

PART 373 PERMIT
MODULE V - STORAGE/TREATMENT IN SURFACE IMPOUNDMENTS

A. AUTHORIZED SURFACE IMPOUNDMENTS

The Permittee is authorized to use the following surface impoundments for the storage and/or treatment of only the following aqueous hazardous wastes subject to the terms of this Permit:

TABLE 1.0		
Surface Impoundment I.D.	Waste Type & Origin	Capacity (gallons)
FAC Pond 1/2	Treated Aqueous Waste ¹	25,600,000
FAC Pond 3 ²	Treated Aqueous Waste ¹	48,210,000
FAC Pond 8	Treated Aqueous Waste ¹	43,460,000

FOOTNOTES:

1. "Treated Aqueous Waste" refers to the effluent from the on-site AWTs that has completed the treatment processes deemed necessary to meet the Land Disposal Restriction wastewater treatment standards as required by 6NYCRR 376.
2. The contents of Fac Pond 3 cannot be discharged to any off-site water body until the Permittee has fully complied with the requirements in **Condition G** of this Module.

B. GENERAL OPERATING REQUIREMENTS

The Permittee must operate and maintain the surface impoundments listed in Table 1.0 above in accordance with Attachment D, Appendix D-2 of the Permit and with 6NYCRR 373-2.11 as cited below.

1. The Permittee shall operate the FAC Ponds to prevent overtopping as required in 6 NYCRR 373-2.11(b)(7) and maintain a minimum of two (2) feet of freeboard at all times.
2. The Permittee shall maintain the FAC Pond berms to provide structural integrity as is required in 6 NYCRR 373-2.11(b)(8).
3. The Permittee shall operate aerators in the FAC Ponds as necessary to control odors and meet discharge requirements. The Permittee shall maintain aerators in operating condition. Non-functioning aerators shall be replaced or repaired with functioning units within 5 working days or sooner if odorous emissions are occurring (except in inclement weather, such as ice or snow conditions which could result in unsafe conditions for the repair personnel). A

sufficient number of back-up aerators will be stored at the facility to allow the timely replacement of non-functioning units.

4. Transfers of wastewater from one FAC Pond to another may be performed as necessary to maintain minimum freeboard and to facilitate accumulation prior to discharge. All transfers of treated wastewater to, from, and between the FAC Ponds shall be via rigid piping unless a specific, prior approval is granted by the Department.
5. Prior discharging the contents of any FAC Pond to an off-site surface water body, the Permittee must submit and receive Department approval of a Discharge Pre-Qualification Report containing analytical data and other information which indicates conformance with the limitations stipulated in the Facilities' State Pollutant Discharge Elimination Systems (SPDES) Permit. No discharge from the FAC Ponds to an off-site surface water body shall occur without prior written approval from the Department. All such discharges shall be conducted in accordance with the Facilities' SPDES Permit.

C. MONITORING AND INSPECTION

The Permittee must monitor and inspect the surface impoundments listed in Table 1.0 above in accordance with the inspection requirements in Attachment F, Section F of the Permit and with 6NYCRR 373-2.11 as cited below.

1. The Permittee shall inspect the Fac Ponds for any evidence of problems in accordance with 6NYCRR 373-2.11(d)(2)(i-iii) and to determine whether each Pond has a minimum of two (2) of freeboard as required by **Condition B.1** of this Module.
2. Between April 1 and November 30 of each calendar year, the Permittee shall test the FAC Pond aerators on a monthly basis any time they are not used for a period longer than thirty (30) days, if there is sufficient liquid to support the aerators.
3. Any identified defect in the FAC Ponds or their associated equipment, except for those listed in 6NYCRR 373-2.11(e)(1), shall be repaired by the Permittee in accordance with 6NYCRR 373-2.2(g)(3), **Condition N.2.b** in **Module I** and Attachment F of the Permit.
4. If a FAC Pond is ever not in service for a period of nine (9) months or more (i.e., the Fac Pond does not receive at least 1% of its capacity during any given 9 month period), the Permittee must obtain and submit to the Commissioner a certification from an independent Professional Engineer, licensed to practice in New York, which stipulates that the Pond's dike (i.e., berm), including that portion which provides freeboard, has adequate structural integrity in accordance with 6NYCRR 373-2.11(d)(3).

D. EMERGENCY REPAIRS

If the Permittee observes any of the conditions expressed in 6NYCRR 373-2.11(e)(1) with regard to any surface impoundment listed in Table 1.0 above, the Permittee shall immediately implement the response actions in 6NYCRR 373-2.11(e)(2). No FAC Pond which is removed from service as a result of these conditions shall be returned to service until the Permittee complies with the requirements in 6NYCRR 373-2.11(e)(4). Any FAC Pond which the Permittee does not repair shall be subject to closure in accordance with 6NYCRR 373-2.11(e)(5).

