OhioEPA
State of Ohio Environmental Protection Agency

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September 30, 2003

Re: ***Ohio Hazardous Waste Permit Renewal***
Ross Incineration Services, Inc.
U.S. EPA ID No.: OHD 048 415 665
Ohio ID No.: 02-47-0295

CERTIFIED MAIL

Mr. Arthur Hargate
Ross Incineration Services, Inc.
150 Innovation Drive
Elyria, Ohio 44035

Dear Mr. Hargate:

Here is the renewed Ohio Hazardous Waste Facility Installation and Operation Permit (Permit) for Ross Incineration Services, Inc. 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, September 30, 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 $12,700.00 will be due on September 30, 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.

If you have any questions concerning compliance, do not hesitate to call Neil Wasilk of Ohio EPA's Northeast District Office at (330) 963-1200.

Sincerely,

Pamela S. Allen

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

Attachments

cc: Edwin Lim, Mgr., ERAS, DHWM, CO
Jeremy Carroll, ERAS, DHWM, CO
Marisa Martinez, ERAS, DHWM, CO
Harriet Croke, US EPA, Region V
John Paquelet, DHWM, NEDO
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Responsiveness Summary
Ross Incineration Services, Inc.
Ohio Permit No. 02-47-0295
U.S. EPA ID# OHD 048 415 665

Note

Ohio EPA issued a draft Part B Renewal Permit to Ross Incineration Services, Inc. (RIS) on December 23, 2002. A public comment period was held from December 24, 2002 until February 14, 2003. RIS' comments on the draft permit were submitted by letter dated February 14, 2003 and received by Ohio EPA on February 19, 2003. These comments were also submitted electronically to Ohio EPA on February 14, 2003. This responsiveness summary addresses these comments. The final permit has been revised to reflect all changes identified in the responses to those comments. No other written comments were received.

Due to the extensive nature of the RIS comments, they are not included in the responsiveness summary, rather each response references a specific numbered comment. A copy of the comments is available as a separate document.

This summary also responds to oral comments given during the public meeting held at the Grafton-Midview Public Library Community Room, 983 Main Street, Grafton, Ohio, on Monday, February 3, 2003. Responses to the public meeting comments immediately follow the responses to the RIS comments. The format used for the responses to the comments from the public meeting includes identifying and responding to major issues, rather than responding to each speaker. The transcript of the public meeting comments is not included in the responsiveness summary; however, a copy is available as a separate document.

RIS General Comments

Ohio EPA Response:

These comments do not raise any specific issues with the provisions of the draft permit. The comments allege generally that the Ohio EPA has exceeded its regulatory authority and statutory mandate in establishing many permit conditions. Ohio EPA has responded to specific comments within the comment package that allege that Ohio EPA exceeded its regulatory authority and statutory mandate.

Responses to Specific Comments on the Draft Permit submitted by Ross Incineration Services.

RIS Comment No.: 1
Location in Draft Part B: Module A, Condition A.1(b), Effect of Permit

Ohio EPA Response:

This comment requests inclusion of specific language in the condition regarding the Permittee's right to appeal.

Ohio EPA believes that the draft permit language is consistent with Ohio law. Ohio EPA also believes that the rights to be reserved in the proposed additional language are available to the Permittee without specifically stating them in the permit. The permit is not intended to specifically enunciate every right and legal option that may be available to the Permittee as a result of permit issuance.

Ohio EPA sees no need to revise this condition.

RIS Comment No.: 2
Location in Draft Part B: Module A, Condition A.2, Permit Actions

Ohio EPA Response:

This comment objects to the inclusion of the word "suspension" within the permit condition since that term is neither defined nor used in Ohio administrative law. Additionally, the comment requests insertion of language that would require the Agency to use reliable and probative evidence, economic feasibility, technologically demonstrated and affordable control and measurement methods when taking actions under this condition.

ORC § 3734.09 makes reference to the term "suspension". However, Ohio EPA acknowledges that there is no regulatory mechanism in Ohio's hazardous waste rules to implement a permit "suspension". Therefore the "suspension" language has been removed from the condition. Additionally, Ohio EPA has also removed the term "revision" from the condition since this term is no longer used in the hazardous waste rules.

There is no requirement in the hazardous waste rules which mandates that the Agency take into consideration "reliable and probative evidence, economic feasibility, technologically demonstrated and affordable control and measurement methods" when taking actions under this condition. Inclusion of this language in hazardous waste permits is not required by the hazardous waste regulations. Therefore, this condition has not been modified to include the proposed language.

Condition A.2 has been revised to read:

> "This permit may be modified, revoked, or renewed as specified by Ohio law. The filing of a request for a permit modification, revocation, 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."

RIS Comment No.: 3
Location in Draft Part B: Module A, Condition A.3, Permit Effective/Expiration Date

Ohio EPA Response:

This comment concerns the effective date of the permit and compliance schedules. The comment proposes that the effective date of the permit be 60 days after journalization to allow the facility to address compliance with any new requirements imposed in the final permit.

OAC Rule 3745-47-03 defines "final action" as the written decision of the director on any matter that is signed by the director and entered into the journal . . ." Furthermore, OAC Rule 3745-47-03 defines "issue (issuance)," in the case of a final action, to mean entering the action in the Director's journal after it is signed by the Director. OAC Rule 3745-50-40 requires the Director to issue or deny the renewal permit application within 60 days after the public meeting or close of the public comment period. Hence, Ohio EPA can not delay the effective date of the permit as the comment proposes.

OAC Rule 3745-50-50 provides for schedules of compliance. Ohio EPA acknowledges the concern that additional time may be necessary for the facility to comply with some permit requirements. Ohio EPA has made changes to the list of compliance schedules in its response to Comment 10 regarding Condition A.27.

Ohio EPA also notes that a compliance schedule may be changed through the permit modification request process in accordance with OAC Rule 3745-50-51 which allows the Permittee to provide documentation of why the original schedule can not be met and why a change is necessary.

RIS Comment No.: 4
Location in Draft Part B: Module A, Condition A.5, Duty to Comply

Ohio EPA Response:

This comment objects to the inclusion of the word "suspension" within the permit condition since that term is neither defined nor used in Ohio administrative law. Additionally, the comment requests insertion of language that will require the Agency to follow regulations and the Administrative Procedures Act when taking actions under this condition.

The response to comment No. 2 addresses the “suspension” issue. The "suspension" language has been removed from the condition. Additionally, Ohio EPA has removed the term "revision" from the condition as well since this term is no longer used in the hazardous waste rules.

In response to the requested additional language: when taking action under this condition, or any other permit condition, Ohio EPA will follow applicable law. The Agency is a creation of Ohio law and as such, is bound to act in accordance with applicable law. Moreover, the permit is the mechanism for defining the Permittee's authorization and obligations with respect to specific hazardous waste management activities and not the Agency's obligations. The Agency is not a Permittee subject to the conditions of this permit. It would be inappropriate to include any language in the permit which places an obligation on an entity that is not a permittee. For this reason, the additional language is not needed and therefore was not included.

Condition A.5 has been revised to read:

> "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, revocation, modification, denial of a permit renewal application or other appropriate action."

RIS Comment No.: 5
Location in Draft Part B: Module A, Condition A.7, Need to Halt or Reduce Activity Not a Defense

Ohio EPA Response:

This comment requests inclusion of specific language in the condition regarding retention of remedies, stays and defenses by the Permittee.

Ohio EPA believes that the remedies, stays and defenses to be reserved through the proposed language are available to the Permittee without specifically stating them in the permit. The permit is not intended to specifically enunciate every right and legal option that may be available to the Permittee as a result of permit issuance.

Ohio EPA sees no need to revise this condition.

RIS Comment No.: 6
Location in Draft Part B: Module A, Condition A.10, Duty to Provide Information

Ohio EPA Response:

This comment objects to the inclusion of the word "suspending" within the permit condition since this term is neither defined or used in Ohio administrative law.

The response to comment No. 2 addresses the “suspension” issue. The "suspending" language has been removed from the condition. Additionally, Ohio EPA has removed the term "revising" from the condition as well since this term is no longer used in the hazardous waste rules.

Condition A.10 has been revised to read:

> "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 or revoking 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."

RIS Comment No.: 7
Location in Draft Part B: Module A, Condition A.14(c), Retention of Records

Ohio EPA Response:

This comment objects to the requirement to maintain, for the life of the facility, records of all data used to complete the Part B permit application and any amendments, supplements, modifications or revisions, of such application. The comment alleges that: (1) it is unreasonable to expect this information be maintained for any more than the life of the permit (5 years); (2) the majority of the information in the Part B application is transferred or incorporated by reference into the permit, so it is reasonable that the application be kept up to date as a referenced permit document; (3) after renewal of the permit, a new application would govern and the old application would become obsolete.

Ohio EPA agrees that 5 years, which corresponds to the life of the permit, is a more appropriate time period for the facility to maintain the subject records and the condition has been revised to reflect this time period.

OAC Rule 3745-50-40 (G) has been added to the rules cited as authority for this condition. The reference to "revisions" has been removed.

Condition A14(c) has been revised to read,

> "A.14. Retention of Records
> OAC Rules 3745-50-40(G), 3745-50-58(J) and 3745-50-58(M)
>
> (c) The Permittee must maintain, in accordance with the Ohio hazardous waste rules, records of all data used to complete the permit application and any amendments, supplements or modifications of such application and must retain a complete copy of the application for a period of at least five (5) years from the effective date of the permit."

RIS Comment No.: 8
Location in Draft Part B: Module A, Condition A14, Retention of Records
Module A, Condition A.28 Information to be Maintained at the facility
Module B, Condition B.21 Availability, Retention and Disposition of Records

Ohio EPA Response:

This comment requests authorization to maintain portions of the Permittee's facility operating record at off-site locations. The Permittee previously submitted a permit modification request dated January 7, 2003 to conduct this activity. Ohio EPA informed the Permittee that OAC Rule 3745-54-73 specifically requires a written operating record to be kept "at the facility" and therefore a permit modification request was not an appropriate administrative mechanism, as such storage is not authorized by OAC Rule 3745-54-73. Ohio EPA suggested that the Permittee pursue a request for an exemption under OAC Rule 3745-50-31 (also known as an .O2(g) exemption) and noted that one option for doing this was to include this issue in the Permittee's comments on its draft permit.

Ohio EPA is not opposed in principle to off-site storage of some operating record documents, but believes that authorization for off-site storage must include identification of each off-site location where a portion of the operating record is stored, specific time periods in which to retrieve operating record documents and make them available to the Agency for inspection and the form in which certain off-site documents will be made available to Ohio EPA (e.g. electronic or paper).

In response to the issues raised in Permittee's Comment Nos. 7, 8 and 11 requesting authorization for the Permittee to maintain portions of the facility's operating record at off-site locations, Permit Conditions A.28 (a)(vi) and B.22 have been revised to:

"A.28. 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 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):

(vi) operating record required by OAC Rule 3745-54-73 and the terms and conditions of this permit, except for those portions of the operating record maintained at an off-site location pursuant to Condition B.22;

B.22. Operating Record
OAC Rule 3745-54-73

(a) 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.

(b) The Permittee is authorized to maintain portions of the operating record required by OAC Rule 3745-54-73 that are more than three years old at an off-site location with the following conditions:

(i) The off-site location must be listed in the approved Part B application. The listing must include the address of the records storage site and a description of which portion of the record is maintained at that site. Changes and/or additions to storage site locations detailed in the Part B application must be made through the permit modification process described in OAC Rule 3745-50-51.

(ii) All portions of the operating record maintained at off-site locations must be available for Ohio EPA review at the Permittee's facility within two (2) business days of the request, unless this is clearly not reasonable, in which case the Permittee will establish the most expeditious schedule practicable and immediately notify Ohio EPA of the anticipated schedule.

(c) The Permittee is authorized to maintain original copies of waste analysis information collected through Waste Product Survey (WPS) development and update activities (i.e., WPS sheets, attachments and the waste analyses used to develop WPS sheets) and initial notices to generators, as specified in paragraph (B) of OAC rule 3745-54-12, at the Ross Environmental Services Business Center, provided that

(i) All WPS Sheets are accessible at the facility through an electronic data retrieval system from which paper copies can be printed;

(ii) Facsimile or original copies of all waste analysis data used to develop WPS sheets are made available to Ohio EPA within one business day; and

(iii) All portions of the operating records maintained at the Ross Environmental Services Business Center are made available upon request for inspection by Ohio EPA."

RIS Comment No.: 9
Location in Draft Part B: Module A, Condition A.15

Ohio EPA Response:

This comment raises the concern that the Permittee might be required to submit permit modification requests for planned and actual: (1) changes to structures that have no bearing on the operation of RCRA-regulated units but that are represented on site plans in the permit application; or (2) changes that have no bearing on the configuration, capacity or operation of RCRA-regulated waste management activities.

The first sentence of the draft permit condition is taken nearly verbatim from OAC Rule 3745-50-58 (L)(1) and its analogous provision in the federal regulations, 40 CFR 270.30 (l)(1). The second sentence of the draft permit condition links implementation of the contemplated "physical alterations" or "additions" to the permit modification procedures of OAC Rule 3745-50-51.

The definition of "modification" in OAC Rule 3745-50-51 is quite broad and includes any "change or alteration to a hazardous waste facility or its operations that is inconsistent with or not authorized by its existing permit or authorization to operate." If a "physical alteration" or "addition" results in a "change or alteration to a hazardous waste facility or its operations that is inconsistent with or not authorized by its existing permit or authorization to operate" then a permit modification request is required. If it does not, then a permit modification request is not required.

Permit modification requests may be required for a “physical alterations” or “additions” to structures that have no direct bearing on operation of a RCRA-regulated unit. The structures may have been included on site plans in the application for other reasons than operation of a RCRA-regulated unit. For example, inclusion of a structure that is not part of a RCRA-regulated unit on a site plan in the contingency plan may be relevant to illustrating potential evacuation routes. In this example, if the structure was altered in a manner that affected the contingency plan evacuation routes, then a permit modification request would be required.

No changes have been made to this condition as a result of this comment.

RIS Comment No.: 10
Location in Draft Part B: Module A, Condition A.27

Ohio EPA Response:

This comment does not raise any specific issues with the provisions of the draft permit, but rather alerts Ohio EPA that comments have been provided on some compliance schedules in other permit conditions. Ohio EPA has responded to specific comments that raise compliance schedule issues.

Ohio EPA has added additional compliance schedules to provide Permittee time to comply with changes made to the permit as a result of comments received and which Ohio EPA believes will require time after the effective date of this permit for the Permittee to come in to full compliance.

The following compliance schedules have been added:

15)	Condition F.4	Assessment Certification of Miscellaneous Unit
16)	Condition D.5(f)	Revised Tank Corrosion Monitoring Plan (Tanks 23-36)
17)	Condition B.3(f)	Revised WAP for Metals and PCBs Sampling and Analysis
18)	Condition B.14	Revised Contingency Plan Implementation Criteria

Condition I(A).9(e), Modification of kiln aerosol can feeder and the second main chamber aerosol can feeder, has been removed from the compliance schedules, as that condition does not actually establish a compliance schedule, but rather establishes requirements before these feed mechanisms can be operated.

Condition A.27 has been revised to read as follows:

"A.27. Compliance Schedule - Documents

(a) The Permittee shall submit to Ohio EPA all documents specified in the following permit conditions within the time periods specified in those permit conditions:

1)	Condition A.30	Permit application without revision indication text.
2)	Condition B.9(b)	Fire Water System.
3)	Condition B.18(d)	Review of Contingency Plan with Local Responders.
4)	Condition B.27	Closure plan for existing surface impoundments.
5)	Condition D.5(g)	Revised Tank Corrosion Monitoring Plan (Tank 75).
6)	Condition D.11	Evaluation procedure for water in the tank farm containment trench.
7)	Condition E.5	Revised RFI Report.
8)	Condition I(A).9(a)	Plan to reduce frequency of emergency process termination incidents (EPTs).
9)	Condition I(A).9(b)	Evaluation of tanker direct feed containment system for highly volatile and flammable liquid wastes.
10)	Condition I(A).9(c)	Extend paving at Tanker Direct Feed Site Number 3.
11)	Condition I(A).9(d)	Pave portion of former Outdoor Container Storage Area 1 not yet paved.
12)	Condition I(A).9(f)	Performance Test Plan
13)	Condition J.7(b)	Revised groundwater protection program.
14)	Condition F.4	Assessment Certification of Miscellaneous Unit

15)	Condition D.5(f)	Revised Tank Corrosion Monitoring Plan (Tanks 23-36)
16)	Condition B.3(g)	Revised WAP for Metals and PCBs Sampling and Analysis
17)	Condition B.14	Revised Contingency Plan Implementation Criteria

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RIS Comment No.: 11
Location in Draft Part B: Module A, Condition A.28(a)(v).

Ohio EPA Response:

This comment raises a concern that this condition might require the Permittee to maintain some training records at the facility for a longer period than required by regulation, with a perceived requirement to maintain personnel training records for former employees until certification of facility closure apparently the most significant concern.

The subject permit condition reads, "The Permittee shall maintain at the facility, until closure is completed and certified by an independent, registered professional engineer, ...the following documents (including amendments, revisions, and modifications)

(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." [Emphasis added.]

The training records required to be maintained by this condition are those required by OAC Rule 3745-54-16 (D) and (E). OAC Rule 3745-54-16 (D) requires that a copy of the facility personnel training plan be maintained at the facility. OAC Rule 3745-54-16 (E) requires that "Training records on current personnel shall be kept until closure of the facility; **training records on former employees shall be kept for at least three years from the date the employee last worked at the facility**." [Emphasis added.]

The clarification sought by the comment is already present in the condition. No changes have been made to Condition A.28(a)(v).

RIS Comment No.: 12
Location in Draft Part B: Module A, Condition A.28(b).

Ohio EPA Response:

This comment raises a concern that this condition might require the Permittee to obtain prior Agency review and approval for changes that the regulations allow the Permittee to implement without prior approval, for example, Class 1 permit modification request changes.

This condition is intended to implement the regulatory requirement that changes to the permit be submitted to Ohio EPA through the permit modification process in OAC Rule 3745-50-51 and that Ohio EPA approval is required, except for Class 1 permit modifications. The changes proposed in the comments would clarify that these submittals must utilize the permit modification request process. The Agency agrees that additional clarification and specific reference to OAC Rule 3745-50-51 is appropriate.

OAC Rule 3745-50-51 has been added to the regulatory citations for this condition.

This condition has been modified to read:

> "A.28. Information to be Maintained at the Facility
> OAC Rules 3745-50-51, 3745-54-74
>
> (b) All changes or alterations to Permittee's hazardous waste facility or its operations that are inconsistent with or not authorized by this permit, including amendments, revisions and modifications to any plan required by this permit, shall be submitted to Ohio EPA and implemented in accordance with the permit modification requirements and procedures set forth in OAC Rule 3745-50-51."

RIS Comment No.: 13
Location in Draft Part B: Module A, Condition A.29

Ohio EPA Response:

This comment contends that the requirement that the Permittee submit a Waste Minimization Report periodically is not required by OAC Rule 3745-54-75(H), (I) and (J), OAC Rule 3745-54-73(B)(9) or OAC Rule 3745-52-20, which are cited as authority for that requirement, and that Ohio EPA has exceeded its regulatory authority by including the requirement in the draft permit and which, if imposed in a blanket manner in all Ohio RCRA permits, constitutes rulemaking without following the required procedures. The comment also alleges that the cited rules only require a document of significantly lesser scope than the Waste Minimization Report required in the draft permit.

The rules require generators (OAC Rule 3745-52-20)/permittees (OAC Rules 3745-54-73 and 54-75) to certify that they have a waste minimization program in place. The Ohio EPA is responsible for verifying the adequacy of this certification; in order to do this, the Ohio EPA needs to review documentation describing the program in place. Consequently the Director has the authority to specify the documentation needed and the schedule for review. Based on the OAC rules cited above, there is sufficient regulatory authority for the Director to require the submission of a biennial “Waste Minimization Report”.

In regards to the use of guidance issued by the Office of Pollution Prevention, it should be noted that the draft permit condition recommended that the Permittee "refer" to the guidance for assistance in completing the waste minimization report. The permit condition did not require the Permittee to use the guidance. However, to make it abundantly clear that use of the guidance is not being required, Ohio EPA has opted to remove the language in question in the final permit.

RIS Comment No.: 14
Location in Draft Part B: Module A, Condition A.30.

Ohio EPA Response:

This comment objects to classification of the submittal of a "clean copy" of the Permittee’s permit application as a Class 1 permit modification request requiring the Director's approval.

The draft permit incorporates most of the Permittee’s permit application by reference. Consequently, most application pages contain enforceable permit conditions. Ohio EPA’s usual practice is to retain the application as-submitted prior to the final permit which contains editing marks from the application revision process, such as overstruck text to designate deleted text and capitalized text, underlined text and text in special color print to designate new text.

Permittee requested the opportunity to submit a “clean” copy of the application from which all editing marks were removed after a final permit was issued. The Agency agreed to accept a clean copy version, which will contain hundreds of revised pages that are included by reference in the permit. The Agency is obligated to review the revised pages to ensure that no unauthorized changes were made when the editing marks were removed. A change of this magnitude could reasonably be concluded to be beyond the scope of changes envisioned in the category “Administrative and informational changes” in the Appendix to OAC Rule 3745-50-51. Non-appendix changes are addressed in OAC Rule 3745-50-51 (E). OAC Rule 3745-50-51 (E)(2)(a) states that “Class 1 modifications apply to minor changes to the facility or its operations. These changes do not necessitate substantial alteration of the permit conditions and do not reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the director's prior approval may be required.” The Agency was within its discretion to classify

a permit modification request of this magnitude as a Class 1A (i.e., one for which the director's prior approval is required), pursuant to the criteria in OAC Rule 3745-50-51 (E).

However, upon consideration of this comment, the Agency has re-classified this change as a Class 1 Permit Modification not requiring director's approval, which is also a reasonable exercise of Agency discretion.

The permit condition has been revised to read,

> "Within 90 days of the effective date of this permit, the Permittee shall submit to Ohio EPA a Class 1 permit modification request that includes a revised copy of the Part B permit application in which all overstruck text that is intended to designate deleted text has been deleted and in which all text that is intended to designate the addition of new text, including but not limited to capitalized text, underlined text and text in special color print, has been replaced with said text in standard case and font."

RIS Comment No.: 15
Location in Draft Part B: Module B, Condition B.2(a).

Ohio EPA Response:

Condition B.2(a) reflected the Agency's understanding that the Permittee did not intend to receive foreign source wastes. By these comments the Permittee has indicated that it wishes to have the flexibility to receive such wastes. As the comment indicates, OAC Rule 3745-54-12 (A) provides that a permitted hazardous waste facility that "has arranged to receive hazardous waste from a foreign source shall notify the director in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required." A permit modification request is not required to accept a foreign source waste.

Condition B.2(a) has been revised to read,

> "The Permittee shall notify the Director in writing at least four weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source, as required by OAC Rule 3745-54-12(A). Notice of subsequent shipments of the same waste from the same foreign source is not required."

RIS Comment No.: 16
Location in Draft Part B: Module B, Condition B.3.

