

Division of Solid and Hazardous Waste
401 East State Street
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Trenton, New Jersey 08625-0414
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Solid and Hazardous Waste Facility Permit

Onyx Environmental Services, L.L.C.
Eden Lane
Flanders, NJ 07836

For the Purpose of Operating a:	Solid and Hazardous Waste Storage and Transfer Station Facility
On Lot No.:	3-2
Block No:	14
In the Municipality of:	Mount Olive
County:	Morris
Under Facility Permit No.:	1427G1HP12
EPA ID No.:	NJD 980 536 593

This permit is subject to compliance with all conditions specified herein and all regulations promulgated by the Department of Environmental Protection.

This permit shall not prejudice any claim the State may have to riparian land, nor does it allow the permittee to fill or alter or allow to be filled or altered in any way, lands that are deemed to be riparian, wetlands, stream encroachment areas or flood plains, or that are within the Coastal Area Facility Review Act (CAFRA) zone or are subject to the Pinelands Protection Act of 1979, nor shall it allow the discharge of pollutants to waters of this State without prior acquisition of the necessary grants, permits, or approvals from the Department of Environmental Protection or the U.S. Environmental Protection Agency.

February 28, 1994

Issuance Date

October 7, 1997

Reissuance Date

November 7, 1997

Effective Date

June 16, 1999

Modification Date

June 30, 1990

Modification Date

March 31, 2004

Expiration Date

Thomas Sherman

Assistant Director

Office of Permitting & Technical Programs

September 18, 2001

Modification Date

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Added 09/18/01

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Modified 09/18/01

Scope of Permit

The conditions of this permit are based on the New Jersey solid and hazardous waste regulations found at N.J.A.C. 7:26 and 7:26G and on the permit application submitted by the permittee. N.J.A.C. 7:26G “incorporates by reference” (with limited exception) the Federal hazardous waste regulations found at Parts 124, 260-266, 268 and 270, Title 40 of the Code of Federal Regulations (C.F.R.). In order to eliminate confusion, and to clearly describe the precise obligations that are imposed upon the permittee, only the specific Federal hazardous waste regulatory citations are listed in the conditions of this permit. For the applicable State hazardous waste regulatory citations, refer to N.J.A.C. 7:26G.

This permit, along with the referenced permit application documents herein specified, shall constitute the sole Solid and Hazardous Waste Facility Permit for the operation of the solid and hazardous waste facility activities specified herein. Any Permit previously issued by the Division of Solid and Hazardous Waste or its predecessor agencies is hereby superseded. The permittee need not comply with the conditions of this permit to the extent and for the duration such non-compliance is authorized by an emergency permit (40 C.F.R. 270.61).

Section I of this permit contains the general conditions applicable to all hazardous waste facilities. Section II of this permit contains general conditions applicable to the facility. Section III of this permit contains specific conditions applicable to the hazardous waste management practices at the facility. Section IV of this permit contains specific conditions applicable to the solid waste management practices at the facility.

Modified 09/18/01

Description of Solid and Hazardous Waste Activities

The permittee operates a facility involved in the commercial storage and transfer of containerized solid and hazardous waste. All solid and hazardous wastes are received from off-site for storage prior to transfer to other off-site authorized facilities. All containers used for the storage of waste are placed in designated waste storage areas. All wastes received at the facility are shipped off-site in containers to authorized facilities.

Class 1 Modification dated June 16 , 1999

Based on notifications of a Class 1 permit modification by the permittee dated November 30, 1998, and March 11, 1999, the Department modified this permit on 06/16/99. The modification involved revisions to contingency plan, increasing the maximum size of containers, increasing the total number of storage trailers, revision of the operating log, authorization to consolidate temperature sensitive wastes in coolers filled with dry ice, and conduct ten-day transfer operations within the permitted hazardous waste storage

areas in accordance with N.J.A.C. 7:26G-7.4. Due to this modification, the following conditions have been revised and/or added: condition 12(a) of Section II and conditions 1(a), 1(g), 1(j), 1(l) and 1(p) of Section III of the permit.

Class 1 Modification dated June 30 , 1999

Based on a notification of ownership change by Advanced Environmental Technical Services dated March 10, 1999, the Department modified this permit on June 30, 1999. Since the name of the permittee has changed due to the ownership change, references to the old permittee, Advanced Environmental Technical Services have been replaced with the new permittee, Onyx Environmental Services, L.L.C. at appropriate sections of the permit.

Modification Dated September 18, 2001

On October 21, 1996, the Department adopted regulations that repealed all "X" series waste numbers (including the unpublished "X900" series waste numbers). Based on the fact that Onyx Environmental Services, L.L.C., was authorized to use unpublished X waste numbers to handle various industrial solid and liquid non-hazardous wastes under its HWF permit, and that Onyx has been included in the Morris County Solid Waste Management Plan by Resolutions dated May 19, 1999 and July 14, 1999, the Department modified this permit on September 18, 2001. The modification involved removal and replacement of the X waste numbers with the appropriate non-hazardous solid waste numbers and the addition of requirements applicable to these solid wastes.

Section I

General Conditions Applicable to All Permits (40 C.F.R. 270.30)

1. Duty to Comply

The permittee must comply with all conditions of this permit, except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See 40 C.F.R. 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the appropriate Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Duty to Reapply

- (a) 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.
- (b) A complete application for a new permit shall be submitted at least one hundred eighty (180) days prior to the expiration date of this permit.

3. Need to Halt or Reduce Activity Not a Defense

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

4. Need to Mitigate

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

5. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance 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 the permit.

6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

7. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

8. 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.

9. Inspection and Entry

The permittee shall allow an authorized representative of the Department upon the presentation of credentials and other documents as may be required by law to:

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

10. Monitoring and Records

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by 40 C.F.R. 264.73(b)(9) of this chapter, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the Department at any time. The permittee shall maintain records from all ground-water monitoring wells and associated ground-water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.
- (c) Records for monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.

11. Signatory Requirements

All applications, reports, or information submitted to the Department shall be signed and certified. (see 40 C.F.R. 270.11).

12. Reporting Requirements

(a) Planned Changes

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility.

(b) Anticipated Noncompliance

(1) The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in 40 C.F.R. 270.42, until:

(i) The permittee has submitted to the Department by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and

(ii) (A) The Department has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(B) If, within 15 days of the date of submission of the letter in paragraph 12(b)1i of this section, the permittee has not received notice from the Department of his or her intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of hazardous waste.

(c) Transfers

This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under RCRA. (See 40 C.F.R. 270.40).

(d) Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(e) 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 14 days following each schedule date.

