



HAZARDOUS WASTE TRANSFER FACILITY PERMIT

Issued by the NH Department of Environmental Services, Waste Management Division (Department) pursuant to RSA 147-A and Chapter Env-Hw 300 of the New Hampshire Hazardous Waste Rules (HW Rules)

I. PERMIT/FACILITY IDENTIFICATION:

Permit No.: DES-HW-TF-2014-01

EPA ID No.: NHD980521843

Permittee: Tradebe Treatment and Recycling Northeast, LLC.

Facility Name: Tradebe Treatment and Recycling Northeast, LLC.

Facility Location: 410 Shattuck Way, Newington, NH

Facility Type: Hazardous Waste Transfer Facility

Service Type: Commercial

Facility Description: The facility is a Hazardous Waste Transfer Facility permitted to store for ten (10) days or less, bulk, and consolidate certain types of hazardous waste that are in a transit mode. This permit does not allow treatment, storage for greater than ten (10) days, or disposal of hazardous waste.

II. FILE REFERENCE/RECORD OF APPLICATION:

Date(s) Received: The initial renewal application was received on May 1, 2006. Supplemental permit application information was received as identified in Part A.4 of the attached terms and conditions.

III. TERMS AND CONDITIONS: See attached conditions, pages 2 – 13, organized in parts as follows:

Part A: Applicability, Scope and Basis

Part B: Administrative Requirements

Part C: Authorized Hazardous Waste and Storage Limits

Part D: Facility Operating Requirements

IV. EXPIRATION DATE: In accordance with Env-Hw 304.22, this permit shall expire five (5) years from the issue date/date of signature shown below, and is subject to renewal in accordance with Env-Hw 304.31.

V. AUTHORIZATION SIGNATURE: Pursuant to RSA 147-A and Env-Hw 304.22 of the HW Rules, this permit is hereby issued to the Permittee, identified in Section I above, to authorize the operation of the Hazardous Waste Transfer Facility identified in Section I above, subject to the terms and conditions provided in Section III above.

BY EXERCISING ANY RIGHTS UNDER THIS AUTHORIZATION, THE PERMITTEE HAS AGREED TO ALL TERMS AND CONDITIONS OF THIS PERMIT. Failure to comply with the terms and conditions could result in administrative, civil, or criminal penalties, and suspension or revocation of the permit. No liability is incurred by the State of New Hampshire by reason of any approval of this hazardous waste transfer facility. Approval by the Department is based on plans, specifications and information provided by the Permittee, which if false, misleading or incomplete shall provide grounds for suspension or revocation of the permit. No warranty/guarantee is intended or implied by reason of any advice given by the Department or its staff.

Issuance of this permit does not eliminate the Permittee's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district and local permits, ordinances, laws, approvals or conditions relating to the location, construction, operation, or closure of the Hazardous Waste Transfer Facility.

Michael J. Wimsatt, P.G., Director
Waste Management Division

Date

SECTION III: TERMS AND CONDITIONS

PART A: APPLICABILITY, SCOPE, AND BASIS

- A.1. Applicability: This permit applies to the operation of a hazardous waste transfer facility at 410 Shattuck Way, Newington, NH by Tradebe Treatment and Recycling Northeast, LLC, formerly United Oil Recovery, Inc. As used in this permit, the terms “hazardous waste transfer facility”, “transfer facility” and “facility” are synonymous and, pursuant to Env-Hw 104.61, mean “all land and structures, including loading docks and parking, and other areas, where hazardous wastes in transit, are transferred from vehicle to vehicle, or are removed from a transport vehicle, and temporarily stored for ten (10) days or less”.
- A.2. Definitions: The definitions of terms provided in Parts Env-Hw 103 and Env-Hw 104 of the NH Code of Administrative Rules for Hazardous Waste Management (HW Rules) apply to this permit. Additionally, as used in this permit, the following definitions of terms apply:
- a. “Back Operations Area” means the area so designated and shown on the Site Plan identified as Sheet #NH-1, dated 06-29-2010, stamped by Thomas Reilly, PE License #7377 that the Permittee submitted to the Department as part of the Permit Application identified in A.4 below.
 - b. “Bulk” means intentionally combining or co-mingling hazardous waste from any shipping container or tank with hazardous waste in another shipping container or tank, provided that it does not constitute treatment as defined in Env-Hw 104.67.
 - c. “Consolidate” means moving unopened drums and other U.S. Department of Transportation (DOT) containers from one truck or trucks to another truck, for efficiency of transport. The term does not include mixing, pumping, altering packaging or handling the containers in a manner that might cause the contents to be released.
 - d. “DOT” means the United States Department of Transportation.
 - e. “Hazardous Waste Transfer Dock” means the area so designated and shown on the Site Plan identified as Sheet #NH-1, dated 06-29-2010, stamped by Thomas Reilly, PE License #7377 that the Permittee submitted to the Department as part of the Permit Application identified in A.4 below.



