

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) PERMIT

**Facility Name and Location:** Fermi National Accelerator Laboratory  
Kirk Road and Pine Street  
Batavia, IL 60510-0500

**Owner(s):** U.S Department of Energy  
P.O. Box 2000  
Batavia, IL 60510-0500

**Operator(s):** Fermi Research Alliance, LLC  
P.O Box 500  
Batavia, IL 60510-500

**EPA Identification Number:** IL6 890 030 046

**Effective Date:** 30 Days from Issuance Date of the Final Permit

**Expiration Date:** 10 Years from the Effective Date of the Final Permit

**Authorized Activities:**

The U.S. Environmental Protection Agency hereby issues a Resource Conservation and Recovery Act (RCRA) permit (hereinafter referred to as the "permit") to Fermi National Accelerator Laboratory. U.S. Department of Energy, owner, Fermi Research Alliance LLC, operator (hereinafter referred to as the "Permittee" or addressed in the second person as "you") in connection with the hazardous waste storage activities at Kirk Road and Pine Street Batavia, Illinois, 60510.

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

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

This permit contains the federal RCRA permit conditions. The Permittee also has a state RCRA permit which contains conditions issued by the State of Illinois's RCRA program authorized under 40 C.F.R. Part 271. Any hazardous waste activity which requires a RCRA permit and is not included in this permit or the state RCRA permit is prohibited.

**Permit Approval:**

On January 31, 1986, the State of Illinois received final authorization pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926 and 40 C.F.R. Part 271, to administer the pre-HSWA RCRA hazardous waste program. The State of Illinois has also received final authorization to administer certain additional RCRA requirements on several occasions since then. However, because the EPA has not yet authorized the State of Illinois to administer certain regulations, including the air emission standards for containers handling hazardous wastes (40 C.F.R. § 264.1080 *et seq.*, also known as "Subpart CC"), recent additions to the regulations covering the land disposal restrictions (40 C.F.R. Part 268), and changes to other sections of applicable regulations, the EPA, Region 5, is issuing the RCRA permit requirements for operations at the Permittee's facility which falls under these regulations.

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

This permit is based on the assumptions that: (1) the information submitted in the Permittee's RCRA permit application dated December 18, 2015, and all other modifications to that application (hereinafter, referred to as the "Application") are complete and accurate, and, (2) the facility is configured, operated, and maintained as specified in the permit, and as described in the permit application.

Any inaccuracies in the information submitted by or on behalf of the Permittee constitute grounds for the EPA to terminate, revoke and reissue, or modify this permit in accordance with 40 C.F.R. §§ 270.41, 270.42 and 270.43; and for enforcement action. You must promptly inform the EPA of any deviation from, or changes in, the information in the Application that might affect your ability to comply with the applicable regulations or conditions of this permit.

**Opportunity to Appeal:**

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

**Effective Date:**

This permit is effective as of **(30 Days from Issuance Date of the Final Permit)** and will remain in effect until **(10 Years from the Effective Date of the Final Permit)**, unless revoked and reissued under 40 C.F.R. § 270.41, terminated under 40 C.F.R. § 270.43, or continued in accordance with 40 C.F.R. § 270.51(a).

By: \_\_\_\_\_  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

Date: \_\_\_\_\_

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## SECTION I—STANDARD PERMIT CONDITIONS

### I.A EFFECT OF PERMIT

This permit contains federal permit conditions. The Permittee also has a state RCRA permit. You are hereby allowed to store hazardous waste at this facility in accordance with this permit and the effective State permit. Under this permit, the storage, treatment and disposal of RCRA hazardous waste must comply with all terms and conditions in this permit. Other aspects of the storage, treatment and disposal of RCRA hazardous wastes are subject to the conditions in the state-issued portion of the RCRA permit. Any hazardous waste activity that requires a RCRA permit and is not included either in this permit or the state RCRA permit is prohibited.

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

This permit does not: (1) convey any property rights or any exclusive privilege; (2) authorize any injury to persons or property, or invasion of other private rights; or, (3) authorize any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued, or any action brought, under: (1) Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; (2) Sections 104, 106(a), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC §§ 9601 *et seq.* (commonly known as CERCLA); or, (3) any other law protecting human health, welfare, or the environment. 40 C.F.R. §§ 270.4 and 270.30(g).

### I.B PERMIT ACTIONS

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

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

You must not perform any construction associated with a Class 3 permit modification request until such modification request is granted and the modification becomes effective.

You may perform construction associated with a Class 2 permit modification request beginning sixty (60) days after submission of the request unless the Director establishes a later date. 40 C.F.R. § 270.42(b)(8).

