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2. Waste Analysis Plan
3. Storage Unit Operations and Management Plan
4. Contingency Plan (Section G of the Permit Application)
5. I-Block Storage Facility Closure Plan

MODULE I: STANDARD CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. The Permittee is allowed to store hazardous waste in accordance with the Permit Conditions and in accordance with applicable provisions of 40 CFR Parts 124, 260-266, 268, and 270, as those federal requirements have been adopted into the Oregon Administrative Rules (OAR). The Permittee is allowed to store containerized hazardous wastes in permitted storage units located in four specified facilities within the Umatilla Chemical Depot (UMCD) in accordance with the general and specific requirements applicable to each of those facilities. The K-Block and I-Block facilities store chemical agent-filled munitions and bulk items subject to the highest levels of U.S. Army Chemical Surety requirements pending their transfer to the Umatilla Chemical Agent Disposal Facility (UMCDF) for processing and destruction by incineration. The J-Block facility stores agent-contaminated (or potentially agent-contaminated) containerized wastes subject to a lower level of Chemical Surety requirements that are generated from operations and maintenance activities in the K-Block and I-Block facilities. Except for wastes determined to be “agent-free” and approved by the Department for shipment to other permitted offsite treatment and/or disposal facilities, the wastes in J-Block are also stored pending transfer to UMCDF for processing and thermal treatment. The Building 203 facility stores containerized wastes generated from support activities of UMCD that do not involve agent operations and are pending transport to offsite facilities for treatment and/or disposal. The Permittee is allowed to accumulate hazardous waste for less than 90 days pursuant to 40 CFR 262.34 within the Umatilla Chemical Depot and to engage in such other activities as are allowed for a generator of hazardous waste by 40 CFR 262. Any other treatment, storage, or disposal of hazardous waste not authorized in this Permit, by 40 CFR 262 or any other Resource Conservation and Recovery Act (RCRA) permits is prohibited.
- I.A.2. Pursuant to 40 CFR 270.4, compliance with this Permit constitutes compliance, for purposes of enforcement, with the Oregon Administrative Rules (OAR) and RCRA, as amended by Hazardous and Solid Waste Amendments (HSWA), except for those

requirements not included in this Permit which become effective by statute, or future regulatory changes to include those requirements promulgated under 40 CFR 268 restricting the placement of hazardous wastes in or on the land. Issuance of this Permit does not convey property rights of any sort nor any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of applicable State or local law or regulations.

I.B. **DEFINITIONS**

All Definitions contained in 40 CFR Parts 124, 260-266, 268, 270, and OAR 340-100-0010 are hereby incorporated by reference into this Permit, except that any of the definitions used below shall supersede any definition of the same term given in the regulations. Where terms are not defined in the regulations or in the Permit, the meaning associated with such terms shall be the standard dictionary definition or their generally accepted scientific or industrial meaning.

For purposes of this Permit, the following definitions shall apply:

“Active life”	This term shall mean the time period between Permit issuance and certification of closure of the hazardous waste management site.
“Agent-free”	This term shall mean the condition of a material that, after being analyzed for all chemical agents, is determined to have chemical agent concentrations below the lowest achievable detection limits as specified by the test methods.
“Application”	This term shall mean the hazardous waste Part B Permit Application dated May 2002 and any subsequent revisions approved by the Department.
“Chemical agent(s)”	This term used in the singular shall include the nerve agents VX or GB (Sarin) or the blister agent HD. In plural usage it refers to all three agents collectively.

“Chemical Materials Agency” (CMA)	This term shall mean the Army Command within the Department of Defense (DOD) designated to administer the programs and facilities involved in storage or demilitarization operations implementing the “Chemical Stockpile Disposal Program” created by DOD.
“Chemical Stockpile Disposal Program” (CSDP)	This term shall mean the program created by the Department of Defense to enact the requirements of Public Law 99-145 (as amended) requiring the disposal of the nation’s stockpile of unitary chemical weapons.
“Chemical Stockpile Emergency Preparedness Program” (CSEPP)	This term shall mean the program established by Congress to enhance the emergency preparedness in communities surrounding U.S. Army chemical weapons stockpile sites.
“Chemical Surety”	This term shall mean the program implemented and maintained by the Department of Defense including those controls, procedures, and actions necessary to ensure the safety, security, and reliability of chemical agents and their associated weapon systems throughout their life cycle without degrading operational performance.
“Contamination”	This term shall mean the presence of any hazardous constituent in a concentration that exceeds the naturally occurring concentration of that constituent in the immediate vicinity of UMCD.
“Corrective action”	This term shall mean all corrective measures necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any solid waste management unit at UMCD, regardless of the time at which waste was placed in the unit. Corrective measures may address releases to air, soils, surface water, or groundwater.
“Daily”	As applied to a “daily” requirement at a hazardous waste unit, this term shall mean every calendar day except for those days that there is no active hazardous waste management at that particular unit. For purposes of this definition, active waste management shall mean the storage, transport, or other handling of hazardous waste and any resulting corrective action.

“Department”	This term shall mean the Chemical Demilitarization Program Office of the Oregon Department of Environmental Quality in Hermiston (with the address as specified in Permit Condition I.Z.1. of this Permit).
“Director”	This term shall mean the Director of the Oregon Department of Environmental Quality or a designated representative. For purposes of this Permit, the Director’s designated representative is the Administrator of the Chemical Demilitarization Program located in Hermiston.
“Enhanced Onsite Container” (EONC)	This term shall mean the specialized vessels used for transport of the munitions and bulk items (except spray tanks) from UMCD to UMCDF and for interim storage of those items in the UMCDF Container Handling Building until they are unpacked for processing.
“Extent of contamination”	This term shall mean the horizontal and vertical area in which the concentrations of hazardous constituents in the environmental media being investigated are above detection limits or background concentration indicative of the region, whichever is appropriate, as determined by the Department.
“Facility”	This term shall mean the physical description of the Umatilla Chemical Depot (including structures, appurtenances, and improvements) under the control of the owner or operator. This term may also mean an area, part or sub-grouping of the Umatilla Chemical Depot designated for a specific hazardous waste management function.
“Government-furnished equipment” (GFE)	This term shall refer to any Hazardous Waste Management Unit (HWMU) equipment that may be delivered to UMCD as a pre-fabricated assembly.
“Hazardous constituent”	This term shall mean those substances listed in OAR 340-101-0033 and 40 CFR Part 261 Appendix VIII and including hazardous constituents released from solid waste, hazardous waste, and hazardous waste constituents that are reaction by-products.

“Hazardous waste” This term shall mean substances that meet the definition of hazardous waste found in ORS 466.005(7), 40 CFR Part 261, and OAR 340-101.

“Hazardous waste management unit” (HWMU) This term shall mean a solid waste management unit permitted and used for the management of hazardous wastes, including the storage units operated under the terms and conditions of this Permit.

“Higher-Level Waste” Agent-related process wastes stored pending further processing at UMCDF are designated as having either a “higher level” or a “lower level” of agent contamination (referred to in the Application and other DOD documents as 1X and 3X, respectively). Designation of a waste as a “higher level waste” (1X waste) indicates the containerized waste has been partially decontaminated of chemical agent as specifically described in the 27 March 2002 revision of DA PAM 385-61, and that chemical agent concentrations, as measured in the headspace air, exceed:

<u>Agent</u>	<u>Concentration</u>
GB	0.0001 mg/m ³
VX	0.00001 mg/m ³
HD	0.003 mg/m ³

“Inspector” This term shall mean the designated representative of the “Manager” delegated routine UMCD oversight.

