



State of Ohio Environmental Protection Agency

**STREET ADDRESS:**

Lazarus Government Center  
122 S. Front Street  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184

**MAILING ADDRESS:**

P.O. Box 1049  
Columbus, OH 43216-1049

July 11, 2003

**Re: Ohio Hazardous Waste Permit Renewal**  
Bayer Polymers, LLC  
U.S. EPA ID No.: OHD 004 233 003  
Ohio ID No.: 05-31-0604

**CERTIFIED MAIL**

Mr. Mark W. Townsend  
Bayer Polymers, LLC  
356 Three Rivers Parkway  
Addyston, Ohio 45001-0039

Dear Mr. Townsend:

Here is the renewed Ohio Hazardous Waste Facility Installation and Operation Permit (Permit) for Bayer Polymers, LLC. I have also enclosed a copy of the responsiveness summary Ohio EPA prepared in response to written comments the Agency received concerning the Part B permit application. The Permit is effective today, July 11, 2003. The date-stamped, page-numbered copy of the Part B permit application is also enclosed.

Please remember that according to Rule 3745-50-36 of the Ohio Administrative Code your annual hazardous waste permit fee of \$1,000.00 will be due on July 11, 2004. Ohio EPA will try to notify you before this fee is due, but it is your responsibility to make sure it gets paid on time.

As a party to this permit proceeding, you may appeal this Permit to the Environmental Review Appeals Commission (ERAC) no later than 30 days after the public notice (See Ohio Revised Code § 3745.04). You may file your appeal with ERAC at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

If you file an appeal, you must put it in writing. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. You must send a copy of the appeal to the director of the Ohio Environmental Protection Agency no later than three (3) days after you file it with ERAC.

Bob Taft, Governor  
Jennette Bradley, Lieutenant Governor  
Christopher Jones, Director

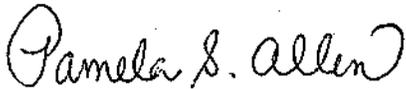
Ohio EPA is an Equal Opportunity Employer

Mr. Mark W. Townsend  
Bayer Polymers, LLC  
July 11, 2003  
Page Two

---

If you have any questions concerning compliance, do not hesitate to call Debora Depweg of Ohio EPA's Southwest District Office at (937) 285-6357.

Sincerely,



Pamela S. Allen, Manager  
Regulatory and Information Services  
Division of Hazardous Waste Management

#### Attachments

cc: Edwin Lim, Mgr., ERAS, DHWM  
Jeremy Carroll/Shannon Ryan, ERAS, DHWM  
Harriet Croke, US EPA, Region V  
Harold O'Connell/Debora Depweg, DHWM, SWDO  
Public Interest Center, Ohio EPA

g:\users\ltery\BayerPolymers\July03finalrenewalcoverltr.wpd

## PUBLIC NOTICE

Hamilton County

### OHIO EPA ISSUES FINAL RENEWAL HAZARDOUS WASTE PERMIT

On July 11, 2003, Ohio EPA issued a final renewal hazardous waste facility installation and operation permit (Permit) to Bayer Polymers, LLC for its facility at 356 Three Rivers Parkway, Addyston, Ohio 45001. The EPA Identification Number for this facility is OHD004233003.

#### **Why does Bayer Polymers, LLC need a Permit?**

Bayer Polymers, LLC (Bayer) is involved in the manufacturing of plastics and resins. Hazardous wastes generated at the plant are stored on-site in containers and tank systems. To store the hazardous wastes, Bayer needs a Permit. Bayer also wishes to change its owner and operator name from Bayer Corporation to Bayer Polymers, LLC. The final renewal Permit contains the conditions under which the facility must operate. To issue this final renewal Permit, Ohio EPA determined that the Permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. The renewal Permit allows Bayer to change its name and to continue to store hazardous wastes in the designated areas and will require Bayer to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility.

#### **Can I appeal this permit?**

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this Permit, you have the right to appeal this permit decision to the Environmental Review Appeals Commission (ERAC).

#### **If I decide to appeal this final modified Permit, how and when must I make the appeal?**

If you file an appeal, you must put it in writing no later than August 14, 2003. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. You must file your appeal, according to Ohio Revised Code § 3745.04 and 3745.07, with ERAC at the following address: **Environmental Review Appeals Commission**, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: **Christopher Jones, Director of Ohio EPA**, P.O. Box 1049, Columbus, Ohio 43216-1049.

**Responsiveness Summary for Comments on  
Bayer Polymers LLC (formerly Bayer Corporation)  
Draft Ohio Hazardous Waste Facility Installation and  
Operation Renewal Permit  
Ohio Permit Number 05-31-0604**

The Ohio Environmental Protection Agency (Ohio EPA) received written comments from Bayer Polymers LLC (Applicant) officials as a result of the public comment period, which extended from April 12, 2003 to May 27, 2003. The applicant's comments and corresponding responses of Ohio EPA are provided below.

- 1. Comment received on Permit Condition A.28:** *"Condition A.28(C) on page 14 requires Waste Minimization Report submitted to Technical Assistance Section with 180 days of permit journalization. The Bayer Addyston facility has submitted this report within the same timeframe of the Annual Waste Generator's Report, i.e., annually at the end of February. Bayer requests the permit language pertaining to 180 days within permit journalization be modified to allow submittal of the next Waste Minimization report on or before March 1, 2004."*

**Ohio EPA's Response:** Ohio EPA concurs and has changed Condition A.28(c) in the renewal permit to allow submittal of the next Waste Minimization report on or before March 1, 2004.

- 2. Comment received on Permit Condition B.34:** *"Condition B.34(b) on page 23 requires that the Permittee adjust the closure cost estimate for inflation within 30 days after the close of the Permittee's fiscal year and before submission of updated information to the Director, as specified in OAC Rule 3745-55-42(B). This draft permit requirement would require closure cost information by January 30 of each year. Inflation factors are not usually available until late January of each year and financial auditor reports are not completed until the close of the first quarter of the following year. Thus this financial information has typically been submitted to OEPA in March each year. Bayer could comply with Condition B.34(b) if it is only the closure cost estimates that are required and the financial assurance statements would follow later in the year. Bayer requests the OEPA clarify this point."*

**Ohio EPA's Response:** Due to the timing of the release of the inflation factor and its revisions, the first in late January, the second in February, and the final in March, the adjustment time period of 30 days has been removed from the permit condition. The Permittee must still adjust the closure cost estimate for inflation and submit the updated information to the Director as specified in OAC Rules 3745-55-42(B) and 3745-55-43.

3. **Comment received on Permit Condition C.9:** *"Condition C.9 on page 28 of the draft permit refers to Condition C.12 on page 29. Bayer believes the correct conditions are Conditions C.10 and C.11 on page 28 that reference ignitable and incompatible waste requirements."*

**Ohio EPA's Response:** Ohio EPA agrees that the language in Condition C.9 is confusing. OAC Rule 3745-54-73 references OAC 3745-54-17, which includes documentation requirements for closure and for storing, treating or disposing of ignitable, reactive, or incompatible wastes. In order to keep the language simple, Ohio EPA has decided to keep only the reference to OAC Rule 3745-54-73. Therefore Ohio EPA has removed "...any other documentation showing compliance with the requirements of Permit Condition C.12, OAC Rules 3745-54-17(B) and 3745-55-77" from the permit condition.

4. **Comment received on Permit Condition D.5:** *"Condition D.5(a)(ii) on page 32 of the draft permit calls for removal of waste and accumulated precipitation from the system within 24 hours of the detection of the leak or 'at an earlier practicable time to prevent further release'.... OAC Rule 3745-55-96(B)(1) reads 'the owner/operator must, within 24 hours after detection of the leak, or, if the owner/operator demonstrates that it is not possible, at the earliest practicable time, remove as much waste as is necessary to prevent further release'... Bayer requests that the permit language be changed to reflect the aforementioned OAC regulation."*

**Ohio EPA's Response:** Ohio EPA agrees that the language of this condition should be the same as OAC Rule 3745-55-96(B) and has changed the permit accordingly.

5. **Comment received on Permit Condition D.5:** *"Bayer believes Condition D.5(b) on page 32 of the draft permit contains a typographical error and should be changed to correctly reference Permit Conditions D.5(b)(i) through D.5(b)(iii) not D.5(d)(iii). (Bold emphasis added.)"*

**Ohio EPA's Response:** The typographical error has been corrected.

6. **Comment received on Corrective Action Summary, second paragraph:** *"A meeting was held May 1, 2003, at the Ohio EPA-SWDO in Dayton, Ohio, with representatives of the U.S. EPA, Solutia, Inc., and Bayer Polymers LLC to further discuss corrective action. To reflect the understanding among all parties of the May 1, 2003 meeting, Bayer requests that the fourth sentence of the second paragraph of the Corrective Action Summary on page 36 of the draft be reworded to read as follows:*

*'U.S. EPA approved the RFI Workplan with conditions on February 21, 2003, as amended by subsequent communications described in the U.S. EPA's April 30, 2003 letter.'*

*Further, the understanding among the parties listed above is that additional changes along these lines may be made, as appropriate, throughout this Module depending on future communications before final issuance of the Ohio EPA renewal permit.*

*The last sentence of the second paragraph of the Corrective Action Summary states that on the effective date of this permit, Ohio EPA will assume corrective action authority at this facility. Bayer's concern is the lack of a firm date rather than a contingency based on approval of the Ohio EPA permit. Bayer believes that after consideration of public comments, the Ohio EPA should be able to issue or deny the final renewal Ohio EPA permit by July 25, 2003, i.e., 60 days after the close of the public comment period."*

**Ohio EPA's Response:** Ohio EPA has revised the second paragraph of the Corrective Action Summary of the permit to reflect the amendments to the time frames as referenced in U.S. EPA's April 30, 2003 letter.

