

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY  
OPERATIONS AND CORRECTIVE ACTION PERMIT  
FOR A HAZARDOUS WASTE MANAGEMENT FACILITY

EPA ID#:	OKD000396549	Permit Number:	000396549
Permittee:	Wynnewood Refining Company	Effective Date:	**/**/2024
	Wynnewood, Oklahoma	Expiration Date:	**/**/2024

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (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 RCRA Permit to operate a hazardous waste storage tank, recovery systems for hydrocarbon impacted groundwater, and a closed hazardous waste impoundment is reissued by DEQ to Wynnewood Refinery Company, LLC (WRC). The facility is located in Wynnewood, within Section 23 of Township 2 North, Range 1 East of the Indian Meridian, Garvin County, Oklahoma.

The RCRA Permit is for continued operation of a hazardous waste storage tank, recovery systems for hydrocarbon impacted groundwater and monitoring and maintaining a closed hazardous waste impoundment. The facility has operated under multiple operators and is now owned by CVR Common Assets WYN, LLC and operated by WRC (hereafter called the Permittee).

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

This Permit is based on the assumption that all the information submitted in the Part B permit application and other previous reports and submittals to DEQ and the EPA are true and accurate, and that the facility will be maintained as specified in the application.

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

This Permit is effective as of \*\*/\*\*/2024 and shall remain in effect until \*\*/\*\*/2034 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).

Issued by the Oklahoma Department of Environmental Quality this \*\*day of \*\*month, 2024.

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

Date

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Kelly Dixon  
Division Director  
Land Protection Division  
Oklahoma Department of Environmental Quality

Date

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## **I. GENERAL PERMIT CONDITIONS**

### **A. GENERAL**

The Permittees shall operate the facility in compliance with the provisions of the Oklahoma Hazardous Waste Management Act (OHWMA), 27A O.S. §§ 2-7-101 through 2-7-134; the Oklahoma Administrative Code (OAC) 252:205; the federal Hazardous Waste Management Regulations in Title 40 of the Code of Federal Regulations, (C.F.R.) Parts 260-279; the Resource Conservation and Recovery Act (RCRA); the Hazardous and Solid Waste Amendments of 1984 (HSWA); and the approved Permit Application as further modified through the 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 Permittees are to inform the Land Protection Division (LPD) of the Oklahoma Department of Environmental Quality (DEQ) of any deviation from or changes in the design or operation of the facility which could affect the Permittees' ability to comply with the applicable regulations or Permit Conditions.

The term of this Permit is ten (10) years. 40 C.F.R. § 270.50. This Permit shall be reviewed by DEQ five years after the date of Permit issuance and shall be modified as necessary. 40 C.F.R. § 270.41 and OHWMA 27A O.S. § 2-7-127(B). Except as provided in Permit Condition I.F.3 the term of this Permit shall not be extended by modification beyond the expiration date appearing on the face of this Permit. 40 C.F.R. § 270.50(b).

### **C. INCORPORATION BY REFERENCE**

All references to Title 40 of the Code of Federal Regulations Parts 124, 260 through 264, 266, 268 and 270 as specified in the Permit are, unless otherwise stated, incorporated in their entirety by OAC 252:205 Subchapter 3.

### **D. DEFINITIONS**

For purposes of this Permit, terms used herein shall have the same meaning as those in 40 C.F.R. Parts 124, 146, 260 through 270, 273 and 279 and OAC 252:205-1-2 through 205-3-6, unless this Permit specifically provides otherwise. Where terms are not defined in the Oklahoma Administrative Code or the Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

**"Action Levels"** means health and environmental-based levels of constituent concentrations determined by DEQ to be indicators for protection of human health and the environment. The calculation of action levels is specified in the EPA RFI Guidance Document (EPA 530/SW-89-031, May 1989).

**"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 Permittees 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 Permittees in writing.

**"CMS"** means Corrective Measures Study.

**"DEQ"** means the Oklahoma Department of Environmental Quality.

**"Director"** means the Executive Director of the Oklahoma Department of Environmental Quality, or his/her proper designee or authorized representative.

**"Division Director"** means the Director of the Land Protection Division of the Oklahoma Department of Environmental Quality, or his/her proper designee or authorized representative.

**"EPA"** means the United States Environmental Protection Agency.

**"Facility"** means:

(1) All contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

(2) For the purpose of implementing corrective action under 40 C.F.R. § 264.101, all contiguous property under the control of the owner or operator seeking a Permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).

(3) Notwithstanding paragraph (2) of this definition, a remediation waste management site is not a facility that is subject to 40 C.F.R. § 264.101 but is subject to corrective action requirements if the site is located within such a facility.

**"HSWA"** means the 1984 Hazardous and Solid Waste Amendments to RCRA.

**"Hazardous constituent"** means any constituent identified in Appendix VIII of 40 C.F.R. Part 261 or any constituent identified in Appendix IX of 40 C.F.R. 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. The term hazardous waste includes hazardous constituent.

**"Land disposal"** means placement in or on the land, except in a corrective action management unit or staging pile, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault, or bunker intended for disposal purposes.

**"Land Protection Division"** means the Land Protection of the Oklahoma Department of Environmental Quality.

**"LNAPL"** means Light Non-Aqueous Phase Liquid.

**"OHWMA"** means Oklahoma Hazardous Waste Management Act, 27A O.S. §§ 2-7-101 through 2-7-134, as amended.

**"Permit"** means this Permit, all Permit Attachments, and all provisions and documents that are incorporated herein.

**"Permit Application"** means the original application and related plans and specifications dated January 30, 2017, submitted to DEQ by the Permittees and amended by Permittees through March 2, 2021, and all subsequent submittals approved by DEQ for this Permit.

**"Permittees"** means Wynnewood Refining Corporation, LLC (WRC), facility operator, and CVR Common Assets WYN, LCC (CCA WYN), facility owner. Wynnewood, Oklahoma 73098, EPA ID OKD000396549.

**"Point of Compliance" (POC)** for the Stormwater Retention Pond, POC means the vertical plane in the uppermost aquifer located at the unit boundary at which the applicable groundwater protection standard applies and at which monitoring must be conducted. For site-wide groundwater monitoring and corrective action, POC means the vertical plane in the uppermost aquifer located at the hydraulically downgradient limit of the WRC property boundary at which the applicable groundwater protection standard applies and at which monitoring must be conducted.

**"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).



**“Remediation Waste”** means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that contain listed hazardous waste or that themselves exhibit a hazardous characteristic and are managed for implementing cleanup.

**"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 C.F.R. § 270.41.

#### **E. EFFECT OF PERMIT**

The Permittees are required to conduct post-closure monitoring and maintenance activities for the Stormwater Retention Pond (SWRP), to operate one hazardous waste storage tank (T-2007) and conduct site-wide groundwater monitoring and corrective action. Any treatment and/or storage of hazardous waste not authorized in this Permit is prohibited, unless exempted from Permit requirements or approved by DEQ under a separate Administrative Order.

Subject to 40 C.F.R. § 270.4, compliance with this Permit generally constitutes compliance with Subtitle C of RCRA for purposes of enforcement.

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. 40 C.F.R. § 270.4(b), (c) and § 270.30(g).

Compliance with the terms of this Permit does not constitute a defense to orders issued or actions brought under the OHWMA to address an imminent and substantial endangerment, 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. §§ 9601-9675 (commonly known as CERCLA); or any other law providing for protection of public health or the environment from an imminent and substantial endangerment.

## **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 C.F.R. §§ 270.30(f), 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 Permittees, does not stay the applicability or enforceability of any Permit Condition. 40 C.F.R. §§ 270.4(a) and 270.30(f).

### **2. Permit Renewal**

This Permit may be renewed as specified in 40 C.F.R. § 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 C.F.R. § 270.30(b), HSWA § 212, and 27A O.S. § 2-7-127(B).

### **3. Permit Expiration**

Pursuant to 40 C.F.R. § 270.50, this Permit shall be effective for a fixed term not to exceed ten (10) years. This Permit and all conditions herein will remain in effect beyond the Permit's expiration date if the Permittees have submitted a timely, complete application (see 40 C.F.R. § 270.10 and §§ 270.13 through 270.29) and through no fault of the Permittees, DEQ has not issued a new Permit, as set forth in 40 C.F.R. § 270.51. Permits continued under this Section remain fully effective and enforceable. When the Permittees are not in compliance with the conditions of the expired or expiring 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 C.F.R. § 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 40 C.F.R. Part 124 with appropriate conditions;  
or
- d. Take other action authorized by these regulations.

### **4. Permit Enforcement**

When the Permittees are not in compliance with the conditions of the continued Permit, DEQ may do any or all of the following:

- a. Pursuant to 27A O.S. §§ 2-7-126, 2-7-127, 2-7-129, 2-7-130, 2-7-131 and/or 2-7-134, issue an order with penalties; require corrective action; temporarily suspend the continued Permit; revoke the Continued Permit and/or cause proceedings to be instituted in the district court for civil or criminal penalties;
- b. Issue a final denial of the new Permit. If the Permit is denied, the owner or operator shall cease the activities authorized by the Continued Permit or be subject to enforcement action for operating without a Permit; or
- c. Take other actions authorized by 27A O.S. §§ 2-1-101 through 2-7-134, OAC 252:205-1-1 *et seq.* or other applicable laws or regulations.

5. Transfer of Permits

This Permit is not transferable to any person except after notice to DEQ. DEQ may require modification or revocation and reissuance of the Permit pursuant to 40 C.F.R. § 270.40. Before transferring ownership or operation of the facility during its operating life, the Permittees shall notify the new owner or operator in writing of the requirements of 40 C.F.R. Parts 264 and 270 and this Permit. 40 C.F.R. §§ 270.30(l)(3), and 264.12(c).