A.3. Scope of Permitted Operations:

- a. The scope of permitted operations at the transfer facility is as specified in Parts B, C, and D of these terms and conditions. Part B identifies permit administration requirements. Part C identifies the types and quantities of hazardous wastes that the facility is permitted to receive, bulk or consolidate, and temporarily store, and the locations for doing so. Part D identifies facility operating requirements.
- b. Nothing in this permit authorizes the Permittee to treat, store for longer than ten (10) days, or dispose of hazardous waste at the transfer facility.

A.4. Basis of Approval/Supporting Documentation: This permit is prepared pursuant to RSA 147-A and the HW Rules in Env-Hw 100-1100, and is based on information provided by the Permittee in the below listed permit renewal application documents, hereinafter referred to as the Permit Application:

- a. Hazardous Waste Transfer Facility Renewal Permit Application document, received May 1, 2006.
- b. Supplemental permit application information received: April 24, 2007; February 5, 2009; September 11, 2009; November 10, 2009; December 7, 2009; December 8, 2009; December 28, 2009; January 21, 2010; March 4, 2010; May 10, 2010; May 20, 2010; June 10, 2010; June 17, 2010; June 21, 2010; August 19, 2010; November 10, 2010; December 12, 2010; December 22, 2010; January 7, 2011; January 18, 2011; March 30, 2011; November 4, 2012; and January 29, 2013.

PART B: ADMINISTRATIVE REQUIREMENTS:

- B.1. Regulatory Requirements: The Permittee must comply with RSA 147-A, the HW Rules, all other applicable state and federal regulations, and the terms and conditions of this permit, as amended. Further, the operation of this transfer facility is expected to conform to the proposal submitted in the Permit Application. If a conflict exists between the proposal presented in the Permit Application and the terms and conditions of this permit, the terms and conditions of this permit shall apply, subject to any clarification provided by the Department if necessary.
- B.2. Permit Actions After Issue Date: This permit may be modified, revoked and reissued, suspended or terminated by the Department for cause pursuant to Env-Hw 304.26, Env-Hw 304.27, and Env-C 209.03. Additionally, the Permittee may request the Department to modify the permit pursuant to Env-Hw 304.25, terminate the permit pursuant to Env-Hw 304.27, transfer the permit pursuant to Env-Hw 304.28, or renew the permit pursuant to Env-Hw 304.31. Relative to any request filed by the Permittee to modify, terminate, or renew the permit, all terms and conditions of the permit shall remain in effect until the Department issues a final decision on such request.
- B.3. 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 circumstances is held

invalid, the application of such provision to other circumstances, unless the provision is held invalid under all circumstances, and the remainder of this permit shall not be affected thereby.