As this is the final issuance of the renewal permit, no additional changes along these lines will be made. Ohio EPA has issued the renewal prior to July 25, 2003, and assumes corrective action authority with the effective date of this renewal.

- 7. Comment received on Corrective Action Summary, second (last) sentence of third paragraph:** *"Consistent with the comment above, Bayer requests that the second (last) sentence of the third paragraph of the Corrective Action Summary be reworded to read as follows:*

*'This additional WMU and U.S. EPA's February 21, 2003 comments, as amended by subsequent communications described in U.S. EPA's April 30, 2003 letter, should be addressed in an updated RFI Workplan submitted to the Ohio EPA for final approval.'*

*Relative to the paragraph above and Condition E.5(a), Bayer and Solutia plan to work with the U.S. EPA and the Ohio EPA to bring about the submittal of the RFI Workplan to the U.S. EPA by July 3, 2003. Following Ohio EPA permit renewal, Bayer shall submit within 90 days an updated RFI Workplan that includes the current Building #30 spent monomer tank and an updated schedule for implementation."*

**Ohio EPA's Response:** Ohio EPA has revised the third paragraph of the Corrective Action Summary of the permit to reflect the amendments to the time frames as referenced in U.S. EPA's April 30, 2003 letter.

Ohio EPA has also revised the third paragraph of the Corrective Action Summary of the permit and Permit Condition E.5(a) to provide for an addendum to the U.S. EPA approved RFI Workplan to be submitted to Ohio EPA.

8. **Comment received on Permit Condition E.1:** *"Consistent with Ohio EPA's assumption of corrective action authority with the issuance of this renewal permit, Bayer requests the last sentence of the first paragraph of Condition E.1 be reworded as follows:*

*'The terms Interim Measure (IM), RCRA Facility Investigation (RFI), Corrective Measures Study (CMS) and Corrective Measure Implementation (CMI) are defined in Ohio's Corrective Action Plan, based on U.S. EPA's May 1994 RCRA Corrective Action Plan, OSWER Directive 9902.3-2A.'*"

**Ohio EPA's Response:** Condition E.1 of the permit has been revised to include a reference to Ohio's Corrective Plan.

9. **Comment received on Permit Condition E.5:** *"Additionally, Bayer also requests the last sentence of the introductory paragraph of Condition E.5 be reworded as follows:*

*'The scope of work for each of the tasks is found in Ohio's Corrective Action Plan, based on U.S. EPA's May 1994 RCRA Corrective Action Plan, OSWER Directive 9902.3-2A.'*"

**Ohio EPA's Response:** The introductory paragraph of Condition E.5 of the permit has been revised to include a reference to Ohio's Corrective Action Plan.

10. **Comment received on Permit Condition E.5(a):** *"Also, as previously noted, Bayer requests the two (2) references to the February 21, 2003 date in Condition E.5 be revised. Bayer requests that the first two sentence of Condition E.5(a) be revised to read as follows:*

*'U.S. EPA gave approval with conditions of the September 1997 RFI Workplan on February 21, 2003, as amended by subsequent communications described in U.S. EPA's April 30, 2003 letter. The Permittee shall submit an updated RFI Workplan to Ohio EPA which addresses U.S. EPA's February 21, 2003 comments as*

*amended by subsequent communications described in U.S. EPA's April 30, 2003 letter.' "*

**Ohio EPA's Response:** Ohio EPA has revised Condition E.5(a) of the permit to reflect the amendments to the time frames as referenced in U.S. EPA's April 30, 2003 letter.

Ohio EPA has also revised Permit condition E.5(a) to provide for an addendum to the U.S. EPA approved RFI Workplan to be submitted to Ohio EPA.

**Comment received on Permit Conditions E.5(a)(3), E.5(c)(3), E.8(a)(3), and E.8(c)(3):** *"Lastly, Conditions E.5(a)(3), E.5(c)(3), E.8(a)(3), and E.8(c)(3), all contain the language for Ohio EPA to approve or modify and approve plans and reports. Bayer Polymers LLC objects to this unilateral approach and hopes the working relationship between all involved parties can avoid the need for this approach to compliance."*

**Ohio EPA's Response:** Although the language regarding Ohio EPA's authority to "approve or modify and approve plans and reports" as stated in these permit conditions will remain; the Agency will make every reasonable effort to work with the facility to achieve corrective action objectives in a mutually acceptable manner. In order to encourage a more practical and efficient clean-up process the Agency encourages frequent, informal communication between the participants. The Agency is confident that an acceptable working arrangement will be developed fostering a cooperative and efficient approach to this phase of the site investigation. To the extent issues remain unresolved at the conclusion of the investigatory process, the provisions of Permit Condition E.9. provide an opportunity for more formal review.

**Please note:** Ohio EPA has conducted one additional revision to the final permit to accompany those revisions performed in response to the above-noted comments. The former Attachment 1, entitled "RCRA Corrective Action Plan"(OSWER Directive 9902.3-2A, May 1994), has been removed from the final permit. Ohio EPA will continue to recognize this reference as guidance in furthering corrective actions activities at the facility, however it has been determined that incorporation of guidance directly within the permit is unnecessary.

## **End of Responsiveness Summary**

**OHIO ENVIRONMENTAL PROTECTION AGENCY**  
**OHIO HAZARDOUS WASTE FACILITY**  
**INSTALLATION AND OPERATION PERMIT RENEWAL**

Permittee: **Bayer Polymers LLC**

Mailing Address: **356 Three Rivers Parkway  
Addyston, Ohio 45001-0039**

Owner: **Bayer Polymers LLC  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741**

Operator: **Bayer Polymers LLC  
356 Three Rivers Parkway  
Addyston, Ohio 45001-0039**

Location: **Bayer Polymers LLC  
356 Three Rivers Parkway  
Addyston, Ohio 45001-0039**

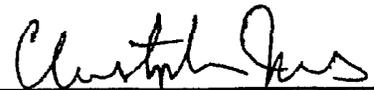
Ohio Permit No.	05-31-0604
USEPA ID	OHD:004.233.003
Issue Date	July 11, 2003
Effective Date	July 11, 2003
Expiration Date	July 11, 2008

**AUTHORIZED ACTIVITIES**

In reference to the application of **Bayer Polymers LLC** for an Ohio Hazardous Waste Facility Installation and Operation Renewal Permit under *Ohio Revised Code (ORC) Chapter 3734* and the record in this matter, you are authorized to conduct at the above-named facility the following hazardous waste management activities:

- ◆ **Container Storage of Hazardous Waste**
- ◆ **Tank Storage of Hazardous Waste**
- ◆ **Corrective Action**

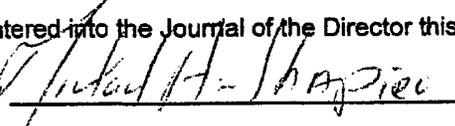
**PERMIT APPROVAL**

  
 \_\_\_\_\_  
 Christopher Jones, Director  
 Ohio Environmental Protection Agency

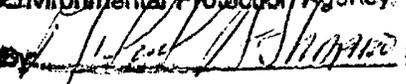
OHIO E.P.A.  
 JUL 11 2003  
 ENTERED DIRECTOR'S JOURNAL

This permit approval is based upon the record in this matter which is maintained at the offices of the Ohio Environmental Protection Agency. The Director has considered the application, accompanying information, inspection reports of the facility, a report regarding the facility's compliance or noncompliance with the terms and conditions of its permit and rules adopted by the Director under this chapter, and such other information as is relevant to the operation of the facility. The Director has determined that the facility under the existing permit has a history of compliance with ORC Chapter 3734, rules adopted under it, the existing permit, or orders entered to enforce such requirements that demonstrate sufficient reliability, expertise, and competency to operate the facility henceforth under this chapter, rules adopted under it, and the renewal permit.

Entered into the Journal of the Director this 11<sup>th</sup> day of July, 2003.

By  of the Ohio Environmental Protection Agency.

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By  Date 7/11/03

## MODULE A - GENERAL PERMIT CONDITIONS

### A. GENERAL PERMIT CONDITIONS

#### A.1. Effect of Permit

ORC Sections 3734.02 (E) and (F) and 3734.05  
OAC Rule 3745-50-58 (G)

- (a) The Permittee is authorized to store hazardous waste in containers and tanks in accordance with the terms and conditions of this permit, ORC Chapter 3734, all applicable Ohio hazardous waste rules, all applicable regulations promulgated under the Resource Conservation and Recovery Act (RCRA), as amended, and the approved hazardous waste facility installation and operation permit renewal application, as such application has been revised and supplemented and as such application may be modified pursuant to the hazardous waste rules. The approved Part B permit application as submitted to Ohio EPA on June 26, 2002 and any subsequent amendment thereto, and last updated on March 7, 2003, is hereby incorporated into this permit. In the instance of inconsistent language or discrepancies between the above, the language of the more stringent provision shall govern.
- (b) Any management of hazardous waste not authorized by this permit is prohibited, unless otherwise expressly authorized or specifically exempted by law. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, or invasion of other private rights. Compliance with the terms and conditions of this permit does not obviate Permittee's obligation to comply with other applicable provisions of law governing protection of public health or the environment including but not limited to the Community Right to Know law under ORC Chapter 3750.

#### A.2. Permit Actions

OAC Rule 3745-50-58(F)

This permit may be modified, revoked, suspended, or renewed as specified by Ohio law. The filing of a request for a permit modification, revision, revocation, suspension, or renewal or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any permit term or condition.