“Lower-Level Waste” Agent-related process wastes stored pending further processing at UMCDF are designated as having either a “higher level” or a “lower level” of agent contamination (referred to in the Application and other DOD documents as 1X and 3X, respectively). Designation of a waste as a “lower level waste” (3X waste) indicates the containerized waste has been surface decontaminated of chemical agent as specifically described in the 27 March 2002 revision of DA PAM 385-61, and that chemical agent concentrations, as measured in the headspace air, do not exceed:

<u>Agent</u>	<u>Concentration</u>
GB	0.0001 mg/m ³
VX	0.00001 mg/m ³
HD	0.003 mg/m ³

“Manager”	This term shall mean the Department of Environmental Quality’s Chemical Demilitarization Program Administrator.
“Operating day”	This term shall refer to the twenty-four (24) hour period constituting each calendar day, or to any part of that period during which operations were initiated and occurred for any length of time.
“Mustard (HD) Igloos Temperature Conditioning System (MITECS)”	This term shall mean the process used to heat igloos to warm the igloo interior airspace to place the Mustard (HD) in the ton containers in a desired liquid state that facilitates sampling activities and draining operations at the Umatilla Chemical Agent Disposal Facility (UMCDF).
“Operating record”	This term shall mean records pertinent to activities described in this permit and its attachments kept in a written format within the Umatilla Chemical Depot, with the exception of any required continuous monitoring data, which may be kept in either electronic format, written format, or a combination of the two and must be immediately accessible for viewing and printing a hard copy.
“Operator”	This term shall mean the U.S. Army as represented by the Umatilla Chemical Depot.
“Owner”	This term shall mean the U.S. Army as represented by the Umatilla Chemical Depot.
“Permit”	This term shall mean this Permit issued by the Department pursuant to ORS 466.015(c).
“Permittee”	This term shall mean the U.S. Army as represented by the Umatilla Chemical Depot.
“Real-Time Analytical Platform” (RTAP)	This term shall mean a mobile, vehicle-mounted unit used for sampling and analysis of potentially agent-contaminated air.

“Regional Administrator”	In cases where the Permittee is required to comply with a specific provision of 40 CFR Part 264, ‘Regional Administrator’ is generally interpreted to mean the Director of the Oregon Department of Environmental Quality.
“Release”	This term shall mean any spilling, leaking, pouring, emitting, emptying, discharging, injecting, escaping, leaching, pumping, or disposing into the environment of any chemical agent, hazardous waste or hazardous constituent.
“Short-Term Exposure Limit (STEL)”	The maximum chemical agent concentration to which unprotected workers may be exposed for time periods not exceeding 15 minutes in duration (see Table 1-1).
“Site”	This term shall include, but is not limited to, any permitted treatment, storage or disposal activity that may comprise one or more Hazardous Waste Management Units. For purposes of this Permit, the term “Site” shall refer to the Umatilla Chemical Depot excepting those activities of the Umatilla Chemical Agent Disposal Facility (UMCDF) addressed under separate Permit.
“Solid waste”	The term shall mean any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agriculture operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits.

“Solid Waste Management Unit” (SWMU)	This term shall mean any unit which has been used for the treatment, storage, or disposal of solid waste at any time, irrespective of whether the unit is or ever was intended for the management of solid waste. SWMUs include areas that have been contaminated by routine and systematic releases of hazardous waste or hazardous constituents, excluding one-time accidental spills that are immediately remediated and cannot be linked to on-going solid waste management activities (e.g., product or process spills).
“Spent decontamination solution” (SDS)	This term shall mean caustic or bleach solutions that have been used to neutralize, or potentially or partially neutralize, chemical agent.
“Standing/Standard Operating Procedure” (SOP)	This term shall mean a written description of the procedures by which a process, machine, etc. shall be operated. An SOP may be written by the manufacturer and/or the Army. “Standing” and “Standard” are interchangeable.
“Umatilla Chemical Depot” (UMCD)	This term shall mean the U.S. Army Umatilla Chemical Depot that is located in Umatilla and Morrow Counties near Hermiston, Oregon as shown in Figures B-1 and B-2 of the Permit Application, including all structures, appurtenances, and improvements under the control of the owner or operator, but excluding the facilities and activities of the Umatilla Chemical Agent Disposal Facility (UMCDF) addressed under separate Permit. For the purposes of implementing corrective action, it includes all contiguous property under the control of the owner or operator.
“Umatilla Chemical Agent Disposal Facility” (UMCDF)	This term shall mean the site of the Umatilla Chemical Agent Disposal Facility, located on the Umatilla Chemical Depot as shown in Figures B-1 and B-2 of the Permit Application. This term shall include all structures, appurtenances, and improvements under the control of the UMCDF owner or operator.

- “Unit” This term shall include but is not limited to, any landfill, surface impoundment, waste pile, land treatment unit, incinerator, injection well, tank, container storage area or structure, other storage structure, septic tank, drain field, wastewater treatment unit, elementary neutralization unit, transfer station, miscellaneous treatment unit, or recycling unit.
- “Vapor Screening Level (VSL)” A near-real-time airborne exposure limit (AEL) equivalent in concentration to the STEL, but independent of time (see Table 1-1).
- “Work Shift” This term shall mean the normal scheduled work hours, not to exceed 12 hours per shift, and is based on a multi-shift, 24-hour work day.

I.C. **PERMIT ACTIONS**

- I.C.1. This Permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 270.41 through 270.43, 40 CFR 124 Subpart A and OAR 340 Divisions 105 and 106. The filing of a request for a Permit Modification, revocation and reissuance, or termination or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any Permit Condition. [40 CFR 270.30(f)]
- I.C.2. In accordance with ORS 466.170, this Permit may be revoked after public hearing upon a finding that the Permittee has violated any provision of ORS 466.005 to 466.385 and 466.992 or rules adopted pursuant thereto or any material condition of the Permit, subject to review under ORS 183.310 to 183.550.
- I.C.3. In accordance with ORS 466.200, if the Department finds that there is reasonable cause to believe that a clear and immediate danger to the public health, welfare or safety or to the environment exists from continued operation of the site, the Department may halt UMCD storage operations supporting demilitarization operations at the UMCDF.
- I.C.4. If Congress or the President makes substantial changes in the Chemical Stockpile Disposal Program (CSDP) or in the Chemical Stockpile Emergency Preparedness

Program (CSEPP), the Department reserves the right to reopen the Permit, after appropriate opportunity for the Permittee and, at the discretion of the Department, government officials and the public to be heard. If the Department determines to reopen the Permit, it may remove or modify conditions or impose additional conditions, relating to the reason for reopening the Permit.

I.D. SEVERABILITY

The provisions of this Permit are severable and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. Invalidation of any State of Oregon or federal statutory or regulatory provision which forms the basis for any Permit Condition does not affect the validity of any other State of Oregon statutory or regulatory basis for said Condition.

I.E. DUTY TO COMPLY

The Permittee must comply with all Permit Conditions except to the extent and for the duration such noncompliance is authorized by an emergency permit (issued under 40 CFR 270.61). Any Permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the applicable provision of ORS Chapter 466 and OAR Chapter 340, and is grounds for enforcement action, Permit termination, Permit modification, revocation and reissuance of the Permit, or denial of a Permit renewal Application. [40 CFR 270.30(a) and OAR 340-105-0030(1)]

I.F. DUTY TO REAPPLY

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must apply for and obtain a new Permit, in accordance with 40 CFR 270.30(b). The Permittee shall submit such permit application at least 180 days prior to the expiration date of this Permit, in accordance with OAR 340-105-0010(4).

I.G. PERMIT EXPIRATION

This Permit and all conditions therein shall be effective for ten years from the effective date of this Permit. [40 CFR 270.50(a)]

I.H. CONTINUATION OF EXPIRING PERMIT

This Permit and all conditions herein shall continue in force until the effective date of a new permit, if the Permittee has submitted a timely, complete application (under 40 CFR 270 Subpart B and OAR 340-105), and the Department, through no fault of the Permittee, has neither issued nor denied a new permit on or before the expiration date of this Permit. [OAR 340-105-0051]

I.I. OBLIGATION FOR CORRECTIVE ACTION

Owners or operators of Hazardous Waste Management Units must have all necessary permits during the active life (and the closure periods) of the unit, and for any period necessary to comply with the corrective action requirements (see Module VII) of this Permit. The corrective action obligations required by this Permit will continue regardless of whether the facility continues to operate or ceases operation and closes.

I.J. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the Permit Conditions. [40 CFR 270.30(c)]

I.K. DUTY TO MITIGATE

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

I.L. PROPER OPERATION AND MAINTENANCE

- I.L.1. The Permittee shall, at all times, properly operate and maintain all facilities and systems of containment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the Permit Conditions. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures (QAPs) to include following standing operating procedures (SOPs), management plans, and training procedures which are specific only to the operations governed by this permit. SOPs and training procedures will be periodically reviewed and updated as needed. The Permittee shall submit a list of applicable documents to the Department for review and concurrence. This provision requires the operation of back-up or auxiliary equipment or similar systems only when necessary to achieve compliance with the Permit Conditions. [40 CFR 270.30(e)]
- I.L.2. In accordance with ORS 466.180(1), the Department may limit, prohibit, or otherwise restrict storage operations at the UMCD upon receipt of information that indicates non-compliance with Permit Condition I.L., if such action is appropriate to protect public health, welfare, safety, or the environment. The Department shall invoke such restrictions by written notification that specifies actions that the Permittee must take to comply. Non-compliance with the Department's written notification shall be a violation of this Permit Condition.
- I.L.3 The Permittee shall not initiate or continue open door operations involving chemical agent at any time when critical functions of the Operations Center are not available or cannot be maintained. Critical functions include positive pressurization capability, multi-dimensional plume projection (including receipt and use of meteorological data not more than one hour old from at least one on-post tower), sustained communications with the off-post community, and/or the component systems, equipment, or operating personnel that are essential to proper performance of critical functions.