Ohio EPA Response:

This comment objects to an increased frequency of sampling and analysis of wastes for certain heavy metals (i.e., the BIF metals) and for PCBs and makes the following assertions:

- Permittee already tests the greatest volume of waste received most frequently for metals and PCBs;
- The draft permit would disproportionately analyze small volume waste streams for metals;
- Annual retesting for metals and PCBs provides no appreciable value, is arbitrary and has no logical basis;
- Requiring some testing previously designated as "supplemental" (i.e., conducted at the Permittee's discretion) would be counterproductive as it substitutes a prescriptive condition for the Permittee's knowledge and judgement;
- The Permittee should have flexibility to implement a reduced sampling and analysis frequency for specific waste streams without Ohio EPA approval of each reduced frequency.

OAC Rule 3745-54-13 (A)(1) provides the regulatory authority for metals and PCBs sampling and analysis and states, "Before an owner or operator treats, stores, or disposes of any hazardous wastes ... he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, this analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with the [regulatory] requirements..." OAC Rule 3745-54-13 (A)(2) allows a facility to arrange for the generator of the hazardous waste to supply part of the required information, but the facility retains the ultimate responsibility for obtaining the required information. OAC Rule 3745-54-13 (A)(3) states that "The analysis must be repeated as necessary to ensure that it is accurate and up to date. **At a minimum**, the analysis must be repeated: (a) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste...has changed; and (b) For off-site facilities, when the results of the [fingerprint] inspection...indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper." [Emphasis added.]

OAC Rule 3745-54-13 does not provide a bright line standard for determining the overall frequency of metals and PCBs sampling and analysis that the receiving facility must conduct. Rather best professional judgment must be used to establish a frequency that provides reasonable assurance, that:
- The facility has obtained "all the information which must be known to treat, store, or dispose of the waste", either through its own analytical work or through information provided by the generator;
- Data and information provided by generators are accurate;
- Waste received conforms to Waste Product Survey (WPS) data; and
- Metals and PCBs concentrations on all WPSs are accurate and up to date.

The Agency believes that additional sampling and analysis are required to ensure consistent compliance with:
- Maximum incinerator metals feed rates and incinerator metals emissions standards;
- Restrictions barring receipt of wastes containing 50 or more part per million (PPM) of PCBs;
- Waste profile limits for PCBs and metals in individual waste shipments.

The Agency believes that the sampling and analysis frequencies proposed by the Permittee do not provide sufficient assurance of consistently achieving these objectives because the Permittee:

1) Does not usually conduct laboratory analyses for PCBs and metals either prior to agreeing to accept a waste or during annual re-certification but instead usually relies on the customer (who may be the initial generator of the waste or a third party waste handler or consolidator of wastes from several sources) to provide such data (either from sampling and laboratory analysis or "generator knowledge").

2) Does not have a periodic re-testing program.

The comment that periodic retesting results in "testing a waste stream that has not changed (as documented during the renewal process) simply because the calendar indicates that an arbitrary time frame has passed" is not persuasive. The Agency believes that periodic retesting safeguards the robustness and integrity of WPS PCBs and metals data and also provides sufficient samples to evaluate variability. (The permit requires periodic re-sampling if sampling and analysis has not been conducted within the prior 12, 24 or 36 months, whichever is applicable. Other sampling events are not ignored and arbitrary sampling and analysis is not required.)

The comment argues that the draft permit would disproportionately sample and analyze lower volume wastes. The Agency notes that even lower volume wastes, if discrepant versus WPS information, could result in non-compliance with permit conditions on metals feed or acceptance of PCB-containing wastes. The Agency agrees that a reasonable balance between sampling of larger and smaller volume wastes is appropriate and has addressed this balance in the final permit.

The comment statement that WPSs for smaller volume wastes "account for 77.7% of the WPS'[s] received, [but] they account for a minuscule 6.22% of the waste volume received" prompted the Agency to review the information on the volume of waste received per WPS provided in the Permittee's NOD response dated July 20, 2001, which are the data apparently used for the comment comparison. That review indicated that receipts of less than 1,100 gallons per WPS accounted for about 61% of all WPSs received (i.e., about 79% of the 77.7% cited in the comment). The concern with disproportionate bias to analyzing small volume waste streams has been addressed by establishing a separate metals sampling and analysis frequency for wastes for which the WPS indicates an annual

generation rate of less than 1,100 gallons per year and by capping the metals analysis frequency for wastes with a generation rate of less than 4,400 gallons per year at one analysis within a 24 or 36 month period, unless the analysis is discrepant or the WPS indicates that the waste contains more than a threshold concentration of metals. Under the final permit, wastes with a generation rate of less than 4,400 gallons per year, but greater than 1,100 gallons per year, have a 10% chance of being sampled and analyzed for metals on any individual shipment and no more than one analysis every two or three years, while wastes with an annual generation rate of less than 1,100 gallons per year have a 1% chance of being sampled and analyzed for metals on any individual shipment and no more than one analysis every two or three years.

The generation rate listed on the WPS is a surrogate measure of the expected shipment rate of that waste to the Permittee. This practice is identified in the Director's Final Findings and Orders dated May 2, 1996. The final permit includes a clarification of this intent and provides that the Permittee will exercise reasonable care and diligence to assure that the generation rate on each WPS is not less than the expected shipment rate to the Permittee.

The comment concern that the permit would make mandatory some testing that the Permittee previously designated as "supplemental" (i.e., conducted at Permittee's discretion) is not persuasive. The permit requires that the Permittee conduct: (1) specifically identified metals and PCBs testing (which includes some identified as supplemental in the application); and (2) supplemental analysis as identified and when provided for in the application. It does not mandate that all supplemental analyses listed in the application be conducted for all waste shipments.

The metals and PCBs sampling and analysis requirements in the final permit are reasonable measures to ensure compliance with the requirements of OAC Rule 3745-54-13.

The Agency does not find the comment proposal that the Permittee be provided essentially unlimited discretion to establish a reduced frequency of sampling and analysis for any WPS persuasive. The comment notes that if the Permittee is not granted this discretion, the reduced frequency "program should be <u>defined and self-implemented</u> by the facility without the prior approval of the Agency." Condition B.3 (d) has been modified to include specific self-implementing criteria for reduced frequency of sampling and analysis for metals. The Agency has no such specific self-implementing criteria for reduced frequency of sampling and analysis for PCBs and has deleted that section from the final permit. Different criteria are provided for wastes received from the initial generator (i.e., the operator of the production or manufacturing process that produced the waste) and other parties (e.g., parties that consolidate wastes from various sources). Waste from an initial generator can be expected to be less variable in composition than waste consolidated from numerous sources.

The belief that wastes from the initial generator are less variable is also reflected in the longer maximum time period between resampling for such wastes in sections (b)(ii), (iii), (iv) and (vi) of the revised condition.

The revised condition B.3 (d) is derived from condition B.3 (d) in the draft permit, criteria used for reduced frequency for metals testing at another Ohio TSDF, as well as information received from the Permittee during the permit NOD process.

Versus the conditions proposed in the Permittee's comments, Condition B.3 has been revised to:

Retain annual metals sampling and analysis for certain larger volume wastes and provide for biennial metals sampling and analysis for other larger volume wastes,
Retain metals sampling and analysis after receipt of an additional 50,000, or 100,00 gallons (equivalent to approximately 10 or 20 tanker loads) for larger volume wastes,
Retain metals sampling and analysis for 10% of shipments for wastes with a generation rate of 1,100 to 4,400 gallons per year, but limited to one analysis per WPS every two or three years;

Apply metals sampling and analysis to 1% of shipments only to wastes with a generation rate of less than 1,100 gallons per year and limited to one analysis per WPS every two or three years;

Retain annual PCBs sampling and analysis for wastes in which the generator indicates that PCBs are present,

Retain annual PCBs sampling and analysis for wastes which have a more logical possibility of containing PCBs,

Identify specific criteria for reduced frequency of metals sampling and analysis.
Delete the reduced PCBs sampling and analysis frequency provision.
Add a compliance schedule to implement new sampling and analysis plan.

Clarify that the waste volumes used as sampling and analysis triggers are annual volumes.

Clarify that the waste generation rate listed on the WPS is a measure of the expected shipment rate and that it will be established with reasonable care.

Apply different maximum time periods between resampling for wastes from initial generators versus other generators, and add a definition of "initial generator".

Condition B.3 (b), (c) and (d) have been revised, new Conditions B.3 (e), (f) and (g) have been added and former Condition B.3 (e) has been renumbered as Condition B.3 (h). Condition B.3 (b), (c), (d), (e), (f) and (g) read as follows in the final permit:

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

(b) Boiler and Industrial Furnace (BIF) metals (as defined in 40 CFR Part 266 Appendix I) sampling and analysis: the Permittee shall conduct Boiler and Industrial Furnace (BIF) metals sampling and analysis on:

(i) Ten percent (10%) of the containers in the first shipment of each sampleable Waste Product Survey (WPS) received at the facility for each waste stream in which a generation rate in excess of 4,400 gallons per year of waste is listed on the WPS.

(ii) Ten percent (10%) of the containers in the first shipment of each sampleable WPS received at the facility following the annual renewal of each WPS in which a generation rate in excess of 4,400 gallons per year of waste is listed on the WPS, if the WPS has not been sampled and analyzed for BIF metals by the Permittee within 12 months prior to the date of receipt, or for wastes received from the initial generator, within 24 months prior to the date of receipt.

(iii) Ten percent (10%) of the containers in the first shipment of each sampleable WPS received at the facility following the receipt of 50,000 gallons and each additional 50,000 gallons, or for wastes received from the initial generator, each additional 100,000 gallons, of waste subsequent to the initial shipment of each WPS for which a generation rate in excess of 4,400 gallons per year of waste is listed on the WPS.

(iv) Ten percent (10%) of the containers in 10 out of 100 sampleable WPSs received at the facility for which a generation rate that is less than 4,400 gallons per year and greater than or equal to 1,100 gallons per year of waste is listed on the WPS, but if the WPS has been sampled and analyzed for BIF metals by the Permittee within the previous 24 months, or for wastes received from the initial generator, within the previous 36 months, no metals analysis shall be required on the current sample.

(v) Ten percent (10%) of the containers in 10 out of 100 sampleable WPSs received at the facility for which a generation rate of less than 4,400 gallons per year of waste is listed on the WPS and which have at least one BIF metal concentration listed on the WPS that exceeds the following sampling threshold.

Metal	Sampling Threshold Concentration (PPM)
Antimony	250
Arsenic	12
Barium	1500
Beryllium	25
Cadmium	25
Chromium	300
Lead	525
Mercury	75
Silver	85
Thallium	975

(vi) Ten percent (10%) of the containers in 1 out of 100 sampleable WPS's received at the facility for which a generation rate of less than 1,110 gallons per year of waste is listed on the WPS and which have no metals concentrations listed on the WPS that exceed the sampling threshold concentrations listed in (v), but if the WPS has been sampled and analyzed for BIF metals by the Permittee within the previous 24 months, or for wastes received from the initial generator, within the previous 36 months, no metals analysis shall be required on the current sample.

(vii) Ten percent (10%) of the containers in the first shipment of each sampleable WPS received at the facility following a discrepant metals analysis of that WPS.

(viii) Unless a more stringent sampling and analysis program is required by this section, the Permittee shall conduct supplemental metals analyses as provided in the Waste Analysis Plan in Section C of the Part B permit application.

(c) <u>PCB sampling and analysis:</u> the Permittee shall conduct PCB sampling and analysis on:

(i) Ten percent (10%) of the containers in the first shipment of each sampleable Waste Product Survey (WPS) received at the facility, if the generator indicates on the WPS that the waste contains PCBs.

(ii) Ten percent (10%) of the containers in the first shipment of each sampleable WPS received at the facility following the annual renewal of such WPS, if the generator indicates on the WPS that the waste contains PCBs and if the WPS has not been sampled and analyzed

for PCBs by the Permittee within 12 months prior to the date of receipt.

(iii) Ten percent (10%) of the containers in 3 out of 100 sampleable WPS's received at the facility for which a generation rate of 4,400 or more gallons per year of waste is listed on the WPS.

(iv) Ten percent (10%) of the containers in 1 out of 100 sampleable WPS's received at the facility for which a generation rate of less than 4,400 gallons per year of waste is listed on the WPS.

(v) Ten percent (10%) of the containers of the first shipment of each sampleable WPS received at the facility for all oily wastes and waste streams having a more logical possibility of containing PCBs.

(vi) Ten percent (10%) of the containers of the first shipment of each sampleable WPS received at the facility following the annual renewal of each WPS for all oily wastes and waste streams having a more logical possibility of containing PCBs, if the WPS has not been sampled and analyzed for PCBs by the Permittee within 12 months prior to the date of receipt.

(vii) Ten percent (10%) of the containers in the first shipment of each sampleable WPS received at the facility following a discrepant PCB analysis of that WPS.

(viii) Unless a more stringent sampling and analysis program is required by this section, the Permittee shall conduct supplemental analyses for PCBs as provided in the Waste Analysis Plan in Section C of the Part B permit application.

(d) <u>Reduced sampling and analysis frequency for BIF metals.</u>

The Permittee may implement a reduced frequency of sampling and analysis for BIF metals provided the conditions listed below are met. Reduced frequency of sampling and analysis means that the Permittee need not conduct additional sampling and analysis for metals for that WPS pursuant to (b)(iii) or (b)(v). While using a reduced frequency sampling and analysis, the Permittee must use no less than the arithmetic mean plus two standard deviations as the WPS metals concentrations.

(i) For wastes received by the Permittee from the initial generator, upon completion of three sampling and analysis events if the arithmetic mean values for all metals concentrations are less than the

concentrations then listed on the WPS or less than the threshold values in (b)(v), or otherwise, upon completion of ten sampling and analysis events;

(ii) For wastes received by the Permittee from parties other than the initial generator, upon completion of ten sampling and analysis events if the arithmetic mean values for all metals concentrations are less than the concentrations then listed on the WPS or less than the threshold values in (b)(v); or, otherwise, upon completion of thirty sampling and analysis events.

If a generator notifies the Permittee of any change in the process that generates a waste that increases the concentrations of metals in such waste, the number of sampling and analysis events used for (i) and (ii) shall be of such waste after that change.

If the metals concentrations for any sampling and analysis event conducted under (b)(ii) or (b)(iv) exceed WPS values while a reduced sampling and analysis frequency is in effect, the reduced sampling and analysis frequency shall no longer apply until sufficient additional sampling and analysis events are conducted to re-qualify for (i) and (ii).

(iii) Permittee shall maintain documentation of all WPSs for which a reduced frequency of metals sampling and analysis has been established.

(e) For Condition B.3, the generation rate listed on the WPS is a measure of the expected shipment rate of that waste to the Permittee. The Permittee will obtain the estimated generation rate through the WPS completion process and will exercise reasonable care and diligence to assure that the generation rate on each WPS is not less than the expected shipment rate to the Permittee.

(f) For this condition, “initial generator” means the operator of a production or manufacturing process that produces a waste. It does not include waste treatment, storage or disposal facilities, brokers or any party that consolidates wastes from several sources.

(g) Permittee shall submit a modified Waste Analysis Plan and implement the sampling and analysis requirements for metals and PCBs specified in Condition B.3 within 90 days of the effective date of this permit.

(h) Supplemental Analyses, Sampling and Analysis of Treatment Residues"

The text and table in (h), (formerly (e) in the draft permit) are unchanged.

RIS Comment No.: 17
Location in Draft Part B: Module B, Condition B.7

Ohio EPA Response:

The comment objects to the portions of this condition that would require the Permittee to: (1) provide electrical grounding for all containers and tanks, and transport vehicles during all operations while handling ignitable or reactive waste and (2) use spark proof tools during all operations while handling all ignitable or reactive waste. The basis for the objection is: the Permittee's application, in Sections C, D and F, outlines procedures for complying with the requirements for handling ignitable, reactive, and incompatible waste; and, the draft permit language is believed to be more restrictive than the regulations, the permit application, or general industry practice would require. The Permittee believes that Condition B.7(a), which states "The Permittee shall comply with the requirements of 3745-54-17 and shall follow the procedures set forth in Sections C, D and F of the application" is sufficient to address the regulatory requirement.

Condition B.7(a) states that "The Permittee shall comply with the requirements of OAC Rule 3745-54-17 and shall follow the procedures, practices and design specifications for handling ignitable, reactive and incompatible wastes set forth in Sections C, D and F of the Part B permit application." Consequently this condition requires that the Permittee comply with: (1) OAC Rule 3745-54-17 which establishes in a general manner the regulatory requirements for management of hazardous wastes that are ignitable, reactive and incompatible wastes; and, (2) the specific procedures, practices and design specifications for handling ignitable, reactive and incompatible wastes set forth in Sections C, D and F of the Part B permit application, which apply OAC Rule 3745-54-17 to specific operations at the facility.

Conditions B.7(b), (c) and (d) have been removed from the final permit as the procedures, practices and design specifications for handling ignitable, reactive and incompatible wastes set forth in Sections C, D and F of the Part B permit application already address these requirements.

Condition B.7 in the final permit reads,

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

The Permittee shall comply with the requirements of OAC Rule 3745-54-17 and shall follow the procedures, practices and design specifications for handling ignitable, reactive and incompatible wastes set forth in Sections C, D and F of the Part B permit application."

RIS Comment No.: 18
Location in Draft Part B: Module B, Condition B.9(b)

The Permittee has installed a water main and two fire water hydrants. However the Permittee has not provided the Agency any documentation that it has installed equipment necessary to convey water from the hydrants to locations where it is likely to be needed during a fire. Permittee has not provided any information on hoses, nozzles and monitors, or any other equipment necessary to get water to any potential fires. Neither has Permittee provided any documentation that it has trained its employees in the use of such equipment.

One area of concern is the concrete pad north of the incinerator that includes the bulk solid waste repack area and container staging area. Prior incidents in this area have required water to suppress fires or reacting wastes. The closest hydrant is approximately 330-400 feet from this area. Permittee has not addressed whether sufficient hoses will be provided to utilize the hydrants to fight fires in this area. Nor has the Permittee addressed training its employees in the use of such hoses.

This condition has been revised to be cognizant of the installation of the two fire hydrants and to indicate with greater specificity the elements remaining to be completed.

Condition B.9(b) now reads,

> "Within six months of the effective date of this permit, the Permittee shall submit a Class 2 permit modification request to the Ohio EPA that commits the Permittee to:
> - Install fire water hoses, with compatible nozzles, of sufficient length to convey water from the nearest fire water hydrant to all areas likely to require water for initial fire suppression capability including but not limited to, the container staging areas and the bulk solid repack area at the incinerator;
> - Install any other specific equipment that Permittee has determined, after evaluation of its fire response plan, is required to utilize the fire hydrants for initial fire suppression activities capability for other areas near the incinerator. (A copy of the facility fire response plan used to identify required equipment shall be included with the permit modification request.);
> - Establish training for its employees in incipient fire response using these hoses, nozzles and any other new fire suppression equipment as well as in identifying the types of fires Permittee's employees will respond to;
> - Establish an inspection schedule for hoses, nozzles and any other new fire suppression equipment."

RIS Comment No.: 19
Location in Draft Part B: Module B, Condition B.13(a)(ii)

Ohio EPA Response:

This comment objects to a requirement that the Permittee inform emergency response agencies of:

(1) safety equipment, supplies;
(2) the proper emergency safety procedures that are applicable to the facility; and
(3) any further requirements related to emergency response imposed by the terms and conditions of this permit.

The comment objects that these measures are not required by OAC Rule 3745-54-37 and that these additional requirements are either redundant, ambiguous and/or require the Permittee to inappropriately assume additional liability for responders to emergency incidents at the facility.

Ohio EPA agrees that the safety equipment, supplies, procedures and requirements referenced in this condition are only applicable to emergency responders and that there is some, but not total, redundancy with Condition B.18 that requires the Permittee to distribute the Contingency Plan to potential responders. Ohio EPA also notes that the specific requirements in Condition B.13(a)(ii) in the draft permit are not required by the rules. Consequently, the condition has been revised to focus on the more general requirement in OAC Rule 3745-54-37(A)(3) that the facility make arrangements with Ohio EPA emergency response teams, emergency response contractors, and equipment suppliers.

Ohio EPA has revised Condition B.13 (a)(ii) to read,

"(ii) make arrangements with Ohio EPA emergency response teams, emergency response contractors, and equipment suppliers; and"

RIS Comment No.: 20
Location in Draft Part B: Module B, Condition B.14

Ohio EPA Response:

This comment objects to this condition on the grounds that it would require the Permittee to utilize contingency plan implementation criteria identical to that found in Ohio EPA's publication "Guidance Concerning Contingency Plan Implementation and Incident Reporting" and the contingency plan implementation criteria in Ohio EPA's model permit. The comment further alleges that the guidance has been applied as a regulation and that such usage constitutes rulemaking without following appropriate procedures. The

comments also identify several suggestions to change the implementation criteria that the Permittee made in NOD responses and other communications.

OAC Rule 3745-54-51 (B) states, "The provisions of the contingency plan shall be implemented immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment."

The guidance cited in the comment is only intended to establish "safe harbor" (i.e., minimum implementation) criteria that any facility may utilize as contingency plan implementation criteria that complies with OAC Rule 3745-54-51 (B). The guidance is not intended to define unique criteria or establish the only criteria that may be used to comply with OAC Rule 3745-54-51 (B). Facility-specific operations and characteristics may allow usage of other criteria that are protective of human health and the environment.

In response to the Permittee's comment, several changes have been made to the implementation criteria in the draft permit to account for specific operations of the Permittee's facility. Sub-section (a) has been revised to address Permittee's concern that the original criterion of "Any fire involving hazardous waste" could require implementation for small fires that can be immediately brought under control and mitigated by on-site personnel. As revised, this section would require plan implementation for a fire in areas such as the Container Storage Facility (CSF) or tank farms where ignitable or flammable materials are present but not for fires on the incinerator feeders that are small and capable of being quickly extinguished with hand-held fire extinguishers.

No changes are required to sub-sections (c), (d) or (e).

Sub-section (b) of Condition B.14 is essentially the same as sub-section (b) in Section 1 of the Contingency Plan Implementation Criteria in Table G-2 in Section G of the permit application. Table G-2 includes a definition of "explosion" and a reference to this definition has been added to sub-section (b) of Condition B.14.

Sub-sections (c), (d) and (e) of Condition B.14 already contain the flexibility that the Permittee is seeking through the analogous sub-sections in Sections 1 and 2 of the Contingency Plan Implementation Criteria in Table G-2 in Section G of the permit application. The Permittee would add the phrase "in sufficient quantities to threaten human health and the environment " or similar words as a qualifier to each criterion. The Permittee is concerned that the implementation criteria could be interpreted to require plan implementation for every "release of hazardous waste" and presumably every "uncontrolled hazardous waste reaction". However, the comment analysis does not give adequate weight to the qualifying words in these criteria, namely: "uncontrolled hazardous waste reaction that **produces or has the potential to produce**..." in sub-section (c); "hazardous waste release, outside of a secondary containment system, **that causes or has the potential to cause**..."in sub-section (d) ; and "waste release that **produces or has a potential to produce**..." in sub-section (e). [Emphasis added.] Plan implementation is not

required for every reaction or release involving hazardous waste, but only for those that cause or have the potential to cause certain specified conditions that threaten human health and the environment. The flexibility sought in the comments is already present in these sub-sections.