### **I.B.2 Permit Renewal**

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

## **I.C SEVERABILITY**

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

## **I.D DEFINITIONS**

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

## **I.E DUTIES AND REQUIREMENTS**

### **I. E.1 Duty to Comply**

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

### **I.E.2 Duty to Reapply**

If you wish to continue the permit regulated activities after the expiration date, you must apply for and obtain a new permit. You must submit a complete application for a new permit at least 180 days before the permit expiration date, unless the Director grants permission for a later submittal date. The Director will not grant permission to submit the

complete application for a new permit later than the permit's expiration date. 40 C.F.R. § 270.10(h) and § 270.30(b).

### **I.E.3 Permit Expiration**

Unless revoked or terminated, this permit and all conditions herein will be effective for a fixed term not to exceed 10 years from this permit's effective date. This permit and all conditions herein will remain in effect beyond the permit's expiration date if you have submitted a timely, complete application (40 C.F.R. §§ 270.10, 270.11 and 270.13 through 270.29), and, through no fault of your own, the Director has not made a final determination regarding permit reissuance. 40 C.F.R. §§ 270.50, and 270.51.

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

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

### **I.E.5 Duty to Mitigate**

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

### **I.E.6 Proper Operation and Maintenance**

You must always properly operate and maintain all facilities and treatment and control systems (and related appurtenances) that you install or use to comply with this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires you to operate back-up or auxiliary facilities or similar systems only when necessary to comply with this permit. 40 CFR § 270.30(e).

### **I.E.7 Duty to Provide Information**

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

### **I.E.8 Inspection and Entry**

Upon the presentation of credentials and other legally required documents, you must allow the Director or an authorized representative to:

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

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

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

**I.E.8.d** sample or monitor any substances or parameters at any location at reasonable times, to ensure permit compliance or as RCRA otherwise authorizes. 40 CFR § 270.30(i). Notwithstanding any provision of this permit, EPA retains the inspection, access and information gathering authority which it has under RCRA and other applicable laws.

### **I.E.9 Monitoring and Records**

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

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

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

**I.E.9.d** You must retain all reports, records, or other documents, required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the reports, records, or other

documents, unless a different period is specified in this permit. The 3-year period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. 40 C.F.R. §§ 270.30(j) and 270.31.

#### **I.E.10 Reporting Planned Changes**

You must notify the Director promptly of any planned physical alterations or additions to the permitted facility. 40 C.F.R. § 270.30(l)(1).

#### **I.E.11 Reporting Anticipated Noncompliance**

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

#### **I.E.12 Certification of Construction**

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

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

**I.E.12b** the Director waives the inspection and the Permittee may commence treatment, storage or disposal of hazardous waste in accordance with 40 C.F.R. § 270.30.

#### **I.E.13 Transfer of Permits**

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

**I.E.14 Twenty-Four Hour Reporting**

All reports to the Director under this Section are in addition to all other reports that you must make by operation of law. Compliance with this Section does not relieve you of the obligation to make all other reports required by law.

**I.E.14.a** You must report to the Director any noncompliance with this permit and/or other situations that may endanger human health or the environment. Any such information must be reported orally promptly and no later than 24 hours from the time you become aware of the circumstances. The report must also include the following information:

- (1) any information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies;
- (2) any information of a release or discharge of hazardous waste; or,
- (3) any information of a fire or explosion from the hazardous waste management facility. 40 C.F.R. §§ 270.30(1)(6) and 270.33.

**I.E.14.b** You must include the following information:

- (1) name, title and telephone number of the person making the report;
- (2) name, address and telephone number of the facility;
- (3) name, address and telephone number of the owner and/or operator;
- (4) date, time and type of incident;
- (5) location and cause of incident;
- (6) identification and quantity of material(s) involved;
- (7) extent of injuries, if any;
- (8) assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (9) description of any emergency action taken to minimize the threat to human health and the environment; and,
- (10) estimated quantity and disposition of recovered material that resulted from the incident. 40 C.F.R. §§ 270.30(1)(6).

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

- (1) name, address, and telephone number of the person reporting;
- (2) incident description (noncompliance and/or release or discharge of hazardous waste), including cause, location, extent of injuries, if any, and an assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;

- (3) period(s) in which the incident (noncompliance and/or release or discharge of hazardous waste) occurred, including exact dates and times;
- (4) whether the incident's results continue to threaten human health and the environment, which will depend on whether the noncompliance has been corrected and/or the release or discharge of hazardous waste has been adequately cleaned up; and
- (5) if the noncompliance has not been corrected, the anticipated period for which it is expected to continue, and the steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance.

The Director may waive the requirement to provide written notice in favor of a written report submitted within fifteen (15) calendar days of the time the permittee becomes aware of the circumstances, in accordance with Conditions I.E.14.a and I.E.14.b of this permit. 40 C.F.R. § 270.30(l)(6).

