



**EURECAT US, INC.
MCALESTER, OKLAHOMA
EPA ID # OKD987097151**

**OPERATIONS PERMIT
TO OPERATE AND MAINTAIN
A
HAZARDOUS WASTE STORAGE
AND RECYCLING FACILITY**

ISSUED BY
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
----- 2018

**RCRA OPERATIONS PERMIT
FOR A HAZARDOUS WASTE MANAGEMENT FACILITY**

Permittee: Eurecat US, Inc.
 McAlester, Oklahoma

Permit Number: 987097151-OP
EPA ID Number: OKD987097151

Effective Date: _____, 2018
Expiration Date: _____, 2028

Pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §§ 6901 *et seq.*, commonly known as RCRA), including the Hazardous and Solid Waste Amendments of 1984 (HSWA), and regulations promulgated thereunder by the U.S. Environmental Protection Agency (EPA) and the Oklahoma Department of Environmental Quality (DEQ) pursuant to the Oklahoma Hazardous Waste Management Act (OHWMA) 27A O.S. §§ 2-7-101 *et. seq.*, as amended, a Permit to operate a hazardous waste storage and recycling facility is reissued by DEQ to Eurecat US, Inc. (hereafter called the Permittee). The facility is located in McAlester on 100 Steven Taylor Boulevard with the legal description of SW/4, NW/4, NW/4 of Section 10, Township 5N, Range 14E Indian Meridian, Pittsburg County, Oklahoma, summarily described as follows:

The Permittee is an offsite recycling and container storage facility for spent refinery catalyst. The RCRA Storage and Recycling Permit is for waste codes D001, D003, D004 – D011, D018, D019, D021, D027, D028, D029, D030, D032 – D036, D038, D039, D040, K171, and K172. When the facility is eventually closed, the Permittee is required to remove all hazardous waste and decontaminate all equipment and structures with no post-closure maintenance or groundwater monitoring anticipated.

The Permittee must comply with all terms and conditions of this Permit. The Permit consists of the conditions contained herein (including those in any attachments), the applicable standards and general facility conditions developed in accordance with the OHWMA, and the provisions contained in 40 CFR Part 260 through 266, 268, 270, 279 and 124, as specified in the Permit. Applicable State and Federal regulations are those which are in effect on the date of issuance of this Permit, in accordance with 40 CFR 270.32(c).

This Permit is based on the assumption that all information submitted in the Part B Permit application attached to the Permittee's letter dated November 10, 2016 (hereafter referred to as the application) is accurate, and that the facility will be operated as specified in the application.

Any inaccuracies found in the submitted information may be grounds for termination, revocation and reissuance, or modification of this Permit in accordance with 40 CFR 270.41, 270.42, and 270.43 and for enforcement action.

This Permit is effective as of _____, 2018 and shall remain in effect until _____, 2028 unless revoked and reissued under 40 CFR 270.41, terminated under 40 CFR 270.43, or continued in accordance with 40 CFR 270.51(a).

Issued by the Oklahoma Department of Environmental Quality this ---- day of -----, 2018.

Hillary Young, P.E., Chief Engineer (Date)
Land Protection Division
Oklahoma Department of Environmental Quality

Kelly Dixon, Director (Date)
Land Protection Division
Oklahoma Department of Environmental Quality

EURECAT US, INC.

FACT SHEET

Potential Permit Conditions for the renewal of a Resource Conservation and Recovery Act (RCRA) Operations Permit. This is a Tier II Permit Action.

Type of Proposed Action: Renewal RCRA Operations Permit.

Type of Facility: Hazardous Waste Storage and Recycling Facility.

Facility Name: Eurecat US, Inc.

EPA ID Number: OKD987097151

Location: 100 Steven Taylor Boulevard, McAlester, Oklahoma 74501

Legal Description: The Southwest Quarter (SW/4), Northwest Quarter (NW/4), Northwest Quarter (NW/4) of Section 10, Township 5 North, Range 14 East Indian Meridian, Pittsburg County, Oklahoma.

Geographic Location: Latitude: 34° 55' 28" North
Longitude: 95° 49' 27" West

Land Owner: Eurecat US, Inc.
1331 Gemini Street, Suite 310
Houston, Texas 77058

Facility Operator: Eurecat US, Inc.
Rodrigo C. Pinto, Executive Vice President
1331 Gemini Street, Suite 310
Houston, Texas 77058
(281) 218-0669

Comment Period: 45 days from the date of publication

Basis of the Draft Permit

On November 10, 2016, Eurecat US, Inc. submitted to the Oklahoma Department of Environmental Quality's (DEQ) Land Protection Division a RCRA/HSWA Operations Permit Renewal Application with significant changes for operating and maintaining a storage and recycling facility. After review, DEQ has determined that it is appropriate to approve the application and issue a new Operations Permit.

The basic requirements of the Oklahoma Hazardous Waste Management Act (OHWMA); the Oklahoma Administrative Code Hazardous Waste Management Regulations (OAC 252:205) as amended; the Federal Resource Conservation and Recovery Act (RCRA), and the Federal Hazardous Waste Regulations have been met, and DEQ has prepared these proposed permit conditions.

The Operations Permit (draft) potential conditions were developed by DEQ and incorporate applicable conditions from OAC 252:205 and Title 40 of the Code of Federal Regulations (40 CFR) Part 270, additional conditions to enhance compliance with OAC 252:205, 40 CFR Parts 260-279, and such other conditions as are required to achieve environmentally sound hazardous waste management.

The administrative record supporting the potential permit conditions consists of the Part B application, additional supporting documentation, the draft permit, and this Fact Sheet. The administrative record will be supplemented with any comments received during the public comment period.

Information Resources

Copies of the proposed draft Permit conditions, this Fact Sheet, and the Part B application are available for review during normal business hours at the locations listed below:

Eurecat US, Inc.
100 Steven Taylor Blvd.
McAlester, Oklahoma 74501
(918) 423-5800

McAlester Public Library
401 North 2nd St.
McAlester, Oklahoma 74501
(918) 426-0930

Central Records
Oklahoma Department of Environmental Quality
707 North Robinson
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677
(405) 702-1188
deq.state.ok.us/lpdnew/DraftPermits/ppp.html

Telephone inquiries may be directed to:

Hillary Young, Chief Engineer
Land Protection Division, DEQ (405) 702-5100

Marilyn Warren, HSE Specialist
Eurecat US, Inc., McAlester (918) 423-5800

Comment Period and Procedures

Persons wishing to comment on the proposed permit conditions may submit their comments in writing to the agency at the address listed below. DEQ will consider and formally respond to all relevant comments in the issuance of a final permit decision. Comments should be directed to the appropriateness of the permit decision and the permit conditions, and should be of a factual nature. All comments must be received at the agency no later than forty-five (45) days after first publication of the Notice of Filing.