To provide a complete set of implementation criteria in Condition B.14, a reference to Section 3 (Natural Disasters) and Section 4 (Civil Unrest) in Table G-2 in Section G of the permit application has been added. Also a compliance schedule has been provided to update and train staff on the revised contingency plan.

Condition B.14 has been revised to read as follows,

"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 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, except that for a fire located in or on an incinerator waste feed mechanism or the incinerator feed structure, implementation shall be required only if the fire can not be controlled with hand-held fire extinguishers;

(b) Any explosion, as defined in Table G-2 in Section G of the permit application, involving hazardous waste; or

(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; or

(f) Occurrence of any event listed in Sections 3 or 4 of the Contingency Plan Implementation Criteria in Table G-2 in Section G of the permit application.

The Permittee shall submit to Ohio EPA a revised contingency plan that incorporates the preceding implementation criteria and shall submit documentation that facility staff has been trained in use of the new implementation criteria within 60 days of the effective date of this permit."

RIS Comment No.: 21
Location in Draft Part B: Module B, Condition B.18

Ohio EPA Response:

This comment objects to a condition that would require the Permittee to submit all contingency plan change updates to the local emergency responders within 10 days of the change. Basis for the objection is that no specific date for such actions is provided in the regulations. The comment proposes that significant changes made to the plan be communicated to responding agencies in a timely fashion, but that insignificant changes which have no impact on these authorities' ability to respond to an emergency at the facility (e.g., changes to an Emergency Coordinator's address or phone number, etc.), should not be required to meet the same time constraints.

Ohio EPA agrees with the proposed changes for Condition B.18 (b). This condition has been revised to include these changes. Ohio EPA has revised this condition to read:

"B.18. Copies of Plan
OAC Rule 3745-54-53

(b) The Permittee shall, in accordance with OAC Rule 3745-54-53, submit a copy of the 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 of any significant changes to the plan which will impact their ability to respond to an emergency, within fifteen (15) days of the effective date of any amendments of, revisions to, or modifications to the contingency plan. For all other changes, notification in writing must be made annually."

RIS Comment No.: 22
Location in Draft Part B: Module B, Condition B.21

Ohio EPA Response:

This comment alleges that this condition states: "RIS shall furnish upon request and retain all records at the facility in accordance with OAC 3745-54-74." and incorporates Comment Nos. 8 and 9 by reference.

The condition quoted in the comment is not accurate. This permit condition in the draft permit reads, “All records shall be furnished, upon request, to Ohio EPA, and those records shall be retained by the Permittee in accordance with OAC Rule 3745-54-74.” It does not include the restriction “retain all records at the facility”.

No changes are required to address this comment.

RIS Comment No.: 23
Location in Draft Part B: Module B, Condition B.26, Closure Performance Standard

Ohio EPA Response:

OAC Rule 3745-50-45(A) requires owners and operators of hazardous waste management units to have permits during the active life of the unit. Active life of a facility means the period from the initial receipt of hazardous waste at the facility until Ohio EPA receipt of certification of final closure. Active portions are those portions of a facility where treatment, storage, or disposal activities are being or have been conducted after April 15, 1981 and are not a closed portion.

Section I in the Part B application refers to the closure plan for the facility. See OAC Rule 3745-50-44 (A)(13) and OAC Rule 3745-55-12. Upon issuance, the unclosed surface impoundments are subject to the permit and there will not be a separate interim status closure plan for the surface impoundments and another closure plan in Section I in the Part B application for the rest of the facility. Upon final issuance, the surface impoundment closure plans will be incorporated into Section I of the Part B application. Closure of all active units will be held to permitted facility standards.

It should be noted that the draft permit condition recommended that the Permittee "refer" to the guidance for assistance in complying with OAC Rule 3745-55-11 when developing new closure plans or revising existing closure plans. The permit condition did not require the Permittee to use the guidance, but rather suggests that compliance with this condition may be facilitated by referring to this guidance, nor did the reference to current guidance require the Permittee to revise its closure plan every time the closure plan guidance is revised. However, to make it abundantly clear that use of the guidance is not being required, Ohio EPA has opted to remove the language in question in the final permit.

Consideration of and reference to the Unit Boundary Definition would be appropriate in the revised closure plan sections applicable to the three unclosed surface impoundments. It is not necessary for this condition to reference the Unit Boundary Definition.

RIS Comment No.: 24
Location in Draft Part B: Module B, Condition B.27, Existing surface impoundments during the closure period

Ohio EPA Response:

This comment requests that Ohio EPA's response letter to the Permittee's Treatability Study be added to the "Status of Closure" summary and that more time be provided to submit the closure plan for the three unclosed surface impoundments.

The compliance date for submittal of a revised closure plan for the three surface impoundments listed in this condition is intended to put the Permittee on a compliance schedule that facilitates an expeditious closure for the listed units. These impoundments have been in a closure period for nearly 15 years; additional time at this late date is subject to a heavy burden of proof of necessity.

In the event the Permittee feels it can not meet the compliance date specified in the permit and can show good cause, the Permittee, in accordance with OAC Rule 3745-50-51, may submit a modification to change the compliance date. The permit has been modified to so indicate.

Ohio EPA agrees to revise the last sentence of the "Status of Closure" to reference the response letter on the Treatability Study. In that letter the Agency indicated that it had no further comments, but it did not give final approval as the entire closure plan, including the Treatability Study, will be subject to future public notice and comment.

Ohio EPA has revised the condition to read:

> "B.27. <u>Closure Plan</u>
> OAC Rules 3745-55-10, 3745-55-11 and 3745-55-13
>
> The Permittee shall implement those procedures detailed within Section I of the Part B permit application, in accordance with OAC Rules 3745-55-10 through 3745-55-20.
>
> Additionally, the Permittee has three surface impoundments that were in existence at the time the implementing rules for RCRA were enacted and for which the Permittee never sought full permitted status. As such, these units were subject to the interim standards closure requirements of OAC Chapter 3745-66 but, for various reasons, have not yet achieved final closure. The

purpose of this condition is to put the Permittee on schedule to complete closure of these units.

These impoundments and their closure status are outlined in the following table:

Surface Impoundment Name	Type of Waste Managed/Contained in the Surface Impoundment	Status of Closure
Surface Impoundment 2 or SWI 2; Surface Impoundment 6 or SWI 6; and Surface Impoundment 7 or SWI 7	Scrubber water and scrubber water sludge composed primarily of incinerator ash	A Closure Plan to close SWI 6 and SWI 7 with waste in-place and consolidate the waste and unit liner from SWI 2 in SWI 6 was received by Ohio EPA on 9/7/2000. On 11/20/2000, Ohio EPA issued a Notice of Deficiency (NOD) on this Closure Plan. The NOD response letter dated 1/12/2001 requested additional meetings with Ohio EPA and proposed a sequential response to the NOD with Ohio EPA approval of intermediate plan elements. A Treatability Study and Analysis Plan was submitted to Ohio EPA on 12/6/2001. On ½3/2002, Ohio EPA issued a NOD on the plan. Ross responded by letter dated 2/22/2002. In response, Ohio EPA issued a NOD on 5/29/2002. Ross responded by letter dated 7/5/2002. Following a meeting, Ross submitted a revised Treatability Study and Analysis Plan dated 8/22/2002. Ohio EPA reviewed this submittal and by letter dated October 2, 2002 stated that Ohio EPA had no further comment on the Treatability Study and expected RIS to proceed with implementation.

The Permittee shall submit a revised closure plan for the surface impoundments to Ohio EPA within 60 days of the effective date of this permit. The Permittee should note that such submittal should be reflective of OAC Rule 3745-55 requirements and not OAC Rule 3745-66 requirements.

If the Permittee believes that the preceding schedule provides insufficient time to complete the requested work, the Permittee may submit a permit modification request documenting the basis for such belief and requesting an amended schedule."

RIS Comment No.: 25
Location in Draft Part B: Module B, Condition B.28, Amendment of Closure Plan

Ohio EPA Response:

This comment requests that this condition be amended to only apply to the closure plan contained in Section I of the RCRA Part B Permit Application and not to the closure plan for the unclosed surface impoundments.

OAC Rule 3745-50-45(A) requires owners and operators of hazardous waste management units to have permits during the active life of the unit. Active life of a facility means the period from the initial receipt of hazardous waste at the facility until Ohio EPA receipt of certification of final closure. Active portions are those portions of a facility where treatment, storage, or disposal activities are being or have been conducted after April 15, 1981 and are not a closed portion.

Section I in the Part B application refers to the closure plan for the facility. See OAC Rule 3745-50-44 (A)(13) and OAC Rule 3745-55-12. Upon issuance, the unclosed surface impoundments are subject to the permit and there will not be a separate interim status closure plan for the surface impoundments and another closure plan in Section I in the Part B application for the rest of the facility. Upon final issuance, the surface impoundment closure plans will be incorporated into Section I of the Part B application. Closure of all active units will be held to permitted facility standards.

Ohio EPA sees no need to revise this condition.

RIS Comment No.: 26
Location in Draft Part B: Condition B.29, Content of Closure Plan

Ohio EPA Response:

This comment requests that this condition be amended to only apply to the closure plan contained in Section I of the RCRA Part B Permit Application and not to the closure plan for the unclosed surface impoundments.

OAC Rule 3745-50-45(A) requires owners and operators of hazardous waste management units to have permits during the active life of the unit. Active life of a facility means the period from the initial receipt of hazardous waste at the facility until Ohio EPA receipt of certification of final closure. Active portions are those portions of a facility where treatment, storage, or disposal activities are being or have been conducted after April 15, 1981 and are not a closed portion.

Section I in the Part B application refers to the closure plan for the facility. See OAC Rule 3745-50-44 (A)(13) and OAC Rule 3745-55-12. Upon issuance, the unclosed surface impoundments are subject to the permit and there will not be a separate interim status closure plan for the surface impoundments and another closure plan in Section I in the Part B application for the rest of the facility. Upon final issuance, the surface impoundment closure plans will be incorporated into Section I of the Part B application. Closure of all active units will be held to permitted facility standards.

Ohio EPA sees no need to revise this condition.

RIS Comment No.: 27
Location in Draft Part B: Module B, Condition B.31, Time Allowed For Closure

Ohio EPA Response:

This comment requests that this condition be amended to only apply to the closure plan contained in Section I of the RCRA Part B Permit Application and not to the closure plan for the unclosed surface impoundments.

OAC Rule 3745-50-45(A) requires owners and operators of hazardous waste management units to have permits during the active life of the unit. Active life of a facility means the period from the initial receipt of hazardous waste at the facility until Ohio EPA receipt of certification of final closure. Active portions are those portions of a facility where treatment, storage, or disposal activities are being or have been conducted after April 15, 1981 and are not a closed portion.

Section I in the Part B application refers to the closure plan for the facility. See OAC Rule 3745-50-44 (A)(13) and OAC Rule 3745-55-12. Upon issuance, the unclosed surface impoundments are subject to the permit and there will not be a separate interim status closure plan for the surface impoundments and another closure plan in Section I in the Part B application for the rest of the facility. Upon final issuance, the surface impoundment closure plans will be incorporated into Section I of the Part B application. Closure of all active units will be held to permitted facility standards.

Ohio EPA sees no need to revise this condition.

RIS Comment No.: 28
Location in Draft Part B: Module B, Condition B.32, Disposal or Decontamination of Equipment, Structures, and Soils

Ohio EPA Response:

The comment includes the statement that, "Condition B.32. requires that RIS decontaminate and dispose of equipment, structures and soils managed during facility closure." Condition B.32 does not include such a requirement. Rather Condition B.32(a) states that "The Permittee shall decontaminate **and/or** dispose of all contaminated facility equipment, structures, and soils..." [Emphasis added.] The conjunction "and/or" provides a choice between "and' and "or" and when given its usual meaning suggests that the conclusion in the comment is not a likely interpretation. However to further assure clarity and address the concerns expressed in the comment, the suggestion in the comment to revise Condition B.32(a) by striking the word "and" will be incorporated in the final permit.

Condition B.32(a) in the final permit has been revised to read,

"The Permittee shall decontaminate 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."

RIS Comment No.: 29
Location in Draft Part B: Module B, Condition B.38

Ohio EPA Response:

This comment objects to the requirement that the Permittee demonstrate compliance under OAC Rule 3745-55-47(B) by maintaining liability coverage for non-sudden accidental occurrences. The comment claims that either the Permittee does not have any surface impoundments that are "active units" and therefore liability limits do not apply or if they are classified as "active units", the liability limits would not apply after final closure and the permit conditions should so state.

Condition B.38 in the draft permit includes the statement, "The Permittee also shall demonstrate compliance with OAC Rule 3745-55-47(B) by maintaining liability coverage for non-sudden accidental occurrences in the amount of at least $3 million per occurrence, with an annual aggregate of at least $6 million, exclusive of legal defense costs." OAC Rule 3745-55-47 (B) states, "Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill...or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities." Permittee has three unclosed surface impoundments that are "active units" and are part of the "active portion" of the facility. "Active portion" is defined in OAC Rule 3745-50-10 (A)(3) as "that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after April 15, 1981 and which is not a closed portion."

Upon certification of closure, the three unclosed surface impoundments would no longer be "active units" and therefore they would no longer be considered when determining whether the Permittee must maintain coverage for nonsudden accidental occurrences.

Because of three unclosed surface impoundments at the Permittee's's facility, OAC Rule 3745-55-47 (B) requires that the Permittee maintain coverage for nonsudden accidental occurrences in the amounts specified. The Permittee may submit a permit modification request to have this condition removed from the permit after certification of closure pursuant to OAC Rule 3745-55-15 of all surface impoundments managing hazardous waste. It appears that when those impoundments are certified closed, the Permittee will no longer have units that trigger the requirement to maintain coverage for nonsudden accidental occurrences under OAC Rule 3745-55-47 (B). Financial assurance pursuant to Condition B.37 for the post closure period will be required for those impoundments to be closed with waste in place.

No change is required in this permit condition.

RIS Comment No.: 30
Location in Draft Part B: Module C, Condition C.1(a)

Ohio EPA Response:

This comment challenges the last sentence in Condition C.1 (a) which states, “The Permittee may not store containers for more than one year.” This sentence was derived from the following sentence on page F-13.1 of the Permittee’s application, “RIS will continue to store waste **for up to one year** as necessary as permitted by 40 CFR part 268 and OAC Rule 3745-59-50.” [Emphasis added.]

Because the last sentence in Condition C.1 (a) is consistent with the Permittee’s application, no change is required in Condition C.1 (a) in the final permit. If Permittee wishes to pursue the change proposed in the comment, the Permittee may submit a permit modification request, with appropriate documentation, to amend its permit application.

RIS Comment No.: 31
Location in Draft Part B: Module C, Condition C.1(b)

Ohio EPA Response:

Condition C.1 (b) states that “The Permittee shall at all times have access to its current container storage volume via its computer tracking system and be able to demonstrate compliance with its permitted container storage capacity limitation.” This comment proposes to allow alternative methods of tracking container inventory. No details or description of the proposed alternative methods are provided for the Agency’s evaluation in the comment.

Condition C.1 (b) was derived from the following paragraph on page F-13.1 of the Permittee's application, “At any given time, RIS has access to its current container storage volume and can demonstrate compliance with its permitted capacity limit. RIS tracks waste receipts and verifies current inventory on an as-needed basis if it believes it is approaching the permitted maximum storage capacity. The computer bar code system is the primary tracking tool for waste volume information.” The computer tracking system is the only system for tracking container volumes at the Permittee’s facility for which sufficient information for evaluation has been provided to the Agency.

Because Condition C.1 (b) is consistent with the Permittee's application, no change is required in Condition C.1 (b) in the final permit. If Permittee wishes to pursue the change proposed in the comment, the Permittee may submit a permit modification request with appropriate documentation.

RIS Comment No.: 32
Location in Draft Part B: Module C, Condition C.5(d)

Ohio EPA Response:

Condition C.5 (d) restricts repacking of wastes to certain specified areas within the Permittee's facility. The comment restates language in the permit application, "Repackaging activities may occur as necessary throughout the facility in areas with proper containment for wastes containing free liquids, and areas with appropriate containment for all other wastes."

Repacking of wastes is the transfer of wastes from a larger container to several smaller containers usually to either create a quantity that is easier to handle or to comply with feed limitations (e.g., metals feed rates). Repacking of certain wastes has the potential to result in releases to the environment The Agency does not regulate repacking areas as either treatment or storage units, but rather it imposes limited requirements similar to its regulatory approach to staging areas. One of the standards that applies to such areas is OAC Rule 3745-54-51 which states that, "Facilities shall be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment."

Consistent with this approach, the Agency rejects the comment request to grant the Permittee such broad discretion to determine where repacking can be conducted. Repacking areas must be identified in the permit prior to use. If Permittee wishes to pursue a change to add additional repacking areas, the Permittee may submit a permit modification request with appropriate documentation.

No change is required to Condition C.5 (d).

RIS Comment No.: 33
Location in Draft Part B: Module C, Condition C.6.

Ohio EPA Response:

Condition C.6 (b), in part, sets design and operating requirements for a coating system for the liner of the secondary containment system of the container storage unit. The comment points out that: the containment system in the Permittee's container storage facility was constructed with high density concrete designed for imperviousness; Permittee's container storage facility has no external coating system or liner; and, if a liner system were applied it would not withstand the forklift traffic. The comment also notes that Section D-1a(3)(a) of the application states that the surface of the concrete container storage facility was further densified through the use of a surface hardener during concrete installation to

provide a hard durable finish on the concrete surface suitable for forklift traffic and to further decrease its permeability.

OAC Rule 3745-55-75 requires that the containment system for container storage areas be designed and operated with a base underlying "the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed".

Permittee's container storage facility meets the performance requirements of OAC Rule 3745-55-75.

Condition C.6 (b) has been revised in the final permit to read,

> "The Permittee shall maintain the containment system as described in the Part B permit application, designed with sufficient capacity to contain 10% 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."

RIS Comment No.: 34
Location in Draft Part B: Module D, Condition D.5(f).

Ohio EPA Response:

Condition D.5 (f) in the draft permit reads, "The Permittee shall immediately remove from service any tank with a wall thickness, as determining from UT thickness testing or internal inspection, that is less than the design minimum wall thickness for either the top, shell or bottom of the tank. The applicable design minimum wall thickness for the tank corrosion monitoring program is: the value specified in Tables D3-2 and D2-5 for the minimum design top thickness, minimum design shell thickness and minimum design bottom thickness, respectively; the value stated in Tables D3-5 and D2-8 for the minimum top thickness, minimum shell thickness and minimum bottom thickness, respectively; or, for Tanks 23-36, the value of 0.25 inches for the top and bottom and 0.1875 inches for the shell." Condition D.5 (f) in the draft permit contained typographical errors. It should have read: "The Permittee shall immediately remove from service any tank with a wall thickness, as determining from UT thickness testing or internal inspection, that is less than the design minimum wall thickness for either the top, shell or bottom of the tank. The applicable design minimum wall thickness for the tank corrosion monitoring program is: the value specified in Tables D2-3 through D2-8 in the application for the minimum design top thickness, minimum design shell thickness and minimum design bottom thickness, respectively; or, for Tanks 23-36, the value of 0.25 inches for the top and bottom and 0.1875 inches for the shell."

Permittee's comments on Condition D.5 (f) challenge the appropriateness of the minimum design top thickness, minimum design shell thickness and minimum design bottom thickness for Tanks 23-36. Minimum thickness refers to the minimum metal thickness that must be present to allow the tank to be safely operated.

A typical design procedure for tanks is to determine the minimum metal thickness required for the stresses expected during usage (commonly called the design thickness, for example, 0.25 inches) and then to add an additional metal thickness to allow for potential corrosion during tank usage (commonly called the corrosion allowance, for example, 0.125 inches). The thickness of the metal actually used to construct the tank is no less than the total of the design thickness and the corrosion allowance (for example, continuing the preceding examples, no less than 0.375 inches). Metal loss up to the corrosion allowance can occur during usage and the tank still meet minimum standards for safe operation, because the remaining metal thickness still meets or exceeds the minimum design thickness.

The Permittee monitors metal loss from its tanks by following its Tank Corrosion Protection Plan. One of the metal loss monitoring methods is a system of corrosion coupons from which tank metal loss can be estimated and from which estimated remaining metal thickness can be estimated. Other metal loss monitoring methods in the Tank Corrosion Protection Plan are ultrasound measurements which measure actual metal thickness at several selected locations on each tank and internal visual inspections by a trained inspector who enters the tank to inspect and assess the condition of the tank.

Condition D.5 (f) requires the Permittee to immediately "remove from service any tank with a wall thickness...that is less than the design minimum wall thickness for either the top, shell or bottom of the tank." For those tanks described in Tables D2-3 through D2-8, the design minimum wall thickness is provided in those tables in the application. For Tanks 23-36, the Permittee did not provide adequate data to define the design minimum wall during the permit application review process. Permittee's application (Table D2-2) states that the thickness of the metal used to construct Tanks 23-36 (i.e., fabricated thickness) was: 0.25 inches for the shell and 0.3125 inches for the top and the bottom. Previous versions of Table D2-2 included fabricated and design data from which it could be inferred that Tanks 23-36 were designed with a corrosion allowance of 0.0625 inches. Permittee's standard equation (Equation 5.3.5 of the Tank Corrosion Protection Plan in Appendix D-1) to determine estimated remaining metal thickness uses an assumed corrosion allowance for all tanks of 0.125 inches, which is not consistent with the data in earlier versions of Table D2-2.

Condition D.5 (f) minimum metal thicknesses for Tanks 23-36 were developed by subtracting 0.0625 inches from the fabricated thicknesses given in Table D2-2 (i.e., using the convention that design thickness equals fabricated metal thickness less the corrosion allowance).

Permittee attempted to establish appropriate design thicknesses by having the tank vendor determine minimum metal thicknesses necessary for compliance with a common code for tank design when the tanks are operated at certain pressures and fluid specific gravities. Permittee's comments state that, using this procedure, calculated minimum design metal thicknesses for Tanks 23-36 are: 0.1088 inches (shell), 0.0373 inches (top) and 0.1039 inches (bottom). (The value of 0.1039 inches (bottom) appears to be a typographical error since a value of 0.1309 inches (bottom) is provided on Table D2-2 in the permit application.) No calculations have been provided by the Permittee in the comments to substantiate these results, nor has a Certification by a Professional Engineer been provided stating that these thicknesses meet all applicable code requirements for these tanks. For example, the top of the tank is only evaluated for internal pressure, not for external loads, such as a person or equipment placed on the top of the tank.

No change has been made to the minimum metal thicknesses for Tanks 23-36 in Condition D.5 (f) metal thicknesses for Tanks 23-36. These values shall be in effect until the Permittee submits, and Ohio EPA approves, a permit modification request with the appropriate documentation for the minimum design top thickness, minimum design shell thickness and minimum design bottom thickness for Tanks 23-36.

Condition D.5 (f) has been revised to: (A) correct the typographical errors in the draft permit, (B) require submittal of appropriate documentation for the minimum design top thickness, minimum design shell thickness and minimum design bottom thickness for Tanks 23-36, and (C) address the portion of Condition D.5 (g) requiring submittal of a revised "Remaining Wall Thickness" equation that is consistent with the "design wall" and inferred corrosion allowance values in Tables D2-2 through D2-8 of Section D of the Part B permit application.