#### **I.E.15 Other Noncompliance**

All reports to the Director under this Section are in addition to all other reports that you must make by operation of law. Compliance with this Section does not relieve you of the obligation to make all other reports required by law.

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

#### **I.E.16 Other Information**

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

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

### **I.F SIGNATORY REQUIREMENT**

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

**I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR**

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

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

**I.H CONFIDENTIAL INFORMATION**

In accordance with 40 C.F.R. Part 2, Subpart B, you may claim any information this permit requires, or is otherwise submitted to the EPA, as confidential. You must assert any such claim at the time of submittal in the manner prescribed on the application form or instructions, or, in the case of other submittals, by stamping the words "Confidential Business Information" on each page containing such information. If you made no claim at the time of submittal, EPA may make the information available to the public without further notice. If you assert a claim, the information will be treated in accordance with the procedures in 40 C.F.R. Part 2 (*See* 40 C.F.R. § 270.12). You have the burden of substantiating that the claimed information is confidential, and U.S. EPA may request further information from you regarding such claim, and may reasonably determine which such information to treat as confidential. (See also 41 Fed. Reg. 36902 (1976); 43 Fed. Reg. 39997 (1978); 48 Fed. Reg. 14228 (1983); and 50 Fed. Reg. 51654 (1985)).

**I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY**

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

**I.I.1 Operating Record**

You must maintain in the facility's operating record the documents required by this permit, and by the applicable portions of 40 C.F.R. §§ 264.1035, 1064, 1084, 1088, 1089, 1090 and 40 C.F.R. § 264.73 (as they apply to the equipment used to comply with this permit).

**I.I.2 Notifications**

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

**I.I.3 Copy of Permit**

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

**I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE**

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

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

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

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

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

**I.K COORDINATION WITH THE CLEAN AIR ACT**

You must fully comply with the RCRA requirements contained in this permit. This permit does not include the requirements imposed by the Clean Air Act.

## SECTION II -- LAND DISPOSAL RESTRICTIONS

### II.A GENERAL CONDITIONS

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

**II.A.2** A mixture of any restricted waste with non-restricted waste(s) is a restricted waste under 40 C.F.R. Part 268.

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

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

### II.B TESTING AND RELATED REQUIREMENTS

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

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

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

### II.C STORAGE PROHIBITIONS

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

**II.C.2** Except as otherwise provided in 40 C.F.R. § 268.50, you may store restricted wastes in containers solely for the purpose of the accumulation of such quantities of hazardous wastes as necessary to facilitate proper recovery, treatment, or disposal provided that each container is clearly marked to identify its contents and the date each period of accumulation begins and such information is recorded and maintained in the operating record at the facility.

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

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

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

#### **II.D. BLENDING OF METAL WASTES**

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

### **SECTION III -- OTHER FEDERAL RCRA REQUIREMENTS**

#### **III.A ADDITIONAL HAZARDOUS WASTE NUMBERS**

In addition to the hazardous waste numbers listed in the State-issued portion of the RCRA permit, you may handle the newly listed hazardous wastes, promulgated under the HSWA, at your facility only if you have submitted a Class 1 and/or Class 2 permit modification and complied with the other requirements under 40 C.F.R. § 270.42(g). All handling of these wastes must comply with the applicable provisions of both the State-issued and the Federal-issued portion of the RCRA permit.

**SECTION IV -- AIR EMISSIONS STANDARDS (40 CFR Part 264, Subpart CC)****IV.A GENERAL**

You must comply with all applicable requirements of 40 C.F.R. § 264.1080 through 40 C.F.R. § 264.1090, regarding air emission standards for containers handling hazardous waste. All containers not exempt from 40 C.F.R. Part 264, Subpart CC must be managed using the applicable standards in that Subpart, as set forth below. The containers subject to your State RCRA permit, described below, include Level 1 containers and therefore must comply with the standards at 40 C.F.R. § 264.1086(c), Container Level 1 standards. 40 C.F.R. § 264.1086(c).

You shall not conduct waste stabilization process as defined in 40 C.F.R. § 265.1081, in containers which contain hazardous waste.

**IV. A.1** A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation under 40 C.F.R. Parts 60, 61, or 63, is not subject to the requirements of 40 C.F.R. Subpart CC. 40 C.F.R. § 264.1080(b)(7). For this hazardous waste management unit, the owner and operator must record and maintain the following information in its operating record for as long as the hazardous waste management unit is not using air emission controls specified in 40 C.F.R. § 264.1086:

**IV.A.1.a** certification that the waste management unit is equipped with and operating air emission controls in accordance with 40 C.F.R. Parts 60, 61, or 63. 40 C.F.R. § 264.1089(j)(1); and,

**IV.A.1.b** identification of the specific requirements under 40 C.F.R. Parts 60, 61, or 63 with which the waste management unit is in compliance. 40 C.F.R. § 264.1089(j)(2).