Hillary Young
Chief Engineer
Land Protection Division
Oklahoma Department of Environmental Quality
707 North Robinson
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677

The applicable comment and public hearing procedures may be found in OAC 252:4 and 40 CFR Part 124. The comment period during which written comments on the draft permit may be submitted extends for forty-five (45) days from the first date of Notice of the proposed action.

Public Meeting

Pursuant to 40 CFR Part 124 and the Uniform Permitting Act, Title 27A of Oklahoma Statutes, Section 2-14-303, interested parties may request a public meeting on the permit. The request must be in writing and submitted prior to the closing date of the comment period which expires forty-five (45) days from the date of publication. Persons wishing to request a public meeting should submit their request and/or comments in writing to Hillary Young, Chief Engineer, Land Protection Division at the above address no later than forty-five (45) days after first publication.

Notice of Final Determination

DEQ will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. Within thirty (30) days after a RCRA permit decision has been issued, any person who filed comments on the draft permit or participated in the public meeting/hearing may petition the Executive Director of DEQ to review any condition of the permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period, and when appropriate, a showing that the condition in question is based on a finding of fact or conclusion of law which is clearly erroneous, or an exercise of discretion or important policy consideration which DEQ should review. A petition to DEQ is a prerequisite to judicial review under OAC 252:205-3-2 which incorporates 40 CFR 124.19 and should be directed to the address listed below:

Scott Thompson, Executive Director
Department of Environmental Quality
707 N. Robinson
Oklahoma City, Oklahoma 73101-1677

If no comments are received during the comment period, the permit will become final and effective immediately upon issuance.

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SECTION I – GENERAL PERMIT CONDITIONS

A. GENERAL

The Permittee shall operate the facility in compliance with the provisions of the Oklahoma Hazardous Waste Management Act (OHWMA), 27A O.S. §§ 2-7-101 *et seq.*, as amended, the Oklahoma Administrative Code (OAC 252:205), the Federal Resource Conservation and Recovery Act (RCRA), the Hazardous and Solid Waste Amendments of 1984 (HSWA), and the approved Permit application as further modified through Permit conditions set herein.

B. BASIS OF PERMIT

This Permit is granted based on the information submitted and the design criteria presented in the application. Any inaccuracies found in this information could provide cause for the termination or modification of this Permit, and for enforcement action. The Permittee is to inform the Land Protection Division of the Oklahoma Department of Environmental Quality (DEQ) of any deviation from or changes to the design or operation of the facility which could affect the Permittee's ability to comply with the applicable regulations or Permit conditions.

This Permit shall be reviewed by DEQ five (5) years after the date of Permit issuance and shall be modified as necessary, as provided in 40 CFR 270.41 and OHWMA Section 2-7-127(B). Except as provided in Condition I.F.3 (40 CFR 270.51), the term of this Permit shall not be extended by modification beyond the expiration date appearing on the face of this Permit (40 CFR 270.50(b)).

C. INCORPORATION BY REFERENCE

All the referenced Code of Federal Regulations (40 CFR) Parts 124, 260 through 266, 268 and 270 as specified in the Permit are, unless otherwise stated, incorporated in their entirety by OAC 252:205-3-2.

D. DEFINITIONS

For purposes of this Permit and the special conditions pursuant to the 1984 Hazardous and Solid Waste Amendments to RCRA, terms used herein shall have the same meaning as those in 40 CFR Parts 124, 260, 261, 264, 266, 268 and 270; and OAC 252:205-3-2 through OAC 252:205-3-6; unless this Permit specifically provides otherwise. Where terms are not defined in OAC, RCRA regulations or this Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

“Area of Concern” (AOC) means any discernable unit or area which, in the opinion of DEQ, may have received solid or hazardous waste or waste containing hazardous constituents at any time. DEQ may require investigation of the unit as if it were a SWMU. If shown to be a SWMU by the investigation, the AOC must be reported by the Permittee as a newly-identified SWMU. If the AOC is shown not to be a SWMU by the investigation, DEQ may determine that no further action is necessary and notify the Permittee in writing.

“CMS” means Corrective Measures Study.

“DEQ” means the Oklahoma Department of Environmental Quality.

“Director” means the Executive Director of DEQ, or his/her designee or authorized representative.

“Division Director” means the Director of the Land Protection Division of DEQ, or his/her designee or authorized representative.

“EPA” means the United States Environmental Protection Agency.

“Facility” means all contiguous property under the control of the owner or operator seeking a Permit under Subtitle C of RCRA.

“HSWA” means the 1984 Hazardous and Solid Waste Amendments to RCRA.

“Hazardous Constituent” means any constituent identified in Appendix VII of 40 CFR Part 261, or any constituent identified in Appendix IX of 40 CFR Part 264.

“Hazardous Waste” means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed [42 U.S. Code § 6903(5)]. The term hazardous waste includes hazardous constituent.

“Land Protection Division” (LPD) means the Land Protection Division of DEQ.

“Permit” means the full permit, Resource Conservation and Recovery Act and special conditions pursuant to the 1984 Hazardous and Solid Waste Amendments to RCRA.

“Permittee” means Eurecat US, Inc., McAlester, Oklahoma 74501, EPA ID #OKD987097151.

“RCRA” means the Resource Conservation and Recovery Act of 1980 as amended by HSWA in 1984.

“RFA” means RCRA Facility Assessment.

“RFI” means RCRA Facility Investigation.

“Regional Administrator” means the Regional Administrator of EPA Region VI, or his/her designee or authorized representative.

“Release” means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes or hazardous constituents into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents).

“Solid Waste Management” means the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

“Solid Waste Management Unit” (SWMU) means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released. The definition includes regulated units (i.e., landfills, surface impoundments, waste piles and land treatment units) but does not include passive leakage or one-time spills from production areas and units in which wastes have not been managed (e.g., product storage areas).

If, subsequent to the issuance of this Permit, regulations are promulgated which redefine any of the above terms, DEQ may, at its discretion, apply the new definition to this Permit by modifying the Permit in accordance with 40 CFR Section 270.41.

E. EFFECT OF PERMIT

The Permittee is allowed to store and recycle hazardous waste in accordance with the conditions of this Permit. Any storage, recycling, treatment, and/or disposal of hazardous waste not authorized in this Permit is prohibited, unless exempted from Permit requirements. Subject to 40 CFR 270.4, compliance with this Permit generally constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA. Issuance of this Permit does not convey any 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 laws or regulations. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under the OHWMA; Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; Sections 104, 106(a) 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 from an imminent or substantial endangerment. [40 CFR 270.4, 270.30(g)]

F. PERMIT ACTIONS

1. Permit Modification, Revocation and Reissuance, and Termination

This Permit may be modified, revoked and reissued, or terminated for cause, as specified in 40 CFR 270.41, 270.42, and 270.43. 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. [40 CFR 270.4(a), 270.30(f)]

2. Permit Renewal

This Permit may be renewed as specified in 40 CFR 270.30(b) and Permit Condition I.H.2. Review of any application for a Permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations. [40 CFR 270.30(b)]

3. Permit Expiration

Pursuant to 40 CFR 270.50, this Permit shall be effective for a fixed term not to exceed ten years. This Permit and all conditions herein will remain in effect beyond the Permit's expiration date, if the Permittee has submitted a timely, complete application (see 40 CFR 270.10, 270.13 through 270.29) and, through no fault of the Permittee, DEQ has not issued a new Permit, as set forth in 40 CFR 270.51. Permits continued under this section remain fully effective and enforceable. When the Permittee is not in compliance with the conditions of the expiring or expired Permit, DEQ may choose to do any one or more of the following:

- a. Initiate enforcement action based upon the Permit which has been continued;
- b. Issue a notice of intent to deny the new Permit under 40 CFR 124.6. If the Permit is denied, the owner or operator would then be required to cease the activities authorized by the continued Permit or be subject to enforcement action for operating without a Permit;
- c. Issue a new Permit under Part 124 with appropriate conditions; or
- d. Take other actions authorized by these regulations.