- B.4. Duty to Mitigate: The Permittee shall take all reasonable steps to prevent releases of hazardous waste to the environment and adverse impacts on human health or the environment.
- B.5. Duty to Provide Information: The Permittee shall furnish to the Department, within a reasonable time, information the Department requests to determine whether cause exists for modifying, suspending, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall furnish to the Department, upon request, copies of records required to be kept by this permit.
- B.6. Inspection and Entry: The Permittee shall allow authorized representatives of the Department, at reasonable times and upon presentation of credentials and other documents as may be required by law, to:
- a. Enter the transfer facility or other premises where the Permittee conducts its activities or keeps records under the conditions of this permit;
 - b. Have access to and copy any record kept under the conditions of this permit;
 - c. Inspect and photograph the facility, associated equipment including but not limited to monitoring and control equipment, appurtenances, practices, or operations regulated or required under this permit; and
 - d. Sample and monitor for the purpose of determining permit compliance or as otherwise authorized.
- B.7. Planned Changes and Modification: In accordance with B.2 above, the Permittee shall not make any physical alterations or additions to the transfer facility and shall not manage hazardous waste in any modified portion of the transfer facility prior to being authorized to do so by a modification of this permit obtained in accordance with Env-Hw 304.25, inclusive of 40 CFR 270.42. The Department shall not authorize use of the modified transfer facility for the management of hazardous waste until:
- a. The Permittee has submitted to the Department by certified mail or hand delivery a letter signed by the Permittee and stamped by a qualified professional engineer licensed to practice in New Hampshire stating that modifications made to the transfer facility comply with the modified permit and all applicable state statutes and rules; and
 - b. The Department has inspected the modified permitted transfer facility, and has notified the Permittee in writing that, based on available information, the Department is satisfied the modifications conform to the requirements of the modified permit and all applicable state statutes and rules.



- B.8. Permit Renewal and Continuation of Expiring Permit: If the Permittee wishes to continue an activity authorized by this permit after the expiration date of this permit, the Permittee shall apply at least 270 days before the expiration date to have the permit renewed pursuant to Env-Hw 304.31. Pursuant to RSA 541-A:30 and Env-Hw 304.30, if a timely and sufficient application for permit renewal has been made in accordance with Env-Hw 304.31, this permit shall not expire until the Department has taken final action on the application for renewal. If the Department's final action is unfavorable, the permit shall not expire until the last day for seeking judicial review of the Department's action, or a later date fixed by the reviewing court.
- B.9. Permit Transfer: Transfer of this permit to a new owner or operator is subject to RSA 147-A:4, IV-a and the HW Rules, including Env-Hw 304.28.
- B.10. Property Rights: The issuance of this permit does not convey any property rights of any sort or any exclusive privilege. The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state, federal, or local laws or regulations.
- B.11. Confidential Information: Claims of confidentiality relative to a trade secret are subject to the provisions of RSA 147-A:7, II and Env-Hw 203.
- B.12. Additional Information: If the Permittee becomes aware that it failed to submit any relevant facts or that it submitted incorrect information in the Permit Application or in any report to the Department, it shall immediately notify the Department and submit the correct facts or information in writing.
- B.13. Permit Availability: The Permittee shall keep a copy of this permit, including all permit application documents, at the transfer facility and make those documents available to the Department, facility employees, customers, and local officials when requested.

PART C: AUTHORIZED HAZARDOUS WASTE AND STORAGE LIMITS

- C.1. Authorized Hazardous Waste: Subject to the prohibition stated in C.2 below, this permit authorizes the facility to receive the types of hazardous wastes specified in Table 1 below, provided that:
- a. It is delivered to the facility by a transporter registered in accordance with Env-Hw 600 to transport hazardous waste in New Hampshire using a manifest in accordance with Env-Hw 604; and
 - b. When received, the waste is properly packaged, labeled and placarded in accordance with Env-Hw 603.05.
- C.2. Prohibited Hazardous Waste: The Permittee is prohibited from receiving DOT Class I explosives.



