



ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

Land Protection Branch

2 Martin Luther King, Jr. Drive
Suite 1054, East Tower
Atlanta, Georgia 30334
404-657-8600

02/13/2023

SENT VIA CERTIFIED MAIL

Mr. Kevin Schmuggerow
Vice President, Industrial Business
8302 Dunwoody Place, Suite #250
Atlanta, GA 30350

SUBJECT: Class 3 Permit Modification
Perma-Fix of South Georgia, Valdosta
Permit No. HW-020(D)
EPA ID No. GAD093380814

Dear Mr. Schmuggerow:

The public comment period for Perma-Fix of South Georgia (PFSG) Hazardous Waste Facility Permit No. HW-020(D) was held from July 22, 2022, through September 8, 2022. During the public comment period, the only comments received by the Georgia Environmental Protection Division (EPD) were comments issued by Perma-Fix of South Georgia (PFSG) in a letter dated September 1, 2022.

This modification includes incorporation into the Permit of the Post-Closure Care Plan (PCCP) submitted on March 29, 2022, and changes to the groundwater protection standards (GWPS) applicable to the facility. Enclosed is the modified Permit which includes Attachment 1 summarizing the necessary changes made to the permit after the end of the public comment period and Attachment 2 presenting the EPD response to the received public comments.

The Permit is effective immediately and is final unless a petition for hearing is filed within thirty (30) days of issuance. The procedures for filing a petition for hearing are found in Chapter 391-1-2 of the Rules of the Department of Natural Resources.

If you have any questions, please contact Sharon Priyadarshini at (470) 524-0687.

Sincerely,

Richard E. Dunn
Director
Environmental Protection Division

Enclosures (1): Hazardous Waste Facility Permit No. HW-020(D) with Attachments 1 & 2
File: Perma-Fix of South Georgia 2022 (Y)

PERMIT NO. HW-020(D)
ISSUANCE DATE: 02/13/2023



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

AMENDMENT TO HAZARDOUS WASTE FACILITY PERMIT

In accordance with the provisions of the Georgia Hazardous Waste Management Act and the Rules, Chapter 391-3-11 (as effective on the date of issuance of this permit) adopted pursuant to that Act, Permit No. HW-020(D), issued on February 11, 2020, to

Perma-Fix of South Georgia, Inc. (PFSG)
Valdosta, Georgia

EPA ID No. GAD093380814

Is hereby amended for the following:

to incorporate the Post-Closure Care Plan (PCCP) submitted on March 29, 2022 into the Permit; also to update the Permit to incorporate changes to the groundwater protection standards (GWPS) applicable to the facility.

at the following location:

1612 James P. Rodgers Circle
Valdosta, GA 31601

This Permit Amendment is further subject to and conditioned upon the terms, conditions, limitations, standards, or schedules contained in or specified on the attached 23 pages, which pages are a part of this Amendment. This Amendment is a modification of the permit previously issued on **February 11, 2020** and is hereby made a part of Permit No. HW-020(D) and compliance with this Amendment is hereby ordered.

This Permit is subject to revocation, suspension, modification or amendment by the Director for cause including evidence of noncompliance with any of the above; or for any misrepresentation made in the application(s) dated August 2016, as revised through April 2022, supporting data entered therein or attached thereto, or any subsequent submittals or supporting data; or for failure to disclose fully all relevant facts; or when the facility poses a threat to the environment or the health of humans.



Richard E. Dunn, Director
Environmental Protection Division

Permit Number HW-020(D)

Perma-Fix of South Georgia, Inc., Valdosta, Georgia, GAD093380814, is hereinafter referred to as the Permittee.

SECTION I. GENERAL PERMIT CONDITIONS

I.A. Scope and Effect of Permit

1. The Permittee is required to conduct post-closure care, monitoring and corrective action activities in accordance with the conditions of this Permit. Any hazardous waste treatment, storage, or disposal not authorized in this Permit is prohibited, unless such treatment, storage or disposal is specifically authorized by the Director. The Permittee must comply with the Georgia Hazardous Waste Management Act and the Georgia Rules for Hazardous Waste Management, Chapter 391-3-11, which Rules include certain portions of the Federal Hazardous Waste Regulations (found at 40 CFR 260-266, 268, 270, 273, 279, and 124). Where a citation to the Federal Regulations is made in this Permit, it refers to the specific regulations adopted by the Environmental Protection Division (EPD) of the Department of Natural Resources.
2. The issuance of this Permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.
3. Compliance with this Permit does not constitute a defense to any action brought by the Director under Section 12-8-75, "Powers of the Director in situations involving imminent and substantial endangerment to the environment or to public health," of the Georgia Hazardous Waste Management Act, as amended.
4. Nothing in this Permit shall be construed to preclude the institution of any legal action under Section 3008 of the Federal Resource Conservation and Recovery Act (RCRA) or under the Georgia Hazardous Waste Management Act, O.C.G.A. Sections 12-8-81 through 12-8-82, as amended.
5. This Permit may be modified, revoked and reissued, or terminated for cause as specified in Rule 391-3-11-.11(7) and 40 CFR 270.41, 270.42, 270.43, and 270.50(d). The filing of a request for a Permit modification, revocation and reissuance, or termination or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability of any Permit condition.
6. The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit shall not be affected thereby.

I.B. Management Requirements

1. Unless otherwise specifically authorized by the Director, or as specified by this Permit, the Permittee may not treat, store, or dispose of hazardous waste on any portion of the facility or perform corrective action not specifically authorized by this Permit, until the Permittee has submitted to the Director by certified mail or hand delivery an application for a permit modification to do so and the Director has modified the Permit for that activity.
2. The Permittee shall maintain at a location available for inspection, for the duration of the Permit, the following documents and amendments, revisions and modifications to these documents:
 - a. Complete copy of this Permit and Permit Application, including all Amendments, Revisions and Modifications;
 - b. Post-Closure Care Plans;

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- c. Cost estimates for facility post-closure and post-closure care;
 - d. Proof of financial assurance for post-closure and post-closure care as required by the Georgia Hazardous Waste Management Act, O.C.G.A. Section 12-8-68, as amended;
 - e. Operating record as required by 40 CFR 264.73;
 - f. Inspection schedule and log(s), and;
 - g. Description of Sampling & Analysis Procedure (Groundwater Sampling & Analysis Plan), Section E.6.b of the Permit Application.
3. All amendments, revisions and modifications to any plan required by this Permit shall be submitted to the Director for approval and permit modification, as necessary.
 4. The Director may require the Permittee to establish and maintain an information repository at any time, based on the factors set forth in 40 CFR 124.33(b). The information repository shall be governed by the provisions in 40 CFR 124.33(c) through (f).