OHIO EPA DHWM

JUL 11 2003

**A.3. Permit Effective/Expiration Date**  
OAC Rule 3745-50-54

The effective date of this permit is the date the permit is entered into the Director's Journal. The permit expiration date is five years after the date of journalization of this permit.

**A.4. Severability**

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.

**A.5. Duty to Comply**  
OAC Rule 3745-50-58(A)

The Permittee shall comply with all applicable provisions of ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all terms and conditions of this permit, except to the extent and for the duration such noncompliance is authorized by the laws of the State of Ohio. Any permit noncompliance, other than noncompliance authorized by the laws of the State of Ohio, constitutes a violation of ORC Chapter 3734 and the rules adopted thereunder and is grounds for enforcement action, suspension, revocation, modification, revision, denial of a permit renewal application or other appropriate action.

**A.6. Duty to Reapply and Permit Expiration**  
OAC Rules 3745-50-40(E); 3745-50-58(B); 3745-50-56 and ORC Section 3734.05(H)

- (a) If the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the Permittee must submit a completed application for a hazardous waste facility installation and operation permit renewal and any necessary accompanying general plans, detailed plans, specifications, and such information as the Director may require, to the Director no later than one hundred eighty (180) days before the expiration date of this permit or upon approval of the Director a later date prior to the expiration date if the Permittee can demonstrate good cause for late submittal.

OHIO EPA DHWM

JUL 11 2003

- (b) The Permittee may continue to operate in accordance with the terms and condition of the expired permit until a renewal permit is issued or denied if:
  - (i) the Permittee has submitted a timely and complete application for a renewal permit under OAC Rule 3745-50-40; and
  - (ii) through no fault of the Permittee, a new permit has not been issued pursuant to OAC Rule 3745-50-40 on or before the expiration date of this permit.
  
- (c) The corrective action obligations contained in this permit will continue regardless of whether the facility continues to operate or ceases operation and closes. The Permittee is obligated to complete facility-wide corrective action under the conditions of this permit regardless of the operational status of the facility. The Permittee must submit an application for permit reissuance at least 180 days before the expiration date of this permit pursuant to OAC 3745-50-40(D) unless a) the permit has been modified to terminate the corrective action schedule of compliance and the Permittee has been released from the requirements for financial assurance for corrective action; or b) permission for a later date has been granted by the Director. The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

**A.7. Need to Halt or Reduce Activity Not a Defense**  
OAC Rule 3745-50-58(C)

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce a permitted activity in order to maintain compliance with the conditions of this permit.

**A.8. Duty to Mitigate**  
OAC Rule 3745-50-58(D)

The Permittee shall expeditiously take all reasonable steps necessary to minimize or correct any adverse impact on the environment or the public health resulting from noncompliance with this permit.

OHIO EPA DHWM

JUL 11 2003

**A.9. Proper Operation and Maintenance**  
OAC Rule 3745-50-58(E)

The Permittee shall at all times properly operate and maintain the facility (and related appurtenances) to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective management practices, adequate funding, adequate operator staffing and training, and where appropriate, adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the terms and conditions of this permit.

**A.10. Duty to Provide Information**  
OAC Rule 3745-50-58(H)

The Permittee shall furnish the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revising, revoking or suspending this permit or to determine compliance with this permit. The Permittee shall also furnish the Director, upon request, copies of records required to be kept by this permit.

**A.11. Inspection and Entry**  
OAC Rule 3745-50-58(I), 3745-50-30 and ORC Section 3734.07

- (a) The Permittee shall allow the Director, or an authorized representative, upon stating the purpose and necessity of the inspection and upon proper identification to:
- (i) 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 terms and conditions of this permit;
  - (ii) have access to and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
  - (iii) inspect and photograph at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the terms and condition of this permit; and

OHIO EPA DHWM

JUL 11 2003

(iv) sample, document, or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by ORC Chapter 3734 and the rules adopted thereunder, any substances or parameter at any location.

(b) Any record, report or other information obtained under the hazardous waste rules or Chapter 3734 of the Revised Code shall not be available to the public upon the Permittee's satisfactory showing to Ohio EPA that all or part of the information would divulge methods or processes entitled to protection as trade secrets pursuant to Ohio Trade Secret Law and OAC Rule 3745-50-30.

**A.12. Monitoring and Records**  
OAC Rules 3745-50-58(J)

(a) Any sample and measurement taken for the purpose of monitoring shall be a representative sample or measurement, as such term is defined and used in the Ohio hazardous waste rules. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of OAC Rule 3745-51-20, Laboratory Methods. Laboratory methods must be those specified in Test Methods for the Evaluation of Solid Waste: Physical /Chemical Methods: SW-846:Third Edition, November 1992; and additional supplements or editions thereof; Standard Methods for the Examination of Water and Wastewater: Seventeenth Edition, 1989; or an equivalent method as specified in the approved waste analysis plan, or as such term is defined and used in the Ohio hazardous waste rules.

(b) Records of monitoring information shall specify the:

- (i) date(s), exact place(s), and time(s) of sampling or measurements;
- (ii) individual(s) who performed the sampling or measurements;
- (iii) date(s) analyses were performed;
- (iv) individual(s) who performed the analyses;
- (v) analytical technique(s) or method(s) used; and
- (vi) results of such analyses.

OHIO EPA/DHWM

JUL 11 2003

**A.13. Signatory Requirement and Certification of Records**  
OAC Rule 3745-50-58(K) and 3745-50-42

All applications, reports or information shall be properly signed and certified in accordance with OAC Rule 3745-50-58(K).

**A.14. Retention of Records**  
OAC Rules 3745-50-58(J) and 3745-50-58(M)

- (a) The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, the certification required by paragraph B(9) of rule 3745-54-73 of the Administrative Code, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, certification, or application.
- (b) The record retention period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding the facility.
- (c) The Permittee shall maintain, in accordance with the Ohio hazardous waste rules, records of all data used to complete the Part B permit application and any amendments, supplements, modifications or revisions, of such application and shall retain a complete copy of the application for the life of the facility.
- (d) The Permittee shall maintain records from all ground water monitoring wells and associated ground water surface elevations for the active life of the facility, and for disposal facilities for the post-closure care period as well.
- (e) Corrective Action records must be maintained at least 3 years after all Corrective Action activities have been completed.

**A.15. Planned Changes**  
OAC Rules 3745-50-51 and 3745-50-58(L)(1)

The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. All such changes must be made in accordance with OAC Rule 3745-50-51.

OHIO EPA/DHWM

JUL 11 2003

**A.16. Waste Shipments**

OAC Rule 3745-52-12, ORC 3734.15(C)

The Permittee shall only use properly registered transporters of hazardous waste to remove hazardous waste from the facility, in accordance with all applicable laws and rules.

**A.17. Anticipated Noncompliance**

OAC Rule 3745-50-58(L)(2)

The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or operations which may result in noncompliance with the terms and conditions of this permit. Such notification does not waive the Permittee's duty to comply with this permit pursuant to Condition A.5.

**A.18. Transfer of Permits**

OAC Rules 3745-50-52; 3745-50-58(L)(3) and 3745-54-12

- (a) This permit is not transferable to any person except after notice of the Director.
- (b) The permit may be transferred to a new owner or operator only if such transfer is conducted in accordance with ORC Chapter 3734 and the rules adopted thereunder. This permit may be transferred by the Permittee to a new owner or operator only if the permit has been modified under OAC Rule 3745-50-51. Before transferring ownership or operation of the facility the Permittee shall notify the new owner or operator in writing of the requirements of ORC Chapter 3734 and the rules adopted thereunder (including all applicable corrective action requirements).
- (c) The Permittee's failure to notify the new owner or operator of the requirements of the applicable Ohio law or hazardous waste rules does not relieve the new owner or operator of its obligation to comply with all applicable requirements.

**A.19. Compliance Reports**

OAC Rule 3745-50-58(L)(5) and 3745-50-50

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule (developed in accordance with OAC Rule 3745-50-50) of this permit shall be submitted to the Director no later than fourteen (14) days following each scheduled date.

OHIO EPA DHWM

JUL 11 2003

**A.20. Immediate Reporting of Noncompliance**  
OAC Rule 3745-50-58(L)(6)

- (a) The Permittee shall report orally to Ohio EPA's Division of Emergency and Remedial Response within twenty-four hours from the time the Permittee becomes aware of any noncompliance with this permit, ORC Chapter 3734 or the rules adopted thereunder, which endangers human health or the environment, including:
- (i) information concerning the release of any hazardous waste that may cause an endangerment to public drinking water supplies; and
  - (ii) any information of a release or discharge of hazardous waste or a fire or explosion from the hazardous waste facility, which could threaten the environment or human health outside the facility.
- (b) The report shall consist of the following information (if such information is available at the time of the oral report):
- (i) name, address, and telephone number of the owner or operator;
  - (ii) name, address, and telephone number of the facility;
  - (iii) name and quantity of material(s) involved;
  - (iv) the extent of injuries, if any;
  - (v) an assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
  - (vi) estimated quantity and disposition of recovered material that resulted from the incident.

OHIO EPA DHWM

JUL 11 2003

**A.21. Follow-Up Written Report of Noncompliance**

OAC Rule 3745-50-58(L)(6)(c)

- (a) A written report shall also be provided to Ohio EPA's Division of Emergency and Remedial Response and the Division of Hazardous Waste Management Southwest District Office within five (5) days of the time the Permittee becomes aware of the circumstances reported in Condition A.20.
- (b) The written report shall address the items in A.20 and shall contain a description of such noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to minimize the impact on human health and the environment and to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) The Permittee need not comply with the five (5) day written report requirement if the Director, upon good cause shown by the Permittee, waives that requirement and the Permittee submits a written report within fifteen (15) days of the time the Permittee becomes aware of the circumstances.

