1. DRAFT PERMIT LANGUAGE:

Cover Page: EXPIRATION DATE: 12/31/12

Signature Page: This Permit is effective as of July 31, 2004 (30 days after issuance) and shall remain in effect until December 31, 2012, unless revoked and reissued, or terminated under 6 CCR 1007-3, §100.61 or §100.25.

List of Permit Modifications Page: Modification #6 Effective Date: XXXX, 2008 (page v)

Class 3 modification authorizing Phase III construction activities for PCAPP. This modification also extends the permit expiration date to December 31, 2012, adds the Department of Defense, Assembled Chemical Weapons Alternatives Program as a Permittees and includes several minor corrections for clarification.

PCAPP COMMENT:

PCAPP does not understand the basis for the expiration date of December 31, 2012. If a five-year permit is being contemplated, then the expiration date would be five years from the approval date of this modification (approximately August 2013).

A preferred alternative to the five year approach would be to base the expiration date on the scheduled start of agent operations (April 2015). Since an RD&D permit can cover one year of operations, April 15, 2016 would be the expiration date under this scenario.

CDPHE RESPONSE:

In the interest of expeditious treatment and destruction of the waste chemical weapons stored at PCD, the Division has determined that an expiration date of December 31, 2012 is appropriate for the construction of the PCAPP facility allowed under the RD&D permit. Based on recent assessments completed by Noblis, pursuant to the DoD obligation required under Public Law 110-116 § 8119 and the accelerated 60% design provided by ACWA in 2004, construction of PCAPP would need to be completed by December 31, 2012 in order to begin systemization and testing at the plant and eventually complete treatment of the waste munitions at PCD by the end of 2017. Extending the beginning of agent operations to 2015 is too long since this would not allow enough time for operation of the PCAPP facility to meet the 2017 goal. No change to the draft permit has therefore been made in the final permit based on this comment.

2. DRAFT PERMIT LANGUAGE:

II.C GENERAL WASTE ANALYSIS

The Permittees must follow the waste analysis procedures required by 6 CCR 1007-3, § 264.13 and the PCAPP Waste Analysis Plan (WAP) attached to this Permit. The WAP includes the following documents which are contained in the Appendix to Attachment D of this Permit . . .

PCAPP COMMENT:

PCAPP requests that this language be clarified to only apply to hazardous waste operations[1] and not construction or systemization. This approach is consistent with other draft permit conditions (e.g., Conditions II.E, II.F, II.G).

PCAPP'S PROPOSED LANGUAGE:

II.C GENERAL WASTE ANALYSIS

During hazardous waste operations, the Permittees must follow the waste analysis procedures required by 6 CCR 1007-3, § 264.13 and the PCAPP Waste Analysis Plan (WAP) attached to this Permit. The WAP includes the following documents which are contained in the Appendix to Attachment D of this Permit . . .

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CDPHE RESPONSE:

Permit Condition II.C in the draft permit was never intended to be applicable to construction activities associated with PCAPP. Therefore this condition has been modified accordingly in the final permit based on this comment to reflect this clarification.

However, please note that to the extent that systemization efforts are designed to facilitate overall compliance with the permit, this language was assumed to be applicable to those activities that fall within the scope of the WAP documents. It was felt that making compliance with the WAP an imperative prior to the facility "going hot" would instill and engender the development of compliant operations. In the absence of such explicit control over activities, waste generation activities are expected to comply with the generator requirements found in the Colorado Hazardous Waste Regulations at all phases of the PCAPP development, and on the inception of hazardous waste operations at PCAPP, the Permittees shall comply with the provisions of the WAP documents.

[1] PCAPP understands that "hazardous waste operations" as used here and elsewhere in Part II of the draft permit means the management of agent, munitions, or associated secondary waste instead of generator activities governed under 6 CCR 1007-3 Part 262.

3. DRAFT PERMIT LANGUAGE:

II.C.2. **The Permittees shall supply a "Controlled Copy" of the documents included in the WAP and identified above to the Director, and shall provide any changes, or revisions in the controlled copy distribution, prior to implementation.**

PCAPP COMMENT:

Some changes are minor and correspond to self-implementing Class 1 modifications as described in Condition II.C.3. Condition II.C.2 can be interpreted to require an update of the Controlled Copy before these minor changes are implemented. PCAPP requests the option to communicate these types of minor changes to CDPHE via other means (verbal, e-mail, etc.), obtain CDPHE concurrence on Class 1 categorization per Condition II.C.3, and then implement the change. Under this scenario, the Controlled Copy may be updated after implementation (e.g., laboratory personnel could use a redlined version until the controlled copy needs to be revised, signed, distributed, etc.).

PCAPP'S PROPOSED LANGUAGE:

II.C.2. The Permittees shall supply a "Controlled Copy" of the documents included in the WAP and identified above to the Director, and shall provide any changes prior to implementation. For changes classified as Class 1 with Prior Approval, Class 2, or Class 3 modifications, the Controlled Copy shall be updated prior to implementation.

Deleted: , or revisions in the controlled copy distribution,

CDPHE RESPONSE:

The proposed language in the permit comment reflects an existing agreement between the Division and the Permittees and has therefore been amended accordingly in the final PCAPP Permit to reflect this clarification.

4. DRAFT PERMIT LANGUAGE:

II.C.4. **At a minimum, the Permittees must maintain proper functional instruments, verify the validity of sampling and analytical procedures, and perform correct calculations. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from approved PCAPP Laboratory Operating Procedures.**

PCAPP COMMENT:

PCAPP offers the following clarification since PCAPP will not be verifying the validity of the sampling procedures.

PCAPP'S PROPOSED LANGUAGE:

II.C.4. At a minimum, the Permittees must maintain proper functional instruments, verify the validity of analytical procedures as specified in Attachment D, and perform correct calculations. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from approved PCAPP Laboratory Operating Procedures.

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CDPHE RESPONSE:

All sampling plans approved by the Division have included Quality Control samples designed to verify the validity of sampling and analysis. These have necessarily included blanks, decontamination blanks, and duplicates specifically designed to ascertain variability, interferences, and bias introduced by the sampling technique. Moreover, 6 CCR 1007-3, Section 264.13(b)(3) compels the owner/operator to specify the sampling method to obtain a representative sample by the use of one of two alternatives: 1. the sampling methods described in Appendix I of Part 261, or 2. an equivalent sampling method. The sampling methods to be employed at the PCAPP Plant are spelled out in the PCAPP WAP and LAMP, but these are not Appendix I, Part 261 techniques. By inference, it is assumed that the sampling methods are, in fact, equivalent methods as described in 6 CCR 1007-3, Section 264.12(b)(3)(ii), and consistent with other Division approved documents, the determination of equivalency is directly related to a demonstration of equivalency, or better as shown by the actual performance of Quality Control samples incorporated into the waste analysis plan to elicit the veracity, variability, and uncertainty associated with sampling efforts.

The Division therefore does not concur with the proposed change to Condition II.C.4. in the draft permit and it has remained unchanged in the final permit.

5. DRAFT PERMIT LANGUAGE:

II.D.2. **Once a PCAPP fence is installed, the Permittees shall control entry at all times through fences, gates, doors, or other entrances to the active portion of the PCAPP Facility. [6 CCR 1007-3 §264.14(b)]**

II.D.3. **The Permittees shall construct and maintain a fence, which consists of at least a six-foot chain link fence topped with barbed wire, surrounding the active portion of the PCAPP Facility. [6 CCR 1007-3 §264.14(b)]**

II.D.4. **Prior to operating any permitted hazardous waste management units at PCAPP, the Permittees shall post and maintain warning signs at the PCAPP entry gates and at a maximum of 25-foot intervals along the PCAPP perimeter fence surrounding the chemical limited area (CLA) of the facility. All hazardous waste units in this Permit are located within the CLA. The signs shall read "Danger – Unauthorized Personnel Keep Out," shall be legible from a distance of at least 25 feet and shall be in English and Spanish. [6 CCR 1007-3 §264.14(c)]**

PCAPP COMMENT:

The requirement to control entry to the active portion of the facility applies to hazardous waste operations (e.g., munitions/agent processing). Also, 6 CCR 1007-3 Part 264.14(b)(2)(ii) requires a means to control entry through gates or other entrances. PCAPP recommends a clarification to Condition II.D.2 to reflect the intent of this regulation.

Contrary to the above language, the 30-Day Tank System and BTA addressed by Part III of the draft permit are located outside of the CLA. The double fence PCAPP constructs will surround the CLA; the existing PCD fence will provide security for the 30-Day Tank System and the BTA and will be maintained by PCD.

6 CCR 1007-3 § 264.14(c) requires signs to be legible from a distance of at least 25 feet, but does not require spacing at 25-foot intervals. Because of G-Block access restrictions, signs on the western portion of the double fence that borders G-Block would serve no purpose.

Also, Army requirements for sign content may specify different wording but convey the same thought. Therefore, PCAPP proposes language that would allow PCAPP to use signs with different wording provided CDPHE approves.

PCAPP'S PROPOSED LANGUAGE:

II.D.2. During hazardous waste operations, the Permittees shall control entry at all times through gates or other entrances to the active portion of the PCAPP Facility. [6 CCR 1007-3 §264.14(b)]

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II.D.3. The Permittees shall construct and maintain a fence, which consists of at least a six-foot chain link fence topped with barbed wire, surrounding the chemical limited area of the PCAPP Facility. [6 CCR 1007-3 §264.14(b)]

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II.D.4. Prior to operating any permitted hazardous waste management units at PCAPP, the Permittees shall post and maintain warning signs at the PCAPP entry gates and at intervals along the northern, eastern, and southern portions of the PCAPP perimeter fence surrounding the chemical limited area (CLA) of the facility. For those hazardous waste management units located outside the CLA, the Permittees shall post and maintain warning signs at locations and in sufficient numbers to be seen from any approach to the units. Unless different sign content is approved by the Director, the signs shall read "Danger – Unauthorized Personnel Keep Out," shall be legible from a distance of at least 25 feet and shall be in English and Spanish. [6 CCR 1007-3 §264.14(c)]

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Deleted: All hazardous waste units in this Permit are located within the CLA.