**G. SEVERABILITY**

The provisions of this permit are severable. 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, except as otherwise provided by 40 C.F.R. § 124.16, be affected thereby.

**H. DUTIES AND REQUIREMENTS**

1. Duty to Comply

The Permittees shall comply with all conditions of this Permit, except to the extent and for the duration that noncompliance is authorized by an emergency Permit. 40 C.F.R. § 270.61. Any Permit noncompliance, other than noncompliance authorized by an emergency Permit, constitutes a violation of OHWMA and RCRA and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application. 40 C.F.R. § 270.30(a).

2. Duty to Reapply

If the Permittees wish to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittees shall submit a complete application for a new Permit at least 180 days prior to Permit expiration. 40 C.F.R. §§ 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 Permittees, 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 C.F.R. § 270.30(c).

4. Duty to Mitigate

In the event of noncompliance with this Permit, the Permittees 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 C.F.R. § 270.30(d).

5. Proper Operation and Maintenance

The Permittees 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 Permittees to achieve compliance with the conditions of this Permit. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/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 C.F.R. § 270.30(e).

6. Duty to Provide Information

The Permittees 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 Permittees shall also furnish to DEQ, upon request, copies of records required to be kept by this Permit. 40 C.F.R. § 270.30(h).

7. Inspection and Entry

Pursuant to 40 C.F.R. § 270.30(i) and 27A O.S. § 2-3-501(A), the Permittees 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 Permittees' 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 and/or contaminated media to be analyzed must be the appropriate method from Appendix I of 40 C.F.R. Part 261 or an equivalent method approved by DEQ. Laboratory methods must be those specified in the most recent edition of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium SW-846, Standard Methods for the Examination of Water and Wastewater, Fifteenth Edition, 1980, and 1981 supplement, or current adopted edition; RCRA Ground-Water Monitoring: Draft Technical Guidance, 1992, OSWER Directive 9950.1 or an equivalent method approved in writing by DEQ. 40 C.F.R. § 270.30(j)(1).
- b. The Permittees shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, and records of all data used to complete the application for this Permit for a period of at least three (3) years from the date of the sample, measurement, report, 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. The Permittees shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations for the active life of the facility, and for the post-closure care period as well. 40 C.F.R. §§ 264.74(b) and 270.30(j)(2).
- c. Pursuant to 40 C.F.R. § 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 Permittees shall give notice to DEQ, as soon as possible, of any planned physical alterations or additions to the Permitted facility. 40 C.F.R. § 270.30(l)(1).

10. Reporting Anticipated Noncompliance

The Permittees 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 C.F.R. § 270.30(l)(2).

11. Monitoring and Other Periodic Reports

Monitoring reports and other periodic reports required by this Permit shall be submitted to DEQ by the deadlines specified in the table below: 40 C.F.R. § 270.30(l)(4).

<b>Every Five Years (beginning in 2025)</b>	
5-Year Comprehensive Groundwater Sampling Event	September 1
<b>BIENNIAL REPORTING</b>	
Biennial Hazardous Waste Report	March 1 of even years
<b>ANNUAL REPORTING</b>	
RCRA Financial Assurance	March 31
Non-Remediation SWMU Excavation & Tracking Report	January 31
Annual Certified Statement of Waste Minimization Program	December 1, for the previous year ending September 30
<b>SEMI-ANNUAL REPORTING</b>	
Performance Management Program (PMP) Site-wide Groundwater Monitoring Report	March 1, September 1
<b>MONTHLY REPORTING</b>	
RCRA DEQ Hazardous Waste TSDF Report	Within 30 days after the final day of each month

12. Monthly Reports

The Permittees shall submit monthly reports as required by OAC 252:205-9-2.

13. Biennial Report

The Permittees shall comply with the biennial reporting requirements of 40 C.F.R. § 264.75.

14. Compliance Schedules

Reports of compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than fourteen (14) days following each schedule date. 40 C.F.R. § 270.30(l)(5).

15. Hazardous Waste Release Reporting

Upon release of materials that are or become hazardous waste whether by spillage, leakage, or discharge to the soil or to air or to surface or groundwater (outside the limits of any discharge Permit), or by any other means, or any noncompliance, and which could threaten human health or the environment, the Permittees shall immediately notify DEQ and take all necessary action to contain, remediate, and mitigate hazards from the release. OAC 252:205-13-1 and 40 C.F.R. § 270.30(l)(6).

- a. The description of the occurrence and its cause shall include:
  - i. Name, address, and telephone number of the owner or operator;
  - ii. Name, address, and telephone number of the facility;
  - iii. Date, time, and type of incident;
  - iv. Name and quantity of material(s) involved;
  - v. The extent of injuries, if any;
  - vi. An assessment of actual or potential 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.
- b. A written submission shall also be provided within five (5) days of the time the Permittees become 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 fifteen (15) days.

16. Manifest Discrepancy Report

If a significant discrepancy in a manifest is discovered, the Permittees must attempt to reconcile the discrepancy. Upon discovering a significant difference in quantity or type,

the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within fifteen (15) days after receiving the waste, the owner or operator must immediately submit to the Director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. 40 C.F.R. §§ 264.72 and 270.30(l)(7).

**17. Unmanifested Waste Report**

If hazardous waste is received from offsite without an accompanying manifest, a report must be submitted to the Director within fifteen (15) days of receipt of the unmanifested waste. The report shall include the information required in 40 C.F.R. §§ 264.76(a)(1)-(7). 40 C.F.R. §§ 264.76, 270.30(l)(8).

**18. Other Noncompliance**

The Permittees shall report all other instances of known noncompliance with this Permit not otherwise required to be reported above by Permit Conditions I.H.11, 14 and 15 at the time monitoring reports related to that activity are submitted. The reports shall contain the information listed in Permit Condition I.H.15. 40 C.F.R. § 270.30(l)(10).

**19. Other Information**

Whenever the Permittees become aware that they 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 Permittees shall promptly submit such facts or information. 40 C.F.R. § 270.30(l)(11).

**I. SIGNATORY REQUIREMENT**

All applications, reports, or information submitted to or requested by the Executive Director, his designee, or authorized representative, shall be signed and certified in accordance with 40 C.F.R. § 270.11 and 270.30(k).

**J. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO DEQ**

One (1) hardcopy and one (1) electronic copy in Windows Compatible format, CD or Flash Drive electronic mail, or website download for all reports, notifications, or other submissions which are required by this Permit to be sent or given to DEQ should be sent by mail or given to:

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



**K. CONFIDENTIAL INFORMATION**

In accordance with 40 C.F.R. § 270.12 and OAC 252:4-1-5(d) and 252:205-1-4, the Permittees 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, DEQ may make the information available to the public without further notice. Any claim asserted and approved by DEQ, will be treated in accordance with the procedures in 40 C.F.R. Part 2 (Public Information), and the Oklahoma Open Records Act, 51 O.S. § 24A.5. 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 Permittees shall maintain at the facility, until closure is completed and certified by an independent, registered professional engineer, at least one (1) hard copy of each of the following documents and all amendments, revisions, and modifications to these documents:

1. Operating Record, as required by 40 C.F.R. § 264.73 and this Permit.
2. Waste Analysis Plan, as required by 40 C.F.R. § 264.13 and this Permit (see Permit Attachment 1).
3. Site Security Plan, as required by this Permit (see Permit Attachment 2).
4. Inspection Plan, as required by 40 C.F.R. § 264.15(b)(2) and this Permit (see Permit Attachment 3).
5. Preparedness and Prevention, as required by 40 C.F.R. Part 264 Subpart C and this Permit (see Permit Attachment 4).
6. Contingency Plan, as required by 40 C.F.R. § 264.53(a) and this Permit (see Permit Attachment 5).
7. Procedures, Structures, Equipment for Prevention of Hazards, as required by 40 C.F.R. § 270.14(b)(8) and (9) and this Permit (see Permit Attachment 6).
8. Personnel training documents and records, as required by 40 C.F.R. § 264.16(d) and this Permit (see Permit Attachment 7).
9. Closure Plan, as required by 40 C.F.R. § 264.112(a) and this Permit (see Permit Attachment 8).
10. Post-Closure Plan, as required by 40 C.F.R. § 264.118(a) and this Permit (see Permit Attachment 9).
11. Annually adjusted cost estimate for closure and post-closure, as required by 40 C.F.R. §§ 264.142(d) and 264.144(d) and this Permit (see Permit Attachment 10),

and financial assurance as required by 40 C.F.R. §§ 264.143 and 264.145 and this Permit (see Permit Attachment 10).

12. Maps and Figures, as required by 40 C.F.R. § 270.14(b)(19) and this Permit (see Permit Attachment 11).
13. June 2022, Professional Engineer Certification for Tank 2007 as required by 40 C.F.R. § 270.16 and this Permit (Attachment 12).
14. Performance Monitoring and Sampling Plan (PMP) as required by 40 C.F.R. § 264.92 and this Permit (see Permit Attachment 13).

## **II. GENERAL FACILITY CONDITIONS**

### **A. DESIGN AND OPERATION OF FACILITY**

The Permittees shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment, as required by 40 C.F.R. § 264.31 and OAC 252:205-9-1.

### **B. REQUIRED NOTICES**

#### **1. Hazardous Waste Imports**

The Permittees may not receive hazardous waste from a foreign source.

#### **2. Hazardous Waste from Off-Site Sources**

The Permittees may not receive hazardous waste from off-site sources.

