

PART 373 PERMIT
MODULE VII

CONDITIONS APPLICABLE TO INTERMEDIATE COMMERCIAL
HAZARDOUS WASTE STORAGE AND TREATMENT FACILITIES INCLUDING
LAND DISPOSAL RESTRICTIONS (LDR)

The conditions of this Module shall apply to the Permittee's operation of intermediate commercial hazardous waste management units that commingle, fuel blend, and/or repackage hazardous waste which is subject to the Land Disposal Restrictions (LDRs) required by 6 NYCRR 376.

The Permittee shall assume generator status for LDR purposes for all hazardous waste the Permittee commingles, fuel blends or repackages.

The Permittee shall comply with the waste analysis, notification, certification and record keeping requirements of 6 NYCRR Part 376 (land disposal restrictions) and its subsequent revisions throughout the life of this Permit whenever generating, treating (i.e., commingling, consolidating, fuel blending, and/or repackaging of hazardous waste), shipping or otherwise managing a hazardous waste.

A. WASTE ANALYSIS REQUIREMENTS

1. The Permittee shall comply with all the applicable requirements of the Waste Analysis Plan (WAP) in Attachment C of this Permit.
2. Before treating, storing or disposing of any hazardous waste the Permittee shall obtain a detailed chemical and physical analysis of a representative sample of the hazardous waste as identified in 6 NYCRR 373-2.2(e). At a minimum this analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with the following requirements:
 - a) 6NYCRR Subpart 373-2;
 - b) Part 376; and
 - c) the conditions of this Permit.

The detailed chemical and physical analysis may be provided by the Permittee and by the generator of the hazardous waste from whom the Permittee receives the waste.

3. The Permittee shall conduct testing in accordance with **Condition B** of this Module on the hazardous wastes the Permittee commingles or fuel blends, and shall conduct independent

corroborative testing (i.e., periodic detailed physical and chemical analysis) as required in the Waste Analysis Plan in Attachment C of this Permit on the hazardous waste received at the facility to ensure compliance with this Module.

This testing frequency should be for every 5th shipment of a waste stream received from a generator or if less than 5 shipments per year, twice annually or as otherwise specified in the Waste Analysis Plan.

B. COMMINGLING AND FUEL BLENDING OF HAZARDOUS WASTES

1. The Permittee shall enter into a contractual agreement with a RCRA authorized facility (hereafter referred to as the end treater) that will perform either final recycling, treatment, and/or disposal of the commingled hazardous waste or burning for energy recovery of fuel blended hazardous waste. The contract shall include the following:
 - a) The type of waste, waste codes, constituents limited by the end treater and treatability groups specified by the end treater;
 - b) The end treater's chemical and physical specification of the blended or commingled waste composition and any limitations on underlying or regulated hazardous constituents; and
 - c) The blended or commingled waste analytical requirements for ensuring that it conforms to the end treater's chemical and physical specifications.
2. The Permittee shall perform compatibility testing of the hazardous wastes before commingling or fuel blending the waste in accordance with the procedure outlined in the latest edition of ASTM Designation: D 5058 and as described in the Waste Analysis Plan in Attachment C of this Permit.
3. The Permittee shall perform all chemical and physical testing required by the end treater on the hazardous waste the Permittee commingles or fuel blends.
4. The Permittee shall provide the end treater with the chemical and physical data developed in **Condition A.2** of this Module for the hazardous wastes the Permittee commingles or fuel blends.
5. The Permittee shall perform the necessary testing to ensure that each fuel blended shipment has a minimum heating value of 5,000 BTU/lb before shipment to an end treater. Only wastes having TOC greater than or equal to 10% as generated can be fuel blended.