Condition D.5 (f) now reads:

> "The Permittee shall immediately remove from service any tank with a wall thickness, as determining from UT thickness testing or internal inspection, that is less than the design minimum wall thickness for either the top, shell or bottom of the tank. The applicable design minimum wall thickness for the tank corrosion monitoring program is: the value specified in Tables D2-3 through D2-8 in the application for the minimum design top thickness, minimum design shell thickness and minimum design bottom thickness, respectively; or, for Tanks 23-36, the value of 0.25 inches for the top and bottom and 0.1875 inches for the shell. Within 90 days of the effective date of this permit, the Permittee shall submit to Ohio EPA a class 1 permit modification request requiring the Director's approval that includes: (A) a revised Table D2-2 with design minimum wall thickness for the top, shell and bottom of Tanks 23-36 and with calculation documentation and a Certification by a Professional Engineer that these thicknesses meet all applicable requirements of the code or codes to which these tanks were constructed; and, (B) a revised Tank

Corrosion Monitoring Plan that includes a revised "Remaining Wall Thickness" equation that is consistent with the "design wall thickness" and ‘fabricated thickness" values in Tables D2-3 through D2-8 and the revised Table D2-2 of Section D of the permit application.

If the Permittee believes that the preceding schedule provides insufficient time to complete the requested work, the Permittee may submit a permit modification request documenting the basis for such belief and requesting an amended schedule."

RIS Comment No.: 35
Location in Draft Part B: Module D, Condition D.5 (g)

Ohio EPA Response:

Condition D.5 (g) states, “Within 90 days of the effective date of this permit, the Permittee shall submit to Ohio EPA a class 1 permit modification request requiring the Director's approval that includes a revised Tank Corrosion Monitoring Plan that adds Tank 75 to the Tank Corrosion Monitoring Plan and that includes a revised "Remaining Wall Thickness" equation that is consistent with the "design wall" and corrosion allowance values in Tables D3-2 through D2-8 of Section D of the Part B permit application.” Condition D.5 (g) in the draft permit contained a typographical error. It should have read: "Within 90 days of the effective date of this permit, the Permittee shall submit to Ohio EPA a class 1 permit modification request requiring the Director's approval that includes a revised Tank Corrosion Monitoring Plan that adds Tank 75 to the Tank Corrosion Monitoring Plan and that includes a revised "Remaining Wall Thickness" equation that is consistent with the "design wall" and corrosion allowance values in Tables D2-3 through D2-8 of Section D of the Part B permit application."

Because Tank 75 is internally lined, corrosion coupons would not be an accurate indicator of estimated corrosion from the tank. The corrosion monitoring program proposed in the comment appears capable of providing an appropriate measure of corrosion. The Permittee may submit a permit modification request with the appropriate documentation within 90 days of the effective date of this permit.

The portion of draft Condition D.5 (g) that requests submittal of a permit modification request for a revised "Remaining Wall Thickness" equation that is consistent with the "design wall" and corrosion allowance values in Tables D2-3 through D2-8 of Section D of the Part B permit application has been addressed in the response to Comment 34, as the subject is more closely related to Condition D.5 (f) than Condition D.5 (g).

Condition D.5 (g) is therefore revised to read,

"Within 90 days of the effective date of this permit, the Permittee shall submit to Ohio EPA a class 1 permit modification request requiring the Director's approval that includes a revised Tank Corrosion Monitoring Plan that adds Tank 75 to the Tank Corrosion Monitoring Plan. The Plan will be amended to reflect that the Permittee will conduct ultrasound testing penta-annually and internal visual inspection of the internal coating every ten years."

RIS Comment No.: 6
Location in Draft Part B: Module D, Condition D.6(a)(ii)

Ohio EPA Response:

The comment notes that OAC Rule 3745-55-96 provides more flexibility than does the draft condition regarding the time allowed for removal of released waste and accumulated precipitation in the event of a leak from a tank system.

Ohio EPA agrees that the draft condition lacks flexibility in the event a material has hardened in the secondary containment and if cleanup takes more than 24 hours.

Ohio EPA believes the following changes adequately address the comment

Ohio EPA has revised Condition D.6(a)(ii) to read:

"(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."

RIS Comment No.: 37
Location in Draft Part B: Module D, Condition D.7(a)

Ohio EPA Response:

Condition D.7 (a) states, "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)." The comment requests that, "For the purposes of this requirement, the tanks, associated piping and the secondary containment system shall be considered the "tank system." Leaks from overhead, welded, inspectable transfer lines will be reported if they exceed a Reportable Quantity as defined under CERCLA."

OAC Rule 3745-55-96 (D) requires reporting to the director of any release to the environment from a tank system (which includes ancillary equipment, such as the overhead, welded, inspectable transfer lines referenced in the comment) within 24 hours of its detection, except for a leak or spill that is less than or equal to a quantity of one pound, and is immediately contained and cleaned up.

The comment requests a special quantity-released-criterion for determining when a release from overhead, welded, inspectable transfer lines that are part of a tank system constitutes a reportable release to the environment. No regulatory authority or other justification are cited in support of this request.

No changes were made to Condition D.7 (a).

RIS Comment No.: 38
Location in Draft Part B: Module D, Condition D.11

Ohio EPA Response:

Condition D.11 states, "The Permittee shall use the inspection criteria listed in Section D of the Part B permit application to visually evaluate, prior to transfer, whether water accumulated in the tank farm containment trench is contaminated with hazardous waste. Within 90 days of the effective date of this permit, the Permittee shall submit to Ohio EPA for review, specific procedures derived from the inspection criteria listed in Section D of the Part B permit application for conducting these inspections, including documentation of results, identification of the person conducting the inspection and the date of the inspection." The comment requests that this condition be deleted. The comment justifies that request by noting a discussion that visual inspections will be conducted is already included on pages D-44 and D-46 of the permit application and that visual inspection is consistent with USEPA guidance on storm water best management practices.

Condition D.11 does not challenge the validity of a visual inspection protocol, such as that specified in Section D of the Part B permit application "to visually evaluate, prior to transfer, whether water accumulated in the tank farm containment trench is contaminated with hazardous waste." However, these criteria are quite general and the application does not

provide any procedures for implementing the protocol, such as: who will conduct these inspections, what was observed, how results will be documented, etc.

Water removed from the trench is not managed solely in tank systems with secondary containment. Rather this water is first managed in an unlined sump and then often is further managed in an unlined surface impoundment (i.e., the Rain Water Pond). Hazardous waste may not be placed in this sump or the surface impoundment. The purpose of the determination in Condition D.11 is to ensure prior to transfer that water in the containment trench is not contaminated with hazardous waste. Because of the significance of this determination, Condition D.11 goes beyond the general criteria to be used and specifically requests that the Permittee "submit to Ohio EPA for review, specific procedures derived from the inspection criteria listed in Section D of the Part B permit application for conducting these inspections, including documentation of results, identification of the person conducting the inspection and the date of the inspection." It is appropriate for the Permittee to document how the evaluation was made, who made the determination, that person's observations, date of observation and similar information.

No change was made to Condition D.11.

RIS Comment No.: 39
Location in Draft Part B: Module E, Condition E.1, Corrective Action at the Facility

Ohio EPA Response:

The comment objects to a summarized version of the OAC Rule 3745-50-10 definition of "waste management unit". The comment also objects to inclusion of the Ohio Corrective Action Plan in the draft permit on the grounds that the Plan is guidance and that by inclusion Ohio EPA is using the guidance as regulation without following proper rulemaking procedures.

Ohio EPA agrees there is a discrepancy versus the definition found in OAC Rule 3745-50-10. Ohio EPA also notes that a definition for "solid waste management unit" is not provided in Section 3004(u) of RCRA. Reference to Attachment I (the Ohio Corrective Action Plan) as part of the permit has been removed. Ohio EPA believes the following changes adequately address this comment

Ohio EPA has revised this condition to read:

> "E.1. Corrective Action at the Facility
> OAC Rules 3745-50-10 and 3745-55-011

In accordance with OAC Rule 3745-50-10 "waste management unit" means any discernible unit at which solid waste, hazardous waste, infectious waste (as those terms are defined in ORC Chapter 3734), construction and demolition debris (as defined in ORC Chapter 3714) industrial waste, or other waste (as those terms are defined in ORC Chapter 6111), has 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. 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 the Ohio Corrective Action Plan (OCAP).

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

RIS Comment No.: 40
Location in Draft Part B: Module E, Condition E.3, Identification of WMUs

Ohio EPA Response:

The comment proposes several changes to address inadvertent errors in the draft permit. The errors involved a transposition of the parties that submitted and received the facility RFA and the figure number for a referenced figure depicting past waste management practice areas. To correct these errors, the following changes have been made.

The first sentence of the first paragraph in Condition E.3 is revised to,

> “USEPA prepared an RFA (RCRA Facility Assessment) report for the Permittee’s facility dated July 21, 1987.”

Also the last sentence of the last paragraph in Condition E.3 is revised to,

> "Past waste management practice areas are represented spatially in Figure J-1 in Section J of the Part B permit application.”

RIS Comment No.: 41
Location in Draft Part B: Module E, Condition E.5, RCRA Facility Investigation (RFI)

Ohio EPA Response:

The comment addresses two major issue groups, one regarding RFI approval status and the second regarding transition of the RFI process from USEPA to Ohio EPA. The first issue group requests that paragraph five of Condition E.5 be updated to cite USEPA's approval letter for the final RFI Work Plan Addenda dated August 2, 2002 and to clarify the schedule for submittal of RFI progress reports to Ohio EPA. The second comment group raises the following concerns: Ohio EPA has not committed to accept all RFI documents and activities completed in accordance with work plans approved by U.S. EPA prior to transfer of authority to Ohio EPA; Ohio EPA may expand the scope of RFI work without adequate cause; required responses in the event of a newly discovered waste management unit do not include all probable options; Ohio EPA may act beyond its authority when determining if future RFI Reports support further corrective action work.

Ohio EPA agrees with the Permittee's proposed changes for paragraph 5 of Condition E.5.

All references incorporating Attachment I (the Ohio Corrective Action Plan) into the model permit have been deleted, however references to certain specific sections and definitions in the Ohio EPA Corrective Action Plan have been added, where appropriate. Changes consistent with this change have been incorporated into Condition E.5.

It is Ohio EPA's intent to accept all documents and activities completed in accordance with the workplans submitted and approved under USEPA authority prior to the issuance of this permit. This concern appears to primarily arise from confusion regarding work required by workplans approved by USEPA prior to the issuance of this permit and work required for any newly identified waste management units. The permit has been revised to better distinguish between work required by workplans approved by USEPA prior to the issuance of this permit and work required for any newly identified waste management units.

Former paragraph 7 of Condition E.5 has been reformatted and retained, with the exception of removal of the reference to Attachment I.

In the case of a newly discovered unit, Ohio EPA may choose to update the RFA previously prepared for the Permittee's facility or the Permittee may choose to perform an RFA. This condition does not bar the Permittee from performing a RFA if it chooses to do so. As an alternative to conducting an RFA, Ohio EPA may, based upon the information provided, choose to require the Permittee to conduct an RFI pursuant to a plan and schedule approved by Ohio EPA.

Ohio EPA does not agree with proposed changes for RFI work schedules. The time frames for the submittal of various reports within this condition were established based on typical values imposed on other facilities undergoing Corrective Action. In the event the Permittee feels it can not meet the date specified in the permit, the Permittee, in accordance with OAC Rule 3745-50-51, may submit a permit modification request documenting the basis for a change to the compliance date or the Permittee may submit such documentation as part of any RFI workplan requested by Ohio EPA under Condition E.5(a).

Lastly, Ohio EPA intends for all its actions to be within the scope of its regulatory authority. No specific statements, such as "to the extent necessary and reasonable as determined by the Director within the scope of his authority", are required as qualifiers in this or any other permit condition.

The following changes have been made to Condition E.5. The first four introductory paragraphs of Condition E.5 remain unchanged. Ohio EPA has revised this condition beginning with paragraph 5 to read:

> "E.5 RCRA Facility Investigation (RFI)
> OAC Rule 3745-55-011
>
> Permittee will conduct the Phase III work in accordance with the scope and schedule included in the final RFI Work Plan Addenda as revised by the Phase III Work Plan Approval letter dated August 2, 2002 and other relevant correspondence from U.S. EPA. Permittee will prepare and submit RFI progress reports to Ohio EPA on a monthly basis during Work Plan Implementation activities. Otherwise, RFI progress reports will be prepared and submitted to Ohio EPA on a quarterly basis. Upon completion of the Phase III work, Permittee will prepare a revised RFI Report, which is expected to be the Final RFI Report, and submit it to Ohio EPA.
>
> The Permittee must conduct an RFI to thoroughly evaluate the nature and extent of the release of hazardous wastes and hazardous constituents from all applicable WMUs identified in Permit Condition E.3. above and Permit Condition E.10. The major tasks and required submittal dates are shown in Permit Condition E.5(a), (b) and (c) below. The scope of work for each of the tasks is found in the RFI workplans approved by USEPA prior to the effective date of this permit, or for newly identified waste managements units identified in Condition E.10, in the RFI section of the Ohio EPA Corrective Action Plan.
>
> a) RFI Workplan
>
> Corrective Action oversight will transition to Ohio EPA on the date the renewal is issued final. Ohio EPA will accept all documents and activities

completed in accordance with workplans submitted and approved under U.S. EPA authority prior to the issuance of this permit.

In the case of a newly discovered waste management unit the Permittee must submit a written RFI Workplan to Ohio EPA pursuant to a schedule established by Ohio EPA. Ohio EPA may determine based on site-specific facts that an update to the RCRA Facility Assessment (RFA) is necessary prior to preparation of a RFI Workplan.

1) If necessary, Ohio EPA shall provide written comments on the RFI Workplan to the Permittee.

2) Within 45 days of receipt of any Ohio EPA comments on the RFI Workplan, the Permittee must submit either an amended or new RFI Workplan that incorporates any Ohio EPA's comments.

3) Ohio EPA will 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 must implement the RFI Workplan according to the terms and schedule in the approved RFI Workplan.

The Permittee shall implement any RFI Workplan approved pursuant to Condition E.5(a) according to the terms and schedule in such approved RFI Workplan.

c) RFI Final Report

The Permittee shall submit an RFI Final Report to Ohio EPA for the work completed pursuant to the RFI Workplan approved by U.S. EPA according to the terms and schedule in the approved RFI Workplan.

For any RFI Workplan approved pursuant to Condition E.5(a), 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 for the work completed pursuant to the RFI Workplan approved by U.S. EPA and for work completed pursuant to any RFI Workplan approved pursuant to Condition E.5(a) must contain adequate information to support further decisions concerning corrective action at the Facility.

In the case of a newly discovered unit, the Permittee shall submit an RFI Final Report to Ohio EPA within sixty (60) days after the completion of the RFI. 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.

(i) If necessary, Ohio EPA shall provide written comments on the RFI Report to the Permittee.

(ii) Within 60 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.

(iii) 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."

RIS Comment No.: 42
Location in Draft Part B: Module E, Condition E.6, Interim Measures (IM)

Ohio EPA Response:

The comment suggests that Condition E.6 include a statement that would provide Permittee with the option to conduct voluntary interim measures at any point in the RCRA Corrective Action process. Comment also seeks addition of qualifiers on Ohio EPA authority to implement corrective action measures.

Ohio EPA believes the following changes adequately clarify that the Permittee is not precluded from conducting voluntary interim measures. Additional explicit statements of this right are not required. However, implementation of voluntary interim measures by the Permittee does not preclude Ohio EPA from requiring additional interim measures necessary to mitigate or eliminate a threat to human health or the environment.

Ohio EPA intends for all its actions to be within the scope of its regulatory authority. No specific statements, such as "to the extent necessary and reasonable as determined by the Director within the scope of his authority", are required as qualifiers in this or any other permit condition.

Ohio EPA has revised this condition to read:

> "E.6 Interim Measure (IM)
>
> Based on the RFI Final Report or other information documenting a release of hazardous waste or constituents to the environment, Ohio EPA may require (or the Permittee may propose) the development and implementation of an IM (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. The Permittee shall implement the IM upon a time frame established by Ohio EPA."

RIS Comment No.: 43
Location in Draft Part B: Module E, Condition E.7, Determination of No Further Action

Ohio EPA Response:

The comment includes the following concerns: inadequate justification for classifying the permit modification request (PMR) to terminate the Permittee's Corrective Action tasks under the permit as a Class 3; no provision for removal from the corrective action program, prior to termination of the Corrective Action portion of the permit, of units that meet the Corrective Action requirements and which require no further action; and, a concern that Ohio EPA may not act within the scope of its authority.

Several clarifying changes are included in the response to this comment.

Ohio EPA agrees with the comment that the permit modification request terminating corrective action requirements need not always be a Class 3. Ohio EPA has deleted language referencing a specific modification class. The condition instead allows for the class to be determined on a site specific basis in accordance with OAC Rule 3745-50-51. (These changes are consistent with the discussion in USEPA's "Final Guidance on Completion of Corrective Action Activities at RCRA Facilities" published at 69 FR 8763, February 25, 2003.)

Ohio EPA intends for all its actions to be within the scope of its regulatory authority. No specific statements, such as "to the extent necessary and reasonable as determined by the

Director within the scope of his authority", are required as qualifiers in this or any other permit condition.

Ohio EPA has revised this condition to read:

"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 permit modification under OAC Rule 3745-50-51 to terminate the Corrective Action tasks that the Permittee is obligated by this permit to complete. This permit modification application must conclusively demonstrate that there are no releases of hazardous waste or constituents from WMUs at the Facility that pose an unacceptable risk 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, Ohio EPA determines that releases or suspected releases which were investigated either are nonexistent or do not pose an unacceptable risk to human health and the environment, Ohio EPA will approve the requested modification. Decisions regarding the completion of RCRA Corrective Action and no further action may be made for the entire Facility, for a portion of the Facility, or for a specific unit or release.

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 a potential or an actual release of hazardous waste or constituents exists.

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

potential release from a WMU at the Facility may pose an unacceptable risk 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 develop a Workplan and upon Ohio EPA approval of that Workplan, perform additional investigations as needed."

RIS Comment No.: 44
Location in Draft Part B: Module E, Condition E.8, Corrective Measures Study (CMS)

Ohio EPA Response:

The comment raises concerns with the time period provided in the Corrective Measures Study (CMS) process and alleges that the CMS process is not clear and contains speculative wording.

Several clarifying changes are included in the response to this comment.

Ohio EPA disagrees with the proposed addition to Condition E.8 of the phrase "to the extent necessary and reasonable as determined by the Director within the scope of his authority" and the language pertaining to time frames for revised and new submittals. Ohio EPA intends for all its actions to be within the scope of its regulatory authority. No specific statements, such as "to the extent necessary and reasonable as determined by the Director within the scope of his authority", are required as qualifiers in this or any other permit condition.

Timeframes for the submittal of various reports within this condition were established based on typical values imposed on other facilities undergoing Corrective Action. In the event the Permittee feels it can not meet the dates specified in the permit, the Permittee, in accordance with OAC Rule 3745-50-51, may submit a permit modification request documenting the basis for a change to the compliance date.

Ohio EPA has updated the condition to,

"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 in Condition E.9.

(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 60 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 and evaluation of each remedial alternative.

(1) If necessary, Ohio EPA shall provide written comments on the CMS Final Report to the Permittee.

(2) Within 60 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new CMS Final Report that incorporates Ohio EPA's comments.

(3) Ohio EPA shall approve or modify and approve, in writing, the amended or new CMS Final Report. The CMS Final 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 Final Report must be authorized by Ohio EPA."

RIS Comment No.: 45
Location in Draft Part B: Module E, Condition E.9, Corrective Measures Implementation (CMI)

Ohio EPA Response:

The comment raises the following concerns: sub-section numbering in Condition E.9 is not consistent with rest of the module; implementing interim measures through permit modification requests will substantially reduce the effectiveness of, or the facility's willingness to conduct, Interim Measures; clarifications are needed in several provisions; and that Ohio EPA may go beyond the scope of its authority provided in OAC Rule 3745-55-011.

Ohio EPA intends for all its actions to be within the scope of its regulatory authority. No specific statements, such as "to the extent necessary and reasonable as determined by the Director within the scope of his authority", are required as qualifiers in this or any other permit condition.

Ohio EPA agrees with the proposal to use a sub-section numbering format consistent with that in the rest of the module.

Ohio EPA recognizes that there are trade-offs in using permit modification requests (PMRs) to implement Corrective Measures. However, PMRs do not prevent voluntary interim measures as suggested in the comment. (See Condition E.6 for voluntary interim measures.) A PMR is processed following established procedures that result in an enforceable requirement while providing procedural safeguards for the Permittee (i.e., a PMR decision is a final action of the Director).

The criteria specified in this condition regarding Corrective Measure selected for implementation are derived from the Advance Notice of Proposed Rulemaking for USEPA's Corrective Action Implementation program (61 FR 85, May 1, 1996).

Implementation criteria item 4 has been clarified to specify that it only applies to wastes that are generated during implementation of corrective measures activities.

Numbering of the criteria in the second paragraph does not imply relative importance; no change is needed to address the concern that it might.

Ohio EPA agrees that demonstration of financial assurance is more appropriately required after receiving approval of the CMI PMR rather than prior to the submittal of the PMR to conduct CMI.

Ohio EPA has revised this condition to read:

" E.9 Corrective Measures Implementation (CMI)

The Permittee must 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 Report as approved by Ohio EPA pursuant to Condition E.8 (c), and will 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 that are generated during implementation.

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 implementability; and (5) the relative cost associated with the alternative.

a) 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.

b) Financial Assurance
OAC Rule 3745-55-011

Within 45 days after receiving approval of the CMI, the Permittee must provide financial assurance in the amount necessary to implement the

corrective measure(s) as required by OAC Rule 3745-55-011 (B) and (C)."

RIS Comment No.: 46
Location in Draft Part B: Module E, Condition E.10, Newly Identified SWMUs or Releases

Ohio EPA Response:

The comment proposes that Ohio EPA perform an RFA to determine the need for further action before the Permittee submits any general information and release information data on any newly discovered waste management unit. The comment also requests additional time for the Permittee to provide the requested information, should the RFA process indicate that this is necessary.

Ohio EPA does not agree with the proposed revisions. In the case of a newly discovered unit, Ohio EPA or the Permittee may perform an RFA. This condition does not bar the Permittee from performing the RFA if it chooses to do so. However, the Permittee's obligation to provide the specified data is not stayed during any RFA that may be conducted. The information requested is reasonable. While an RFA is one of several potential tools for evaluating the significance of the information provided, conducting an RFA is not a valid reason for not providing the requested information, which includes such basic information as, the location of the unit, type of unit and similar general information or "all available information pertaining to any release of hazardous wastes(s) or hazardous constituents".

Timeframes for the submittal of various reports within this condition were established based on typical values imposed on other facilities undergoing Corrective Action. In the event the Permittee feels it can not meet the dates specified in the permit, the Permittee, in accordance with OAC Rule 3745-50-51, may submit a permit modification request documenting the basis for a change to the compliance date.

Ohio EPA sees no need to revise this condition.