### **C. GENERAL WASTE ANALYSIS**

The Permittees shall meet the waste analysis requirements of 40 C.F.R. § 264.13 by following the procedures set forth in the attached Waste Analysis Plan, Permit Attachment 1.

The Permittees shall verify, by either process knowledge or analysis, the identification of listed hazardous wastes, and either by process knowledge or analysis, the identification of hazardous wastes that are not listed wastes but that exhibit one or more of the characteristics of hazardous waste. The verification is to ensure the proper management of ignitable, reactive, or incompatible wastes and compliance with land disposal restriction treatment standards and prohibitions located in 40 C.F.R. Part 268.

Analyses shall be conducted in accordance with Test Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium SW-846, or equivalent methods approved by DEQ. At a minimum, the Permittees 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 Permittees use a contract laboratory to perform analyses, then the Permittees shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit.

The Permittees shall repeat the knowledge of process determination or the analysis when it is notified or has reason to believe that the process or operation generating the waste has changed. 40 C.F.R. § 264.13(a)(3)(i).

### **D. SECURITY**

The Permittees shall comply with the security provisions of 40 C.F.R. § 264.14(b)(1) and (c) and the Site Security Plan, Permit Attachment 2.

#### **E. GENERAL INSPECTION REQUIREMENTS**

The Permittees shall comply with 40 C.F.R. § 264.15 and follow the inspection schedule set out in Permit Attachment 3. The Permittees shall remedy any deterioration or malfunction discovered by an inspection, as required by 40 C.F.R. § 264.15(c). Records of inspections shall be kept, as required by 40 C.F.R. § 264.15(d).

1. If requested, the Permittees shall submit a revised Inspection Schedule to DEQ.
2. If requested, the Permittees shall provide to DEQ a copy of daily, weekly, and monthly inspection logs which address all items on the inspection schedules from Permit Attachment 3.

#### **F. PERSONNEL TRAINING**

The Permittees shall conduct personnel training, as required by 40 C.F.R. § 264.16. This training program shall follow Permit Attachment 7. The Permittees shall maintain training documents and records, as required by 40 C.F.R. § 264.16(d) and (e).

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

The Permittees shall comply with the requirements of 40 C.F.R. § 264.17(a).

#### **H. PREPAREDNESS AND PREVENTION**

1. Required Equipment

As required by 40 C.F.R. § 264.32, at a minimum, the Permittees shall maintain at the facility the equipment set forth in the Preparedness and Prevention Plan, Permit Attachment 4, and the Site Security and Inspection Plans, Permit Attachments 2 and 3.

2. Testing and Maintenance of Equipment

As required by 40 C.F.R. § 264.33, the Permittees 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 set forth in Permit Attachment 4.

3. Access to Communications or Alarm System

As required by 40 C.F.R. § 264.34, the Permittees shall maintain access to the communications or alarm system, as set forth in Permit Attachment 4.

4. Required Aisle Space

The Permittees shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

5. Arrangements with Local Authorities

As required by 40 C.F.R. § 264.37, the Permittees shall maintain arrangements with state and local authorities, as specified in the Contingency Plan found in Permit Attachment 5. If state or local officials refuse to enter into preparedness and prevention arrangements with the Permittees, the Permittees must document this refusal in the operating record.

**I. CONTINGENCY PLAN**

1. Implementation of Plan

As required by 40 C.F.R. § 264.51(b) and OAC 252:205-13-1, the Permittees 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 Permittees shall comply with the requirements of 40 C.F.R. § 264.53.

3. Amendments to Plan

The Permittees shall review and immediately amend, if necessary, the Contingency Plan, as required by 40 C.F.R. § 264.54. Such amendment may require Permit modification in accordance with 40 C.F.R. § 270.42. Copies of the amended plan shall be distributed as required by 40 C.F.R. § 264.53.

4. Emergency Coordinator

A trained emergency coordinator shall be available at all times in case of an emergency, as required by 40 C.F.R. § 264.55. The list of Emergency Coordinators can be found in Permit Attachment 5.

**J. GENERAL CLOSURE REQUIREMENTS**

1. Performance Standard

As required by OAC 252:205-9-5 and 40 C.F.R. § 264.111, the Permittees shall conduct all required closure activities for hazardous waste management units in accordance with the Closure Plan, Permit Attachment 8.

2. Amendment to Closure Plan

Whenever necessary, in accordance with 40 C.F.R. § 264.112(c), the Permittees shall amend the Closure Plan, Permit Attachment 8. Such amendment may require Permit modification in accordance with 40 C.F.R. § 270.42.

3. Notification of Closure

The Permittees shall notify DEQ in writing at least forty-five (45) days prior to the date on which the Permittees expect to begin closure of the permitted units or final closure of the regulated units, as required by 40 C.F.R. § 264.112(d).

4. Time Allowed for Closure

The Permittees shall remove from the unit or facility, and properly dispose of all hazardous waste and shall complete closure activities, in accordance with 40 C.F.R. § 264.113 and the schedules specified in the Closure Plan, Permit Attachment 8.

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

The Permittees shall decontaminate or dispose of all impacted equipment, structures, and soils, as required by 40 C.F.R. § 264.114 and the Closure Plan, Permit Attachment 8.

6. Certification of Closure

The Permittees shall certify that the regulated unit has been closed in accordance with the specifications in the Closure Plan, Permit Attachment 8, as required by 40 C.F.R. § 264.115.

7. Survey Plat

The Permittees shall submit a survey plat no later than the submission of certification of closure of each hazardous waste disposal unit in accordance with 40 C.F.R. § 265.116, as outlined in Permit Attachment 8.

**K. FACILITY POST-CLOSURE REQUIREMENTS**

1. Post-Closure Care Period

Unless clean closure is achieved, the Permittees shall begin post-closure care for each regulated unit after certification of closure of the unit. The SWRP shall be maintained in accordance with 40 C.F.R. § 264.117 and the Post-Closure Plan, Permit Attachment 9. Groundwater monitoring at the SWRP is outlined in section V of this Permit and is conducted under the Performance Monitoring Plan found in Permit Attachment 13.

2. Post-Closure Security

The Permittees shall maintain security at the regulated unit during the post-closure care period in accordance with 40 C.F.R. § 264.117(b) and the Post-Closure Plan, Permit Attachment 9.

3. Amendment to Post-Closure Plan

The Permittees shall amend the Post-Closure Plan in accordance with 40 C.F.R. § 264.118(d) and Permit Attachment 9 whenever necessary.

4. Post-Closure Notices

- a. In accordance with 40 C.F.R. § 264.119(a), and Permit Attachment 9, no later than sixty (60) days after certification of closure of each hazardous waste disposal unit, the Permittees shall submit records of the type, location, and quantity of hazardous waste disposed within each cell or disposal unit.
- b. Within sixty (60) days of certification of closure of the first hazardous waste disposal unit and the last hazardous waste disposal unit, the Permittees shall do the following:
  - i. Record a notation on the deed to the facility property, in accordance with 40 C.F.R. § 264.119(b)(1).
  - ii. Submit a certification that a notation, in accordance with 40 C.F.R. § 264.119(b)(2), has been recorded.

**L. COST ESTIMATE FOR FACILITY CLOSURE, POST-CLOSURE AND CORRECTIVE ACTION**

1. The Permittees must adjust the closure cost estimate, provided in Attachment 10, for inflation within sixty (60) days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with 40 C.F.R. §§ 264.143 and 264.145 and Permit Condition II.M, or when using an approved state-required mechanism, upon such date as required by the state. 40 C.F.R. § 264.142(b).
2. The Permittees must revise the closure cost estimate, post-closure cost estimate and corrective action cost estimate whenever there is a change in the facility's Closure Plan and Post-Closure Plan, as required by 40 C.F.R. §§ 264.142(c) and 264.144(c).

**M. FINANCIAL ASSURANCE FOR FACILITY CLOSURE, POST-CLOSURE AND CORRECTIVE ACTION**

The Permittees shall demonstrate continuous compliance with 40 C.F.R. §§ 264.143, 264.145, and 264.146 by providing documentation of financial assurance, as required by 40 C.F.R. § 264.151,

in at least the amount of the cost estimates required by Permit Condition II.L and Attachment 10. Changes in financial assurance mechanisms must be approved by DEQ pursuant to 40 C.F.R. §§ 264.143, 264.145, or 264.149.

#### **N. LIABILITY REQUIREMENTS**

The Permittees shall demonstrate continuous compliance with the requirement of 40 C.F.R. § 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.

The Permittees also shall demonstrate continuous compliance with the 40 C.F.R. § 264.147(b) requirements to have and maintain liability coverage for non-sudden accidental occurrences in the amount of at least \$3 million per occurrence, with an annual aggregate of at least \$6 million, exclusive of legal defense costs. Insurance liability information can be found in Permit Attachment 10.

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

The Permittees shall comply with 40 C.F.R. § 264.148 whenever a Permittee or the financial institution commences voluntary or involuntary bankruptcy.



### **III. TANK 2007**

#### **A. SECTION HIGHLIGHTS**

The Hazardous Waste Storage Tank 2007 is a steel, above-grade, enclosed tank that, when originally constructed, had a fill height of 30 feet, which gave the tank a capacity of 214,200 gallons. A 2022 Professional Engineer (PE) evaluation of Tank 2007 lowered the maximum fill height to 28.01 feet, giving the tank a maximum capacity of 201,568 gallons. Pumps, located at each of the two American Petroleum Institute (API) separators, are manually operated to pump sludge from the collection tanks located in the bottom of the API separators to Tank 2007. The pipeline to Tank 2007 is a 3-inch diameter carrier pipe inside a 6-inch diameter sleeve for secondary control. The tank has secondary containment that meets the requirements of 40 C.F.R. § 264.193.