**A.22. Other Noncompliance**

OAC Rule 3745-50-58(L)(10) and 3745-50-58(L)(4)

The Permittee shall report to the Director, all other instances of noncompliance not provided for in Condition A.20. These reports shall be submitted within a month of the time at which the Permittee is aware of such noncompliance. Such reports shall contain all information set forth within Condition A.20 of this permit.

**A.23. Other Information**

OAC Rule 3745-50-58(L)(11)

If at any time the Permittee becomes aware that it failed to submit any relevant facts, or submitted incorrect, misleading, or incomplete information to the Director, the Permittee shall promptly submit such facts, information or corrected information to the appropriate entity.

OHIO EPA DHWM

JUL 11 2003

**A.24. Confidential Information**  
OAC Rule 3745-50-30

In accordance with ORC Chapter 3734 and the rules adopted thereunder, the Permittee may request confidentiality of any information required to be submitted by the terms and conditions of this permit, including any information obtained by the Director, or an authorized representative, pursuant to the authority provided under condition A.11 of this permit.

**A.25. Ohio Annual Permit Fee**  
OAC Rule 3745-50-36

The annual permit fee, calculated pursuant to OAC Rule 3745-50-36 and payable to the Treasurer of the State, shall be submitted to the Director on or before the anniversary of the date of issuance during the term of the permit. For the purpose of the payment of the Ohio Annual Permit Fee, the date of issuance is the date the permit was entered into the Journal of the Director of Ohio EPA.

**A.26. Compliance Schedule - Documents**

- (a) The Permittee shall submit to Ohio EPA within sixty (60) days after permit journalization, in accordance with Ohio's hazardous waste rules, the following information to be incorporated in the Part B permit application:

**Updated Closure/Post Closure Cost Estimate**  
OAC Rules 3745-55-42 and 3745-55-44

Section I of the application containing the financial assurance mechanism for closure shall be updated to include a copy of the current closure/post-closure cost estimate as set forth in OAC Rules 3745-55-42 and 3745-55-44.

**Updated Financial Assurance Mechanism for Closure**  
OAC Rules 3745-55-43 and 3745-55-45

Section I of the application containing the financial assurance mechanism for closure shall be updated to include a copy of the current financial assurance mechanism, as set forth in OAC Rules 3745-55-43 and 3745-55-45, and as specified by the wording requirements of OAC Rule 3745-55-51. The value

OHIO EPA DHWM

JUL 11 2003

of the financial assurance mechanism must reflect at least the current amount of the closure/post-closure cost estimate.

During the life of the Part B permit the facility may change the financial assurance mechanism as stated in OAC Rules 3745-55-43 and 3745-55-45. The facility must submit the financial assurance mechanism documentation to the Director of Ohio EPA in accordance with the parameters set forth in OAC Rules 3745-55-43 and 3745-55-45.

**Updated Liability Requirements  
OAC Rule 3745-55-47**

Section I of the application containing the financial assurance mechanism for liability shall be updated to include a copy of the current financial assurance mechanism as set forth in OAC Rule 3745-55-47 and as specified by the wording requirements of OAC Rule 3745-55-51.

During the life of the Part B permit the facility may change the mechanism used to demonstrate liability coverage as stated in OAC Rule 3745-55-47. The facility must submit the liability mechanism documentation to the Director of Ohio EPA in accordance with the parameters set forth in OAC Rule 3745-55-47.

- (b) Unless specified otherwise, the Permittee shall submit the documents listed above to:

Ohio Environmental Protection Agency  
Division of Hazardous Waste Management  
Attn: Regulatory and Information Services Section  
P.O. Box 1049  
122 S. Front Street  
Columbus, Ohio 43216-1049

**A.27. Information to be Maintained at the Facility  
OAC Rule 3745-54-74**

- (a) The Permittee shall maintain at the facility, until closure is completed and certified by an independent, registered professional engineer, pursuant to OAC

OHIO EPA DHWM

JUL 11 2003

Rule 3745-55-15, and until the Director releases the Permittee from financial assurance requirements pursuant to OAC Rule 3745-55-47, the following documents (including amendments, revisions and modifications):

- (i) waste analysis plan, developed and maintained in accordance with OAC Rule 3745-54-13 and the terms and conditions of this permit;
  - (ii) contingency plan developed and maintained in accordance with OAC Rule 3745-54-53 and the terms and conditions of this permit;
  - (iii) closure plan, developed and maintained in accordance with OAC Rule 3745-55-12 and the terms and conditions of this permit;
  - (iv) cost estimate for facility closure developed and maintained in accordance with OAC Rule 3745-55-42 and the terms and conditions of this permit;
  - (v) personnel training plan and the training records, as developed and maintained in accordance with OAC Rule 3745-54-16 and the terms and conditions of this permit;
  - (vi) operating record required by OAC Rule 3745-54-73 and the terms and conditions of this permit;
  - (vii) inspection schedules developed in accordance with OAC Rules 3745-54-15; 3745-55-74 and 3745-55-95; and the terms and conditions of this permit;
  - (viii) annually-adjusted cost estimate for facility closure, as required by OAC Rules 3745-55-42 and 3745-55-44 and this Permit; and
  - (ix) all other documents required by Module A, Permit Condition A.12
- (b) All amendments, revisions and modifications to any plan required by the terms and conditions of this permit or the Ohio hazardous waste rules shall be submitted to the Director. No such change shall be made unless the Permittee has received approval in accordance with the Ohio hazardous waste rules.

OHIO EPA DHWM

JUL 11 2003

- (c) The Permittee shall maintain copies of all inspection logs at the facility for a period not less than three (3) years from the date of inspection.
- (d) Corrective Action reports and records as required by Conditions E.5, E.8, E.10 and E.11 of this permit. These reports and records must be maintained for at least 3 years after all Corrective Action Activities have been completed.

**A.28. Waste Minimization Report**  
OAC Rule 3745-54-73

- (a) The Permittee shall submit a Waste Minimization Report describing the waste minimization program required by OAC Rules 3745-54-75(H), (I), and (J); 3745-54-73(B)(9); and 3745-52-20(B) at least once every two years. The provision of OAC Rules 3745-54-75(H), (I) and (J); and 3745-54-73(B)(9) must be satisfied annually.
- (b) In completing this report, the Permittee should refer to the following information: instructions prepared by Ohio EPA for completing the Waste Minimization Annual Report required by OAC Rules 3745-54-75(H), (I), and (J); the Federal Register notice of May 28, 1993, vol. 58, p. 31114, "Interim Final Guidance: Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program"; and U.S. EPA's "Facility Pollution Prevention Guide" including planning and organization, assessment, feasibility analysis, implementation, measuring progress, and maintaining the program.
- (c) The Permittee shall submit the Waste Minimization Report to the Technical Assistance Section, Office of Pollution Prevention on or before March 1, 2004 and shall submit updates to this report biennially thereafter.

OHIO EPA DHWM

JUL 11 2003

## MODULE B - GENERAL FACILITY CONDITIONS

**B.1. Design, Maintenance and Operation of Facility**  
OAC Rule 3745-54-31

- (a) The Permittee shall design, construct, maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, and ground or surface waters which could threaten human health or the environment.
- (b) The Permittee shall not accept hazardous waste from off-site sources.

**B.2. Reserved**

**B.3. General Waste Analysis Plan**  
OAC Rule 3745-54-13

The Permittee shall follow the procedures described in the approved waste analysis plan found in Section C, Appendix C1, C2 and C3 of the approved Part B permit application and the terms and conditions of this permit.

**B.4. Security**  
OAC Rule 3745-54-14

The Permittee shall comply with the security provisions of OAC Rule 3745-54-14(B)(1) and (C) and Section F-1 of the Part B permit application.

**B.5. General Inspection Requirements**  
OAC Rules 3745-54-15 and 3745-54-73

The Permittee shall follow the inspection schedule set out in Section F-2 and Appendix F-1 of the approved Part B permit application. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by OAC Rule 3745-54-15(C). Records of inspection shall be kept for a minimum of three years from the date of inspection.

OHIO EPA DHWM

JUL 11 2003

**B.6. Personnel Training**  
OAC Rule 3745-54-16

The Permittee shall conduct personnel training, as required by OAC Rule 3745-54-16. This training program shall contain at least the elements set forth in the Section H of the approved Part B permit application. The Permittee shall maintain training documents and records as required by OAC Rule 3745-54-16(D) and (E).

**B.7. General Requirements for Ignitable, Reactive, or Incompatible Waste**  
OAC Rule 3745-54-17

- (a) The Permittee shall comply with the requirements of OAC Rule 3745-54-17 and shall follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in Section F-5 of the approved Part B permit application.
- (b) The Permittee shall provide electrical grounding for all containers and tanks, and transport vehicles during all operations involving the handling of ignitable or reactive wastes.
- (c) The Permittee shall provide, and require the use of, spark proof tools during all operations involving the handling of all ignitable or reactive wastes.
- (d) The Permittee shall prohibit smoking and open flames in each area where ignitable, reactive or incompatible hazardous wastes are managed, and shall post appropriate signs.

**B.8. Location Standards**  
OAC Rule 3745-54-18

The Permittee shall operate and maintain the facility to prevent washout of any hazardous waste by a 100-year flood, as required by OAC Rule 3745-54-18(B)(1) and as specified in Section B-3 in the approved Permit B permit application.