I.C. Monitoring and Reporting

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed and the laboratory methods for the analysis of the waste and environmental media must be the appropriate method from 40 CFR 261 Appendix I and the most recent edition of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW 846, respectively. Sampling and analysis of environmental media shall be conducted in accordance with methods and procedures in the groundwater Sampling & Analysis Plan, Section E.6.b of the Permit Application, as amended and the *US EPA Region 4 Field Branches Quality System and Technical Procedures* as amended. Other analysis methods and sample collection procedures may be utilized with prior approval.
2. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings or digital recordings for continuous monitoring instrumentation, copies of all reports, records, and certifications required by this Permit; and records of all data used to complete the application for this Permit, including the certification required by 40 CFR 264.73(b)(9), for a period of at least three (3) years from the date of the sample, measurement, report, certification, record or application until post-closure and/or corrective action is completed, whichever is later. These periods are automatically extended during the course of any unresolved enforcement action regarding this facility and also may be extended at any time at the Director's discretion.
3. The Permittee shall maintain records for all groundwater monitoring wells and associated groundwater surface elevations, including groundwater flow rate and direction throughout the post-closure period.
4. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;

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- b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used, the method of sample preservation, and quality assurance procedures, including method blanks;
 - f. Chain of custody records; and
 - g. The results of such analyses and measurements.
5. Twenty-Four Hour Reporting. The Permittee shall report to the Director or his representative, orally, within twenty-four (24) hours from the time the Permittee becomes aware of any circumstances resulting from conditions at the facility which may endanger human health or the environment, or any unauthorized releases from the operation of the facility (including periods of non-compliance), including, but not limited to, any release of any hazardous waste, hazardous waste constituent, or hazardous constituent that may cause an endangerment to public or private drinking water supplies; and/or release or discharge of hazardous waste, hazardous waste constituent, or hazardous constituent; and/or a fire or explosion which could threaten human health or the environment outside the facility. The description of the occurrence shall include:
- a. Name, address, and telephone number of the owner or operator;
 - b. Name, address, and telephone number of the facility;
 - c. Date, time, and type of incident;
 - d. Name and quantity of materials involved;
 - e. The extent of injuries, if any;
 - f. An assessment of actual or potential hazards to the environment and human health inside and outside the facility, where this is applicable; and
 - g. Estimated quantity and disposition of recovered material that resulted from the incident.
6. Within fifteen (15) days of becoming aware of any reportable incident as in Permit Condition I.C.4, above, the Permittee shall submit a written report of the incident covering the following:
- a. Description of occurrence as outlined in Permit Condition I.C.4, above;
 - b. Cause of occurrence;
 - c. Period of occurrence, including exact dates and times;
 - d. Time occurrence expected to continue (if not already corrected); and

- e. Steps taken or planned to reduce, eliminate, and prevent recurrence.
- 7. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than fifteen (15) days following each schedule date.
- 8. Other Non-compliance. The Permittee shall report instances of non-compliance, other than those described in Permit Conditions I.C.4 - C.6, semi-annually on July 15 (covering January 1 - June 30) and January 15 (covering July 1 - December 31). The report shall cover the information requested in Permit Condition I.C.4 for each incident.
- 9. Signatory Requirements.
 - a. All applications, plans, reports, or other information submitted to the Director, shall be signed and certified in accordance with 40 CFR 270.11.
 - b. All geologic and engineering reports required by this permit shall be signed and sealed by the appropriate Georgia registered professional as defined by state law. Additionally, the following certification statement shall accompany reports containing groundwater data or interpretation:

I certify that I am a qualified groundwater scientist who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and have sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration and completion of accredited university courses, that enables me to make sound professional judgments regarding groundwater monitoring and contaminant fate and transport. I further certify that this report was prepared by myself or by a subordinate working under my direction.
- 10. The Permittee shall immediately notify EPD, through the Department of Natural Resources Emergency Operations Center of any spill or release of oil or a hazardous substance as soon as the Permittee knows of the spill or release, as required by O.C.G.A. §12-14-3.

I.D. Responsibilities

- 1. Right of Entry. The Permittee shall allow the Director of EPD, the Regional Administrator of the United States Environmental Protection Agency (EPA), and/or their authorized representatives, agents, or employees, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter, at reasonable times, upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

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- d. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the Georgia Hazardous Waste Management Act, any substances, or parameters at any location.
2. Transfer of Permits. This Permit may be transferred to a new owner or operator only after notice to the Director, and if it is modified, or revoked and reissued pursuant to 40 CFR 270.40 or 40 CFR 270.41(b)(2) to identify the new permittee and incorporate such other requirements as may be necessary by the Rules or this Permit. Before transferring ownership or operation of the facility, the Permittee shall notify the new owner or operator, in writing, of the applicable requirements of 40 CFR Parts 264, 268 and 270.
3. Duty to Comply. The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such non-compliance is authorized by an emergency permit. Any noncompliance with this Permit, other than any noncompliance authorized by an emergency permit, constitutes a violation of the Georgia Hazardous Waste Management Act and is grounds for enforcement action; Permit termination; revocation and reissuance; modification, or for denial of a Permit renewal application.
4. Duty to Reapply. If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must submit a complete application for a new permit at least one hundred eighty (180) days before this Permit expires. If the Permittee has not met the requirements of Permit Sections II, III and IV, and has not met the environmental protection standard for three (3) consecutive years, within one hundred eighty (180) days before the expiration date of this Permit the Permittee must submit a complete application for reissuance of the Permit. Pursuant to O.C.G.A. Section 50-13-18(b), this permit and all conditions herein will remain in effect beyond the permit expiration date if the Permittee has submitted a timely and complete application for a new Permit and, through no fault of the Permittee, the Director has not issued a new permit on or before the expiration date of this permit.
5. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.
6. Duty to Mitigate. The Permittee shall take all reasonable steps to minimize or correct any adverse impact on human health or the environment resulting from non-compliance with this Permit.
7. Duty to Provide Information. The Permittee shall furnish to the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with the Permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this Permit.
8. Anticipated Non-Compliance. The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in non-compliance with Permit requirements.
9. Reporting Planned Changes. The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility, including any investigative or corrective action activities (including voluntary corrective measures) which may impact any SWMUs, AOCs, and/or regulated units.

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10. Obligation for Corrective Action. The Permittee is required to continue this Permit for any period necessary to complete the corrective action requirements of this Permit.
11. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and all related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of this Permit.
12. Other Information: When the Permittee becomes aware that the Permittee failed to submit any relevant facts in the Permit Application or Corrective Action Plan, or submitted incorrect information in a Permit Application, Corrective Action Plan, or in any report to the Director, the Permittee shall promptly submit such facts or information.
13. Electronic Records. Where this permit requires Permittee to maintain records or documents at the facility, the Permittee may satisfy such a requirement through the use of electronic records that are readily accessible at the facility, provided that the Permittee notify EPD in writing of the type of records or documents that the Permittee intends to maintain electronically, the format of those files and the steps the Permittee will take to ensure that the electronic versions of the records or documents reflect the final version of such records or documents (as opposed to superseded drafts).

I.E. Definitions

For purposes of this Permit, terms used herein shall have the same meaning as those in 40 CFR Parts 124, 260 through 266, 268, 270, 273 and 279, unless this Permit specifically provides otherwise; where terms are not defined in the regulations or the Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

1. Area of Concern (AOC) for purposes of this Permit includes any area having a probable release of a hazardous waste, hazardous waste constituent, or hazardous constituent which is not from a Solid Waste Management Unit (as defined below) and is determined by the Director to pose a current or potential threat to human health or the environment. Such areas of concern may require investigation and remedial action as required under the Georgia Hazardous Waste Management Act, Sections 12-8-60, et. seq. and 40 CFR 270.32(b)(2) in order to ensure adequate protection of human health and the environment.
2. Contamination for the purposes of this Permit refers to the presence of any hazardous waste, hazardous waste constituent or hazardous constituent in a concentration which exceeds the naturally-occurring concentration of that waste or constituent in the immediate vicinity of the facility (in areas not affected by the facility).
3. Corrective Action for prior or continuing Releases at the facility (regardless of the time at which the release occurred), for the purposes of this Permit, shall be any measure necessary to protect human health and the environment, as required under the Georgia Hazardous Waste Management Act, Sections 12-8-60, et. seq. [40 CFR 264.100 and/or 264.101]. Corrective Action may address releases to air, soils, surface water, sediment, or groundwater, both on the facility and beyond the facility boundary.