#### **B. PERMITTED AND PROHIBITED WASTE IDENTIFICATION**

1. The Permittees may store a total volume of 201,568 gallons of hazardous waste in Tank 2007, subject to the terms of this Permit and as follows:

<b>Tank No.</b>	<b>Capacity (Gallons)</b>	<b>Dimensions of Tank</b>	<b>Secondary Containment Required</b>	<b>Description of Hazardous Waste</b>	<b>Hazardous Waste No.</b>
2007	201,568	35 ft diameter x 28.01 ft high (2022 PE evaluation stated maximum fill height)	Yes- in place	API Separator Sludge  Dissolved Air Flotation (DAF)	K051  K048

2. The Permittees are prohibited from storing or treating hazardous wastes that are not identified in Permit Condition III.B.1.

#### **C. OPERATING REQUIREMENTS**

1. The Permittees shall not place hazardous wastes or treatment reagents in the tank system if they can cause the tank, its ancillary equipment, or a containment system to rupture, leak, corrode, or otherwise fail. 40 C.F.R. § 264.194(a).

2. The Permittees shall prevent spills and overflows from the tank or containment systems using the methods described in Permit Attachment 12. 40 C.F.R. § 264.194(b).

#### **D. RESPONSE TO LEAKS OR SPILLS**

In the event of a leak or a spill from the tank system, from a secondary containment system, or if a system becomes unfit for continued use, the Permittees shall, pursuant to 40 C.F.R. § 264.196(a)-(f), remove the system from service immediately, and complete the following actions:

1. Stop the flow of hazardous waste into the system and inspect the system to determine the cause of the release.
2. Remove waste and accumulated precipitation from the system within twenty-four (24) hours of the detection of the leak to prevent further release and to allow inspection and repair of the system. If the Permittees find that it will be impossible to meet this deadline, the Permittees shall notify DEQ and demonstrate that more time is needed.

If the collected material is a RCRA hazardous waste, it must be managed in accordance with all applicable requirements of 40 C.F.R. Parts 262-264. The Permittees shall note that if the collected material is discharged through a point source to U.S. waters or to a Publicly Owned Treatment Works, it is subject to requirements of the Clean Water Act. If the collected material is released to the environment, it may be subject to reporting under 40 C.F.R. Part 302.

3. Contain visible releases to the environment. The Permittees shall immediately conduct a visual inspection of all releases to the environment and based on the that inspection:
  - a. Prevent further migration of the leak or spill to soils or surface water; and
  - b. Remove and properly dispose of any visible contamination of the soil or surface water.
4. Close the system in accordance with the Closure Plan, Permit Attachment 8, unless the following actions are taken:
  - a. For a release caused by a spill that has not damaged the integrity of the system, the Permittees shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service. 40 C.F.R. § 264.196(e)(2).
  - b. For a release caused by a leak from the primary tank system to the secondary containment system, the Permittees shall repair the primary system prior to returning it to service. 40 C.F.R. § 264.196(e)(3).

- c. For a release caused by a leak from a component of a tank system without secondary containment, the Permittees must repair the component and provide it with secondary containment that satisfies the requirements of 40 C.F.R. § 264.193 before it can be returned to service. 40 C.F.R. § 264.196(e)(4).
- 5. For all major repairs to eliminate leaks or restore the integrity of the tank system, the Permittees must obtain a certification by an independent qualified, registered Professional Engineer that the repaired system is capable of handling hazardous wastes without release for the intended life of the system before returning the system to service. Examples of major repairs are installation of an internal liner, repair of a ruptured tank, or repair or replacement of a secondary containment vault.

## **E. RECORDKEEPING AND REPORTING**

- 1. The Permittees shall report to DEQ immediately when a leak or spill occurs from the tank system or secondary containment system to the environment. OAC 252:205-13-1(a).
  - a. A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned up need not be reported. 40 C.F.R. § 264.196(d)(2)(i) and (ii).
  - b. Releases that are contained within a secondary containment system need not be reported. OAC 252:205-13-1(b).
- 2. Within thirty (30) days of detecting a release to the environment from the tank system or secondary containment system, the Permittees shall, pursuant to 40 C.F.R. § 264.196(d)(3), report the following information to DEQ:
  - a. Likely route of migration of the release;
  - b. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
  - c. Results of any monitoring or sampling conducted in connection with the release (if available). If the Permittees finds it will be impossible to meet this time period, the Permittees shall provide DEQ with a schedule of when the results will be available. This schedule must be provided before the required thirty (30) day submittal period expires and provide the sampling or monitoring data as soon as they become available;
  - d. Proximity of downgradient drinking water, surface water, and populated areas; and
  - e. Description of response actions taken or planned.

3. The Permittees shall submit to DEQ all certifications of major repairs to correct leaks within seven (7) days from returning the tank system to use. 40 C.F.R. § 264.196(f).
4. The Permittees shall maintain at the facility a record of the results of leak tests and integrity tests conducted.

**F. INSPECTION SCHEDULES AND PROCEDURES**

1. The Permittees shall inspect the tank systems, in accordance with the Inspection Schedule found in Permit Attachment 3.
2. The Permittees shall inspect the overfill controls in accordance with the schedule in Permit Attachment 3. 40 C.F.R. § 264.195(a).
3. Pursuant to 40 C.F.R. § 264.195(b) and (c), the Permittees shall inspect the following components of the tank system once each operating day:
  - a. Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
  - b. Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design;
  - c. The area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system and ancillary equipment, to detect erosion or signs of releases of hazardous waste.
4. The Permittees shall document compliance with the inspection requirements of Permit Conditions III.F.2 and III.F.3 and place this documentation in the operating record for the facility. 40 C.F.R. § 264.195(d).

**G. AIR EMISSION STANDARDS**

The Permittees shall follow the 40 C.F.R. Part 264 Subpart CC requirements for a Level 1 tank:

1. The Permittees shall perform a new determination of the maximum organic vapor pressure whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in 40 C.F.R. § 264.1084(b)(1)(i).
2. The fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. 40 C.F.R. § 264.1084(c)(2)(i).

3. The fixed roof shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall. 40 C.F.R. § 264.1084(c)(2)(ii).
4. Whenever hazardous waste is in the tank, the fixed roof shall be installed with each closure device secured in the closed position except as follows:
  - a. Opening of closure devices or removal of the fixed roof is allowed at the following times:
    - i. To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. 40 C.F.R. § 264.1084(c)(3)(i)(A).
    - ii. To remove accumulated sludge or other residues from the bottom of the tank. 40 C.F.R. § 264.1084(c)(3)(i)(B).
  - b. Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressures in accordance with the tank design specifications. 40 C.F.R. § 264.1084(c)(3)(ii).
  - c. Opening a safety device, as defined in 40 C.F.R. § 265.1081, is allowed at any time conditions require doing so to avoid an unsafe condition. 40 C.F.R. § 264.1084(c)(3)(iii).
5. The Permittees shall inspect the air emission control equipment semi-annually in accordance with the following requirements.
  - a. The fixed roof and its closure devices shall be visually inspected by the Permittees to check for defects that could result in air pollutant emissions. 40 C.F.R. § 264.1084(c)(4)(i).
  - b. Pursuant to 40 C.F.R. § 1084(c)(4)(iii), in the event that a defect is detected, the owner or operator shall repair the defect as follows:
    - i. The Permittees shall make the first effort at repair of the defect no later than five (5) calendar days after detection, and repair shall be completed as soon as possible but no later than forty-five (45) calendar days after detection except as provided in 5.b.ii of this Section. 40 C.F.R. § 264.1084(k)(1).
    - ii. Repair of a defect may be delayed beyond forty-five (45) calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the

hazardous waste normally managed in the tank. 40 C.F.R. § 264.1084(k)(2).

- c. The Permittees shall maintain a record of the inspection in accordance with the requirements specified in 40 C.F.R. § 264.1089(b). 40 C.F.R. § 1084(c)(4)(iv).
6. Inspection and monitoring of the tank's cover may be performed at intervals longer than one (1) year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. The owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
- a. Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required. 40 C.F.R. § 264.1084(l)(1)(i).
  - b. Develop and implement a written plan and schedule to inspect and monitor the cover as frequently as practicable during those times when a worker can safely access the cover. 40 C.F.R. § 264.1084(l)(1)(ii).

#### **H. CLOSURE AND POST-CLOSURE CARE**

- 1. At closure of the tank system(s), the Permittees shall follow the procedures in the Closure Plan, Permit Attachment 8. 40 C.F.R. § 264.197(a).
- 2. If the Permittee demonstrates that not all contaminated soils can be practically removed or decontaminated, in accordance with the Closure Plan, then the Permittees shall close the tank system(s) and perform post-closure care following the contingent procedures in the Closure Plan, Permit Attachment 8. 40 C.F.R. § 264.197(b) and (c).

#### **IV. POST-CLOSURE REQUIREMENTS FOR THE SWRP**

##### **A. HISTORY**

The Stormwater Retention Pond (SWRP) was originally a 0.52-acre surface impoundment that received refinery storm water. During heavy rain events, some refinery primary sludge may have been carried into the SWRP. When primary sludge was listed as a hazardous waste on May 2, 1991, the SWRP subsequently became a hazardous waste management unit. The SWRP was certified closed on June 21, 1994, with approximately 860 cubic yards of sludge and affected soils stabilized in place.