OHIO EPA D/H/w/w

JUL 11 2003

**B.9. Required Equipment**  
OAC Rule 3745-54-32

At a minimum, the Permittee shall maintain at the facility all the equipment required by OAC Rule 3745-54-32 and the equipment set forth in the approved contingency plan contained in Section F-3 and Section G of the approved Part B permit application.

**B.10. Testing and Maintenance of Equipment**  
OAC Rule 3745-54-33

The Permittee shall inspect, test and maintain the equipment required by Condition B.9. as necessary to assure its proper operation in time of emergency, as specified in OAC Rule 3745-54-33, Section F-3 and Appendix F-2 of the approved Part B permit application, and the terms and conditions of this permit.

**B.11. Access to Communications or Alarm System**  
OAC Rule 3745-54-34

The Permittee shall maintain access to the communications and alarm systems, as required by OAC Rule 3745-54-34, Section F-3 and Section G of the Part B permit application, and the terms and conditions of this permit.

**B.12. Required Aisle Space**  
OAC Rule 3745-54-35

At a minimum, the Permittee shall maintain a distance of five (5) feet of aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency as required by OAC Rule 3745-54-35 and Section F-3b of the approved Permit B application.

**B.13. Arrangements with Local Authorities**  
OAC Rule 3745-54-37

- (a) The Permittee shall comply with the requirements of OAC Rule 3745-54-37(A) by making a diligent effort to:

OHIO EPA DHWM

JUL 11 2003

- (i) familiarize all emergency response agencies which are likely to respond in an emergency with the location and layout of the facility, properties of hazardous waste managed at the facility and associated hazards, places where facility personnel will normally be working, entrances to and roads inside the facility, and possible evacuation routes as depicted and explained in Section G of the approved Part B permit application;
  - (ii) inform such agencies of safety equipment, supplies, proper emergency safety procedures that are applicable to the facility, and any further requirements related to emergency response imposed by terms and conditions of this permit; and
  - (iii) familiarize the local police and fire departments, hospitals and any other local emergency service, with the properties of hazardous waste managed at the facility and the types of injuries or illness which could result from fires, explosions, or releases at the facility.
- (b) When a State or local agency declines to enter into the arrangements set forth in OAC Rule 3745-54-37(A), the Permittee shall document the refusal in the operating record as required by OAC Rule 3745-54-37(B).

**B.14. Implementation of Contingency Plan**  
OAC Rules 3745-54-51 and 3745-54-56

The Permittee shall immediately carry out the provisions of the approved contingency plan and follow the emergency procedures described in OAC Rule 3745-54-56, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which threatens or could threaten human health or the environment.

In regard to spills and related toxic gas releases, the plan must describe the criteria to be used by the emergency coordinator to determine when the plan will be implemented. At a minimum, the plan must be implemented in the following situations:

- (a) Any fire involving hazardous waste; or
- (b) Any explosion involving hazardous waste; or

OHIO EPA DHWM

JUL 11 2003

- (c) Any uncontrolled hazardous waste reaction that produces or has the potential to produce hazardous conditions, including noxious, poisonous, flammable and/or explosive gases, fumes, or vapors; harmful dust; or explosive conditions; or
- (d) Any hazardous waste release, outside of a secondary containment system, that causes or has the potential to cause off-site soil and/or surface water contamination; or
- (e) Any hazardous waste release that produces or has a potential to produce hazardous conditions, including noxious, poisonous, flammable and/or explosive gases, fumes, or vapors; harmful dust; or explosive conditions.

**B.15. Content of the Contingency Plan**  
OAC Rule 3745-54-52

The Permittee shall comply with OAC Rule 3745-54-52 and the contingency plan, as set forth in Section G of the approved Part B permit application.

**B.16. Contingency Plan - Released Material and Emergency Response Material and By-products**  
OAC Rule 3745-54-56(G)

All liquid or solid material resulting from fire, explosion, released material or emergency response material and by-products that the permittee is required to evaluate to determine whether such material is hazardous waste in accordance with OAC Rule 3745-52-11, shall be collected and managed as a hazardous waste until such time as the Permittee can demonstrate that such waste is not hazardous in accordance with OAC Rules 3745-51-03(C) and (D).

**B.17. Amendments to Plan**  
OAC Rule 3745-54-54

The Permittee shall review the approved contingency plan at least annually and upon the occurrence of any event listed in OAC Rule 3745-54-54. If necessary or appropriate, the Permittee shall amend the contingency plan as required by OAC Rule 3745-54-54 in accordance with OAC Rule 3745-50-51.

END OF PERMIT

JUL 11 2003

**B.18. Copies of Plan**

OAC Rule 3745-54-53

- (a) The Permittee shall comply with the requirements set forth in OAC Rule 3745-54-53 regarding contingency plan distribution.
- (b) The Permittee shall, in accordance with OAC Rule 3745-54-53, submit a copy of the approved contingency plan, to all local police departments, fire departments, hospitals, and local emergency response teams that may be called upon to provide emergency services. The Permittee shall notify such agencies and the local authorities, in writing, within ten (10) days of the effective date of any amendments of, revisions to, or modifications to the contingency plan.

**B.19. Emergency Coordinator**

OAC Rule 3745-54-55

The Permittee shall comply with the requirements set forth in OAC Rule 3745-54-55 regarding the emergency coordinator.

**B.20. Emergency Procedures**

OAC Rules 3745-54-56 and 3745-51-01

The Permittee shall comply with the requirements set forth in OAC Rule 3745-54-56, Section G of the approved Part B permit application, and the conditions of this permit, regarding emergency procedures.

**B.21. Availability, Retention and Disposition of Records**

OAC Rule 3745-54-74

The Permittee shall furnish upon Ohio EPA request, and retain all records at the facility in accordance with OAC Rule 3745-54-74.

**B.22. Operating Record**

OAC Rule 3745-54-73

The permittee shall comply with the requirements set forth in OAC Rule 3745-54-73 regarding an operating record, including information to be recorded and the maintenance thereof.

OHIO EPA OHWM

JUL 11 2003

**B.23. Contingency Plan Records**

OAC Rule 3745-54-73 and OAC Rule 3745-54-56(J)

The Permittee shall note in the operating record the time, date, and details of any incident that requires the implementation of the contingency plan. Within fifteen (15) days of any such incident the Permittee shall submit to the Director a written report of the incident containing the elements set forth in OAC Rule 3745-54-56(J).

**B.24. Manifest System**

OAC Rules 3745-54-70, 3745-54-71, 3745-54-72 and 3745-54-76

- (a) In the management of waste at the facility the Permittee shall comply with the provisions of OAC Chapter 3745-52 and OAC Rules 3745-54-71, 3745-54-72 and 3745-54-76 with regard to the manifest system.

**B.25. Annual Reports and Additional Reports**

OAC Rule 3745-54-77 and 3745-54-75

The Permittee shall comply with the annual report requirements set forth in OAC Rule 3745-54-75 and the additional report requirements set forth in OAC Rule 3745-54-77.

**B.26. Closure Performance Standard**

OAC Rule 3745-55-11

During facility closure, the Permittee shall implement the provisions of the approved closure plan, Section I in such a manner as to achieve compliance with OAC Rule 3745-55-11. Compliance with OAC Rule 3745-55-11 will be facilitated by referring to the Division of Hazardous Waste Management's most recent Closure Plan Review Guidance for RCRA facilities.

**B.27. Closure Plan**

OAC Rule 3745-55-10, OAC Rule 3745-55-11, and OAC Rule 3745-55-13.

The Permittee shall implement those procedures detailed within Section I of the approved application, in accordance with OAC Rules 3745-55-10 through 3745-55-20.

OHIO EPA DHWM

JUL 11 2003

**B.28. Amendment of Closure Plan**  
OAC Rule 3745-55-12 and OAC Rule 3745-50-51

Should a change in the facility closure plan become necessary, the Permittee shall amend the approved closure plan in accordance with OAC Rule 3745-55-12 (C).

**B.29. Content of Closure Plan**  
OAC Rule 3745-55-12

The Permittee shall maintain the approved closure plan at the facility which contains the elements set forth in OAC Rule 3745-55-12 and all elements required by the terms and conditions of this permit.

**B.30. Notification of Closure**  
OAC Rule 3745-55-12

The Permittee shall notify the Director in writing at least 45 days prior to the date on which he expects to begin final closure of a facility, as required by OAC Rule 3745-55-12(D).

**B.31. Time Allowed For Closure**  
OAC Rule 3745-55-13

After receiving the final volume of hazardous waste, the Permittee shall remove from the facility or treat or dispose of on site all hazardous waste in accordance with the approved closure plan within ninety (90) days. The Director may approve a longer period, if the Permittee complies with all applicable requirements for requesting a modification to the permit as set forth in OAC Rule 3745-55-13(A). The permittee shall complete all closure activities within one hundred eighty (180) days, in accordance with OAC Rule 3745-55-13. The Director may approve a longer closure period, if the Permittee complies with all applicable requirements for requesting a modification (or revision) to the permit as set forth in OAC Rule 3745-55-13 (B).

**B.32. Disposal or Decontamination of Equipment, Structures, and Soils**  
OAC Rule 3745-55-14

- (a) The Permittee shall decontaminate and/or dispose of all contaminated facility equipment, structures, and soils, as required by OAC Rule 3745-55-14, the approved closure plan and the terms and conditions of this permit. OHIO EPA/DHWM

JUL 11 2003

- (b) The Permittee shall notify the Ohio EPA Southwest District Office within five (5) working days prior to all rinseate and soil sampling.