E. CLOSURE

The Permittee shall close the surface impoundments listed in Table 1.0 above in accordance with 6NYCRR 373-2.7, 2.8 and 2.11(f); the closure plan in Attachment I of this Permit; and **Module I** of this Permit.

1. If, during the active life of the FAC Ponds, groundwater, surface water or soil data, or other information, indicate that a FAC Pond has released hazardous constituents to the groundwater, surface water or soil in excess of background concentrations, the Permittee shall, within 30 days of notification from the Department, submit for Department approval a contingent closure plan, a contingent closure cost estimate and financial assurance in at least the amount of the contingent cost estimate for the subject FAC Pond to facilitate closure in accordance with 6 NYCRR 373-2.11(f)(1)(ii).
2. If, at closure of the FAC Ponds, some waste residues or contaminated materials are left in place, the Permittee must comply with all post-closure requirements in 6NYCRR 373-2.11(f)(2), and submit, for Department approval, a post-closure plan, a post-closure cost estimate and financial assurance in at least the amount of the post-closure cost estimate for the subject FAC Ponds.

F. SPECIAL OPERATING & MONITORING CONDITIONS

For the surface impoundments listed in Table 1.0 above, the Commissioner made a determination in 1993 to exempt them from the liner system requirements in 6NYCRR 373-2.11(b)(1), in accordance with the exemption procedures in 6NYCRR 373-2.11(b)(2). This exemption is continued through the duration of this Permit as long as the Permittee complies with the following operating and monitoring requirements:

1. The Permittee may use FAC Ponds 1/2, 3 & 8 for the storage/treatment of treated aqueous hazardous waste discharged from its on-site treatment process in accordance with the "Aqueous Waste Treatment System (AWTS) Operations and Maintenance (O&M) Manual" which is incorporated by reference into this Permit by **Module I**. However, the Permittee

must first fully comply with **Condition G** of this Module before Fac Pond 3 is allowed to discharge to an off-site water body.

2. The hazardous wastes contained in FAC Ponds 1/2, 3 & 8 must meet all of the Land Disposal Restriction (LDR) treatment standards for wastewater as presented in 6NYCRR 376.4 and the air emission exemption requirements in 6NYCRR 373-2.29(c)(3). The Permittee must analyze the contents of Tank T-58 and T-125 prior to their discharge to the FAC Ponds in accordance with the Waste Analysis Plan in Attachment C, Section C of the Permit, to verify that the hazardous wastes meet LDR treatment standards. In addition, with regard to FAC Pond 3, the Permittee must first fully comply with **Condition G** of this Module before Fac Pond 3 is allowed to discharge to an off-site water body.
3. The Permittee shall monitor the groundwater in the area of FAC Ponds 1/2, 3 & 8 in accordance with **Module VIII** of this Permit.

Failure on the part of the Permittee to adhere to the requirements, as listed above, shall constitute a violation of this Permit.

G. SPECIAL CONDITIONS FOR FAC POND 3

Unless and until such time as the Permittee demonstrates to the Department's satisfaction that the surface impoundment known as "FAC Pond 3" is capable of discharging treated aqueous waste which will meet all standards specified in the Facility's State Pollutant Discharge Elimination Systems (SPDES) Permit, the Permittee may not use FAC Pond 3 to discharge treated hazardous or non-hazardous wastewater to any off-site water body.

If the Permittee elects to use Fac Pond 3 for discharge of treated aqueous waste, the Permittee must submit a demonstration **within ninety (90) days of Permit issuance**, which justifies that FAC Pond 3 is capable of directly discharging treated aqueous waste which will meet all standards specified in the Facility's SPDES Permit. This demonstration must include all currently available information and analytical data on Fac Pond 3 sediments and the treated aqueous waste currently being received by Fac Pond 3. The demonstration must also include analytical data from samples of treated aqueous waste collected from locations near the bottom of the pond, and any other information deemed relevant to the demonstration. This demonstration is in addition to the "Discharge Pre-Qualification Report" required by **Condition B.5** of this Module. In addition to this demonstration, the Permittee must submit the certification required by **Condition C.4** of this Module, relative to Fac Pond 3. If the Department rejects the demonstration, or if one has not been submitted within 90 days of Permit issuance, or accepted by the Department within one (1) year of Permit issuance, the Permittee must perform closure in accordance with 6NYCRR 373-2.7 and 2.11(f); the closure plan in Attachment I of this Permit; and **Module I** of this Permit, and complete these activities within 180 days unless granted an extension in accordance with 6NYCRR 373-2.7(d)(2). If the Department accepts the

demonstration and the certification required by **Condition C.4** of this Module, the Permittee may resume discharging FAC Pond 3 to off-site water bodies in strict accordance with Conditions B through F of this Module and under any other restrictions and/or additional requirements in the Facility's SPDES Permit.