



State of Ohio Environmental Protection Agency

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Northwest District Office

DIV. OF HAZARDOUS
WASTE MGT.

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468

Bob Taft, Governor
Christopher Jones, Director

Certified Mail

October 24, 2003

Mr. Joseph Sontchi
BP Products North America
Premcor Refining Group, Inc.
1150 South Metcalf Street
Lima, Ohio 45804

**Re: Hazardous Waste Permit Modification
Class 1A Approval
BP Products North America
Premcor Refining Group, Inc.
BP Chemicals Inc.
U.S. EPA ID# OHD 005051826/ Ohio Permit # 03-02-0390**

Dear Mr. Sontchi:

On August 31, 2003, Ohio EPA received a request for a Class 1A (Class 1 requiring prior approval) hazardous waste permit modification (tracking number - 030831-1A-1) from BP Products North America, Premcor Refining Group, Inc. and BP Chemicals Inc. With this letter, Ohio EPA approves the above referenced Class 1A modification submitted pursuant to Ohio Administrative Code Rule 3745-50-51.

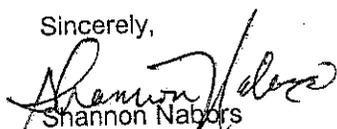
FOR APPROVAL

The following modification has been made to your June 20, 2003, Ohio Hazardous Waste Facility Installation and Operation Permit. Also, the records of Ohio EPA have been changed accordingly:

The permit has been modified to change the compliance deadline for Condition E.9(b)(1), E.9(b)(3), E.9(c)(9)(i) and E.9(c)(10)(i) to within **160 days** of the effective date of the permit.

Attached is a copy of the permit revision(s). This has been included to ensure that all involved parties have written confirmation of the change(s)*. If you have any questions concerning this action, please contact Don North at the Ohio EPA Northwest District Office.

Sincerely,


Shannon Nabors
Assistant District Chief

*Also, in accordance with Ohio Administrative Code Rule 3745-50-51(D)(1)(a)(ii), BP Products North America, Premcor Refining Group, Inc, and BP Chemicals Inc. shall send a notice within 90 days of an approved Class 1A Modification to all persons on the Agency mailing list. An updated mailing list can be obtained by contacting Pamela Allen at (614) 644-2980, or by e-mail at pamela.allen@epa.state.oh.us.

DN/lb

pc: Pamela Allen, Manager, ITTSS, DHWM, CO
Jeremy Carroll, Supervisor, Engineering Unit, DHWM, CO
Don North, DHWM, NWDO
Eric Getz, Supervisor, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO (w/ attach.)
7001 2510 0000 7069 1232

ensure that site-wide land use remains industrial, or recreational as appropriate, until such time when risk values for unrestricted land use are achieved. Under this permit, the institutional controls will consist of measures that limit the future use of the property in a manner that is consistent with the risk values for the site. This will be accomplished through a deed restriction. The Permittee shall perform the following tasks:

- 1) Within ~~thirty (30)~~ one hundred sixty (160) days of Permit issuance, the Permittee shall contact Ohio EPA to facilitate imposition of the use restriction on the property. The restriction of the property will be effectuated pursuant to Director's Final Findings and Orders.

The Director's Final Findings and Orders, on consent, will be issued which 1) create an equitable servitude upon the property, or portion thereof, which limits the use of the land as required by the approved Corrective Action, and demonstrate the agreement between the landowner and Ohio EPA to create such an equitable servitude, 2) require the landowner to file notice of the equitable servitude with the County Recorder's Office, 3) require the landowner to place the deed restriction into the deed at the time of the next transaction on the property, and 4) contain, as an attachment or otherwise, the specific, agreed-upon language of the land use restriction itself.