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CDPHE RESPONSE:

The Division concurs with the language proposed in this comment and has amended the draft permit accordingly in the final permit, except that the proposed language eliminating the posting of warning signs for only those units located outside the CLA has not been accepted. Warning signs for all areas managing hazardous waste at the facility must be posted at each entrance to the active portion of the facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion. It is unclear to the Division whether or not just posting the signs on those hazardous waste management units located outside the CLA would meet the intent of the security requirement.

6. DRAFT PERMIT LANGUAGE:

II.I.1 **The Permittees will conduct procedures for emergency response in accordance with the PCAPP Emergency Response Plan referenced in Permit Conditions I.I.4. and I.J.2., should an incident occur at the Facility during construction (Phases I, II, and III). During construction, the Permittees will also follow the Pueblo Chemical Depot Contingency Plan, that meets the requirements of 6 CCR 1007-3, Part 264, Subpart D, for emergencies or response actions at PCAPP involving hazardous waste management.**

PCAPP COMMENT:

The cross-references to Permit Conditions I.I.4 and I.J.2 are no longer accurate. Permit Condition I.I.5 is the correct reference.

PCAPP'S PROPOSED LANGUAGE:

II.I.1 The Permittees will conduct procedures for emergency response in accordance with the PCAPP Emergency Response Plan referenced in Permit Condition I.I.5., should an incident occur at the Facility during construction (Phases I, II, and III). During construction, the Permittees will also follow the Pueblo Chemical Depot Contingency Plan, that meets the requirements of 6 CCR 1007-3, Part 264, Subpart D, for emergencies or response actions at PCAPP involving hazardous waste management.

Deleted: s I.I.4. and I.J.2

CDPHE RESPONSE:

The language in the draft permit has been amended accordingly in the final permit to address the correct reference to Permit Condition I.I.5. based on this comment.

7. II.K. OPERATING RECORD

The Permittees shall maintain a written operating record at the Facility to comply with 6 CCR 1007-3 §264.73 and Part 264, Appendix I. The following items must be maintained as part of the operating record:

II.K.1. The Permittees shall maintain copies of all samples and measurements taken for the purpose of monitoring or sampling.

II.K.1.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

II.K.1.b. The Permittees shall retain records of all monitoring information, including calibration (such as laboratory and field equipment calibrations) and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit for a period of at least three years from the date of the sample, measurement, report, or application. These periods may be extended by request of the Director at any time and are automatically extended during the course of any unresolved enforcement action regarding this Facility.

II.K.1.c. Records of construction and analytical data that support the Phase I, Phase II, and Phase III construction activities and hazardous waste operations shall include:

i. The dates, location, and time of sampling or measurement
ii. The individual(s) who perform the sampling or measurement
iii. The date(s) the analyses were performed
iv. Chain of custody forms as applicable
v. The individual(s) who performed the analyses
vi. The analytical techniques and methods used
vii. The results of such analyses

PCAPP COMMENT:

6 CCR 1007-3 Part 264.73 and Part 264, Appendix I, which establish the content and scope of the operating record, do not require construction data (for the hazardous waste management units to be permitted at PCAPP) to be maintained in the operating record. Permit Condition II.Q addresses the construction quality data and requires it to be maintained on-site (if proposed changes are accepted). To address these concerns and to ensure Condition II.K more closely matches 6 CCR 1007-3 Part 100.42(j)(3), PCAPP proposes the following changes to Condition II.K.1.c.

Also, in Condition II.K.1.b, reference is made to "original strip chart recordings" for continuous monitoring instrumentation. PCAPP understands that this is just boilerplate language from the regulations. However, for PCAPP, "continuous monitoring instrumentation" could be read to mean MINICAMS. Information associated with the MINICAMS is not recorded on strip charts, but is maintained/archived in the Process Data Acquisition Recording System or the Laboratory Information Management System as described in the WAP documentation in Attachment D.

PCAPP'S PROPOSED LANGUAGE:

II.K. OPERATING RECORD

The Permittees shall maintain a written operating record at the Facility to comply with 6 CCR 1007-3 §264.73 and Part 264, Appendix I. The following items must be maintained as part of the operating record:

II.K.1. The Permittees shall maintain copies of all samples and measurements taken for the purpose of monitoring or sampling.

II.K.1.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

II.K.1.b. The Permittees shall retain records of all monitoring information, including calibration (such as laboratory and field equipment calibrations) and maintenance records and recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit for a period of at least three years from the date of the sample, measurement, report, or application. These periods may be extended by request of the Director at any time and are automatically extended during the course of any unresolved enforcement action regarding this Facility.

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II.K.1.c. Records of monitoring information shall include:

i. The dates, location, and time of sampling or measurement
ii. The individual(s) who perform the sampling or measurement
iii. The date(s) the analyses were performed
iv. Chain of custody forms as applicable
v. The individual(s) who performed the analyses
vi. The analytical techniques and methods used
vii. The results of such analyses

Deleted: construction and analytical data that support the Phase I, Phase II, and Phase III construction activities and hazardous waste operations

CDPHE RESPONSE:

The Division understands that strip chart recordings may not be the most current technology and that the PCAPP facility may not utilize them. However, since strip chart recordings are still available and could be used, the language has not been modified in the final permit. Along these lines, any monitoring data, whether analog or digital data, stored electronically or on whatever medium is subject to this section to be retained as part of the operating record.

The Division concurs that the records of construction and analytical data that support the Phase I, Phase II, and Phase III construction activities are not a portion of the operating record. However, the Division also believes that records of PCAPP construction must be retained on-site in their entirety for review and reference during the duration of the project and until closure certification for the facility has been completed. The following two permit sections have been amended as follows in the final permit to reflect this clarification:

II.K.1.b. The Permittees shall retain records of all monitoring information, including calibration (such as laboratory and field equipment calibrations) and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, analog or digital data stored electronically or on any other medium, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit for a period of at least three years from the date of the sample, measurement, report, or application. These periods may be extended by request of the Director at any time and are automatically extended during the course of any unresolved enforcement action regarding this Facility.

II.K.1.c. Hazardous waste operations shall be considered to be a part of the operating record. These records shall include at a minimum:

i. The dates, location, and time of sampling or measurement
ii. The individual(s) who perform the sampling or measurement
iii. The date(s) the analyses were performed
iv. Chain of custody forms as applicable
v. The individual(s) who performed the analyses
vi. The analytical techniques and methods used
vii. The results of such analyses
viii. Any other relevant data

Records of construction and analytical data that support the Phase I, Phase II, and Phase III construction activities are not considered to constitute a portion of the Permittee's operating record. However, records of PCAPP construction must be retained on-site in their entirety for review and reference at any time during the duration of the project and until closure certification of the facility has been completed. The Permittees may request a ruling from the Division on any part of the construction record as to whether it must be retained on-site.

8. DRAFT PERMIT LANGUAGE:

II.K.2. The Permittees shall maintain a record and results of all inspections at the Facility

PCAPP COMMENT:

PCAPP suggests that this be clarified to apply to RCRA inspections.

PCAPP'S PROPOSED LANGUAGE:

II.K.2. The Permittees shall maintain a record and results of all inspections performed in accordance with Condition II.E at the Facility.

CDPHE RESPONSE:

The draft permit has been amended accordingly to reflect this clarification in the final permit.

9. DRAFT PERMIT LANGUAGE:

II.O.1. **Maintain information repositories at the locations specified under Permit Conditions II.O.1.a., II.O.1.b. and II.O.1.c. The information repositories must contain all documents, reports, data, and information deemed necessary by the Director to inform the public about the permitted facility. The Permittees will make permitting documents available in the information repositories within 15 days of document issuance. The Permittees may change the location of any information repository with the approval of the Director and in accordance with the procedures for modification of permits 6 CCR 1007-3 §100.60. Modification of the location for an information repository shall be considered a Class I Modification with prior written approval from the Director.**

PCAPP COMMENT:

PCAPP recommends the clarification below for situations in which CDPHE decides to include a document in the repository some time after document issuance.

PCAPP'S PROPOSED LANGUAGE:

II.O.1. Maintain information repositories at the locations specified under Permit Conditions II.O.1.a., II.O.1.b. and II.O.1.c. The information repositories must contain all documents, reports, data, and information deemed necessary by the Director to inform the public about the permitted facility. The Permittees will make permitting documents available in the information repositories within 15 days of document issuance or within 15 days of a written request made by the Director to include such document, whichever is later. The Permittees may change the location of any information repository with the approval of the Director and in accordance with the procedures for modification of permits 6 CCR 1007-3 §100.60. Modification of the location for an information repository shall be considered a Class I Modification with prior written approval from the Director.

CDPHE RESPONSE:

The Division has amended the language in Condition II.O.1 of the permit to clarify which documents the Permittees must place in the information repositories. Permit Condition II.O.1 in the final permit has been amended to clarify that only documents requested by the Director in writing must be placed in the information repositories.

10. DRAFT PERMIT LANGUAGE:

II.Q CONSTRUCTION QUALITY ASSURANCE

During construction of PCAPP under this permit the Permittee will maintain a construction quality assurance (CQA) program to ensure that construction of the facility meets or exceeds the design criteria and specifications in Attachment F, for the APB, AGV and ERB foundations, and the application information for the remaining balance of these containment buildings and all other regulated units as described in the Phase III permit modification request. At a minimum the CQA program shall be developed and implemented under the direction of a CQA officer who is a registered Professional Engineer in the State of Colorado and include the following:

II.Q.1. A description of the inspection and sampling activities that will be conducted before, during and after construction for the facility to ensure that the construction material and installed unit components meet the design specifications. The description must cover:

II.Q.1.a. Sampling size and location

II.Q.1.b. Frequency of testing

II.Q.1.c. Data evaluation procedures

II.Q.1.d. Acceptance and rejection criteria for construction materials

II.Q.1.e. Plans for implementing corrective measures; and

II.Q.1.f. Data or other information to be recorded and retained in the operating record maintained in accordance with Condition II.K. of this Permit.

II.Q.2. A description of the CQA activities the Permittee will follow in a written plan that is maintained on-site in the Operating Record required under Condition II.K of this Permit.