4. Transfer of Permits

This permit is not transferrable to any person, except after notice to DEQ. DEQ may require modification or revocation and reissuance of the Permit pursuant to 40 CFR 270.40. Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270 and this Permit. [40 CFR 270.30(1)(3), 264.12(c)]

G. SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. [40 CFR 124.16(a)]

H. DUTIES AND REQUIREMENTS

1. Duty to Comply

The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration that noncompliance is authorized by an emergency Permit. Any Permit noncompliance, other than noncompliance authorized by an emergency Permit, constitutes a violation of OHWMA and RCRA and is grounds for enforcement action, Permit termination, revocation and reissuance, modification, or denial of a Permit renewal application. [40 CFR 270.30(a)]

2. Duty to Reapply

If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new Permit at least 180 days prior to Permit expiration. [40 CFR 270.10(h) and 270.30(b)]

3. 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. [40 CFR 270.30(c)]

4. Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. [40 CFR 270.30(d)]

5. 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/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit. [40 CFR 270.30(e)]

6. Duty to Provide Information

The Permittee shall furnish to DEQ, within a reasonable time, any relevant information which DEQ 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 DEQ, upon request, copies of records required to be kept by this Permit. [40 CFR 270.30(h)]

7. Inspection and Entry

Pursuant to 40 CFR 270.30(i), the Permittee shall allow DEQ, or an authorized representative, upon the presentation of credentials and other documents, as may be required by law, to:

- a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- d. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

8. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method

approved by DEQ. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, Standard Methods of Wastewater Analysis, or an equivalent approved method. [40 CFR 270.30(j)(1)]

- b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, 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 3 years from the date of the sample, measurement, report, record, certification, or application. These periods may be extended by request of DEQ at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. [40 CFR 270.30(j)(2)]
- c. Pursuant to 40 CFR 270.30(j)(3), records of monitoring information shall specify:
 - i) The date(s), exact place, and times of sampling or measurements;
 - ii) The individual(s) who performed the sampling or measurements;
 - iii) The date(s) analyses were performed;
 - iv) The individual(s) who performed the analyses;
 - v) The analytical techniques or methods used; and
 - vi) The results of such analyses.

9. Reporting Planned Changes

The Permittee shall give notice to DEQ, as soon as possible, of any planned physical alterations or additions to the permitted facility. [40 CFR 270.30(l)(1)]

10. Reporting Anticipated Noncompliance

The Permittee shall give advance notice to DEQ of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements. [40 CFR 270.30(l)(2)]

11. Reporting Incidents [OAC 252:205-13-1 and 40 CFR 270.30(l)(6)]

- a. Upon release of materials that are or become hazardous waste whether by spillage, leakage, or discharge to soils or to air or to surface or ground waters (outside the limits of a discharge permit), or by other means, and which could threaten human health or the environment, the owner or operator shall immediately notify the DEQ and take all necessary action to contain, remediate, and mitigate hazards from the release. [OAC 252:205-13-1(a)]
- 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 hazards to the environment and human health outside the facility, where this is applicable; and
- vii) Estimated quantity and disposition of recovered material that resulted from the incident. [40 CFR 270.30(l)(6)(ii)]

- c. A written submission shall also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance 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. DEQ may waive the five-day written notice requirement in favor of a written report within 15 days. [40 CFR 270.30(l)(6)(iii)]

12. Manifest Discrepancy Report

If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved within fifteen (15) days, the Permittee must submit a letter including a copy of the manifest to DEQ. [40 CFR 264.72, 270.30(l)(7)]

13. Unmanifested Waste Report

If hazardous waste is received from off-site without an accompanying manifest, a report must be submitted to DEQ within fifteen (15) days of receipt of the unmanifested waste. [40 CFR 264.76, 270.30(l)(8)]

14. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above at the time monitoring reports are submitted. The reports shall contain the information listed in Permit Condition I.H.11. [40 CFR 270.30(l)(10)]

15. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit application, or submitted incorrect information in a Permit

application or in any report to DEQ, the Permittee shall promptly submit such facts or information. [40 CFR 270.30(l)(11)]

I. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to or requested by DEQ, its designee, or authorized representative, shall be signed and certified in accordance with 40 CFR 270.11 and 270.30(k).

J. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE ADMINISTRATIVE AUTHORITY

All reports, notifications, or other submissions which are required by this Permit to be sent or given to the Administrative Authority should be sent by certified mail or given to:

Chief Engineer
Land Protection Division
Oklahoma Department of Environmental Quality
707 North Robinson
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677
Phone Number (405) 702-5100

K. CONFIDENTIAL INFORMATION

In accordance with 40 CFR 270.12 and OAC 252:205-1-4, the Permittee may claim confidential any information required to be submitted by this Permit. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of the submission, EPA and DEQ may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information). Claims of confidentiality for the name and address of any Permit applicant or permittee will be denied.

L. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall 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 these documents:

1. Waste Analysis Plan, as required by 40 CFR 264.13 and this Permit (Permit Attachment 1).
2. Inspection schedule, as required by 40 CFR 264.15(b)(2) and this Permit (Permit Attachment 2).

3. Contingency Plan, as required by 40 CFR 264.53(a) and this Permit (Permit Attachment 5).
4. Personnel training documents and records, as required by 40 CFR 264.16(d) and this Permit (Permit Attachment 3).
5. Operating record, as required by 40 CFR 264.73 and this Permit.
6. Closure Plan, as required by 40 CFR 264.112(a) and this Permit (Permit Attachment 6).
7. Annually-adjusted cost estimate for facility closure, as required by 40 CFR 264.142(d) and this Permit (Permit Attachment 6).
8. All other documents required by Permit Conditions I.H.11 and IV.B.3.

SECTION II – GENERAL FACILITY CONDITIONS

A. DESIGN AND OPERATION OF FACILITY

The Permittee shall construct, maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or nonsudden release of hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment, as required by 40 CFR 264.31.