RIS Comment No.: 47
Location in Draft Part B: E.11. Corrective Action for Newly Identified SWMUs and Releases

Ohio EPA Response:

The comment proposes that Ohio EPA perform an RFA to determine the need for further action before the Permittee is required to conduct an RFI, and if Ohio EPA should determine that the RFA indicates that an RFI is appropriate, that the Permittee be allowed to conduct a Release Assessment (RA) to focus the RFI. The comment also expresses

concern that Ohio EPA may go beyond the scope of its authority provided in OAC Rule 3745-55-011 and requests that this condition cite criteria addressing when an RFI is required at newly identified waste management units and releases.

Ohio EPA intends for all its actions to be within the scope of its regulatory authority. No specific statements, such as "to the extent necessary and reasonable as determined by the Director within the scope of his authority", are required as qualifiers in this or any other permit condition.

Timeframes for the submittal of various reports within this condition were established based on typical values for other facilities undergoing Corrective Action. In the event the Permittee feels it can not meet the dates specified in the permit, the Permittee, in accordance with OAC Rule 3745-50-51, may submit a permit modification request documenting the basis for a change to the compliance date.

References to procedures in Conditions E.6 and E.8. have been added, as these conditions have been modified to clarify the Permittee's obligations in the event of a newly identified waste management unit.

Ohio EPA has revised the condition to read:

> "E.11 Corrective Action for Newly Identified SWMUs and Releases
> OAC Rule 3745-55-011
>
> If Ohio EPA determines in accordance with Condition E.5 that a RCRA Facility Investigation is required for newly identified WMUs, the Permittee shall submit a written RCRA Facility Investigation Workplan to Ohio EPA upon a timeframe established in written notification by Ohio EPA. Ohio EPA shall act upon the workplan as specified in Condition E.5.
>
> Further investigations or corrective measures will be established by Ohio EPA following the procedures in Conditions E.6 and E.8.
>
> Permittee shall make such submittal in accordance with timeframes established by Ohio EPA."

RIS Comment No.:48
Location in Draft Part B: Module F, Condition F.3

Ohio EPA Response:

The comment raises the following concerns: whether T04 (Miscellaneous Treatment) or T03 (Incineration) is the appropriate process code; and, whether the intent is to limit the

filter press to processing only materials generated on-site as a result of the incineration process (T03).

The process code T03 was cited because Ohio EPA intended to limit wastes processed in the filter press to residues from wastes incinerated at Permittee's facility. Omission of the specific process code of T04 for the filter press found in Section A of the permit was an oversight. Both process codes T04 and T03 should have been cited. Also Condition F.3 should have clearly stated that only materials generated on-site as a result of the incineration process are to be processed in the filter press.

Section D-8 of the permit application states that the filter press will be used to dewater sludges generated from blow-down operations of the closed loop scrubber water system. The application does not discuss processing any other sludges or materials. All sludges in the closed loop scrubber water system are residuals from the incineration process.

Condition F.3 has been revised to,

> "The Permittee shall treat in the permitted hazardous waste filter press only scrubber water and scrubber water sludges from blow-down operations of the closed loop scrubber water system carrying the hazardous waste codes specified in Section A of the Part B permit application under the process codes of T04 and T03 and for which incineration is permissible under the restrictions and prohibitions in Table C1-1 of Section C of the Part B permit application."

RIS Comment No.: 49
Location in Draft Part B: Module F, Condition F.4

Ohio EPA Response:

The comment questions the regulatory authority for, and the value of, the requirement that the Permittee keep on file at the facility a written statement by a qualified, registered professional engineer that attests that the filter press system was properly designed and installed.

OAC Rule 3745-57-91 states in part, "A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses for releases of hazardous waste of (sic) hazardous constituents from the unit. Permit terms and provisions shall include those requirements of rules 3745-50-40 to 3745-50-62, 3745-55-70 to 3745-55-99, 3745-56-20 to 3745-56-83, 3745-57-02 to 3745-57-51 of the Administrative Code, and

Chapter 3745-34 of the Administrative Code that are appropriate for the miscellaneous unit being permitted..." This regulation delegates considerable latitude to the Agency to determine appropriate specific terms and provisions necessary to protect human health and the environment for a specific miscellaneous unit.

Condition F.4 is based on OAC Rule 3745-55-91 (B), OAC Rule 3745-55-92 (F) and OAC Rule 3745-54-31. Among the regulations reviewed to determine the specific terms and provisions as necessary to protect human health and the environment that are appropriate for the filter press were the regulations applicable to tanks in Chapter 3745-55. OAC Rule 3745-55-91 (B) and OAC Rule 3745-55-92 (F) address written statements of proper installation and design. Proper installation and design are also elements of facility operation in OAC Rule 3745-54-31.

Ohio EPA is not requesting that the Permittee have available all the details of installation. However, Ohio EPA believes that it is reasonable and appropriate for the Permittee to have a professional engineer review the basic design and installation to verify, for example, that the filter is operated within its design pressure and temperature, that any safety devices, such as pressure relief valves are properly sized and that the materials of construction are appropriate for the wastes handled. As alluded to in the comment, some of the necessary assessment information may be in the 1997 Hazard and Operability Study.

As the Permittee does not currently have the requested written statement, a compliance schedule has been added to Condition F.4.

Condition F.4 has been revised to read,

> "Within 180 days of the effective date of this permit, the Permittee shall have prepared and keep on file at the facility a written statement by a qualified, registered professional engineer that attests that the filter press system was properly designed and installed. The written statement must also include the certification as required by OAC Rule 3745-50-42(D). If the Permittee believes that 180 days is insufficient to properly prepare this statement, the Permittee may submit a permit modification request documenting the basis for such belief and requesting an amended schedule."

RIS Comment No.: 50
Location in Draft Part B: Module G, Condition G.1, Module Highlights

Ohio EPA Response:

The comment raises the concern that this condition identifies SWI-2 as a unit that may be affected by post-closure. The Permittee has indicated that it intends to clean-close SWI-2 and that therefore SWI-2 will not require post-closure care. However, Permittee has not

yet closed impoundments: SWI-2, SWI-6 and SWI-7. If SWI-2 is closed by removal of waste and decontamination, SWI-2 will not be subject to post closure-care; until completion of such closure, SWI-2 may be subject to post-closure care.

Condition G.1 does not state that SWI-2 will be subject to post-closure care. The condition is sufficiently clear that the post-closure care "section is applicable to units with in-place closure approval by Ohio EPA. The following units **MAY** [Emphasis added.] be subject to post-closure care:

> Surface impoundment SWI 2
> Surface impoundment SWI 6
> Surface impoundment SWI 7."

Condition G.1 also states that, "Each of these units **closed with waste in place** will require thirty (30) years of post-closure groundwater monitoring and post-closure care of the unit." [Emphasis added.]

No changes are needed to Condition G.1.

RIS Comment No.: 51
Location in Draft Part B: Module G, Condition G.2, Unit Identification

Ohio EPA Response:

This comment alleges that regulatory citations to paragraphs (E) and (F) of OAC Rule 3745-50-45 in Condition G.2 are inconsistent with Ohio EPA's classification of the three unclosed surface impoundments as active units. The comment also proposes that the condition identify the Unit Boundary Definition Investigation Report dated March 1996 and the yet-to-be-developed closure plan for these impoundments as source documents for determining post-closure care requirements.

OAC Rule 3745-50-45 (E) provides that "Owners/operators of surface impoundments...closing by removal or decontamination under [interim status] standards...must obtain a post-closure permit unless they demonstrate...that the closure met the standards for closure by removal or decontamination in rule 3745-56-28...of the Administrative Code." Paragraph (E) refers to closure under interim status. OAC Rule 3745-50-45 (F) provides administrative procedures for making an equivalency determination submitted under OAC Rule 3745-50-45 (E).

OAC Rule 3745-50-45 (A) states that "Owners and operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit." Active life of a unit is not defined in the regulations, but the intent can be inferred from OAC Rule 3745-50-10 (A)(2) which defines "Active life of a facility" as "the

period from the initial receipt of hazardous waste at the facility until the director receives certification of final closure." Further information on the intent can be gained from OAC Rule 3745-50-10 (A)(3) which defines "active portion" as "that portion of a facility where treatment, storage, or disposal activities are being or have been conducted after April 15, 1981 and which is not a closed portion."

The three surface impoundments to be closed are active units that are part of the active portion of the facility. These units are to be closed in accordance with the standards for permitted units, not the standards for interim status units. The regulatory citations will be changed to reference OAC Rule 3745-56-28 directly, instead of indirectly through OAC Rule 3745-50-45 (E).

Consideration of the Unit Boundary Definition Investigation Report and relevant terms in the closure plan may be appropriate during development of the post-closure plan for the unclosed surface impoundments. Specific identification of these documents in the permit is not necessary for implementation of this condition.

This condition has been modified by revising the footnote to the table to read:

> "*Post-closure care shall not be required for any unit for which the Permittee can demonstrate that closure was by removal or decontamination meeting the requirements of OAC Rule 3745-56-28."

RIS Comment No.:52
Location in Draft Part B: Module G, Condition G.3, Post-Closure Procedures and Use of Property

Ohio EPA Response:

The comment raises the concern that this condition does not clearly indicate which units are subject to the post-closure requirements detailed in Condition G.3; and, that additional regulatory citation is needed for the demonstration required to shorten the 30 year post-closure care period.

Condition G.3 (a) states that "The Permittee shall conduct post-closure care for each hazardous waste management unit listed in permit Condition G.2. above..." Apparently the comment stems from a concern that the listing in Condition G.2 is not clear. However Ohio EPA believes that the listing in Condition G.2 is sufficiently clear. Condition G.2 lists three hazardous waste management units, namely, SWI-2, SWI-6 and SWI-7. Condition G.2, as revised pursuant to Comment 51, includes a footnote applicable to each of these units, that states, "Post-closure care shall not be required for any unit for which the Permittee can demonstrate that closure was by removal or decontamination meeting the requirements OAC Rule 3745-56-28."

The statement in Condition G.3 (b) "that the 30-year post-closure care period may be shortened upon application and demonstration approved by Ohio EPA that the facility is secure" is clear without insertion of a reference to OAC Rule 3745-55-17(A)(2)(a) because that rule is already cited in the regulatory authority for Condition G.3.

The applicability of the statement in Condition G.3 (f), "The Permittee shall implement the procedures as detailed in the Post-Closure Plan within Section I of the Part B permit application." does not require further clarification by inclusion of the opening clause "For units subject to post-closure requirements" because Condition B.35(a) which requires the Permittee to submit the post-closure plan, states "The Permittee shall submit a post-closure care plan for each unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, within 90 days from the date that the Permittee determines that the unit must be closed as a landfill. Post-closure care shall be in accordance with OAC Rule 3745-55-17 and the Post-Closure Plan as approved by Ohio EPA." Therefore the units subject to the post-closure plan will be defined prior to implementation of the plan. Although the Permittee does not currently plan to close any units other than SWI-6 and SWI-7 with waste in place, if any other units are actually closed with waste in place, they too would be subject to Condition B.35 (a) and post care.

No changes are needed to Condition G.3.

RIS Comment No.: 53
Location in Draft Part B: Throughout Module I(A)

Ohio EPA Response:

The comment alleges that the Agency has included, throughout Module I(A) of the draft Permit, specific details regarding Permittee's operations that Permittee considers and has maintained as confidential business information (CBI). The comment re-asserts a claim of confidentiality on the specific information identified in the comment and asks the Agency to withhold this information from further disclosure to the public.

Ohio EPA exercised care to ensure that information that the Permittee has previously claimed as Confidential Business Information (CBI) was not included in the draft permit. However, in light of the breadth and vagueness of the comment allegation that the Agency included CBI "throughout" Module I(A), Ohio EPA determined that it would be prudent to obtain more information from the Permittee on the specific instances of alleged inclusion of CBI in the draft permit. Consequently by letter dated May 5, 2003 from Alan Lapp to Arthur Hargate Ohio EPA requested additional information on the CBI allegations. By letter dated June 4, 2003, Richard Panza responding on behalf of RIS identified those conditions in the draft permit that RIS considers to contain CBI. Without making a determination on the merits of the CBI claims, Ohio EPA decided to revise the identified conditions to

eliminate any information claimed as CBI. The permit revisions made in response to this comment have not reduced the requirements that the Permittee must meet, rather the requirements are now specified without inclusion of any information claimed as CBI by the Permittee.

The following permit conditions have been revised as follows:

I(A).1. MODULE HIGHLIGHTS

The incineration unit includes the following components and systems:

(a) Two enclosed combustion devices: the rotary kiln and the main chamber;

(b) Material handling and feed systems for liquid and solid wastes as identified in Section D-5 of the permit application,

(c) An ash handling system for removing the ash remaining after the combustion of wastes which includes ash cooling, de-watering, separation of metal pieces and conveying ash into appropriate containers;

(d) An air pollution control system for removal of acidic gases and particulate matter; and

(e) Associated instrumentation and control systems.

Wastes are introduced into either the rotary kiln or the main chamber. Flue gas from the rotary kiln flows into the main chamber which functions as a secondary combustion chamber for the rotary kiln.

Flue gases pass from the main chamber to the air pollution control equipment which consists of a quench/cyclone chamber, a radial scrubber, a gas/liquid contactor, two serially-operated wet electrostatic precipitators (WESPs), an induced draft fan and a stack. This series of air pollution control equipment removes contaminants (primarily particulates and acid gases) contained in the flue gas prior to discharge through a stack to the atmosphere.

Stack emissions are monitored by Continuous Emission Monitors (CEMs) for carbon monoxide, oxygen and nitrogen oxides. Carbon monoxide is the primary indicator of combustion efficiency and destruction efficiency of hazardous constituents in the wastes.

Operation of the incineration system is monitored and controlled by a Honeywell TDC 3000 distributed control system (DCS). Critical process parameters are continuously monitored by the DCS and are accessible to the control room operator.

The control system maintains key process parameters within permitted ranges. The control system will automatically cut off waste feeds if certain process parameters, as defined by this permit, fall outside of the allowable operating range.

Procedures in the facility's waste analysis plan and other sections of the Part B permit application limit hazardous wastes fed to the incinerator to those that the facility is permitted to incinerate.

Except for changes required by the recently installed air pollution control system, the incinerator operating limits in this permit are the same as those in the facility's previous U.S. EPA permit. U.S. EPA based these limits on the facility's 1992 trial burn. The facility conducted a performance test in October of 2000 to demonstrate that current system performance is consistent with performance during the 1992 trial burn. The Permittee submitted the results of the performance test in the Part B permit application as data in lieu of a trial burn.

I(A).3. Construction, Instrumentation, and Operational Performance Requirements
OAC Rule 3745-57-45

(r) Feed Restrictions for the Side Door and Direct Feed Locations

(i) The Permittee shall follow the procedures and practices identified in Sections C, D and F of the Part B permit application for determining the compatibility of waste materials being fed to the side door and tanker and container direct feed mechanisms of the Main Chamber.

(ii) The Permittee shall follow the procedures and practices identified in section D-5c (1)(c)(iv) of the permit application when feeding waste into the Main Chamber through the side door feed mechanism.

(iii) The Permittee shall follow the procedures and practices identified in Section D of the Part B permit application for operation of the tanker and drum direct feed systems, the side door feed system and the direct feed areas.

(iv) The Permittee shall comply with the following general operating requirements for operation of the direct feed systems and the direct feed areas:

The direct transfer of hazardous waste to the incinerator shall be conducted so that it does not:

(1) Generate extreme heat or pressure, fire, explosion or violent reaction;

(2) Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to pose a risk of fire or explosion;

(3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(4) Damage the structural integrity of the container or direct transfer equipment containing the waste;

(5) Adversely affect the capability of the incinerator to meet the standards provided in OAC Rules 3745-57-43 (B) and (C); or

(6) Threaten human health or the environment.

The Permittee shall operate the direct feed transfer of hazardous waste to the Main chamber and the transfer of low BTU waste from Tank Farm III to the Main Chamber in accordance with the automatic safety cutoff limits specified in Section D of the Part B permit application and Attachment B of Module I(A) to this permit.

The Permittee shall conduct direct feed transfer only in areas with spill containment as indicated in Sections D and F of the Part B permit application.

The Permittee shall conduct inspections of the direct feed area in accordance with Sections D and F of the Part B permit application, maintain records of these inspections in the operating record of the facility and make them available for review for at least three years from the date of the inspection.

(v) The Permittee, when feeding waste to the Main Chamber through the side door feed mechanism, shall not allow the number of drums per containment box per feed placement event to exceed the smallest number of drums per containment box identified in section D-5c (1)(c)(iv) of the permit application.

(vi) The Permittee shall not feed empty containers through the side door feed mechanism unless the provisions applicable to empty containers in the Side Door Implementation Plan dated November 23, 1998, which plan is included in U.S. EPA's Administrative Orders dated December 12, 1998, are met.

RIS Comment No.: 54
Location in Draft Part B: Module I(A), Condition I(A).2(a)(vi), (viii) and (ix), Condition I(A).3(h) and Condition I(A).3 (r)(v)

Ohio EPA Response:

The comment strongly objects to inclusion in the draft permit of several conditions regulating operation of several incinerator feed systems. These conditions were originally established through a Consent Order issued by the U.S. EPA, dated May 2, 1996. The comment characterizes these conditions as “limited operations” and cites several provisions of the Consent Order in support of the contention that the limited operations established in the Consent Order were clearly intended to remain in effect only until such time that Permittee completed its compliance obligations to U.S. EPA's satisfaction. The comment further notes that the fact that these conditions are not part of Permittee’s U.S. EPA RCRA Permit is evidence that they were not intended to be permanent restrictions.

The comment includes the following quotation from the Consent Order, “...Respondent may begin limited operation as outlined in paragraph 48 below until such time as EPA provides written approval to resume normal operations allowed by Respondent's RCRA permit. Written approval for resumption of normal operations shall be provided by EPA upon Respondent's completion of the requirements of this Order to EPA's satisfaction in accordance with this Order, law and Federal regulations." (Administrative Order on Consent, Issued May 30, 1996, Docket No. 5-RCRA-'96-003, Section VII. ¶47)” The comment draws the inference that “normal operation”, at least with respect to the conditions in question, means operation without any of the "limited operation" restrictions contained in the order. The comments do not offer adequate support for this inference.

The Consent Order also includes the statement, “Respondent shall submit all appropriate permit modification requests resulting from implementation of this order...Appropriate permit modification requests include, **but are not limited to**, modifications of the waste analysis plan.” (Administrative Order on Consent, May 30, 1996, Docket No. 5-RCRA-'96-003, Section VII. ¶51) [Emphasis added.] This paragraph indicates that the Permittee could have been, and may still be required to, submit permit modification requests to incorporate some or all of the subject conditions into its USEPA permit. If this were to occur, these conditions would become part of "normal operations".

The comment also notes that while the Permittee recognizes the Ohio EPA's desire to encompass all operating restrictions imposed on the facility through one operating permit, the Permittee does not believe that inclusion of temporary restraints on RIS' operations in the permit is appropriate as it is duplicative, and would require separate releases from the U.S. EPA and the Ohio EPA to remove or modify these conditions.

The conditions in question were initially prepared in response to several incidents at the Permittee’s incinerator as listed in the Findings of Fact in the Consent Order. The subject

restrictions were the results of negotiations between USEPA and the Permittee. They are reasonable restrictions that reduce the risk to human health and the environment during incinerator operation. As such they are appropriate conditions for inclusion in the Permittee's permit when it is issued by Ohio EPA.

Ohio EPA believes that the permit conditions should reflect how the facility actually operates and that this includes all restrictions currently in effect at the facility. Upon issuance of a permit to the Permittee by Ohio EPA and the issuance of a revised USEPA permit to Permittee, Ohio EPA will have primary authority for regulation of the Permittee's hazardous waste facility. Therefore it is appropriate that this permit contain reasonable restrictions on the operation of the Permittee's incinerator, such as those in Condition I(A).2(a) (vi), (viii) and (ix), Condition I(A).3(h) and Condition I(A).3(r)(v).

Should the Permittee develop or acquire data that demonstrate that these conditions are no longer appropriate, the Permittee may submit a Permit Modification Request with appropriate documentation to the Ohio EPA. Should USEPA lift the analogous conditions in its Consent Order, Permittee may submit a Permit Modification Request documenting the facts relied upon by USEPA. Ohio EPA's expectation is that it could approve such a permit modification request.

No changes have been made to these conditions in response to this comment.

RIS Comment No.: 55
Location in Draft Part B: Module I.(A), Condition I(A).2(a)(i)

Ohio EPA Response:

The comment expresses concern that the condition prohibits incineration of inert materials and/or media. The comment alleges that Condition I(A).2(a)(i) states, in part, "RIS shall not feed any waste containing constituents with a heat of combustion less than carbon tetrachloride, (i.e. 432 BTU/lb based on the gross or higher heating value)." The comment requests that Condition I(A).2(a)(i) be identical to the analogous condition in the Permittee's federal permit.

The comment citation is not an accurate quotation of draft permit Condition I(A).2(a)(i). Condition I(A).2(a)(i) in the draft permit actually reads, "The Permittee shall not feed any **hazardous** waste containing **hazardous** constituents with a heat of combustion less than that of carbon tetrachloride (i.e., 432 BTU/lb based on the gross or higher heating value)." [Emphasis added.] The permit condition as written includes the modifier "**hazardous"** for two key restrictions on the wastes that cannot be fed. The permit condition in the draft permit largely addresses the concern that incineration of inert materials and/or media would be prohibited. To further clarify the meaning of "**hazardous** constituents", a reference to

the organic constituents in Appendix of OAC Rule 3745-51-11 has been added (Appendix of OAC Rule 3745-51-11 is analogous to Appendix VIII in the federal regulations).

OAC Rule 3745-57-43 requires that a hazardous waste incinerator "be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under rule 3745-57-45..." it will "achieve a destruction and removal efficiency (DRE) of 99.99% for each principal organic hazardous constituent (POHC) designated (under rule 3745-57-42 of the Administrative Code) in its permit for each waste feed." OAC Rule 3745-57-45 (A) states that "An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those **demonstrated (in a trial burn or in alternative data...)** to be sufficient to comply with the performance standards of rule 3745-57-43 of the Administrative Code." [Emphasis added.]

POHCs are usually hazardous organic constituent(s) with the greatest degree of difficulty of incineration that an incinerator is permitted to incinerate. The degree of difficulty of incineration of hazardous constituents is ranked in two commonly used systems: the Heat of Combustion System and the Thermal Stability Index System. One or more POHCs are fed to an incinerator during a trial burn to determine the DRE for each POHC fed.

During the 1992 trial burn the Permittee used carbon tetrachloride and monochlorobenzene as POHCs and demonstrated a DRE of greater than 99.99% for each POHC. Carbon tetrachloride is a low Heat of Combustion material and so is ranked as a difficult to incinerate compound in the Heat of Combustion system. Monochlorobenzene is ranked as a difficult to incinerate compound in the Thermal Stability Index System.

Upon further review, Ohio EPA has decided to base this condition on the Thermal Stability Index System rather than the Heat of Combustion system. The Thermal Stability Index System incorporates empirical data into its rankings, whereas the Heat of Combustion system is primarily theoretical.