##### **B. UNIT IDENTIFICATION**

The Permittees shall provide post-closure care for the following hazardous waste management units, subject to the terms and conditions of this permit, and as described as follows:

<b>Type of Waste Unit</b>	<b>Unit Designation</b>	<b>Maximum Waste Inventory</b>	<b>RCRA Waste Code</b>
Surface Impoundment	Storm Water Retention Pond	860 yd <sup>3</sup>	F037

##### **C. POST-CLOSURE PROCEDURES AND USE OF PROPERTY**

1. The Permittees shall conduct post-closure care for the SWRP, to begin after completion of closure of the unit which occurred on June 21, 1994 and continue for 30 years after that date, except that the 30-year post-closure care period may be shortened upon application and demonstration approved by DEQ that the facility is secure, or may be extended by DEQ if necessary to protect human health and the environment. 40 C.F.R. § 264.117(a).
2. The Permittees shall maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of 40 C.F.R. Part 264, Subpart F during the post-closure period according to Attachment 13. 40 C.F.R. § 264.228(b)(3).
3. Pursuant to 40 C.F.R. § 264.228(b) the Permittees shall comply with the requirements for surface impoundments as follows:

- a. Maintain the integrity and effectiveness of the final cover, including making repairs to the cap, as necessary, to correct the effects of settling, subsidence, erosion, and other events;
  - b. Maintain and monitor the leak detection system in accordance with 40 C.F.R. §§ 264.221(c)(2)(iv) and (3) and § 264.226(d) and comply with all other applicable leak detection system requirements of 40 C.F.R. Part 264; and
  - c. Prevent run-on and run-off from eroding or otherwise damaging the final cover.
4. The Permittees shall comply with all security requirements, as specified in Permit Attachment 2. 40 C.F.R. § 264.117(b).
  5. The Permittees shall not allow any use of the SWRP which will disturb the integrity of the final cover, liners, any components of the containment system, or the function of the facility's monitoring systems during the post-closure care period. 40 C.F.R. § 264.117(c).
  6. The Permittees shall continue to implement the Post-Closure Plan, Permit Attachment 9. All post-closure care activities must be conducted in accordance with the provisions of the Post-Closure Plan. 40 C.F.R. §§ 264.117(d) and 264.118(b).

#### **D. INSPECTIONS**

The Permittees shall inspect the components, structures, and equipment at the site in accordance with the Inspection Schedule, Permit Attachment 9, Appendix A. 40 C.F.R. § 264.117(a)(1)(ii).

#### **E. NOTICES AND CERTIFICATIONS**

1. If a Permittee or any subsequent owner or operator of the land upon which the hazardous waste disposal unit is located, wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, or contaminated soils, then he shall request a modification to this Permit in accordance with the applicable requirements in 40 C.F.R. Parts 124 and 270. The Permittees or any subsequent owner or operator of the land shall demonstrate that the removal of hazardous wastes will satisfy the criteria of 40 C.F.R. § 264.117(c). 40 C.F.R. 264.119(c).
2. No later than sixty (60) days after completion of the established post-closure care period for each hazardous waste disposal unit, the Permittees shall submit to DEQ, by registered mail, a certification that the post-closure care for the hazardous waste disposal unit was performed in accordance with the specifications in the approved Post-Closure Plan (Permit Attachment 9). The



certification must be signed by the Permittees and an independent, registered Professional Engineer. Documentation supporting the independent, registered Professional Engineer's certification must be furnished to DEQ upon request until DEQ releases the Permittees from the financial assurance requirements for post-closure care under 40 C.F.R. § 264.145(i). 40 C.F.R § 264.120.

**F. FINANCIAL ASSURANCE**

The Permittees shall maintain financial assurance during the post-closure period and comply with all applicable requirements of 40 C.F.R. Part 264, Subpart H. 40 C.F.R. § 264.145.

**G. POST-CLOSURE MODIFICATIONS**

The Permittees must request a permit modification to authorize a change in the approved Post-Closure Plan (Permit Attachment 9). This request must be in accordance with applicable requirements of 40 C.F.R. Parts 124 and 270 and must include a copy of the proposed amended Post-Closure Plan for approval by DEQ. The Permittees shall request a permit modification whenever changes in operating plans or facility design affect the approved Post-Closure Plan, there is a change in the expected year of final closure, or other events occur during the active life of the facility that affect the approved Post-Closure Plan. The Permittees must submit a written request for a permit modification at least sixty (60) days prior to the proposed change in facility design or operation, or no later than sixty (60) days after an unexpected event has occurred which has affected the Post-Closure Plan. 40 C.F.R. § 264.118(d).

## **V. SWRP DETECTION MONITORING**

### **A. SECTION HIGHLIGHTS**

The Permittees shall maintain the groundwater monitoring program for the SWRP to comply with the requirements of 40 C.F.R. §§ 264.97 and 264.98.

The permitted groundwater monitoring wells consist of SMW-1, SMW-5, and SMW-5D as upgradient wells and downgradient wells SMW-9, SMW-9D, SMW-11, SMW-11D, SMW-21, and SMW-21D.

### **B. WELL LOCATION, INSTALLATION AND CONSTRUCTION**

The Permittees shall install and maintain a groundwater monitoring system as specified below: 40 C.F.R. § 264.97.

1. The Permittees shall maintain the groundwater monitoring wells at the locations specified in Permit Attachment 13.
2. The Permittees shall maintain the monitoring wells in accordance with the detailed plans and specifications presented in Permit Attachment 13.
3. The Permittees must apply for a Class 2 permit modification to request a change in the number, location, depth, or design of upgradient or downgradient wells of the SWRP groundwater monitoring system as listed in Permit Condition V.A., and as required under 40 C.F.R. § 270.42 Appendix I(C)(1).

### **C. INDICATOR PARAMETERS AND MONITORING CONSTITUENTS**

The Permittees shall monitor the groundwater monitoring wells for the indicator parameters found in Attachment 13, Table 5 in accordance with the appropriate sampling schedule.

### **D. SAMPLING AND ANALYSIS PROCEDURES**

The Permittees shall use the following techniques and procedures when obtaining and analyzing samples from the groundwater monitoring wells: 40 C.F.R. §§ 264.97(d) and (e).

1. Samples shall be collected using the techniques described in Permit Attachment 13.
2. Samples shall be preserved and shipped in accordance with the procedures specified in Permit Attachment 13.

3. Samples shall be analyzed in accordance with the procedures specified in Permit Attachment 13.
4. Samples shall be tracked and controlled using the chain-of-custody procedures specified in Permit Attachment 13.

**E. ELEVATION OF THE GROUNDWATER SURFACE**

1. The Permittees shall determine the elevation of the groundwater surface at each well each time the groundwater is sampled. 40 C.F.R. § 264.97(f).
2. The Permittees shall record the surveyed elevation of new monitoring well(s) when installed (with as-built drawings) and resurvey an existing monitoring well if damaged or modified.

**F. STATISTICAL PROCEDURES**

When evaluating the monitoring results in accordance with Permit Condition V.G., the Permittees shall use the latest version of ProUCL 5.2 statistical software or equivalent as specified in Attachment 13.

**G. MONITORING PROGRAM AND DATA EVALUATION**

1. The Permittees shall collect, preserve, and analyze samples pursuant to Permit Attachment 13.
2. The Permittees shall determine groundwater quality at each monitoring well semi-annually during the post-closure care period. 40 C.F.R. § 264.98(d). The Permittees shall express the groundwater quality at each monitoring well in a form necessary for the determination of statistically significant increases (e.g., means and variances). 40 C.F.R. § 264.97(h).
3. The Permittees shall determine the groundwater flow rate and direction in the uppermost aquifer at least annually. 40 C.F.R. § 264.98(e).
4. The Permittees shall determine whether there is a statically significant increase for each parameter in Permit Condition V.C. each time groundwater quality is monitored at perimeter monitoring wells, as defined in Table 4 of the PMP (Attachment 13). In determining whether such an increase has occurred, the Permittees must analyze the groundwater quality at each monitoring well in accordance with the statistical procedures specified in Permit Condition V.F. 40 C.F.R. § 264.98(f).

5. The Permittees shall perform the statistical evaluations described in Permit Condition V.F. within forty-five (45) days after completion of sampling analysis. 40 C.F.R. § 264.98(f)(2).

## **H. RECORDKEEPING AND REPORTING**

1. The Permittees shall enter all monitoring, testing, and analytical data obtained in accordance with Permit Condition V.G. in the operating record. 40 C.F.R. § 264.97(j). The data must include all computations and information from the statistical analyses.
2. The Permittees shall submit the analytical results and the results of the initial statistical analyses as part of site-wide semi-annual reporting (Permit Condition VI.M) in accordance with the following schedule:

<u>Sampling to be Conducted</u> <u>During the Months of</u>	<u>Results Due to</u> <u>the Agency by</u>
June/December	September 1/March 1

3. If the Permittees determine there is a statistically significant increase above the concentration limits for any constituent, indicating that the groundwater protection standard is being exceeded, the Permittees shall:
  - a. Notify the DEQ in writing within seven (7) days. The notification must indicate which parameters or constituents have shown statistically significant increase. 40 C.F.R. § 264.98(g)(1).
  - b. Immediately sample the groundwater in all wells and determine the concentration of all constituents identified in Appendix IX of 40 C.F.R. § 264. 40 C.F.R. § 264.98(g)(2).
  - c. For any Appendix IX compounds found in the analysis, the Permittees may resample within one month and repeat the analysis for those compounds detected. If the results from this second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the Permittees do not resample for the compounds identified in 3.b. above, the hazardous constituents found during the initial Appendix IX analysis will form the basis for compliance monitoring. 40 C.F.R. § 264.98(g)(3).
  - d. Within 90 days, submit to the DEQ an application for a permit modification to establish a compliance monitoring program. 40 C.F.R. § 264.98(g)(4). The application must include the following information:

- i. An identification of the concentration of each Appendix IX constituent found in the groundwater at each monitoring well at the compliance point. 40 C.F.R. § 264.98(g)(4)(i).
  - ii. Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of compliance monitoring as described in 40 C.F.R. § 264.99. 40 C.F.R. § 264.98(g)(4)(ii).
  - iii. Any proposed changes to the monitoring frequency, sampling and analysis procedures, or methods or statistical procedures used at the facility necessary to meet the requirements of compliance monitoring as described in 40 C.F.R. § 264.99. 40 C.F.R. § 24.98(g)(4)(iii).
  - iv. For each hazardous constituent found at the compliance point, a proposed concentration limit, or a notice of intent to seek an alternate concentration limit for a hazardous constituent. 40 C.F.R. §264.98(g)(4)(iv).
- e. Within one-hundred and eighty (180) days, submit to DEQ the following items: 40 C.F.R. § 254.98(g)(5)
  - i. All of the data necessary to justify an alternate concentration limit (ACL); and
  - ii. An engineering feasibility plan for a corrective action program necessary to meet the requirements of 40 C.F.R. 264.100.
- 4. If the Permittees determine there is a statistically significant increase for the parameters specified in Permit Condition V.C, the Permittees may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. In such cases, the Permittees shall:
  - a. Notify DEQ in writing within seven (7) days that the facility intends to make a demonstration. 40 C.F.R. § 264.98(g)(6)(i).
  - b. Within ninety (90) days, submit a report to DEQ which demonstrates that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. 40 C.F.R. § 264.98(g)(6)(ii).
  - c. Within ninety (90) days, submit to DEQ an application for a permit modification to make any appropriate changes to the detection monitoring program at the facility. 40 C.F.R. § 264.98(g)(6)(iii).
  - d. Continue to monitor in accordance with the detection monitoring program at the facility. 40 C.F.R. § 264.98(g)(6)(iv).

## **I. REQUEST FOR PERMIT MODIFICATION**

If the Permittees or DEQ determines the detection monitoring program no longer satisfies the requirements of the regulations, the Permittees must, within ninety (90) days of the determination, submit an application for a permit modification to make any appropriate changes to the program which will satisfy the regulations. 40 C.F.R. § 264.98(h).

## **VI. SITE-WIDE GROUNDWATER MONITORING AND CORRECTIVE ACTION**

### **A. SECTION HIGHLIGHTS**

This Section outlines the requirements for the Permittees' facility groundwater monitoring and corrective action. Corrective action includes Light Non-Aqueous Phase Liquid (LNAPL) and dissolved phase recovery as required under 40 C.F.R. §§ 264.97–264.100. Groundwater corrective action is further discussed in Permit Section VI.B and Permit Attachment 13.

### **B. CORRECTIVE ACTION**

1. The Permittees shall continue to implement the groundwater remediation programs described in Permit Conditions VI.C, VI.D, VI.E and Permit Attachment 13, as well as with the additional requirements set forth below.

The Permittees shall describe in the semi-annual report, as required by Permit Condition VI.M, all changes or proposed changes to the groundwater remediation program that require DEQ approval, including any changes approved by DEQ during periods between reports. As a part of these groundwater corrective action requirements, the Permittees shall address the criteria in Permit Condition VI.B.2 below and submit any necessary applications to modify the terms of this Permit.

2. The groundwater remediation program shall be evaluated, configured, operated, modified as necessary, and maintained to address the following objectives:
  - a. Control current human exposures to contamination in concentrations in excess of appropriate risk-based levels that can be reasonably expected under current land and groundwater use conditions;
  - b. Control migration of contaminated groundwater so that contaminated groundwater has stabilized, and conduct monitoring to confirm that the spatial extent of contaminated groundwater is stable or decreasing;
  - c. Remove free product to address objectives (a) and (b); and
  - d. Continue to demonstrate monitored natural attenuation of existing plumes to evaluate possible methods of enhancing biodegradation.

**C. CORRECTIVE ACTION—LNAPL AND DISSOLVED PHASE PLUME RECOVERY**

1. General Requirements

Pursuant to 40 C.F.R. § 264.100-101, the Permittees shall maintain and continue to operate the LNAPL and dissolved phase plume recovery and containment systems in place as described by Permit Attachment 13. The recovery systems include:

- a. Product Loading Facility
- b. North Process Area
- c. Powell Avenue Recovery System
- d. South Process Area
- e. South Boundary System
- f. Additional Manual LNAPL Recovery

2. Additional Measures and Modifications of Existing Measures

DEQ may require the Permittees to implement additional remediation measures, on an emergency basis or otherwise, to address any LNAPL and/or dissolved phase plume deemed to present an on-going, significant, and/or immediate threat to human health or the environment. Such requirements may be imposed by a DEQ-ordered Permit Modification (40 C.F.R. § 270.41); Emergency Permit (40 C.F.R. § 270.61), Temporary Authorization of a Permit Modification (40 C.F.R. § 270.42(e)); Administrative Compliance Order (OAC 252:4-9-2); or such other means as are authorized by law.

**D. CORRECTIVE ACTION- GROUNDWATER MONITORING**

1. General Requirements

- a. The corrective action groundwater monitoring is composed of a series of wells monitoring both LNAPL and dissolved phase constituents around the six (6) recovery systems at the facility (see Permit Condition VI.C.1).
- b. The corrective action groundwater monitoring system shall continue to be designed, constructed, operated, and maintained to enable evaluation of groundwater quality within the boundaries of the facility. The groundwater monitoring system consists of the network discussed in Permit Attachment 13, Section 4.



**E. SITE-WIDE AND POINT-OF-COMPLIANCE GROUNDWATER MONITORING**

**1. General Requirements**

The groundwater monitoring system shall continue to be designed, constructed, operated, and maintained to enable evaluation of groundwater at the facility's point(s) of compliance. The point of compliance for site-wide monitoring and corrective action is the facility boundary as shown in Permit Attachment 13, Figure 2. The monitoring system shall be maintained in accordance with Permit Attachment 13.

**F. WELL LOCATIONS, INSTALLATION AND CONSTRUCTION**

1. The Permittees shall maintain a groundwater monitoring system as specified in Permit Attachment 13. Well locations may be added as directed by DEQ, or at the discretion of the Permittees, using installation methods following Oklahoma Water Resources Board (OWRB) requirements. Wells may only be deleted or changed following the approval of DEQ and may require a permit modification. 40 C.F.R. § 264.97(a)-(c).
2. All wells deleted from the groundwater monitoring system shall be plugged and abandoned in accordance with OWRB requirements, unless the well(s) is retained for use in obtaining groundwater elevation data. Well plugging and certification shall be submitted to DEQ within ninety (90) days from the date the wells are removed from the monitoring program.

**G. GROUNDWATER PROTECTION STANDARD**

The groundwater protection standard at the point of compliance is the Maximum Contaminant Level (MCL) for drinking water set by EPA or, if there is no established MCL, the DEQ cleanup level, or, if there is no established DEQ cleanup level, the EPA Regional Screening Level (RSL) for Tap Water for each indicator parameter.

The Permittees shall sample the monitoring wells at the point of compliance as designated in Permit Attachment 13 to determine whether the facility is in compliance with the groundwater protection standard. 40 C.F.R. § 264.92.

**H. SAMPLING PARAMETERS, FREQUENCY, AND LOCATION**

The Permittees shall obtain and analyze samples from groundwater wells in accordance with Permit Attachment 13. Samples shall be obtained and analyzed for the parameters indicated in Permit Attachment 13. 40 C.F.R. § 264.97(a) and (b).

## **I. SAMPLING AND ANALYSIS**

The Permittees shall use the following techniques and procedures when obtaining and analyzing samples from groundwater monitoring wells. 40 C.F.R. § 264.97(d) and (e).

1. Samples shall be collected using the techniques described in Permit Attachment 13. All groundwater monitoring wells shall be sampled in a single, contiguous time period unless otherwise approved by DEQ.
2. Samples shall be preserved and shipped in accordance with the procedures specified in Permit Attachment 13.
3. Samples shall be analyzed in accordance with the procedures specified in Permit Attachment 13.
4. Samples shall be tracked and controlled using the chain-of-custody procedures specified in Permit Attachment 13.

## **J. ELEVATION OF GROUNDWATER SURFACE AND PRESENCE OF SEPARATE PHASE LIQUID**

1. The Permittees shall determine LNAPL elevation, thickness, extent, and groundwater surface elevation at each groundwater monitoring well and LNAPL gauging well quarterly, as identified in Permit Attachment 13. 40 C.F.R. § 264.97(f) and 40 C.F.R. § 270.14(c)(4).
2. The Permittees shall record the surveyed elevation of all monitoring wells when installed with as-built drawings. The total depth of wells and the elevation of the following should be recorded: top of casing, ground surface and/or apron elevation, and the top of the protective casing.
3. At least every five (5) years following issuance of this Permit, the Permittees shall re-survey the well locations and elevations of each of the sixty-three (63) wells identified as Point of Compliance (POC) wells in Permit Attachment 13.
4. If siltation or infiltration has occurred such that the total effective depth of any POC monitoring well has been reduced by more than twelve (12) inches, or a water-level monitor well by more than 50% of the screen length, the Permittees shall promptly redevelop or replace all affected wells to remove the solids and re-establish well depth.

## **K. STATISTICAL PROCEDURES**

When evaluating the monitoring results in accordance with Permit Condition VI.H, the Permittees shall use the latest version of ProUCL statistical software or equivalent as specified in Attachment 13.