6. The Permittee shall perform the necessary testing to ensure that the final fuel blends do not contain regulated inorganic constituents at concentrations that exceed their respective concentrations listed in 6 NYCRR 376.4 before shipment to an end treater.
7. The Permittee shall ship directly to the end treater the hazardous waste the Permittee commingles or fuel blends.
8. The Permittee shall be subject to all applicable Air Emission Standards identified in 6NYCRR Part 373-2.28 and 373-2.29 when the Permittee commingles or fuel blends hazardous wastes.

C. STORAGE OF RESTRICTED HAZARDOUS WASTES

1. The Permittee may store restricted hazardous wastes the Permittee commingles or repackages to which the land disposal prohibition applies for up to one year unless the Department can demonstrate that such storage was not solely for the purpose of an accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal [6 NYCRR Subpart 376.5(a)2].
2. The Permittee may store restricted hazardous wastes the Permittee commingles or repackages to which the land disposal prohibition applies beyond one year; however, the Permittee bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal [6NYCRR Subpart 376.5(a)(3)].

D. MANIFESTING, REPORTING & RECORDKEEPING

1. The Permittee shall manifest the hazardous wastes the Permittee commingles, fuel blends or repackages to the final disposal facility in compliance with the notification and record keeping requirements identified in 6NYCRR Subpart 376.1(g)(1).
2. The Permittee shall maintain at the facility an operating record that includes at a minimum the following information on hazardous wastes that the Permittee commingles, fuels blends or repackages:
 - a) The name and location of all end treaters, the waste streams approved at those facilities, the hazardous waste code(s) authorized and any constituent(s) limited by the end treater (facility information and waste stream approval(s)).

- b) The shipment dates, hazardous waste code(s), treatability groups, the quantity shipped, results of any testing performed and the destination for shipments to end treaters (outbound shipments).
3. The Permittee shall abide by the following requirements for end treater contracts:
- a) If the Permittee enters into a new contract or another contract with the end treater(s) for the management of hazardous waste, or if there is any change in the terms of the existing contract(s) with the end treater(s), the Permittee shall inform the Department within ten (10) calendar days of the changes that would occur to the reporting and testing conditions required by **Condition D.2** of this Module; and
 - b) The Permittee shall retain a copy of all end treater contracts for at least three years after termination or expiration of the contract.

E. LABPACKS

1. Labpacks Subject to Alternate Treatment Standards (LDR Labpacks)

- a) When the Permittee repackages or consolidates labpacks subject to 6 NYCRR Subpart 376.4(c)(3) alternate treatment standards (referred to as an LDR Labpack), the Permittee shall dispose of the repackaged or consolidated LDR Labpack by incineration at an approved RCRA facility.
- b) The Permittee shall not open individual containers packaged in LDR Labpacks received from an off-site generator.
- c) The Permittee shall assume generator status for LDR purposes for all repackaged or consolidated LDR Labpacks at the time of repackaging or consolidation and manifest the hazardous waste as an LDR Labpack along with the LDR certification as required in 6NYCRR Subpart 376.1(g)(ix).
- d) To maintain the integrity of the off-site generator's LDR certification, a letter certifying that the hazardous waste in a repackaged or consolidated LDR Labpack was incinerated shall be obtained by the Permittee from the disposal facility and transmitted by the Permittee to the original generator of the LDR Labpack. The Permittee shall retain a copy of the letter for three years in the operating records.
- e) The Permittee need not assume generator status for LDR purposes when LDR labpacks are opened by the Permittee only for quality control purposes and then repackaged by the Permittee in the same LDR Labpack received from the off-site generator.

2. Labpacks Not Subject to Alternate Treatment Standards (Non-LDR Labpacks)

- a) The Permittee shall assume hazardous waste generator status for LDR purposes and comply with all the requirements of 6 NYCRR Parts 372 and 376 as applicable to such generators when the Permittee repackages or consolidates containers from a Non-LDR Labpack into a LDR Labpack or from one Non-LDR Labpack to another Non-LDR Labpack.
- b) When the Permittee commingles the contents of individual containers found in the Non-LDR Labpacks, the Permittee shall comply with **Condition B** of this Module.