Monochlorobenzene is in Class 1 in the Thermal Stability Index System. Class 1 is the class that includes the most difficult to incinerate compounds. The condition has been modified to allow RIS to incinerate all organic hazardous constituents listed in the Appendix to OAC Rule 3745-51-11 that have a thermal stability Class ranking equal to or less than Class 1. Because Class 1 contains the most difficult to incinerate organic hazardous constituents, the Permittee is not restricted in the content of organic hazardous constituents listed in the Appendix to OAC Rule 3745-51-11 in the waste fed to its incinerator. Basing this condition on the Thermal Stability Index System also addresses the comment concern that the lack of the phrase “any significant amount of” in the condition as a modifier of “hazardous organic constituents in Appendix of OAC 3745-51-11” would impose an unacceptable restriction on RIS operations. Under the revised condition RIS will be permitted to incinerate all hazardous organic constituents listed in the Appendix to OAC Rule 3745-51-11.

This condition has been revised to read,

"(a) The Permittee shall only incinerate hazardous wastes meeting the following criteria:

(i) The Permittee shall not feed any hazardous waste containing any organic hazardous constituent listed in the Appendix to OAC Rule 3745-51-11 of the Administrative Code unless the constituent has a thermal stability Class ranking equal to or less than Class 1."

RIS Comment No.: 56
Location in Draft Part B: Module I(A), Condition I(A).2(a)(ii)

Ohio EPA Response:

The comment raises a concern that the reference to "Section A" in Condition I(A).2(a)(ii) should be a reference to "Part A".

Either "Part A" or "Section A" is acceptable. The Permittee has identified this section of the application as "Part A". Therefore, Condition I(A).2(a)(ii) has been revised to refer to " Part A of the permit application" and now reads,

> "The Permittee shall not feed any hazardous waste whose current Ohio EPA hazardous waste code number does not appear in Part A of the permit application under the process code of T03."

RIS Comment No.: 57
Location in Draft Part B: Module I(A), Condition I(A).2(b)

Ohio EPA Response:

The comment raises a concern that this condition requires more monthly waste analyses than specified in the permit application. Ohio EPA intended that this condition specify monthly testing consistent with Section C-1e of the application and acknowledges that this is not totally clear in the draft permit.

To clarify the Agency's intent, the second paragraph of this condition has been revised to read,

> "The Permittee shall conduct waste analysis of the incinerator waste feeds at least once a calendar month in accordance with Section C-1e of Section C of the Part B application, to verify that the waste feed to the incinerator is within the physical and chemical limits specified in Table D5-6 of Section D of the Part B permit application.

Records of this activity shall be kept at the facility according to OAC Rule 3745-54-73 (B)(3)."

RIS Comment No.: 58
Location in Draft Part B: Module I(A), Condition I(A).2(g)

Ohio EPA Response:

The comment objects to a Condition I.(A).2(g) requirement that the Permittee not operate aerosol can feeders unless they are upgraded to more modern standards. The comment notes that these restrictions on the operation of the aerosol feeders are already in an Administrative Order issued by the U.S. EPA, dated April 14, 1999. The comment notes that by inclusion in the permit, the Permittee will be subject to both the USEPA order and the Ohio permit and further suggests that the only driving force for inclusion into the State-issued permit is to double the potential enforcement penalties associated with any future non-compliance.

The underlying issue in this comment is the same as that in Comment No. 54, namely whether it is appropriate for Ohio EPA to include in the draft Ohio permit conditions that are already the subject of restrictions in federal orders that are enforced by USEPA. Ohio EPA believes that the permit conditions should reflect how the facility actually operates including all restrictions currently in effect at the facility. In its response in Comment No. 54, even though the Permittee does not believe that inclusion in the permit is appropriate, the Permittee recognizes the Ohio EPA's desire to encompass all operating restrictions imposed on the facility through one operating permit.

The condition in question was initially prepared in response to an incident at the Permittee's incinerator as detailed in the Findings of Fact in the Order. The Permittee has upgraded one feeder. The requirement to upgrade the other aerosol can feeders, if they are to be returned to operation, is a reasonable restriction to reduce the risk to human health and the environment from operation of the Permittee's incinerator. As such it is an appropriate condition for inclusion in the Permittee's permit when it is issued by Ohio EPA. Upon issuance of a permit to the Permittee by Ohio EPA and the issuance of a revised USEPA permit to Permittee, Ohio EPA will have primary authority for regulation of the Permittee's hazardous waste facility. Therefore it is appropriate that this permit contain reasonable restrictions on the operation of the Permittee's incinerator, such as those in Condition I(A).2(g).

Should the Permittee develop data that indicate that this condition is no longer appropriate, the Permittee may submit a Permit Modification Request with appropriate documentation to the Ohio EPA.

No changes have been made to this condition.

RIS Comment No.: 59
Location in Draft Part B: Module I(A), Condition I(A).3(n)

Ohio EPA Response:

The comment objects to “no visible fugitive emissions” as a standard for the control of fugitive emissions from the combustion zone of the incinerator. The comment notes that Condition I(A).3 (n) has been paraphrased from OAC Rule 3745-57-47(D) which states, “Fugitive emissions from the combustion zone must be controlled by...(2) Maintaining a combustion zone pressure lower than atmospheric pressure...” and does not include “no visible fugitive emissions” as a regulatory standard. The comment also claims that “no visible fugitive emissions” is a stricter unattainable standard and that there is no basis in law or regulation for it.

Ohio EPA agrees with the comment contention that "no visible fugitive emissions" is not enunciated as an explicit standard in OAC Rule 3745-57-47(D). However, "no visible fugitive emissions" is not the unattainable standard that the comment suggests. The vast majority of the time, the Permittee controls fugitive emissions from the combustion zone to that standard. However, upon occasion, fugitive emissions from the kiln seals (which control fugitive emissions from a portion of the combustion zone) have had visible fugitive emissions for an extended period of time. These emissions occurred even though the draft monitor indicated that draft levels in the kiln and the main chamber were higher than the minimums required by the limits in Attachment A of Module I(A). On August 1, 2002, Ohio EPA issued a Notice of Violation letter to the Permittee that cited a violation of OAC Rule 3745-65-31 (“Facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.”) for not taking all possible measures to reduce these emissions.

Ohio EPA does not believe that extended operation with visible fugitive emissions from the combustion zone is in compliance with the OAC Rule 3745-57-47(D) requirement that "Fugitive emissions from the combustion zone must be controlled”, but rather that such operation results in uncontrolled emissions and also indicates that all points of the combustion zone are not being maintained at a pressure lower than atmospheric pressure.

Therefore, although "no visible fugitive emissions" is not an explicit standard under OAC Rule 3745-57-47(D), operation for any extended period with visible fugitive emissions from the combustion zone (e.g., the kiln seals) may be a violation of the requirement under OAC Rule 3745-54-31 to operate the facility so as to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents which could threaten human health or the environment. Ohio EPA retains authority to take appropriate enforcement action if such an event should occur.

In response to this comment, Condition I(A).3(n) has been revised to read,

> "The Permittee shall control fugitive emissions from the combustion zone of the incinerator by maintaining the pressure in the kiln and main chamber, monitored as specified in permit Condition I(A).5, so that the limits in Attachment A of Module I(A) of this permit are not exceeded."

RIS Comment No.: 60
Location in Draft Part B: Module I(A), Condition I(A).3(q)

Ohio EPA Response:

The comment claims there is no regulatory basis for this condition and therefore that it should be deleted from the permit. As the comment notes, this condition mirrors Condition V.4.h of the Permittee's Federal RCRA Part B Permit.

The comment notes that Condition V.4.h in the Federal Permit resulted from an agreement in 1991 -1992 with USEPA in which the Permittee agreed to comply with certain standards in the proposed Boiler and Industrial Furnace (BIF) regulations. However, the BIF regulations upon which this condition was modeled were not included in the final BIF regulations.

The comment further contends that Waste Feed Cutoff limits are addressed in the Maximum Achievable Control Technology (MACT) Standards for Hazardous Waste Combustors and that therefore Condition I(A).3 (q) should be deleted.

Ohio EPA agrees that Condition I(A).3 (q) as proposed in the draft permit is not appropriate because, although it reiterates a requirement in the Permittee's federal permit, the regulatory basis for the federal limit no longer exists since it was not included in the final BIF regulations.

However, Ohio EPA believes that operation within the limits established for automatic waste feed cutoff (AWFCO) parameters is a valid measure of whether a facility is operated in a manner that is protective of human health and the environment. (The preamble to the Combustor MACT states at page 52906, "Ideally, all sources should operate in compliance with all standards and operating parameter limits at all times" [and] "many hazardous waste combustion sources are required to notify regulatory officials following a single exceedance of an operating limit, while others don't have any reporting requirements linked to exceedances.") Although the MACT regulations will eventually establish requirements in the event of AWFCOs in excess of a certain frequency, this MACT requirement is not yet in effect and so does not yet require such actions. Therefore Ohio EPA is not deleting Condition I(A).3 (q), but is including a revised Condition I(A).3 (q) based on OAC Rule 3745-50-40 (D)(6), commonly referred to as the Director's "omnibus authority". OAC Rule

3745-50-40 (D)(6) states "If the director approves an application for a renewal permit, he will issue the permit upon such terms and conditions as he finds are reasonable to ensure that continued operation...of the hazardous waste facility are conducted in accordance with Chapter 3734. of the Revised Code and the hazardous waste rules, **and such additional terms and conditions he determines are necessary to protect human health and the environment**." [Emphasis added.]. As with other permit requirements that are also Combustor MACT requirements, the Permittee may submit a permit modification request documenting compliance with the MACT regulation and requesting removal of the requirement.

The MACT standard found at 40 CFR 63.1206 (c)(vi)(A) states that, "For each set of 10 exceedances of an emission standard or operating requirement while hazardous waste remains in the combustion chamber (i.e., when the hazardous waste residence time has not transpired since the hazardous waste feed was cutoff) during a 60-day block period, you must submit to the Administrator a written report within 5 calendar days of the 10th exceedance documenting the exceedances and results of the investigation and corrective measures taken." The revised Condition I(A).3 (q) requires the Permittee to begin complying with the substantive requirements of the MACT standards found at 40 CFR 63.1206 (c) (vi) (A), as of the effective date of this permit, for AWFCO activations caused by minimum operating temperature and maximum carbon monoxide. The Permittee already tracks the frequency of these AWFCO activations for its federal permit and therefore is positioned to comply immediately.

Condition I.(A).3 (q) has been revised to read,

> "The Permittee shall, for each set of 10 activations of the automatic waste feed cut-off system due to the exceedance of either minimum operating temperature or maximum carbon monoxide emissions limits in Attachment A of Module I(A) while hazardous waste remains in the combustion chamber (i.e., hazardous waste residence time has not transpired prior to the hazardous waste feed cutoff) during a rolling 60-day block period, submit to the Director of Ohio EPA a written report within 5 calendar days of the 10th exceedance documenting the exceedances and results of the investigation and corrective measures taken."

RIS Comment No.: 61
Location in Draft Part B: Module I(A), Condition I(A).4(c)

Ohio EPA Response:

The comment contends that this condition goes well beyond the regulatory requirements for testing of the waste feed cut-off (WFCO) system by prescribing how the system is to be tested.

Condition I(A).4(c) in the draft permit essentially mirrors the discussion on Page F-15 of the Permittee's application on compliance with OAC Rule 3745-57-47(C). Consequently, the allegation that the draft condition is well beyond the regulatory language is not persuasive. Another concern with the draft condition is found in the comment statement, "...the MACT regulations specify many more operating conditions requiring WFCOs. RIS cannot extend its existing system to comply with the MACT requirements. Consequently, a new approach must be developed..."

Ohio EPA agrees that OAC Rule 3745-57-47(C) is not prescriptive and provides significant latitude to Ohio EPA in structuring Condition I(A).4(c). The essence of OAC Rule 3745-57-47(C) is that the Permittee must test the WFCO system at least weekly to verify that it will operate as intended if a WFCO parameter is outside its allowable range.

The proposal in the comment to test the WFCO system by simulating an upset condition for one of the monitoring parameters associated with the WFCO system and thus demonstrating proper operation of the control system (as described in the comment) appears to meet the requirements of OAC Rule 3745-57-47(C). However, the proposal to remove from Condition I(A).4(c) all specifics on how the Permittee intends to comply with OAC Rule 3745-57-47(C) and document compliance on an inspection form is not acceptable.

Condition I(A).4(c) has not been changed, because the comments do not provide the necessary specifics from which to prepare a modified condition. If the Permittee still wishes to pursue these changes, the Permittee should submit a permit modification request documenting specifically how the Permittee intends to comply with and document compliance with OAC Rule 3745-57-47(C).

RIS Comment No.: 62
Location in Draft Part B: Module I(A), Condition I(A).9(a)

Ohio EPA Response:

The comment objects to the requirement for the Permittee to develop a plan to identify options to reduce the frequency of Emergency Process Termination (EPT) events and to implement feasible options, as determined by Ohio EPA, identified in the plan. The plan would identify causes of EPTs and consider options for reducing EPT frequency by 75% or "to the average rate of emergency process termination incidents (EPTs) at other hazardous waste incinerators in the United States, whichever is more frequent."

In support of the objections to this condition the comment includes the following:
- Emergency Safety Vents (ESVs) are necessary safety devices;
- The Combustor MACT will regulate ESVs;
- Studies on ESVs have concluded that ESV openings do not result in exceedance of short-

term health-effect screening levels;
- Backup power options are too expensive;
- Agency's basis for establishing targets for frequency reduction is questionable;
- Insufficient procedural safeguards are provided for the Permittee in the proposed process for determining which option Permittee is to implement, primarily because a permit modification request was not identified as part of the process.

In its summary, the comment recommended "that this condition be deleted for the following reasons:

- ESV Openings are a legitimate operating and safety function for a combustion device.
- MACT establishes requirements for evaluating the frequency, duration and minimization of such events through the ESV Opening Plan.
- The backup power systems evaluated are not fail safe systems in themselves, and ESV openings may still be necessary.
- The risks associated with ESV openings (e.g., fugitive emissions at ground level, fires, explosions, or melt down of the APC equipment) are not significantly higher than normal operations.
- The costs do not warrant installation of a backup power supply system at this time given the insignificant emissions reduction estimated."

When an Emergency Process Termination (EPT) event occurs the normal operation of the incinerator is disrupted. Some of the consequences include: opening the Emergency Safety Vent (ESV) to the atmosphere with resultant venting of gases from the incinerator directly to the atmosphere prior to treatment in the air pollution control system; and, altered combustion conditions in the incinerator from reduced combustion air flow.

Ohio EPA accepts Permittee's contention that an ESV is a legitimate safety device to protect Permittee's incineration system and employees. That was not challenged in the draft permit condition. Rather the intent of the draft condition is that the Permittee identify and implement reasonable and feasible options for reducing the frequency at which the ESV is opened.

Attachment E to the Permittee's comments is a study conducted by the American Society of Mechanical Engineers on ESVs. The abstract to the study states that the ESV "should open only in emergency conditions" and "The emissions from an opening of the ESV could contain significant short-term concentrations of pollutants and therefore should be considered in the environmental impact studies for the incineration facility. Incinerator design should incorporate failure analysis to minimize ESV opening frequency; ESVs should only be used for emergency operations." The section of the study entitled "Minimizing Frequency of Operation" states, "...an ESV should only be used in rare circumstances, and its use should be minimized."

Ohio EPA's concern is that ESV openings are not rare events at the Permittee's facility. In the period January 1, 2000 through June 5, 2003, Ohio EPA records indicate that 95 EPT events occurred, for an average of one EPT approximately every 13 days. (Contrary to expectations, the EPT frequency increased, rather than decreased, after installation of the new air pollution control system in 2002, even after allowance for a "shakedown" period.) The high frequency of EPTs is not consistent with the analysis in Attachment E which assumes that an ESV opening is a rare event. Consequently it is unclear whether the assertion in the comment that, "The risks associated with ESV openings (e.g., fugitive emissions at ground level, fires, explosions, or melt down of the APC equipment) are not significantly higher than normal operations." is correct for Permittee's facility. Similarly without a completed plan it is not possible to know whether the costs of various alternatives are too expensive relative to the alleged insignificant emissions reductions that would result.

Ohio EPA accepts the comment assertion that any changes to reduce EPT frequency should be implemented by a permit modification request either by the Permittee or the Director. Ohio EPA also recognizes that the condition should be more flexible regarding options to be considered and EPT reduction goals. Power supply reliability should be addressed, but not to the exclusion of other possible root causes.

While the comment notes that Permittee's evaluation of EPT causes indicate that more than 50% were caused by power outages, it is not clear whether the allegation that all these were beyond the Permittee's control is accurate. It is not clear whether the electrical utility is the root cause, or if in some cases, the Permittee's internal power distribution and plant control system is at least a contributing root cause, for example for those EPTs caused by a "power flicker". The requirement for the EPT reduction plan to be approved by a certified professional engineer qualified in electrical distribution systems and process plant control systems is intended to involve personnel who are capable of addressing this question. (For example, a person who is a member of or an associate of a member of, the Petroleum and Chemical Industry Committee of The Institute of Electrical and Electronics Engineers or similar professional organization.)

The reporting requirement under the Combustor MACT ESV Operating Plan regulation appears to be directed to initially developing documentation that EPT events are a concern and then to implementing corrective action if ESV events are a frequent occurrence. In the case of the Permittee's facility, Ohio EPA already has documentation that opening of the ESV is not an infrequent event. Consequently, it is appropriate to move to the next step, namely, developing a plan to reduce EPTs and ESV openings. Ohio EPA has retained a requirement for the Permittee to prepare a plan to reduce EPTs in this condition. This requirement is based on OAC Rule 3745-50-40 (D)(6), commonly referred to as the Director's "omnibus authority", which states "If the director approves an application for a renewal permit, he will issue the permit upon such terms and conditions as he finds are reasonable to ensure that continued operation...of the hazardous waste facility are

conducted in accordance with Chapter 3734. of the Revised Code and the hazardous waste rules, and such additional terms **and conditions he determines are necessary to protect human health and the environment.**" [Emphasis added.].

Condition I(A).9 (a) has been revised to read,

> "No later than one year after the effective date of this permit, the Permittee shall submit a plan to reduce the frequency of emergency process termination incidents (EPTs) at the facility to the Ohio EPA. The plan shall include a listing of all EPT incidents in the five year period preceding the date of the effective date of this permit. To the extent determinable by the Permittee, the listing shall include the immediate and root causes of each EPT.
>
> The plan shall consider all reasonable options for reducing the frequency of EPT incidents, including improving the reliability of electrical supply to and within the facility.
>
> The plan shall be approved by a certified professional engineer qualified in electrical distribution systems and process plant control systems.
>
> Ohio EPA will review the EPT frequency reduction plan as submitted by the Permittee, and if necessary, notify Permittee of deficiencies. If necessary, Ohio EPA will request that the Permittee submit a permit modification request to implement feasible options that consider costs and reductions in emissions from EPT events or Ohio EPA will initiate such a permit modification request."

RIS Comment No.: 63
Location in Draft Part B: Module I(A), Condition I(A).9(b)

Ohio EPA Response:

This comment raises concerns with a requirement for the Permittee to evaluate whether the containment system for tanker direct feed locations Numbers 1 and 2 can safely contain releases of highly volatile and flammable liquid wastes, and for any wastes that cannot be safely contained, to either stop feeding such wastes at these locations or modify the containment system to resolve these concerns. The comment objects to characterizing the containment area as a secondary containment and to the length of time provided for the evaluation and implementation of modifications. The comment also proposes that the methods for conducting the evaluation be included in the final permit.

Ohio EPA has no objections to referring to the area to be evaluated as a "containment" area rather than a "secondary containment" area. The area in question is that area in

which releases from tankers in tanker direct feed locations Number 1 and 2 would be contained including the containment trench.

The Agency is concerned that in the event of a major release of highly volatile liquids from the direct feed tankers, the liquid would be at least be partially contained in a trench located close to possible ignition sources which could ignite the released liquids. The incident types that Ohio EPA is requesting the Permittee to conduct an evaluation of are sometimes characterized as "low probability, high consequence" events. For incidents of this type, 15 years of operation (as reported in the comment) is not sufficient to conclude that the requested evaluation should not be conducted.

Ohio EPA agrees that additional flexibility in project scheduling would be appropriate. However, the language proposed by the Permittee would set ambiguous standards for Agency enforcement of the permit. The Agency has added language noting a permit modification may be submitted if the proposed schedule is not achievable.

Ohio EPA agrees that it would be appropriate to have a clear understanding with the Permittee on the methods for conducting the evaluation and assessing the hazards prior to the Permittee initiating the evaluation. Ohio EPA does not agree with the suggestion in the comment that Ohio EPA establish this method in the final permit. Rather, the Permittee will be asked to submit a plan defining the method to Ohio EPA for review within 6 months of the date of this permit.

Condition I(A).9 (b) has been revised to read,

> "The Permittee shall evaluate the ability of the containment system for incinerator tanker direct feed locations Number 1 and 2 to safely contain releases of highly volatile and flammable liquid wastes (e. g. Class 1A, 1B and 1C liquids).
>
> For those wastes possessing flammability properties that are not consistent with using the trench as part of the containment system, the Permittee shall include the following options in its evaluation:
>
> (i) Do not tanker direct feed, or
>
> (ii) Feed at tanker direct feed location number 3, or
>
> (iii) Modify the containment system to address the concerns with the risk of ignition of flammable liquids contained in the trench.
>
> The Permittee will submit to Ohio EPA for review within 6 months after the effective date of this permit a plan detailing the methods to be used for conducting the evaluation and for assessing the hazards of a release of highly volatile and

flammable liquid wastes from incinerator tanker direct feed locations Number 1 and 2. Ohio EPA will either approve the plan, issue a notice of deficiencies or a revised plan. Upon receipt of an approved plan, the Permittee shall conduct the evaluation and submit the results of the evaluation to Ohio EPA for review within six months. Ohio EPA will either approve the evaluation, issue a notice of deficiencies or a revised evaluation. If any changes to tanker direct feed containment or operations are required as a result of the evaluation, Ohio EPA will request that the Permittee submit a permit modification request to implement such changes or Ohio EPA will initiate a permit modification request.

If the Permittee believes that any of the preceding schedules provide insufficient time to complete the requested work, the Permittee may submit a permit modification request documenting the basis for such belief and requesting an amended schedule."

RIS Comment No.: 64
Location in Draft Part B: Module I(A), Condition I(A).9(c)

Ohio EPA Response:

This comment raises concerns with a requirement to extend concrete paving at Tanker Direct Feed Site No. 3. This area is used to spot tankers for direct feeding of wastes to the incinerator. Currently part of the tanker projects over an unpaved area. The purpose of the concrete paving extension is to provide additional containment in the event of a release from the tanker. This requirement is consistent with Ohio EPA's practice of requiring containment to contain releases in hazardous waste staging areas.

The comment also raise concerns with the proposed schedule for the additional paving and expresses concern that this condition would give the Ohio EPA exclusive authority to make adjustments, additions, and changes to the scope of the construction project, without providing any right of appeal.

Ohio EPA agrees that additional flexibility in project scheduling would be appropriate. However, the language proposed by the Permittee would set ambiguous standards for Agency enforcement of the permit. The Agency has added language noting that a permit modification request may be submitted if the proposed schedule is not achievable.