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4. Corrective Action Management Unit (CAMU) for the purpose of this permit includes any area within a facility that is designated by the Director under 40 CFR Part 264.552 for the purpose of implementing corrective action requirements under 40 CFR 264.101. A CAMU shall only be used for the management of remediation waste pursuant to implementing such corrective action requirements at the facility.
5. Director shall mean the Director of the Georgia Environmental Protection Division of the Department of Natural Resources or his/her delegated representative.
6. EPA shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.
7. EPD shall mean the Georgia Environmental Protection Division of the Department of Natural Resources and any successor departments or agencies of the State of Georgia.
8. Extent of contamination for the purposes of this Permit is defined as the horizontal and vertical area in which the concentrations of hazardous waste, hazardous waste constituents or hazardous constituents in the environmental media being investigated are above estimated quantitation limits, as defined in the most recent version of SW-846 or naturally occurring concentrations representative of areas not affected by the facility, or other appropriate delineation approved by the Director.
9. Facility for purposes of this Permit includes all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or a combination of them). For the purposes of implementing corrective action under 40 CFR 264.101, a facility includes all contiguous property under the control of the owner or operator seeking a permit under the Georgia Hazardous Waste Management Act.
10. Hazardous Constituents for the purposes of this Permit are those substances listed in 40 CFR Part 261 Appendix VIII and Part 264 Appendix IX, "Groundwater Monitoring List," as revised or superseded.
11. Institutional Controls for the purpose of this permit are non-engineered instruments, such as administrative and legal controls, that help minimize the potential for human exposure to contamination and/or protect the integrity of the corrective action measures.
12. Interim Measures for purposes of this Permit are actions necessary to minimize or prevent the further migration of contamination or limit actual or potential human and environmental exposure to contamination while long-term Corrective Action remedies are evaluated and, if necessary, implemented.
13. Land Disposal Facility for the purposes of this Permit is a facility that uses a surface impoundment, landfill, land treatment, or waste pile unit to manage or dispose of hazardous waste pursuant to Section 12-8-66 of the Georgia Hazardous Waste Management Act, as amended, and Section 3004 of RCRA, as amended.

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14. Landfill for the purposes of this Permit includes any disposal facility or part of a facility where hazardous waste is placed in or on the land and which is not a pile, land treatment facility, surface impoundment, underground injection well, salt dome formation, salt bed formation, underground mine, or cave.
15. Qualified Groundwater Scientist for the purposes of this Permit is a scientist who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by a current State of Georgia registration and completion of accredited university courses, that enable that individual to make sound professional judgments regarding groundwater monitoring and contaminant fate and transport.
16. Release for the purposes of this Permit includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous waste, hazardous waste constituents or hazardous constituents.
17. Remediation Waste for the purpose of this permit includes all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purposes of implementing corrective action requirements under 40 CFR 264.101 and Section 12-8-71(b) of the Georgia Hazardous Waste Management Act. For a given Facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing corrective action required under 40 CFR 264.101(c) for releases beyond the facility boundary.
18. Solid Waste Management Unit (SWMU) for the purposes of this Permit includes, but is not limited to, any landfill, surface impoundment, waste pile, land treatment unit, incinerator, injection well, tank (including storage, treatment, and accumulation tanks), container storage unit, wastewater treatment unit, including all conveyances and appurtenances used in waste management or storm water handling, elementary neutralization unit, transfer station, recycling unit from which hazardous waste, hazardous waste constituents, or hazardous constituents might migrate, irrespective of whether the units were intended for the management of solid and/or hazardous waste. SWMUs include areas that have been contaminated by routine and systematic releases of hazardous wastes, hazardous constituents, or hazardous waste constituents.
19. Temporary Unit(s) for the purpose of this permit includes any temporary tanks and/or container storage areas used solely for treatment or storage of hazardous remediation waste during remediation activities required under 40 CFR 264.101. Designated by the Director, such units must conform to specific standards as defined in 40 CFR 264.553, and may only be in operation for a period of time as specified in this permit.
20. Treatment for the purpose of this Permit refers to any method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

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I.F. Conditions Related to Compliance with General Facility Standards (40 CFR Part 264 Subparts B, C, D, E, G, and H)

1. The Permittee must follow the procedures and plans described in detail in the Permit Application, as amended, which are hereby incorporated by reference and include at least the following:
 - a. Post Closure Care Plan - Section I; and
 - b. Sampling & Analysis Plan – Section E.6.b.
2. The following activities must be carried out as prescribed in 40 CFR Part 264 Subparts B, C, D and E, and in accordance with Sections B, E, F, and I of the Permit Application:
 - a. Security – 40 CFR 264.14(b) and (c);
 - b. Repairs and Inspection Log – 40 CFR 264.15(c) and (d);
 - d. Operating Record – 40 CFR 264.73;
 - e. Retention and Disposition of Records – 40 CFR 264.74; and
 - f. Reports - 40 CFR 264.73, 264.74, 264.75 and 264.77.
3. The following activities must be carried out as prescribed in 40 CFR Part 264 Subparts G and H, and in accordance with Section I of the Permit Application, as amended, O.C.G.A. Section 12-8-68, Rule 391-3-11-.05:
 - a. Post-Closure Care and Use of Property – 40 CFR 264.117;
 - b. Post-Closure Care Plan, Amendment of Plan – 40 CFR 264.118;
 - c. Notice to Local Land Authority and in Deed to Property – 40 CFR 264.119; and
 - e. Financial Assurance for Post-Closure and Post-Closure Care. Continuous compliance with 40 CFR 264.145 must be maintained by the Permittee for the amount of the cost estimate for post-closure and post-closure care as required by 40 CFR 264.144 until released by the Director as provided in 40 CFR 264.145(i). Continuous compliance with O.C.G.A. Section 12-8-68, and Rule 391-3-11-.05 is also required.
4. The Permittee must comply with 40 CFR 264.148 whenever necessary.

I.G. Special Conditions Applicable to Entire Facility

1. Waste Minimization. The Permittee shall be required to certify no less than annually that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that is generated to the degree determined by the Permittee to be economically practicable, and the proposed method of treatment, storage or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment in accordance with 40 CFR 264.73(b)(9).
2. Land Disposal Restrictions: 40 CFR Part 268 identifies hazardous waste(s) that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be placed on or in a land treatment, storage or disposal unit. The Permittee shall maintain compliance with the requirements of 40 CFR Part 268. Where the Permittee has applied for an extension, waiver or variance under this Part, the Permittee shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached pending final approval of such application.

**SECTION II. POST-CLOSURE CARE FOR HAZARDOUS WASTE MANAGEMENT UNIT (HWMUs)
2 through #7**

II.A. Unit Identification

The Permittee shall provide post-closure care for the six HWMUs identified as follows:

1. HWMU #2 [Drum Sampling & Inspection Pad (DSIP)];
2. HWMU #3 [Drum Storage & Process Area 1 (DSPA 1)];
3. HWMU #4 [Bulk Storage Tank Farm (BSTF)];
4. HWMU #5 [Waste Bulking & Unloading Area (WBUA)];
5. HWMU #6 [Drum Storage & Process Area 2 (DSPA 2)]; and
6. HWMU #7 [Solidification & Stabilization Area (SSA)].

The locations of the six HWMUs are provided on Figure B-2.0 of the Permit Application, as amended.

II.B. Waste Identification

A list of wastes handled at the facility between 2003-2013 is provided in Attachment E-5 of the Permit Application, as amended.

II.C. Post-Closure Care

1. The Permittee shall perform post-closure care for HWMUs #2 through #7 in accordance with the post-closure care plan in Section I-2 of the Permit Application, as amended, and as required by 40 CFR 264.117 through 264.120 and 40 CFR 264.310.
2. The post-closure care period shall continue until an adequate site-specific demonstration can be made that the contamination no longer poses a threat to human health and the environment, pursuant to 40 CFR 264.117(a)(2)(ii).
3. The Permittee shall construct, activate and maintain an Air Sparging/Soil Vapor Extraction (AS/SVE) system, or other remedial technology approved by the Director, according to the schedule contained in the April 1, 2022, Post-Closure Care Plan (PCCP) in Section I-2 of the Permit Application, as amended, until a Corrective Action Plan is submitted pursuant to Permit Condition III.E.3.

