);
- j. Soil organic content;
- k. Soil pH;
- l. Particle size distribution;
- m. Depth of water table;
- n. Moisture content;
- o. Effect of stratification on unsaturated flow;
- p. Infiltration;
- q. Evapotranspiration;
- r. Storage capacity;
- s. Vertical flow rate; and
- t. Mineral content.

3. Surface Water and Sediment

The Permittee shall conduct a program to characterize the surface water bodies in the vicinity of the facility. Such characterization may include, but not be limited to, the following activities and information:

- a. Description of the temporal and permanent surface water bodies including:
  - i) For lakes and estuaries: location, elevation, surface area, inflow, outflow, depth, temperature stratification, and volume;

- ii) For impoundments: location, elevation, surface area, depth, volume, freeboard, and construction and purpose;
  - iii) For streams, ditches, and channels: location, elevation, flow, velocity, depth, width, seasonal fluctuations, flooding tendencies (i. e., 100 year event), discharge point(s), and general contents.
  - iv) Drainage patterns; and
  - v) Evapotranspiration.
- b. Description of the chemistry of the natural surface water and sediments. This includes determining the pH, total dissolved solids, total suspended solids, biological oxygen demand, alkalinity, conductivity, dissolved oxygen profiles, nutrients, chemical oxygen demand, total organic carbon, specific contaminant concentrations, etc.
- c. Description of sediment characteristics including:
- i) Deposition area;
  - ii) Thickness profile; and
  - iii) Physical and chemical parameters (e. g., grain size, density, organic carbon content, ion exchange capacity, pH, etc.)

#### 4. Air

The Permittee shall provide information characterizing the climate in the vicinity of the facility. Such information may include, but not be limited to:

- a. A description of the following parameters:
- i) Annual and monthly rainfall averages;
  - ii) Monthly temperature averages and extremes;
  - iii) Wind speed and direction;
  - iv) Relative humidity/dew point;
  - v) Atmospheric pressure;
  - vi) Evaporation data;

- vii) Development of inversions; and
- viii) Climate extremes that have been known to occur in the vicinity of the facility, including frequency of occurrence. (i. e. Hurricanes)
- b. A description of topographic and man-made features which affect air flow and emission patterns, including:
  - i) Ridges, hills or mountain areas;
  - ii) Canyons or valleys;
  - iii) Surface water bodies (e. g. rivers, lakes, bays, etc.); and
  - iv) Buildings.

B. Source Characterization

For those sources from which releases of hazardous constituents have been detected, the Permittee shall collect analytical data to completely characterize the wastes and the areas where wastes have been placed, to the degree that is possible without undue safety risks, including: type, quantity; physical form; disposition (containment or nature of deposits); and facility characteristics affecting release (e. g., facility security, and engineering barriers). This shall include quantification of the following specific characteristics, at each source area:

1. Unit/Disposal Area Characteristics:

- a. Location of unit/disposal area;
- b. Type of unit/disposal area;
- c. Design features;
- d. Operating practices (past and present)
- e. Period of operation;
- f. Age of unit/disposal area;
- g. General physical conditions; and
- h. Method used to close the unit/disposal area.

2. Waste Characteristics:

- a. Type of wastes placed in the unit;
  - i) Hazardous classification (e. g., flammable, reactive, corrosive, oxidizing or reducing agent);
  - ii) Quantity; and

- iii) Chemical composition.
- b. Physical and chemical characteristics such as;
  - i) Physical form (solid, liquid, gas);
  - ii) Physical description (e. g., powder, oily sludge);
  - iii) Temperature;
  - iv) pH;
  - v) General chemical class (e. g., acid, base, solvent);
  - vi) Molecular weight;
  - vii) Density;
  - viii) Boiling point;
  - ix) Viscosity;
  - x) Solubility in water;
  - xi) Cohesiveness of the waste; and
  - xii) Vapor pressure.
- c. Migration and dispersal characteristics of the waste such as:
  - i) Sorption capability;
  - ii) Biodegradability, bioconcentration, biotransformation;
  - iii) Photodegradation rates;
  - iv) Hydrolysis rates; and
  - v) Chemical transformations.