## **L. MONITORING PROGRAM AND DATA EVALUATION**

1. The Permittees shall collect, preserve, and analyze groundwater samples from the wells specified in Permit Attachment 13. 40 C.F.R. § 264.97(g) and (h).
2. The Permittees shall determine the concentration of hazardous parameter specified in Permit Condition VI.H in groundwater at each sampling point as identified in Permit Attachment 13. These determinations shall be made at least semi-annually, during the months specified in Permit Attachment 13.
3. The Permittees shall determine the groundwater flow rate and direction in the uppermost aquifer semi-annually as per Permit Attachment 13.
4. The Permittees shall determine whether there is a statically significant increase over the background values for each parameter identified in Permit Condition VI.H. each time groundwater quality is determined at the compliance point. In determining whether such an increase has occurred, the Permittees must analyze the groundwater quality at each monitoring well in accordance with the statistical procedures specified in Permit Condition VI.K. 40 C.F.R. § 264.98(f).
5. The Permittees shall perform the statistical evaluations described in Permit Condition VI.K within forty-five (45) days after completion of sampling analysis. 40 C.F.R. § 264.98(f)(2).

## **M. SEMI-ANNUAL REPORTING REQUIREMENTS**

The Permittees shall, by March 1 and September 1, as stated in Permit Condition V.H.2, submit semi-annual status reports on the groundwater remediation. The semi-annual report shall contain the following Sections:

1. Subsurface Assessment Activities;
2. Quarterly Fluid Level Monitoring, for applicable wells, to include potentiometric surface and aerial extent of product;
3. Groundwater Sampling from June and December, reported in the first and third quarters of each year, to include RCRA/Point-of-Compliance Monitoring, routine monitoring, and monitoring relating to the corrective action program;

4. Remedial System Status (changes in system configuration);
5. Significant Developments (if any);
6. Progress Assessment; and
7. Path Forward.
8. Starting in 2025, the Permittees shall submit in the third quarter, and in the third quarter every five years thereafter, a five-year sampling and assessment report that complies with Permit Attachment 13. The report shall include:
  - a. Background and General Summaries;
  - b. Current Sampling Results;
  - c. Summary of Key Conclusions; and
  - d. Recommendations for the next five-year period.
9. As defined in Current Human Exposures (Resource Conservation and Recovery Information System (RCRIS) Code CA725) and Migration of Contaminated Groundwater (RCRIS Code CA750) for the facility, Permittees shall control current human exposures and the migration of contaminated groundwater. At the time of issuance of this Permit, the Permittees have submitted data to DEQ to address the provisions of CA725/750.

The Permittees shall continue to develop and evaluate data related to these environmental indicators for submission to DEQ. If in the future, DEQ determines that the Permittees do not meet these environmental indicators, within two (2) years of DEQ notifying the Permittees of the deficiency, Permittees shall implement measures to achieve these indicators.

#### **N. RECORDKEEPING AND REPORTING**

1. The Permittees shall enter all monitoring, testing, and analytical data obtained pursuant to Permit Conditions VI.H-VI.L in the operating record. The data must also include computations, calculated means, variances, and results of statistical tests.
2. The Permittees shall submit the analytical, measurement, and evaluation results required by Permit Condition VI.H-VI.L in the semi-annual reports required by Permit Condition VI.M and the schedule found in Permit Attachment 13.
3. Should any compound be found in the analysis from Permit Condition VI.L.4 to have a statistically significant increase above the background values, as outlined in Permit Attachment 13, the Permittees shall:

- a. Notify DEQ in writing within seven (7) days. The notification must indicate which parameters or constituents have shown statistically significant increases. 40 C.F.R. § 264.99(h)(1).
- b. Within ninety (90) days, submit to DEQ an application for a Permit modification to establish a Corrective Action Program, as required by 40 C.F.R. § 264.100. The application must include:
  - i. A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in Permit Condition VI.G. 40 C.F.R. § 264.99(h)(2)(i).
  - ii. A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. 40 C.F.R. § 264.99(h)(2)(ii). If the Permittees determine, pursuant to Permit Condition VI.L.4, that the groundwater protection standard specified in Permit Condition VI.G is being exceeded at any monitoring well at the point of compliance, they may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water. In making a demonstration under this paragraph, the owner or operator must: 40 C.F.R. § 264.99(i)
    - (1) Notify the DEQ in writing within seven (7) days that he intends to make a demonstration under this paragraph. 40 C.F.R. § 264.99(i)(1).
    - (2) Within ninety (90) days, submit a report to the DEQ which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation. 40 C.F.R. § 264.99(i)(2).
    - (3) Within ninety (90) days, submit to the DEQ an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility. 40 C.F.R. § 264.99(i)(3).
    - (4) Continue to monitor in accord with the compliance monitoring program under Permit Condition VI.L. 40 C.F.R. § 264.99(i)(4)
  - iii. If the Permittees determine that the compliance monitoring program no longer satisfies the requirements of Permit Condition VI.G, he must, within ninety (90) days, submit an application for a permit

modification to make any appropriate changes to the program.  
C.F.R. § 264.99(j).

**O. ADDITIONAL ASSESSMENTS AND CORRECTIVE ACTION**

If, after applying the methods for comparing the results under Condition VI.N.3, the evaluation finds an exceedance for two (2) consecutive sampling periods, the Permittees shall undertake an assessment, and within ninety (90) days after submittal of the second consecutive report of an exceedance, the Permittees shall submit a report identifying additional investigations that should be conducted, changes to the methods of comparison, validation, or confirmation that should be made to begin Compliance Monitoring (40 C.F.R. § 264.99), and/or additional Corrective Action that should be undertaken. 40 C.F.R. §§ 264.100 - 264.101.

## VII. SPECIAL CONDITIONS PURSUANT TO THE 1984 HAZARDOUS AND SOLID WASTE AMENDMENTS (HSWA)

### A. SOLID WASTE MANAGEMENT UNITS AND THEIR STATUS.

#### 1. SWMUs

The Permittees have identified twenty(20) SWMUs at the facility. Permit Attachment 14 contains a list that describes the current status of the SWMUs, and their history (including approvals and modifications granted prior to the issuance of this Permit). Attachment 11, Figure 6 shows the locations of the SWMUs at the facility. The list of SWMUs at the facility include:

SWMU	Corrective Action	Determination
API Separator 1	No significant releases to soils or groundwater were found during the RFI	Corrective Action (CA) completed
API Separator 2	No significant releases to soils or groundwater were found during the RFI	CA completed
API Separator Sludge Pit	No significant releases to soils or groundwater were found during the RFI	CA completed
Asphalt Pit 1	Removed under Corrective Measures Implementation (CMI)	CA completed
Asphalt Pit 2	Removed under CMI	CA completed
Asphalt Pit 3	Removed under CMI	CA completed
Asphalt Pit 4	Removed under CMI	CA completed
Biosludge Pit	No significant hazardous constituents were found during the RFI	CA completed
Drainage Ditch	Removed as part of a closure plan	CA completed
Storm Water Retention Pond (AKA Lake Miller)	Closed with RCRA final cover	Monitored under Post-Closure Permit
Closed Landfill	No significant releases to soils or groundwater were found during the RFI	CA completed
Southern Leaded Tank Bottoms Disposal Area	No significant releases to soils or groundwater were found during the Phase II RFI	CA completed

<b>SWMU</b>	<b>Corrective Action</b>	<b>Determination</b>
Northern Leaded Tank Bottoms Disposal Area	Further RFI is required but is deferred due to this SWMU's proximity to the free-product hydrocarbon plume. The RFI is deferred until the on-going remediation of this plume is completed.	RFI deferred
Lime Sludge Pit	Sludge removed in 1982, sampling showed no hazardous waste.	CA completed
Closed Oil Trap 1	No significant releases to soils or groundwater were found during the RFI	CA completed
Closed Oil Trap 2	No significant releases to soils or groundwater were found during the RFI	CA completed
Process Wastewater Drainage Ditch (V-Ditch)	No significant hazardous constituents found during the RFI; concrete lined  V-Ditch replacement was a part of Consent Order Case 15-056; V-Ditch replacement began in November 2018. DEQ approved the V-Ditch replacement by letter July 18, 2019.	CA completed
Settling Lagoons	No significant releases to soils or groundwater were found during the RFI	CA completed
Drum Disposal Area 1	Discovered May 24, 2014. Sampling indicated no constituents above Regional Screening Levels.	Added to SWMU list August 6, 2014. CA completed
Drum Disposal Area 2	Discovered January 24, 2024. Sampling indicated no constituents above Regional Screening Levels.	Added to the SWMU list April 19, 2024. CA Completed.

## 2. Groundwater

There are several areas of contaminated groundwater that have been required to implement corrective measures under RCRA and HSWA. Ongoing corrective measures approved by DEQ are discussed in greater detail in Permit Condition VI.B.

## B. STANDARD CONDITIONS

### 1. Waste Minimization

Annually, by December 1, for the previous year ending September 30, the Permittees shall enter into the operating record as required by 40 C.F.R. § 264.73(b)(9), a statement certified according to 40 C.F.R. § 270.11(d) specifying that the Permittees have 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 Permittees to be economically practicable and the proposed



method of treatment, storage, or disposal is that practicable method currently available to the Permittees 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 (5) 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 which 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 C.F.R. § 266.23(b), and the Toxic Substances Control Act, the Permittees 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 C.F.R. § 270.41 DEQ determines that modification of this Permit is necessary, the Agency may initiate Permit modification proceedings in accordance with the regulations set forth at 40 C.F.R. § 270.41.

b. Permittees-Initiated Modifications

The Permittees may, where appropriate, initiate Permit modifications in accordance with the regulations set forth at 40 C.F.R. § 270.42. All applicable requirements and procedures as specified in 40 C.F.R. § 270.42 shall be followed by Permittees in initiating such proceedings.