B. REQUIRED NOTICES

1. Hazardous Waste Imports

The Permittee shall notify DEQ in writing at least four (4) weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source, as required by 40 CFR 264.12(a). Notice of subsequent shipments of the same waste from the same foreign source in the same calendar year is not required.

2. Hazardous Waste from Off-Site Sources

When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), he must inform the generator in writing that he has the appropriate permits, and will accept the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record. [40 CFR 264.12(b)]

C. GENERAL WASTE ANALYSIS

The Permittee shall follow the waste analysis procedures required by 40 CFR 264.13, as described in the Waste Analysis Plan, Permit Attachment 1.

The Permittee shall verify the analysis of each waste stream annually as part of its quality assurance program, in accordance with Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846, or equivalent methods approved by DEQ. At a minimum, the Permittee shall maintain proper functional instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations. If the Permittee uses a contract laboratory to perform analyses, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit.

The Permittee shall repeat the analysis when it is notified or has reason to believe that the process or operation generating the waste has changed.

The Permittee must inspect and analyze wastes generated off-site, as follows:

1. The Permittee must inspect and, if necessary, analyze each hazardous waste shipment received at the facility to determine whether it matches the identity of waste specified on the accompanying manifest or shipping paper.
2. The analysis must be repeated if inspections required in Permit Condition II.C.1 indicate that the hazardous wastes collected or received at the facility does not match the identity of the waste designated on the accompanying manifest or shipping paper.

D. SECURITY

The Permittee shall comply with the security provisions of 40 CFR 264.14(b) and (c) and the Security Plan, Permit Attachment 4.

E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedule set out in Permit Attachment 2. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by 40 CFR 264.15(c). Records of inspections shall be kept, as required by 40 CFR 264.15(d).

F. PERSONNEL TRAINING

The Permittee shall conduct personnel training, as required by 40 CFR 264.16. This training program shall follow the attached outline, Permit Attachment 3. The Permittee shall maintain training documents and records, as required by 40 CFR 264.16(d) and (e).

G. SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall comply with the requirements of 40 CFR 264.17(a). The Permittee shall follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in Permit Attachment 7.

H. PREPAREDNESS AND PREVENTION

1. Required Equipment

At a minimum, the Permittee shall maintain at the facility the equipment set forth in the Contingency Plan, Permit Attachment 5, as required by 40 CFR 264.32.

2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Permit Condition II.H.1, as necessary, to assure its proper operation in time of emergency, as required by 40 CFR 264.33.

3. Access to Communication or Alarm System

The Permittee shall maintain access to the communication or alarm system, as required by 40 CFR 264.34.

4. Required Aisle Space

At a minimum, the Permittee shall maintain aisle space, as required by 40 CFR 264.35 and Permit Attachment 8.

5. Arrangements with Local Authorities

The Permittee shall maintain arrangements with state and local authorities, as required by 40 CFR 264.37. If state or local officials refuse to enter into preparedness and prevention arrangements with the Permittee, the Permittee must document this refusal in the operating record.

I. CONTINGENCY PLAN

1. Implementation of Plan

The Permittee shall immediately carry out the provisions of the Contingency Plan, Permit Attachment 5, whenever there is a fire, explosion, or release of hazardous waste or constituents which could threaten human health or the environment.

2. Copies of Plan

The Permittee shall comply with the requirements of 40 CFR 264.53.

3. Amendments to Plan

The Permittee shall review and immediately amend, if necessary, the Contingency Plan, as required by 40 CFR 264.54. Such amendment may require Permit modification in accordance with 40 CFR 270.42.

4. Emergency Coordinator

A trained emergency coordinator shall be available at all times in case of an emergency, as required by 40 CFR 264.55. The name and contact information for all emergency coordinators are listed in the Contingency Plan. This information

shall be kept current at all times, and the Permittee will promptly submit changes in the list to DEQ.

J. MANIFEST SYSTEM

The Permittee shall comply with the manifest requirements of 40 CFR 264.71, 264.72, 264.76, and OAC 252:205-5-5.

K. GENERAL CLOSURE REQUIREMENTS

1. Performance Standard

The Permittee shall close the facility, as required by 40 CFR 264.111 and in accordance with the Closure Plan, Permit Attachment 6.

2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan, in accordance with 40 CFR 264.112(c), whenever necessary. Such amendment may require Permit modification in accordance with 40 CFR 270.42.

3. Notification of Closure

The Permittee shall notify DEQ in writing at least 45 days prior to the date on which he expects to begin final closure of the facility, as required by 40 CFR 264.112(d).

4. Time Allowed For Closure

After receiving the final volume of hazardous waste, the Permittee shall remove from the unit or facility all hazardous waste and shall complete closure activities in accordance with 40 CFR 264.113 and the schedules specified in the Closure Plan, Permit Attachment 6.

5. Disposal or Decontamination of Equipment, Structures, and Soils

The Permittee shall decontaminate and/or dispose of all contaminated equipment, structures, and soils as required by 40 CFR 264.114 and the Closure Plan.

6. Certification of Closure

The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan, as required by 40 CFR 264.115.

L. COST ESTIMATE FOR FACILITY CLOSURE

1. The Permittee's most recent closure cost estimate, prepared in accordance with 40 CFR 264.142, 264.144, 264.197(c)(3) and (5), 264.228(c)(2), and 264.258(c)(2), is specified in Permit Attachment 6.
2. The Permittee must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with 40 CFR 264.143. [40 CFR 264.142(b)]
3. The Permittee must revise the closure cost estimate whenever there is a change in the facility's Closure Plan, as required by 40 CFR 264.142(c).

M. FINANCIAL ASSURANCE FOR FACILITY CLOSURE

The Permittee shall demonstrate continuous compliance with 40 CFR 264.143 by providing documentation of financial assurance, as required by 40 CFR 264.151 in at least the amount of the cost estimates required by Permit Condition II.L. Changes in financial assurance mechanisms must be approved by DEQ pursuant to 40 CFR 264 Subpart H.

N. LIABILITY REQUIREMENTS

The Permittee shall demonstrate continuous compliance with the requirement of 40 CFR 264.147(a) to have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million, exclusive of legal defense costs.

O. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall comply with 40 CFR 264.148, whenever necessary.

SECTION III – CONTAINER STORAGE

A. SECTION HIGHLIGHTS

This section is applicable to the container storage areas within the confines of the facility. Portions of four (4) warehouse buildings have been designated as storage areas for spent catalysts and other wastes identified as hazardous or exhibiting hazardous characteristics. These four (4) buildings include the Regeneration Plant Building, Storage Warehouse B, the Guardian Process Building and Storage Warehouse D. Waste storage areas in each building are indicated on the Building Plan Drawings in Attachment 8 Figures 2A through 2D.

Regeneration Plant Building

The Regeneration Plant Building has one (1) waste storage area enclosed within its confines, designated as S01 East in Table 4-2 of Attachment 8, which is approximately 80 feet in length and 45 feet in width. S01 East has a spent catalyst storage capacity of 880 cubic yards. All hazardous waste material containing free liquids is also stored in the Regeneration Plant Building. The maximum storage capacity for hazardous wastes containing free liquids is 2,120 cubic yards, which is derived from the containment capacity of the secondary containment system.