The Permittee shall document the procedures used in making the above determinations.

C. Characterization of Releases of Hazardous Constituents

The Permittee shall collect analytical data on groundwater, soils, surface water, sediment, and subsurface gas contamination in the

vicinity of the facility in accordance with the sampling and analysis plan as required above. These data shall be sufficient to define the extent, origin, direction, and rate of movement of contamination. Data shall include time and location of sampling, media sampled, concentrations found, conditions during sampling, and the identity of the individuals performing the sampling and analysis. The Permittee shall address the following types of contamination at the facility:

1. Groundwater Contamination

The Permittee shall conduct a groundwater investigation to characterize any plumes of contamination detected at the facility. This investigation shall at a minimum provide the following information:

- a. A description of the horizontal and vertical extent of any plume(s) of hazardous constituents originating from within the facility;
- b. The horizontal and vertical direction of contamination movement;
- c. The velocity of contaminant movement;
- d. The horizontal and vertical concentration profiles of hazardous constituents in the plume(s);
- e. An evaluation of factors influencing the plume movement; and
- f. An extrapolation of future contaminant movement.

The Permittee shall document the procedures used in making the above determinations (e. g., well design, well construction, geophysics, modeling, etc.).

2. Soil Contamination

The Permittee shall conduct an investigation to characterize the contamination of the soil and rock units above the saturated zone in the vicinity of any contaminant release. The investigation may include the following information:

- a. A description of the vertical and horizontal extent of contamination;
- b. A description of appropriate contaminant and soil chemical properties within the contaminant source area and plume. This may include contaminant solubility,

speciation, absorption, leachability, exchange capacity, biodegradability, hydrolysis photolysis, oxidation and other factors that might affect contaminant migration and transformation;

- c. Specific contaminant concentrations;
- d. The velocity and direction of contaminant movement; and
- e. An extrapolation of future contaminant movement.

The Permittee shall document the procedures used in making the above determinations.

3. Surface Water and Sediment Contamination

The Permittee shall conduct a surface water investigation to characterize contamination in surface water bodies resulting from releases of hazardous constituents at the facility. The investigation may include, but not be limited to, the following information:

- a. A description of the horizontal and vertical extent of any plume(s) originating from the facility, and the extent of contamination in underlying sediments;
- b. The horizontal and vertical direction of contaminant movement;
- c. The contaminant velocity;
- d. An evaluation of the physical, biological and chemical factors influencing contaminant movement;
- e. An extrapolation of future contaminant, movement; and
- f. A description of the chemistry of the contaminated surface waters and sediments. This includes determining the pH, total dissolved solids, specific contaminant concentrations, etc.

4. Air Contamination

The Permittee shall conduct an investigation to characterize gaseous releases of hazardous constituents into the atmosphere or any structures or buildings. This investigation may provide the following information:

- a. A description of the horizontal and vertical direction and velocity of contaminant movement;



- b. The rate and amount of the release; and
- c. The chemical and physical composition of the contaminant(s) released, including horizontal and vertical concentration profiles.

The Permittee shall document the procedures used in making the above determinations.

D. Potential Receptors

The Permittee shall collect data describing the human populations and environmental systems that are susceptible to contaminant exposure from the facility. Chemical analysis of biological samples and/or data on observable effects in ecosystems may also be obtained as appropriate. The following characteristics shall be identified:

- 1. Current local uses and planned future uses of groundwater:
  - a. Type of use (e. g., drinking water source: municipal or residential, agricultural, domestic/non-potable, and industrial); and
  - b. Location of ground water users, to include withdrawal and discharge wells, within one mile of the impacted area.

The above information should also indicate the aquifer or hydrogeologic unit used and/or impacted for each item.