II.D. Monitoring and Inspection

1. The Permittee shall follow the inspection schedule as discussed in Sections E (Attachment E-1, Sampling & Analysis Plan), F-2 and I-2a of the Permit Application, as amended, and as required by 40 CFR 264.15.
2. The Permittee shall inspect the cover systems at least semi-annually and within 24 hours after storms pursuant to the procedures described in Section I-2a of the Permit Application, as amended, to detect any evidence of deterioration as described in Sections F-2 and I-2a of the Permit Application, as amended, and as required by 40 CFR 264.15 and 264.310.

SECTION III. GROUNDWATER MONITORING

III.A. Well Construction and Location

The Permittee shall install and/or maintain a groundwater monitoring system to comply with the requirements of 40 CFR 264.95, 264.97, and 264.99 as specified below:

1. The Permittee shall maintain, well-marked and in good working order, the following groundwater monitoring wells at the locations specified on Figure E-3.2 of the Permit Application, as amended, as well as any additional wells or piezometers that may be required by Condition III.A.2 of this Permit:

- a.

MW-1S	MW-1D	MW-2S	MW-2DR	MW-3
MW-4S	MW-4D	MW-5S	MW-5D	MW-6S
MW-6D	MW-7S	MW-7D	MW-8S	MW-8DR
MW-9S	MW-9D	MW-10S	MW-10D	MW-11S
MW-11D	MW-12S	MW-12D	MW-13S	MW-13D
MW-13DD	MW-13D3	MW-14S	MW-14D	MW-15
MW-16	MW-17	MW-18	MW-19R	MW-20
MW-21	MW-22	MW-23	MW-24S	MW-24D
MW-26	MW-27	MW-28	MW-29	MW-103

- b. Monitoring well MW-3 is the background groundwater monitoring well for the facility. If the groundwater in this well no longer represents background water conditions for the facility, the Permittee shall submit a plan to install a new background well.
- c. Monitoring wells MW-1S, MW-4S, MW-5S, MW-12S and MW-13S shall define the point of compliance (POC) for the six HWMUs identified in Section II.A.

2. The Permittee shall install and maintain additional groundwater monitoring wells as necessary, or as specified by the Director, to assess changes in the rate and extent of any plume of contamination, or as otherwise deemed necessary to maintain compliance with 40 CFR 264.95, 264.97 and 264.99. A plan specifying the design, location and installation of any additional monitoring wells shall be submitted within sixty (60) days prior to installation (unless it is deemed appropriate by the Director and the Permittee that the wells should be installed on an accelerated schedule). The plan shall include, but is not limited to, the following:

- a. Well construction techniques including casing depth(s) and proposed total depth of well(s);
- b. Well development method(s);
- c. A complete evaluation of well construction materials;
- d. A schedule of implementation for construction; and
- e. Provisions for determining the lithologic character, hydraulic conductivity and grain size distribution for the applicable aquifer unit(s) at the location of the new well(s).

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- The Permittee shall maintain, in addition to wells referenced in Condition III.A.1, the following wells identified on Figure E-3.2 of the Permit Application, as amended, which are not part of the 40 CFR 264.99 compliance monitoring program:

B-106	B-108	B-113	B-114	MP-8
TW-1	TW-2	TW-3		

III.B. Groundwater Protection Standard (GWPS)

- The GWPS, as required under 40 CFR 264.92, shall consist of a list of hazardous constituents and their respective concentration limits as required under 40 CFR 264.93 and 264.94, respectively. This list shall consist of the following:
 - Maximum Contaminant Levels (MCLs)** as defined in Chapter 391-3-5-.18 of the Georgia Rules for Safe Drinking Water for those hazardous constituents with MCLs;
 - Background concentration levels** as determined by Permit Condition III.D.6 for those hazardous constituents without MCLs, or
 - Risk-based concentration levels** approved by EPD and as determined by the procedures described in the Georgia EPD document *Guidance for Selecting Media Remediation Levels at RCRA Solid Waste Management Units* for those hazardous constituents without MCLs.
- The GWPS for all hazardous waste, hazardous waste constituents or hazardous constituent releases as deemed appropriate by the Director to protect human health and the environment shall consist of the following:

TABLE 1: GWPS

Hazardous Constituent	GWPS (ug/L)
1,1,1-trichloroethane	200
1,1-dichloroethane	*
1,1-dichloroethene	7
1,2-dichlorobenzene	600
1,2-dichloroethane	5
2-Chlorotoluene	*
Carbon Tetrachloride	5
Chlorobenzene	100
Chloroethane (ethyl chloride)	*
Chloroform	80
Cis-1,2-dichloroethene	70
Isopropylbenzene (cumene)	*
Methylene Chloride	5
Tetrachloroethene	5
Trans-1,2, -dichloroethene	100
Trichloroethene	5

Hazardous Constituent	GWPS (ug/L)
Vinyl Chloride	2
Naphthalene	*
N-Propylbenzene	*
1,2,4-Trimethylbenzene	*
1,3,5-Trimethylbenzene	*
Benzene	5
Toluene	1,000
Ethylbenzene	700
Methyl-tertiary-butyl-ether	*
Xylenes, total	10,000
Heptachlor	0.4

ug/L = micrograms per liter.

* = Background concentration as determined by Permit Condition III.D.6 & 9.

III.C. Compliance Period

1. The compliance period under 40 CFR 264.96 shall begin with the effective date of the permit and continue until the end of the post-closure care period established by Condition II.C.2 and defined in 40 CFR 264.117.
2. If the Permittee is engaged in a corrective action program at the end of the compliance period as defined in Condition III.C.1, the compliance period is extended until the Permittee demonstrates that the GWPS has not been exceeded for a period of three (3) consecutive years, and corrective action as required under 40 CFR 264.100 has been terminated, as required by 40 CFR 264.96(c).

III.D Groundwater Monitoring Program to Demonstrate Effectiveness of Corrective Action Program

The Permittee shall establish and implement a groundwater monitoring program to demonstrate the effectiveness of the compliance monitoring program required under 40 CFR 264.99 (and 40 CFR 264.101 as related to other releases of hazardous waste, hazardous waste constituent(s), or hazardous constituent(s)). Groundwater monitoring shall be conducted in conformance with the requirements of 40 CFR 264.99 and as specified below:

1. The Permittee shall collect, preserve, and analyze all groundwater samples as required by Permit Condition III.F, and as specified in the Groundwater Sampling & Analysis Plan found in Attachment E-1 of the Permit Application, as amended.
2. Samples from the following wells shall be collected at least annually for constituents listed on the GWPS (Table 1):

MW-1S	MW-1D	MW-2S	MW-2DR	MW-3	MW-4S
MW-4D	MW-5S	MW-5D	MW-6S	MW-6D	MW-7S
MW-7D	MW-8S	MW-8DR	MW-9S	MW-9D	MW-10S
MW-10D	MW-11S	MW-11D	MW-12S	MW-12D	MW-13S
MW-13D	MW-13DD	MW-13D3	MW-14S	MW-14D	MW-15

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MW-16	MW-17	MW-18	MW-19R	MW-20	MW-21
MW-22	MW-23	MW-24S	MW-24D	MW-26	MW-27
MW-28	MW-29	MW-103			

3. Samples from the following wells shall be collected at least semi-annually for constituents listed on the GWPS (Table 1):