**B.33. Certification of Closure**  
OAC Rule 3745-55-15

The Permittee and an independent, qualified, registered professional engineer shall certify that each hazardous waste management unit or the facility has been closed in accordance with the specifications in the approved closure plan and the terms and conditions of this permit, as required by OAC Rule 3745-55-15. The Permittee shall furnish to the Director, upon request, documentation supporting the certification.

**B.34. Cost Estimate for Facility Closure**  
OAC Rule 3745-55-42 and 3745-55-44

- (a) The Permittee's most recent closure cost estimate, prepared in accordance with OAC Rules 3745-55-42, 3745-55-44, 3745-55-97(C)(3) & (5), 3745-56-28(C)(3) and 3745-56-58(C)(2) is specified in Section I of the Part B permit application.
- (b) The Permittee must adjust the closure cost estimate for inflation after the close of the Permittee's fiscal year and submit the updated information to the Director, as specified in OAC Rule 3745-55-42(B).
- (c) The Permittee must revise the closure cost whenever there is a change in the facility's Closure Plan that increases the cost of the closure, as required by OAC Rule 3745-55-42(C).
- (d) The Permittee must submit to the Ohio EPA and keep at the facility the latest closure cost estimate as required by OAC Rule 3745-55-42(D).

**B.35. Financial Assurance for Facility Closure**

The Permittee shall maintain continuous compliance with OAC Rule 3745-55-43 and provide documentation of financial assurance, which meets the requirements of OAC Rule 3745-55-51, in at least the amount of the cost estimates required by Permit Condition B.34.

OHIO EPA DHWM

JUL 11 2003

**B.36. Liability Requirements**

The Permittee shall maintain continuous compliance with the requirement of OAC Rule 3745-55-47 and the documentation of liability by providing liability coverage which meets the requirements of OAC Rule 3745-55-51 for sudden accidental occurrences in the amount required by the applicable rules, exclusive of the legal defense costs.

**B.37. Incapacity of Owners or Operators, Guarantors, or Financial Institutions**  
OAC Rule 3745-55-48

The Permittee shall comply with requirements set forth in OAC Rule 3745-55-48 regarding the incapacity of owners, operators, guarantors or financial institutions.

**B.38. General Requirements for Land Disposal Restrictions**  
OAC Chapter 3745-270

- (a) The Permittee shall comply with all applicable regulations regarding land disposal prohibitions and restrictions as required by OAC Chapter 3745-270.

OHIO EPA DHWM

JUL 11 2003

## MODULE C - CONTAINERS STORAGE

### C. CONTAINER STORAGE AND MANAGEMENT

The Permittee will conduct container storage activities at a single location within the facility, as shown on site drawing PD-7514 in Appendix B-2 of the approved Part B application. The dimensions of the storage area and secondary containment are depicted on drawing PD-9106 in Appendix D.1-1 of the approved Part B application. The container storage area is permitted to store fifty thousand (50,000) gallons of hazardous waste, equivalent to nine-hundred and nine (909) fifty-five gallon drums. It is constructed of asphalt (blacktop) and coated for protection from weather and the chemicals stored in the containers on it. The container storage area is sloped to a concrete trench to facilitate removal of precipitation and any spills or leaks. DOT-approved steel drums are typically used to store the hazardous waste. The types of hazardous waste permitted to be stored in containers include D001, D002, D003, D004, D005, D006, D007, D008, D009, D010, D011, D018, D035, F003, F005, U009, U031, U122, U140, and U154.

#### C.1. Process Capacity/Annual Quantity Limitation OAC Rules 3745-50-43(A)(7)

- (a) The Permittee shall not store more than 50,000 gallons of containerized waste at any given time in the permitted container area, located in the southwestern corner of the facility. The Permittee shall store hazardous waste in the types of containers (size and type) described in Section D-1a(1) of the approved Part B application.
- (b) For the purpose of compliance with the capacity limitation of this permit, each container will be considered to be storing an amount of hazardous waste equal to its capacity, regardless of the actual quantity stored in the container.
- (c) The provision of Conditions C.1(a) and C.2 shall not apply to the Permittee's activities as a generator accumulating hazardous waste on-site in compliance with the provisions of OAC Rule 3745-52-34(A).

However, when accumulating waste within the permitted container storage area, in accordance with OAC Rule 3745-52-34(A), the Permittee shall not, for the total amount of hazardous waste stored and accumulated, exceed the maximum container storage inventory established under this Condition.

OHIO EPA DHWM

JUL 11 2003

**C.2. Waste Identification**

ORC Sections 3734.02(F) and 3734.05(H); and OAC Rule 3745-50-43

The Permittee shall store in containers only the hazardous waste codes specified below:

Hazardous Waste Codes Permitted for Container Storage:

D001, D002, D003, D004, D005, D006, D007, D008, D009, D010, D011, D018, D035, F003, F005, U009, U031, U122, U140, U154

**C.3. Condition of Containers**

OAC Rule 3745-55-71

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit or the hazardous waste facility chapters of the OAC.

**C.4. Compatibility of Waste with Containers**

OAC Rule 3745-55-72

The Permittee shall use containers that are compatible with the hazardous waste to be stored.

**C.5. Management of Containers**

OAC Rule 3745-55-73

- (a) All container storage shall be conducted within the container storage units as described in Condition C.1. of this permit and Section D.1 of the approved Part B permit application.
- (b) The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak.
- (c) In the event lab-pack wastes are generated they shall be handled in compliance with applicable storage requirements.

OHIO EPA DHWM

**JUL 11 2003**

- (d) In the event lab-pack wastes are generated they shall be packaged in drums containing absorbent material that is compatible with the waste.

**C.6. Containment Systems.**

OAC Rule 3745-55-75; ORC Section 3734.05(H)

- (a) The Permittee shall maintain the containment system in accordance with the plans and specifications contained in Section D.1 of the Part B permit application.
- (b) The Permittee shall maintain the containment system as described in the approved Part B permit application, designed with sufficient capacity to contain ten percent of the total volume of the containers or the volume of the largest container, whichever is greater. The containment system shall be free of cracks and gaps and sufficiently impervious to contain leaks and spills and accumulated precipitation until the collected material is detected and removed. The Permittee shall insure that the coating(s) utilized in lining the secondary containment system(s) is compatible with each waste stored in containers situated at the permitted Container Storage Pad Area. For those hazardous wastes that are deemed incompatible with the liner material the Permittee shall install a separate secondary containment structure, located within the existing structure, possessing the appropriate liner in order to withstand any degrading effects imposed through initial and/or prolonged contact (e.g., 24 hours) with released waste materials.
- (c) Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection area in a timely manner. This time period is not to exceed twenty-four (24) hours from the time spilled and/or leaked waste is discovered to have reached the hazardous waste pad sump.

**C.7. Prohibition of Container Storage**

ORC 3734.02(F)

The Permittee shall not store any container of hazardous waste received from any off-site source.

OHIO EPA/DHW/M

JUL 11 2003

**C.8. Inspection Schedules and Procedures**  
OAC Rule 3745-54-15, and 3745-54-73

As required by OAC Rule 3745-54-15, the Permittee shall inspect the container storage area in accordance with the approved inspection schedule contained in Section D1a(2) and Section F of the Part B permit application, to detect leaking containers and deterioration of containers and the containment system caused by corrosion or other factors. The Permittee shall note the results of these inspections in the inspection log along with any remedial action taken. On days when containerized wastes are added or removed to and/or from any of the permitted areas for storage, the Permittee shall conduct an inspection as described in Section F-2 of the approved Part B permit application, and maintain the inspection results in the facility operating record.

**C.9. Recordkeeping**  
OAC Rule 3745-54-73

The Permittee shall comply with all recordkeeping requirements of OAC Rule 3745-54-73 as part of the facility operating record.

**C.10. Special Container Provisions for Ignitable or Reactive Waste**  
OAC Rules 3745-54-17 and 3745-55-76

- (a) The Permittee shall not locate containers holding ignitable or reactive waste within 15 meters (50 feet) of the facility's property line.
- (b) The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and shall follow the storage procedures specified in Section D.1 of the Part B permit application.

**C.11. Special Container Provisions for Incompatible Waste**  
OAC Rule 3745-55-77 and 3745-54-17

- (a) The Permittee shall not store incompatible waste except in accordance with OAC Rules 3745-54-17(B) and 3745-55-77.
- (b) The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material.

OHIO EPA DHWM

JUL 11 2003

- (c) The Permittee shall separate containers of incompatible wastes from each other and from other incompatible materials.

**C.12. Closure and Post-Closure**

OAC Rules 3745-55-10, 3745-55-11, 3745-55-78

- (a) At closure of the container area, the Permittee shall remove all hazardous waste and hazardous waste residues from the containment system, in accordance with the procedures in the Closure Plan set forth in Section I of the approved Part B permit application.
- (b) If the Permittee demonstrates that not all contaminated soils can be practically removed or decontaminated in accordance with the Closure Plan, Section I of the approved Part B permit application, the Permittee shall close the unit and perform post-closure care following a plan approved by the Director of Ohio EPA.

OHIO EPA DHWM

JUL 11 2003

**MODULE D - TANK STORAGE AND MANAGEMENT**

**D. MODULE HIGHLIGHTS**

The Permittee utilizes two tank systems to store hazardous wastes. One system, situated at Building 9, is an aboveground stainless steel, 45 psig pressure vessel. The permitted capacity of this tank is 6,697 gallons. The system is as described in Section D.2 of the approved Part B Permit Application.

The other tank system, located at Building 30, is an aboveground 50 psig pressure vessel constructed of stainless steel. The permitted capacity of this tank is 30,000 gallons. The system is as described in Section D.3 of the approved Part B Permit Application.

