



Ohio EPA DMWM JAN 16 2013

Division of Materials and Waste Management

Response to Comments

Project: Chemical Solvents, Inc. Ohio Hazardous Waste Permit Renewal
Ohio EPA ID #: OHD 052 937 885

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Ohio EPA issued a draft renewal permit announcing a 45-day comment period on August 16, 2012, regarding the Chemical Solvents, Inc. facility. This document summarizes the comments and questions received during the comment period, which ended on October 4, 2012.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format.

Comments from Chemical Solvents, Inc. (CSI)

Comment 1: **WMU2A should not be identified in the permit and should be removed because it was never a regulated unit. WMU3 is not a regulated unit subject to corrective action because it ceased operation in 1980 prior to corrective action regulations. Similarly, SWMU4 and SWMU5 ceased operation in 1980 prior to RCRA and Ohio EPA regulations regarding corrective**

action. OAC rule 3745-54-101(A) does not apply to areas “that retroactively may now meet the definition of a regulated unit that were taken out of operation before the law existed.” Commenter seeks proper designation of WMUs being addressed. WMUs identified in this comment should be removed from the permit.

Response 1:

Under the provisions of OAC rule 3745-54-101, an owner or operator of a facility seeking an Ohio hazardous waste installation and operation permit must “institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any waste management unit at the facility, regardless of the time at which waste was placed in such unit.” The term “waste management unit” is defined (OAC rule 3745-50-10) as “any discernible unit at which solid waste, hazardous waste, infectious waste (as those terms are defined in Chapter 3734. of the Revised Code), construction and demolition debris (as defined in Chapter 3714. of the Revised Code), industrial waste, or other waste (as those terms are defined in Chapter 6111. of the Revised Code) has been placed at any time, irrespective of whether the unit was intended for the management of solid waste, hazardous waste, infectious waste, construction and demolition debris, industrial waste or other waste. Such units include any area at a facility at which solid waste, hazardous waste, infectious waste, construction and demolition debris, industrial waste, or other waste has been routinely and systematically released.” The units identified in this comment are waste management units and subject to corrective action and will not be removed from the permit.

Comment 2:

“In Module F at page 18 and again at Module E5, at page 20, the permit states that soil and groundwater contamination “present unacceptable risks to human health and the environment.” This language was added to this permit when, in fact, data indicates that there is no risk to human health and the environment off site. While CSI does not believe there is such a risk anywhere at the site, to the extent the comment infers or is meant to place such a risk off site, it is inaccurate. If that is not the intent, we ask that it be clarified. The data

obtained to date suggests that the site does not pose an off-site risk to human health and the environment. The data has been submitted to Ohio EPA and CSI has requested a meeting to discuss this and other issues in the permit. Moreover, the data suggests the contamination is impacted by groundwater to the north (see MW-D4D data). This indicates another source of contamination to groundwater other than CSI. "Steelyard Commons" is the property to the north and is a site that has undergone a remedy under the VAP, however, CSI does not know what was done to address off-site contamination from this location or other up-gradient locations. Ohio EPA has authority under the VAP to obtain access to the well data and review this source. Finally, MW-D4S is directly in the flow path of groundwater from the CSI site and is directly down gradient from wells MW-D2S and MWD-1S and it shows no groundwater impact."

Response 2:

Comment 2 references Module F page 18. The correct reference should be to Module E. Comment 2 actually has four comments within it. Listed below are the corresponding Agency responses.

i. *"...the permit states that soil and groundwater contamination "present unacceptable risks to human health and the environment." ... data indicates that there is no risk to human health and the environment off site."*

Response

A number of on-site soil concentrations exceed OAC rule 3745-300-08 Industrial Commercial Generic Direct Contact Soil Numerical Standards. Ground water contaminant concentrations, including at the property boundary line, exceed Maximum Contaminant Levels (MCLs), for some constituents, by several orders of magnitude. Off-site monitoring well MW-D4D shows ground water is contaminated above MCLs. There is no change to the permit as a result of this comment.

ii. *"... the comment infers or is meant to place such a risk off-site, it is inaccurate. If that is the intent, we ask that it be clarified. The*

data obtained to date suggests that the site does not pose an off-site risk to human health and the environment.”