PCAPP COMMENT:

PCAAP has implemented a quality program and activity implementation plans provide the basis for PCAPP quality oversight. The PCAPP quality organization performs audits and surveillances to verify implementation and effectiveness of the activity implementation plans and associated implementing documents. Sampling size and location and frequency of testing are typically based on PCAPP specifications and

drawings and reference to national standards and codes. Data evaluation procedures are specified in drawings, specifications, or reference to the appropriate code or standard. Acceptance criteria for construction materials are based on project specifications, material certifications, material requisitions, material data sheets, and/or national standards. Rejection criteria or nonconforming items will be identified in nonconformance documentation that describes the characteristics that do not conform to specified criteria. Corrective actions will be documented and evaluated by quality assurance and follow-up verifications will be performed and documented to ensure corrective actions are complete and effective. A Quality Management Plan including but not limited to the quality management responsibilities and quality assurance implementing procedures will be maintained on-site.

PCAPP is unaware of a regulatory basis for requiring a position with the title "CQA officer." At PCAPP, a Quality Manager has the functional authority and responsibility to ensure the effective implementation of the project quality program. PCAPP is also unaware of any RCRA regulations requiring personnel performing construction quality assurance to be registered Professional Engineers in the State of Colorado.

Likewise, 6 CCR 1007-3 Part 264.73, which establishes the content and scope of the operating record, does not require CQA data or CQA plans (for the hazardous waste management units to be permitted at PCAPP) to be maintained in the operating record.

PCAPP'S PROPOSED LANGUAGE:

II.Q CONSTRUCTION QUALITY ASSURANCE

During construction of PCAPP under this permit the Permittee will maintain a construction quality assurance (CQA) program to ensure that construction of the facility meets or exceeds the design criteria and specifications in Attachment F, for the APB, AGV and ERB foundations, and the application information for the remaining balance of these containment buildings and all other regulated units as described in the Phase III permit modification request. At a minimum the CQA program shall include the following:

II.Q.1. Quality Management Plan, activity implementation plans, specifications and drawings (including references to codes and standards), material certifications, material requisitions, and material data sheets, non-conformance documentation, and corrective action documentation that addresses the following:

II.Q.1.a. Sampling size and location

II.Q.1.b. Frequency of testing

II.Q.1.c. Data evaluation procedures

Deleted: be developed and implemented under the direction of a CQA officer who is a registered Professional Engineer in the State of Colorado and

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Deleted: A description of the inspection and sampling activities that will be conducted before, during and after construction for the facility to ensure that the construction material and installed unit components meet the design specifications. The description must cover:

II.Q.1.d. Acceptance and rejection criteria for construction materials

II.Q.1.e. Plans for implementing corrective measures; and

II.Q.2. The CQA information identified in Condition II.Q.1 will be maintained on-site.

Deleted: II.Q.1.f. Data or other information to be recorded and retained in the operating record maintained in accordance with Condition II.K. of this Permit.

Deleted: A description of the CQA activities the Permittee will follow in a written plan that is maintained on-site in the Operating Record required under Condition II.K of this Permit.

CDPHE RESPONSE:

The Division generally agrees with this comment and has modified the draft permit Condition II.Q.1 accordingly in the final permit to reflect the proposed language. Draft permit Condition II.Q.2 has been also been amended accordingly in the final permit but also now includes a clarification statement indicating that the CQA information must also be available to Division personnel during inspections until site closure is certified:

II.Q.2. The CQA information identified in Condition II.Q.1 will be maintained on-site and will be available for inspection by Division personnel until site closure is certified.

Deleted: A description of the CQA activities the Permittee will follow in a written plan that is maintained on-site in the Operating Record required under Condition II.K of this Permit.

11. DRAFT PERMIT LANGUAGE:

III.A.1. Three 30-day Hydrolysate Storage Tanks - The Hydrolysate Storage Tanks shall be constructed and maintained as follows:

The Hydrolysate Storage Tanks are depicted on the site plot plan (Drawing Number 24852-RD-P1-000-P0030 to Attachment E) and consist of three above ground, carbon steel insulated tanks. The minimum shell thicknesses for the tanks will be as follows: 0.375 inch ASTM A36 carbon steel crowned bottom for the tank floor, the roof will be an umbrella head design constructed of 0.375 inch ASTM A carbon steel; the shell thickness will be 0.3125 inch for the tank wall in the area of 0 to 8 feet from the bottom, and 0.25 inch for the tank wall in the area from 8 to 24 feet from the bottom. The tanks will be constructed with an additional 1/8-inch corrosion allowance added to each of the minimum thicknesses. The tank shells will be constructed in accordance with API 650 (10^{th} edition) section 3.6.4.7 and Appendix F. The maximum volumetric and weight capacity of the tanks is 337,800 gallons and 3,150,588 pounds, respectively. The maximum total volumetric system capacity is 1,013,400 gallons. The tanks will be designed in accordance with the details provided in Drawing 24852-RD-M6-B04-M0016, M0017 and M0018.

The tanks maximum design pressure and temperature will be 4.5 inches/- 12 inches water column and 230 degrees Fahrenheit, respectively. Each tank will be fitted with 2 tank agitators. Each agitator will be equipped with a 5 HP motor capable of producing 350 RPM.

Each 30-day Hydrolysate storage tank will be equipped with tank nozzles and couplings that consist of the following:

- **One, 6-inch vent,**
- **One, 4-inch pressure valve (set at 12 inches of water and a vacuum relief valve set at -1 inch of water)**
- **One, 3-inch outlet,**
- **Two tank inlets one 6 –inch and one 3-inch;**
- **One, thirty six-inch roof manhole;**
- **25 KW Tank Heater;**
- **Heating loop;**
- **Agent Hydrolysate Air Cooler;**
- **Two, thirty six-inch shell manholes;**
- **Three spare nozzles with blind flanges (8-inches, 6-inches, and 3-inches);**
- **Two, 3-inch level transmitters**
- **Two, 0.75-inch temperature indicators;**

- **One, 3-inch level switch;**
- **Two, 6-inch drains; and,**
- **Four, 6-inch cleanouts.**

Additional items included in the tank design consist of 25 KW Tank Heaters for freeze protection and a HHLL (High-High Liquid Level) control set at 23 feet.

All three 30-day tanks will be vented via a common manifold to the carbon filtration system before discharge to the atmospheric.

Ancillary Piping – Ancillary piping associated with the 30-day storage tanks shall be constructed in accordance with the design details that will be submitted in accordance with Condition I.J. of this Permit.

PCAPP COMMENT:

PCAPP no longer plans to insulate these tanks. Design documents will be updated in the future to reflect this change. Also, the language regarding corrosion allowance is corrected to reflect the design (i.e., the thicknesses specified include the corrosion allowance).

Adequate details regarding vents, pressure valves (including settings), inlets/outlets, manholes, heaters, the Agent Hydrolysate Air Cooler, nozzles, level transmitters, temperature indicators, level switches, and drains/cleanouts are already delineated on Drawings 24852-RD-M6-B04-M00016, M0017, and M0018, which are located in Attachment E of the draft permit, and PCAPP recommends removal from this permit condition to reduce redundancy. Likewise, the details regarding agitators are considered unnecessary for a RCRA Permit based upon 6 CCR 1007-3 Subpart J requirements and PCAPP recommends elimination.

Also, there are two typographical errors:

- "ASTM A" should be "ASTM A36"
- "4.5 inches/- 12 inches water" should be "12 inches / -4.5 inches water"

Finally, the API 650 reference is a design standard and a corresponding language clarification is proposed.

PCAPP'S PROPOSED LANGUAGE:

III.A.1. Three 30-day Hydrolysate Storage Tanks - The Hydrolysate Storage Tanks shall be constructed and maintained as follows:

The Hydrolysate Storage Tanks are depicted on the site plot plan (Drawing Number 24852-RD-P1-000-P0030 to Attachment E) and consist of three above ground, carbon steel tanks. The minimum shell thicknesses for the tanks will be as follows: 0.375 inch ASTM A36 carbon steel crowned bottom for the tank floor, the roof will be an umbrella head design constructed of 0.375 inch ASTM A36 carbon steel; the shell thickness will be 0.3125 inch for the tank wall in the area of 0 to 8 feet from the bottom, and 0.25 inch for the tank wall in the area from 8 to 24 feet from the bottom. The thicknesses listed above include a 1/8-inch corrosion allowance. The tank shells will be designed in accordance with API 650 (10th edition) section 3.6.4.7 and Appendix F. The maximum volumetric and weight capacity of the tanks is 337,800 gallons and 3,150,588 pounds, respectively. The maximum total volumetric system capacity is 1,013,400 gallons. The tanks will be designed in accordance with the details provided in Drawing 24852-RD-M6-B04-M0016, M0017 and M0018.

The tanks maximum design pressure and temperature will be 12/-4.5 inches water column and 230 degrees Fahrenheit, respectively. Each tank will be fitted with 2 tank agitators.

Additional items included in the tank design consist of a HHLL (High-High Liquid Level) control set at 23 feet.

All three 30-day tanks will be vented via a common manifold to the carbon filtration system before discharge to the atmospheric.

Ancillary Piping – Ancillary piping associated with the 30-day storage tanks shall be constructed in accordance with the design details that will be submitted in accordance with Condition I.J. of this Permit.

Deleted: insulated

Deleted: tanks will be constructed with an additional

Deleted: added to each of the minimum thicknesses

Deleted: constructed

Deleted: 4.5 inches/- 12

Deleted: Each agitator will be equipped with a 5 HP motor capable of producing 350 RPM.

Deleted: Each 30-day Hydrolysate storage tank will be equipped with tank nozzles and couplings that consist of the following:¶
¶
<#>One, 6-inch vent, ¶
<#>One, 4-inch pressure valve (set at 12 inches of water and a vacuum relief valve set at -1 inch of water)¶
<#>One, 3-inch outlet, ¶
<#>Two tank inlets one 6 –inch and one 3-inch; ¶
<#>One, thirty six-inch roof manhole;¶
<#>25 KW Tank Heater; ¶
<#>Heating loop;¶
<#>Agent Hydrolysate Air Cooler; ¶
<#>Two, thirty six-inch shell manholes;¶
<#>Three spare nozzles with blind flanges (8-inches, 6-inches, and 3-inches);¶
<#>Two, 3-inch level transmitters¶
<#>Two, 0.75-inch temperature indicators;¶
<#>One, 3-inch level switch;¶
<#>Two, 6-inch drains; and,¶
<#>Four, 6-inch cleanouts.¶

Deleted: 25 KW Tank Heaters for freeze protection and

CDPHE RESPONSE:

The text in the final permit has been amended accordingly to correct the typographical errors. Furthermore, the Division has eliminated the redundant design specifications in the permit text that are also contained in permit drawings 24852-RD-M6-B04-M0016, M0017 and M0018.