TABLE 1—Authorized Hazardous Waste	
Names/ Descriptions of Hazardous Waste	EPA & State Hazardous Waste #
1. Hazardous Wastes identified as follows:	
a. Env-Hw 403.03 (Ignitability)	D001
b. Env-Hw 403.04 (Corrosivity)	D002 & NH02
c. Env-Hw 403.05 (Reactivity)	D003
d. Env-Hw 403.06 (Toxicity Characteristic)	D004-D043
2. Acutely Hazardous Wastes listed in Env-Hw 402.04	P waste code listed & NH03
3. Toxic Hazardous Wastes listed in Env-Hw 402.05	U waste code listed
4. Generic Industrial Process Wastes listed in Env-Hw 402.06	F waste code listed & NH01
5. Specific Industrial Process Wastes listed in Env-Hw 402.07	K waste code listed
6. Hazardous Waste Mixtures as defined in Env-Hw 404.01	Applicable EPA or NH code
7. Spills, Residues, and Contaminated Soil, Water, and Debris as defined in Env-Hw 404.02	Applicable EPA or NH code
8. Treatment Storage and Disposal Residues as defined in Env-Hw 404.03	Applicable EPA or NH code
9. Hazardous Waste Residues in Empty Containers as defined in Env-Hw 404.04	Applicable EPA or NH code
10. Used oil contaminated with Polychlorinated Biphenyls (PCBs) below 50 parts per million Toxic Substances Control Act (TSCA) levels	NH01
11. Universal Waste including lamps, cathode ray tubes, pesticides, thermostats, antifreeze, and batteries, as defined in Env-Hw 1100.	N/A

C.3. Authorized Handling: Subject to the location limitations specified in C.4 below and the capacity limits specified in C.5 below, this permit authorizes the Permittee to manage hazardous waste at the facility as follows.

- a. The Permittee may store authorized hazardous waste for (ten) 10 days or less from the date the waste is received.
- b. The Permittee may consolidate containers of the authorized hazardous wastes identified in Table 1, provided that the containers are unopened, properly labeled and in good condition, and the work is done in conformance with DOT compatibility requirements in 49 CFR 177.848.



- c. The Permittee may bulk only those hazardous wastes identified in Table 2, below, except the Permittee shall not bulk reactive or incompatible wastes under any circumstance.
- d. The Permittee shall not treat, store for longer than ten (10) days, or dispose of any hazardous waste at this facility.

TABLE 2—Hazardous Waste Approved for Bulking, Excluding Reactive or Incompatible Wastes	
Names/ Descriptions of Hazardous Waste	EPA & State Hazardous Waste #
1. Antifreeze contaminated with ignitability characteristic materials, process solvents listed in Env-Hw 402.06, organic solvents listed in Env-Hw 402.05, and/or characteristic metals and organics listed in Env-Hw 403.06	F001, F002, F003 and F005, U waste code listed, D001, and/or D004 to D043
2. Water soluble coolants contaminated with process solvents listed in Env-Hw 402.06, organic solvents listed in Env-Hw 402.05, and/or characteristic metals and organics listed in Env-Hw 403.06	F001, F002, F003 and F005, U waste code listed, and/or D004 to D043
3. Corrosive wastes, meeting the characteristics of Env-Hw 403.04, and/or contaminated with characteristic metals listed in Env-Hw 403.06	D002, NH02, and/or D004 to D011
4. Ignitable hazardous waste including mineral spirits, gasoline, aviation fuel, and/or paint-related wastes both contaminated and uncontaminated with process solvents listed in Env-Hw 402.06, organic solvents listed in Env-Hw 402.05, and/or characteristic metals and organics listed in Env-Hw 403.06	D001, F001, F002, F003 and F005, U waste code listed, and/or D004 to D043
5. Waters contaminated with process solvents listed in Env-Hw 402.06, organic solvents listed in Env-Hw 402.05, and/or characteristic metals and organics listed in Env-Hw 403.06	F001, F002, F003 and F005, U waste code listed, and/or D004 to D043
6. Used oil unsuitable for recycling under Env-Hw 807, contaminated with process solvents listed in Env-Hw 402.06, organic solvents listed in Env-Hw 402.05, and/or characteristic metals and organics listed in Env-Hw 403.06	NH01, F001, F002, F003 and F005, U waste code listed, and/or D004 to D043
7. Oily sludge contaminated with process solvents listed in Env-Hw 402.06, organic solvents listed in Env-Hw 402.05, and/or characteristic metals and organics listed in Env-Hw 403.06	NH01, F001, F002, F003 and F005, U waste code listed, and/or D004 to D043,
8. Universal Waste including lamps, cathode ray tubes, pesticides, thermostats, antifreeze, and/or batteries listed in Env-Hw 1100.	N/A

C.4. Authorized Handling and Storage Locations:

- a. Receipt of authorized hazardous waste shall occur only at the hazardous Waste Transfer Dock and the Back Operations Area.