**IV.A.2** Each container in which hazardous wastes is placed must comply with the terms and conditions of this Section IV, unless you satisfy all the requirements of, Condition IV.A.1 above for the container.

**IV.A.3** You must comply with the terms and conditions of Section IV for any container, notwithstanding any certification under Condition IV.A.1 above, in the following circumstances:

**IV.A.3.a** the regulation under 40 C.F.R. Parts 60, 61, or 63 is no longer applicable to the container.

**IV.A.3.b** the regulation under 40 C.F.R. Parts 60, 61, or 63 does not or no longer

requires that air emissions from the container be controlled.

When either condition in Condition IV.A.3.a or IV.A.3.b occurs or the hazardous waste management unit is not equipped with and operating air emission controls in accordance with the requirements under the Clean Air Act regulation at 40 C.F.R. Parts 60, 61, or 63, 40 C.F.R. Subpart CC is applicable and you must immediately comply with the terms and conditions of this Section IV for such container.

## **IV.B WASTE DETERMINATION**

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

## **IV.C CONTAINERS**

### **IV.C.1 Requirements for Level 1 Containers Standards**

Except as specified in Conditions IV.C.2 and IV.C.5 below, you must manage hazardous waste placed in containers having a design capacity greater than 0.1 m<sup>3</sup> in accordance with the Container Level 1 standards, as stipulated under 40 C.F.R. § 264.1086(c). A level 1 container must:

**IV.C.1.a** meet the applicable U.S. Department of Transportation (DOT) regulations as specified in 40 CFR § 264.1086(f); or

**IV.C.1.b** be equipped with a cover and closure devices with an acceptable tightness and construction materials in accordance with 40 C.F.R. § 264.1086(c)(1)(ii); or,

**IV.C.1.c** be an open-top container with organic vapor suppressing barrier to prevent hazardous waste from being exposed to the atmosphere as specified in 40 C.F.R. § 264.1086(c)(1)(iii).

**IV.C.2.** Containers used to meet the requirements of 40 C.F.R. § 264.1086(c)(1)(ii) or (iii), must be equipped with covers and closure devices that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as the container is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must be in accordance with 40 C.F.R. § 264.1086(c)(2). Any chemical used for vapor suppression must not generate heat and/or fume and must be compatible with the hazardous waste in the container. Vapor suppression chemicals must act as an acceptable and stable barrier to the hazardous waste, thus preventing release of VO into the

environment. The barrier shall not chemically react to the hazardous waste.

**IV.C.3.** All covers and closure devices must be in the closed position whenever hazardous waste is in a container except as provided in 40 C.F.R. § 264.1086(c)(3)(i) through (v).

**IV.C.4** You must inspect and repair the containers and their covers and closure devices in accordance with 40 C.F.R. § 264.1086(c)(4).

**IV.C.5.** For any container with a capacity of 0.46 m<sup>3</sup> or greater which does not meet the applicable DOT regulations as specified in § 264.1086(f), you must maintain at the facility a copy of the procedure that you used to determine that the container is not managing hazardous waste in light material service, as defined in 40 C.F.R. §265.1081. 40 C.F.R. § 264.1086(c)(5).

**IV.C.6.1.** You are prohibited to store or manage any container with a design capacity greater than 0.46 m<sup>3</sup> (122 gallons) and in light material service.

**IV.C.7.** You must process a permit modification and obtain an approval from the Director, if you plan to manage containers with a design capacity greater than 0.46 m<sup>3</sup> (122 gallons) and in light material service as defined in 40 CFR § 265.1081 in accordance with Container Level 2 standards as set forth in 40 CFR § 264.1086(d).

#### **IV.D CONTAINERS EXEMPT FROM 40 C.F.R. PART 264, SUBPART CC, CONTROL STANDARDS**

**IV.D.1.a** As set forth at 40 C.F.R. § 264.1082(c)(1), a container is exempt from the standards specified in 40 C.F.R. Part 264, Subpart CC, provided that all hazardous waste entering the container has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration must be determined using direct measurement or approved method under 40 C.F.R. §§ 264.1082(d) and 264.1083(a).

**IV.D.1.b** For each container, you must review and update the determination that all hazardous waste entering the container has an average VO concentration at the point of waste origination of less than 500 ppmw at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the container. 40 C.F.R. § 264.1082(c)(1). For each container you must prepare and maintain the records described in 40 C.F.R § 264.1089(f). These records must be maintained as part of the operating record.

**IV.D.1.c** You shall perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO

concentration of the hazardous waste managed in the containers to increase to a level that is equal or greater than 500 ppmw. 40 C.F.R. § 264.1083(a)(ii).

#### **IV.E RECORDKEEPING AND REPORTING REQUIREMENTS**

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