(f) Twenty-Four Hour Reporting

- (1) The permittee shall report any noncompliance which may endanger health or the environment orally within 24 hours from the time the permittee becomes aware of the circumstances, including:
 - (i) Information concerning the release of any hazardous waste that may cause an endangerment to public drinking water supplies.
 - (ii) Any information of a release or discharge of hazardous waste or of a fire or explosion from the HWM facility, which could threaten the environment or human health outside the facility.
- (2) 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.
- (3) A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Department may waive the five day written notice requirement in favor of a written report within fifteen days.
- (4) Oral Notification shall be provided to the NJDEP Hotline at (609) 292-7172. Written notification shall be provided to the Bureau of Hazardous Waste and Transfer Facilities and the Bureau of Hazardous Waste Enforcement at the addresses provided in Condition 11 of Section II of this permit.

(g) Manifest Discrepancy Report

If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee must submit a letter report, including a copy of the manifest, to the Department. (See 40 C.F.R 264.72.)

(h) Unmanifested Waste Report

This report must be submitted to the Department within 15 days of receipt of unmanifested waste. (See 40 C.F.R. 264.76.)

(i) Biennial Report

A biennial report must be submitted covering facility activities during odd numbered calendar years. (See 40 C.F.R. 264.75.)

(j) Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e) and (f) of this condition, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this condition.

(k) Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

End of Section I

Section II

General Conditions Applicable to Onyx Environmental Services, L.L.C. Facility Permit

1. Permit Modification or Revocation and Reissuance

Cause for, and procedures of, modification, or revocation and reissuance of this permit shall be as provided under 40 C.F.R. 270.41.

2. Personnel Training (40 C.F.R. 264.16)

- (a) Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that insures the facility's compliance with the requirements of 40 C.F.R. 264.16, as stated in the facility's Part B permit application, and as referenced in Condition 12(b) of Section II of this permit. New employees shall be trained within six (6) months of the date of employment.
- (b) The training program shall be maintained with records and documentation describing the type and amount of both introductory and continuing training that has been and will be given to each person engaged in hazardous waste management at the facility.
- (c) The permittee shall keep the training records on current personnel until closure of the facility; training records on former employees shall be kept for at least three (3) years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

3. Preparedness and Prevention (40 C.F.R. 264.30 through 264.37)

The facility shall be designed, constructed, maintained and operated to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, surface water or groundwater which could threaten human health or the environment.

- (a) The facility shall be equipped with emergency equipment, including but not limited to:
 - (1) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
 - (2) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
 - (3) Portable fire extinguisher, fire control equipment, spill control equipment, and decontamination equipment; and
 - (4) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

- (b) All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.

4. Contingency Plan (40 C.F.R. 264.50 through 264.56)

- (a) The provisions of the Contingency Plan included in the Part B permit application plus all amendments, revisions and modifications thereof subsequently submitted for review and accepted by the Department, and as referenced in Condition 12(b) of Section II of this permit, shall be carried out immediately whenever there is a fire, explosion or release of hazardous waste constituents which could threaten human health or the environment.

- (b) When an emergency coordinator determines that the facility has had a discharge, fire, or explosion which could threaten human health or the environment outside the facility, the emergency coordinator shall immediately notify the local Fire Department and local Police Department if an assessment indicates that evacuation of local areas may be advisable. The emergency coordinator shall be available to help officials decide if local areas should be evacuated. The telephone numbers are:

Fire Department: (973) 691-0100

Police Department: (973) 691-0850

- (c) (1) If the facility has a discharge, fire, or explosion which could threaten human health or the environment, the following shall be notified immediately:

New Jersey Department of Environmental Protection
Communication Center/Trenton Dispatch
Bureau of Communication and Support Services
Trenton, NJ 08625
Telephone (609) 292-7172 (24 Hours)

- (2) Additionally, if the emergency coordinator determines that the facility has had a discharge, fire, or explosion which could threaten human health or the environment outside the facility, the emergency coordinator shall immediately notify:

National Response Center
2100 Second Street, SW
Washington, D.C. 20593
Telephone 1-800-424-8802 (24 Hours)

- (d) If the emergency coordinator determines that the facility has had a discharge, fire, or explosion which would threaten human health or the environment, the emergency coordinator shall immediately notify the agencies listed in Condition 4(c) above. When notifying these agencies, the coordinator shall report the type of substance and the estimated quantity discharged, if known; the location of the discharge; actions the person reporting the discharge proposes to take to contain, clean up and remove the substance if any and any other information concerning the discharge which the Department may request at the time of notification.

- (e) The owner or operator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident,

the owner or operator shall submit a written report on the incident to the Department. The report shall include, but not be limited to:

- (1) Name, address, and telephone number of the owner or operator;
- (2) Name, address, and telephone number of the facility;
- (3) Date, time, and type of incident;
- (4) Name and quantity of material(s) involved;
- (5) The extent of injuries, if any;
- (6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- (7) An estimated quantity and disposition of recovered material that resulted from the incident.

5. Security (40 C.F.R. 264.14)

- (a) The permittee must maintain the security procedures as described in the facility's Part B permit application plus all amendments, revisions and modifications thereof subsequently submitted for review and accepted by the Department, and as referenced in Condition 12(a) of Section II of this permit.
- (b) The permittee shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility.
 - (1) A facility shall have:
 - (i) A 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility; or
 - (ii) An artificial or natural barrier, which completely surrounds the active portion of the facility; and a means to control entry, at all times, through the gates or other entrances to the active portion of the facility.
 - (2) The requirements of paragraph (b)1 are satisfied if the hazardous waste storage, treatment or disposal site is located in a facility which itself has a surveillance system, or a barrier and a means to control entry, which complies with the requirements of subparagraph (b)1i or (b)1ii.
 - (3) The owner or operator shall post a sign with the legend, "Danger - Unauthorized Personnel Keep Out", at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion. The legend shall be written in English and in any other language prevalent in the area surrounding the facility and must be legible from a distance of at least twenty five (25) feet. Existing signs with a legend other than "Danger - Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

6. Termination of a Permit (40 C.F.R. 270.43)

The following are causes for terminating a permit during its term or for denying a permit renewal application:

- (a) Noncompliance with any condition of this permit; or
- (b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or
- (c) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

7. Operating Record (40 C.F.R. 264.73)

The permittee shall keep a written operating record at the facility in which the information required under 40 C.F.R. 264.73(b) shall be recorded. The information shall be recorded as it becomes available and maintained in the operating record until closure of the facility.

8. Permit Limitations (40 C.F.R. 270.4(c))

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights or any infringement of applicable Federal, State, or local laws or regulations.