Insulation requirements for the 30-day Hydrolysate Storage Tanks have not been omitted from the language in the final permit because justification for this proposed change was not included in the comment. If the Permittees wish to modify the design requirement in the permit to omit the insulation for the 30-day Hydrolysate Storage Tanks, a modification request to the permit should be submitted to the Division in accordance with 6 CCR 1007-3, Section 100.63.

12. DRAFT PERMIT LANGUAGE:

Table III.A.2-1

Allowable waste codes	**K901, D002, D004-D0011, D019, D022, D028**	**K901, D002, D004-D0011, D019, D022, D028**	**K901, D002, D004-D0011, D019, D022, D028**

PCAPP COMMENT:

PCAPP suggests this row be removed from this table. It is redundant with Condition III.B.3 (and it conflicts with Condition III.B.3)

CDPHE RESPONSE:

Condition III.B.3 has been amended in the final permit to make the two tables in the permit consistent. The row describing allowable waste codes in Table III.A.2-1 has been deleted in the final Permit to eliminate this redundancy.

13. DRAFT PERMIT LANGUAGE:

III.B.1. **Specific prohibitions applicable to all tanks:**

III.B.1.a. **Wastes or wastes and materials which are incompatible shall not be placed in the same tank. Wastes or materials are incompatible if upon or after mixing they generate extreme heat or pressure, cause fire or explosion, cause violent reactions, produce uncontrolled toxic mists, fumes, dusts, or gases, produce uncontrolled flammable fumes or gases, or damage the integrity of the tank.**

III.B.1.b. **Waste chlorinated solvents, decontamination solutions or other liquids are not allowed to be placed in the tanks at PCAPP.**

PCAPP COMMENT:

As written, Condition III.B.1.a clearly conveys the limitations specified by 6 CCR 1007-3 Part 264.199. However, PCAPP finds Condition III.B.1.b to be confusing. There is not a plausible scenario in which chlorinated solvents could enter the process and be stored in these tanks and PCAPP does not understand why this category of chemical compounds is specifically addressed by CDPHE. Likewise, decontamination solutions will be placed in the spent decon tanks and the hydrolyzers in the APB and the language in Condition III.B.1 (i.e., "all tanks") could be read to preclude this. Also, the term "other liquids" is broad and nebulous and therefore makes compliance with this condition problematic. PCAPP suggests Condition III.B.1.b be deleted.

PCAPP'S PROPOSED LANGUAGE:

III.B.1. Specific prohibitions applicable to all tanks:

III.B.1.a. Wastes or wastes and materials which are incompatible shall not be placed in the same tank. Wastes or materials are incompatible if upon or after mixing they generate extreme heat or pressure, cause fire or explosion, cause violent reactions, produce uncontrolled toxic mists, fumes, dusts, or gases, produce uncontrolled flammable fumes or gases, or damage the integrity of the tank.

Deleted: III.B.1.b. Waste chlorinated solvents, decontamination solutions or other liquids are not allowed to be placed in the tanks at PCAPP.¶

CDPHE RESPONSE:

Waste chlorinated solvents have been specifically excluded from these tanks in the permit to acknowledge discussions held between the Permittees and the Division regarding the fact that these substances are detrimental to the Near Real Time monitors (the "Minicams") with Halogen Specific Detectors, and the promissory position that no substances will be admitted to the PCAPP Plant without a thorough evaluation of the potential impact to these essential health and safety monitors. The permit exclusion provides a mechanism for penalties should there be failures to carry out these promises. The language of this section is overly broad, in that, decontamination solutions in general are excluded, and the intent was to disallow decontamination solutions with hypochlorite active ingredient such as bleach, calcium hypochlorite, sodium hypochlorite, and High Test Hypochlorite solutions. The reason for excluding these materials is because the vapors of these decontamination solutions tend to adsorb on the Minicam Preconcentrator Tube and react with aerosolized mustard in a subtractive manner, thus decreasing the actual airborne mustard concentration and/or eliminating the detection of airborne mustard. The planned PCAPP Plant decontamination solutions are all Sodium Hydroxide based, thus eliminating these potential interferences. It is known that decontamination solutions employed on the storage side of PCD presently employ these hypochlorite based solutions. While the Division has concerns about the air monitoring associated with Stockpile storage, we are also concerned about the introduction of these solutions into the PCAPP Plant.

Condition III.B.1.b. in the draft permit has therefore not been deleted as proposed in the final permit as a result of this comment. Instead, the condition was amended in the final permit as follows to clarify that chlorinated solvents or other liquids found to impact the Near Real Time Monitors are not allowed to be placed into the tanks at PCAPP.

III.B.1.b. Waste chlorinated solvents, and hypochlorite based decontamination solutions, or other liquids found to negatively impact the Near Real Time Monitors (the "Minicams"), are not allowed to be placed in the tanks at PCAPP.

14. DRAFT PERMIT LANGUAGE:

Table III.B.2.a.			
Storage Tank System. Location, and No. of Associated Tanks	**Hazardous Waste Type**	**Applicable Waste Code**	**Maximum Volume of Waste and Size of Tank**
30-Day Hydrolysate Storage Tanks	Hydrolysate and/or liquids collected from secondary containment for the 30-Day Hydrolysate Tanks	K901, K902 D002, D004 – D011, D019, D022, D028, D034, D039 D040,D043, P909 and P910	337,800 gallons/each

Table III.B.3.a.		
Storage Tank System. Location, and No. of Associated Tanks	**Hazardous Waste Type**	**Applicable Waste Codes**
ICB Feed Tanks 6 ICB tanks 24 ICB effluent tanks 6	Feed originates from the Agent Hydroslate Hold tanks	D002, D004-D011, D019, D022, D028, D034, D039, D040,D043, P909, P910, K901 and K902

PCAPP COMMENT:

PCAPP does not believe the waste will carry the following codes: P909, P910, and K902 (i.e., it is cleared of agent per the WAP before it leaves the APB and more closely matches the K901 definition versus the K902 definition). Also, the complete list of codes will not likely apply to every batch; they are a list of waste codes that may apply (potential waste codes).

PCAPP'S PROPOSED LANGUAGE:

Table III.B.2.a.			
Storage Tank System. Location, and No. of Associated Tanks	**Hazardous Waste Type**	**Potential Waste Code**	**Maximum Volume of Waste and Size of Tank**
30-Day Hydrolysate Storage Tanks	Hydrolysate and/or liquids collected from secondary containment for the 30-Day Hydrolysate Tanks	K901, D002, D004 – D011, D019, D022, D028, D034, D039 D040,D043,	337,800 gallons/each

Deleted: Applicable

Deleted: K902

Deleted: P909 and P910

Table III.B.3.a.		
Storage Tank System. Location, and No. of Associated Tanks	**Hazardous Waste Type**	**Potential Waste Codes**
ICB Feed Tanks 6 ICB tanks 24 ICB effluent tanks 6	Feed originates from the Agent Hydroslate Hold tanks	D002, D004-D011, D019, D022, D028, D034, D039, D040,D043, K901

Deleted: Applicable

Deleted: P909, P910,

Deleted: and K902

CDPHE RESPONSE:

The Division agrees with the first part of this comment and has amended the final permit accordingly to reflect deletion of the K902, P909 and P910 waste codes. The word, "Applicable" has not been replaced in the final permit because it refers to the applicable waste codes that may be placed in the tank system. Additionally, waste characterization data for this waste stream has not been provided to the Division and it is thus unclear as to what specific waste codes may apply to the waste that will be managed in this tank system.

15. DRAFT PERMIT LANGUAGE:

III.C.3. **The uncovered secondary containment systems for the 30-day Hydrolysate Storage Tanks and the BTA Tanks shall be maintained to allow sufficient capacity to contain at least the volume of one tank plus the 25-year, 24-hour storm event. In order to meet this requirement, the secondary containment for the 30-day Hydrolysate Storage Tanks shall be 424,842 gallons. In order to meet this requirement, the seconday containment for the North BTA Tanks shall be 56,498 gallons and for the South BTA Tanks shall be 70,038 gallons.**

PCAPP COMMENT:

PCAPP proposes the following minor clarifications. A typographical error is also corrected.

PCAPP'S PROPOSED LANGUAGE:

III.C.3. The uncovered secondary containment systems for the 30-day Hydrolysate Storage Tanks and the BTA Tanks shall be maintained to allow sufficient capacity to contain at least the volume of one tank plus the 25-year, 24-hour storm event. In order to meet this requirement, the secondary containment for the 30-day Hydrolysate Storage Tanks shall be a minimum of 424,842 gallons. In order to meet this requirement, the secondary containment for the North BTA Tanks shall be a minimum of 56,498 gallons and for the South BTA Tanks shall be a minimum of 70,038 gallons.

CDPHE RESPONSE:

Condition III.C.3. has been amended accordingly in the final permit to reflect these clarifications.

16. DRAFT PERMIT LANGUAGE:

II.C.5. **All spills or leaks at the permitted tank storage units must be cleaned up within 24 hours of detecting. Any removed material from the collection systems must be characterized, and if hazardous waste, managed appropriately (i.e. recycled, stored, treated or disposed of according to this Permit, or shipped off-site to a designated hazardous waste facility.**

PCAPP COMMENT:

A typographical error is noted and parentheses are closed.

PCAPP'S PROPOSED LANGUAGE:

III.C.5. All spills or leaks at the permitted tank storage units must be cleaned up within 24 hours of detecting. Any removed material from the collection systems must be characterized, and if hazardous waste, managed appropriately (i.e. recycled, stored, treated or disposed of according to this Permit, or shipped off-site to a designated hazardous waste facility).

CDPHE RESPONSE:

Condition III.C.5. has been amended accordingly in the final permit to correct this these typographical errors.