Storage Warehouse B

Storage Warehouse B has three (3) waste storage areas designated as S02 East, S02 West and S02 North in Table 4-2. The East storage area is approximately 234 feet in length and 78 feet in width; the West storage area is 164 feet in length and 49 feet in width; and the North storage areas is 48 feet in length and 24 feet in width. The maximum capacity to store hazardous spent catalyst in Storage Warehouse B is 6,730 cubic yards.

Guardian Process Building

The Guardian Process Building has four (4) waste storage areas designated as North, South, Southeast and Misc (Central). The North storage area is 64 feet in length and 220 feet in width; the South storage area is 64 feet in length and 190 feet in width; the Southeast storage area is 64 feet in length and 95 feet in width; and the Misc storage area is 33 feet in length and 155 feet in width. The maximum capacity to store hazardous waste in the Guardian Process Building is 9,170 cubic yards.

Storage Warehouse D

Storage Warehouse D has three (3) waste storage areas designated as North, Northeast and South. The North storage area is 72 feet in length and 240 feet in width; the Northeast storage area is 48 feet in length and 82 feet in width; and the South storage area is approximately 55 feet in length and 225 feet in width. The maximum capacity to store hazardous waste in Storage Warehouse D is 8,110 cubic yards.

Excluding the storage capacity for hazardous waste containing free liquids, the storage capacity for each of the four (4) storage buildings is based on all storage in 87 cubic yard flo-bins, double-stacked with 3 feet aisles between paired rows of containers.

B. PERMITTED AND PROHIBITED WASTE IDENTIFICATION

1. The Permittee may store the wastes in containers at the facility, subject to the terms of this Permit and as set forth in Permit Attachment 8 Section 4.2.
2. The Permittee is prohibited from storing or treating hazardous waste that is not identified in the Waste Analysis Plan (Permit Attachment 1).
3. Results of additional waste analyses performed after the analyses submitted for the Part B application and incorporated by reference in this Permit must be incorporated in the facility operating record. No Permit modification is required if the analyses results are for a waste with an EPA waste code included in Permit Condition III.B.2. However, if the EPA waste code is not listed in III.B.2, the Permittee must immediately make application to modify the Permit to include it.

C. CONDITIONS OF CONTAINERS

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit. [40 CFR 264.171]

D. COMPATIBILITY OF WASTE WITH CONTAINERS

1. The Permittee shall use containers made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste being stored, so that the ability of the container to contain the waste is not impaired. [40 CFR 264.172]
2. The Permittee shall not store waste in containers which do not meet the specifications established by the Department of Transportation (DOT) in 49 CFR 171 - 179.

E. MANAGEMENT OF CONTAINERS

1. The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak. [40 CFR 264.173]
2. The Permittee shall store all hazardous waste containers elevated at least two inches above the floor of the secondary containment.
3. The Permittee shall keep all containers containing free liquids in rows not more than two containers wide with minimum aisle spacing of two feet between each row.
4. For non-liquid waste, the Permittee shall stack flo-bins side-by-side, no more than two bins wide. If 55-gallon drums are used, they shall be placed four drums per forklift pallet. The pallets shall be stored no more than two pallets wide and stacked no more than two high. Aisle space of a minimum of two feet shall be maintained around and between the container storage areas to allow maneuverability of a forklift, container inspection, and fire and spill control equipment.

F. CONTAINMENT SYSTEMS

The Permittee shall maintain the containment system in accordance with plans and specifications contained in Permit Attachment 8. [40 CFR 264.175]

G. INSPECTION SCHEDULE AND PROCEDURES

The Permittee shall inspect the container area weekly in accordance with the Inspection Schedule, Permit Attachment 2, to detect leaking and/or deterioration of containers and the containment system caused by corrosion and other factors. [40 CFR 264.174]

H. RECORDKEEPING

The Permittee shall place the results of all waste analysis, trial tests, and any other documentation showing compliance with the requirements of this Permit, including Permit Conditions III.K.1 and III.K.2 as well as 40 CFR 264.17(b) and 40 CFR 264.177, in the facility operating record. [40 CFR 264.73]

I. CLOSURE

At closure of the container area, the Permittee shall remove all hazardous waste and hazardous waste residues from the containment system, in accordance with the procedures in the Closure Plan, Permit Attachment 6. [40 CFR 264.178]

J. SPECIAL CONTAINER PROVISIONS FOR IGNITABLE OR REACTIVE WASTE

1. The Permittee shall not locate containers holding ignitable or reactive waste within 15 meters (50 feet) of the facility's property line. [40 CFR 264.176]
2. The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and follow the procedures specified in Permit Attachment 7. [40 CFR 264.17(a) and 264.176]

K. SPECIAL CONTAINER PROVISIONS FOR INCOMPATIBLE WASTE

1. The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same container unless the procedures in Permit Attachment 7 are followed. [40 CFR 264.177(a)]
2. The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material. [40 CFR 264.177(b)]
3. The Permittee shall separate containers of incompatible wastes. [40 CFR 264.177(c)]

L. REQUIRED AISLE SPACE

The Permittee shall maintain aisle space in the container storage area sufficient to allow the unobstructed movements of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any portion of the container storage area. [40 CFR 264.35]

M. AIR EMISSIONS STANDARDS

The Permittee shall follow the Subpart CC standards of 40 CFR 264.1086 for Level 1 containers. The Permittee does not receive containers in light material service and does not conduct waste stabilization in containers; therefore, Level 2 and 3 container standards are not applicable.

All Level 1 containers at Eurecat:

1. Shall meet the applicable U.S. DOT regulations on packaging hazardous materials for transportation.
2. Shall be equipped with a cover and closure device that forms a continuous barrier over the container opening such that when the cover and closure devices are secured in the closed position, there are no visible holes, gaps, or other spaces in the interior of the container.

3. Shall be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of hazardous waste to the atmosphere and maintain the equipment integrity, for as long as the container is in service.
4. Shall remain closed except as follows:
 - a. For the purpose of removing hazardous waste from the container until it meets the definition of an empty container as defined in 40 CFR 261.7(b);
 - b. For the purpose of removing discrete quantities or batches of the material but the container does not meet the condition of an empty container as define in 40 CFR 261.7(b). In this case, the container closure device shall be promptly secured with the closure device in the closed position upon removal of the waste, when no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever occurs first;
 - c. For performance of routine activities other than transfer of hazardous waste, such as sampling or inspection of contents. Following completion of the activity, the Permittee shall promptly secure the closure devices in the closed position or reinstall the cover, as applicable to the container;
 - d. To open a safety device, as defined in 40 CFR 264.1081, at any time conditions require doing so to avoid an unsafe condition.

All containers shall be inspected to meet the Subpart CC requirements.