MW-1S	MW-1D	MW-3	MW-4S	MW-5S	MW-10S
MW-11D	MW-12S	MW-13S	MW-13D	MW-13DD	MW-13D3
MW-14S	MW-14D	MW-15	MW-20	MW-21	MW-22

4. The groundwater monitoring program must include a determination of the groundwater surface elevation at all monitoring wells identified in Permit Conditions III.A.1.a and III.A.3 each time the groundwater is sampled pursuant to Permit Conditions III.D.2 and III.D.3.
5. The Permittee shall determine the groundwater flow rate and direction in the uppermost aquifer at least semi-annually.
6. Background concentrations for Table 1 GWPS parameters shall be based on the analysis of samples taken from background monitoring well MW-3. The Permittee shall maintain all monitoring data from the well(s) pursuant to 40 CFR 264.97(j) and shall submit the data for purposes of background determination upon the Director's request. The acceptable demonstration of a lack of statistically significant difference between a background concentration and the concentrations at compliance point wells shall consist of application of the statistical method per 40 CFR 264.97(h) to a minimum of six (6) sets of sampling events from the above listed background monitoring well.
7. The Permittee must analyze a sample from one POC well listed in Condition III.A.1.c, plus any additional wells specified by the Director, each calendar year for all constituents in Appendix IX of 40 CFR Part 264 to determine whether hazardous constituents are present in the uppermost aquifer and if so, at what concentration. The Appendix IX results must be submitted within one hundred twenty (120) days of the sampling.

If the Permittee finds Appendix IX constituents in the groundwater that are not identified in Table 1, then the Permittee may resample within one (1) month of receiving the results of the initial analysis and repeat the analysis. If the second analysis confirms the presence of new hazardous constituent(s), then the Permittee must report the concentrations of these additional hazardous constituents to the Director within seven (7) days of the second analysis and add them to Table 1.

Alternatively, if the second analysis confirms the presence of new Appendix IX constituent(s), the Permittee may, at the time of the next sampling required by Conditions III.D.2 & III.D.3, sample the well that the new Appendix IX constituent(s) were detected in, the nearest down-gradient well, and any additional down-gradient wells to which groundwater may have traveled (based upon the evaluation required by Conditions III.D.5. and III.D.6.) and analyze for the new Appendix IX constituent(s). If the new Appendix IX constituent(s) are not identified in any of these wells, the Permittee is relieved of the requirement to add the new constituent(s) to Table 1.

If the Permittee chooses not to resample under either of the above regimes, then the Permittee must report the concentrations of those additional hazardous constituents to the Director within seven (7) days after completion of the initial analysis and request that these hazardous constituents

be added to Table 1. All modifications to Table 1 shall require a permit modification pursuant to 40 CFR 270.42.

The choice of POC well shall be rotated on an annual basis, as follows:

Year One – MW-13S
Year Two – MW-4S
Year Three – MW-5S
Year Four – MW-1S
Year Five – MW-12S

Once a five-year cycle of this sampling rotation has been completed, it shall be repeated.

8. Compliance with the GWPS, as defined under Permit Section III.B, shall be based upon groundwater monitoring data obtained under Permit Conditions III.D.2 and III.D.3 that indicate that all constituents listed in Table 1 no longer exceed the GWPS at the POC or anywhere within the identified plume(s) of contamination. Comparisons for the purpose of determining compliance shall be made utilizing the statistical procedure described in 40 CFR 264.97(h) and (i).

10. Groundwater Monitoring Well Maintenance: The Permittee shall maintain all background monitoring wells, POC monitoring wells and monitoring wells whose locations are identified on Figure E-3.2 of the Permit Application, as amended, and identified in Permit Conditions III.A.1.a and III.A.3. The Permittee shall conduct semi-annual inspections of all wells to determine if each well is clearly labeled with their unique identification number, is physically accessible and is in good working order. All inspections should be documented and should include descriptions of any problems found and the remedial actions taken to correct problem(s). At a minimum, all groundwater monitoring wells shall be maintained as follows:
 - a. Wells shall be locked to prevent unauthorized entry.
 - b. A continuous pour, intact concrete surface seal and well apron shall be installed that is at least two (2) feet (2') in diameter, centered around the borehole; is four inches (4") thick; and is raised above ground surface. This surface seal shall be sloped away from the well to prevent ponding around the well. There shall be no erosion under the pad.
 - c. Inner Well Seal: A fully sealing well cap should be present at the top of the well riser pipe.
 - d. Outer Well Seal: Standing water should not be present inside the outer protective casing of a stickup well or within the well vault of a flush mount well. If water is present, the well seal/well drainage features should be inspected and repaired as needed to ensure a water tight seal is maintained.
 - e. A measuring point shall be clearly marked on the inner protective casing.

III.E. Corrective Action Program

1. The Permittee shall conduct the corrective action program for releases of hazardous constituents to groundwater from the units identified in Condition II.A as required under 40 CFR 264.100 and

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as described in Section E.8 of the Permit Application, as amended, for those hazardous constituents that exceed the GWPS in Table 1.

2. The Permittee shall conduct a corrective action program to remove or treat in-place any hazardous constituents in the GWPS (Condition III.B) that exceed concentration limits in Table 1 in groundwater between the POC and the downgradient facility property boundary as required under 40 CFR 264.100(e)(1), and beyond the property boundary as required under 40 CFR 264.100(e)(2), unless the Permittee can demonstrate to the satisfaction of the Director that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such action beyond the property boundary, or such action is not necessary to protect public health or the environment.
3. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility's boundary where off-site access is denied as required under 40 CFR 264.100(e)(2).
4. Schedule of Compliance for Development of a Corrective Action Program:
 - a. Within two (2) years of the start-up date for the AS/SVE system, or other remedial technology approved by the Director, as described in the PCCP referenced in Permit Condition II.C.3, a RCRA Facility Investigation (RFI) Work Plan for the investigation of all media of concern in all SWMUs identified in Table 2 must be submitted to the Director. The RFI Work Plan must include a schedule for both the development of remedial action objectives (RAOs) for each media of concern, and for submittal of an RFI Report of findings. Upon RFI Report approval, the post-closure cost estimate and financial assurance mechanism shall be updated to include costs for the preparation of a CAP. A permit modification shall be required to incorporate these changes into the permit.
 - b. Within five (5) years of the start-up date for the AS/SVE system, or other remedial technology approved by the Director, as described in the PCCP referenced in Permit Condition II.C.3, a Corrective Action Plan (CAP) must be submitted to the Director.
 - i. The CAP shall utilize the findings of the RFI Report and findings on the effectiveness of the AS/SVE system, or other remedial technology approved by the Director, to propose a final remedy for corrective action as required under 40 CFR 264.100.
 - ii. The CAP must include a provision to evaluate and/or revise the CAP based upon system performance data, and must include a mechanism by which the facility shall transition to full compliance with landfill standards if the facility is not able to achieve the RAOs within the timeframe specified in the CAP.
 - iii. The CAP shall include a revised cost estimate and financial assurance mechanism to include costs for corrective action.
 - iv. Upon CAP approval, the Permit Application shall be revised to incorporate the CAP, revised cost estimate and revised financial assurance mechanism. A permit modification shall be required to incorporate these changes into the permit.
5. The Permittee shall ensure that the corrective action program shall function as designed and planned in the approved CAP as required by Permit Condition III.E.3.b. Any measures taken to

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meet this condition shall be reported in the semi-annual report required by Permit Condition III.G.2.

6. The Permittee shall ensure that all corrective action programs move forward in a timely manner and in accordance with the approved schedules.
7. The Permittee shall treat, store, and dispose of all contaminated groundwater in accordance with all applicable Federal, State, and local laws.
8. If the groundwater protection standards are met during the compliance period, the Permittee must continue corrective action to the extent necessary to ensure that the groundwater protection standard is not exceeded. Corrective action must continue until the groundwater protection standard has not been exceeded for three (3) consecutive years as required under 40 CFR 264.100(f).