9. Financial Requirements (40 C.F.R. Part 264 Subpart H)

- (a) The permittee shall maintain financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility. The permittee shall have and maintain liability coverage for sudden 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 permittee shall demonstrate financial responsibility for sudden accidental occurrences according to the mechanisms given in 40 C.F.R. 264.147 paragraphs (a)(1), (2), (3), (4), (5) or (6).
- (b) The permittee shall establish financial assurance for closure of the facility. The permittee shall use a financial assurance mechanism approved by the Department, from the options specified in paragraphs (a) through (f) of 40 C.F.R. 264.143.
- (c) The permittee shall have a detailed written closure cost estimate of closing the facility in accordance with 40 C.F.R. 264.142(a). The permittee shall adjust the closure cost estimate 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. If the permittee uses the financial test or corporate guarantee, the closure cost estimate shall be updated for inflation within thirty (30) days after the close of the firm's fiscal year and before submission of the updated information to the Department. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its *Survey of Current Business*. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.
 - (1) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

- (2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.
- (d) During the active life of the facility, the permittee shall revise the closure cost estimate no later than (30) days after the Department has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in 40 C.F.R. 264.142(b).
- (e) The permittee shall keep at the facility during the operating life of the facility, the latest closure cost estimate prepared in accordance with 40 C.F.R. 264.142(a) and (c) and, when this estimate has been adjusted in accordance with 40 C.F.R. 264.142(b), the latest adjusted closure cost estimate.
- (f) The wording of all financial documents (except for the insurance policy itself) that are submitted under paragraphs (a), (b) and (c) of this Condition must be as per 40 C.F.R. 264.151 with the changes specified at N.J.A.C. 7:26G-8.1(c)8.

10. Compliance with Other State Regulations and Statutes

The permittee shall comply with all regulations of the Department of Environmental Protection and other State Statutes applicable to the facility. Regulations are effective upon publication in the New Jersey Register or as otherwise indicated in the Notice of Adoption in the New Jersey Register.

11. Submission of Documents Required by Permit Conditions

The permittee shall submit all permit compliance documents required by this permit to the following:

- (a) New Jersey Department of Environmental Protection
Office of Permitting
Bureau of Hazardous Waste and Transfer Facilities
P.O. Box 421
Trenton, NJ 08625-0421
- (b) New Jersey Department of Environmental Protection
Solid and Hazardous Waste Enforcement
Bureau of Hazardous Waste Enforcement - North Section
1249 Route 46 - Building 2
Parsippany, NJ 07054

12. Referenced Permit Application Documents

- (a) The permittee shall operate the facility, and construct or install associated appurtenances thereto, in accordance with the regulations contained in 40 C.F.R. Parts 260 through 270, the conditions of this permit, and the following permit application documents:
 - (1) Advanced Environmental Technical Services's Part B permit application for the New Jersey Hazardous Waste Facility permit renewal dated December 29, 1992, signed by James T. Bell, Vice President.
 - (2) Additional information to the Part B permit renewal application submitted by Advanced Environmental Technical Services, dated January 19, 1993, signed by Kenneth J. McKeveny, Manager, Environmental Control.

- (3) Additional information to the Part B permit renewal application submitted by Advanced Environmental Technical Services, dated March 31, 1993, signed by Kenneth J. McKeveny, Manager, Environmental Control.
- (4) Additional information to the Part B permit renewal application submitted by Advanced Environmental Technical Services, dated June 30, 1993, signed by Kenneth J. McKeveny, Manager, Environmental Control.
- (5) Additional information to the Part B permit renewal application submitted by Advanced Environmental Technical Services, dated August 18, 1993, signed by Robert Cappadona, Director, Regulatory Affairs.
- (6) Additional information to the Part B permit renewal application submitted by Advanced Environmental Technical Services, dated September 3, 1993, signed by Robert Cappadona, Director, Regulatory Affairs.
- (7) Additional information to the Part B permit renewal application submitted by Advanced Environmental Technical Services, dated September 10, 1993, signed by Robert Cappadona, Director, Regulatory Affairs.
- (8) Engineering Design Drawing No. AE001-E3001, dated October 28, 1992, revised June 29, 1993, titled Advanced Environmental Technical Services - Proposed Modifications, signed and sealed by Koit V. Paadre, P.E.
- (9) The request for a change of facility ownership and operational control dated May 19, 1995, signed by Robert E. Cappadona, Director, Regulatory Affairs, Advanced Environmental Technical Services.
- (10) The request for a permit modification submitted by Advanced Environmental Technical Services, dated January 22, 1996, signed by Richard A. Daniels, Manager, Facility Permitting.
- (11) The request for a permit modification submitted by Advanced Environmental Technical Services, dated February 1, 1996, signed by Richard A. Daniels, Manager, Facility Permitting.

Added 06/16/99

- (12) The request for a permit modification submitted by Advanced Environmental Technical Services, dated November 30, 1998, signed by Paul DeGiulio, Environmental, Health, and Safety Manager.

Added 06/16/99

- (13) The request for a permit modification submitted by Advanced Environmental Technical Services, dated March 11, 1999, signed by Paul DeGiulio, Environmental, Health, and Safety Manager.

Added 06/30/99

- (14) The request for a change of ownership submitted by by Advanced Environmental Technical Services, dated March 11, 1999, signed by James T. Bell, District Director.

In case of conflict, the applicable hazardous waste management regulations contained in 40 C.F.R. shall have precedence over the conditions of this permit, and the conditions of this permit shall have precedence over the Part B permit application documents listed above.

- (b) One complete set of the permit application documents listed in Condition 12(a) above, this Hazardous Waste Facility Permit, and all records, reports and plans as may be required

pursuant to this permit shall be kept on-site and shall be available for inspection by authorized representatives of the Department upon presentation of credentials. The records, reports and plans required pursuant to this permit include the following:

- (1) The description of the personnel training program and the records required by Condition 2 of Section II of this permit and 40 C.F.R. 264.16.
- (2) The Contingency Plan required by Condition 4 of Section II of this permit and 40 C.F.R. 264.50, and specifically the plan prepared by Advanced Environmental Technical Services dated July 22, 1992 and subsequent revisions.
- (3) The written Operating Record required by Condition 7 of Section II of this permit and 40 C.F.R. 264.73.
- (4) Copies of the financial documents and closure cost estimate required by Condition 9 of Section II of this permit and 40 C.F.R. 264.140.
- (5) The Waste Analysis Plan outlined in Condition 3 of Section III of this permit and as required by 40 C.F.R. 264.13, and specifically the plan prepared by Advanced Environmental Technical Services dated December 29, 1992 and subsequent revisions.
- (6) The Inspection Schedule required by 40 C.F.R. 264.15(b) and the records required by Condition 4 of Section III of this permit.
- (7) The Closure Plan required by Condition 5 of Section III of this permit and 40 C.F.R. 264.112 and specifically the plan prepared by Advanced Environmental Technical Services dated December 29, 1992 and subsequent revisions.

