

FACT SHEET

FACILITY NAME: Dyno Nobel

EPA ID NUMBER: TNR0000051193

PERMIT NUMBER: TNTMP-24-001

PERMITTEE: Dyno Nobel

LOCATION: 2474 Chicken Rd. Lebanon, Tennessee 37090

HAZARDOUS WASTE: The only waste to be managed in the hazardous waste container storage unit(s) authorized by this permit is waste generated during the roadside spill associated with EPA ID TNR0000051185. The waste is coded as a characteristic hazardous waste for flammability (D001) and reactivity (D003). The permittee shall not manage any other materials or wastes in the unit(s) authorized by this permit.

PERMIT DURATION: Ninety (90) days; April 19, 2024 through July 18, 2024.

PERMIT CONTROLS: The conditions in this Permit were based on standards promulgated under the Tennessee Hazardous Waste Management Act (Tennessee Code Annotated 68-212-101 et seq.) and regulations promulgated thereunder by the Underground Storage Tanks and Solid Waste Disposal Control Board. These regulations are found in Tennessee Rule Chapter 0400-12-01, *Hazardous Waste Management*.

PERMIT BASIS: This permit is being issued so that Dyno Nobel may store hazardous waste for ninety days while it seeks to find a waste treatment facility to develop the means to safely treat the waste prior to disposal.

Issuance of a temporary emergency permit for the storage of the hazardous waste under Rule 0400-12-01-.07(l)(d) to Dyno Nobel is warranted because the method to safely handle this waste generated from a roadside spill could not be insured in its proximity to an operating roadway. The issuance of this permit will result in an environmental benefit by allowing the waste to be temporarily stored, as necessary, and to find a treatment facility and process to treat the waste in a safe, controlled manner.



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
Davy Crockett Tower, 7th Floor
500 James Robertson Parkway
Nashville, Tennessee 37243

April 19, 2024

Kathleen Blessing
Dyno Nobel
6440 Millrock Drive
Salt Lake City, UT 84121

CERTIFIED MAIL
7021 0950 0001 7916 9698
RETURN RECEIPT REQUESTED

RE: Emergency Permit
Dyno Nobel
2474 Chicken Road, Lebanon, Tennessee 37090
EPA ID TNR000051193
Permit Number: TNTMP-24-001

Dear Ms. Blessing:

Enclosed is a copy of the emergency permit authorizing the storage of hazardous waste at the above-referenced facility. Issuance of this permit is in accordance with Tennessee Hazardous Waste Management Rules 0400-12-01-.07(1)(d) and 0400-12-01-.07 (7)(i)2, and it is effective as of April 19, 2024.

As described in Tennessee Hazardous Waste Management Rule 0400-12-01-.07(1)(d)2(v), Dyno Nobel must issue a public notice in accordance with Tennessee Hazardous Waste Management Rule 0400-12-01-.07(7)(e). Dyno Nobel shall provide proof of the completion of all notice requirements to the Commissioner within ten (10) days following conclusion of the public notice procedures.

If you have any questions, please contact me by email at Brett.Harris@tn.gov or by phone at 615-393-9221.

Sincerely,

Brett Harris
Hazardous Waste Permitting Manager

cc: Jennifer Vogel, EPA, Region 4
Carlos Merizalde, EPA, Region 4
Brian Bastek, EPA, Region 4
Lisa A. Hughey, Director, DSWM
Craig Almanza, Deputy Director of Central Operations, DSWM
Beverly Philpot, Hazardous Waste Program Manager, DSWM
Records.SWM@tn.gov

SWMHWP-TNR0000051193-DYNO NOBEL EMERGENCY PERMIT-PERM-20240419-CENTRAL-2203

State of Tennessee
Department of Environment
and Conservation
Division of Solid Waste Management

Hazardous Waste Management Program
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Ave, 14th Floor
Nashville, TN 37243

EMERGENCY PERMIT

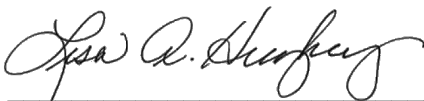
Permittee: Dyno Nobel
Owner: WARREN SHARON ETAL
B PARTON/M MARTIN
325 Valleyview Circle
Lebanon, TN 37087
Operator: Dyno Nobel
Address: 2474 Chicken Road
Lebanon, Tennessee 37090
EPA ID Number: TNR000051193
Permit Number: TNTMP-24-001

Pursuant to the Tennessee Hazardous Waste Management Act of 1977, as amended [Tennessee Code Annotated (T.C.A.) §68-212-101 et seq.] and Regulations [Tennessee Rule Chapter (Chapter) 0400-12-01] promulgated thereunder by the Underground Storage Tanks and Solid Waste Disposal Control Board, an emergency permit is issued to Dyno Nobel (hereinafter called the permittee), to operate an emergency hazardous waste storage facility for the management of hazardous waste, located at 2474 Chicken Road Lebanon, TN 37090. Under this emergency permit, the permittee is authorized to store at this location the hazardous wastes described in the "Specific Conditions" portions of this permit. This permit does not authorize the management of any other types or amounts of hazardous waste.

The permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein, including the applicable regulations from Rules 0400-12-01-.01 through .10, which are referenced herein. Applicable regulations are those which are in effect on the date of issuance of the permit.

This permit is based on the premise that the information submitted by the permittee is accurate and that the facility will be operated as specified. The permittee's failure to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time may be grounds for termination of this permit and potential enforcement action. The Commissioner may modify this permit if information is received which was not available at the time of permit issuance and which justifies the application of different permit conditions than at the time of issuance. The permittee must inform the Commissioner of any deviation from or changes in the information in the application which would affect the permittee's ability to comply with the applicable regulations or permit conditions.

This permit is effective as of April 19, 2024 and is valid for up to 90 days. It shall terminate on or before July 18, 2024.



Lisa A. Hughey, CHMM
Director

April 19, 2024
Date

I. STANDARD CONDITIONS

A. EFFECT OF PERMIT

The permittee is allowed to store hazardous waste in accordance with the conditions of this emergency permit. Compliance with this emergency permit constitutes compliance, for the purposes of enforcement, with the Tennessee Hazardous Waste Management Act of 1977, as amended (T.C.A. Title 68, Chapter 212, Part 1). Issuance of this emergency permit does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of other State or local laws or regulations. This emergency permit does not convey any property rights of any sort or any exclusive privilege. Compliance with the terms of this emergency permit does not constitute a defense to any order issued or any action brought under Section 3013 or Section 7003 of the Federal Resource Conservation and Recovery Act of 1976 as amended (42 U.S.C.A. 6901 et seq., commonly referred to as RCRA), Sections 104, 106(a) and 107 of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. 9601 et seq., commonly known as CERCLA), Sections 68-212-206(a), 207 and 215(c) of the Tennessee Hazardous Waste Management Act of 1983 (T.C.A. Title 68, Chapter 212, Part 2), or any other law providing for protection of public health or the environment.

B. SEVERABILITY

The provisions of this emergency permit are severable, and if any provision of this emergency permit or the application of any provision of this emergency permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this emergency permit shall not be affected thereby.

C. DEFINITIONS

For the purpose of this emergency permit, terms used herein shall have the same meaning as those in Tennessee Rule Chapter 0400-12-01 (Hazardous Waste Management), unless this emergency permit specifically provides otherwise. Where terms are not otherwise defined, the meaning associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

D. DUTIES AND REQUIREMENTS

1. Duty to Comply: The permittee must comply with all conditions of this emergency permit. Any noncompliance with the emergency permit constitutes a violation of the Act and is grounds for enforcement action, for the emergency permit termination, revocation and reissuance, or modification; or for denial of the emergency permit.
2. Duty to Reapply: If the permittee wishes to continue an activity regulated by this emergency permit after the expiration date of this emergency permit, the permittee must apply to obtain a new permit in accordance with Tennessee Rule 0400-12-01-.07(1)(d).

3. 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 emergency permit.
4. Duty to Mitigate: In the event of noncompliance with the emergency permit the permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.
5. Proper Operation and Maintenance: The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this emergency permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process control, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the emergency permit.
6. Permit Actions: This emergency permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for an emergency permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any existing emergency permit condition.
7. Duty to Provide Information: The permittee shall furnish to the Commissioner, within a reasonable time, any relevant information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this emergency permit, or to determine compliance with this emergency permit. The permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this emergency permit.
8. Access by Commissioner: The permittee shall allow the commissioner, or any authorized representative, upon 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 emergency permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this emergency permit;
 - (c) Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the conditions of this emergency permit;

- (d) Sample or monitor, at reasonable times, for the purposes of assuring compliance with this emergency permit or as otherwise authorized by the Act, any substances or parameters at any location; and
- (e) Make photographs for the purpose of documenting items of compliance or noncompliance at waste management units or, where appropriate to protect legitimate proprietary interest, make such photographs for him.

9. Monitoring and Records

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The methods used to obtain, pack, mark, label and ship a representative waste or media sample to be analyzed must be the appropriate methods from Appendix I of Rule 0400-12-01-.02(5) and the EPA Region 4 Science and Ecosystem Support Division's Field Branches Quality System and Technical Procedures (most recent version), or an equivalent method approved in writing by the Commissioner. Laboratory methods must be those specified in the most recent edition of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846, or an equivalent method approved in writing by the Commissioner.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit for a period of at least three years from the date of the sample, measurement, report, or certification.
- (c) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.

10. Signatory Requirement: All applications, reports, or information submitted to the Commissioner shall be signed and certified. [See Rule 0400-12-01-.07(2)(a)7 through 10)].

II. SPECIFIC CONDITIONS FOR STORAGE

A. HAZARDOUS WASTES TO BE MANAGED

The only waste to be managed in the hazardous waste container storage unit(s) authorized by this permit is waste generated during the roadside spill associated with EPA ID TNR000051185. The waste is coded as a characteristic hazardous waste for flammability (D001) and reactivity (D003). The permittee shall not manage any other materials or wastes in the unit(s) authorized by this permit.