- b. All hazardous waste consolidation and bulking activities shall be conducted at the Hazardous Waste Transfer Dock in the paved hazardous waste transfer area being shown on the Site Plan identified as Sheet #NH-1, dated 06-29-2010, stamped by Thomas Reilly, PE License #7377 that the Permittee submitted to the Department as part of the Permit Application.
- c. The Back Operations Area shall be used only to temporarily store authorized hazardous waste in roll-off containers or other portable containers, including but not limited to frac tanks and vacuum trucks. Under no circumstance shall hazardous waste be consolidated or bulked in the Back Operations area.
- d. Containers, tanker trucks, and other bulk containers holding hazardous waste shall be stored only in the designated areas shown on the Site Plan identified as Sheet #NH-1, dated 06-29-2010, stamped by Thomas Reilly, PE License #7377 that the Permittee submitted to the Department as part of the Permit Application.
- e. Universal Waste, identified in table 2 above, may be temporarily stored and consolidated or bulked within the Hazardous Waste Transfer Dock in the paved hazardous waste transfer area provided that those wastes are compatible with hazardous waste stored at the same location and are stored in compliance with the Universal Waste Rules in Env-Hw 1100.
- f. Used Oil being managed under Env-Hw 807 may be temporarily stored and consolidated or bulked within the Hazardous Waste Transfer Dock in the paved hazardous waste transfer area provided that those wastes are compatible with hazardous waste stored at the same location.
- g. Non-hazardous wastes, including solid wastes, oils, and PCB wastes (greater than or equal to 50 parts per million PCBs), not covered by this permit may also be temporarily stored and consolidated or bulked within the Hazardous Waste Transfer Dock provided that those wastes are compatible with hazardous waste stored at the same location and are stored in compliance with applicable requirements, including but not limited to Solid Waste Facility Permit #XXXXX, Rules for Petroleum Storage in Env-Or 300, rules for storing regulated substances in Env-Wq 401, and TSCA PCB regulations at 40 CFR part 761.

C.5. Storage Capacity and Time Limits:

- a. Subject to C.6 below, the combined total volume of hazardous and non-hazardous waste stored at the Hazardous Waste Transfer Dock, whether in containers, tank trucks, and other shipping containers, shall not exceed 38,720 gallons.
- b. Subject to C.6 below, hazardous wastes stored in the Back Operation Area shall not exceed 300 cubic yards, whether in roll-off containers or other portable containers including but not limited to frac trucks and vacuum trucks.

- c. Hazardous waste shall not be stored at the facility longer than ten (10) days from the date of receipt.
- d. Loads of consolidated waste shall be removed from the transfer facility at or prior to any container in the load reaching its individual ten (10) day storage limit.
- e. Bulked waste shall be removed from the transfer facility at or prior to the ten (10) day storage limit applicable to the component of that waste that was received earliest at the facility.
- f. Non-hazardous waste stored at the facility shall be managed and removed in accordance with Solid Waste Facility Permit #DES-SW-SP-#####, Rules for Petroleum Storage in Env-Or 300, rules for storing regulated substances in Env-Wq 401, regulations for storing PCB TSCA waste, and other applicable requirements.

C.6. Waste Excluded from Facility Storage Capacity Calculations: Hazardous waste that is located on a legally registered, properly insured vehicle that is in a condition for legal use on the highway and is in the possession of a Hazardous Waste Transporter registered in NH pursuant to Env-Hw 600, shall not be considered when calculating the volume of hazardous waste that is subject to the volumetric storage capacity limits specified in C.5 above.