Ohio EPA has modified the requirement for the Permittee to submit drawing for approval provided the Permittee constructs the paving to the same standards (e.g., concrete specifications, rebar system) as described in the Permittee's letter to Ohio EPA dated June 13, 1995 regarding the paving of the former OCSA 1 and to submit appropriate documentation in a permit modification after installation. Alternatively if Permittee does not

wish to so construct the paving, Permittee shall submit a permit modification request in advance with drawings and construction details. The Agency has no objections to referring to the new paving as simply “paving” or “containment” rather than “secondary containment”.

Condition I(A).9 (c) has been revised to read,

> “The Permittee shall extend the concrete paving at Tanker Direct Feed Site Number 3 so that no portion of any direct feed tanker projects over an unpaved area and to provide adequate lateral extensions from the tanker centerline (five feet minimum each side of centerline) for adequate containment of releases.
>
> The Permittee shall construct the paving to the same standards as the paving proposed for former OCSA 1 and described in the Permittee's letter to Ohio EPA dated June 13, 1995. The Permittee shall complete construction no later than six months after the date of this permit. Within 90 days of completion of the paving, the Permittee shall submit appropriate documentation, including "as-built" drawings and a Professional Engineer’s certification, in a permit modification request. Alternatively if Permittee does not intend to construct the paving to the same standards as the proposed paving for former OCSA 1 described in the Permittee's letter to Ohio EPA dated June 13, 1995, Permittee shall submit a permit modification request prior to installation which includes appropriate drawings and construction standards. The Permittee shall submit the required permit modification request no later than six months after the date of this permit. The Permittee shall complete construction no later than six months after Ohio EPA approval of the construction drawings.
>
> If the Permittee believes that any of the preceding schedules provide insufficient time to complete the requested work, the Permittee may submit a permit modification request documenting the basis for such belief and requesting an amended schedule."

RIS Comment No.: 65
Location in Draft Part B: Module I(A), Condition I(A).9(d)

Ohio EPA Response:

This comment raises concerns with a requirement to pave that portion of former Outdoor Container Storage Area 1 not currently paved with concrete and to submit drawings for such paving to Ohio EPA for approval.

One use of the unpaved portion of former Outdoor Container Storage Area 1 is holding flatbeds, and portions of flatbeds, loaded with containers of hazardous waste prior to feeding to the incinerator, a practice commonly referred to as “staging”. The implication in

the comment that the sole current waste management activity in this area is accumulation of Permittee's generated waste for less than 90 days is not correct. The area is also a high traffic area for trucks, forklifts and other vehicles transporting containers of hazardous waste.

Design drawings and specifications for paving former Outdoor Container Storage Area 1 were previously provided to the Ohio EPA in a submittal from the Permittee dated June 13, 1995. The “Statement of Need” in the June 13, 1995 letter included the following, “The area immediately surrounding the incinerator is used as a processing areas where containerized waste is prepared for introduction to the incinerator. During this “staging” period, Ross takes extreme caution to prevent release of waste constituents to the environment during processing of waste at the incinerator; however, should a spill occur, the additional concrete will protect the underlying soils from further contamination until closure is complete.”

The purpose of the concrete paving is to provide containment in the event of a release or spill from a container or containers of hazardous waste staged and handled in this area. This requirement is consistent with Ohio EPA’s practice to require release containment in hazardous waste staging areas.

Permittee has paved portions of former Outdoor Container Storage Area 1 in accordance with the Permittee's' June 13, 1995 letter to Ohio EPA on installing additional concrete in this area and Ohio EPA's response letter of September 9, 1996. The purpose of this permit condition is to establish a date certain by which the paving of the remaining portion of former Outdoor Container Storage Area 1 as indicated in the drawings attached to the Permittee's' June 13, 1995 letter to Ohio EPA will be completed and to ensure that the project is designed and constructed to appropriate standards.

Ohio EPA agrees that new design drawings and specifications need not be submitted to Ohio EPA if Permittee constructs the paving in accordance with Permittee’s June 13, 1995 submittal and if Permittee provides Ohio EPA with "as-built" drawings and a Professional Engineer’s certification for the concrete installation following completion. Alternatively if Permittee does not wish to so construct the paving, Permittee shall submit a permit modification request in advance with revised drawings and construction details.

Ohio EPA agrees that additional flexibility in project scheduling would be appropriate. However, the language proposed by the Permittee would set ambiguous standards for Agency enforcement of the permit. The Agency has added language noting a permit modification may be submitted if the proposed schedule is not achievable.

Condition I(A).9 (d) has been revised to read,

"The Permittee shall pave that portion of former Outdoor Container Storage Area 1 not currently paved with concrete and such paving will be consistent in extent and quality with the Permittee's' June 13, 1995 letter to Ohio EPA on the installation of additional concrete in this area, Ohio EPA's letter of September 9, 1996 responding to said letter and Ohio EPA's correspondence on the paving for this area. The Permittee shall complete construction no later than six months after the date of this permit. Within 90 days of completion of the paving, the Permittee shall submit appropriate documentation, including "as-built" drawings and a Professional Engineer's certification, in a permit modification request.

Alternatively if Permittee does not intend to construct the paving in accordance with the Permittee's' June 13, 1995 letter and Ohio EPA's response letter of September 9, 1996, then the Permittee shall submit a permit modification request prior to installation which includes revised drawings and construction standards. The Permittee shall submit the required permit modification request no later than six months after the date of this permit. The Permittee shall complete construction no later than six months after Ohio EPA approval of the construction drawings.

If the Permittee believes that any of the preceding schedules provide insufficient time to complete the requested work, the Permittee may submit a permit modification request documenting the basis for such belief and requesting an amended schedule."

RIS Comment No.: 66
Location in Draft Part B: Module I(A), Condition I(A).9(e)

Ohio EPA Response:

This comment objects to a requirement that Permittee not operate the kiln aerosol can feeder and the second main chamber aerosol can feeder unless they are modified to the same design and operating standards as the first main chamber aerosol can feeder, appropriate documentation is submitted to Ohio EPA and Ohio EPA has approved the feeder modifications. The comment states that the Permittee "objects to inclusion of this condition in the permit and requests its deletion as it is duplicative and unnecessary" since this condition incorporates restrictions on the operation of the aerosol feeders currently imposed by an Administrative Order issued by the U.S. EPA, dated April 14, 1999 and the restrictions in this order will remain in effect after Ohio EPA issues Permittee a permit, until removed by action of USEPA.

Paragraph 40 of Administrative Order issued by the U.S. EPA, dated April 14, 1999 includes, "...Respondent shall not operate the aerosol can feed mechanisms on the main chamber and kiln until such time as Respondent demonstrates, to the satisfaction of [U.S.]

EPA, that the aerosol can feed mechanisms to the main chamber and kiln can be used without presenting an imminent and substantial endangerment to human or the environment with the meaning of Section 7003 of RCRA..." Ohio EPA has similar concerns regarding operation of the unmodified can feeders.

Ohio EPA acknowledges that this condition would result in the operation of these feeders being restricted by both USEPA and Ohio EPA. This is a consequence of our federal system of government and environmental regulation. It is not justification for removal of this permit condition.

The permit when issued by Ohio EPA will regulate the Permittee's facility as it currently exists. Ohio EPA will not authorize operation of the unmodified can feeders unless they have been modified to the same design and operating standards as the first main chamber aerosol can feeder. Ohio EPA does not anticipate that this condition will impose any additional burdens on the Permittee as Ohio EPA does not expect USEPA to withdraw its Administrative Order dated April 14, 1999 without requiring the Permittee to modify all its aerosol can feed mechanisms or that the Permittee would operate the unmodified feeders in violation of the conditions of the order and its Ohio permit. The assertion in the comment that this condition imposes a duplicative requirement on RIS to obtain design approval from not only U.S. EPA, but also Ohio EPA, while technically true, should not be a significant burden as the Permittee has already modified one feeder to USEPA's satisfaction. Presumably the others would be modified to the same, already well reviewed, standard.

Permittee's comments have consistently indicated that Permittee prefers to have the Agency approve all changes to Permittee's operations through the permit modification process. This condition has been modified to include reference to the permit modification process. Also the condition has been restructured for clarity.

Condition I(A).9 (e) has been modified to read,

> "The Permittee shall not operate either the kiln aerosol can feeder or the second main chamber aerosol can feeder until:
>
> (i) It has been modified to the same design and operating standards as the first main chamber aerosol can feeder;
>
> (ii) The Permittee has submitted to Ohio EPA a permit modification request that includes documentation that the feeder has been so modified and a request to operate; and
>
> (iii) The permit modification request is approved by Ohio EPA."

RIS Comment No.: 67
Location in Draft Part B: Module I(A), Condition I(A).9(f)

Ohio EPA Response:

This comment objects to a requirement to conduct an incineration performance test within two years of the effective date of this permit and each succeeding three years. The comment cites the promulgation of the Combustor MACT as rationale for the position that the Permittee "does not intend to conduct any performance tests for the incinerator other than those required by the MACT regulations".
This condition was very closely patterned after a condition in the Permittee's existing federal permit. It serves to provide assurance that the incinerator continues to operate without significant change from the 1992 trial burn, and would support any site specific risk assessment work that the facility may be required to conduct.

The preamble to the combustor MACT regulations discusses at length the process for a facility to transition certain activities from the RCRA permitting program to the CAA permitting program (See 64 FR 52981-52990, September 30, 1999.) Some concepts in the transition process are,
-The MACT does not in itself eliminate the obligation to comply with a RCRA permit;
-Facilities are subject to both RCRA and MACT requirements until the differences, if any, are resolved;
-Streamlined administrative procedures have been provided for transitioning from RCRA permit conditions to the MACT that include the opportunity for the RCRA program to verify that the facility has completed the comprehensive performance test and submitted the NOC (Notice of Compliance) prior to approving the request to eliminate conditions from the RCRA permit. (Ohio EPA has not yet adopted the new class 1 requiring prior Agency approval permit modification request for transitioning, but intends to do so in a future rulemaking.)

The preamble is clear that promulgation of the Combustor MACT does not absolve the Permittee from its responsibility to comply with all applicable RCRA requirements for hazardous waste incinerators. Ohio EPA believes that in the future the Permittee will be able to have certain conditions modified or removed from its RCRA permit subsequent to demonstrating compliance with the Combustor MACT. Until that time, it is appropriate for the Permittee's permit to contain those conditions necessary to implement the RCRA program for hazardous waste combustors.

No changes have been made to the portion of Condition I(A).9 (f) challenged in this comment. However, Condition I(A).9 (f) has been modified in response to Comment No. 68.

RIS Comment No.: 68
Location in Draft Part B: Module I(A), Condition I(A).1 and I(A).9(f)

Ohio EPA Response:

This comment objects to a requirement to conduct a site specific risk assessment (SSRA) and collect emissions data during an incineration performance test for use in the SSRA. Objections include: the Permittee lacks confidence in the risk assessment process; the Permittee's past actions do not constitute an agreement to conduct a risk assessment; the process does not provide accurate assessments of risk; the Combustor MACT does not support requiring this SSRA.

Requiring the Permittee to conduct a risk assessment is not "particularly irresponsible" as alleged in the comment, nor would the risk assessment process "misrepresent the potential impacts of the operation" of the facility. The Agency agrees with the comment that "only accurate and precise estimates of risk" should be presented, but disagrees with the comment assertion that "Unfortunately, risk assessment methodology does not provide accurate estimates of risk."

Risk assessment is accepted as a scientifically sound discipline that can provide reasonable estimates of the risks to human health and the environment posed by certain constituents. Management of uncertainties is part of the risk assessment process; uncertainty must not be allowed to become an excuse for inaction.

Uncertainty is "a description of imperfect knowledge of the true value of a particular variable or its real variability in an individual or a group." (HHRAP, U.S. Environmental Protection Agency. "Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities." Office of Solid Waste and Emergency Response: Washington DC. July 1998. EPA 530-D-98-001.) Uncertainty is inherent in all scientific models as it is impossible to know with absolute certainty the true value of every variable in a model. Discussions of uncertainty should not be avoided, but should be presented and incorporated into conclusions and risk management decisions. "Even great uncertainty does not imply that the action to promote or protect public health should be delayed." (National Academy of Sciences. Estimating the Public Health Benefits of Proposed Air Pollution Regulations. National Academies Press: Washington DC. 2002.)

Many sources of uncertainty listed in the Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities Guidance (U.S. Environmental Protection Agency. "Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities." Office of Solid Waste and Emergency Response: Washington DC. July 1998. EPA 530-D-98-001.) and reiterated in this comment can be defined and/or reduced through additional analyses. Probabilistic risk assessment helps eliminate the uncertainty

associated with deterministic reasonable maximum exposure estimates (RME) in human health and ecological risk assessments. (Hattis, D. and D.E. Burmaster. "Assessment of Variability and Uncertainty Distributions for Practical Risk Analysis." Risk Analysis, 14(5): 713-730. 1994.) Sensitivity analyses can identify the parameters that most significantly affect the outcome of the risk assessment, thereby defining the potential variables that contribute the greatest source of uncertainty. (Rai, S.N., D. Krewski, and S. Bartlett. "A General Framework for the Analysis of Uncertainty and Variability in Risk Assessment." Human and Ecological Risk Assessment, 2(4): 972-989. 1996.) By openly addressing uncertainty, additional information is available for making risk management decisions when a facility exceeds a risk goal.

Probabilistic risk assessment and sensitivity analyses provide a quantitative scientific basis for risk management decisions. These tools are compatible with U.S. EPA's and Ohio EPA's currently recommended combustion risk assessment guidance, the HHRAP and the Screening Level Ecological Risk Assessment Protocol for Hazardous Waste Combustion Facilities. (SLERAP, U.S. Environmental Protection Agency. "Screening Level Ecological Risk Assessment Protocol for Hazardous Waste Combustion Facilities." Office of Solid Waste and Emergency Response: Washington DC. August 1999. EPA 530-D-99-001.) The comment contends that "environmental protection agencies have not agreed upon or established scientific methodology to accurately assess the risks and subsequently translate those risks into respective permit conditions." However, Ohio EPA has used these guidance documents for previous combustion risk assessments and incorporated results into permits. In fact, the guidance documents were established, in part, on the risk assessment performed at the WTI incinerator in East Liverpool, Ohio. Thus, a consistent risk assessment methodology has been established by Ohio EPA. The comment also states that "continual development in the ‘science' of risk assessment methodology makes conducting an accurate and defensible study almost impossible as it potentially could be obsolete by the time it is completed." Risk assessment, like all scientific fields, improves as more information becomes available. Ohio EPA recognizes that information changes over time, and generally evaluates a risk assessment using the information available to the facility at the time the risk assessment was submitted.

The comment contends that current risk assessment methodologies "misrepresent the potential impacts of the operation." Ohio EPA maintains that recommended risk methodologies provide a reasonable upperbound estimate of risk. Additionally, because a risk methodology has been established and utilized at other sites in Ohio, a risk assessment result at one facility provides a relative comparison to other sites in Ohio.

As the comment alludes, the Permittee participated in the risk assessment process prior to the draft permit and has previously made commitments to conduct a risk assessment. The history of the Permittee's and Agency's interactions on SSRA is too complicated to recite in detail, but it is significant that one element of that history is an unwritten understanding that the Permittee would conduct the risk assessment described in the trial

burn plan approved by Ohio EPA on January 31, 2000 and appealed by the Permittee to the ERAC in March 2000.

To settle that appeal, the Agency agreed to allow the Permittee to conduct a performance test in lieu of a trial burn with the unwritten understanding that Permittee would conduct the risk assessment required in the appealed trial burn plan after new air pollution control equipment was installed. Permittee subsequently conducted the performance test in October 2000.

At no point in the discussions to resolve the appeal did Ohio EPA ever indicate that it was dropping its request for the Permittee to conduct a risk assessment. None of the letters submitted by the Permittee during the discussions contain any reference to such an action, which would have been expected if the Agency had made such a determination.

The primary justification now advanced by the Permittee for not conducting a SSRA is that the final Combustor MACT regulations, except for rare site-specific situations, control risks that previously might have been addressed through a SSRA. As noted in the comment, the preamble to the Combustor MACT rules discusses the status of the site specific risk assessment process, the impact of the MACT on that process and eight guiding factors that may be considered when determining if a SSRA is necessary.

Ohio EPA possesses adequate regulatory authority under OAC Rule 3745-50-40 (D)(6), commonly referred to as the Director's "omnibus authority", to require a SSRA when necessary to protect human health and the environment. OAC Rule 3745-50-40 (D)(6) states "If the director approves an application for a renewal permit, he will issue the permit upon such terms and conditions as he finds are reasonable to ensure that continued operation...of the hazardous waste facility are conducted in accordance with Chapter 3734. of the Revised Code and the hazardous waste rules, and such additional terms **and conditions he determines are necessary to protect human health and the environment**." [Emphasis added.]

Although Ohio EPA possesses authority to require a SSRA, Ohio EPA believes that the Combustor MACT rule's preamble language [64 FR 52839-52843] provided additional guidance on the type and nature of information for demonstrating the likely existence of a potential threat to human health and the environment prior to imposing such a requirement.

Ohio EPA does not believe that an analysis of the eight factors in the MACT preamble is sufficient to demonstrate that a SSRA is necessary to protect human health and the environment. Ohio EPA believes that a screening risk assessment of the Permittee's facility could be used to make such a demonstration and consequently Ohio EPA will work with USEPA to conduct a screening risk assessment. If the screening SSRA indicates potential unacceptable risk, Ohio EPA will, relying on the Director's "omnibus authority", and the authority found in ORC 3734.09 and OAC Rule 3745-50-51, initiate a permit

modification, to compel the Permittee to conduct a detailed SSRA. In recognition of the pending screening assessment, the requirement for the Permittee to conduct a risk burn and a risk assessment has been removed from the final permit.

The requirement to conduct a performance test every three years, independent of whether a SSRA is required, has been retained. This is a reasonable requirement that requires the Permittee to demonstrate that key indicators of incinerator operation have not changed since the last trial burn.

The Agency is aware that the Combustor MACT requires incinerator testing on a periodic basis. After the Permittee has demonstrated compliance with the Combustor MACT, the Permittee may submit a permit modification request so demonstrating and requesting removal of this testing requirement. (See response to Comment No. 67.)

In the final permit, this condition has been revised to read,

"I(A).9. Compliance Schedule

(f) The Permittee shall conduct an incineration performance test within two years of the effective date of this permit and each succeeding three years. The performance test plan shall be submitted to Ohio EPA at least six months prior to the test date and shall address all regulations and other conditions that may be needed to protect human health and the environment. The Permittee shall submit to Ohio EPA the report documenting performance test activities and results within 6 month of conducting each performance test."

RIS Comment No.: 69
Location in Draft Part B: Module I(A), Condition I(A).9(f)

Ohio EPA Response:

This comment objects to the Agency's alleged obligatory use of guidance documents on trial burns and risk assessments.

In response to Comment No. 68, the Agency's decision on whether the Permittee will be required to conduct a SSRA has been deferred until completion of a screening risk assessment. Therefore it is not necessary to respond to this comment. If the Permittee is eventually required to complete a SSRA, this comment can be addressed at that time.

RIS Comment No.: 70
Location in Draft Part B: Module J, Condition J.1, Module Highlights

Ohio EPA Response:

The comment proposes adding additional history of the facility groundwater monitoring program to the first paragraph of Section J.1 Module Highlights. The additional history would note, among other things, that the groundwater program for regulated units began in 1982 and that the facility originally had more than the current three unclosed regulated units and that no hazardous waste has been placed in the three unclosed surface impoundments since September 1988.

Paragraph one in the draft permit is sufficiently clear to explain why a groundwater monitoring program meeting rules 3745-54-90 to 3745-55-01 is required at Permittee's facility. The proposed additional information is not necessary. No changes have been made to the first paragraph.

The comment also proposes to clarify which units are currently subject to monitoring under the facility's current groundwater monitoring plan. In the draft permit, the first sentence in the second paragraph read, "These units and several other closed units have been monitored under OAC Rules 3745-65-90 through 3745-65-94, a Consent Decree with U.S. EPA and Ohio EPA dated October 17, 1988, and an Amended Consent Decree dated March 23, 1992. To comply with the requirements of these decrees and regulations, the Permittee is currently conducting groundwater monitoring in accordance with its Ground Water Monitoring Plan (GWMP) dated June 12, 1998, prepared in accordance with the three previously mentioned documents." The comment proposes striking "and several other closed units" and replacing " have been" with "are being". The apparent intent is to clarify that the three unclosed surface impoundments are the only unclosed regulated units currently at the facility.

Ohio EPA agrees with the proposed changes to the second paragraph.

The groundwater monitoring program in this permit only monitors for potential releases from the three unclosed surface impoundments. Several pre-RCRA waste management units are present at the facility. The potential exists that the scope of the groundwater monitoring program could be expanded to include monitoring for potential releases from some pre-RCRA waste management units. That determination will be based on the results of the facility's corrective action program.

During the review of these comments, Ohio EPA noticed that the citation to the Consent Order between USEPA and Permittee contained an error. USEPA and the Permittee signed a Consent Agreement and Final Order (CAFO) dated May 6, 1992, not on October

17, 1988. The parties to the October 17, 1988 Consent Order were Ohio EPA and the Permittee; USEPA was not a party to that order. The paragraph has been revised to correct this error.

The comment proposes addition of a new third paragraph to Section J.1 Module Highlights that would define how the an existing Consent Decree and Consent Agreement and Final Order (CAFO) that, among other things, required Permittee to establish certain elements of its groundwater protection program, are to be terminated.

Termination criteria for the subject Consent Decree and CAFO can not be established by permit condition. Rather they are established by the provisions of the Consent Decree and the CAFO. Paragraph 9 of the Consent Decree dated October 17, 1988 identifies three events that must occur before the Consent decree terminates, one of which is issuance of a state Part B permit to Ross by Ohio EPA. The Amended Consent Decree dated March 23, 1992, which amended the Consent Decree dated October 17, 1988, states in paragraph 8 that if Ross is issued an Ohio Part B Permit, Ross shall comply with the requirements of any such permit and that any provisions in the Consent Decrees that conflict or contradict a requirement of the Part B Permit are superceded by the permit.

The Consent Order and CAFO required the Permittee to establish certain elements in its current Groundwater Monitoring Plan. Ohio EPA believes that the Consent Order and CAFO will remain in effect until a Groundwater Monitoring Plan meeting the requirements of OAC Rules 3745-54-90 to 3745-55-01 is submitted to Ohio EPA pursuant to Condition J.7 (b), is approved by Ohio EPA and is implemented by the Permittee. Upon completion of these tasks, Permittee may initiate the steps necessary to terminate the Consent Order and CAFO and Ohio EPA will take any actions necessary on its part to terminate the Consent Order and CAFO.

The proposed new third paragraph will not be added to the final permit.