- 2) The use restriction on the property shall be legally sufficient to provide notice to future owners of the property or any portion thereof, or transferees of any interest therein, of the following restrictions on future use of the property; and impose the following restrictions:
 - i) There shall be no consumptive, extractive, or other use of the ground water from the Upper or Middle Sand Units underlying the site;
 - ii) There shall be no residential, commercial (other than those associated with and incidental to industrial operations) or agricultural use of the property;
 - iii) The property (other than those areas restricted to only recreational use) may be used for industrial purposes, including manufacturing, production, treatment and processing

- operations, warehouse use (excluding storage of food-chain products used for direct human consumption, to the extent storage is consistent with local, State, and Federal laws and regulations), and parking and driveway use;
- iv) The areas of the property designated for recreation shall be restricted to recreational uses that will not impact the effectiveness of other corrective measures in protecting human health and ecological receptors.
 - v) Swimming and fishing in the Ottawa River and Zurmehly Creek shall be restricted from the property;
 - vi) The property owner shall maintain the gravel layer covering SWMU Group E or provide an alternative cover that protects workers from exposure to contaminated soil, or demonstrate to Ohio EPA that risk values for unrestricted land use have been achieved for SWMU Group E;
 - vii) The property owner shall perform long term ground water monitoring in accordance with Condition E.9.d of this permit to monitor constituent concentrations in ground water; and
 - viii) The foregoing restrictions shall run with the land, inure to the benefit of the Ohio Environmental Protection Agency and be binding on the Permittee and its heirs, successors, assigns, transferees or any other owner of the property or any portion thereof or interest therein.

The instrument referenced above shall identify the areas of the property that pose an unacceptable risk to workers due to wastes left in place. The deed or instrument also shall identify the document(s) containing the assumptions and calculations for the estimated risks.

- 3) Within ~~forty-five (45)~~ one hundred sixty (160) days of the effective date of the permit, the Permittee shall submit to the Ohio EPA a description of its policies and procedures for (a) providing a notice of hazards to those performing work in areas that pose unacceptable risk due to wastes left in place; and (b) protecting its workers from the hazards.

Implement corrective measures in accordance with the CMICWP approved by U.S. EPA.

6) SWMU 57 - North Ditch

Implement corrective measures in accordance with the CMICWP approved by U.S. EPA.

7) SWMU 58 - Tank 231

i) Implement corrective measures in accordance with the CMICWP approved by U.S. EPA.

ii) If contaminated soils are left in place due to the inability to excavate near utilities, implement policies and procedures to provide a notice of hazards to those performing future excavation work and to protect excavation workers from the hazards.

8) SWMU 61 - Trolumen Pile

i) Implement corrective measures in accordance with the CMICWP approved by U.S. EPA and the Permittee's June 20, 2002 Product Management Plan, Trolumen Pile - SWMU 61.

ii) Within sixty (60) days of ceasing current operations at SWMU 61, the Permittee shall submit to Ohio EPA a plan and schedule for investigating potential releases from the unit.

iii) After ceasing current operations and investigating potential releases at SWMU 61, the Permittee shall remediate any contamination that poses unacceptable risk to human health or the environment.

9) SWMU 62 - "E" Pond

i) Within ~~sixty (60)~~ one hundred sixty (160) days of the effective date of the permit, submit to Ohio EPA a plan and schedule to determine if ground water contaminated above unrestricted use standards has migrated beyond the facility property boundary.

- ii) Implement the plan to determine if contaminated ground water has migrated beyond the property boundary.
 - iii) If ground water contaminated above unrestricted use standards has migrated beyond the facility property boundary, implement Corrective Action(s) in accordance with Condition E.2.
 - iv) Implement corrective measures for SWMU 62 in accordance with the CMICWP approved by U.S. EPA.
 - v) Perform long-term ground water monitoring for contaminants of concern (COCs) in accordance with the PBGWMP.
- 10) SWMU 63 - Buckeye Road Landfill
- i) Within ~~sixty (60)~~ one hundred sixty (160) days of the effective date of the permit, submit to Ohio EPA a plan and schedule to determine if ground water contaminated above unrestricted use standards has migrated beyond the facility property boundary.
 - ii) Implement the plan to determine if contaminated ground water has migrated beyond the property boundary.
 - iii) If ground water contaminated above unrestricted use standards has migrated beyond the Facility property boundary, implement Corrective Action(s) in accordance with Condition E.2.
 - iv) Perform long-term ground water monitoring for contaminants of concern (COCs) in accordance with the PBGWMP.
- 11) SWMU 67 - Former Coke Pile
- Implement corrective measures in accordance with the CMICWP approved by U.S. EPA.