Response

The Draft Permit states, “Perimeter and down-gradient ground water concentrations exceed levels protective of human health and the environment.” This is a factual statement. Ground water concentrations in all on-site monitoring wells exceed Maximum Contaminant Levels (MCLs), including monitoring wells closest to the property line.

Regarding the potential off-site risk to human health and the environment, off-site monitoring well MW-D4D shows ground water is contaminated above MCLs. Additional off-site monitoring wells will need to be installed to evaluate the rate and extent of contamination. There is no change to the permit as a result of this comment.

iii. “... the data suggests the contamination is impacted by groundwater to the north (see MW-D4D data). This indicates another source of contamination to groundwater other than CSI. “Steelyard Commons” is the property to the north and is a site that has undergone a remedy under the VAP...”.

Response

The property owner has submitted the data mentioned in Comment 2 in their NFA submittal. Results can be found in the document titled “Steel Yard Commons Target NFA, Volume 3, February 2009”.

The monitoring wells referenced on the Steel Yard Commons Target Store property are approximately 2,000 feet from the Chemical Solvents Jennings Road property. Data from the Steel Yard Commons Target Store area indicate that groundwater flow direction is to the east northeast. In addition, ground water constituent levels for methylene chloride, trichloroethene and tetrachloroethene are significantly higher on the Chemical Solvents Jennings Road facility (MW-U3D) versus the Steel Yard Commons

Target property. Ground water flow maps for the deep aquifer from November 2009 and October 2010 suggests that deep well MW-U3D periodically is located downgradient. Considering that free product is observed in MW-U3D, at least periodically, ground water contamination may be flowing in a northerly direction. Based primarily on these facts, Ohio EPA's current position is that the contamination found in ground water at CSI did not originate from an off-site source. The full rate and extent of ground water contamination has not been defined by the facility. There is no change to the permit as a result of this comment.

iv. "Finally, MW-D4S is directly in the flow path of groundwater from the CSI site and is directly down gradient from wells MW-D2S and MW-D1S and it shows no groundwater impact."

Response

For monitoring well MW-D4S, chloroform, dichlorodifluoromethane and trichlorofluoromethane were detected but were below OAC rule 3745-300-08 Table VI risk-based generic unrestricted potable use standards. However, the deep well MW-D4D, vinyl chloride exceeds the MCL by almost three orders of magnitude. There is no change to the permit as a result of this comment.

Comment 3: "The permit lacks any dispute resolution procedure. Such a procedure should be incorporated."

Response 3: A formal dispute resolution procedure was not included in the draft permit. The Agency expects implementation of the permit and issues related to the permit implementation be raised and addressed at the District Office level. Typically, unresolved issues will be forwarded to the Central Office staff and with the District's participation, a resolution is achieved with the owner/operator. There is no change to the permit as a result of this comment.

Comment 4: “CSI has submitted its RFI work plan and incorporates it into its comments. The terms of the RFI work plan when finalized with Ohio EPA approval should be incorporated into the permit.”

Response 4: Ohio EPA Conditionally Approved the RFI Work Plan on February 20, 2004. On August 8, 2005, Ohio EPA approved the RFI Work Plan Addendum. On July 31, 2012, Ohio EPA invoked section E.2 of the facility's Permit, requiring CSI to implement Corrective Action beyond the Facility property boundary. The July 31, 2012, letter also invoked section E.5 requiring CSI to submit a Revised RFI Work Plan to define the full nature and extent of contamination. NEDO has not received a Revised RFI Work Plan for this activity to date. Further, the permit terms and conditions already require submittal and implementation of an RFI Work Plan. There is no change to the permit as a result of this comment.

End of Response to Comments