SECTION IV – RECYCLING UNITS

A. SECTION HIGHLIGHTS

This section contains provisions relative to the regeneration process lines which are used by Eurecat to regenerate spent catalyst. The only hazardous catalyst to be reclaimed at the facility shall have the associated waste codes D001, D003, D004 – D011, D018, D019, D021, D028, D029, D030, D032 – D036, D038, D039, D040, K171 and K172. The Permittee will determine the effectiveness of the regeneration process for each specific waste code by monitoring the emissions for each waste code.

B. PERMITTED PROCESS CAPACITY

1. The Permittee may regenerate hazardous spent catalyst with the following waste codes: D001, D003, D004 – D011, D018, D019, D021, D028, D029, D030, D032 – D036, D038, D039, D040, K171 and K172.
2. The Permittee is prohibited from storing or treating hazardous waste that is not identified in Condition IV.B.1, unless a Permit modification is made.
3. The results of all emissions, waste, and product analyses performed to comply with Permit Condition IV.C. must be incorporated into the facility operating record. No Permit modification is required if the analytical results are for a waste with an EPA waste code included in Permit Condition IV.B.1. However, if the EPA waste code is not included in Condition IV.B.1, the Permit must be modified to include it.
4. For a waste code not previously received at the facility, the facility may process the lesser of one lot or 60,000 lbs. of spent catalyst with that specific waste code while performing the effectiveness determination of Condition IV.C.1 of the Permit. The waste code can then only be processed after DEQ approval of the effectiveness determination report of Section IV.C.4 or with specific written approval from the Director. [OAC 252:205-9-1]

C. DETERMINATION OF THE UNIT EFFECTIVENESS

1. The Permittee shall determine the effectiveness of the recycling unit and the emissions controls systems for each waste code as outlined in this section. [OAC 252:205-9-1]
2. The Permittee will notify DEQ at least two (2) business days prior to processing spent catalyst containing a waste code not previously received at the facility.

3. When catalyst is received with a waste code for which the effectiveness of the process has not been determined, the Permittee will sample and analyze representative samples of the incoming waste stream, the emission stacks, and the processed catalyst during the processing of the spent catalyst using methods outlined in SW-846 or equivalent methods per DEQ approval.
4. Within 45 days of the sampling, a report which provides details of the sampling and the analytical results will be prepared and submitted to DEQ. The report will include:
 - a. Dates(s) of sampling;
 - b. Constituent(s) analyzed;
 - c. Sampling locations;
 - d. Process feed rate at the time of sampling;
 - e. Concentration of the constituent(s) on the spent catalyst prior to processing;
 - f. Emissions determination;
 - g. Concentration of the constituent(s) on the catalyst after regeneration;
 - h. Mass balance calculations.
5. The results of the analysis will be evaluated to determine the effectiveness of the emission control equipment and recycling units.
6. If at any time the Permittee determines, based upon the analytical results from the effectiveness determination or other indications, that the emission controls or the regenerative process are not effective for any waste code, the Permittee shall notify DEQ of the determination and shall not regenerate hazardous waste with that waste code in the unit without prior written approval from DEQ. [OAC 252: 200-9-1]

D. SUBPART AA – AIR EMISSIONS STANDARDS FOR PROCESS VENTS

The Permittee's process vents are equipped with operating air emission controls in accordance with the process vent requirements of applicable Clean Air Regulations under 40 CFR 30, 61, or 63. The Permittee operates under Air Quality Permit Number 92-074-O and is therefore exempt from Subpart AA requirements. [40 CFR 264.1030(e)]

SECTION V – SPECIAL CONDITIONS PURSUANT TO THE 1984 HAZARDOUS AND SOLID WASTE AMENDMENTS (HSWA)

A. STANDARD CONDITIONS

1. Waste Minimization

Annually, by December 1, for the previous year ending September 30, the Permittee shall enter into the operating record as required by 40 CFR 264.73(b)(9), a statement certified according to 40 CFR 270.11(d) specifying that the Permittee has a program in place to reduce the volume and toxicity of hazardous wastes generated by the facility's operation to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment. A current description of the program shall be maintained in the operating record and a copy of the annual certified statement shall be submitted to DEQ. The following are suggested criteria for the program:

- a. Any written policy or statement that outlines goals, objectives, and/or methods for source reduction and recycling of hazardous waste at the facility;
- b. Any employee training or incentive programs designed to identify and implement source reduction and recycling opportunities;
- c. Any source reduction and/or recycling measures implemented in the last five years or planned for the near future;
- d. An itemized list of the dollar amounts of capital expenditures (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste;
- e. Factors that have prevented implementation of source reduction and/or recycling;
- f. Sources of information on source reduction and/or recycling received at the facility (e.g., local government, trade associations, suppliers, etc.);
- g. An investigation of additional waste minimization efforts that could be implemented at the facility. This investigation would analyze the potential for reducing the quantity and toxicity of each waste stream through production reformulation, recycling, and all other appropriate

means. The analysis would include an assessment of the technical feasibility, cost, and potential waste reduction for each option;

- h. A flow chart or matrix detailing all hazardous wastes it produces by quantity, type, and building/area;
- i. A demonstration of the need to use those processes that produce a particular hazardous waste due to a lack of alternative processes or available technology that would produce less hazardous waste;
- j. A description of the waste minimization methodology employed for each related process at the facility. The description should show whether source reduction or recycling is being employed; and
- k. A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years.

2. Dust Suppression

Pursuant to 40 CFR 266.23(b), and the Toxic Substances Control Act, the Permittee shall not use waste or used oil or any other material which is contaminated with dioxin, polychlorinated biphenyls (PCBs), or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment.

3. Permit Modification

a. DEQ Initiated Modifications

If at any time for any of the reasons specified in 40 CFR 270.41, DEQ determines that modification of this Permit is necessary, the DEQ may initiate Permit modification proceedings in accordance with the regulations set forth at 40 CFR 270.41.

b. Permittee Initiated Modifications

The Permittee may, where appropriate, initiate Permit modifications in accordance with the regulations set forth at 40 CFR 270.42. The Permittee shall follow all applicable requirements and procedures as specified in 40 CFR 270.42 in initiating such proceedings.

c. Modification of Corrective Action Schedules of Compliance (CASC)

- i) The Permittee shall adhere to CASCs contained in the Permit. If at any time the Permittee determines that such schedules cannot be

met, the Permittee shall, within fifteen (15) days of such determination, notify DEQ and submit a request for a Permit modification under 40 CFR 270.42, with a justification as to why the current CASC cannot be met.