End of Section II

Section III

Specific Facility Conditions Applicable to Onyx Environmental Services, L.L.C.

1. Authorized Activities

Modified 06/16/99

- (a) The permittee is authorized to store hazardous waste of the types specified in Condition 2(a) of Section III of this permit in containers for a maximum of one hundred seventy thousand five hundred (170,500) gallons (the equivalent of 3,100 fifty-five gallon drums) in the existing hazardous waste storage area as follows:

<u>Storage Area I.D.</u>	<u>Design Capacity</u>	<u>Container Size</u>	<u>Aisle Space</u>
Shipping/ Receiving Area	9,240 gallons	Any container up to 500 gallons	18 inches minimum
Trailers (Box Type or Bulk)	161,260 gallons	Same as above for box type; up to 7,150 gallons for bulk trailers	Same as above

- (b) Secondary containment systems, constructed of steel reinforced concrete, shall be provided and maintained free of cracks or gaps and of adequate capacity and be sufficiently impervious to contain leaks, spills and accumulated rainfall until the collected material is detected and removed. The base shall have adequate structural integrity to withstand the maximum stress applied to the base due to activities or structures placed in the containment area. The secondary containment systems shall be maintained and operated to efficiently drain and remove liquids resulting from leaks, spills and precipitation.
- (c) Spilled or leaked waste or accumulated precipitation shall be removed from the secondary containment systems in a timely manner, to prevent blockage or overflow of the collection system. Containment valves to control the flow of accumulated rainwater or wash water from each individual trailer storage area to the containment pond shall remain in the open position while the facility personnel are on site. Containment valves shall be closed should a spill occur in order to isolate and/or control the area of contamination. The valve controlling the discharge from the containment pond shall be in the normally closed position at all times. Any discharge from the containment pond to the storm sewer shall be in accordance with the permittee's NJPDES permit.
- (d) If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the permittee shall transfer the hazardous waste from the container to a container that is in good condition or manage the waste in some other way that complies with the requirements of 40 C.F.R. 264.171.

- (e) The containers shall be managed in compliance with all provisions of 40 C.F.R. 264.173.
- (f) The permittee shall not place a waste which is incompatible with waste already in a container, or incompatible with a material of construction of a container, in that container. The permittee shall not place a hazardous waste in an unwashed container which previously held an incompatible waste or material. The permittee shall evaluate each waste, prior to its addition to any container, to ensure compliance with 40 C.F.R. 264.17(b).

Modified 06/16/99

- (g) The hazardous waste storage trailers shall be parked in the contained paved area as outlined in the Part B permit application for renewal cited in Condition 12(a) of Section II of this permit. The maximum number of trailers shall be thirty nine (39), parked around the loading dock and the designated trailer parking areas.
- (h) The permittee shall maintain a minimum aisle space of eighteen (18) inches between rows of containers in the hazardous waste container storage areas. Containers shall be placed on pallets or otherwise elevated in all storage areas except in the storage trailers. All storage trailers containing PCB wastes shall be provided with containment for at least twenty five (25) percent of the total volume of PCB wastes as follows:
 - (1) A steel pan insert, complete with a curb at least six (6) inches high on all sides of the trailer; or
 - (2) A chemical resistant liner with a curb surrounding the walls and rear door of the trailer.
- (i) The permittee shall ensure compliance with the following requirements prior to accepting packaged laboratory chemicals (lab packs) and placing the lab packs in the storage areas or the storage trailers:
 - (1) Lab packs are packaged in USDOT acceptable drums or boxes. Absorbent material is placed in each outside container to absorb the liquid contents of the inner containers in the event of breakage;
 - (2) Boxes are placed on a pallet or otherwise elevated while in storage or placed on a pallet and the entire pallet is stretch wrapped prior to transportation; and
 - (3) All applicable USEPA and USDOT information for each individual box on a pallet is available for review.

Modified 06/16/99

- (j) Upon acceptance of the wastes at the facility for storage and transfer, the permittee shall place the wastes in either of the following: a trailer destined for an ultimate TSD facility, the shipping/receiving area, or a storage trailer.
 - (1) If the wastes are placed in a trailer destined for an ultimate TSD facility, the following procedures shall be followed:
 - (i) Wastes shall not be held in trailers for longer than ten (10) working days after the accumulation start date. The accumulation start date shall be the date that the eighteen (18) inches aisle space is no longer maintained in the trailer;

- (ii) Each trailer shall have a written record of accumulation start date which shall be posted at the rear of the trailer;
 - (iii) A summary of all applicable USEPA and USDOT information provided with each container shall be available for review at the request of the Department. This information shall be provided in the form of container packing slips of a computer generated report.
 - (iv) Labels shall be placed on the top of each container so that they are visible from the rear of the trailer;
- (2) Any wastes previously designated for shipment off-site but not shipped out within ten (10) working days, must be off-loaded and placed into either the shipping/receiving area or a storage trailer. If stored in a trailer, the trailer shall be parked in one of the designated trailer parking areas and an eighteen (18) inch aisle space between rows of containers must be maintained; and
 - (3) Waste received in bulk containers shall not be off loaded at the facility. These containers shall be staged in the trailer storage containment areas prior to shipment off-site. Waste from the bulk containers shall not be transferred to other containers unless the integrity of the original container is in question or the bulk container is rejected by an ultimate TSD facility as specified in Condition 1(m) of this section. The maximum capacity of each bulk container shall not exceed seven thousand one hundred fifty (7,150) gallons.
- (k) The permittee is authorized to repack small containers of laboratory chemicals from one overpack container to another overpack container provided the operation is in accordance with the following conditions:
 - (1) The repackaging shall be conducted in a designated trailer or a section of the shipping and receiving area.
 - (2) Maintenance work shall not be conducted in the designated repackaging areas while small containers of ignitable waste are being repackaged;
 - (3) The individual waste containers shall be transferred directly from the incoming lab-pack containers to the repack containers; and
 - (4) The individual waste containers shall not be opened.

Modified 06/16/99

- (l) The permittee is authorized to store temperature-sensitive wastes in refrigerated trailers or in trailers equipped with coolers containing dry ice. Consolidation of temperature-sensitive wastes shall be directly from one refrigerated trailer or cooler filled with dry ice to another refrigerated trailer or cooler filled with dry ice. At no time during this consolidation shall temperature-sensitive wastes be left outside of a refrigerated trailer or cooler filled with dry ice unattended and for a period of greater than that needed for inspection, marking and sorting of the containers. The storage of temperature-sensitive wastes shall be for a maximum of ten (10) working days from the date of arrival of the waste at the site. The permittee shall maintain appropriate logs to indicate the date of arrival of such waste and the date the waste is shipped off-site to ultimate treatment, storage and disposal facilities. The permittee is authorized to use two (2) refrigerators as back up for storing small quantities of temperature-sensitive wastes in the event of failure of the refrigerated trailers.