17. DRAFT PERMIT LANGUAGE:

III.D.2.d. **Type and degree of external corrosion protection needed to ensure the integrity of the tank system during the use of the tank systems or components; including: corrosion-resistant materials of construction; corrosion-resistant coatings with cathodic protection; and electrical isolation devices such as insulating joints, flanges, etc.;**

PCAPP COMMENT:

This condition paraphrases 6 CCR 1007-3 Part 264.192(a)(3) and oversimplifies the requirement losing some important nuance. The introductory sentence in 6 CCR 1007-3 Part 264.192(a)(3) reads as follows:

"For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system will be in contact with the soil or with water[2], a determination by a corrosion expert of . . ."

Neither the 30-Day Tanks nor the BTA tanks are in contact with soil or water. Therefore this condition does not apply and should be eliminated.

PCAPP'S PROPOSED LANGUAGE:

III.D.2.d. Reserved

Deleted: Type and degree of external corrosion protection needed to ensure the integrity of the tank system during the use of the tank systems or components; including: corrosion-resistant materials of construction; corrosion-resistant coatings with cathodic protection; and electrical isolation devices such as insulating joints, flanges, etc.;

CDPHE RESPONSE:

The Division understands that the PCAPP 30-Day Tanks and the BTA tanks at PCAPP will not be in contact with soil or water and agrees that 6 CCR 1007-3 Part 264.192(a)(3) is not applicable to these tanks based on the design and outlined aspects of operation for the tanks described in the Phase III Permit Modification Request. However, 6 CCR

[2] As used here, the phrase "with the soil or with water" means that the tank in question is an underground tank that may be in a saturated zone or in a water table. It does not refer to precipitation that may contact an above ground tank. The following excerpt from the Tank System Requirements Advisory (Ohio EPA, Division of Hazardous Waste Management, RCRA engineering Section, October 27, 1997, page 11) provides a good explanation:

"The requirement for the determination of external corrosion factors by an expert is applicable only if the metal tank or any external metal component of the tank system will be in contact with soil or water (i.e. an underground storage tank, see OAC Rule 3745-55-92(A)(3)). "A metal tank system in contact with water" pertains to contact with inground water (high water tables) or saturated soils. It does not typically pertain to the temporary aftermath of a rain fall event. The Ohio EPA expects the corrosion expert to possess both the professional knowledge and related practical experience to be qualified to provide corrosion-control services for metal tanks and/or piping in contact with soil. Independent, registered PEs with appropriate corrosion-protection experience with buried or submerged metal tank systems may also perform the corrosion potential assessment."

1007-3, Part 264.192(a) generally requires that owners/operators of hazardous waste tank systems obtain and submit a written assessment for each tank system that shows the system has sufficient structural strength, compatibility with the wastes(s) to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture or fail. While the Division does not agree that complete omission of this permit condition from the draft permit is appropriate in light of the 264.192(a) requirement, it has been revised as follows in the final permit to reflect those aspects of the design for these tank systems that ensure their construction, operation and maintenance will not result in a collapse, rupture or failure as a result of corrosion:

III.D.2.d. The Permittee will provide external corrosion protection for aboveground steel-composition storage tanks consisting of a concrete pad and/or concrete-construction secondary containment to provide isolation from the corrosion effects from contact with soils and/or groundwater, an exterior coating consisting of an appropriate primer and paint to be maintained for the active life of the facility, an appropriate corrosion allowance in the wall thickness of the steel tanks, and a corrosion surveillance program that will be described in the Inspection and Monitoring Plan to be provided to the Division in accordance with Condition I.J. of the Permit. At a minimum, the Inspection and Monitoring Plan must incorporate internal corrosion protection/inspection elements and methods for the tanks to monitor internal corrosion and wall thickness/erosion. Maintenance and inspection of the tanks, including draining any accumulated water that may be in contact with the base of the tanks, will be conducted within 24 hours of discovery.

18. DRAFT PERMIT LANGUAGE:

III.E.3.b. **Corrosion – The Permittee shall provide the type and degree of corrosion protection as recommended by an independent corrosion expert and in accordance with permit conditions that ensure the integrity of the tank system during use. An independent corrosion expert shall supervise the installation of the corrosion protection system that is field fabricated to ensure proper installation. [6 CCR 1007-3 §264.192]**

PCAPP COMMENT:

This condition paraphrases 6 CCR 1007-3 Part 264.192(f) and oversimplifies the requirement losing some important nuance. 6 CCR 1007-3 Part 264.192(f) reads as follows:

"(f) The owner or operator must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided under paragraph (a)(3) of this section, or other corrosion protection if the Department believes other corrosion protection is necessary to ensure the integrity of the tank system during use of the tank system. The installation of a corrosion protection system that is field fabricated must be supervised by an independent corrosion expert to ensure proper installation."

As indicated in the previous comment, Part 264.192(a)(3) does not apply since the tank systems are not in contact with soil or standing water. Therefore, Condition III.E.3.b does not apply to these tanks systems and should be deleted.

PCAPP'S PROPOSED LANGUAGE:

III.E.3.b. Reserved

Deleted: Corrosion – The Permittee shall provide the type and degree of corrosion protection as recommended by an independent corrosion expert and in accordance with permit conditions that ensure the integrity of the tank system during use. An independent corrosion expert shall supervise the installation of the corrosion protection system that is field fabricated to ensure proper installation. [6 CCR 1007-3 §264.192]

CDPHE RESPONSE:

Please see comment response 17 above. The Division has amended permit condition III.E.3.b in the final permit as follows to reference elements of the tank designs and eventual hazardous wastes operations in permit condition III.D.2.d. to ensure the tanks will not collapse, rupture or fail as a result of corrosion:

III.E.3.b. The Permittee will provide for the minimal design aspects described under condition III.D.2.d of the permit to ensure that the aboveground steel-composition storage tanks at PCAPP will not collapse, rupture or fail as a result of corrosion.

19. DRAFT PERMIT LANGUAGE:

III.E.3.c. **Certification – The Permittee shall obtain and maintain the facility written statements by those persons required to certify the design of the tank system and to supervise the installation of the tank system as described in Permit Conditions III.D.1. and III.E.1. of this Permit.**

The written statements shall attest that the tanks system was properly designed and installed. Any repairs as noted in Permit Conditions III.D.1. and III.E.1. shall also be noted in the written statements. The written statements shall also include the certification statement as required by 6 CCR 1007-3 §100.12.

PCAPP COMMENT:

A typographical error is noted.

PCAPP'S PROPOSED LANGUAGE:

III.E.3.c. Certification – The Permittee shall obtain and maintain at the facility written statements by those persons required to certify the design of the tank system and to supervise the installation of the tank system as described in Permit Conditions III.D.1. and III.E.1. of this Permit.

The written statements shall attest that the tanks system was properly designed and installed. Any repairs as noted in Permit Conditions III.D.1. and III.E.1. shall also be noted in the written statements. The written statements shall also include the certification statement as required by 6 CCR 1007-3 §100.12.

CDPHE RESPONSE:

The language in the final permit has been changed accordingly.

20. DRAFT PERMIT LANGUAGE:

III.E.4. **Tank coupons will be used to assess potential corrosion and deterioration of all tanks. Tank coupons will consist of the same material and the same thickness as the tank interior and be placed in accordance with the Monitoring Plan that shall be submitted in accordance with Condition I.J. of this Permit.**

PCAPP COMMENT:

A corrosion surveillance program for the 30-Day Tanks will be developed and implemented. Although coupons may be used in this program, other options may be equally valid or superior. Also, as part of the Monitoring Plan, PCAPP will identify any RCRA tanks that do not require corrosion surveillance and will provide the associated rationale. PCAPP therefore proposes the following clarifications.

PCAPP'S PROPOSED LANGUAGE:

III.E.4. A corrosion surveillance program will be used to assess potential corrosion and deterioration of specific tanks, including the 30-Day Hydrolysate Tanks. Implementation of this program will be in accordance with the Monitoring Plan that shall be submitted in accordance with Condition I.J. of this Permit.

Deleted: Tank coupons

Deleted: all

Deleted: Tank coupons will consist of the same material and the same thickness as the tank interior and be placed

CDPHE RESPONSE:

The Division agrees with this comment and has changed this condition in the final permit accordingly, except that the language to exclude certain tanks has not been made. The Division will evaluate the applicability of the corrosion surveillance program to each specific tank under this section of the permit when the information is provided under the Monitoring and Inspection Plan in accordance with Condition I.J. of this permit.

21. DRAFT PERMIT LANGUAGE:

III.F.2.b. Level indicators on the sides of the tanks will indicate depth of waste in each tank with a remote readout in the control room.

PCAPP COMMENT:

The physical location of the level indicator transmitters is not important.

PCAPP'S PROPOSED LANGUAGE:

III.F.2.b. Level indicators will indicate depth of waste in each tank with a remote readout in the control room.

Deleted: on the sides of the tanks

CDPHE RESPONSE:

The Division does not agree that the physical location of the level indicator transmitters on tanks is not important and does not agree with this change. The permit language is not intending to specify how the depth of waste in tanks will be determined, only that it will be able to be determined in the field. The language in Condition III.F.2.b has therefore been amended in the final permit as follows:

III.F.2.b. Level indicators that can be visually read in the field will indicate the depth of waste in each tank and will also have a remote readout in the control room.

22. DRAFT PERMIT LANGUAGE:

III.F.2.c. Pumps will be used to transfer the wastes to or from any of the tanks. All valves will remain in the closed position unless waste transfers are taking place.

PCAPP COMMENT:

The sentence "All valves will remain in the closed position unless waste transfers are taking place" is too broad. For example, isolation valves for instrumentation are usually open even when waste transfer is not occurring. In addition, there is no regulatory basis for such a requirement.

PCAPP believes that the intent of this language was to convey the requirement that the tank systems should be operated in a way so that releases do not occur. This requirement is already addressed in Condition III.F.3.

PCAPP'S PROPOSED LANGUAGE:

III.F.2.c. Pumps will be used to transfer the wastes to or from any of the tanks.

Deleted: All valves will remain in the closed position unless waste transfers are taking place.