- ii) If DEQ determines that a modification of the CASC is required, the following procedures will apply. CASC Modifications made under this procedure are not subject to administrative appeal.
- iii) DEQ will notify the Permittee in writing of the modification. Such notice will:
 - a) Describe the exact change to be made to the Permit conditions;
 - b) Provide an explanation of why the modification is needed;
 - c) Provide notification of the date by which comments on the proposed modification must be received. Such date will not be less than twenty (20) days from the date the notice of the proposed modification is received by the Permittee, or after the public notice is published;
 - d) Provide notification that supporting documentation or data may be available for inspection at DEQ; and
 - e) Include the name and address of a representative of DEQ to whom comments may be sent.
- iv) DEQ shall:
 - a) Publish a notice of the proposed modification in a newspaper distributed in the locality of facility; and
 - b) Mail a notice of the proposed modification to all persons on the facility mailing list maintained in accordance with 40 CFR 124.10(c)(1).
- v) DEQ's Decision Regarding Modification
 - a) If DEQ receives no written comment on the proposed modification, the modification shall become effective five (5) calendar days after the close of the comment period. DEQ shall:

- i. Notify the Permittee in writing of the final decision.
 - ii. Notify individuals on the facility mailing list in writing that the modification has become effective.
- b) If DEQ receives written comment on the proposed modification, DEQ shall make a final determination concerning the modification after the end of the comment period. DEQ shall:
 - i. Notify the Permittee in writing of the final decision.
 - ii. Provide notice of the final modification decision in a locally distributed newspaper.

4. Permit Review

This Permit may be reviewed by DEQ five (5) years after the date of Permit issuance and may be modified as necessary. Nothing in this section shall preclude DEQ from reviewing and modifying the Permit at any time during this term.

5. Compliance with Permit

Compliance with a 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:

- a. Become effective by statute;
- b. Are promulgated under 40 CFR 268 restricting the placement of hazardous wastes in or on the land; or
- c. Are promulgated under 40 CFR 264 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. The leak detection systems requirements include double liners, CQA programs, monitoring action leakage rates, and response action plans, and will be implemented through the procedures of 40 CFR 270.42 Class 1 Permit modifications.

6. Specific Waste Ban

- a. The Permittee shall not place in any land disposal unit the wastes specified in 40 CFR 268 after the effective date of the prohibition unless

DEQ has established disposal or treatment standards for the hazardous waste and the Permittee meets such standards and other applicable conditions of this Permit.

- b. The Permittee may store wastes restricted under 40 CFR 268 solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal provided that it meets the requirements of 40 CFR 268.50(a)(2) including, but not limited to, clearly marking each tank or container.
- c. The Permittee is required to comply with all requirements of 40 CFR 268.7 as amended. Changes to the waste analysis plan will be considered Permit modifications at the request of the Permittee, pursuant to 40 CFR 270.42.
- d. The Permittee shall perform a waste analysis at least annually, or when a process changes, to determine whether the waste meets applicable treatment standards. Results shall be maintained in the operating record.
- e. The Permittee must comply with requirements restricting placement of hazardous wastes in or on land which become effective by statute or promulgated under Part 268, regardless of requirements in the Permit. Failure to comply with the regulations may subject the Permittee to enforcement action under Section 3008 of RCRA.

7. Information Submittal

Failure to comply with any condition of the Permit, including information submittal, constitutes a violation of the Permit and is grounds for enforcement action, Permit amendment, termination, revocation, suspension, or denial of Permit renewal application. Falsification of any submitted information is grounds for termination of this Permit (40 CFR 270.43).

The Permittee shall ensure that all plans, reports, notifications, and other submissions to DEQ required in this Permit are signed and certified in accordance with 40 CFR 270.11. Two (2) copies and one (1) 3.5" windows compatible CD containing each of these plans, reports, notifications or other submissions shall be submitted to DEQ by Certified Mail or hand delivered to:

Oklahoma Department of Environmental Quality
Land Protection Division
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677

8. Plans and Schedules Incorporation Into Permit

All plans and schedules required by this Permit are, upon approval by DEQ, 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 the Permittee to enforcement action under Section 3008 of RCRA which may include fines, suspension, or revocation of the Permit.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this Permit. Written requests for extensions of due dates for submittals may be granted by DEQ.

If DEQ determines that actions beyond those provided for, or changes to what is stated herein, are warranted, DEQ may modify this Permit.

9. Data Retention

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Permit shall be maintained at the facility during the term of this Permit, including any reissued Permits.

10. Management of Wastes

All solid wastes which are managed pursuant to a remedial measure taken under the corrective action process or as an interim measure addressing a release or the threat of release from a solid waste management unit shall be managed in a manner protective of human health and the environment and in compliance with all applicable Federal, State and local requirements. Approval of units for managing wastes and conditions for operating the units, if approved, shall be granted through the permitting process.

B. SPECIFIC CONDITION – CLOSURE

Pursuant to Section 3005(j)(1) of the Hazardous and Solid Waste Amendments of 1984, the Permittee shall close Regeneration Process Equipment and the Container Storage Areas in accordance with the following provisions:

1. The Permittee shall close the Regeneration Process Equipment and Container Storage Areas in accordance with the Closure Plan as approved at the time of closure, which meets all relevant State and Federal closure requirements for closure.
2. The Permittee shall notify DEQ in writing at least 60 days prior to commencement of closure.

C. CORRECTIVE ACTION

1. Corrective Action for Releases

Section 3004(u) of RCRA, as amended by HSWA, and 40 CFR 264.101 require that Permits issued after November 8, 1984 address corrective action for releases of hazardous waste or hazardous constituents from any SWMU at the facility, regardless of when the waste was placed in the unit.

2. Releases Beyond Facility Boundary

- a. The Permittee shall notify DEQ verbally, within 24 hours of discovery, of any release of hazardous waste or hazardous constituents that has potential to migrate off-site.
- b. Section 3004(v) of RCRA, as amended by HSWA, and Federal regulations promulgated as 40 CFR 264.101(c) require corrective actions beyond the facility property boundary where necessary to protect human health and the environment, unless the Permittee demonstrates that, despite the Permittee's best efforts, 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 offsite access is denied.

3. Financial Responsibility

Assurance of financial responsibility for corrective action shall be provided as specified in the Permit following major modification for remedy selection.

4. Dispute Resolution

- a. The parties shall use their best efforts to informally and in good faith resolve all disputes or differences of opinion. If, however, disputes arise concerning the corrective action which the parties are unable to resolve informally, the following procedures shall apply. If the Permittee's dispute concerns its inability to meet a specified deadline, the Permittee is obligated to advise DEQ of the issue at least 30 days in advance of the deadline.
- b. DEQ shall provide the Permittee written notice of its disapproval or modification of any interim submission under HSWA, including, but not limited to, implementation of workplans, approval of documents, scheduling of any work, or selection, performance, or completion of any corrective action. The written notice of disapproval or modification shall set forth the reasons for the disapproval or modification. If the Permittee disagrees, in whole or in part, with any such written notice, the Permittee shall notify DEQ in writing within 10 days of receipt of the written notice.

The Permittee and DEQ Permits staff shall use their best efforts to informally and in good faith resolve the dispute. The Permittee is entitled to meet with RCRA Permits staff in person at DEQ's office or by teleconference, if it so desires, in order to resolve the dispute.