**D.1. Process Capacity/Annual Limitation/Waste Identification**  
 ORC Section 3734.02(F) and OAC Rule 3745-50-43

- (a) The Permittee may store a total volume of 36,697 gallons of hazardous waste in two tanks, subject to the terms of this Permit and as follows:

Tank No.	Capacity (Gallons)	Dimensions of Tank	Secondary Containment Required	Description of Hazardous Waste	Hazardous Waste No.
Tank System A: Building 9	6697	O.D. 8 ft. 6 inches 16 ft. straight side	Yes - in place	spent monomer waste	D001, D035, F005
Tank System B: Building 30	30000	O.D. 10 ft. 6 inches 44 ft. straight side	Yes - in place	spent monomer waste	D001, D018, D035, F003, F005

- (b) The Permittee shall store in tanks only the hazardous waste codes specified in the approved Part B permit application and summarized below:

D001, D018, D035, F003, F005

- (c) The Permittee is prohibited from storing hazardous waste that is not identified in this permit condition.

OHIO EPA DHWM

JUL 11 2003

**D.2. Containment and Detection of Releases.**  
OAC Rule 3745-55-93

The Permittee shall operate the secondary containment system in accordance with requirements of 3745-55-93(B) through (F), and Section D.2 and D.3 of the approved Part B application.

The Building 30 Spent Monomer Tank and the Building 9 Spent Monomer Tank are subject to the new tank requirements.

**D.3. Operating Requirements**  
OAC Rule 3745-55-94

- (a) The Permittee shall not place hazardous wastes or treatment reagents in the tank system if they could cause the tank, its ancillary equipment, or a containment system to rupture, leak, corrode, or otherwise fail.
- (b) The Permittee shall prevent spills and overflows from the tank or containment systems using the methods described in the Part B permit application. The Permittee shall comply with the requirements of OAC Rule 3745-55-96 if a leak or spill occurs in the tank system.

**D.4. Inspection Schedules and Procedures**  
OAC Rule 3745-55-95

- (a) The Permittee shall inspect the tank systems, in accordance with the Inspection Schedule and shall complete the items in Permit Conditions D.4(b) and D.4(c) as part of those inspections.
- (b) The Permittee shall inspect the overflow controls, in accordance with the procedure and schedule in the Part B permit application.
- (c) The Permittee shall inspect the following components of the tank system once each operating day:
  - (i) Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;

OHIO EPA DHWMM

JUL 11 2003

- (ii) Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design;
  - (iii) Construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).
- (d) The Permittee shall document compliance of Permit Condition D.4 in the operating record of the facility.

**D.5. Response to Leaks or Spills**  
OAC Rule 3745-55-96

- (a) In the event of a leak or a spill from the tank system, from a secondary containment system, or if a system becomes unfit for continued use, the Permittee shall remove the system from service immediately and complete the following actions:
- (i) Stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.
  - (ii) If the release was from the tank system, the owner/operator must, within twenty-four hours after detection of the leak, or, if the owner/operator demonstrates that it is not possible, at the earliest practicable time, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.

If the material released was to a secondary containment system, all released materials must be removed within twenty-four hours or in as timely a manner as possible to prevent harm to human health and the environment.

- (iii) Contain visible releases to the environment. The Permittee shall immediately conduct a visual inspection of all releases to the environment and based on that inspection: (1) prevent further migration

OHIO EPA/DHWM

**JUL 11 2003**

of the leak or spill to soils or surface water and (2) remove and properly dispose of any visible contamination of the soil or surface water.

- (b) Unless the requirements of Permit Conditions D.5.(b)(i) through D.5(b)(iii) are satisfied, the Permittee shall close its tank system in accordance with OAC Rule 3745-55-97 and its approved Closure Plan if there has been a leak or spill from the tank system, from a secondary containment system, or if a system becomes unfit for continual use.
- (i) For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service.
- (ii) For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning it to service.
- (iii) If the Permittee replaces a component of the tank system to eliminate the leak, that component must satisfy the requirements for new tank systems or components in OAC Rules 3745-55-92 and 3745-55-93.
- (c) For all major repairs to eliminate leaks or restore the integrity of the tank system, the Permittee must obtain a certification by an independent, qualified, registered professional engineer in accordance with OAC Rule 3745-50-42(D) that the repaired system is capable of handling hazardous wastes without release for the intended life of the system before returning the system to service. Examples of major repairs are: installation of an internal liner, repair of a ruptured tank, or repair or replacement of a secondary containment vault.

**D.6. Recordkeeping and Reporting**  
OAC Rule 3745-55-96, 3745-55-91(A), and 3745-55-92(G)

- (a) The Permittee shall report to the Director, within 24 hours of detection, when a leak or spill occurs from the tank system or secondary containment system to the environment. A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported. Releases that are contained within a secondary containment system need not be reported.

OHIO EPA DIVISION

JUL 11 2003

- (b) Within 30 days of detecting a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information to the Director:
  - (i) Likely route of migration of the release;
  - (ii) Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
  - (iii) Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee should provide the Director with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;
  - (iv) Proximity of downgradient drinking water, surface water, and populated areas; and
  - (v) Description of response actions taken or planned.
- (c) The Permittee shall submit to the Director all certifications of major repairs to correct leaks within seven days from returning the tank system to use.
- (d) The Permittee shall obtain, and keep on file at the facility, the written statements by those persons required to certify the design and installation of the tank system.

**D.7. Closure and Post-Closure Care**  
OAC Rule 3745-55-97

- (a) At closure of the tank system(s), the Permittee shall follow the procedures in the Closure Plan.
- (b) If the Permittee demonstrates that not all contaminated soils can be practically removed or decontaminated, in accordance with the Closure Plan, then the Permittee shall close the tank system(s) and perform post-closure care following the contingent procedures in the Closure Plan and in the Post-Closure Plan.

OHIO EPA DHWM

JUL 11 2003

**D.8. Special Tank Provisions for Ignitable or Reactive Wastes**  
**OAC Rule 3745-55-98**

- (a) The Permittee shall not place ignitable or reactive waste in the tank system or in the secondary containment system, unless the procedures specified in the Part B permit application are followed. The Permittee shall document compliance with this condition and place it in the operating record.
- (b) The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1991 or most recent edition) incorporated by reference in OAC Rule 3745-50-11.

OHIO EPA DHWM

JUL 11 2003

## MODULE E - CORRECTIVE ACTION REQUIREMENTS

### Corrective Action Summary

The Permittee began corrective action under the authority of U.S. EPA. The Permittee submitted a Part B application to U.S. EPA and Ohio EPA in September 1988 that identified 11 areas as Waste Management Units (WMUs). In July 1989, a Visual Site Inspection was conducted at the facility by A.T. Kearney, Inc. under contract with U.S. EPA. Pursuant to the inspection, a RCRA Facility Assessment (RFA) Report was prepared by the subcontractor and submitted to U.S. EPA in 1991. The report identified 48 WMUs and 10 Areas of Concern (AOCs), which included the original 11 areas identified in 1988. Based on the information in the report it was determined by U.S. EPA that a RCRA Facility Investigation (RFI) would be conducted at the facility to determine the nature and extent of the contamination.

U.S. EPA issued a Federal Part B Hazardous Waste Permit on October 27, 1992, which included a Corrective Action Schedule of Compliance. In accordance with the Schedule, the Permittee submitted an RFI Workplan to U.S. EPA in January 1993. Based on comments from U.S. EPA, the Permittee submitted a revised RFI Workplan to U.S. EPA and Ohio EPA in September 1997. U.S. EPA approved the RFI Workplan with conditions on February 21, 2003, as amended by subsequent communications described in U.S. EPA's April 30, 2003 letter. The amended time frame established a deadline of July 3, 2003 for submittal of the final RFI Workplan to U.S. EPA. On the effective date of this permit, Ohio EPA will assume corrective action authority at this facility.

While in the process of renewing the State permit, the Permittee added the Permitted Building #30 Spent Monomer Tank as WMU #49 to bring the total to 49 WMUs and 10 AOCs. Therefore, an addendum to the U.S. EPA approved RFI Workplan must be submitted to Ohio EPA for final approval. The addendum must include a schedule and associated activities to address the Building #30 spent monomer tank.

#### E.1. Corrective Action at the Facility OAC Rules 3745-50-10 & 3745-55-011

In accordance with OAC Rule 3745-50-10 "waste management unit" means any discernible unit at which wastes have been placed at any time, irrespective of whether the unit was intended for the management of waste or hazardous waste. Such units include any area at a Facility at which wastes have been routinely and systematically released. As used in this permit the term "waste management unit"

OHIO EPA DHWM

JUL 11 2003

shall be consistent with and equivalent to the term "solid waste management unit" as that term is used in Section 3004(u) of RCRA. For the purpose of Corrective Action, facility is defined as all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. The terms Interim Measure (IM), RCRA Facility Investigation (RFI), Corrective Measures Study (CMS) and Corrective Measure Implementation (CMI) are defined in Ohio's Corrective Action Plan, based on U.S. EPA's May 1994 RCRA Corrective Action Plan, OSWER Directive 9902.3-2A.

The Permittee must institute Corrective Action as necessary to protect human health and the environment for all releases of hazardous waste(s) or hazardous constituent(s) from any waste management units (WMUs) at the Facility, regardless of the time at which waste was placed in such units.

**E.2. Corrective Action Beyond the Facility Boundary**  
OAC Rules 3745-55-011

The Permittee must implement Corrective Action(s) beyond the Facility property boundary, where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of Ohio EPA 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 boundary where off-site access is denied. On-site measures to address such releases will be addressed under the RFI, CMS, and CMI phases, as determined to be necessary on a case-by-case basis.