III.F. Sampling and Analysis Procedure

The Permittee shall use the following techniques and procedures when obtaining and analyzing samples from the groundwater monitoring wells described in Permit Section III.D to provide a reliable indication of the quality of the groundwater as required under 40 CFR 264.97(d) and (e).

1. Samples shall be collected, preserved and shipped in accordance with procedures specified in Appendix E-1 of the Permit Application, as amended.
2. Samples shall be analyzed according to the procedures specified in Appendix E-1 of the Permit Application, as amended, or as specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846 using whichever procedure is more recent at the time of analysis.
3. Samples shall be tracked and controlled using the chain of custody procedures specified in Appendix E-1 of the Permit Application, as amended.
4. All samples must be analyzed by a laboratory meeting the Georgia Rules for Commercial Environmental Laboratory Accreditation as specified in Chapter 391-3-26.

III.G. Reporting, Recordkeeping, and Response

1. The Permittee shall enter all monitoring, testing, and analytical data obtained pursuant to Conditions III.D and III.E in the operating record, as required by 40 CFR 264.73(b)(6).
2. The Permittee shall submit a report to the Director on the effectiveness of the compliance monitoring program semi-annually as required by 40 CFR 264.99 to include all monitoring, testing, and analytical data obtained under Permit Conditions III.D and III.E, which shall include, but is not limited to, the outline of required report content information presented on Table 2 of Appendix E-1 of the Permit Application, as amended.
3. All workplans and reports shall be submitted in accordance with the approved schedule. Extensions of the due date for submittals may be granted by the Director based on the Permittee's demonstration that sufficient justification for the extension exists.

III.H. Permit Modification

1. If the Director or the Permittee at any time determines that the compliance monitoring program no longer satisfies the requirements of 40 CFR 264.99 or this section of the Permit for releases of hazardous waste, hazardous waste constituents or hazardous constituents that originate from the regulated units, the Permittee must submit an application that addresses the appropriate changes to the program requesting a permit modification, within sixty (60) days of such determination.
2. If the Permittee meets or exceeds the requirements of 40 CFR 264.99 and meets the groundwater protection standard at the point of compliance and throughout the contaminant plume for three (3) consecutive years, the Permittee may submit an application for a permit modification pursuant to 40 CFR 270.41 to terminate corrective action and, if needed, establish an alternative groundwater monitoring program.

III.I. Duty of Permittee

The Permittee shall assure that compliance monitoring measures necessary to achieve compliance with 40 CFR 264.99 and the groundwater protection standard are taken during the compliance period.

SECTION IV. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS AND OTHER RELEASES

IV.A. Applicability

The requirements of this Section apply to the determination of the need for and subsequent implementation of corrective action for releases from all solid waste management units (SWMUs) and areas of concern (AOCs) contained within the facility property boundary as required by 40 CFR 264.101(a) and, as required by 40 CFR 264.101(c) and Section §12-8-66 of the Georgia Hazardous Waste Management Act, those extending beyond the facility property boundary. The requirements of this Section apply, but are not limited to, the following SWMUs and AOCs:

1. The SWMUs and AOCs identified in Table 2.
2. Any additional SWMUs or AOCs discovered after the date of issuance of this permit due to groundwater monitoring, on-going field investigations, environmental audits, or other means.

TABLE 2: SOLID WASTE MANAGEMENT UNITS (SWMU UNITS)

SWMU ID NUMBER	SWMU NAME	Status of SWMU
1A	Stormwater Discharge Area	Requires investigation
1B	Area West of Tank Farm	Requires investigation
1C	Cooling Pond	Requires investigation
1D	Parking Area	Requires investigation
1E	Area East of Former Drum Sampling & Inspection Pad	Requires investigation
1F	Paved Areas Not Associated With 1A through 1E	Requires investigation
2	Existing Drum Storage Pad	Requires investigation

SWMU ID NUMBER	SWMU NAME	Status of SWMU
3	Drum Storage & Process Area 1 (DSPA 1), Loading Dock & Unnamed Area	Requires investigation
4	Bulk Storage Tank Farm (BSTF)	Requires investigation
5	Waste Bulking & Unloading Area (WBUA)	Requires investigation
6	Solvent Recovery Area (SRA)	Requires investigation
7	Equipment Storage & Decon Area	Requires investigation

IV.B. Notification and Assessment Requirements for Newly Identified SWMUs and AOCs

1. Within fifteen (15) days of the Permittee’s discovery of any SWMU or AOC under Condition IV.A.2., the Permittee shall notify the Director in writing of such discovery.
2. The Director shall notify the Permittee in writing of the discovery of any SWMU or AOC under Condition IV.A.2.
3. Within sixty (60) days of the Permittee’s discovery pursuant to Condition IV.B.1. or within sixty (60) days of receipt of the Director’s notification under Condition IV.B.2., the Permittee shall submit to the Director the following information for each SWMU or AOC:
 - a. Location on a topographic map of appropriate scale as required under 40 CFR 270.14(b)(19);
 - b. Designation of type and function of SWMU/AOC;
 - c. General dimensions, capacities, and structural description (supply any available plans/drawings);
 - d. Dates of SWMU/AOC operation;
 - e. Specification of all wastes that have been managed at/in the SWMU or AOC to the extent available; and
 - f. All available information pertaining to any release of hazardous waste, hazardous waste constituent(s) or hazardous constituent(s) (to include soil analyses, sediment, air, groundwater, and/or surface water data).
4. The Director shall review the information submitted pursuant to Condition IV.B.3. and notify the Respondent in writing as to the need for further investigation, interim measures/stabilization requirements and/or corrective action as required by Condition IV.D., IV.E., IV.F., or IV.G.

IV.C. Notification Requirements for Newly Discovered Releases at Previously Identified SWMUs and AOCs

1. Within thirty (30) days of the Permittee’s discovery of (a) previously unidentified release(s) from any SWMU or AOC identified under IV.A, the Permittee shall notify the Director in writing of such discovery.
2. The Director shall notify the Permittee in writing of the discovery of any previously unidentified release(s) from any SWMU or AOC identified in Condition IV.A.

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3. Within ninety (90) days of the Permittee's discovery under Condition IV.C.1. or within ninety (90) days of the date of receipt of the Director's notification under Condition IV.C.2., the Permittee shall submit to the Director, a RCRA Facility Investigation Workplan pursuant to Condition IV.F.

IV.D. Verification Investigation

1. The Director may require the Permittee to submit a Verification Investigation (VI) Workplan for any SWMU or AOC discovered under Condition IV.A.2 in a schedule to be determined by the Director. The VI Workplan shall describe all actions necessary to verify the presence or absence of a release for any SWMU or AOC. The VI Workplan shall include a schedule of implementation, which includes intermediate milestones beginning with the Permittee's receipt of the Director's written approval of the VI Workplan continuing through submission of the VI Report required by Condition IV.D.3.
2. Upon receipt of the Director's written approval of the VI Workplan, the Permittee shall implement the Workplan in accordance with the schedule of implementation contained therein.
3. The Permittee shall submit a VI report in accordance with the schedule of implementation contained within the approved VI Workplan. The VI Report shall describe all actions taken to verify the presence or absence of releases including all data collected during the VI. The Director shall review the VI Report and notify the Permittee in writing of the need for further investigation, interim measures and/or corrective action pursuant to Condition IV.E., IV.F., and/or IV.G., or of a finding of no further action required.