CDPHE RESPONSE:

The Division agrees that condition III.F.2.c in the draft permit relates to the 6 CCR 1007-3, Section 264.194(b) requirement that tank controls should be operated in a way to prevent releases. Details regarding how the tank systems will be specifically operated to prevent releases have not yet been provided to the Division but must be in accordance with condition I.J.2.f. of the permit. Once this modification has been received, condition III.F.2.c of the permit will be made to reflect the operating information. Permit condition III.F.2.c in the draft permit has been modified in the final permit as follows to clarify the intent of the permit condition and the specific valves that should remain closed unless waste transfers are taking place:

III.F.2.c. Pumps will be used to transfer the wastes to or from any of the tanks. All valves associated with transferring wastes to or from the tanks will remain in the closed position unless waste transfers are taking place. All valves associated with waste storage tanks will be operated in a manner to prevent releases to the environment.

23. DRAFT PERMIT LANGUAGE:

III.F.2.d. The Permittee will record the volumes of hazardous waste contained in each tank in the Operating Record as described in the Inspection Plan that will be submitted in accordance with Condition I.J. of this Permit.

PCAPP COMMENT:

PCAPP requests the option to record the liquid level instead. If needed, the liquid level can be correlated to the volume of hazardous waste.

PCAPP'S PROPOSED LANGUAGE:

III.F.2.d. The Permittee will record either the liquid level or the volume of hazardous waste contained in each tank in the Operating Record as described in the Inspection Plan that will be submitted in accordance with Condition I.J. of this Permit.

Deleted: s

CDPHE RESPONSE:

The Division does not agree with this proposed comment as written because it is unclear why such a distinction is needed. Liquid levels in the tanks should be used to determine the corresponding volume of hazardous wastes contained in the tanks during inspections. The quantity and location of each hazardous waste at the facility must be included in the Operating Record as it becomes available in accordance with 6 CCR 1007-3, Section 264.73. Both the liquid level and correlated volume in each tank must be recorded in the Operating Record to facilitate compliance verification with permit conditions during Division oversight inspections. The language in draft Permit Condition III.F.2.d has therefore been amended in the final Permit as follows:

III.F.2.d. The Permittee will record the liquid level and the volume of hazardous waste contained in each tank in the Operating Record as described in the Inspection Plan that will be submitted in accordance with Condition I.J. of this Permit.

Deleted: s

24. DRAFT PERMIT LANGUAGE:

III.F.2.e. **Potential deterioration of the tanks shall be monitored using tank coupons and ultrasonic testing. Tank coupon analysis and ultrasonic testing of each tank will be performed as required by the Monitoring Plan that will be provided in accordance with Condition I.J. of this Permit. Ultrasonic testing of the tank will be performed prior to managing hazardous waste and once every other year thereafter.**

PCAPP COMMENT:

As noted earlier, a corrosion surveillance program for the 30-Day Tanks will be developed and implemented. Although coupons and/or ultrasonic testing may be used in this program, other options may be equally valid. PCAPP therefore proposes the following clarification.

PCAPP'S PROPOSED LANGUAGE:

III.F.2.e. Potential deterioration of the tanks shall be monitored using a corrosion surveillance program to be described in the Monitoring Plan that will be provided in accordance with Condition I.J. of this Permit.

Deleted: tank coupons and ultrasonic testing

Deleted: . Tank coupon analysis and ultrasonic testing of each tank will be performed as required by the

Deleted: Ultrasonic testing of the tank will be performed prior to managing hazardous waste and once every other year thereafter.

CDPHE RESPONSE:

The Division concurs with the proposed language and has modified the final permit accordingly:

25. DRAFT PERMIT LANGUAGE:

III.F.2.f. **If any tank's minimum measured coupon thickness is below the required tank wall thickness design value (i.e., the residual corrosion allowance equals zero) specified for that tank, the tank shall be considered unfit for use, and removed from service immediately, in accordance with Condition III.E of this Permit.**

PCAPP COMMENT:

There are many approaches to assessing corrosion. These include process monitoring (e.g., waste characteristics do not differ from design assumptions) and both destructive (see for example ASTM G 4) and non-destruction examination (see for example ASME Boiler and Pressure Vessel Code, Section V, especially Non-Mandatory Appendix A of Article 1, Table A-110). The choice of the most appropriate assessment technique depends on the on the material being evaluated and the anticipated mechanism(s) of corrosion. A corrosion surveillance program will be described in the Monitoring Plan to be provided in accordance with Condition I.J of this permit. This surveillance plan will describe required operational and / or non-destructive and / or destructive assessments techniques for use to assure the 30-Day Storage Tanks do not collapse, rupture or fail. PCAPP suggests that the current language in Condition III.F.2.f be deleted and the condition reserved for future use after development of the surveillance program.

PCAPP'S PROPOSED LANGUAGE:

III.F.2.f. Reserved

Deleted: If any tank's minimum measured coupon thickness is below the required tank wall thickness design value (i.e., the residual corrosion allowance equals zero) specified for that tank, the tank shall be considered unfit for use, and removed from service immediately, in accordance with Condition III.E of this Permit.

CDPHE RESPONSE:

Details of the corrosion monitoring program for the hazardous waste tanks described under this section of the permit have not yet been provided. Additionally, the Division does not agree that process monitoring exclusively is an acceptable means for monitoring corrosion in hazardous waste tanks. However, the Division understands that the Permittees will develop a corrosion surveillance program that will describe details of the monitoring to be conducted to prevent collapse, rupture or failure of the tanks due to corrosion and that the program will be described in the Monitoring Plan to be submitted in accordance with Condition I.J of the Permit. Condition III.F.2.f. in the final permit has therefore not been eliminated from the draft permit, but has been modified as follows in the final permit to describe this understanding:

III.F.2.f. The Permittees will monitor potential corrosion of the hazardous waste tanks described under this section of the permit under the Monitoring Plan that will be submitted to the Division in accordance with Condition I.J. of the permit. The Monitoring Plan will describe the corrosion surveillance program that will be implemented by the Permittees to monitor corrosion of tank wall

thickness and the methodology and rationale used to support the program. If any tank's thickness is below the required tank safe design value (a value to be established for each tank in the Monitoring Plan), the tank shall be considered unfit for use, and removed from service immediately, in accordance with Condition III.E of this Permit.

26. DRAFT PERMIT LANGUAGE:

III.F.3 The Permittee shall prevent spills and overflows from any tank or containment system.

PCAPP COMMENT:

As written, this could be interpreted to mean that any spill from a tank system (i.e., piping, valves, etc.) would be considered a noncompliance. This approach is not consistent with the regulations, which require design features and operating practices to prevent spills/overflows and secondary containment as a backup if these measures fail. PCAPP recommends that the intent of the regulations be conveyed instead. 6 CCR 1007-3 Part 264.194(b) reads as follows:

"The owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. . . "

PCAPP'S PROPOSED LANGUAGE:

III.F.3 The Permittee shall use appropriate controls and practices to prevent spills and overflows from any tank or containment system.

CDPHE RESPONSE:

The Division agrees with this comment and Condition III.F.3 in the draft permit has been amended accordingly in the final Permit to be consistent with 6 CCR 1007-3, § 264.194(b). Please note however that a spill or overflow from a permitted tank or containment system could still be considered a noncompliance, particularly if such spill or overflow is intentional or the result of negligence.

27. DRAFT PERMIT LANGUAGE:

III.G.2. **Remove waste and accumulated precipitation from the system within 24 hours of the detection of the leak to prevent further release, and to allow inspection and repair of the system. If the Permittee finds that it will be impossible to meet this time period, the Permittee shall notify the Department and demonstrate that the longer time period is required. The collected material must be managed in accordance with Conditions II.C. and the Waste Analysis Plan, Attachment D to this Permit [6 CCR 1007-3 §264.196(b)]**

PCAPP COMMENT:

6 CCR 1007-3 Part 264.196(b) requires removal of "as much of the waste as is necessary to prevent further release of hazardous waste . . ." This is a practical approach since most leaks will not require removal of all waste from the system to implement corrective actions. For instance, a leak at a valve in a line could be repaired without transferring the contents of the associated tank.

PCAPP'S PROPOSED LANGUAGE:

III.G.2. Remove as much waste and accumulated precipitation from the system within 24 hours of the detection of the leak as is necessary to prevent further release, and to allow inspection and repair of the system. If the Permittee finds that it will be impossible to meet this time period, the Permittee shall notify the Department and demonstrate that the longer time period is required. The collected material must be managed in accordance with Conditions II.C. and the Waste Analysis Plan, Attachment D to this Permit [6 CCR 1007-3 §264.196(b)]

CDPHE RESPONSE:

In the event of a release from a tank system, the Division agrees that for primary containment portions of the tank system, the Permittee is required to remove as much waste from the system as is necessary to prevent further release. This may not require removal of all waste within the primary tank system. However, for secondary containment portions of the tank system, 6 CCR 1007-3, Section 264.196(b) requires that all released materials be removed from the secondary containment system within 24 hours or in as timely a manner as possible to prevent harm to human health and the environment. Permit Condition III.G.2 has therefore been amended accordingly in the final permit.

28. DRAFT PERMIT LANGUAGE:

III.G.4.a. **For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make necessary repairs to fully restore the integrity of the system before returning the tank system to service.**

PCAPP COMMENT:

The proposed language contradicts itself; the condition is intended to address situations where the integrity has not been damaged (first part) but then requires restoration of integrity (second part). PCAPP recommends that the intent of 6 CCR 1007-3 Part 264.196(e)(2) be addressed as follows:

PCAPP'S PROPOSED LANGUAGE:

III.G.4.a. For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make necessary repairs before returning the tank system to service.

Deleted: to fully restore the integrity of the system

CDPHE RESPONSE:

Permit condition III.G.4.a. in the final permit has been amended accordingly in the final permit as suggested.

29. DRAFT PERMIT LANGUAGE:

III.G.4.d. If the Permittee replaces a component of the tank system to eliminate the leak, that component must satisfy the requirement for new tank systems or components in 6 CCR 1007-3, §264.192 and §264.193. [6 CCR 1007-3 §264.196(e)]

PCAPP COMMENT:

6 CCR 1007-3 §264.196(e)(4) establishes this requirement for component replacement if the component was not provided with secondary containment.