- 2. Current local uses and planned future uses of surface waters directly impacted by the facility:
  - a. Domestic and municipal (e. g., potable and lawn/gardening watering);
  - b. Recreational (e. g. swimming, fishing);
  - c. Agricultural;
  - d. Industrial; and
  - e. Environmental (e. g., fish and wildlife propagation).
- 3. Human use of or access to the facility and adjacent lands, including but not limited to:
  - a. Recreation;
  - b. Hunting;

- c. Residential;
  - d. Commercial; and
  - e. Relationship between population locations and prevailing wind direction.
4. A general description of the biota in surface water bodies on, adjacent to, or affected by the facility.
  5. A general description of the ecology within the area adjacent to the facility.
  6. A general demographic profile of the people who use have access to the facility and adjacent land, including, but not limited to: age; sex; and sensitive subgroups.
  7. A description of any known or documented endangered or threatened species near the facility.

# PRELIMINARY DRAFT

## APPENDIX C

### Corrective Measures Study (CMS) Outline

## APPENDIX C

### CORRECTIVE MEASURE STUDY (CMS) OUTLINE

The purpose of the CMS portion of the RCRA corrective action process is to identify and evaluate potential remedial alternatives for the releases of hazardous constituents that have been identified at the facility through the RFI or other investigations to need further evaluation. The scope and requirements of the CMS are balanced with the expeditious initiation of remedies and rapid restoration of contaminated media. The scope and requirements of the CMS should be focused to fit the complexity of the site-specific situation. It is anticipated that Permittee's with sites with complex environmental problems may need to evaluate a number of technologies and corrective measure alternatives. For other facilities, however, the evaluation of a single corrective measure alternative may be adequate. Therefore, a streamlined or focused approach to the CMS may be initiated. Information gathered during any stabilizations or interim measures will be used to augment the CMS and in cases where corrective action goals are met, may be a substitute for the final CMS.

Regardless of whether a streamlined/focused or a detailed CMS is required, a CMS Work Plan and CMS Report are generally required elements. The requirements for a full, detailed CMS are listed below. The Agency has the flexibility not to require sections of the plan and/or report, where site-specific situations indicate that all requirements are not necessary. Additionally, the Agency may require additional studies besides these discussed in order to support the CMS.

#### I. Corrective Measures Study (CMS) Work Plan

##### A. Elements of the CMS Work Plan

The Corrective Measures Study (CMS) Work Plan shall include at a minimum the following elements:

1. A site-specific description of the overall purpose of the CMS;
2. A description of the corrective measure objectives, including proposed target media cleanup standards (e.g., promulgated federal and state standards) and preliminary points of compliance or a description of how a risk assessment will be performed (e.g., guidance documents);
3. A description of the specific corrective measure technologies and/or corrective measure alternatives which will be studied;
4. A description of the general approach to investigating and evaluating potential corrective measures;

5. A detailed description of any proposed pilot, laboratory and/or bench scale studies;
6. A proposed outline for the CMS Report including a description of how information will be presented;
7. A description of overall project management including overall approach, levels of authority (include organization chart), lines of communication, project schedules, budget and personnel. Include a description of qualifications for personnel directing or performing the work;
8. A project schedule that specifies all significant steps in the process and when key documents (e.g., CMS Progress Reports, draft CMS Report) are to be submitted to the Agency;
9. A detailed Public Involvement Plan.

## II. Corrective Measures Study (CMS) Report

The detail of a CMS may vary based upon the complexity of the site, ongoing Interim Measures, etc. However, the CMS Report may include the following elements:

### A. Introduction/Purpose

The Permittee shall describe the purpose of the CMS Report and provide a summary description of the project.

### B. Description of Current Situation

The Permittee shall submit a summary and an update to the information describing the current situation at the facility and the known nature and extent of the contamination as documented by the RCRA Facility Investigation (RFI) Report. This discussion should concentrate on those issues which could significantly affect the evaluation and selection of the corrective measures alternative(s). The Permittee shall provide an update to information presented in the RFI regarding previous response activities and interim measures which have or are being implemented at the facility. The Permittee shall also make a facility-specific statement of the purpose for the response, based on the results of the RFI. The statement of purpose should identify the actual or potential exposure pathways that should be addressed by corrective measures.