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

The Permittees shall adhere to CASCs developed for newly identified and previously identified SWMUs covered by this Permit. If at any time the Permittees determine that such schedules cannot be met, the Permittees shall notify DEQ and submit a request for an extension of time with a justification as to why the current CASCs cannot be met. Such extension is only effective if approved in writing by DEQ or otherwise approved in accordance with the provisions of this Permit. If DEQ determines that a Permit modification is necessary, either DEQ or the Permittees, as appropriate, shall initiate a Permit modification under either Permit Condition VII.B.3.a, or VII.B.3.b above.

4. 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 C.F.R. Part 268 restricting the placement of hazardous waste in or on the land or;

- c. Are promulgated under 40 C.F.R. Part 264 regarding leak detection systems for new and replacement surface impoundments, waste piles, and landfill units, and lateral expansions of surface impoundments, waste piles, and landfill units. The leak detection system requirements include double liners, Construction Quality Assurance (CQA) Programs, monitoring action leakage rates, and response action plans and will be implemented through the procedures of 40 C.F.R. § 270.42 Class 1 Permit modifications.

5. Specific Waste Ban

- a. The Permittees may store wastes restricted under 40 C.F.R. Part 268 solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal provided that it meets the requirements of 40 C.F.R. § 268.50(a)(2) including, but not limited to, clearly marking each tank or container.
- b. The Permittees are required to comply with all requirements of 40 C.F.R. § 268.7, as amended. Changes to the waste analysis plan at the request of the Permittees will be considered Permit modifications, pursuant to 40 C.F.R. § 270.42.
- c. The Permittees must comply with requirements restricting placement of hazardous wastes in or on land which become effective by statute or promulgated under 40 C.F.R. Part 268, regardless of requirements in the Permit. Failure to comply with the regulations may subject the Permittees to enforcement action under the OHWMA, this Permit, and Section 3008 of RCRA.

6. 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 C.F.R. § 270.43.

The Permittees shall ensure that all plans, reports, notifications, and other submissions to DEQ required in this Permit are signed and certified in accordance with 40 C.F.R. § 270.11. A summary of the planned reporting requirements pursuant to this Permit is found in condition I.H.11. One (1) hardcopy and one (1) electronic copy in Windows Compatible format, CD or Flash Drive, electronic mail, or website download, for each of these plans, reports, notifications, or other submissions shall be submitted to DEQ by mail or hand delivered to the address listed below:

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

7. Plans and Schedules Incorporated into Permit

All plans, schedules and documents incorporated by reference 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 Permittees to enforcement action under the OHWMA, and 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 in accordance with Permit Condition VII.B.3.c.

If DEQ determines that actions beyond those provided for, or changes to what is stated herein, are warranted, DEQ may modify this Permit according to procedures in Permit Condition VII.B.3.a.

8. Data Retention

All raw data relating to corrective action, 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 specified term of this Permit, including any reissued Permits, and for three (3) years after DEQ approves final closure of all monitoring activities at the Facility.

9. 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 a 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.

**C. SPECIFIC CONDITION - CLOSURE**

1. The Permittees shall close Tank 2007 in accordance with the Closure Plans found in Attachment 8. Section 3005(j)(1) of HSWA, 40 C.F.R. Part 264 Subpart G and § 264.280.
2. The Permittees shall notify DEQ in writing at least sixty (60) days prior to commencement of closure.

**D. SPECIFIC CONDITION - INVESTIGATION OF AREA(S) OF CONCERN**

Within one-hundred and eighty (180) days of the identification of newly identified Areas of Concern (AOCs), the Permittees shall submit a plan to determine if the AOCs are SWMUs. The workplan shall describe the objectives of the investigation and the overall technical and analytical approach to completing all actions necessary to determine if activity at the AOC resulted in solid waste management at any time. If such determination is made, the AOC shall be designated as a newly identified SWMU. If hazardous wastes or hazardous constituents are determined to have been or are currently being managed at the SWMU and if DEQ determines that further investigation is necessary, a plan for the investigation shall be prepared according to Permit Condition VII.I.

**E. CORRECTIVE ACTION FOR NEW RELEASES**

1. The Permittees must 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. 40 C.F.R. § 264.101.
2. If the need for further investigation of known SWMUs or newly discovered SWMUs is determined in the future, the Permittees shall apply for a Permit modification as required by 40 C.F.R. § 270.42, or DEQ may modify the Permit pursuant to 40 C.F.R. § 270.41.

Development of an RFI Workplan and reporting of data shall be consistent with EPA guidance documents or the equivalent thereof.

**F. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY IDENTIFIED SWMUs AND POTENTIAL AOCs**

1. The Permittees shall notify DEQ, in writing, of any newly identified SWMU(s) and potential AOCs (i.e., a unit or area not specifically identified during the RFA), discovered in the course of groundwater monitoring, field investigations, environmental audits, or other means, no later than fifteen (15) calendar days after discovery. The Permittees shall also notify DEQ of any newly constructed land-based SWMUs (including but not limited to surface impoundments, waste piles,

landfills, and 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:

- a. The location of the newly identified SWMU or potential AOC on the topographic map required in 40 C.F.R. § 270.14(b)(19). Indicate all existing units (in relation to other SWMUs);
  - b. The type and function of the unit;
  - c. The general dimensions, capacities, and structural description of the unit (supply any available drawings);
  - d. The period during which the unit was operated;
  - e. The specifics, to the extent available, on all wastes that have been or are being managed at the SWMU or potential AOC; and
  - f. 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.
2. 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 according to Permit Condition VII.I, DEQ will determine the need for further investigations or corrective measures at any newly identified SWMU(s) or AOC(s). If DEQ determines that such investigations are needed, DEQ may require the Permittees to prepare a plan for such investigations. The Permit will be modified to incorporate the investigation requirements for the newly identified AOC(s) or SWMU(s).

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

The Permittees 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 groundwater 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 Permittees 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.

## **H. INTERIM MEASURES**

1. If, during the course of any activity initiated under this 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 measure(s) or require the Permittees to propose a measure(s). The interim measure(s) may include a Permit modification, a schedule for implementation, and a written plan. DEQ shall notify the Permittees in writing of the requirement to perform interim measures. DEQ may modify this Permit according to 40 C.F.R. § 270.41 to incorporate interim measures into the Permit.
2. The Permittees may propose interim measures at any time. The proposal shall include a written plan and a schedule for implementation. Depending upon the nature of the interim measure, a Permit modification may not be required.
3. 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 groundwater 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.

## **I. RCRA FACILITY INVESTIGATION WORKPLAN**

For any newly identified SWMU(s), a RCRA Facility Investigation (RFI) Workplan shall be submitted to DEQ within one hundred and eighty (180) days of identification. The RFI Workplan must address releases from SWMU(s) of hazardous waste or hazardous constituents to all media. DEQ will review for approval the RFI Workplan and any supplemental plans and documentation.

## **J. RFI IMPLEMENTATION**

Upon receipt of written approval from DEQ for the RFI Workplan, the Permittees shall implement the RFI in accordance with the schedules and information outlined in the approved Workplan. Deviations from the approved RFI Workplan which are necessary during implementation of activities must be approved by DEQ and fully documented and described in the RFI Final Report.

## **K. RFI FINAL REPORT AND SUMMARY**

Within ninety (90) calendar days after completion of the RFI, or in accordance with an alternative schedule approved by DEQ, the Permittees shall submit an RFI Final Report and Summary. The RFI Final Report shall describe the procedures, methods, and results of all investigations.

## **L. DETERMINATION OF NO FURTHER ACTION**

1. Based on the results of the RFI and/or other relevant information, the Permittees may submit an application to DEQ for a Permit modification pursuant to 40 C.F.R. § 270.42 to terminate the RFI/CMS process for a specific unit. This Permit modification application must contain information demonstrating that there are no releases of hazardous waste including hazardous constituents from a particular SWMU at the facility that pose threats to human health and/or the environment as well as additional information required in 40 C.F.R. § 270.42. If, based upon review of the Permittees's request for a Permit modification, the results of the RFI, and other information, DEQ determines that releases or suspected releases which were investigated either are non-existent or do not pose a threat to human health and/or the environment, DEQ may grant the requested modification.
2. If necessary to protect human health or the environment, a determination of no further action shall not preclude DEQ from requiring continued or periodic monitoring of air, soil, groundwater, or surface water when site-specific circumstances indicate that releases of hazardous waste or hazardous constituents may occur.
3. A determination of no further action shall not preclude DEQ from requiring further investigations, studies, or remediation at a later date if new information or



subsequent analysis indicates a release or likelihood of a release from a SWMU at the facility that is likely to pose a threat to human health or the environment.

**M. CORRECTIVE MEASURES STUDY (CMS) PLAN**

If there is a new release of hazardous constituents, or if DEQ determines that contaminants present a threat to human health or the environment given action levels or site-specific exposure conditions, DEQ may require a CMS and shall notify the Permittees in writing. The CMS Plan shall include a schedule for plan implementation.

**N. CMS FINAL REPORT AND SUMMARY**

Within sixty (60) days of completion of the CMS, the Permittees shall submit a CMS Final Report and Summary.

**O. CORRECTIVE MEASURE (REMEDY) SELECTION AND IMPLEMENTATION**

Once a CMS Final Report and remedy has been approved by DEQ, this Permit may be modified to include corrective measure selection and implementation requirements.