PCAPP'S PROPOSED LANGUAGE:

III.G.4.d. If a component of the tank system did not have secondary containment and the Permittee replaces this component to eliminate a leak, that component must satisfy the requirement for new tank systems or components in 6 CCR 1007-3, §264.192 and §264.193. [6 CCR 1007-3 §264.196(e)]

Deleted: a

Deleted: of the tank system

Deleted: the

CDPHE RESPONSE:

The Division disagrees with the proposed permit language in the comment because it is unclear why the language should be modified. The language in draft permit condition III.G.4.d is essentially the same as language in EPA's model permit and is based on the requirements of 6 CCR 1007-3, §264.196(e)(4). 6 CCR 1007-3, §264.196(e)(4) applies to all tank system components that are replaced to eliminate a leak, and includes components equipped with secondary containment as well as components without secondary containment. The language changes proposed by this comment would thus be less stringent than the tank requirements in the Colorado Hazardous Waste Regulations. The language in the final permit remains unchanged with regard to draft permit condition III.G.4.d.

30. DRAFT PERMIT LANGUAGE:

III.G.5. **If the Permittee has repaired a tank system in accordance with Permit Condition III.G., and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary or secondary containment vessel), the tank system must not be returned to service unless the Permittee has obtained a certification by an independent, qualified, Colorado Registered Professional Engineer in accordance with §264.12(d), that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the Department within seven days after returning the tank system to use. [6 CCR 1007-3 §264.196(f)]**

PCAPP COMMENT:

The reference to 264.12(d) appears to be an error.

PCAPP'S PROPOSED LANGUAGE:

III.G.5. If the Permittee has repaired a tank system in accordance with Permit Condition III.G., and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary or secondary containment vessel), the tank system must not be returned to service unless the Permittee has obtained a certification by an independent, qualified, Colorado Registered Professional Engineer in accordance with §100.12(d), that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the Department within seven days after returning the tank system to use. [6 CCR 1007-3 §264.196(f)]

Deleted: 264.12

CDPHE RESPONSE:

Permit Condition III.G.5 in the draft permit has been amended accordingly in the final permit to correctly reference 6 CCR 1007-3, § 100.12(d).

31. DRAFT PERMIT LANGUAGE:

III.H.1. **The Permittee shall inspect the tank systems, in accordance with the Inspection Plan that shall be submitted in accordance with Condition I.J. of this Permit [6 CCR 1007-3 §264.195(a)]**

III.H.2. **The Permittee shall inspect and test the overfill controls (e.g. level indicators, high level alarms), as described in the Monitoring Plan that shall be provided in accordance with Condition I.J. of this Permit.**

III.H.3. **The Permittee shall conduct ultrasonic testing of each tank as described in the Monitoring Plan that shall be submitted in accordance with Condition I.J. of this Permit.**

III.H.4. **The Permittee shall conduct an internal tank inspection as described in the Monitoring Plan that shall be provided in accordance with Condition I.J. of this Permit.**

III.H.5. **The Permittee shall inspect the tank system as described in the Inspection Plan that shall be provided in accordance with Condition I.J. of this Permit.**

III.H.6. **The Permittee shall record the results of all tank inspections and any corrective actions performed to address observed problems in the Operating Record for the facility. [6 CCR 1007-3 §264.195(d)]**

PCAPP COMMENT:

Conditions III.H.1 and III.H.5 are the same and one should be eliminated to reduce redundancy. For Condition III.H.3, ultrasonic testing may not be used (see earlier comment). Likewise, it is too soon to tell if internal tank inspections will be part of the corrosion surveillance program that PCAPP develops and submits in the future.

PCAPP'S PROPOSED LANGUAGE:

III.H.1. The Permittee shall inspect the tank systems, in accordance with the Inspection Plan that shall be submitted in accordance with Condition I.J. of this Permit [6 CCR 1007-3 §264.195(a)]

III.H.2. The Permittee shall inspect and test the overfill controls (e.g. level indicators, high level alarms), as described in the Monitoring Plan that shall be provided in accordance with Condition I.J. of this Permit.

III.H.3. The Permittee shall conduct a corrosion surveillance program as described in the Monitoring Plan that shall be submitted in accordance with Condition I.J. of this Permit.

III.H.4. The Permittee shall record the results of all tank inspections and any corrective actions performed to address observed problems in the Operating Record for the facility. [6 CCR 1007-3 §264.195(d)]

Deleted: ultrasonic testing of each tank

Deleted: III.H.4. . The Permittee shall conduct an internal tank inspection as described in the Monitoring Plan that shall be provided in accordance with Condition I.J. of this Permit.

Deleted: III.H.5. . The Permittee shall inspect the tank system as described in the Inspection Plan that shall be provided in accordance with Condition I.J. of this Permit.¶

Deleted: 6

CDPHE RESPONSE:

The Division concurs with the proposed text changes and has amended the text in the final permit accordingly.

32. DRAFT PERMIT LANGUAGE:

III.I.1. **The Permittee shall report to the Director, within 24 hours of detection, when any leak or spill from a tank system, ancillary equipment, piping, or secondary containment system occurs. If the Permittee has reported a release pursuant to 40 CFR Part 302, that report will satisfy the requirements of Permit Condition III.I.1. [6 CCR 1007-3 §264.195(d)]**

PCAPP COMMENT:

The reference to 6 CCR 1007-3 §264.195(d) appears to be incorrect; §264.196(d) is the correct reference. §264.196(d)(1) requires this reporting only when the release is to the environment. §264.196(d)(2) exempts leaks or spills that are less than or equal to a quantity of one pound and are immediately contained or cleaned up. PCAPP recommends the following changes to ensure consistency with the regulations.

PCAPP'S PROPOSED LANGUAGE:

III.I.1. The Permittee shall report to the Director, within 24 hours of detection, when any release to the environment from a tank system, ancillary equipment, piping, or secondary containment system occurs except as provided in 6 CCR 1007-3 §264.196(d)(2). If the Permittee has reported a release pursuant to 40 CFR Part 302, that report will satisfy the requirements of Permit Condition III.I.1. [6 CCR 1007-3 §264.196(d)]

Deleted: leak or spill

Deleted: 5

CDPHE RESPONSE:

Condition III.I.1. in the draft permit has been amended in the final permit to correctly reference the regulation citation and add language to make the condition consistent with 6 CCR 1007-3, Section 264.196(d)(1). However, please note that while releases of hazardous waste from the outdoor tanks would be contained in secondary containment, releases of hazardous waste constituents to the air would still occur during such a release and would need to be reported. Additionally, while the Division has accepted the 6 CCR 1007-3, Section 264.196(d)(2) exemptions to the notification requirement for releases of waste from the tanks described under Section III of the permit, such limits would be inappropriate for releases involving mustard agent because it is an acutely toxic hazardous waste. Limits for the release of mustard agent to the environment must be defined under the Contingency Plan to be submitted in accordance with Condition I.J. of the permit.

33. DRAFT PERMIT LANGUAGE:

III.I.4. **The Permittee shall obtain, and keep on file at the facility the written statements by those persons that certify or recertify the design and installation of tank systems. [6 CCR 1007-3 §264.192(f)]**

PCAPP COMMENT:

A typographical error is noted.

PCAPP'S PROPOSED LANGUAGE:

III.I.4. The Permittee shall obtain, and keep on file at the facility the written statements by those persons that certify or recertify the design and installation of tank systems. [6 CCR 1007-3 §264.192(g)]

Deleted: f

CDPHE RESPONSE:

The language in the draft permit has been changed accordingly in the final permit to correctly reference 6 CCR 1007-3, §264.192(g).

34. DRAFT PERMIT LANGUAGE:

III.I.5. The Permittee shall keep on file at the facility the written integrity assessment of each permitted tank or tank system. [6 CCR 1007-3 §264.191(a)]

PCAPP COMMENT:

All of the RCRA tank systems proposed for PCAPP are classified as new tank systems; there are no existing tank systems. Therefore, 6 CCR 1007-3 §264.191(a) does not apply to PCAPP and this condition should be deleted.

PCAPP'S PROPOSED LANGUAGE:

III.I.5. Reserved

Deleted: The Permittee shall keep on file at the facility the written integrity assessment of each permitted tank or tank system. [6 CCR 1007-3 §264.191(a)]

CDPHE RESPONSE:

Permit condition III.I.5 of the draft permit has not been amended as proposed in the final permit because the language proposed in the draft permit is standard language. However, the regulation citation in the condition should be [6 CCR 1007-3 §264.192(a) & (g)] and the final permit has therefore been amended accordingly as follows:

The Permittee shall keep on file at the facility the written statements by persons required to certify the design of the tank system and supervise the installation of the tank system. [6 CCR 1007-3 §264.192(a) & (g)].

35. DRAFT PERMIT LANGUAGE:

III.I.7. **The Permittee shall place the results of all waste analyses and trial tests, and any other documentation showing compliance with the requirements of Permit Condition III.K.1. and 6 CCR 1007-3, §264.17(b and c) and §264.199 in the facility operating record.**

PCAPP COMMENT:

A typographical error is noted.

PCAPP'S PROPOSED LANGUAGE:

III.I.7. The Permittee shall place the results of all waste analyses and trial tests, and any other documentation showing compliance with the requirements of Permit Condition III.K, and 6 CCR 1007-3, §264.17(b and c) and §264.199 in the facility operating record.

Deleted: .1

CDPHE RESPONSE:

The language in Permit Condition III.I.7 of the final permit has been changed to correctly reference Permit Condition III.K.

36. DRAFT PERMIT LANGUAGE:

III.M. AIR EMISSION STANDARDS

The Permittee shall control air pollutant emissions from each tank under this Part of the Permit in accordance with standards specified in 6 CCR 1007-3 §264.1084 and §264.1087.

III.M.1. The Permittee shall control air emissions from each of the tanks in accordance with the applicable provisions of 6 CCR 1007-3 §264.1082, §264.1084 and §264.1087.