- (m) Containers of hazardous waste that have been rejected by the ultimate TSD facility and subsequently returned to the permittee, shall be stored in the original sealed containers in an authorized container storage area specified in Condition 1(a) of Section III of this permit. The residual hazardous waste in bulk containers that have been rejected by the ultimate TSD facility and subsequently returned to the permittee may be transferred to other DOT approved containers specified in condition 1(a) of Section III of this permit and stored in authorized container storage areas. The permittee shall be responsible for the shipment of the rejected wastes to another off-site ultimate TSD facility or may return the wastes to the original generator. While in storage, the wastes shall be managed in accordance with all provisions of this permit.
- (n) The permittee shall not store hazardous waste at any location at the facility other than those authorized in paragraph (a) above.
- (o) The permittee must obtain a prior approval from the Office of Permitting to make any changes or alterations to the authorized activities in this condition.

Modified 09/18/01

Added 06/16/99

- (p) The permittee is authorized to store, consolidate and transfer hazardous and non-hazardous wastes of the types specified in Condition 2 of Section III and Condition 9(a) of Section IV of this permit for a period of ten (10) days or less under the transfer facility regulations set forth at N.J.A.C. 7:26G-7.4. Wastes received in accordance with this paragraph (hereinafter "ten-day wastes") are those wastes which have been manifested directly to another destination treatment, storage, or disposal (TSD) facility. While in storage at the facility, all ten-day wastes shall be counted towards the storage capacity authorized under Condition 1(a) of Section III of this permit.
 - (1) Upon receipt at the facility, the permittee shall segregate the ten-day wastes and place the wastes in trucks or trailers that do not contain other wastes that have been received by Onyx Environmental Services, L.L.C. as the designated facility except as provided in (6) or (7) below. Ten-day wastes may alternatively be placed in the Shipping/Receiving area in rows marked "ten day wastes only".
 - (2) The permittee shall manage the ten-day wastes in compliance with applicable sections of this permit, including but not limited to container management, materials handling and waste analysis requirements.
 - (3) The permittee shall maintain a separate log for all incoming and outgoing ten-day wastes.
 - (4) The permittee shall not hold the ten-day wastes at the facility for longer than ten calendar days.
 - (5) The permittee shall clearly mark or label all containers, trucks, and trailers containing ten-day wastes and complete all shipping/emergency notification paperwork, in accordance with applicable RCRA, TSCA, and USDOT regulations.
 - (6) Except as provided in (7) below, the permittee may place ten-day wastes on trucks or trailers containing other wastes received by Onyx Environmental Services, L.L.C. as the designated facility no sooner than the day that the truck or trailer is scheduled to leave the facility.

- (7) The permittee may place ten-day wastes on trucks or trailers containing other wastes received by Onyx Environmental Services, L.L.C. as the designated facility prior to the day that the truck or trailer is scheduled to leave the facility provided that all ten-day wastes are placed on the truck or trailer behind all other wastes received by Onyx Environmental Services, L.L.C. as the designated facility with a clear demarcation between the ten-day wastes and other wastes.

Added 09/18/01

- (8) The permittee shall comply with all applicable requirements specified under Section IV of this permit regarding management of non-hazardous wastes received in accordance with Condition 1(p) of Section III of this permit.

2. Authorized Wastes

- (a) The permittee is authorized to accept the following waste types in containers for storage at the facility prior to transfer to an authorized off-site facility:

<u>Hazardous Waste Codes</u>	<u>Description</u>
D001	Hazardous wastes exhibiting the characteristic of ignitability as defined at 40 C.F.R. 261.21
D002	Hazardous wastes exhibiting the characteristic of corrosivity as defined at 40 C.F.R. 261.22
D003	Hazardous wastes exhibiting the characteristic of reactivity as defined at 40 C.F.R. 261.23
D004 through D043	Hazardous wastes exhibiting the characteristic of toxicity by toxicity characteristic leaching procedure (TCLP) as defined at 40 C.F.R. 261.24
F001 through F012; F019, F021 through F028; F032; F034; F035; and F037 through F039	Hazardous wastes from non-specific sources as defined at 40 C.F.R. 261.31
K001 through K011; K052; K060 through K062; K069; K071; K073; K083 through K088; K093 through K112; K117; K118; K123 through K126; K131; K132; K136; and K156 through K161	Hazardous wastes from specific K013 through sources as defined at 40 C.F.R. 261.32
P001 through P018; P020 through P024; P026 through P031;	Discarded hazardous commercial chemical products or manufacturing intermediates as

P033; P036 through
P051; P054; P056
through P060; P062;

defined at 40 C.F.R. 261.33

P064 through P078;
P081; P082; P084; P085;
P087 through P089;
P092 through P099;
P101 through P116;
P118 through P122;
P127; P128; P185;
P188 through P192;
P194; P196 through
P199; and P201
through P205;
U001 through U012;
U014 through U039;
U041 through U053;
U055 through U064;
U066 through U099;
U101 through U103;
U105 through U174;
U176 through U194;
U196; U197; U200
through U211; U213
through U223; U225
through U228; U234
through U240; U242;
U243; U246 through
U249; U271; U277
through U280; U328;
U353; U359; U364
through U367; U372;
U373; U375 through
U379; U381 through
U387; U389 through
U396; U400 through
U404; U407; and
U409 through U411

Condition 2(b) Deleted 09/18/01

(b) Deleted

(c) The permittee may accept hazardous waste laboratory reagents, provided appropriate hazardous waste codes have been used on the manifest. Hazardous waste lab packs shall be

accompanied by all applicable USEPA and USDOT information pertaining to the contents of each lab pack. Laboratory reagents not classified as hazardous wastes may be accepted as non-hazardous wastes.

Condition 2(d) Deleted 09/18/01

(d) Deleted

3. Waste Analysis and Quality Assurance Requirements

(a) The permittee shall adhere to the provisions of the Waste Analysis Plan cited in Condition 12(b)5 of Section II of this permit, and any subsequent revisions approved by the Division of Solid and Hazardous Waste.

