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State of Ohio Environmental Protection Agency
Southwest District Office

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Lee Fisher, Lieutenant Governor
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RECEIVED
OHIO EPA
APR 25 2007
DIV. OF HAZARDOUS
WASTE MGT.

April 24, 2007

Mark Townsend
Lanxess Corporation
356 Three Rivers Parkway
Addyston, Ohio 45001-0039

Re: Hazardous Waste Permit Modification
Class 1A Approval
Lanxess Corporation
US EPA ID: OHD 004 233 003 / Ohio Permit No. 05-31-0604

Dear Mr. Townsend:

On March 30, 2007, Ohio EPA received a request for a Class 1A (Class 1 requiring prior approval) hazardous waste permit modification (tracking number - 070330-1A-1) from Lanxess Corporation. With this letter, Ohio EPA approves the above referenced Class 1A modification submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-50-51.

FOR APPROVAL
The following modification has been made to your July 11, 2003, Ohio Hazardous Waste Facility Installation and Operation Permit:

Non appendix change to remove the closed container and tank storage units from the permit.

Attached is a copy of the modified permit conditions and revised application. This information has been included to ensure that all involved parties have written confirmation of the changes*. If you have any questions concerning this action, please contact Debora Roth at the Ohio EPA Southwest District Office.

Sincerely,

Thomas A. Winston, P.E.
Chief, Southwest District

cc: Pamela Allen, Manager, RISS, DHWM, CO
Jeremy Carroll, Supervisor, Engineering Unit, DHWM, CO
Debora Roth, DHWM, SWDO
Harold O'Connell, DHWM, SWDO

TAW/HO/plh

*Also, in accordance with Ohio Administrative Code Rule 3745-50-51(D)(1)(a)(ii), Lanxess Corporation 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) 644-2917, or by e-mail at pam.allen@epa.state.oh.us.

OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO HAZARDOUS WASTE FACILITY INSTALLATION AND OPERATION PERMIT RENEWAL

Permittee:	**Lanxess Corporation**
Mailing Address:	356 Three Rivers Parkway Addyston, Ohio 45001-0039
Owner:	Lanxess Corporation 111RIDIC Park West Drive Pittsburgh, Pennsylvania 15275-1112
Operator:	Lanxess Corporation 356 Three Rivers Parkway Addyston, Ohio 45001-0039
Location:	Lanxess Corporation 356 Three Rivers Parkway Addyston, Ohio 45001-0039

Ohio Permit No.:	**05-31-0604**
US EPA 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 **Lanxess Corporation** 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 activity:

- **Address Corrective Action Requirements per OAC 3745-54-101**

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 proceed with Corrective Action activities in accordance with the terms and conditions of this permit, ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all applicable regulations promulgated under the Resource Conservation and Recovery Act (RCRA). 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 30, 2007, 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.

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.

(b) The Permittee may continue to operate in accordance with the terms and conditions 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.

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

(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.

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.

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.

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

(a) The Permittee shall report verbally 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 verbal report):

(i) name, address, and telephone number of the owner or operator;

(ii) name, address, and telephone number of the facility;

(iii) date, time and type of incident;

(iv) name and quantity of material(s) involved;

(v) the extent of injuries, if any;

(vi) an assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(vii) estimated quantity and disposition of recovered material that resulted from the incident.

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.

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. Reserved

A.26. Reserved

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

(a) Corrective Action reports and records as required by Conditions E.5, E.8, E.9, 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. Reserved

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 any hazardous waste from off-site sources.

B.2. Reserved

B.3. Reserved

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 (2) and (C).