### C. Establishment of Proposed Media Specific Cleanup Standards

The Permittee shall describe the proposed media cleanup standards and point of compliance. The standards must be either background,

promulgated federal and state standards or risk-derived standards. If media clean-up standards are not proposed, then the Agency will unilaterally propose setting media clean-up standards to either background, promulgated federal and state standards or the most conservative risk-derived standards.

D. Identification, Screening and Development of Corrective Measure Technologies

1. Identification: List and briefly describe potentially applicable technologies for each affected media that may be used to achieve the corrective action objectives. Include a table that summarizes the available technologies.

The Permittee should consider innovative treatment technologies, especially in situations where there are a limited number of applicable corrective measure technologies.

2. Screening: The Permittee shall screen the corrective measure technologies to eliminate those that may prove infeasible to implement, that rely on technologies unlikely to perform satisfactorily or reliably, or that do not achieve the corrective measure objective within a reasonable time period. This screening process focuses on eliminating those technologies which have severe limitations for a given set of waste and site-specific conditions. The screening step may also eliminate technologies based on inherent technology limitations.

Site, waste, and technology characteristics which are used to screen inapplicable technologies are described in more detail below:

- a. Site Characteristics: Site data should be reviewed to identify conditions that may limit or promote the use of certain technologies. Technologies whose use is clearly precluded by site characteristics should be eliminated from further consideration.
- b. Waste Characteristics: Identification of waste characteristics that limit the effectiveness or feasibility of technologies is an important part of the screening process. Technologies clearly limited by these waste characteristics should be eliminated from consideration. Waste characteristics particularly affect the feasibility of in-situ methods, direct treatment methods, and land disposal (on/off-site).
- c. Technology Limitations: During the screening process, the level of technology development, performance record,

and inherent construction, operation, and maintenance problems should be identified for each technology considered. Technologies that are unreliable, perform poorly, or are not fully demonstrated may be eliminated in the screening process. For example, certain treatment methods have been developed to a point where they can be implemented in the field without extensive technology transfer or development.

3. Corrective Measure Development: The Permittee shall assemble the technologies that pass the screening step into specific alternatives that have the potential to meet the corrective action objectives for each media. Options for addressing less complex sites could be relatively straight-forward and may only require evaluation of a single or limited number of alternatives. Each alternative may consist of an individual technology or a combination used in sequence (i.e., treatment train). Different alternatives may be considered for separate areas of the facility, as appropriate. List and briefly describe each corrective measure alternative.

E. Evaluation of a Final Corrective Measure Alternative

For each remedy which warrants a more detailed evaluation (i.e., those that passed through the screening step), including those situations when only one remedy is being proposed, the Permittee shall provide detailed documentation of how the potential remedy will comply with each of the standards listed below. These standards reflect the major technical components of remedies including cleanup of releases, source control and management of wastes that are generated by remedial activities. The specific standards are as follows:

1. Protect human health and the environment.
2. Attain media cleanup standards set by EPA.
3. Control the source of releases so as to reduce or eliminate, to the extent practicable, further releases that may pose a threat to human health and the environment.
4. Comply with applicable standards for management of wastes.
5. Other factors.

In evaluating the selected alternative or alternatives, the Permittee shall prepare and submit information that documents that the specific remedy will meet the standards listed above. The following guidance should be used in completing this evaluation.

1. Protect Human Health and the Environment

Corrective action remedies must be protective of human health and the environment. Remedies may include those measures that

are needed to be protective, but are not directly related to media cleanup, source control or management of wastes. An example would be a requirement to provide alternative drinking water supplies in order to prevent exposures to releases from an aquifer used for drinking water purposes. Therefore, the Permittee shall provide a discussion of any short term remedies necessary to meet this standard, as well as discuss how the corrective measures alternative(s) meet this standard.

2. Attain Media Cleanup Standards

Remedies will be required to attain media cleanup standards. As part of the necessary information for satisfying this requirement, the Permittee shall address whether the potential remedy will achieve the remediation objectives. An estimate of the time frame necessary to achieve the goals shall be included. Contingent remedies may be proposed if there is doubt if the initial remedy will be successful (e.g., contingent remedies to innovative technologies).