IV.E. Interim Measures (IM)

1. Upon the Director's concurrence, the Permittee may conduct interim measures to contain, remove, or treat contamination resulting from releases from any SWMU or AOC as necessary to protect human health and the environment. Such interim measures may be conducted concurrently with any investigations required by this permit.
2. Within thirty (30) days of the Permittee's determination that interim measures are necessary, or within thirty (30) days of receipt of the Director's written notice that interim measures are necessary, the Permittee shall submit to the Director an Interim Measures Workplan. The IM Workplan shall describe all measures necessary to contain, remove or treat contamination resulting from releases from any SWMU or AOC. The IM Workplan shall include a schedule of implementation, which includes intermediate milestones beginning with the Permittee's receipt of the Director's written approval of the IM Workplan and continuing through submission of the IM Report required by Condition IV.E.5.
3. Upon receipt of the Director's written approval of the IM Workplan, the Permittee shall implement the Workplan in accordance with the schedule of implementation contained therein.
4. The Permittee shall provide written notice to the Director as soon as possible of any planned changes, reductions or additions to the interim measures described in the IM Workplan.
5. The Permittee shall submit an IM Report in accordance with the schedule of implementation contained in the approved IM Workplan. The IM Report shall describe all interim measures taken to contain, remove or treat contamination resulting from releases from any SWMU or AOC. The IM Report shall also provide a summary of all data or other information obtained during

implementation of the IM Workplan and a summary of the effectiveness of the interim measures in achieving the objective of Condition IV.G.

IV.F. RCRA Facility Investigation (RFI)

1. Within ninety (90) days of the date of receipt of the Director's written notice pursuant to Condition IV.B.4., IV.C.3., and/or IV.D.3., the Permittee shall submit to the Director a RCRA Facility Investigation (RFI) Workplan.
2. The RFI Workplan shall provide a description of the specific actions necessary to determine the full nature and extent of releases from any SWMU and AOC identified by Condition IV.A., IV.B., IV.C., and IV.D., including potential migration pathways for those releases (e.g., air, land, surface water, and groundwater), actual or potential receptors and applicable background concentrations. The Permittee must provide sufficient justification that migration through a potential pathway is not likely if a potential migration pathway associated with a release is not included in the Workplan. Such deletions are subject to the approval of the Director.
3. The RFI Workplan shall include a schedule of implementation, which includes intermediate milestones beginning with the Permittee's receipt of the Director's written approval of the RFI Workplan and continuing through submission of the RFI Report required by Condition IV.F.5.
4. Upon approval by the Director, the Permittee shall implement the RFI Workplan in accordance with the schedule contained in the approved Workplan required by Condition IV.F.2. and IV.F.3.
5. The Permittee shall submit a RFI Report in accordance with the schedule of implementation contained in the approved RFI Workplan. The Report shall provide a summary of all activities undertaken during the RFI to implement the approved Workplan. The Report shall provide a complete description of the nature and extent of contamination associated with all releases evaluated during the RFI including sources, migration pathways, actual or potential receptors, and applicable background concentrations. The RFI Report shall address all releases which extend beyond the facility property boundary unless the Permittee demonstrates to the Director's satisfaction that, despite the Permittee's best efforts, the Permittee was unable to obtain permission to undertake actions required by the Workplan, or such action is not necessary to protect public health or the environment.
6. The Director shall review the RFI Report required under Condition IV.F.5. and notify the Permittee in writing of the need for further investigation and/or corrective action as required by Condition IV.G., 40 CFR 264.101(a) and 40 CFR 264.101(c), or of a finding of no further action required.
7. Within thirty (30) days (or other EPD approved schedule) of Permittee's receipt of Director's written notice for further investigation referenced in Condition IV.F.6., the Permittee must address, to the Director's satisfaction, all comments and concerns included in the Director's written notice referenced in Condition IV.F.6.

IV.G. Corrective Action

1. Within ninety (90) days of the Permittee's receipt of the Director's written notice referenced in Condition IV.D.3. and/or IV.F.6., the Permittee shall submit a Corrective Action Plan (CAP) to the Director. The CAP shall provide a description of the corrective measures to be taken with

regard to releases from any SWMU and AOC identified in Condition IV.D.3. and/or IV.F.1. The CAP shall be submitted as a request for permit modification in accordance with 40 CFR 270.41 and 270.42. The Permittee must implement corrective actions beyond the facility property boundary, where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of the Director that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility's boundary where offsite access is denied. On-site measures to address such releases will be determined on a case by case basis as required under 40 CFR 264.101(c).

2. The CAP shall include a schedule of implementation with intermediate milestones beginning with the issuance of the permit modification requested pursuant to Condition IV.G.1. and continuing through the compliance period.
3. The CAP shall include a cost estimate and demonstration of financial responsibility for completing such corrective action as required by 40 CFR 264.101(b), O.C.G.A. Section 12-8-68, and Rule 391-3-11-.05.
4. The Director shall review the CAP required under Condition IV.G.1. and notify the Permittee in writing of the need for further corrective action measures as required by 40 CFR 264.101(a) and 40 CFR 264.101(c), or of an approval of the CAP.
5. Within thirty (30) days (or other EPD approved schedule) of Permittee's receipt of Director's written notice for further corrective action measures referenced in Condition IV.G.4., the Permittee must address, to the Director's satisfaction, all comments and concerns included in the Director's written notice referenced in Condition IV.G.4.

IV.H. Schedule of Compliance

1. All plans and reports required by this Section are subject to the approval of the Director prior to implementation. The Director shall specify in writing any deficiencies of any plan and/or report submitted by the Permittee pursuant to this Section, including a schedule for resubmission of revised documents to address said deficiencies. The Permittee shall revise all submittals as specified by the Director, and must address, to the Director's satisfaction, all comments and concerns included in the Director's written notice, within an EPD approved response period.
2. For any schedule of implementation required by this Section, if the time required to complete any interim activity is more than one year, the schedule shall specify interim dates for the submission of reports of progress toward satisfaction of the interim requirements.
3. The results of all plans and reports shall be submitted in accordance with the approved schedule. Extensions of the due date for the submittal of any plan or report may be granted by the Director based on the Permittee's demonstration that sufficient justification for the extension exists.
4. Upon approval by the Director, all plans, schedules, and reports shall be enforceable as conditions of this permit.
5. If at any time the Permittee determines that any plan, schedule, or report required under this Section no longer satisfies the requirements of this permit or 40 CFR 264.101, the Permittee must

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submit an amended plan, schedule, or report to the Director within thirty (30) days of such determination.

6. If at any time the Director determines that any plan, schedule, or report required under this Section no longer satisfies the requirements of this permit or 40 CFR 264.101, the Director will so notify the Permittee in writing and request that an amended plan, schedule, or report be submitted in accordance with a schedule to be specified.

IV.I. Permit Modification

If required to develop a corrective action plan under Condition IV.G. and 40 CFR 264.101, or amend/modify a CAP, the Permittee shall apply for a permit modification pursuant to 40 CFR 270.41 and 270.42 to incorporate the plan into the permit.

ATTACHMENT 1:

The public comment period for the modification of Perma-Fix of South Georgia's (PFSG's) Hazardous Waste Facility Permit HW-020(D) began on July 22, 2022 and ended on September 8, 2022. After the completion of the public comment period, the following necessary changes were made:

- 1) Permit Condition II.C.3, Post-Closure Care: the date of the Post-Closure Care Plan (PCCP) document has been revised to reflect the correct date of April 1, 2022.
- 2) To allow for potential future changes in the remedial approach contained in the PCCP, in Permit Condition II.C.3 the text "Air Sparging/Soil Vapor Extraction (AS/SVE) system" has been revised to state "Air Sparging/Soil Vapor Extraction (AS/SVE) system, or other remedial technology approved by the Director".
- 3) For consistency with #2 above, where the phrase "AS/SVE system" is used, the text has been revised to state "AS/SVE system, or other remedial technology approved by the Director". Listed below are the locations where this revision to the permit text was made:
 - a) Permit Condition III.E.4.a
 - b) Permit Condition III.E.4.b
 - c) Permit Condition III.E.4.b.i
- 4) A typographical error was discovered in Permit Condition III.E.4.b.iv. The first sentence of this Permit Condition originally read: "Upon CAP approval, the Permit Application shall be revised to incorporate the PCCP, revised cost estimate and revised financial assurance mechanism." However, this Permit Condition pertains to incorporation of the CAP into the permit, not the PCCP. Therefore, the word "PCCP" was removed from this sentence and appropriately replaced with "CAP".