I.M. DUTY TO PROVIDE INFORMATION

The Permittee shall furnish to the Department, within a reasonable time, any relevant information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Department upon request, copies of records required to be kept by this Permit. [40 CFR 270.30(h)]

I.N. INSPECTION AND ENTRY

I.N.1. Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow the employees of the Department or their authorized representative to [40 CFR 270.30(i)]:

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

I.O. MONITORING AND RECORDS

I.O.1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The methods used to obtain representative samples of the wastes to be analyzed must be the appropriate method from Appendix

I of 40 CFR Part 261 or the methods as specified in the Waste Analysis Plan included as Attachment 2 of this Permit. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods (SW-846, latest edition), Methods for Chemical Analysis of Water and Wastes (EPA-600/4-79-020), or the methods as specified in the Waste Analysis Plan included as Attachment 2 of this Permit. [40 CFR 270.30(j)]

Changes in methods used to obtain representative samples of the wastes to be analyzed pursuant to this Permit, and changes in laboratory methods used for sample analysis, shall be reviewed and approved by the Department in accordance with 40 CFR 270.42 unless otherwise specified in this Permit (see Permit Condition I.O.5).

I.O.2. The Permittee shall retain records at the Facility of all monitoring information, including all calibration and maintenance records, 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 or record or for periods elsewhere specified in this Permit. The Permittee shall retain, at the Facility, all monitoring records from all surface water sampling, seep sampling, soil sampling, sediment sampling, groundwater monitoring wells, and associated groundwater surface elevations until three (3) years past the end of corrective action instituted to address releases of hazardous waste or hazardous waste constituents from any solid waste management unit. These periods may be extended by the request of the Department at any time and are automatically extended during the course of any unresolved enforcement action regarding this Facility. [40 CFR 264.74(b) and 270.30(j)(2)]

I.O.3. Records of monitoring information shall include [40 CFR 270.30(j)(3)]:

- i. The date, exact place, and time of sampling or measurement;
- 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.

I.O.4. The Permittee shall submit all monitoring results at the intervals specified elsewhere in this Permit. [40 CFR 270.30(1)(4)]

I.O.5. Per Permit Condition II.N. the Permittee may substitute sampling or analytical methods which are equivalent to those specifically approved for use in this Permit in accordance with the following:

- i. The Permittee submits to the Manager a request for substitution of a sampling or analytical method which is equivalent to the method specifically approved for use in this Permit. The request shall provide information demonstrating that the proposed method is equal or superior to the approved method in applicable quantitative and qualitative terms (i.e. representativeness, sensitivity, accuracy, precision, reproducibility, etc.); and
- ii. The Manager notifies the Permittee in writing, that the substitution of the sampling or analytical method is approved. Such approval shall not require a Permit Modification.

I.P. REPORTING PLANNED CHANGES

As soon as possible, prior to any planned physical alteration or addition, the Permittee shall give written notice to the Department of such planned physical alterations or additions to the hazardous waste storage facilities or individual hazardous waste storage units at the UMCD. [40 CFR 270.30(1)(1)]

I.Q. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance written notice to the Department of any planned changes or activities at the UMCD which may result in noncompliance with Permit

requirements. Advance notice shall not constitute a defense for any noncompliance.
[40 CFR 270.30(1)(2)]

I.R. WASTE MANAGEMENT UNIT CONSTRUCTION OR MODIFICATION

I.R.1. Except for less than 90-day accumulation pursuant to 40 CFR 262.34, the Permittee may not commence storage or treatment of hazardous waste in any new unit at the UMCD, or in any structurally or functionally modified existing unit, until the Permittee has received approval of the modified or newly constructed unit and the conditions of its usage for waste management from the Department, in accordance with 40 CFR 270.42.

I.R.2. Use of newly modified or constructed units for hazardous waste management may not commence until the Permittee has provided to the Department, by certified mail or hand delivery, documentation of construction signed by the Permittee and an Oregon registered professional engineer stating that the unit has been constructed in compliance with the Permit and applicable regulations; [40 CFR 270.30(1)(2)(i)] and

- i. The Department has inspected the modified or newly constructed unit or facility and finds it is in compliance with the conditions of the Permit; [40 CFR 270.30(1)(2)(ii)(A)] or
- ii. The Department has either waived the inspection or has not within 15 days notified the Permittee of its intent to inspect. [40 CFR 270.30(1)(2)(ii)(B)]

I.R.3. The above mentioned documentation of construction must include at a minimum:

- i. As-built drawings;
- ii. Descriptions and delineation of any changes to approved drawings;
- iii. Required professional certifications;
- iv. Required quality assurance/quality control (QA/QC) documentation; and
- v. Required physical testing results.

I.R.4. Construction documentation in addition to that provided in the Application is not required for the existing UMCD site hazardous waste management systems and units identified in this Permit, or for improvements to the containment systems of those existing units installed under the terms and conditions of the UMCD Storage Unit Operations and Management Plan (SUOMP) included as Attachment 3 of this Permit. Construction documentation shall be required for any new units, or for structural or functional improvements to existing units, constructed subsequent to the issuance of this Permit.

I.S. TRANSFER OF PERMIT

This Permit shall be issued or transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to OAR 340-105-0040. Prior to transferring this Permit to any person, the Permittee shall notify the new owner or operator, in writing, of the requirements of 40 CFR Parts 264 and 270, OAR Chapter 340, and this Permit. [40 CFR 270.30(1)(3)]

I.T. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than fourteen (14) days following each schedule date. [40 CFR 270.33(3) and 270.30(1)(5)]

I.U. TWENTY-FOUR HOUR REPORTING

I.U.1. The Permittee shall immediately report to the Manager any noncompliance or any facility condition which may endanger human health or the environment as soon as the Permittee becomes aware of the circumstances. Any such information shall be reported as soon as possible, and may be made verbally or by written notification by telefax. [OAR 340-105-0030]

- i. Potential endangerment to human health and the environment shall include, but not be limited to, loss or unavailability of critical equipment, utilities,

services, or trained personnel necessary for safe conduct of operations, or any other facility condition(s) which threaten(s) noncompliance with Permit Condition II.A.1.

- ii. Potential endangerment to human health or the environment shall include, but not be limited to, any release to the environment of any chemical agent (i.e., GB, VX, and HD) or any chemical agent residue which results in the following:
 - a. Any release to the atmosphere from the stack or doorway of a storage unit containing chemical agent filled munitions or bulk items, if the confirmed emission levels at the stack or downwind of the doorway exceed the quantification limit specified for any individual chemical agent in the Storage Unit Operations and Management Plan (SUOMP) included as Attachment 3 of this Permit.
 - b. Any unprotected workers within the UMCD site exposed to chemical agent concentrations exceeding the work-place limitations specified in Table 1-1 of this Permit, as measured by any chemical agent monitor [i.e., Real Time Analytical Platform (RTAP), Depot Area Air Monitoring System (DAAMS), etc.] capable of sufficiently precise measurement.
 - c. Chemical agent concentrations, within the UMCD site boundary, but outside the closed storage units, exceeding the work-place limitations specified in Table 1-1 of this Permit, as measured by any chemical agent monitor (i.e., RTAP, DAAMS, etc.) capable of sufficiently precise measurement.
- iii. Potential endangerment to human health or the environment shall include any nonconfirmed indication that unprotected workers may have been exposed to chemical agent or that a release to the atmosphere under Permit Conditions I.U.1.ii.a and I.U.1.ii.c has occurred. The Permittee shall verbally report to the Department within four hours of when an unprotected worker is potentially exposed or a chemical agent monitor detects a non-confirmed

emission level that indicates a release to the atmosphere, if the potential worker exposure has not been convincingly controverted or the emission level not been verified as a chemical agent monitor anomaly (i.e., false positive) within that same four hours.