(b) The permittee shall obtain a completed waste information profile (WIP) from the generator and have a definite treatment/disposal option available for each waste stream prior to authorizing shipment of waste to the facility. The permittee shall comply with the following for all hazardous wastes received for storage and transfer:

(1) Packaged Laboratory Chemicals (Lab Packs)

(i) The lab packs shall consist of containers of waste chemical compounds and samples used in laboratories with the original manufacturer's label. If the manufacturer's label is not on the container, the permittee shall require the generator to properly identify or analyze the material prior to being packaged for shipment; and

(ii) Field personnel trained by the permittee shall package the lab pack containers at the generator's site. Upon arrival at the facility, the permittee shall inspect to insure that the packaging has been done in accordance with chemical compatibility grouping system described in the waste analysis plan section of the Part B permit application for renewal referenced in Condition 12(a) of Section II of this permit.

(2) Other Waste Streams

The permittee shall comply with the following to ensure the acceptability of the wastes:

(i) For a new waste stream, the permittee shall inspect the generator's site or review the waste generation process with the generator and obtain accurate information about the waste stream to ensure proper classification and treatment/disposal options available for the waste. The permittee may assist the generator to complete and certify the WIP. If the generator's knowledge

is not sufficient to complete the WIP, the permittee shall require the generator to sample and analyze the waste to complete the information on the WIP. From the information provided in the WIP, the permittee shall determine if a treatment/disposal option is available. If a treatment/disposal option does not exist and a pre-acceptance sample is required by the ultimate treatment/disposal facility, a sample of the waste shall be taken at the generator's site using approved methods and submitted to authorized ultimate treatment/disposal facility for approval of acceptance. Approval of acceptability must be obtained from the ultimate treatment/disposal facility prior to authorizing shipment of a waste. All sampling and analysis shall be performed in accordance with the Quality Assurance/ Quality Control methods established by the Department.

- (ii) For a waste stream that has been previously handled by the permittee and for which an ultimate treatment/disposal approval has been obtained, the permittee shall periodically inspect the generator's site to update the information provided in the WIP.

(3) Waste Information Records

The permittee shall retain the following documents on file at the facility site utilizing either a hard copy or electronic filing system, for a minimum of three years:

- (i) Waste information profile (WIP) sheets; and
- (ii) Chemical and physical analysis of a representative sample of any waste offered by the generators.

Modified 09/18/01

- (c) The permittee shall not accept any waste for storage or transfer at the facility unless the facility is authorized to accept the waste under Condition 2 of Section II or Condition 9(a) of Section IV of this permit.
- (d) If the permittee is offered a waste which the permittee is not authorized to accept, the permittee shall:
 - (1) Not accept the waste from the hauler;
 - (2) Instruct the hauler to contact the generator for further instructions;
 - (3) Telephone the generator, and inform the generator that the permittee is not authorized to accept the waste and that the permittee has instructed the hauler to contact the generator for further instructions;
 - (4) Follow-up the telephone call to the generator with a letter verifying the telephone conversation;
 - (5) Telephone the Department, at (609) 292-8341, and report the unauthorized waste shipment; and
 - (6) Follow-up the telephone call to the Department with a letter verifying the telephone conversation.

- (e) The permittee shall maintain in the written Operating Record required by Condition 7 of Section II of this Permit, as per 40 C.F.R. 264.73(b)(3), records of all waste analyses requirements of this condition including copies of all manifests. Such records shall be entered into the written Operating Record as they become available and shall be maintained until closure of the facility.
- (f) No changes shall be made to the waste analysis plan without the prior approval of the Division of Solid and Hazardous Waste.

4. Inspection Requirements (40 C.F.R. 264.15, 264.174 and 270.14(b)5)

- (a) The permittee shall comply with the inspection requirements of 40 C.F.R. 264.174 and the plan referenced in Condition 12(b) of Section II of this permit. The permittee shall inspect the areas and items 1 through 10 listed below at least weekly for deterioration or malfunction which may cause discharge of hazardous waste or a threat to human health or the environment. The results of the inspection shall be maintained for at least three (3) years from the date of inspection at the Onyx Environmental Services, L.L.C. facility. The permittee shall conduct inspections as outlined below:
 - (1) All containers securely closed
 - (2) Any leaking containers or spills
 - (3) Any deteriorating containers
 - (4) Any containers swollen or bulged
 - (5) Any containers concaved due to internal vacuum build up
 - (6) Any containers with corrosion
 - (7) All containers properly labeled and identified
 - (8) All containers compatible with waste stored in them
 - (9) Indications of cracks or leaks in concrete floor, concrete curbs, or concrete vehicle ramps
 - (10) Container aisle space access - minimum 18"
- (b) The permittee shall inspect the following on a daily basis when temperature sensitive waste is stored on-site:
 - (1) Temperature control of the refrigerated trailers
 - (2) Dry ice and temperature of the ice coolers
- (c) The container storage area safety/emergency equipment shall be inspected as outlined in the Inspection Plan section of the Part B permit application referenced in Condition 12(a) of Section II of this permit.
- (d) The permittee shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.
- (e) A log shall be kept of the inspections and any remediation actions described under paragraphs (a) through (d) above to confirm adequate maintenance of the hazardous waste storage areas and all appurtenances.

5. Closure of Hazardous Waste Management Units (40 C.F.R. 264.110)

- (a) At the time of final closure, the permittee shall close the Hazardous Waste Container Storage Units including the storage trailers in the manner that is stated in 40 C.F.R. 264.110, and the closure plan referenced in Condition 12(b)7 of Section II of this permit, and the following:
- (1) The permittee shall remove and ship all waste from the hazardous waste container storage areas specified in condition 1(a) of this section to an authorized facility within ninety (90) days from the date of implementation of the closure plan.
 - (2) The permittee shall decontaminate the hazardous waste container storage area secondary containment units by sweeping followed by steam cleaning. The wash water resulting from the decontamination process shall be collected and shipped off-site to an authorized facility or discharged in compliance with the permittee's NJPDES permit.
 - (3) The permittee shall test the final wash water from the decontamination of the hazardous waste container storage areas and a wash water blank for the following parameters:
 - Ignitability
 - Reactivity
 - Corrosivity
 - Volatile and semi-volatile organics from Target Compound List
 - Total cyanides and sulfides
 - Total petroleum hydrocarbons
 - PCBs and
 - Toxicity (using TCLP)

Decontamination methods shall be repeated until the concentrations of the final wash water test parameters are equal to the amount present in a wash water blank. Wash water analysis results shall be submitted to the Department at the address listed in Condition 11(a) of Section II of this permit within sixty (60) days from the date of sampling for review and approval of adequate decontamination.
 - (4) Within two hundred forty (240) days from the date of implementation of the closure plan, when closure is completed, the owner or operator shall submit to the Department, at the address listed in Condition 11(a) of Section II of this permit, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan and the conditions of this permit. The certification must be signed by the owner or operator and signed and sealed by an independent professional engineer registered in the State of New Jersey.
 - (5) The Department will review the submitted certification and rinse water analysis results and will conduct a closure certification inspection. If the rinse water analysis results are determined to be satisfactory and there is a satisfactory closure certification inspection, the closure certification will be accepted by the Department and the closure will be deemed complete.
- (b) The permittee shall keep a copy of the closure plan and all revisions to the plan at the facility until closure is completed.