- c. If Permittee and the RCRA Permits staff are unable to resolve the dispute, the Permittee may request a final decision by DEQ's official having been delegated final Permit approval authority. Within 30 days of receipt of DEQ's written notice, the Permittee shall submit to the Permit approval authority, a written statement of its arguments and explanations of its position. The written statement should include, at a minimum, the specific points of dispute, the position the Permittee maintains should be adopted as consistent with the Permit requirements and the basis therefore, any matters which it considers necessary for proper determination of the dispute, and whether the Permittee requests an informal conference in front of the Permit approval authority. The Permittee's failure to follow the procedures set forth in this paragraph will constitute a waiver of its right to further consideration of the dispute.
- d. DEQ's duly appointed official having final Permit approval authority, at his/her discretion, will determine whether an informal conference, if requested by the Permittee, will be held.
- e. DEQ shall consider the written position of the Permittee and the oral arguments, if an informal conference is convened, and shall provide a written statement of its decision based on the record. This statement shall be considered to be incorporated as an enforceable part of the Permit. The written statement shall respond to the Permittee's arguments and shall set forth the reasons for DEQ's final decision. Such decision shall be the final resolution of the dispute and shall be implemented immediately by the Permittee according to the schedule contained therein.
- f. Notwithstanding the invocation of this dispute resolution procedure, the Permittee shall proceed to take any action required by those portions of the submission and of the Permit that DEQ determines are not substantially affected by the dispute.
- g. The Permittee shall invoke the Dispute Resolution provisions of this Permit in good faith and not for purposes of delay.

D. REPORTING REQUIREMENTS (RESERVED)

E. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SWMU(s) AND POTENTIAL AOC(s)

The Permittee shall notify DEQ, in writing, of any newly identified SWMU(s) and potential AOC(s) (i.e., a unit or area not specifically identified during the RFA), discovered in the course of ground water monitoring, field investigations, environmental audits, or other means, no later than thirty (30) calendar days after discovery. The Permittee shall also notify DEQ of any newly-constructed land-based SWMUs (including but not limited to, surface impoundments, waste piles, landfills, land treatment units) and newly-constructed SWMUs where any release of hazardous constituents may be difficult to identify (e.g., underground storage tanks) no later than thirty (30) days after construction. The notification shall include the following items, to the extent available:

1. The location of the newly identified SWMU or potential AOC on the topographic map required in 40 CFR 270.14(b)(19). Indicate all existing units (in relation to other SWMUs);
2. The type and function of the unit;
3. The general dimensions, capacities, and structural description of the unit (supply any available drawings);
4. The period during which the unit was operated;
5. The specifics, to the extent available, on all wastes that have been or are being managed at the SWMU or potential AOC; and
6. Results of any sampling and analysis required for the purpose of determining whether releases of hazardous waste including hazardous constituents have occurred, are occurring, or are likely to occur from the SWMU or whether the AOC should be considered a SWMU.

Based on the results of this notification, DEQ will designate the newly-identified AOC(s). Based on the results of this notification or investigation conducted, DEQ will determine the need for further investigation or corrective measures at any newly-identified SWMU(s) or AOC(s). If DEQ determines that such investigations are needed, DEQ may require the Permittee to prepare a plan for such investigations.

F. NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT SWMU(s) AND AOC(s)

The Permittee shall notify DEQ in writing, no later than fifteen (15) calendar days after discovery, of any release(s) from a SWMU or AOC of hazardous waste or hazardous constituents discovered during the course of ground water monitoring, field investigation, environmental auditing, or other means. Such newly discovered releases

may be from newly identified SWMUs or AOCs, newly-constructed SWMUs, or from SWMUs or AOCs for which, based on the findings of the RFA, completed RFI, or investigation of an AOC(s), DEQ had previously determined no further investigation was necessary. The notification shall include information concerning actual and/or potential impacts beyond the facility boundary and on human health and the environment, if available at the time of the notification. DEQ may require further investigation and/or interim measures for the newly identified release(s), and may require the Permittee to prepare a plan for the investigation and/or interim measure. The plan will be reviewed for approval as part of the RFI Workplan or a new RFI Workplan. The Permit will be modified to incorporate the investigation, if required.

G. INTERIM MEASURES

1. Permit Incorporation

If during the course of any activity initiated under the Permit, DEQ determines that a release or potential release of hazardous constituents poses a threat to human health and the environment, DEQ may require interim measures. DEQ shall determine the specific measures or require the Permittee to propose measures that control or minimize the threat. The interim measures may include a Permit modification, a schedule for implementation, and a written plan. DEQ shall notify the Permittee in writing of the requirement to perform interim measures. DEQ shall modify this Permit to incorporate interim measures into the Permit.

2. Factors to be Considered by DEQ in Determining the Need for Interim Measures

- a. Time required to develop and implement a final remedy;
- b. Actual and potential exposure to human and environmental receptors;
- c. Actual and potential contamination of drinking water supplies and sensitive ecosystems;
- d. The potential for further degradation of the medium in the absence of interim measures;
- e. Presence of hazardous wastes in containers that may pose a threat of release;
- f. Presence and concentration of hazardous waste including hazardous constituents in soil that has the potential to migrate to ground water or surface water;
- g. Weather conditions that may affect the current levels of contamination;

- h. Risks of fire, explosion, or accident; and
- i. Other situations that may pose threats to human health and the environment.

H. INFORMATION REPOSITORY

1. Within thirty (30) days of the effective date of this Permit, if required, the Permittee must maintain an information repository to provide the public an opportunity to review and comment on the corrective action activities specified in this Permit. This repository shall be established at a local public library or similar facility that is easily accessible to the public.
2. Within thirty (30) days of the effective date of this Permit, the Permittee shall mail a notice to all individuals on the facility-specific mailing list maintained by DEQ, including all individuals that submitted oral or written comments on the Permittee's draft Permit during the public comment period. The Permittee shall amend this mailing list as necessary to include those individuals that submit a written request to DEQ and the Permittee for inclusion in this list.
3. This notice shall state the location, purpose, and content of the repository. A copy of this notice shall be provided to DEQ, for approval, prior to mailing to the public.
4. The Permittee shall state in this notice that written comments concerning each submittal (excluding progress reports and correspondence) required by this Permit shall be forwarded to the following within fifteen (15) calendar days of the date due to DEQ:

Oklahoma Department of Environmental Quality
Land Protection Division
707 N. Robinson
P. O. Box 1677
Oklahoma City, Oklahoma 73101-1677
5. Once established, the Permittee shall place into the repository, on or before the date due to DEQ, all documents (e.g., all correspondence, workplans and draft/final reports) as specified in this Permit, and those documents deemed appropriate by DEQ. The Permittee shall specify within the text or cover letter of each document the date each submittal was placed in the repository.
6. On or before five (5) calendar days prior to the due date of each submittal (excluding progress reports and correspondence) required by this Permit, the Permittee shall mail a notice to each individual, specified in Permit Condition V.H.2, indicating the date the respective submittal will be made available for public review at the repository.

I. RFI WORKPLAN (RESERVED)

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