PART D: FACILITY OPERATING REQUIREMENTS

- D.1. General Operation Requirements: The Permittee shall comply with the following requirements and standards set forth in Env-Hw 708 including the operation requirements in Env-Hw 708.02 and the applicable Technical Standards in Env-Hw 708.03, as may be amended:
- a. 40 CFR 264.12 - Required notices, 7-1-07 edition;
 - b. 40 CFR 264.14 - Security, 7-1-07 edition;
 - c. 40 CFR 264.15 - General inspection requirements, 7-1-01 edition;
 - d. 40 CFR 264.16 - Personnel training, 7-1-01 edition;
 - e. 40 CFR 264.17 - General requirements for ignitable, reactive, or incompatible wastes, 7-1-07 edition, including those wastes or materials listed in 40 CFR 264 Appendix V;
 - f. 40 CFR 264, Subpart C - Preparedness and prevention, 7-1-07 edition, for transfer facilities, aisle space requirements shall not apply to waste containers stored on vehicles used to transport that waste;

- g. 40 CFR 264, Subpart D - Contingency plan and emergency procedures, 7-1-01 edition;
- h. 40 CFR 264, Subpart G - Closure and Post-Closure, 7-1-01 edition;
- j. 40 CFR 264, Subpart H - Financial Requirements, 7-1-01 edition; and
- k. 40 CFR 264, Subpart I - Use and Management of Containers, 7-1-99 edition.

D.2. Additional Operational Requirements: The Permittee shall comply with the following requirements:

- a. Subject to the limitations specified in Env-Hw 104.61, all hazardous wastes received at the facility, including hazardous wastes managed by third party transporters, shall be shipped within ten (10) days of receipt to an off-site permitted hazardous waste facility via a NH registered hazardous waste transporter using manifests in accordance with the provisions of Env-Hw 600.
- b. The Permittee shall not accept any hazardous waste that has not been profiled as to its waste characterization or identification and pre-accepted by an off-site Treatment, Storage, or Disposal Facility (TSDF).
- c. Except as may be modified by the terms and conditions of this permit, the Permittee shall operate the facility in accordance with the procedures described in the Permit Application, specifically: Section 6 [Facility Operations Plan]; Appendix 6A [General Operations Plan]; Appendix 6B [Waste Management Plan]; Appendix 6F [Procedures for Ignitable, Reactive, and Incompatible Wastes]; and Appendix 6K & 6L [Container Management].
- d. The Permittee shall implement procedures to ensure that any hazardous waste to be bulked is compatible and that no adverse chemical reactions will occur as a result of bulking operations. Hazardous waste that is bulked shall be of the same DOT hazard class, EPA hazardous waste code, or chemical compatible group, and shall conform to the guidelines defined in the compatibility tables referenced in Appendix V of 40 CFR Part 264.
- e. No hazardous waste shall be stored outside or on the Hazardous Waste Transfer Dock during non-business hours. During non-business hours, all hazardous waste at the facility shall be stored in secure DOT transportation vehicles or in the Permittee's secure trucks, trailers, and storage containers.
- f. All vehicles used to store hazardous waste or transport hazardous waste from the facility shall be lawfully registered and inspected for use on NH highways, operated by a Hazardous Waste Transporter holding a valid registration to transport hazardous waste in NH pursuant to Env-Hw 600, inspected in accordance with DOT standards; and insured for highway use.

- g. The Permittee shall inspect the transfer facility in accordance with procedures described in the Permit Application, specifically: Appendix 6D [Inspection Program] to ensure all hazardous wastes are stored safely (i.e., inspected daily Monday through Friday (excluding Holidays) for malfunctions, deterioration, operator errors, discharges, leaks etc.) and that the hazardous wastes are not stored longer than ten (10) days. Inspection records shall be documented on the transfer facility's inspection log form, as required by Env-Hw 708.02 (a)(4) inclusive of 40 CFR Section 264.15 which is incorporated by reference therein.