3. Control of Sources of Releases

The Permittee shall address the issue of whether source control measures are necessary, and if so, the type of actions that would be appropriate. Any source control measure proposed should include a discussion on how well the method is anticipated to work given the particular situation at the facility and the known track record of the specific technology.

4. Comply With any Applicable Standards for Management of Wastes

The Permittee shall include a discussion of how the specific waste management activities will be conducted in compliance with all applicable state and federal regulations (e.g., closure requirements, LDRs)

5. Other Factors

There are five general factors that will be considered as appropriate by EPA in selecting/approving a remedy that meets the four standards listed above. These five decision factors include:

- a. Long-term reliability and effectiveness;
- b. Reduction in the toxicity, mobility, or volume of wastes;
- c. Short-term effectiveness;
- d. Implementability; and
- e. Cost.



Examples of the type of information to include are provided below:

- a. Long-term reliability and effectiveness: The Permittee may consider whether the technology, or combination of technologies, have been used effectively under analogous site conditions, whether failure of any one technology in the alternative would have any immediate impact on receptors, and whether the alternative would have the flexibility to deal with uncontrollable changes at the site. Operation and maintenance requirements include the frequency and complexity of necessary operation and maintenance. In addition, each corrective measure alternative should be evaluated in terms of the projected useful life of the overall alternative and of its component technologies. Useful life is defined as the length of time the level of effectiveness can be maintained.
- b. Reduction in the toxicity, mobility or volume of wastes: As a general goal, remedies will be preferred that employ techniques that are capable of eliminating or substantially reducing the potential for the wastes in SWMUs and/or contaminated media at the facility to cause future environmental releases. Estimates of how the corrective measure alternative will reduce toxicity, mobility and or volume of the waste is required and may be accomplished through a comparison of initial site conditions to expected post-corrective measures conditions.
- c. Short-term effectiveness: The Permittee shall evaluate each corrective measure alternative for short-term effectiveness. Possible factors to consider are fire, explosion, exposure to hazardous constituents and potential threats associated with the treatment, excavation, transportation and re-disposal or containment of the waste material.
- d. Implementability: Information to consider when assessing implementability include:
  - i) The administrative activities needed to implement the corrective measure alternative (e.g. permits, rights of way, etc.) and the length of time these activities will take;
  - ii) The constructibility, time for implementation, and time for beneficial results;
  - iii) The availability of adequate off-site treatment, storage capacity, disposal services, needed

technical services and materials; and  
iv) The availability of prospective technologies for each corrective measure alternative.

e. Cost: The Permittee shall develop an estimate of the cost of each corrective measure alternative (and for each phase or segment of the alternative). The cost estimate shall include both capital and operation and maintenance costs. The capital costs shall include, but are not limited to, costs for: engineering, site preparation, construction, materials, labor, sampling/analysis, waste management/disposal, permitting, health and safety measures, etc. The operation and maintenance costs shall include labor, training, sampling and analysis, maintenance materials, utilities, waste disposal and/or treatment, etc. Costs shall be calculated as the net present value of the capital and operation and maintenance costs.

F. Justification and Recommendation of the Corrective Measure or Measures

The Permittee shall justify and recommend in the CMS Report a corrective measure alternative for consideration by the Agency. Such a recommendation should include a description and supporting rationale for the preferred alternative that is consistent with the corrective action standards and remedy selection decision factors discussed above. In addition, this recommendation shall include summary tables which allow the alternative or alternatives to be understood easily. Trade-offs among health risks, environmental effects, and other pertinent factors shall be highlighted. The Regional Administrator will select the corrective measure alternative or alternatives to be implemented based on the results presented in the CMS Report.