- I.U.2. The immediate report required in Permit Condition I.U.1. shall include, but not be limited to, the following [40 CFR 270.30(l)(6)(i) and (ii)]:
- i. Information concerning the release of any hazardous waste which may endanger public drinking water supplies;
 - ii. Any information of a release or discharge of hazardous waste, or of a fire or explosion at the UMCD, which could threaten the environment or human health; and
 - iii. A description of the release or discharge and its cause including at a minimum:
 - a. Name, title, and telephone number of individual reporting;
 - b. Name, address, and telephone number of the UMCD;
 - c. Date, time, location and type of incident;
 - d. Name and quantity of materials involved;
 - e. The extent of injuries, if any;
 - f. An assessment of actual or potential hazard to the environment and human health, where applicable;
 - g. Estimated quantity and disposition of recovered material that resulted from the incident; and
 - h. As available, a description of any emergency action taken to minimize the threat to human health or the environment, or other information facilitating early evaluation of the situation and development of an appropriate course of action.

I.U.3. Within five (5) calendar days of the time the Permittee is required to provide verbal notification, as specified in Permit Conditions I.U.1 through I.U.2, the Permittee shall provide to the Department a written submission in accordance with 40 CFR 270.30(1) (6)(iii). For purposes of this Permit, the verbal or written reporting of an incident shall include chemical agent munition and bulk item storage events occurring at any facility administered by the Chemical Materials Agency, or its successor entities.

- i. The written submission shall include the following:
 - a. A description of the incident (noncompliance and/or release) and its cause. The description shall identify the location and extent of injuries, if any, and where applicable, provide an assessment of actual or potential hazard to the environment and human health;
 - b. The period(s) in which the incident (noncompliance and /or release) occurred, including exact dates and times;
 - c. Whether the incident (noncompliance and /or release) has been corrected or adequately remediated, and if not, the anticipated time it is expected to continue.
 - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the incident (noncompliance and/ or release).
- ii. The Permittee need not comply with the five (5) calendar day written notice requirement if the Department waives the requirement and the Permittee submits a written report within fifteen (15) calendar days from the time the Permittee is required to provide verbal notification, as specified in Permit Conditions I.U.1. through I.U.2.

I.V. OTHER NONCOMPLIANCE

The Permittee shall report to the Manager all other instances of noncompliance not reported under Permit Conditions I.Q, I.T, and I.U at the time monitoring reports are

submitted. The reports shall contain the information required in Permit Conditions I.U.1, I.U.2, and I.U.3. [40 CFR 270.30(1)(10)]

I.W. OTHER INFORMATION

If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the Permit Application, Permit Modification Request, or in any report to the Department, such facts or information shall be promptly submitted by the Permittee. [40 CFR 270.30(1)(11)]

I.X. SIGNATORY REQUIREMENT

All Applications, reports or information required by this Permit, or otherwise submitted to the Department, shall be signed and certified by the Umatilla Chemical Depot Commander, or by a duly authorized representative, in accordance with 40 CFR 270.11.

I.Y. CONFIDENTIAL INFORMATION

Any information submitted by the Permittee to the Director, Manager or Inspector may be claimed as confidential by the Permittee in accordance with the applicable provisions of OAR 340-100-0003 [OAR 340-105-0012].

I.Z. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

I.Z.1. All reports, notifications, or other submissions which are required by this Permit to be sent or given to the Department should be sent by certified mail, express mail, or hand delivered to:

Program Administrator
Chemical Demilitarization Program
Oregon Department of Environmental Quality Phone: (541) 567-8297
256 E. Hurlburt, Suite 105 Fax: (541) 567-4741
Hermiston, OR 97838

I.AA. DOCUMENTS TO BE MAINTAINED AT THE UMCD

I.AA.1. The Permittee shall maintain at the Facility, until closure is completed and approved by the Department (unless a different time period is noted below), the following documents and amendments, revisions and modifications to these documents:

- i. Current Part A Form (Attachment 1 of this Permit).
- ii. Waste Analysis Plan (Attachment 2 of this Permit), as required by 40 CFR 264.13(b) and this Permit.
- iii. Storage Unit Operations and Management Plan (Attachment 3 of this Permit), as required by OAR 340-104-1201 and this Permit.
- iv. Inspection schedules and logs, as required by 40 CFR 264.15(b) and this Permit (three years from date of inspection).
- v. Personnel training documents and records, as required by 40 CFR 264.16(d) and (e) and this Permit (three years from the end of employment for former employees).
- vi. Contingency Plan (Attachment 4 of this Permit), as required by 40 CFR 264.53(a) and this Permit.
- vii. Operating Record, as required by 40 CFR 264.73 and this Permit.
- viii. Closure Plan, as required by 40 CFR 264.112(a) and this Permit.
- ix. Copy of this Permit, permit attachments, current Permit Application, and the current Permit Application attachments.
- x. Construction documentation and as-built drawings for any modified or new UMCD site hazardous waste management units, as specified by Permit Condition I.R.3.

I.BB. PERMIT CONDITIONS AND ATTACHMENTS

If any of the attachments to this permit are found to conflict with any of the permit conditions in Modules I through VII of this permit, the permit conditions will take precedence.

If any section of the Application is found to be in conflict with any condition in this permit, the condition will take precedence.

If any section of the Application is found to be in conflict with any attachment to this permit, the attachment to this permit will take precedence.

TABLE 1-1 CHEMICAL AGENT EXPOSURE LIMITS

CHEMICAL AGENT CONCENTRATIONS (mg/m ³)			
	VX	GB	HD
General Population Limit (GPL) ^{1,2} (Averaging time: 24 hours for VX and GB, 12 hours for HD)	0.0000006	0.000001	0.00002
Worker Population Limit (WPL) ^{1,2} (Averaging time: 8 Hours)	0.000001	0.00003	0.0004
Workplace Short-Term Exposure Limit (STEL) ^{3,4}	0.00001	0.0001	0.003
Vapor Screening Level (VSL) ^{3,4}			
<p>¹ Public Law 91-121/441 (USC 1512) mandates that the United States Department of Health and Human Services (HHS) review the plans for transporting and/or disposing of lethal chemical agents and make recommendations for protecting human health and safety. HHS delegated review and recommendation authority to the Centers for Disease Control (CDC).</p> <p>² The revised AELs reflect a change in risk assessment methodology. There is no change in agent toxicity. The airborne exposure limits (AELs) for GB and VX (GPL, STEL, and WPL) were promulgated by the CDC October 9, 2003, in the Federal Register (68 FR 58348). The CDC's interim recommendations for new HD AELs (GPL, STEL, and WPL) were promulgated on May 3, 2004 (69 FR 24164).</p> <p>³ The STELs for all chemical agents are based on a 15-minute time-weighted average. A worker may have four GB STEL exposures per day provided there is a minimum of 60 minutes between successive exposures at the STEL concentration. A worker may have only one HD or VX STEL exposure per day.</p> <p>⁴ The VSL is the same concentration as the STEL. However, the monitoring equipment used at the UMCD provides results in near-real time, usually within 6 to 12 minutes. The monitoring equipment at the UMCD remains set up to detect and quantify GB, VX, and HD at the same airborne concentrations formerly referred to as the STEL for each agent.</p>			
<p>NOTE: The CDC determined that the current available data precluded acceptable exposure limits for mustard agent being precisely defined. The CDC concluded that the work-place limits will amply protect a general population 1,000 meters or more from the demilitarization site or transportation route. Therefore, protection of the general public is dependent upon meeting the work-place limits within the facility.</p>			

MODULE II. GENERAL FACILITY CONDITIONS

II.A. DESIGN AND OPERATION OF FACILITY

- II.A.1. The Permittee shall design, construct, maintain, and operate the permitted facilities and units at the UMCD to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment.
- II.A.2. The Permittee shall construct any required new hazardous waste storage or management unit(s), or structural modifications to existing units, in accordance with design plans and specifications submitted to and approved by the Department as a modification of this Permit. Minor deviations from the approved designs or specifications necessary to accommodate proper unit construction or operation shall be noted on the as-built drawings and the rationale for those deviations shall be provided in written narrative form to the Department.
- i. After completion of construction of each hazardous waste management unit, the Permittee shall submit final as-built drawings and the narrative report to the Department.
 - ii. Minor deviations to the hazardous waste management unit permitted design that are necessary prior to commencement of use, but not approved through the Permit modification process, shall be noted on updated as-built drawings and the rationale for these deviations shall be provided in written narrative form to the Department. Department acceptance of these minor deviations is required prior to commencement of use for storage or other management of hazardous wastes.
 - iii. After commencement of use of a new hazardous waste management unit, any changes in design plans or operational usage will be made by the Permit modification process.