- (c) The permittee shall amend the closure plan any time changes in operating plans or facility design affect the closure plan or whenever there is a change in the expected year of closure of the facility. The permittee must comply with the requirement cited at 40 C.F.R. 264.112(c)(3) for amendment of closure plan.
- (d) The permittee shall notify the Department at least forty five (45) days prior to the date the permittee expects to begin closure, except in cases where the facility's permit is terminated or if the facility is otherwise ordered by judicial decrees or compliance order to close. The date when the owner or operator "expects to begin closure" shall be within thirty (30) days after the date on which the owner or operator expects to receive the final volume of waste.

End of Section III

Section IV

Conditions Applicable to the Facility for Solid Waste Transfer Activities

1. Need to Mitigate

- (a) Pursuant to N.J.A.C. 7:26-2.8(p), should the Department determine that the permittee is operating the facility in an environmentally unsound manner, the permittee shall:
 - 1. Within 90 days of notification by the Department, submit a plan to close or environmentally upgrade the facility in conformance with the applicable standards, as determined by the Department and set forth in N.J.A.C. 7:26-1 et seq.;
 - 2. Within 90 days of receipt of written approval by the Department of the submitted plan, begin to close or construct the environmental upgrading at the facility; and
 - 3. Within one year of receipt of written approval by the Department of the submitted plan, complete closure or construction of the environmental upgrading at the facility.
- (b) Pursuant to N.J.A.C. 7:26-2.8(q), a one time extension of the compliance schedule established by N.J.A.C. 7:26-2.8(p) shall be granted by the Department provided the permittee demonstrates that it has made good faith effort to meet the schedule.
- (c) Pursuant to N.J.A.C. 7:26-2.8(r), should the environmental upgrading required pursuant to N.J.A.C. 7:26-2.8(p) not be completed or should continued operations be determined by the Department to be environmentally unsound despite the implementation of the plan approved pursuant to N.J.A.C. 7:26-2.8(p), the facility shall temporarily or permanently cease operations and close or enter into receivership, as provided for in N.J.S.A. 13:1E-9, for that period of time necessary to rectify the environmentally unsound conditions.

2. Permit Actions

- (a) Pursuant to N.J.A.C. 7:26-2.6(a)1, if cause exists, the Department may modify, or revoke and reissue this permit, subject to the limitations of that section, and may require the permittee to submit an updated or new application in accordance with N.J.A.C. 7:26-2.6(e), if appropriate.
- (b) Pursuant to N.J.A.C. 7:26-2.6(b), the Department may modify or, alternatively, revoke and reissue this permit if cause exists for termination under N.J.A.C. 7:26-2.6(c) and the Department determines that modification or revocation and reissuance is appropriate.
- (c) Pursuant to N.J.A.C. 7:26-2.6(d), upon the request of the permittee, an interested party or for good cause, the Department may make certain minor modifications to a permit without issuing a tentative approval, providing public notice thereof or holding a public hearing thereon.

- (d) Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit such facts or information.

3. Signatory Requirements

- (a) All completed registration statements submitted by the permittee shall be signed as specified at N.J.A.C. 7:26-2.4(e)1.
- (b) All engineering designs and reports, the environmental and health impact statement, other information requested as "Addendums" by the Department pursuant to N.J.A.C. 7:26-2.4(f) and (g)4 and documents required to be submitted pursuant to N.J.A.C. 7:26-2.9 and 2.10, submitted on behalf of the permittee, shall be signed by a person described in N.J.A.C. 7:26-2.4(e)1 or by a duly authorized representative of that person, as specified at N.J.A.C. 7:26-2.4(e)2.
- (c) Any person signing a registration statement, engineering design or report, environmental and health impact statement or addendum mentioned in N.J.A.C. 7:26-2.4(e)1 or (e)2, submitted on behalf of the permittee, shall make the certification specified at N.J.A.C. 7:26-2.4(e)3.

4. Registration Statement

- (a) Pursuant to N.J.A.C. 7:26-2.8(b), prior to May 1 of each calendar year the permittee shall submit to the Department a statement updating the information contained in the permittee's initial registration statement. This update shall be on forms furnished by the Department. In no case shall submission of an updated statement alter conditions of this permit.
- (b) Pursuant to N.J.A.C. 7:26-2.8(c), the permittee shall notify the Department in writing within 30 days of any change in the information set forth in the permittee's current registration statement.
- (c) Pursuant to N.J.A.C. 7:26-2.8(d), failure of the permittee to submit an updated registration statement and to submit all applicable fees, required by N.J.A.C. 7:26-4, on or before July 1 of each calendar year shall be sufficient cause for the Department to revoke this permit or take such other enforcement action as is appropriate.

5. Operating Record and Reporting Requirements

- (a) The permittee shall maintain a daily record of wastes received. The record shall include the information specified at N.J.A.C. 7:26-2.13(a).
- (b) The daily record shall be maintained, shall be kept, and shall be available for inspection in accordance with N.J.A.C. 7:26-2.13(b).
- (c) The permittee shall verify, retain and make available for inspection a waste origin/disposal (O and D) form for each load of solid waste received in accordance with N.J.A.C. 7:26-2.13(c).

- (d) The permittee shall submit monthly summaries of wastes received to the Division of Solid and Hazardous Waste, Bureau of Recycling and Planning and the Solid Waste Coordinator for the Morris County District, on forms provided by the Department (or duplicates of same), no later than 20 days after the last day of each month. The monthly summaries shall include the information specified at N.J.A.C. 7:26-2.13(e).
- (e) Pursuant to N.J.A.C. 7:26-6.4, upon request by the Department, the permittee shall submit, in such form as the Department may deem appropriate, information concerning the sources of wastes received and the transportation or disposal patterns associated with such wastes.

6. Conformance to the District Solid Waste Management Plan

Pursuant to N.J.A.C. 7:26-6.12(b), the permittee shall operate the facility in compliance with any applicable district solid waste management plan(s) as well as any amendments to and/or approved administrative actions concerning such plan(s). Should the permittee fail to comply with any applicable district solid waste management plan(s) as well as any amendment to or approved administrative actions concerning such plan(s), the permittee shall be deemed in violation of N.J.S.A. 13:1E-1 et seq. and N.J.A.C. 7:26-1 et seq. and shall be subject to applicable penalties provided thereunder, and any other applicable laws or regulations.