# PRELIMINARY DRAFT

## APPENDIX D

### Schedule of Compliance

Schedule of Compliance	Due Date
Notification of Newly Identified SWMUs and AOCs Condition II.B.1. and Condition II.B.2.	Within fifteen (15) calendar days of discovery
SWMU Assessment Report Condition II.B.3.	Within ninety (90) calendar days of notification
Notification for Newly Discovered Releases at Previously Identified SWMUs and AOCs Condition II.C.1.	Within fifteen (15) calendar days of discovery
Confirmatory Sampling Work Plan for SWMUs or AOCs identified in Appendix A.3 Condition II.D.1	Within forty-five (45) calendar days after effective date of permit
Confirmatory Sampling Work Plan for SWMUs identified under Condition II.B.4.	Within forty-five (45) calendar days of notification by the Regional Administrator (RA)
Confirmatory Sampling Report Condition II.D.4.	In accordance with the approved CS Work Plan
RFI Work Plan for SWMU(s) and AOC(s) identified under Condition II.A.1.	Within ninety (90) calendar days from effective date of permit
RFI Work Plan for SWMU(s) and AOC(s) Identified under Condition II.B.4., Condition II.C.2., or Condition II.D.5.	Within ninety (90) calendar days after receipt of notification by Regional Administrator (RA) which SWMUs or AOCs require an RFI

Schedule of Compliance	Due Date
RFI Progress Reports Condition II.E.3.a.	Quarterly, beginning ninety (90) calendar days from the start date specified by the RA *
Draft RFI Report Condition II.E.3.b.	In accordance with the approved RFI Work Plan
Final RFI Report Condition II.E.3.b.	Within thirty (30) calendar days after receipt of RA's final comments on Draft RFI Report
Interim Measures Work Plan Condition II.F.1.a.	Within thirty (30) calendar days of notification by RA
Interim Measures Progress Reports Condition II.F.3.a.	In accordance with the approved Interim Measures Work Plan **
Interim Measures Report Condition II.F.3.b.	Within ninety (90) calendar days of completion
CMS Work Plan Condition II.G.1.a.	Within ninety (90) calendar days of notification by RA that a CMS is required
Implementation of CMS Work Plan Condition II.G.2.	Within fifteen (15) calendar days after receipt of RA approval of Plan
Draft CMS Report Condition II.G.3.a.	In accordance with the schedule in the approved CMS Work Plan

Schedule of Compliance	Due Date
Final CMS Report Condition II.G.3.a.	Within thirty (30) calendar days of RA's final comments on Draft CMS Report
Demonstration of Financial Assurance Condition II.H.3.	Within one hundred twenty (120) calendar days after permit modification for remedy
Noncompliance/Imminent Hazard Report Condition I.D.14.	Oral within 24 hours and written within fifteen (15) calendar days of becoming aware of the hazardous circumstances
<p>The above reports must be signed and certified in accordance with 40 CFR §270.11.</p> <p>* This applies to Work Plan execution that requires more than one hundred eighty (180) calendar days</p> <p>** This applies to Work Plan execution that requires more than one year.</p>	

PR



APPENDIX E

Action Level



**Abstract**

Action levels shall be concent  
criteria:

- A.
1. Is derived in a manner that allows for the accurate assessment of human and environmental constituents; and
  2. Is based on scientific principles in accordance with the Laboratory Practice Manual;
  3. For human health, represents a concentration of carcinogens and other continuous constituents that is not expected to be deleterious to human health;
  4. For human health, represents a concentration (including sensitive populations) that is not expected to be deleterious to human health.



- B. For constituent(s) detected in groundwater, air, surface water, or soils, for which a concentration level that meets the criteria specified in section I.A.1 through I.A.4 of this appendix is not available or possible, the action level for the constituent(s) shall be the background concentration of the constituent(s).

## II. Groundwater

- A. Action levels for constituents in groundwater shall be concentrations specified as:
  - 1. MCLs; or
  - 2. For constituents for which MCLs have not been promulgated, a concentration which satisfies the criteria specified in section I.A.1 through I.A.4 of this appendix and calculated as specified in section VII of this appendix.
- B. In deriving action levels for constituents for which MCLs have not been promulgated, the recommended exposure/intake assumption of water is 2 liters/day for 70 kg adult/70 year lifetime exposure period.