PCAPP COMMENT:

As indicated on Page D-3-18 of the Supplement, §264.1087 does not apply since these tanks are subject to Level 1 controls and are not subject to Level 2 controls. The regulatory "roadmaps" that PCAPP followed to reach this conclusion are shown below:

The Level 1 regulatory roadmap is: Part 264.1084(b)(1) → Part 264.1084(c) → Part 264.1084(c)(1) – (4)

The Level 2 regulatory roadmap is: Part 264.1084(b)(1) → Part 264.1084(d) → Part 264.1084(d)(3) → Part 264.1084(g) → 264.1084(g)(1)(iv) → Part 264.1087

PCAPP'S PROPOSED LANGUAGE:

III.M. AIR EMISSION STANDARDS

The Permittee shall control air pollutant emissions from each tank under this Part of the Permit in accordance with standards specified in 6 CCR 1007-3 §264.1084

Deleted: and §264.1087

III.M.1. The Permittee shall control air emissions from each of the tanks in accordance with the applicable provisions of 6 CCR 1007-3 §264.1082 and §264.1084

Deleted: ,

Deleted: and §264.1087

CDPHE RESPONSE:

The Division does not concur with this comment or the proposed associated language changes. In response to the question, "What regulations apply to control devices on Level 1 tanks?", a June 2000 EPA memo titled, "RCRA, Superfund & EPCRA Hotline Monthly Report" (EPA 530-R-00-003f / PB2000-104 953, see attached copy), states, "Level 1 tanks that use control devices must meet the performance standards in §§264.1087 and 265.1088 (§§264.1084(g)(1)(iv) and 265.1085(g)(1)(iv)). These control devices must be one of the following: a device designed to reduce the total organic content of the inlet vapor stream by 95% by weight, an enclosed combustion device, or a

flare (§§264.1087(c)(1) and 265.1088(c)(1)).” Thus, 6 CCR 1007-3, §264.1087 does apply to the level 1 tanks at PCAPP and the language in draft permit condition III.M.1 remains unchanged in the final permit.

37. DRAFT PERMIT LANGUAGE:

III.M.1.b.ii.C. **Each opening in the roof and any manifold system associated with the fixed roof is connected by a closed vent system that is vented to a control device. The control device shall remove or destroy organics in the vent stream, and it shall be operating whenever hazardous waste is managed in the tank, except as provided below:**

PCAPP COMMENT:

An alternative allowed by Part 264.1084(c)(2)(iii)(A) is for the openings to be equipped with a closure device (e.g., for PSVs, man ways, etc. - see Drawings 24852-RD-M6-B04-M0016, M0017, and M0018).

PCAPP'S PROPOSED LANGUAGE:

III.M.1.b.ii.C. Each opening in the roof and any manifold system associated with the fixed roof shall be either equipped with a closure device operated in accordance with 264.1084(c)(2)(iii)(A) or connected by a closed vent system that is vented to a control device. The control device shall remove or destroy organics in the vent stream, and it shall be operating whenever hazardous waste is managed in the tank, except as provided below:

Deleted: is

CDPHE RESPONSE:

The Division concurs with this comment and the final Permit has been revised accordingly.

38. DRAFT PERMIT LANGUAGE:

III.M.1.c.ii. **Opening of the pressure relief device which vents to the atmosphere following filtration through activated carbon, is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device is designed to operate with no detectable organic emissions when the device is in the secured closed position. The settings at which the device opens shall be as established in Permit Condition III.A.1.**

PCAPP COMMENT:

The pressure relief devices (see PSVs on tanks on Drawings 24852-RD-M6-B04-M0016, M0017, M0018) do not vent through activated carbon. They vent to the atmosphere if the normal/routine venting through carbon is not possible.

PCAPP'S PROPOSED LANGUAGE:

III.M.1.c.ii. Opening of the pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device is designed to operate with no detectable organic emissions when the device is in the secured closed position. The settings at which the device opens shall be as established in Permit Condition III.A.1.

Deleted: following filtration through activated carbon,

CDPHE RESPONSE:

The Division concurs with the proposed language deletion in the comment but provides additional clarifying text (highlighted) to specify that the valve will only operate in the open position for the purpose of preventing an over/under pressure condition during an emergency. Changes to permit condition III.M.1.c.ii have been made to the final permit accordingly as follows:

III.M.1.c.ii. Opening of the pressure/vacuum relief valve which vents to the atmosphere is allowed only during non-normal (e.g. emergency over/under pressure events) for the purpose of maintaining tank integrity through pressure equalization in accordance with the tank design specifications. The valve is designed to operate with no detectable organic emissions when the device is in the secure, closed position during which time the tank is vented through the dedicated activated carbon filter system. The conditions and settings at which the device opens shall be as established in Permit Condition III.A.1.

39. DRAFT PERMIT LANGUAGE:

III.M.1.d.ii. **The Permittee shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank accepts hazardous waste. Thereafter, the Permittee shall perform the inspections at least once every year except under the special conditions provided for in accordance with Condition III.M.4. of this Permit.**

III.M.1.d.iii. **In the event a defect is detected, the Permittee shall repair the defect in accordance with the requirements of Permit Condition III.G.**

PCAPP COMMENT:

Permit Condition III.G addresses situations where a leak or a spill from a tank system has occurred and not a situation where a defect has been encountered during an inspection. 6 CCR 1007-3 Part 264.1084(c)(4)(iii) requires repairs for defects to be done in accordance with 6 CCR 1007-3 Part 264.1084(k), which is addressed in Condition III.M.3.

PCAPP'S PROPOSED LANGUAGE:

III.M.1.d.ii. The Permittee shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank accepts hazardous waste. Thereafter, the Permittee shall perform the inspections at least once every year except under the special conditions provided for in accordance with Condition III.M.4. of this Permit.

III.M.1.d.iii. In the event a defect is detected, the Permittee shall repair the defect in accordance with the requirements of Permit Condition III.M.3.

Deleted: G

CDPHE RESPONSE:

The Division concurs with this comment. The language in draft Permit Condition III.M.1.d.iii has been changed in the final Permit to correctly reference Permit Condition III.M.3 regarding repairs of defects detected during inspections of air emission control equipment for applicable tank systems.

40. DRAFT PERMIT LANGUAGE:

III.M.2. **The Permittee shall transfer hazardous waste to a Tank in accordance with the following requirements:**

III.M.2.a. Transfer of hazardous waste to the tank from another Tank shall be conducted using continuous hard piping system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this Permit Condition, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR Part 63, Subpart RR - National Emission Standards for Individual Drain Systems.

PCAPP COMMENT:

Although PCAPP plans on using hard piping for this transfer, PCAPP does not understand why this condition is included. This language corresponds to 6 CCR 1007-3 Part 264.1082(c)(2)(v)(B). 6 CCR 1007-3 Part 264.1082(c) addresses the requirements an applicant would need to comply with if they were seeking an exemption to Subpart CC requirements. PCAPP is not seeking such an exemption.

PCAPP'S PROPOSED LANGUAGE:

III.M.2. Reserved

Deleted: . The Permittee shall transfer hazardous waste to a Tank in accordance with the following requirements:¶
¶
. III.M.2.a. . Transfer of hazardous waste to the tank from another Tank shall be conducted using continuous hard piping system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this Permit Condition, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR Part 63, Subpart RR - National Emission Standards for Individual Drain Systems.

CDPHE RESPONSE:

The Division understands that PCAPP will use hard piping for this waste transfer and has amended Condition III.M.2. in the final permit to reflect that understanding as follows:

III.M.2.a. Transfer of hazardous waste to the tank from another Tank shall be conducted using continuous hard piping system that does not allow exposure of the hazardous waste to the atmosphere.

41. DRAFT PERMIT LANGUAGE:

III.M.3. **The Permittee shall repair each defect detected during an inspection performed in accordance with the requirements as follows:**

III.M.2.a. **The Permittee shall make first efforts at repair of the defect no later than 5 calendar days after detection, and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in Permit Condition III.M.2.b.**

III.M.2.b. **Repair of a defect may be delayed beyond 45 calendar days if the Permittee determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the Permittee shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect shall be completed before the process or unit resumes operation.**

PCAPP COMMENT:

Typographical errors are noted.

PCAPP'S PROPOSED LANGUAGE:

III.M.3. The Permittee shall repair each defect detected during an inspection performed in accordance with the requirements as follows:

III.M.3.a. The Permittee shall make first efforts at repair of the defect no later than 5 calendar days after detection, and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in Permit Condition III.M.2.b.

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III.M.3.b. Repair of a defect may be delayed beyond 45 calendar days if the Permittee determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the Permittee shall . . .

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CDPHE RESPONSE:

The final Permit has been changed accordingly to correctly number the subsections under Permit Condition III.M.3.

42. DRAFT PERMIT LANGUAGE:

III.M.4. **Following the initial inspection and monitoring of the cover as required by the Permit Condition III.M., subsequent inspection and monitoring may be performed at intervals longer than 1 year under the following special conditions . . .**

PCAPP COMMENT:

For compliance purposes, a more specific reference than Condition III.M is needed.

PCAPP'S PROPOSED LANGUAGE:

III.M.4. Following the initial inspection and monitoring of the cover as required by the Permit Condition III.M.1.d.ii., subsequent inspection and monitoring may be performed at intervals longer than 1 year under the following special conditions . . .

CDPHE RESPONSE:

The Division concurs with this comment. The language in draft Permit Condition III.M.4 has been changed in the final Permit to make the reference more specific. The reference to III.M has also been changed to III.M.1.d.ii as recommended in the comment.

43. General Comment

In the original Stage III Class 3 Permit Modification Request (reference Section 2), PCAPP proposed several changes to the language in Attachments A, B, and C of the Permit. The changes are still needed and PCAPP requests that CDPHE consider the proposed changes for inclusion in the final permit. Relevant excerpts from Section 2 of the original modification request are provided on the following pages (minor changes to the original edits have been proposed as indicated).

CDPHE RESPONSE:

The Division concurs with this comment. The language in Attachments A, B, and C of the draft Permit has been revised in the final permit to incorporate the changes proposed by this comment.

44. GENERAL COMMENT (GLOBAL):

For Parts III and IV, tables listing drawings are interspersed throughout the permit conditions. In these tables, the revision of each drawing is listed. PCAPP recommends deleting the revision number column from these tables. This will facilitate future permit modifications (i.e., only one section of the permit will need to be updated when a new drawing revision replaces an old version). Removing this information will also minimize the potential for inconsistencies between different sections of the permit. Likewise, PCAPP recommends removing the drawing revision numbers from the text of all of the permit conditions (e.g., Condition IV.A.4, etc.).

The table in Attachment E, which lists all of the drawings, would continue to include the drawing revision numbers.

CDPHE RESPONSE:

The Division concurs with this comment and has modified the final permit accordingly.