II.A.3. External Storage of Chemical Agent Munitions and Bulk Items Prohibited

- i. External storage of chemical agent munitions and bulk items is expressly prohibited. Chemical agent munitions and bulk items shall be stored only within enclosed storage units meeting all requirements of 40 CFR 264.1201 as amended by OAR-340-104-1201.
- ii. The temporary stacking or staging of chemical agent munitions and bulk items outside of a storage unit, which may be operationally necessary to accomplish removal and transport or for other operational activities, is not storage and is not prohibited. Such stacking or staging shall be for limited periods only during daylight hours.

II.A.4. Operational Limitations During Severe Weather Conditions

- i. The Permittee shall only load or transport munitions and bulk containers, or conduct any other activity involving removal of such items from storage, during weather conditions that are not considered adverse or inclement for the operation of concern as specified in this Permit condition. Whenever adverse and inclement weather conditions require implementation of this Permit condition, the duration and circumstances for implementation shall be documented in the facility operating record. Within 60 days after approval of this Permit, the Permittee shall provide to the Department a copy of the UMCD standard operating procedures related to operational limitations during adverse weather conditions.
- ii. The UMCD safety manager is responsible for evaluating and determining if the safe loading and transport of munitions and bulk containers, or the conduct of any other storage activity involving removal of such items from storage, can occur under various adverse and inclement weather conditions at UMCD. The safety manager, or his designee, shall evaluate inclement weather conditions (e.g., precipitation, icing, sand storms, etc.) on a case-by-case basis, and in accordance with the most current revision of the related standing operating procedures shall determine whether or not munitions may safely be removed from storage. Removal of munitions and/or bulk items from storage is subject to the following additional restrictions:

- a. Munitions and/or bulk items shall not be removed from storage, or loaded into the enhanced on-site container (EONC), or onto authorized alternative transport vehicles, for transport to the UMCDF if the UMCD operational procedure risk assessment information indicates munitions transportation should be halted due to public risk factors. As the basis for decisions regarding munitions transport to UMCDF, a risk management analysis shall be performed for each munition type/agent campaign. The completed risk management analysis for each munition type/agent campaign shall be provided to the Department at least one calendar week prior to commencing transportation of the items addressed in the analysis.
- b. Other storage activities involving the removal of munitions and/or bulk items from storage shall not be conducted when the U.S. Army-approved toxicity standard hazard distance, as predicted by a U.S. Army-approved downwind hazard prediction model using the Maximum Credible Event, extends beyond the UMCD boundary.
- iii. The UMCD safety manager is responsible for evaluating and determining if normally scheduled storage operations and maintenance activities involving munitions and bulk containers can occur under various adverse and inclement weather conditions at UMCD. The safety manager, or his designee, shall evaluate inclement weather conditions (e.g., precipitation, icing, sand storms, etc.) on a case-by-case basis, and in accordance with the most current revision of the related Standing Operating Procedures shall determine whether or not normally scheduled operations and maintenance activities involving munitions may safely be conducted at the UMCD. For the purposes of this Permit condition, normally scheduled operations and maintenance activities are defined as any non-emergency entry to a munitions or bulk storage igloo or any related activity involving access to agent that could potentially expose agent to ambient air within the storage unit. Activities already in progress when weather conditions are determined to be inclement will be expeditiously processed to a point of safe conclusion.

Normally scheduled operations and maintenance activities involving munitions and bulk containers stored at UMCD shall not occur under the following conditions:

- a. Whenever any lightning is observed by the Permittee, the Operations Center (OC) will be notified. The OC will make the determination if work must be stopped. Based on weather conditions the OC may approve start-up and continuation of storage activities.
- b. During times that wind conditions for the UMCD area are forecasted by the National Weather Service to be a Beaufort Wind Scale No. of 12 or higher (Beaufort Wind Scale No. 12 is defined as winds of 73 mph. and higher, of hurricane force causing widespread damage).
- c. Whenever tornado warnings for the UMCD area of F1 or greater on the Fujita-Pearson (FPP) rating scale are issued by the National Weather Service (FPP rating of F1 is for tornadoes with wind intensity of ≥ 73 mph, path length ≥ 1.0 miles, and path width ≥ 18 yards).

II.A.5. Comprehensive Monitoring

The Permittee shall protect the sites designated by the UMCDF as components of the Perimeter Monitoring Network (PMN) and support as necessary the UMCDF quarterly monitoring of air, soil, water, and biota in Zone 1 (within the fenceline of the UMCD).

II.A.6. Operational Monitoring

The Permittee shall conduct operational monitoring as necessary to ensure prompt detection of agent leakage from stored munitions and bulk containers and to protect human health and the environment. Operational monitoring shall be done in accordance with the requirements indicated in the UMCD Storage Unit Operations and Management Plan (Attachment 3 of this Permit).

II.B. **RECEIPT OF OFFSITE WASTE AND SHIPMENT OF ON-SITE WASTE**

- II.B.1. The Permittee is not authorized to accept, and therefore shall not receive, hazardous waste, chemical agent, or munitions containing chemical agents from offsite, except for agent-filled munitions or bulk items which may be returned from the UMCDF as rejects or by necessity due to UMCDF operational limitations.

II.B.2. The Permittee shall manage, in accordance with the requirements specified in Permit Condition II.C.4 of this Permit, all chemical agents and chemical agent-contaminated materials currently stored or otherwise located at the Umatilla Chemical Depot.

II.C. **GENERAL WASTE ANALYSIS**

II.C.1. The Permittee shall comply with all requirements of 40 CFR 264.13 and shall follow the procedures described in the Waste Analysis Plan, included as Attachment 2 of this Permit.

II.C.2. The Permittee may not accept waste for storage until it has been adequately characterized.

II.C.3. The Permittee shall utilize the methods of the Waste Analysis Plan (WAP), included as Attachment 2 of this Permit, for the analysis of any of the wastes listed in the Part A Application, included as Attachment 1 of this Permit.

II.C.4. Wastes generated by operations and maintenance activities involving the chemical agent munitions and bulk items will be adequately characterized and stored until they can be transported to the UMCDF for disposal. Agent-related wastes may not be sent to a RCRA-permitted Subtitle C hazardous waste disposal facility other than UMCDF without the prior written approval of the Department and unless the wastes have been determined to be agent-free in accordance with methods and standards approved by the Department and incorporated into the requirements of the WAP, Attachment 2 of this Permit.

II.D. **SECURITY PROCEDURES**

II.D.1. The Permittee shall comply with the security procedures set forth under 40 CFR 264.14(b) and (c) and as described in Section F-1 of the Application. The maps of the UMCD site depicting the location of fencing and gates for the UMCD site and the separately controlled UMCDF are located in Section B, Figures B-1-2 through B-1-4 and B-2-1 of the Application.

II.E. **GENERAL INSPECTION REQUIREMENTS**

- II.E.1. The Permittee shall comply with all requirements under 40 CFR 264.15 (a) and (b) and follow the inspection procedures and schedules included in Section F-2 and Tables F-2-1 through F-2-5 of the Application.
- II.E.2. The Permittee shall remedy any deterioration or malfunction (of equipment or structures) discovered during an inspection as required by 40 CFR 264.15(c).
- II.E.3. The Permittee shall record all inspection reports in the operating record for each permitted hazardous waste management unit as required by 40 CFR 264.15(d).
- II.E.4. The Permittee may make only the following changes to the inspection requirements without first obtaining a permit modification:
- i. Upon approval by the Department of the certification of closure of an individual waste management unit, any portion of the inspection requirements specific to the operation of that unit may be deleted from the inspection requirements.
 - ii. The Permittee may add inspection parameters to an existing inspection form, table, or figure in cases where such additional parameters will result in a more comprehensive or detailed inspection.
 - iii. The Permittee may create additional inspection forms, tables, or figures to address inspection parameters for equivalent or superior replacement equipment which must be routinely inspected.

II.F. **TRAINING PLAN**

- II.F.1. The Permittee shall ensure that all personnel who handle hazardous waste are trained in hazardous waste management, safety procedures, and emergency procedures, as applicable to their job description in accordance with 40 CFR 264.16 and by following the outlines and procedures in Section H of the Application.