## III. Surface Water

- A. Action levels for constituents in surface water shall be concentrations specified as:
  - 1. Water Quality Standards established pursuant to the Clean Water Act by the State in which the facility is located, where such standards are expressed as numeric values; or
  - 2. Numeric interpretations of State narrative water quality standards where water quality standards expressed as numeric values have not been established by the State; or
  - 3. MCLs for constituents in surface water designated by the State for drinking water supply, where numeric values or numeric interpretations, described in paragraphs 1 and 2, are not available; or
  - 4. For constituents in surface waters designated by the State for drinking water supply for which numeric values, numeric interpretations, or MCLs are not available, a concentration which meets the criteria specified in section I.A.1 through I.A.4 of this appendix and calculated as specified in section VII of this appendix, assuming exposure through consumption of the water contaminated with the constituent; or

5. For constituents in surface waters designated for use or uses other than drinking water supply and for which numeric values or numeric interpretations have not been established, a concentration established by the EPA Regional Administrator which meets the criteria specified in section I.A.1 through I.A.4 of this appendix and calculated as specified in section VII of this appendix.

- B. In deriving human health action levels for constituents in surface water, the recommended exposure/intake assumption of water is 2 liters/day for 70 kg adult/70 year lifetime exposure period.

#### IV. Air

- A. Action levels for constituents in air shall be defined as concentrations which meet the criteria specified in section I.A.1 through I.A.4 of this appendix and calculated as specified in section VII of this appendix, assuming exposure through inhalation of the air contaminated with the constituent, as measured or estimated at the facility boundary, or another location closer to the unit if necessary to protect human health and the environment.
- B. In deriving human health action levels for constituents in air, the RfC should be utilized as the action level, where available. The RfC includes exposure assumptions, and no calculations are necessary to calculate an action level. If a RfC is not available, the recommended exposure/intake assumption of air is 20 cubic meters/day for 70 kg adult/70 year lifetime exposure period.

#### V. Soils

- A. Action levels for constituents in soils shall be concentrations which meet the criteria specified in section I.A.1 through I.A.4 of this appendix.
- B. The calculation of human health action levels for soil includes several specific exposure routes which must be evaluated individually: 1) ingestion, 2) inhalation and 3) leachability to groundwater. In deriving action levels to address ingestion, inhalation and leaching, the methodology found in the most recent Soil Screening Level Guidance should be reviewed for appropriate equations and assumptions.

#### VI. Sediment

- A. Action levels for constituents in sediment shall be based on whether human health or ecological health is the major concern. If

ecological concerns are deemed to predominate, then action levels for constituents in sediment shall be concentrations based on the latest sediment screening values as calculated by Region 4. If an ecological sediment screening value for a constituent of concern has not been generated by Region 4 and cannot be generated using the criteria in sections I.A.1 and I.A.2, then the ecological action level for sediment shall be background. If human health is the prevailing concern, then the human health action level for sediment shall address all applicable exposures.

VII. Equations for Calculating Groundwater, Surface Water and Air Action Levels

A. Systemic Toxicants

$$C_m = [RfD * W]/[I]$$

where:

$C_m$  = action level in medium (units are medium-dependant);  
 $RfD$  = reference dose (mg/kg/day), value obtained from the Integrated Risk Information System (IRIS) or Health Effects Assessment Summary Tables (HEAST) (most recent version);  
 $W$  = body weight (kg);  
 $I$  = intake assumption (units are medium-dependent), specified for each medium in this appendix;

B. Carcinogenic Constituents

$$C_m = [R * W * LT]/[CSF * I * ED]$$

where:

$C_m$  = action level in medium (units are medium-dependent);  
 $R$  = assumed risk level (dimensionless), ( $10^{-6}$  for class A and B;  $10^{-5}$  for class C carcinogens);  
 $W$  = weight (kg);  
 $LT$  = assumed lifetime (70 years);  
 $CSF$  = carcinogenic slope factor (mg/kg/day) $^{-1}$ , value obtained from the Integrated Risk Information System (IRIS) or Health Effects Assessment Summary Tables (HEAST);  
 $I$  = intake assumption (units are medium-dependent), specified for each medium in this appendix;  
 $ED$  = exposure duration (70 years).

- C. For those constituents for which a Rfd and a CSF may both be available, the lower (more protective) of the two levels shall be used as an action level.