B. TYPE AND CONDITION OF CONTAINERS

The waste is currently held in 30-yd lined roll off container. If any additional containers are generated prior to off-site shipment, they will be stored in the same manner as described. Figure 1 provides a picture of the roll off container. In the event the waste contained within the 30-yd lined roll off container must be repackaged for shipment, the waste shall only be placed in new containers and sealed with lids. If a container holding hazardous waste is not in good condition or if it begins to leak (other than designed venting), the permittee shall transfer the hazardous waste from such container to a suitable container that is in good condition or overpack the container.

C. COMPATIBILITY OF WASTE WITH CONTAINERS

The permittee shall use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

D. MANAGEMENT OF CONTAINERS

1. The permittee must ensure that containers managed by this permit are always handled or stored in a manner that will not cause the container to rupture or leak.
2. The permittee must ensure that containers holding hazardous waste are always closed during storage, except when necessary to add or remove waste.
3. Non-sparking tools and equipment must be used for handling containers managed by this permit.
4. Currently, the waste is held in 30-yd lined roll off container. If any additional drums are generated prior to off-site shipment, they will be stored in the same manner as described in II.B and II.C.

E. OPERATION AND MAINTENANCE OF THE FACILITY

The permittee shall operate and maintain the storage unit(s) and containers managed by this permit to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden

release of hazardous waste or hazardous waste constituents to air, soil, groundwater or surface water which could threaten human health or the environment.

F. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE OR INCOMPATIBLE WASTE

1. The permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat producing chemical reactions), and radiant heat. While ignitable or reactive waste is handled, the permittee shall confine smoking and open flames to specially designated locations. "No Smoking" signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.
2. Where specifically required by this permit, the permittee that treats, stores or disposes of ignitable or reactive waste, or mixes incompatible waste or incompatible wastes and other materials, shall take precautions to prevent reactions which:
 - (a) Generate extreme heat or pressure, fire or explosions, or violent reactions;
 - (b) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;
 - (c) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
 - (d) Damage the structural integrity of the device or facility; or
 - (e) Through other like means threaten human health or the environment.

G. SECURITY

1. The permittee must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility. During the term of this permit, the waste container on site will be monitored 24 hours a day via a cellular security camera. The permittee will also maintain the fence and locked gate accessing the area. The permittee shall confirm fence integrity and locked gate on daily basis. The permittee will also provide a sheet detailing the name of the person, time, and condition of the lock on a daily basis to indicate the area is remaining secure during the length of this permit.
2. The permittee must keep the container securely closed and locked at all times except for inspection/repair purposes or preparing for shipment.

H. GENERAL INSPECTION REQUIREMENTS

1. Inspections: The permittee shall perform daily inspections of the containers and the container storage area looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors, and for any discharge which may be causing or may lead to (1) a release of hazardous waste or hazardous constituents to the environment or (2) a threat to human health.
2. Remedies: The permittee shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule that ensures that the problem will not lead to an environmental or human health hazard. When a hazard is imminent or has already occurred, remedial action shall be taken immediately.
3. Inspection Records: The permittee shall record inspections in an inspection log or summary. The permittee shall keep these records for at least three years from the date of inspection. At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

I. PERSONNEL TRAINING

The permittee shall ensure that facility personnel successfully complete a program of classroom instruction and/or on-the-job training that teaches them to perform their duties in a way that ensures the permittee's compliance with this permit and the Tennessee Hazardous Waste Management Regulations. The permittee shall ensure that the training program is directed by a person(s) trained in hazardous waste management procedures and shall include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

J. WASTE REMOVAL AND CLOSURE

1. All hazardous wastes covered by this permit must be shipped off-site prior to expiration of this permit.
2. The permittee shall comply with the manifesting requirements of Rule 0400-12-01-.03 for shipment of wastes off-site.
3. The container and storage area must be visually inspected after the waste is removed for any evidence of waste or residue.
4. If the visual inspection indicates, or there are any other reasons that suggest contamination or hazardous residues may remain, the Permittee must perform sampling of the site to confirm that hazardous constituents were not released to the storage unit or to the environment.

5. If sampling shows that contamination remains, the Permittee is required to remove contamination to below applicable clean-up standards. Any contamination or hazardous residue shall be removed and handled in an appropriate manner.

K. REPORTING REQUIREMENTS

1. Upon completion of removal of the waste described in Subsection II.A, the permittee will submit to the Commissioner within 60 days a report summarizing the disposition of the waste.
2. The report must also contain a summary of inspection results, details of any spills, photos of each unit that was used to store the waste, and as applicable, any laboratory reports and photos of areas surrounding the storage units to verify that all wastes were removed.
3. The report is to be signed and certified by an authorized representative of Dyno Nobel [See Rule 0400-12-01-.07(2)(a)7 through 10)].

Figure 1