ATTACHMENT 2:

Perma-Fix of South Georgia, Inc. (PFSG) submitted comments to the Environmental Protection Division (EPD) regarding Permit EPD-HW-020(D) in a letter (Letter) dated September 1, 2022. The comments received from PFSG and EPD responses to the comments are shown below. Please note the responses are not addressed in the order provided in the letter, but rather, in the order needed to understand the line of reasoning used throughout the following responses:

Comment 1:

Page 2, 2nd to last paragraph of the Letter regarding concern over the absence of language in either the Post-Closure Care Plan (PCCP) or the Permit to allow for flexibility or relief due to unforeseen factors:

“Finally, it was noted that even though the PCCP does not contain actual scheduled dates for completing tasks, it does contain a "Conceptual PCCP Schedule" (Schedule) of tasks and durations beginning with the issuance of the Permit that will effectively become definitive conditions of the Permit. As written, the Schedule would not seem to allow for any flexibility or relief due to unforeseen factors, events of force majeure, such as lingering supply chain issues, inclement weather, intervening holidays, etc. We are seeking written clarification that reasonable schedule delays will be accommodated by EPD and Perma-Fix will not be unduly subject to compliance enforcement action/permit violations when adjustments to schedule are necessary. Alternatively, we would like to propose the draft Permit be modified to provide for a schedule update process as is currently provided for in other sections of the draft Permit. For example, see Conditions III.G.3 and IV.H.5 which allow for PCCP-related schedule updates to be communicated to and/or approved by the Director on an ongoing basis without the need for a permit modification or potential for a Permit violation.”

EPD Response:

- a) Response to Sentences #2 & #3 of this paragraph: Section 5.3 of the PCCP (“Preliminary Schedule”) states the following: “This schedule is not intended to provide absolute time frames for completion of specific tasks, but provide a project framework and estimated duration for individual tasks. The schedule may change once the final design is complete and does not take into account factors such as global health issues, inclement weather, unforeseeable geological and engineering circumstances, and regulatory review. Should the schedule require change, GAEPD will be notified of any change and a revised schedule acceptable to GAEPD will be provided.” This language is sufficient to cover unforeseeable circumstances that may arise, provided sufficient justification is given, and to allow for modification of the schedule contained in the PCCP without the need for a permit modification.
- b) Response to Sentences #4 & #5 of this paragraph: These two sentences combined note the absence of a Permit Condition in Permit Section II.C (Post-Closure Care) for the Director to grant PCCP schedule updates without the need for a permit modification. Furthermore, the Comment asks if the Permit can be modified to include this as a condition in Permit Section

II.C. It has been determined that this step is not necessary, for the following reason:

Permit Condition I.E.3 defines Corrective Action as “any measure necessary to protect human health and the environment”. Therefore, the implementation of an air sparge/soil vapor extraction (AS/SVE) system for the remediation of soil and groundwater is considered to be a Corrective Action; this concept is further demonstrated by the reference of the AS/SVE system in Permit Condition III.E.4 (Schedule of Compliance for Development of a Corrective Action Program). Therefore, Permit Condition III.G.3 (that states, with respect to work plans and reports, “Extensions of the due date for submittals may be granted by the Director based on the Permittee’s demonstration that sufficient justification for the extension exists”) is applicable to the soil and groundwater remediation efforts proposed in the PCCP.

Comment 2:

Page 1, 4th & 5th paragraphs concerning the request to perform pilot tests for both air sparging/soil vapor extraction (AS/SVE) and multi-phase extraction (MPE) to complete the final remedial design required by the draft permit (i.e., required by the schedule contained in the PCCP), and concerns regarding the impact and/or disruption to the permitting process and unduly impacting the timing of associated scheduled remediation support activities:

“Regarding the AS/SVE Pilot Test results, our SME noted that because results were gathered approximately 16 years ago, there may be material uncertainty regarding the projected volatile organic chemical (VOC) concentrations and mass recovery rate of the planned SVE system. It was also noted the current AS/SVE system design is significantly different than the design of the AS/SVE system used for the 2006 Pilot Test. Due to these factors, it was suggested that another AS/SVE Pilot Test be conducted using well designs representative of those in the PCCP to ensure we have current data representative of the VOC concentrations at the site and to complete the final design required by the draft Permit. Perma-Fix proposes to conduct another AS/SVE Pilot Test and would like to discuss how this additional assessment activity might be accomplished without disrupting the permitting process and unduly impacting the timing of the associated scheduled remediation support activities.

Regarding the MPE Pilot Test, our SME noted some potential, material issues with the design/specifications and/or location of the extraction well used. Specifically, it was noted the well was installed to a depth of approximately 30 feet below the land surface (30 ft. BLS) and may have resulted in a high groundwater recovery rate at the expense of an adequate vapor recovery rate. It was suggested that a "more properly conducted"/updated MPE Pilot Test using an extraction well installed within the source area may indicate MPE would be an efficient and cost/effective technology for use at the site as a supplemental and/or replacement active remediation strategy. Perma-Fix proposes to conduct another MPE Pilot Test.”

EPD Response:

Response to Comments #1a & 1b above demonstrate flexibility both within the PCCP and within the Permit to submit a revised work plan that includes a schedule of tasks, with sufficient justification. If PFSG wishes to propose the performance of AS/SVE and MPE pilot testing, then an extension request for the PCCP schedule justifying the need to prepare a pilot test work plan should be submitted. The work plan should outline all details regarding the planning, performance, and data analysis of all pilot tests, as well as updating the PCCP to incorporate the results of the pilot tests and to make all necessary changes to the proposed scope of work contained in the PCCP, based upon pilot test results. The work plan must include a schedule outlining the timeframes anticipated for all associated tasks, including revisions to the PCCP.

Comment 3:

Page 2, first full paragraph regarding Granular Activated Carbon (GAC):

“In addition, our SME took note of Section 5.1 of the PCCP listing Granular Activated Carbon (GAC) as the means of control off-gas emissions to the atmosphere and suggested it may be determined during development of final design specifications, that initial vapor influent concentrations may rapidly deplete GAC. Therefore, to provide operational and cost efficiencies Perma-Fix would like to make sure an alternate off-gas treatment technology such as thermal oxidation may be added to or substituted for GAC. Perma-Fix is seeking approval to consider GAC and/or an effective equivalent technology for off-gas control/treatment. We propose to include this option in the Remediation Design Report (referenced in Section 5.1 of the PCCP) that will be provided to the GEPD for approval prior to construction and want to make sure this can be accomplished without disrupting the permitting process and unduly impacting the timing of the associated scheduled remediation support activities.”

EPD Response:

In this paragraph, concern was expressed that it may be determined during development of final design specifications that GAC may not be suitable as an off-gas treatment for the AS/SVE system design contained in the PCCP, and that PFSG would like to ensure an alternate off-gas treatment technology such as thermal oxidation (or other effective equivalent technology) may be added to, or substituted for, GAC. The proposal to include this option in the Remedial Design Report may be made in the work plan described in our Response to Comment #2 above.