II.G. **PREPAREDNESS AND PREVENTION**

- II.G.1 The Permittee shall follow the preparedness and prevention procedures in Section F of the Application.
- II.G.2 The Permittee shall operate and perform preventative maintenance, inspections, and repair of the equipment listed in Tables F-2-1 through F-2-5 of the Application, at a minimum, in accordance with manufacturer's specifications or UMCD standing operating procedures. The Permittee shall maintain records of inspections, preventative maintenance, and repair activities on this equipment (with schedules reflecting minimum and planned frequency for the performance of these preventative maintenance activities) in the operating record.

II.H. **CONTINGENCY PLAN**

- II.H.1. The Permittee shall follow the procedures and schedules outlined in the Contingency Plan, Attachment 4 of this Permit, and as described in Section G of the Application.
- i. The Permittee shall maintain on file the latest UMCD Chemical Accident/Incident Response and Assistance (CAIRA) Plan at the UMCD Emergency Operations Center (EOC) and submit the latest updated CAIRA Plan to the Department's Chemical Demilitarization Program office in Hermiston. Upon review of the latest updated CAIRA Plan, if deemed necessary, the Department may require the Permittee to submit a permit modification in accordance with 40 CFR 270.42.
 - ii. The Permittee shall maintain on file the latest UMCD Spill Prevention Control and Countermeasures Plan (SPCC)/Installation Spill Contingency Plan (ISC) and shall submit any updates to the Department's Chemical Demilitarization Program office in Hermiston. Upon review of SPCC/ISC plan updates, if deemed necessary, the Department may require the Permittee to submit a permit modification in accordance with 40 CFR 270.42.
- II.H.2. Upon implementation of the Contingency Plan due to notification that chemical agent is detected by UMCDF site perimeter monitors above the General Population Limits in Table 1-1 of this Permit, the Permittee shall perform a staged shutdown of all open-door operations

involving chemical agent at the UMCD site in accordance with UMCD standing operating procedures.

II.H.3. The Permittee shall not reinstate normally scheduled chemical agent operations after shutdown under either Condition II.H.2 of this Permit or any other forced shutdown resulting from any event that implements the Contingency Plan, Attachment 4 of this permit unless the following has occurred:

- i. The Permittee has submitted a request to resume operations to the Department accompanied by the following information:
 - a. Detailed description of the accident/incident;
 - b. The cause of the accident as determined by the results of the investigation of the accident;
 - c. The corrective action(s) taken;
- ii. The Department has provided the Permittee a written approval to resume operations.

II.H.4. EOC Positive Pressure

For the purpose of gathering and disseminating information used to respond to off-Depot releases, the Permittee shall have and constantly maintain a positive-pressurized Emergency Operations Center (EOC) that is adequately staffed 24 hours a day, 7 days a week. For this permit condition, "positive-pressurized" shall mean that ambient non-air vapors cannot enter during times of emergency training, in the event of an actual emergency, or when tested on request by a Department inspector.

- i. To ensure the ability to maintain positive pressurization of the EOC in the event of a complete power outage, the Permittee shall conduct annual inspections and testing of the emergency generator system. Annual testing will assess the capability of the system to achieve fully functional operation of all system components using remote controlled starting actuated from within the EOC.

II.I. **RECORDKEEPING AND REPORTING**

II.I.1. In addition to the recordkeeping and reporting requirements specified elsewhere in this Permit, the Permittee shall comply with the following:

- i. The Permittee shall maintain a written or electronic operating record at the UMCD, in accordance with 40 CFR 264.73(a) for all records identified in 40 CFR 264.73(b)(1) through (b)(6), (b)(9), (b)(12), and (b)(16).
- ii. The Permittee shall, by March 31 of each year, submit to the Department a certification pursuant to 40 CFR 264.73(a) signed in accordance with 40 CFR 264.73 (b)(9), that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste generated, to the degree determined by the Permittee to be economically practicable; and that the proposed method of treatment, storage, or disposal is the most practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment.
- iii. The Permittee shall submit an annual report covering the activities of each permitted hazardous waste management unit to the Department in accordance with OAR 340-102-0041 and OAR 340-104-0075.
- iv. The Permittee shall submit to the Department any additional reports specified in accordance with 40 CFR 264.77.
- v. All reports, notifications, applications, or other materials required to be submitted to the Department shall be submitted at the address shown in Condition I.Z.1 of this Permit.

II.J. **CLOSURE**

II.J.1. The Permittee shall amend the Closure Plan, included in Section I of the Application, in accordance with 40 CFR 264.112(c) and submit it to the Department for review and approval at least 180 calendar days prior to the date scheduled for commencing closure, or whenever the Permittee finds it necessary to revise the Closure Plan. The approved final closure plan

- for each storage facility will be attached to the Permit. Attachment 5 to this Permit includes the final closure plan for the I-Block storage facility. In addition to addressing structures and interiors of each hazardous waste management unit, the amended final closure plan for each storage facility must address, but not be limited to, sampling and closure procedures for subsurface or surrounding soils where operating history or other information indicates deposition potentially resulting in levels of hazardous constituents above background. Such amendment of the Closure Plan in Section I of the Application or the issuance of a final closure plan for a storage facility must be made in accordance with the requirements of 40 CFR 270.42.
- II.J.2. The Permittee shall not commence closure of any hazardous waste management unit without first receiving approval of the final closure plan for that unit from the Department.
- II.J.3. Within one hundred eighty (180) calendar days of the Permittee's receipt of the written approval from the Department for any hazardous waste management unit's Closure Plan, the Permittee shall close the hazardous waste management unit in accordance with the approved plans.
- II.J.4. At closure of all structures used as hazardous waste management units, including the containment system portion of Building 203, the Permittee shall remove and decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoil, and structures and equipment contaminated with waste and leachate and manage them as hazardous waste. Management of all hazardous waste generated during closure activities will be in accordance with the requirements specified in Permit Condition II.C.4. The approved final closure plan for each storage facility, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all requirements specified in Subparts G and H of 40 CFR 264, as applicable to the UMCD.
- II.J.5. The Permittee shall decontaminate or dispose of all UMCD site equipment as specified in the approved final closure plan for the storage facility.
- II.J.6. The Permittee shall meet the general closure performance standard as specified in 40 CFR 264.111 during closure of all hazardous waste management units at the UMCD. Those hazardous waste management units operated as munitions storage units shall also meet the

closure requirements of 40 CFR 264.1202. Compliance with 40 CFR 264.111 shall require closure of each hazardous waste management unit in accordance with Permit Condition II.J and the approved final closure plan for the storage facility.

- II.J.7. The Permittee shall provide certification statements upon completion of closure for each hazardous waste management unit when that hazardous waste management unit at the UMCD has been closed in accordance with the applicable specifications in the final closure plan for that facility, as required by 40 CFR 264.115.
- II.J.8. For all hazardous waste management units, minor deviations from the permitted closure procedures necessary to accommodate proper closure shall be described in a narrative form with the closure certification statements. The Permittee shall describe the rationale for implementing minor changes as part of this narrative report. Within sixty (60) calendar days after completion of closure of each hazardous waste management unit the Permittee shall submit the certification statements and narrative report to the Department.
- II.J.9. In the event that any hazardous waste management unit used for munitions storage cannot be clean closed by removing hazardous waste, hazardous waste constituents, contaminated subsoil, and any contaminated groundwater as specified in the approved final closure plan, that unit shall be closed as a landfill in accordance with the requirements of 40 CFR 264.310. In accordance with 40 CFR 264.1202(b), the Permittee shall submit a modified closure and postclosure plan for that unit to the Department, as a permit modification request in accordance with 40 CFR 270.42, within thirty (30) calendar days of the date that the Department notifies the Permittee in writing that the unit must be closed as a landfill.
- II.J.10. Following submittal of all successful closure decontamination certifications in accordance with Permit Condition II.J.7, the Permittee shall dismantle and remove any hazardous waste management units for which demolition has been determined to be necessary and properly manage the disposal of demolition residues to an approved disposal facility. All areas where structures have been removed shall be reclaimed. Hazardous waste management units that have been successfully clean-closed in accordance with their approved final closure plans, will be managed, if base closure occurs, in accordance with the Base Closure and Realignment, 10 U.S. Code§2687 (note), Real Property Management and Disposition (U.S.

Code Title 10, Chapters 159 and 160, and Title 40, Chapter 5), and 42 U.S. Code§9620 and applicable federal regulations.

II.K. **FINANCIAL ASSURANCE FOR FACILITY CLOSURE**

In accordance with 40 CFR 264.140(c), the Permittee is exempt from the closure financial assurance specified in 40 CFR 264.143.