B.5. Reserved

B.6. Reserved

B.7. Reserved

B.8. Reserved

B.9. Reserved

B.10. Reserved

B.11. Reserved

B.12. Reserved

B.13. Reserved

B.14. Reserved

B.15. Reserved

B.16. Reserved

B.17. Reserved

B.18. Reserved

B.19. Reserved

B.20. Reserved

B.21. Reserved

B.22. Reserved

B.23. Reserved

B.24. Manifest System
OAC Rules 3745-54-70, 3745-54-71, 3745-54-72 and 3745-54-76

In the management of waste at the facility the Permittee shall comply with the provisions of OAC Rules 3745-52, 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 3745-54-75 and 3745-54-77

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. Reserved

B.27. Reserved

B.28. Reserved

B.29. Reserved

B.30. Reserved

B.31. Reserved

B.32. Reserved

B.33. Reserved

B.34. Reserved

B.35. Reserved

B.36. Reserved

B.37. Reserved

B.38. Reserved

B.39. 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.40. 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.

MODULE C - Reserved

MODULE D - Reserved

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. An approved RFI Workplan was submitted to May 21, 2004. The Phase I RFI Report was submitted June 29, 2005 with a revised report submitted August 2006. A final revised Phase I Report is to be submitted in 2007.

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.

E.1. Corrective Action at the Facility
OAC Rules 3745-50-10 & 3745-54-101

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" 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 3745-54-101

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) & 3745-54-101

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 Figure 2 of Appendix J-1 of the approved Part B permit application. Note that the term Area of Concern (AOC) is also used in addition to WMU in Section J of the permit application, and therefore the identification of AOC's are also identified management units.

E.4 Reserved

E.5 RCRA Facility Investigation (RFI)
OAC Rule 3745-54-101

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 WMU's 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

The Permittee must submit a written Phase II Workplan within 90 days of Ohio EPA approval of the Phase I RFI Report. The Permittee must submit a written RFI Workplan to Ohio EPA for newly discovered waste management unit(s) 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.

(b) RFI Implementation

The Permittee shall implement the approved RFI Workplan, submitted May 2004, according to the terms and schedule in the approved RFI Workplan.

(c) RFI Final Report

Within 60 days after the completion of the second phase 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 Interim Measures (IM)

As of the date of issuance of this permit no interim measures are required by the Permittee for any WMU's 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.

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 WMU's 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 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.

(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 Corrective Measures Implementation (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.

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 3745-54-101

Within 30 days approval of the CMI, Permittee must provide financial assurance in the amount necessary to implement the corrective measures as required by OAC Rule 3745-54-101(B) and (C).

E.10 Newly Identified WMU's or Releases
OAC Rule 3745-54-101

(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.

(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 3745-54-101

If Ohio EPA determines that an RFI is required for newly identified WMU's, the Permittee must submit a written RFI Workplan to Ohio EPA upon a time frame established in written notification by Ohio EPA in accordance with Permit Condition E.5. This determination will be made based on the information submitted in accordance with Permit Condition E.10.

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

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

E.12 Completion of Corrective Action
OAC Rule 3745-54-101

After completing Corrective Action as necessary to protect human health and the environment from all releases of hazardous wastes or hazardous constituents from any WMU's at the Facility, the Permittee shall submit a Corrective Measures

Completion of Work (CMCW) Report. The CMCW Report shall document that Corrective Action construction is complete, cleanup objectives and standards have been met, and any releases of hazardous waste or constituents no longer pose an unacceptable risk to human health and the environment. The CMCW Report may be submitted for any part of the Facility for which corrective measures are complete, or for the entire Facility. The CMCW Report must be submitted as a request for permit modification pursuant to OAC Rule 3745-50-51.

E.13 Documents Requiring Professional Engineer Stamp
ORC Section 4733.01

Preparation of the following Corrective Action documents constitutes the "practice of engineering" as defined by ORC Section 4733.01:

Final Interim Measures Report
Corrective Measures Final Design
Corrective Measures Construction Completion Report
Corrective Measure Attainment of Groundwater Performance Standards Report
Corrective Measure Completion of Work Report

As such, the Permittee must ensure that these documents as submitted to Ohio EPA are stamped by a Professional Engineer licensed to practice in the State of Ohio.

END OF PERMIT CONDITIONS