

The Permittee must report to the Director all other instances of noncompliance not provided for in Permit Conditions A.19 and A.20. These reports must be submitted within thirty (30) days of the time at which the Permittee is aware of such noncompliance. Such reports must contain all information set forth within Permit Condition A.20.

A.23 Reserved.

A.24 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 information to the Director, the Permittee must promptly submit such facts, information or corrected information to the Director.

A.25 Confidential Information
OAC Rule 3745-50-30

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

A.26 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, must 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.27 Compliance Schedule
OAC Rule 3745-50-50, OAC 3745-50-51

(a) The Permittee has submitted a Remedial Systems Evaluation Report (November 2003), a Proposed Future Activities report (May 2004), and a Proposed Work Scope (September 2004) to address Ohio EPA's concern that migration of constituents from existing waste management units at the facility may be occurring. Based on a review of these reports as well as the ground water results presented in the 2003 and 2004 Supplementary

Annual Reports for Part B Permitted Status Ground Water Monitoring Information and the February and September 2004 Semi-Annual Progress Reports, Ohio EPA has determined that the Permittee's ground water corrective action program continues to be deficient, resulting in the potential migration of contaminants in excess of ground water containment standards at the facility boundary, the point of compliance designated by U.S. EPA for the site-wide corrective action.

The Permittee is currently conducting both post-closure care of a UST unit closed as a landfill and site-wide corrective action activities to address contaminated ground water from the 1985 fire. Module E contains the site-wide corrective action requirements while Module G contains the requirements related to ground water corrective action for the closed UST unit. However, the contaminant plume is co-mingled and the remediation systems in operation at the facility are designed to address releases from all units and integration of the ground water requirements is desirable. The Permittee must resolve these issues in accordance with the following schedule:

- (i) The Permittee must submit, within ninety (90) days after permit journalization, a Class 2 permit modification request to Ohio EPA in accordance with OAC Rule 3745-50-51 for installation of additional ground water monitoring wells and designation of wells to be sampled for all VOCs, SVOCs, and metals in the appendix to OAC Rule 3745-54-98.
 - (a) The modification must state that in the event that new constituents are detected and confirmed at any well, the Permittee will add these constituents to the monitoring list (Section 4.0 of Appendix 5-1 of the permit application) and will establish ground water containment standards for those constituents in Table 5-2 of Section 5.
 - (b) The presence or absence of new appendix to OAC Rule 3745-54-98 constituents may require confirmation using appropriate detection monitoring statistical procedures. Also, background values for any newly detected constituents will need to be established. The modification must include methodology for establishing necessary background values.
 - (c) The modification must state that if the Permittee determines that any ground water containment standard or

concentration limit is being exceeded at any monitoring well identified in the permit, the Permittee must evaluate its remediation systems to determine if they are capable of satisfactorily addressing the newly-discovered contaminants. A permit modification request, pursuant to OAC Rule 3745-50-51, must be submitted to request revision of the corrective action implementation section of the Part B permit (Permit Condition E.9) to reflect necessary changes to the remediation system.

- (ii) The Permittee must establish revised risk-based cleanup levels for the soil and ground water at the facility outlined in Permit Condition E.9(a)(v) in accordance with the following schedule:
 - (a) The Permittee must submit, within ninety (90) days after installation of the additional ground water monitoring wells approved pursuant to the permit modification required by Permit Condition A.27(a)(i), a risk assessment work plan that outlines the Permittee's proposed approach to developing risk-based cleanup levels for soil and groundwater at the facility.
 - (b) The Permittee must submit, within ninety (90) days of Ohio EPA approval of the work plan required by Permit Condition A.27(a)(ii)(a), a risk assessment report that includes proposed risk-based cleanup levels for soil and ground water.
 - (c) The Permittee must submit, within sixty (60) days of Ohio EPA approval of the risk assessment report required by Permit Condition A.27(a)(ii)(b), a Class 3 permit modification request, pursuant to OAC Rule 3745-50-51, to revise the risk-based cleanup levels established for soil and ground water in the permit.
- (iii) The Permittee must submit, within two hundred and seventy (270) days after installation of the additional ground water monitoring wells approved pursuant to the permit modification required by Permit Condition A.27(a)(i), a Class 3 permit modification request to Ohio EPA in accordance with OAC Rule 3745-50-51. This modification must integrate the ground water monitoring requirements for the UST post closure care and site-wide corrective

action at the facility. The modification must establish a ground water corrective action monitoring program that is effective in determining compliance with the ground water containment standards at the point of compliance, and must include the following elements:

- (a) The program must define the extent of contamination;
- (b) The program must establish ground water containment standards;
- (c) The program must establish objective criteria or measures by which the effectiveness of the corrective action program will be regularly assessed;
- (d) The program must identify the monitoring wells to be sampled and the parameters to be analyzed for during each ground water sampling event; and
- (e) The program must include updates to the Operation and Maintenance Plans (O&M plans) referenced in Permit Conditions E.9(a)(i) and (ii), Corrective Measures Implementation. The O&M plans must be revised to include (1) contingency procedures to address system breakdowns and operational problems; (2) alternate procedures to be implemented if the corrective measure suffers complete failure and release or threatened releases of hazardous waste or constituents may endanger human health and the environment or exceed media cleanup standards; (3) notification procedures in the event of a major breakdown or complete failure of the corrective measure; and (4) procedures to be implemented if the corrective measure is experiencing major operational problems, is not performing to design specifications or will not achieve the cleanup goals in the expected time frame (including that design plans would be developed for the secondary measure if the primary corrective measure fails). The O&M plans must describe the process and criteria for determining when corrective measures have achieved media cleanup goals and when maintenance and monitoring may cease.