**E.3 Identification of WMUs**  
OAC Rules 3745-50-44(d) & 3745-55-011

Identified WMU's are listed in Section J and Appendix J-1 of the approved Part B application. The WMU's have been designated as "active" and "inactive". The location of the WMU's are identified in site drawing PD-7630 in Appendix B-2 of the approved Part B permit application.

**E.4 Reserved**

OHIO EPA DHWM

JUL 11 2003

E.5 RFI  
OAC Rule 3745-55-011

The Permittee shall conduct an RFI to thoroughly evaluate the nature and extent of the release of hazardous waste(s) and hazardous constituent(s) from all applicable WMUs identified in Condition E.3. above and Condition E.10. The major tasks and required submittal dates are shown below. The scope of work for each of the tasks is found in Ohio's Corrective Action Plan, based on U.S. EPA's May 1994 RCRA Corrective Action Plan, OSWER Directive 9902.3-2A.

(a) RFI Workplan

U.S. EPA gave approval with conditions of the September 1997 RFI Workplan on February 21, 2003, as amended by subsequent communications described in U.S. EPA's April 30, 2003 letter. The amended time frame established a deadline of July 3, 2003 for submittal of the final RFI Workplan to U.S. EPA. The Permittee shall submit to Ohio EPA an addendum to the U.S. EPA approved RFI Workplan. The addendum submitted to Ohio EPA shall address activities regarding the current Building #30 spent monomer tank and include a schedule for implementation. The Permittee shall submit the addendum regarding the Building #30 spent monomer tank to Ohio EPA within 90 days after the effective date of this permit or, in the case of a newly discovered waste management unit, on a time frame established by Ohio EPA.

- (1) If necessary, Ohio EPA shall provide written comments on the RFI Workplan to the Permittee.
- (2) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new RFI Workplan that incorporates Ohio EPA's comments.
- (3) Ohio EPA shall approve or modify and approve, in writing, the amended or new RFI Workplan. The RFI Workplan, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved RFI Workplan must be authorized by Ohio EPA.

OHIO EPA DHWM

JUL 11 2003

(b) RFI Implementation

The Permittee shall implement the RFI Workplan according to the terms and schedule in the approved RFI Workplan.

(c) RFI Final Report

Within 60 days after the completion of the RFI, the Permittee shall submit an RFI Final Report to Ohio EPA. The RFI Final Report shall describe the procedures, methods, and results of the RFI. The Final Report must contain adequate information to support further decisions concerning corrective action at the Facility.

- (1) If necessary, Ohio EPA shall provide written comments on the RFI Report to the Permittee.
- (2) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new RFI Report that incorporates Ohio EPA's comments.
- (3) Ohio EPA shall approve or modify and approve, in writing, the amended or new RFI Report. The RFI Report, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved RFI Report must be authorized by Ohio EPA.

E.6 IM

As of the date of issuance of this permit no interim measures are required by the Permittee for any WMUs that have been identified.

Based on the RFI Final Report or other information documenting a release of hazardous waste or constituents to the environment, Ohio EPA may require the development and implementation of an interim measure (this may include an IM Workplan) at any time during the life of the permit to mitigate or eliminate a threat to human health or the environment.

OHIO EPA/DHWM

JUL 11 2003

**E.7 Determination of No Further Action**

**(a) Permit Modification**

Based on the results of the completed RFI and other relevant information, the Permittee may submit an application to Ohio EPA for a Class 3 permit modification under OAC Rule 3745-50-51 to terminate the Corrective Action tasks of the Schedule of Compliance. Other tasks identified in the Schedule of Compliance shall remain in effect. This permit modification application must conclusively demonstrate that there are no releases of hazardous waste or constituents from WMUs at the Facility that pose a threat to human health and the environment.

If, based upon review of the Permittee's request for a permit modification, the results of the completed RFI, and other information, including comments received during the initial 60-day public comment period required for Class 3 permit modifications, Ohio EPA determines that releases or suspected releases which were investigated either are nonexistent or do not pose a threat to human health and the environment, Ohio EPA will approve the requested modification.

**(b) Periodic Monitoring**

A determination of no further action shall not preclude Ohio EPA from requiring continued or periodic monitoring of air, soil, ground water, or surface water, if necessary to protect human health and the environment, when site-specific circumstances indicate that potential or actual releases of hazardous waste or constituents are likely to occur.

**(c) Further Investigations**

A determination of no further action shall not preclude Ohio EPA from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates that a release or likelihood of a release from a WMU at the Facility is likely to pose a threat to human health or the environment. In such a case, Ohio EPA shall initiate a modification to the terms of the permit to rescind the determination made in accordance with Permit Condition E.7.a. Additionally, in the event Ohio EPA determines that

OHIO EPA OHWM

JUL 11 2003

there is insufficient information on which to base a determination, the Permittee, upon notification, is required to perform additional investigations as needed.

**E.8 Corrective Measures Study (CMS)**

If Ohio EPA determines, based on the results of the RFI and any other relevant information, that corrective measures are necessary, Ohio EPA will notify the Permittee in writing that the Permittee shall conduct a CMS either as described below or as described in Ohio EPA's notification to the Permittee. The purpose of the CMS will be to develop and evaluate the corrective action alternative(s) and to outline one or more alternative corrective measure(s) that will satisfy the performance objectives specified by Ohio EPA.

**(a) CMS Workplan**

The Permittee shall submit a written CMS Workplan to Ohio EPA within 90 days from the notification by Ohio EPA of the requirement to conduct a CMS.

- (1) If necessary, Ohio EPA shall provide written comments on the CMS Workplan to the Permittee.
- (2) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new CMS Workplan that incorporates Ohio EPA's comments.
- (3) Ohio EPA shall approve or modify and approve, in writing, the amended or new CMS Workplan. The CMS Workplan, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved CMS Workplan must be authorized by Ohio EPA.

**(b) CMS Workplan Implementation**

The Permittee shall implement the CMS Workplan according to the terms and schedule in the approved CMS Workplan.

OHIO EPA DHWM

JUL 11 2003

(c) CMS Final Report

Within 60 days after the completion of the CMS, the Permittee shall submit a CMS Final Report to Ohio EPA. The CMS Final Report shall summarize the results of the investigations for each remedy studied and must include an evaluation of each remedial alternative.

- (1) If necessary, Ohio EPA shall provide written comments on the CMS Report to the Permittee.
- (2) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new CMS Report that incorporates Ohio EPA's comments.
- (3) Ohio EPA shall approve or modify and approve, in writing, the amended or new CMS Report. The CMS Report, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved CMS Report must be authorized by Ohio EPA.

E.9 CMI

Based on the results of the CMS, the Permittee shall implement one or more of the Corrective Measures authorized by Ohio EPA. Ohio EPA shall authorize one or more of the Corrective Measures in the CMS, and shall notify the Permittee in writing of the decision. The Corrective Measure selected for implementation must: (1) be protective of human health and the environment; (2) attain media cleanup standards; (3) control the source(s) of releases so as to reduce or eliminate further releases of hazardous waste(s) (including hazardous constituent(s)); and (4) comply with all applicable standards for management of wastes.

If two or more of the Corrective Measures studied meet the threshold criteria set out above, Ohio EPA will authorize the Corrective Measures Implementation by considering remedy selection factors including: (1) long-term reliability and effectiveness; (2) the degree to which the Corrective Measure will reduce the toxicity, mobility or volume of contamination (3) the Corrective Measure's short-term effectiveness; (4) the Corrective Measure's ability to be implemented; and (5) the relative cost associated with the alternative.

OHIO EPA DHWM

JUL 11 2003

In authorizing the proposed Corrective Measure(s), Ohio EPA may also consider such other factors as may be presented by site-specific conditions.

(i) Permit Modification

Ohio EPA will initiate a permit modification, as provided by OAC Rule 3745-50-51 to require implementation of the corrective measure(s) authorized.

The Permittee shall not implement the corrective measure until the permit is modified pursuant to OAC Rule 3745-50-51.

(ii) Financial Assurance

OAC Rule 3745-55-011

As part of the modification of this permit to incorporate CMI, the Permittee shall provide financial assurance in the amount necessary to implement the corrective measure(s) as required by OAC Rule 3745-55-011 (b) and (c).

E.10 Newly Identified WMUs or Releases

OAC Rule 3745-55-011

(a) General Information

The Permittee shall submit to Ohio EPA, within 30 days of discovery, the following information regarding any new WMU identified at the Facility:

- (i) The location of the unit on the site topographic map;
- (ii) Designation of the type of unit;
- (iii) General dimensions and structural description (supply any available drawings);
- (iv) When the unit was operated; and
- (v) Specification of all waste(s) that have been managed at the unit.

OHIO EPA DHWM

JUL 11 2003

(b) Release Information

The Permittee shall submit to Ohio EPA, within 30 days of discovery, all available information pertaining to any release of hazardous waste(s) or hazardous constituent(s) from any new or existing WMU.

E.11 Corrective Action for Newly Identified WMUs and Releases  
OAC Rule 3745-55-011

The Permittee shall submit a written RCRA Facility Investigation Workplan to Ohio EPA upon a timeframe established in written notification by Ohio EPA that further investigations or corrective measures are necessary.

Further investigations or corrective measures will be established by Ohio EPA.

Permittee shall make such submittal in accordance with time frames established by Ohio EPA.

**END OF PERMIT CONDITIONS**

OHIO EPA DHHM

JUL 11 2003