7. No Change to Waste Identification

- (a) Pursuant to N.J.A.C. 7:26-2.13(j), solid waste shall be identified at the point of generation. The facility permitted herein is not the point of generation of waste received. Solid waste received by the facility shall retain the ID type identified in the O and D form received by the facility. The type of solid waste shall not change due to processing of the solid waste.
- (b) Pursuant to N.J.A.C. 7:26-2.13(c), the permittee shall designate waste remaining after processing, within the O and D form and the daily record of the facility, as the same waste type as originally received at the facility.

8. General Operating Requirements

Pursuant to N.J.A.C. 7:26-2.11, the facility must be operated in compliance with the following general operating requirements:

- (a) Within each 24-hour period the operator shall clean each area where waste has been processed or stored.
- (b) Facility property surrounding the actual process/storage area shall be maintained free of litter, debris, and accumulations of unprocessed waste, process residues and effluents. Methods of effectively controlling wind-blown papers and other lightweight materials such as fencing shall be implemented at the facility.

- (c) Methods of effectively controlling dust shall be implemented at the facility in order to prevent offsite migration.
- (d) The operation of the facility shall not result in the emission of air contaminants in violation of N.J.A.C. 7:27-5.2(a).
- (e) Only solid waste vehicles properly registered, pursuant to N.J.A.C. 7:26-3, with the Division of Solid and Hazardous Waste, displaying the appropriate registration number and solid waste decal shall be admitted for loading and unloading of any solid waste at the facility.
- (f) The operator shall maintain a record of the quantity of each authorized waste type accepted for storage and transfer, in accordance with N.J.A.C. 7:26-2.13 and 3.2.
- (g) Departmental inspectors shall have the right to enter and inspect any building or other portion of the facility, at any time. This right to inspect includes, but is not limited to:
 - 1. Sampling any materials on site;
 - 2. Photographing any portion of the facility;
 - 3. Investigating an actual or suspected source of pollution of the environment;
 - 4. Ascertaining compliance or non-compliance with any statutes, rules, or regulations of the Department, including conditions of the this permit or other permit or certificate issued by the Department; or
 - 5. Reviewing and copying all applicable records, which shall be furnished upon request and made available at all reasonable times for inspection.
- (h) The quantity of waste received by the facility operator shall not exceed the system's designed handling, storage or processing capacity as identified in this permit or other permit certificate. The designed processing and storage capacity approved within this permit, or any other permit certificate or approval conditions as a ton per year operational maximum shall be inclusive of all solid waste received at the facility excluding ID72 waste.
- (i) The approved final O and M manual shall be maintained at the facility. A written description of any proposed changes to the approved, final O and M manual shall be submitted to the Department for review. These proposed changes shall not be implemented at the facility until the Department approves the changes.
- (j) The permittee shall accept only containerized solid wastes and the containers shall always be kept closed except when necessary to add or remove waste, in order to maintain compliance with N.J.A.C. 7:26-2B.5(b)2.
- (k) At no time shall ID 27 solid waste be subject to mechanized processing, such as grinding, shredding or baling, such that the physical appearance of the material is altered prior to disposal at a designated district facility.

9. Specific Conditions Applicable to the Facility

(a) Permitted Waste Types

The permittee is authorized to accept the following waste types in addition to the waste types authorized under Condition 2 of Section III of this permit:

<u>Waste ID Number</u>	<u>Waste Description</u>
10	Household hazardous waste from household hazardous waste collection centers
27	Dry industrial waste
27A	Waste material consisting of asbestos or asbestos containing waste
72	Bulk liquid and semiliquid wastes

The permittee is not authorized to accept any other type or description of solid waste as defined at N.J.A.C. 7:26-2.13(g) and (h), or regulated medical waste as defined at N.J.A.C. 7:26-3A.6(a).

(b) Approved Designs, Plans and Reports

The permittee shall operate the facility, and construct or install associated appurtenances thereto, in accordance with the provisions of N.J.A.C. 7:26-1 et seq., the conditions of this permit, and the Part B Permit Application documents referenced in Condition 12(a) of Section II of this permit.

In case of conflict, the provisions N.J.A.C. 7:26-1 et seq. shall have precedence over the conditions of this permit, the conditions of this permit shall have precedence over the permit application documents referenced above, and the most recent revisions and supplemental information approved by the Department shall prevail over prior submittals and designs.

(c) One complete set of the permit application documents referenced in Condition 9(b) above, this permit, and all records, reports and plans as may be required pursuant to this permit shall be kept on-site and shall be available for inspection by authorized representatives of the Department upon presentation of credentials.

(d) Approved Operations

- (1) The permittee may accept a maximum of 1,520 tons per year of solid waste of the types authorized under Condition 9(a) of this Section. This quantity limitation does not include ID72 waste.
- (2) All wastes shall be accepted in containers for storage at the facility prior to transfer to other authorized facilities. The permittee may also consolidate wastes from smaller containers into larger containers except for asbestos or asbestos-containing wastes.

- (3) The permittee shall use only the container storage areas identified in Condition 1(a) of Section III of this permit for storage and consolidation of solid wastes. The permittee shall process the amount of wastes received by the end of each operating day.
- (4) The permittee shall comply with the following for the management of asbestos or asbestos-containing wastes:
 - (i) Waste disposal shall comply with the requirements of N.J.A.C. 7:26-2.12 and 40 C.F.R. 61.150.
 - (ii) The waste containers shall not be opened and no consolidation of waste shall take place while at the facility.
- (5) The permittee shall keep all containers appropriately closed or covered at all times except during consolidation into larger containers.
- (6) The permittee shall store the containers holding wastes authorized under this Section in accordance with the container management provisions of Condition 1 of Section III of this permit, including but not limited to, the design capacity for each storage area, container size, aisle space, and stacking height.
- (7) The permittee shall comply with the waste analysis provisions of Condition 3 of Section III of this permit to determine that each waste stream is adequately classified as a waste authorized for acceptance under this Section.
- (8) The permittee shall inspect the containers holding wastes authorized under this Section in accordance with the container inspection provisions of Condition 4 of Section III of this permit.
- (9) The permittee may accept and process waste at the facility Monday through Sunday, 24 hours per day.
- (10) The permittee shall schedule the waste deliveries to the facility in such a manner as to minimize truck queuing on the facility property. Under no circumstances shall delivery trucks and/or transfer trailers accessing or exiting the facility be allowed to park or queue on any public road.
- (11) In the event of a facility outage or other significant malfunction which would result in the facility's inability to process waste at a rate equal to or exceeding the rate of incoming waste, the operator shall immediately report such situation or event to the Department at 1-877-927-6337.
- (12) The permittee shall post at the facility, and provide to the users of the facility, a copy of the traffic routes described in the Part B permit application referenced in Condition 9(b) of this Section.

End of Section IV