(b) The Permittee must submit, within sixty (60) days after permit journalization, a permit modification request to Ohio EPA in accordance with OAC Rule 3745-50-51 to incorporate the following documents into the permit application:

(i) Updated Closure Cost Estimate [received 8/8/05]
OAC Rule 3745-55-42

Section 9 of the permit application containing the financial assurance mechanism for closure must be updated to include a copy of the current closure cost estimate as set forth in OAC Rule 3745-55-42.

(ii) Updated Financial Assurance Mechanism for Closure
OAC Rule 3745-55-43 [received 8/8/05]

Section 9 of the permit application containing the financial assurance mechanism for closure must be updated to include a copy of the current financial assurance mechanism, as set forth in OAC Rule 3745-55-43, and as specified by the wording requirements of OAC Rule 3745-55-51. The value of the financial assurance mechanism must reflect at least the current amount of the closure cost estimates.

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

(iii) Updated Liability Requirements [received 8/8/05]
OAC Rule 3745-55-47

Section 9 of the permit application containing the mechanism used to demonstrate third party liability coverage must be updated to include a copy of the current liability 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 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.

- (c) The Permittee must submit, within sixty (60) days of Ohio EPA's approval of the risk assessment report referenced in Permit Condition A.27(a)(ii)(b), a Class 3 permit modification request to Ohio EPA in accordance with OAC Rule 3745-50-51 to incorporate the following documents into the permit application:

- (i) Updated Integrated Post-Closure/Corrective Action Cost Estimate
OAC Rule 3745-54-101(B)

Section 9 of the permit application containing the financial assurance mechanism for closure must be updated to include a copy of the current post-closure/corrective action cost estimate as set forth in OAC Rule 3745-54-101(B).

- (ii) Updated Financial Assurance Mechanism for Post-Closure and Site-Wide Corrective Action
OAC Rule 3745-54-101(B)

Section 9 of the permit application containing the financial assurance mechanism for closure must be updated to include a copy of the current financial assurance mechanism, as set forth in OAC Rule 3745-54-101(B), and as specified by the wording requirements of OAC Rule 3745-55-51. The value of the financial assurance mechanism must reflect at least the current amount of the post closure care/corrective action cost estimate.

During the life of the permit the facility may change the financial assurance mechanism. The facility must submit the financial assurance mechanism documentation to the Director of Ohio EPA in accordance with the procedures set forth in OAC Rule 3745-50-51.

- (d) Reports. Unless specified otherwise, the Permittee must submit the documents listed above to:

Ohio EPA, Division of Hazardous Waste Management
Attn: Regulatory and Information Services Section
P.O. Box 1049
Columbus, Ohio 43216-1049

Ohio EPA, Central District Office
Division of Hazardous Waste Management
3232 Alum Creek Drive
Columbus, Ohio 43207

A.28 Information to be Maintained at the Facility
OAC Rule 3745-54-74

- (a) Unless otherwise specified by the hazardous waste rules, the Permittee must maintain at the facility, until closure is completed and certified by an independent, registered professional engineer, pursuant to OAC 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, 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) post-closure plan, as required by OAC Rule 3745-55-18(A) and the terms and conditions of this permit;

- (ix) annually-adjusted cost estimate for facility closure and post-closure, as required by OAC Rules 3745-55-42 and 3745-55-44 and the terms and conditions of this permit;
 - (x) all other documents required by Module A, Permit Condition A.12, and;
 - (xi) ground water monitoring results and reports as required by OAC Rule 3745-54-74.
- (b) The Permittee must maintain copies of all inspection logs at the facility for a period not less than three (3) years from the date of inspection.

A.29 Waste Minimization Report
OAC Rules 3745-54-73 and 3745-54-75

- (a) The Permittee must 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 provisions of OAC Rules 3745-54-75(H), (i) and (J); and 3745-54-73(B)(9) must be satisfied annually.
- (b) The Permittee must submit the Waste Minimization Report to Ohio EPA's Office of Compliance Assistance and Pollution Prevention within two hundred and twenty-eight (228) days of the effective date of this permit, and must submit updates to this report biennially thereafter.

For Page 16a:
SEE H:\DSHWM\skhebron.clean.C1A.aug05 page 16a

- (ix) annually-adjusted cost estimate for facility closure and post-closure, as required by OAC Rules 3745-55-42 and 3745-55-44 and the terms and conditions of this permit;
 - (x) all other documents required by Module A, Permit Condition A.12, and;
 - (xi) ground water monitoring results and reports as required by OAC Rule 3745-54-74.
- (b) The Permittee must maintain copies of all inspection logs at the facility for a period not less than three (3) years from the date of inspection.

A.29 Waste Minimization Report
OAC Rules 3745-54-73 and 3745-54-75

- (a) The Permittee must 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 provisions of OAC Rules 3745-54-75(H), (i) and (J); and 3745-54-73(B)(9) must be satisfied annually.
- (b) The Permittee must submit the Waste Minimization Report to Ohio EPA's Office of Compliance Assistance and Pollution Prevention within two hundred and twenty-eight (228) days of the effective date of this permit, and must submit updates to this report biennially thereafter.