II.L. **COST ESTIMATE FOR FACILITY CLOSURE**

In accordance with 40 CFR 264.140(c) the Permittee is exempt from the cost estimate requirements specified in 40 CFR 264.142.

II.M. **LIABILITY REQUIREMENTS**

In accordance with 40 CFR 264.140(c) the Permittee is exempt from the liability requirements specified in 40 CFR 264.147.

II.N. **EQUIVALENT MATERIALS/INFORMATION**

If certain equipment, materials, procedures, and administrative information (such as names, phone numbers, addresses) are specified in this Permit, the Permittee is allowed to use equivalent or superior items. Use of such equivalent or superior items shall not be considered a modification of the Permit; however, the Permittee must place the revision, accompanied by a narrative explanation and the date the revision became effective, in the operating record and submit the revision to the Department at the Chemical Demilitarization Program office in Hermiston. Upon review of the revision, if deemed necessary, the Department may ask the Permittee to submit a permit modification in accordance with 40 CFR 270.42.

II.O. **EMPLOYEE WHISTLEBLOWER PROTECTIONS**

II.O.1. The Permittee shall have a program in place to prominently:

- i. Advise workers of their obligation to report good faith concerns regarding the safety of workers, the public, or the environment, and related noncompliance with permit requirements;
- ii. Notify workers of their obligation to convey such concerns to the Department if those concerns are not otherwise sufficiently resolved; and
- iii. Assure all workers that they will not be disadvantaged in any way by communicating such concerns in good faith.

II.O.2. By July 31 of each year, the Permittee shall provide a written certification that the program required by Condition II.O.1 of the Permit remains in place and shall provide verification that all employee training required by the program has been conducted and maintained current.

II.P. **UPDATING PERMIT AND APPLICATION DOCUMENTATION**

Within 120 days of issuance of this Permit, the Permittee shall submit a permit modification request in accordance with 40 CFR 270.42 to update this Permit and its attachments, as necessary to adequately incorporate significant changes that have occurred during the permit application review process. The permit modification request shall also address substantive changes necessary to update the Application and its supporting documentation.

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MODULE III. BUILDING 203 CONTAINER STORAGE FACILITY

- III.A.1. The Building 203 Storage Facility includes the structures and appurtenances constructed, maintained, and operated for storage of containerized hazardous wastes in accordance with the information included in the Application, and any subsequent additions or improvements.
- III.A.2. The Building 203 Storage Facility shall be operated and maintained in accordance with all applicable requirements of 40 CFR 264, Subparts A through I, as those requirements are adopted and amended in the Oregon Administrative Rules.
- III.A.3. Wastes contaminated by chemical agent are precluded from storage or other management in the Building 203 Storage Facility. Building 203 is authorized for storage of any listed or characteristic hazardous waste generated by UMCD activities or operations, as those wastes are identified in the UMCD Part A document (Attachment 1 of this Permit), with the exception of chemical agent contaminated wastes.
- III.A.4. The quantity of containerized hazardous waste that can be stored in Building 203 is limited to the design capacity of the facility as follows:

Northeast Quadrant	-	9,240 gallons (not exceeding 168 55-gallon drums)
Southeast Quadrant	-	9,240 gallons (not exceeding 168 55-gallon drums)
Northwest Quadrant	-	8,910 gallons (not exceeding 168 55-gallon drums)
Southwest Quadrant	-	8,910 gallons (not exceeding 168 55-gallon drums)
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Total Design Capacity		36,300 gallons (not exceeding 168 55-gallon drums)

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MODULE IV. J-BLOCK CONTAINER STORAGE FACILITY

- IV.A.1. The J-Block storage facility includes fourteen (14) igloos located in J-Block, each of which is to be operated as an individual storage unit for storage of containerized agent-contaminated hazardous wastes. The J-Block storage facility will be operated in accordance with all applicable requirements of 40 CFR 264, Subparts A through I, as those requirements are adopted and amended in the Oregon Administrative Rules. The 14 designated storage units in J-Block are those igloos identified as J-1797 through J-1810.
- IV.A.2. In accordance with the terms of this Permit, only agent-contaminated hazardous wastes meeting the criteria for designation as “lower level wastes” (as defined in Module I) will be stored in the permitted J-Block igloos. The chemical agent contaminated wastes stored in J-Block may include any of the listed or characteristic hazardous wastes generated by UMCD operations and maintenance activities, as those wastes are identified in the UMCD Part A document (Attachment 1 of this Permit). Munitions or bulk items, neat agent, or other agent-contaminated wastes not meeting the criteria for designation as “lower level wastes” shall not be stored in the permitted J-Block igloos.
- IV.A.3. Containerized agent-contaminated wastes stored in J-Block shall be clearly labeled and marked to indicate the constituent agent(s) and other waste contaminants determined to be present by characterization based on either analysis or process knowledge, or both.
- IV.A.4. The Permittee shall not store more than 21,780 gallons of hazardous waste liquids in each J-Block igloo. All liquid wastes shall be stored on secondary containment pallets having a minimum capacity at least equal to the volume of the largest individual container or ten percent of the total container volume, whichever is greater.
- IV.A.5. Containerized wastes shall be stored in permitted J-Block igloos in accordance with the following segregation requirements:
- i. Containerized solid wastes shall be segregated from containerized liquid wastes or containerized wastes of mixed liquids and solids.

- ii. Multiagent-contaminated wastes shall be stored together and segregated from single-agent-contaminated wastes. Single-agent-contaminated wastes shall be segregated by agent.
 - iii. All agent-contaminated wastes (whether single or multiagent) shall be segregated to the extent necessary to preclude mixing or other interaction of incompatible wastes during storage or in the event of waste spillage.
 - iv. For purposes of maintaining the above segregation requirements, segregation shall mean storage in separate containers.
- IV.A.6. Agent-contaminated wastes stored in J-Block, including those that exhibit other listed or characteristic hazardous waste constituents, are not subject to the storage restrictions of 40 CFR 268.50.

MODULE V. K-BLOCK AND I-BLOCK MUNITIONS STORAGE FACILITIES

- V.A.1. The K-Block and I-Block Storage Facilities shall be operated in accordance with all applicable requirements of 40 CFR 264, Subparts A through I and EE, as those federal regulations are adopted and amended in the Oregon Administrative Rules.
- V.A.2. The K-Block Storage Facility includes the ninety (90) igloos located in K-Block, each of which is to be operated as an individual storage unit for storage of chemical agent-filled munitions and bulk items in accordance with all applicable requirements of 40 CFR 264 Subpart EE, as that federal regulation has been amended and adopted in OAR-340-104-1201 and other applicable Oregon Administrative Rules. The K-Block storage units shall be used for the storage of munitions and bulk items containing the chemical nerve agents GB and VX, any GB or VX munitions or bulk items transported to the UMCDF and subsequently rejected, or any generated Higher Level Wastes containing the agents GB or VX. (The ninety designated storage units in K-Block are those igloos identified as K-1811 through K-1900.) The K-Block storage units shall also be used for the storage of bulk items containing the chemical blister agent HD, or for any generated Higher Level Wastes containing the agent HD.
- V.A.3. The I-Block Storage Facility includes thirty (30) igloos located in I-Block, each of which is to be operated as an individual storage unit for storage of chemical agent-filled bulk items in accordance with all applicable requirements of 40 CFR 264 Subpart EE, as that federal regulation has been amended and adopted in OAR-340-104-1201 and other applicable Oregon Administrative Rules. The I-Block storage units shall be used only for the storage of bulk items containing the chemical blister agent HD, or for any generated Higher Level Wastes containing the agent HD. (The thirty designated storage units in I-Block are those igloos identified as I-1693 through I-1722.)
- V.A.4. The K-Block and I-Block Storage Facilities are located within separate double-fenced enclosures with locked gates, armed guards deployed on a daily 24-hour basis, and numerous other measures required by US Army regulations to provide a very high level of security for the stored chemical agents. This high level of security shall

be maintained at all times while chemical agent-filled munitions and bulk items are stored.