D.3. Environmental and Health Requirements: Notwithstanding any provisions in Env-Hw 700, the Permittee shall operate the permitted transfer facility in a manner that:

- a. Meets all surface water standards specified in the Federal Clean Water Act and RSA 485-A, and groundwater criteria established by the Federal Safe Drinking Water Act and Env-Or 600;
- b. Meets all air emission limits specified in the Federal Clean Air Act and State implementation plans;
- c. Prevents exposure of transfer facility workers to chemicals in violation of Occupational Safety and Health Administration regulations or New Hampshire RSA 277-A;
- d. Prevents exposure of humans or the environment to harmful quantities of hazardous waste or its constituents;
- e. Prohibits fugitive emissions of hazardous waste or constituents; and
- f. Complies with the public notification requirements of Env-Hw 702.06.

D.4. Proper Operation and Maintenance: At all times, the Permittee shall properly operate and maintain all transfer facility storage containment and control systems and related appurtenances.

D.5. Spill Response/Discharge Clean-up: In the event of a spill or release of hazardous waste at the facility, the Permittee shall:

- a. Comply with and undertake such investigation and remedial actions as required by Env-Hw 706 and Env-Or 600;
- b. Immediately, not to exceed one hour from discovery of the release, report any discharge of hazardous waste, or any discharge of a material that becomes a hazardous waste when discharged or that poses a threat to human health or the environment, including but not limited to any discharge into the bermed containment area, interceptor trench drains, stormwater holding tanks, storm or sanitary sewers, or onto the land or into the air, groundwater or surface waters; and

- c. Immediately collect and properly containerize hazardous waste spills or leaks, and decontaminate the impacted area. Hazardous waste generated from these events shall be managed in accordance with all applicable HW Rules.

D.6. Liability Coverage: The Permittee shall maintain liability coverage for sudden and accidental occurrences in the amount of at least one million dollars (\$1,000,000) per occurrence with an annual aggregate of at least two million dollars (\$2,000,000), exclusive of legal defense costs. The Permittee shall maintain the liability coverage by an approved liability coverage mechanism, as required by Env-Hw 708.02(a)(13), inclusive of 40 CFR Part 264, Subpart H that is incorporated by reference therein, until such time as the Department concurs that the transfer facility is permanently closed in accordance with the provisions of this permit.

D.7. Closure Requirements: The Permittee shall comply with the following facility closure requirements, as amended.

- a. Env-Hw 708.02(12), inclusive of 40 CFR Part 264 - Subpart G;
- b. All conditions of this permit; and
- c. The provisions of the Closure Plan submitted as Appendix 6. I of the Permit Application.

D.8. Financial Assurance for Closure:

- a. Pursuant to Env-Hw 708.02(a)(13), the Permittee shall provide adequate financial assurance to guarantee the cost of closing the facility in accordance with a Department approved closure plan that satisfies the requirements of 40 CFR Part 264.143, Subpart H, and is based on the cost to have an independent third party remove and dispose of all hazardous wastes the facility is authorized to manage under Section III. Part C of this permit.
- b. Within 60 days of the issue date of this permit, the Permittee shall provide proof of such financial assurance using a Department approved financial assurance mechanism.
- c. The Permittee shall continue to provide financial assurance until such time as the Department concurs in writing that the transfer facility is permanently closed in accordance with the provisions of this permit.
- d. The Permittee shall update the closure cost estimate annually.
- e. The Permittee shall submit the updated closure cost estimate and corresponding proof of the financial assurance to the Department in January of each year.

- f. The Permittee shall not change the mechanism for providing financial assurance unless the change is approved by the Department in writing.

D.9. Notification of Bankruptcy Proceedings. The Permittee shall notify the Department by certified mail of the commencement of any voluntary or involuntary proceeding under the United States Bankruptcy Code (Title 11, U.S. Code), naming the owner or operator as debtor, within ten (10) days after commencement of the proceeding.

D.10. Recordkeeping and Reporting:

- a. The Permittee shall maintain a copy the Permit Application and such other records required pursuant to Env-Hw 304.13.
- b. The Permittee shall keep a written operating record and maintain the operating record at the facility in accordance with Env-Hw 705.

DRAFT