- V.A.5. The K-Block and I-Block storage units shall be operated in accordance with the specific requirements of an approved Storage Unit Operations and Management Plan (SUOMP) as required by OAR-340-104-1201(1) and included as Attachment 3 to this Permit.
- i. The monitoring and inspection frequencies, containment measures, and other operational requirements included in the SUOMP shall be considered minimum requirements and shall not preclude the US Army from operational practices that represent a higher or better standard of operation (more frequent monitoring or inspections, more effective containment, etc.).
 - ii. The SUOMP shall be reviewed and amended as necessary to incorporate changes in operational requirements, but not less frequently than every two years. Except for changes made immediately necessary by imminent threat to human health or the environment, changes to the SUOMP are subject to prior approval of the Department. Changes to the SUOMP deemed necessary by periodic review, shall be submitted to the Department at the Chemical Demilitarization Program office in Hermiston as a Permit Modification Request in accordance with 40 CFR 270.42.
 - iii. Changes to operational requirements contained in the SUOMP may be made immediately if the Permittee deems such changes are necessary to avert an imminent threat to human health or the environment. Changes made under this 'imminent threat' provision, shall be submitted to the Department within five calendar days, accompanied by a narrative explanation and the date the change became effective, and must be placed in the operating record. Changes to the SUOMP made due to 'imminent threat' will be reviewed by the Department to determine if submittal as a Permit Modification Request in accordance with 40 CFR 270.42 is required.

- V.A.6. All igloos in K-Block and I-Block used as chemical agent storage units shall be fitted with drain plugs, sealing improvements around doors and vents, and vapor containment devices sufficient to achieve and maintain the “no migration” standard of operation required by OAR-340-104-1201(3). The containment systems of the igloos, including all added containment improvements, shall be inspected at least quarterly and maintained to ensure that all operational components and system elements are fully functional at all times. Faulty, damaged, or impaired structures, components or systems shall be promptly repaired, replaced, or restored to full functional capability.
- V.A.7. The chemical agent munitions and bulk items stored in the K-Block and I-Block storage units are not subject to the storage restrictions of 40 CFR 268.50.

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MODULE VI. REMOVAL FROM STORAGE AND TRANSPORTATION

- VI.A.1 The movement of munitions and bulk items, including but not limited to those movements necessary to effect removal from storage and transport to UMCDF, shall be done in strict conformance with written SOPs developed to ensure performance of those movements and associated operations in a consistently safe and secure manner. Copies of the written SOPs addressing all aspects of the movement of munitions and bulk items, loading of the munitions into EONCs or onto other transport vehicles, unloading, transport, and other associated operational activities shall be provided to the Department no later than 60 days prior to initiation of removal of munitions or bulk items from storage for loading and transport to UMCDF.
- VI.A.2 Movement of munitions and bulk items shall be done only by adequately trained and certified personnel. Documentation addressing the training requirements for personnel responsible for munitions movement, skill testing, and certification and associated written training procedures shall be provided to the Department no later than 60 days prior to initiation of removal of munitions or bulk items from storage for loading and transport to UMCDF.
- VI.A.3 Movement of munitions and bulk items shall be done only during daylight hours when lighting conditions are adequate to ensure good visibility for work requirements. If natural lighting is not sufficient for safe working conditions in all operating locations, adequate artificial lighting must be provided before work can continue.
- VI.A.4 Movement of munitions and bulk items shall be done only on roads determined to be adequate to safely sustain the weights and pressures exerted by the transport vehicles under maximum load conditions. Documentation substantiating that the roads to be used for munitions movement have been evaluated and determined to be fully capable of safe usage under maximum load conditions shall be provided to the Department no later than 60 days prior to initiation of movement of munitions or bulk items for loading and transport to UMCDF.

VI.A.5. With the exception of spray tanks and leaker munitions the movement of munitions and bulk items will be done using EONCs mounted on specialized transport vehicles. The EONC door seal shall be tested prior to loading and transport of munitions and bulk items. After completion of loading, and prior to any vehicular movement, door closure will be accomplished as delineated in the EONC SOP. Such closure shall include at least three attempts to confirm secure door closure by testing of the door seal. If a positive seal cannot be confirmed, the UMCD shall determine subsequent actions in accordance with relevant SOPs, giving due consideration to unloading the failed EONC and reloading munitions into a different EONC. Unloading of an EONC at UMCD outside of engineering controls shall only occur if prior testing of the EONC interior has confirmed that no agent vapor is present. Transport of EONC loads without confirmation of secure door closure shall only occur if alternative actions are determined to pose higher risk of agent release. If transport of EONC loads without confirmation of secure door closure occurs, load documentation shall clearly indicate that door closure has not been confirmed and transfer of load custody to UMCDF shall include conveyance of all available information pertinent for UMCDF determination of initially appropriate load processing actions following acceptance of load custody.

MODULE VII. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

VII.A. CERCLA SECTION 120 FEDERAL FACILITY AGREEMENT (FFA)

VII.A.1. ORS 466.105(10) and 40 CFR 264.101, adopted as Oregon rule at OAR 340-100-0002, require corrective action to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU) at a facility seeking a Permit pursuant to ORS 466.

Under the Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), a Federal Facility Agreement (FFA) under CERCLA Section 120(e)(2) is another authority used to investigate and clean up known and past releases of hazardous wastes and constituents to protect human health and the environment. All investigations and cleanups included in a FFA will meet or exceed all applicable or relevant and appropriate state and federal requirements to the extent required by Section 121 of CERCLA, 42 U.S.C. 9621.

VII.A.2. The corrective action for the Umatilla Chemical Depot will be satisfied by the FFA, which was dated September 19, 1989, and became effective on October 31, 1989. The FFA is hereby made a condition of this Permit. Inclusion of this provision in the Permit is not intended to modify in any fashion any term, condition, or requirement of the FFA. The corrective action of 40 CFR 264.101 will be satisfied by the FFA, except for:

- i. Any newly identified SWMUs that were not identified in the final CERCLA Record of Decisions for the Umatilla Chemical Depot;
- ii. Those SMWU's that are discovered after the termination of the FFA, which are subject to Permit Condition VIII.A.3.

VII.A.3. Notification of Newly Identified SWMUs to Department

- i. The Permittee shall notify the Department in writing of any newly-identified SWMU(s) (i.e., a unit not specifically identified during the RFA), discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means, no later than fifteen (15) calendar days after discovery.
- ii. After such notification, the Department may request, in writing, that the Permittee prepare a Solid Waste Management Unit (SWMU) Assessment Plan and a proposed schedule of implementation and completion of the Plan for any additional SWMU(s) discovered subsequent to the issuance of this Permit.
- iii. Within ninety (90) calendar days after receipt of the Department's request for a SWMU Assessment Plan, the Permittee shall prepare a SWMU Assessment Plan for determining past and present operations at the unit, as well as any sampling and analysis of ground water, land surface and subsurface strata, surface water or air, as necessary to determine whether a release of hazardous waste including hazardous constituents from such unit(s) has occurred, is likely to have occurred, or is likely to occur. The SWMU Assessment Plan must demonstrate that the sampling and analysis program, if applicable, is capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste including hazardous constituents from the newly-discovered SWMU(s) to the environment.
- iv. After the Permittee submits the SWMU Assessment Plan, the Department shall either approve or disapprove the Plan in writing.

If the Department approves the Plan, the Permittee shall begin to implement the Plan within fifteen (15) calendar days of receiving such written notification.

If the Department disapproves the Plan, the Department shall either (1) notify the Permittee in writing of the Plan's deficiencies and specify a due date for submittal of a revised Plan, or (2) revise the Plan and notify the Permittee of the revisions. This Department-revised Plan becomes the approved SWMU Assessment Plan. The Permittee shall implement the Plan within fifteen (15) calendar days of receiving written approval.

- v. The Permittee shall submit a SWMU Assessment Report to the Department no later than twenty-five (25) calendar days from completion of the work specified in the approved SWMU Assessment Plan. The SWMU Assessment Report shall describe all results obtained from the implementation of the approved SWMU Assessment Plan. At a minimum, the Report shall provide the following information for each newly-identified SWMU:
 - a. The location of the newly-identified SWMU 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 complete characterization of all wastes that have been or are being managed at the SWMU, to the extent available; and
 - f. The results of any sampling and analysis required for the purpose of determining whether releases of hazardous wastes including hazardous constituents have occurred, are occurring, or are likely to occur from the unit.
- vi. Based on the results of this Report, the Department shall determine the need for further investigations at specific unit(s) covered in the SWMU Assessment. If the Department determines that such investigations are

needed, the Department may require the Permittee to prepare a plan to investigate and characterize in more detail the SWMU and releases from the SWMU(s). The Permittee must submit the plan within the time specified by the Department as a Permit Modification pursuant to 40 CFR 270.42.