The fourth paragraph in the Permittee's proposal states that, "The Permittee has an alternate detection monitoring program approved by Ohio EPA that substantially meets the technical requirements of OAC 3745-54-97 and 3745-54-98 for a detection monitoring program." The ground water monitoring program that was approved by Ohio EPA was under the interim status detection monitoring requirements found in OAC rules 3745-65-90 through 94. A number of facets of that program are adequate for a detection monitoring program under the standards in OAC Rules 3745-54-90 through 55-01. Those facets would include:

1) implementing a detection monitoring program for a facility without detected ground water contamination as required by OAC rules 3745-54-90 and 91;

2) sampling for an agreed-upon list of hazardous constituents as required by OAC Rules 3745-54-93 and 54-98(A);

3) installing a set of monitoring wells that will monitor ground water passing the point of compliance, thereby defining the point of compliance as required by OAC Rule 3745-54-95;

4) having a set of wells that meet the location and maintenance requirements in OAC Rule 3745-54-97(A, B&C) and 54-98(B);

5) having an adequate Sampling and Analysis Plan (SAP) required under OAC Rule 3745-54-97(D&E), and

6) having a sampling frequency and analysis program that meets OAC Rules 3745-54-97(G, H, and I) and 54-98(C, D, and F).

However, the Permittee's present ground water monitoring program does not meet the response requirements in OAC Rule 3745-54-98 (E, G & H).

Therefore, until the Permittee submits a permit modification for a ground water monitoring program that does meet all the appropriate requirements, including the response requirements according to the final standards rules OAC 3745-54-90 through 55-01, in particular OAC Rule 3745-54-98(G & H), their present program does not meet the technical requirements for a detection monitoring program under the final standards rules.

Paragraph three in the draft permit is sufficiently clear to explain that a groundwater monitoring program adequately meeting OAC Rules 3745-54-90 to 3745-55-01 does not exist and is required at Permittee's facility. The proposed changes do not adequately represent the ground water monitoring requirements. No changes have been made to the Ohio EPA's third paragraph in Permit Condition J.1.

The second paragraph has been revised to read,

> "These units are being monitored under OAC Rules 3745-65-90 through 3745-65-94, a Consent Decree with Ohio EPA dated October 17, 1988, a Consent Agreement and Final Order with U.S. EPA dated May 6, 1992 and an Amended Consent Decree with Ohio EPA dated March 23, 1992. To comply with the requirements of these decrees and regulations, the Permittee is currently conducting groundwater monitoring in accordance with its Ground Water Monitoring Plan (GWMP) dated June 12, 1998, prepared in accordance with the three previously mentioned documents."

No changes have been made to the Ohio EPA's first and third paragraphs in Permit Condition J.1.

RIS Comment No.: 71
Location in Draft Part B: Module J, Condition J.2, Well Location, Installation and Construction

Ohio EPA Response:

The comment proposes adding language concerning the adequacy of the Permittee's present well system to the first paragraph of Section J.2 Well Location, Installation and Construction. The additional language would note, among other things, that their present groundwater program substantially meets the technical requirements of OAC Rules 3745-54-90 though 55-01.

The Ohio EPA agrees that the present well system is adequate. The list of wells presented in Permit Condition J.2 (a) are the same wells presently installed by the Permittee. The language shall be clarified to reflect that, at this time, no further wells need to be installed. The present well system must continue to meet the requirements in OAC Rules 3745-54-97(A, B &C) and 3745-54-98(B) as outlined in Permit Condition J.2(a).

Situations relative to changes in the direction of ground water flow or detection of contaminants may require additional wells to be installed to remain in compliance with the rules. The methods to incorporate changes to a well system at a permitted facility are outlined in OAC Rule 3745-50-51. Abandonment or replacement of a network well requires a Class 1 permit modification. Changes in the number, location, depth or design of upgradient or downgradient well(s) of the network will require a Class 2 permit modification.

The proposed additional language stating, among other things, that the Permittee's present groundwater program substantially meets the technical requirements of OAC Rules 3745-54-90 though 55-01, is addressed in the response to Comment 70.

The introduction to the first paragraph in Permit Condition J.2 has been revised to read,

> "The Permittee shall install, as needed, and maintain a ground water monitoring system as specified below:"

RIS Comment No.: 72
Location in Draft Part B: Module J, Condition J.2 (c), Well Location, Installation and Construction

Ohio EPA Response:

The Permittee objects to Ohio EPA's reference to guidance documents in the permit and alleges that by inclusion in the permit Ohio EPA is using the guidance as regulation without following proper rulemaking procedures.

The draft permit condition referred to the guidance, not with the intent to mandate the use of the guidance, but rather with the intent to suggest that compliance with this condition may be facilitated by referring to this guidance. However, to make it abundantly clear that use of the guidance is not being required, Ohio EPA has opted to remove the language in question in the final permit.

Permit Condition J.2(c) has been revised to read,

> "All wells removed or replaced in accordance with permit Condition J.2(b) shall be properly plugged and abandoned. Well plugging and abandonment methods, certification, and justification shall be submitted to the Director through the permit modification process in OAC Rule 3745-50-51."

RIS Comment No.: 73
Location in Draft Part B: Module J, Condition J.3 (a), Indicator Parameters and Monitoring Constituents

Ohio EPA Response:

The Permittee states that their parameter list for monitoring, based upon multiple years of sampling for the parameters in the Appendix to OAC Rule 3745-54-98, meets the requirements for a detection monitoring program under OAC Rule 3745-54-98(A). They state that the parameter copper was omitted from the Table in Permit Condition J.3(a).

Ohio EPA agrees that the parameter list meets the requirements and will revise the permit to include copper in the table in permit condition J.3(a).

Permit Condition J.3(a) has been revised to read,

> "The Permittee shall monitor all the wells listed in permit Condition J.2(a) for the parameters and constituents identified in the GWMP which meet the requirements of OAC Rule 3745-54-98(A) as follows:"

Ground Water Parameters per GWMP	
Antimony Arsenic Barium Beryllium Cadmium Chromium Cobalt Copper Lead	Mercury Nickel Selenium Silver Thallium Tin Vanadium Zinc TOC TOX

RIS Comment No.: 74
Location in Draft Part B: Module J, Condition J.3(b), Indicator Parameters and Monitoring Constituents

Ohio EPA Response:

The Permittee addresses many issues in this comment:

1) the establishment of a background;

2) the statistical methods used to evaluate data;

3) the sampling/analysis requirements for a statistical detection of TOX/TOC; and,

4) the response requirements for a confirmed detection of a VOC/SVOC.

The Permittee states that its establishment of background and statistical procedures for evaluating detections in the present GWMP meet the requirements of OAC Rules 3745-54-97 and 98.

<u>Establishment of Background</u>

The Permittee has already established a statistical background dataset for each of the parameters in the list in permit condition J.3(a) with the exception of TOX and TOC. They are presently gathering that background data. Ohio EPA accepts both the previously established datasets and the proposed method for gathering the TOX and TOC background.

The wording in Ohio EPA's draft permit condition J.3(b) states, "For those parameters and constituents in permit condition J.3(a) including parameters and constituents required by OAC Rule 3745-54-98(A) <u>for which no background values are established at the time the permit is issued</u>, the Permittee shall establish background values in accordance with the following procedures:"

This permit language is inserted into all permits as it closely follows the language in the rules. The purpose of the language is to address the circumstance when a new parameter is added to the monitoring list through the response requirements to a confirmed detection of VOCs and SVOCs as required under Permit Condition J.7(a)(iv). While Ohio EPA accepts the background datasets for the present parameters listed in permit condition J.3(a), development of methods for obtaining new background and updating of old background may be facilitated by using the latest USEPA Statistical Guidance documents as outlined in Ohio EPA's permit conditions J.3 (b & c).

Additionally, under Permit Condition J.3 (b)(ii), the permit states "A background database shall be compiled for each constituent and/or parameter using an alternate sampling procedure specified in the permit modification request and approved by Ohio EPA." The Permittee will be submitting a permit modification request to address the changes required in the present GWMP as required by Permit Condition J.7(b). The present methods of gathering background will be included in the revised GWMP and have already been approved by Ohio EPA, as allowed under OAC Rule 3745-54-97(G)(2).

The language in Permit Condition J.3(b) will be changed to clarify that Ohio EPA accepts the present background for the present parameters and the method of collection for TOX and TOC.

The first paragraph proposed by the Permittee should be included in the GWMP to be submitted under Permit Condition J.7(b), not in the permit.

The last paragraph proposed by the Permittee relates to establishing background for a replacement well. This is acceptable to Ohio EPA. Ohio EPA intended this permit condition to apply to any new parameter that would be added into Permit Condition J.3(a). A new parameter might be added to Permit Condition J.3(a) if a concern arose over certain VOCs and/or SVOCs while the facility remained under a detection monitoring program. Under both cases, a replacement well or a new parameter, development of a background dataset would be required. Therefore the permit has been revised to incorporate both circumstances.

Permit Condition J.3(b) has been revised to read,

"Establishing Background

Background values for the parameters and constituents in Permit Condition J.3(a) previously established and the proposed methods for gathering background for TOX and TOC in the GWMP shall be used. When a program well identified in Figure 1-1 of the GWMP is replaced, or for those parameters and constituents in Permit Condition J.3(a) which include parameters and constituents required by OAC Rule 3745-54-98(A) for which no background values are established at the time the permit is issued, the Permittee shall establish background values in accordance with the following procedures:

(i) During each sampling event, the Permittee shall take a minimum of one sample from each well (background and compliance point wells), and analyze for each parameter or constituent specified in the permit. Background ground water quality for a monitoring parameter or constituent may be based on a sequence of four samples, taken at a quarterly interval that assures, to the greatest extent technically feasible, that an independent sample is obtained of the background well(s), or

(ii) A background database shall be compiled for each constituent and/or parameter using an alternate sampling procedure specified in the permit modification request and approved by Ohio EPA."

Statistical Methods Used to Evaluate Data

The Permittee's response outlines their statistical program and references the 1989 USEPA statistical guidance. This guidance was updated in 1992 and another update is in publication. The Permittee may use the most recent USEPA statistical guidance documents to formulate their statistical program. The Permittee may also submit a flow chart as part of their statistical program. Since it is impossible to determine prior to sampling what the distribution of a parameter may be, if the Permittee would be required to sample for VOCs and SVOCs, a flowchart of statistical methods based upon varying distribution and numbers of samples, as in the ASTM Statistical guidance, would be acceptable.

The proposed language by the Permittee does not directly address statistical performance standards for evaluating statistically significant differences. It relates to collection of background data and will be addressed as above. No changes to Permit Condition J. 3(b) relative to statistics will be made.

Sampling & Analysis Requirements for a Statistical Detection of TOX or TOC

The Permittee objects to Ohio EPA's interpretation of their response to a statistical detection of TOX/TOC. The Permittee's response states that chloride will be analyzed if a confirmed statistically significant difference of TOX is detected, which Ohio EPA has previously agreed to. However, the Permittee's response indicates that if the chloride analysis determines that "chloride is present", then the statistically significant difference will be attributed to chloride and the Permittee will not continue on with the response requirements for a TOX detection.

Ohio EPA has agreed to the Permittee sampling TOX and TOC in place of sampling for a full list of VOCs and SVOCS, based upon their previous years of sampling for the full list of parameters in the appendix to OAC Rule 3745-54-98. However, the Ohio EPA does not agree that based on "the presence of chloride", that TOX detections should be discounted. The Permittee must provide a full evaluation that the influence of chloride is at a level to be an interferent. Chloride is detected at some level in all samples. Therefore, to discount a statistically significant difference in TOX based solely on "the presence of chloride", as the Permittee's response indicates, is not acceptable. Ohio EPA asks that the Permittee submit the following demonstration in order to exclude wells from TOX sampling.

Ohio EPA Proposed Demonstration for TOX/Chloride Sampling: The Permittee's proposed additional language in proposed paragraphs two, three and four are addressed under Permit Conditions J.7 and J.10, relative to Monitoring Program & Data Evaluation and Special Requirements if Significant Increases Occur. The present draft permit language in those sections replicates the Permittee's language relative to the initial and verification sampling of TOX, chloride, and VOC/SVOCs with one exception. The present language does not clearly allow the Permittee to perform a verification re-sample of TOX and TOC. The Ohio EPA draft permit language has been revised to replicate the Permittee's language with two exceptions. The first is that the Permittee may not discount a TOX statistically significant difference solely based upon the "presence" of chloride. A full analysis shall be required. The second difference is addressed in the next section concerning the response requirements if a detection of metals, VOCs or SVOCs are confirmed.

Ohio EPA's draft permit language has been revised to read:

"J. 7 Monitoring Program and Data Evaluation

(a) Until the permit modification required in Permit Condition J.7(b) is approved, the Permittee shall comply with the GWMP dated June 12, 1998; OAC Rules 3745-65-90 through 3745-65-94; the Consent Decree with Ohio EPA dated October 17, 1988; the Amended Consent Decree with Ohio EPA dated March 23, 1992; the Consent

Agreement and Final Order with U.S. EPA dated May 6, 1992; and the following conditions:

(i) In addition to the parameters in Permit Condition J.3(a), the Permittee shall collect samples for chloride from all wells listed in Permit Condition J.2(a) during each sampling event.

(ii) TOX specific: The Permittee shall use an approved statistical procedure for determining whether a statistically significant TOX increase has occurred. If a statistical increase in TOX is confirmed, then the Permittee shall have the laboratory analyze the chloride sample taken from the affected well or wells, otherwise chloride samples will not be analyzed. The Permittee shall use the chloride concentration data to evaluate the potential for chloride interference in the analytical methodology.

(iii) TOX specific: If elevated chloride concentrations are found to act as a laboratory interfering agent, then no further response will be necessary by the Permittee. However, if chloride is determined not to be an interfering agent, the Permittee shall immediately resample the affected well(s) for TOX and chloride, and reanalyze per Permit Condition J.7(a)(ii).

(iv) TOX specific: If following the re-sample, elevated chloride concentrations are found to act as a laboratory interfering agent, then no further response will be necessary by the Permittee. However, if chloride is determined not to be an interfering agent, the Permittee shall sample and analyze the affected well(s) for VOCs (SW-846 Method 8260B), SVOCs (SW-846 Method 8270), and chloride to evaluate any potential impact to ground water from the land-based units.

(v) TOC-Specific: The Permittee shall use an approved statistical procedure for determining whether a statistically significant TOC increase has occurred. If a statistical increase in TOC is confirmed through a resample, then the Permittee shall immediately sample and analyze the affected well(s) for VOCs (SW-846 Method 8260B) and SVOCs (SW-846 Method 8270) to evaluate any potential impact to ground water from the land-based units.

(vi) If the results of the initial sampling for metals, VOCs or SVOCs indicate contamination, then the Permittee shall follow the response requirements in Permit Condition J.10. If the results are non-detect for the VOCs/SVOCs or do not indicate a statistically significant difference for the metals, then the Permittee may remain in Detection Monitoring.

J.10 Special Requirements if Significant Increases Occur in Values for Parameters or Constituents
OAC Rule 3745-54-98(G)

If the Permittee has determined a statistically significant increase in any of the metals identified in Permit Condition J.3(a) in accordance with statistical procedures specified in Permit Condition J.6 and J.7, or a detection above the method detection limit for any VOCs or SVOCs identified in Permit Condition J.7(a)(iv) and J.7(a)(v), the Permittee must:

(a) Notify the Director in writing, within seven (7) days of that determination. The notification must indicate what parameters or constituents have shown statistically significant increases (metals) or detection above method detection limits (VOCs/SVOCs) and the corresponding analytical results.

(b) Within 30 days re-sample the ground water in the affected well(s) in Permit Condition J.2(a) and determine the concentration of well-specific parameters listed in Permit Condition J.10(a).

(c) If the results of the resample confirm the initial results for metals, VOCs, or SVOCs or if the Permittee elects not to re-sample, then the detected compounds form the basis for compliance monitoring. If the re-sampling results are non-detect for the VOCs/SVOCs or do not indicate a statistically significant difference for the metals, then the Permittee may remain in Detection Monitoring.

(d) Within 90 days of confirming a statistically significant increase in metals or a VOC/SVOC detection above method detection limits, submit to the Director an application for a permit modification to establish a compliance monitoring program. The application must include the following information:

(i) An identification of the concentration of each metal, VOC or SVOC detected in the ground water at each monitoring well at the point of compliance."

The rest of Permit Condition J.10 remains, including the opportunity to demonstrate another source under OAC Rule 3745-54-98(G)(6) as outlined in Permit Condition J.10(f).

Response Requirements for a Confirmed Detection of VOC/SVOC

The Permittee states that if they do have a confirmed detection of a VOC or SVOC they will submit a plan for a ground water quality assessment program in accordance with OAC Rule 3745-65-93(D)(3) to make an evaluation of the rate and extent of contamination. They further state that if a determination is made that no hazardous constituents have entered the ground water, the Permittee will re-instate the detection monitoring program in their present GWMP.

Under the interim status rules, this would have been an acceptable response. However, the Permittee must now follow the permit rules of OAC 3745-54-90 to 55-01. The response requirements to a confirmed detection of a hazardous constituent are listed in Permit Condition J.10. This Permit Condition has been revised to remove the sampling for the appendix to OAC Rule 3745-54-98 referenced in Permit Condition J.10 (b),(c) and (d)(i). In place of sampling for the parameters listed in that Appendix, the Permittee must sample for the full list of VOCs and SVOCs and comply with all other response requirements listed under OAC Rule 3745-54-99 for a Compliance Monitoring Program. The proposed changes to the permit requested by the Permittee related to this issue appear in their fifth paragraph. Removal of sampling for the appendix to OAC Rule 3745-54-98 will be made under Permit Condition J.10 as above. The language proposed in the Permittee's fifth paragraph will not be included as they are no longer under the interim status rules, and must respond to a confirmed detection under OAC Rules 3745-54-90 through 55-01.

RIS Comment No.: 75
Location in Draft Part B: Module J, Condition J.3(c), Indicator Parameters and Monitoring Constituents

Ohio EPA Response:

The Permittee objects to Ohio EPA referencing guidance in the permit.

First, the paragraph proposed by the Permittee relates to updating background for a replacement well. This is acceptable to Ohio EPA and the permit has been revised to reflect this.

Ohio EPA intended this permit condition to apply to any parameter listed in Permit Condition J.3(a). Ground water chemistry often changes over time, including concentrations of metals in upgradient wells. In order to prevent false positives, and save costly response requirements, Ohio EPA includes this language to allow the Permittee to update their present background datasets should ground water chemistry change unrelated to the regulated units.

OAC Rule 3745-54-97(G) states that the number and kinds of samples collected to establish background shall be appropriate for the form of statistical test employed, following generally accepted statistical principles. OAC Rule 3745-54-97(H) also states that the statistical methods employed should be included in the permit. Ohio EPA has evaluated USEPA statistical guidance and other best professional guidance and determined that in order to ensure with reasonable confidence that a contaminant release to ground water from a facility will be detected, background should be updated following the guidelines indicated in Permit Condition J.3(c).

Ohio EPA references guidance in permits to facilitate compliance with the regulations. The language has been clarified to address this use.

The permit has been revised to read,

"J.3 <u>Updating Background</u>

(c) In accordance with the schedule established in Condition J.7(b) of this permit, the permit modification shall include collection of background data in accordance with permit condition J.3(b) and OAC Rule 3745-54-97(G), development of background concentrations in accordance with OAC Rule 3745-54-97(H) and (i), and procedures for updating the background concentration when a program well identified in Figure 1-1 of the GWMP is replaced or if the Permittee determines that a background dataset no longer meets the standards in OAC Rule 3745-54-98(G). Compliance with OAC Rule 3745-54-98(G, H and I) may be facilitated by adherence to the following: "

All other portions of Permit Condition J.3(c) shall remain.

RIS Comment No.: 76
Location in Draft Part B: Module J, Condition J.4, Sampling and Analysis Procedures

Ohio EPA Response:

The Permittee objects to Ohio EPA's language suggesting that the language indicates fundamental changes to the GWMP are needed and proposes clarifying other language.

They state that their present GWMP sampling and analysis techniques and methods meet the requirements. Ohio EPA completely agrees. In each clause under the Sampling and Analysis module the permit states that the Permittee shall fulfill the requirement using the techniques described in the GWMP required under Permit Condition J.7(b).

The Permittee acknowledges that they must submit an updated GWMP to meet the response requirements under the final standards rules. The requirement to submit that revised GWMP occurs in Permit Condition J.7(b).

The intent of Condition J.4 was not to state that the sampling and analysis techniques in the present GWMP do not meet the requirements, but that those techniques should be carried through to the revised GWMP. Ohio EPA will clarify the language.

In addition, the Permittee proposes language to clarify when wells should be sampled for immiscibles. Ohio EPA agrees to the proposed language and will incorporate it into the permit.

The permit has been revised to read,

> "J.4 <u>Sampling and Analysis Procedures</u>
>
> The sampling and analysis techniques and procedures in the June 12, 1998 GWMP are in accordance with the requirements of OAC Rule 3745-54-97(D and E) and shall be incorporated in the revised GWMP required under Permit Condition J.7(b). The Permittee shall use the following techniques and procedures when obtaining and analyzing samples from the groundwater monitoring wells identified in J.2(a):
>
> (b) The well shall be checked for the presence of immiscible layers prior to purging in any monitoring well or wells where the presence of dissolved concentrations of any GWMP parameter has been confirmed and indicates that immiscible layers could be present as outlined in the GWMP required under Permit Condition J.7(b)."

The rest of Permit Condition J.4 shall remain.

RIS Comment No.: 77
Location in Draft Part B: Module J, Condition J.5(a), Elevation of Ground-Water Surface

Ohio EPA Response:

The Permittee objects to Ohio EPA's language suggesting that the language indicates fundamental changes to the GWMP are needed and proposes clarifying other language.

The intent of this language is to indicate that the present GWMP meets the requirements and those techniques and procedures should be included in the revised GWMP required under Permit Condition J.7(b). Ohio EPA agrees to the clarification proposed by the Permittee requiring only wells listed in Permit Condition J.2(a) to meet these requirements.

The permit has been revised to read,

> "J.5. Elevation of the Ground-Water Surface
> OAC Rule 3745-54-97(A&F) and 3745-54-98(B&E)
>
> (a) The Permittee shall determine the elevation of the ground water surface at each program well identified in Permit Condition J.2(a) each time the ground water is sampled in accordance with the GWMP required under Permit Condition J.7(b). The techniques and procedures in the June 12, 1998 GWMP are in accordance with these requirements and shall be incorporated in the revised GWMP required under Permit Condition J.7(b)."

RIS Comment No.: 78
Location in Draft Part B: Module J, Condition J.5(b&c), Elevation of Ground-Water Surface

Ohio EPA Response:

The Permittee objects that Ohio EPA has inserted language into the permit that is not supported by regulations.

Permit Condition J.5(b) requires the GWMP to define the methods, procedures and results for surveying the ground surface elevations of all monitoring wells on Figure 1-1 of the GWMP. OAC Rule 3745-50-44(B)(3) states that the permit must include a topographic map with the locations of the monitoring wells delineated on it. Additionally, OAC Rule 3745-54-97(F) requires the Permittee to determine the ground water surface elevation each time the ground water is sampled.

In order for Ohio EPA to evaluate whether the wells have been properly located upon the topographic map, it is necessary to know how the Permittee determined the elevations of the ground surface of the well. Also, in order for Ohio EPA to evaluate whether the Permittee has properly determined the ground water surface elevation, the elevation at the ground surface is required. Both of these determinations must be made in order to evaluate whether the Permittee's monitoring wells are properly located to meet the requirements of OAC Rule 3745-54-97(A, B & C) and 54-98(B).

Therefore, these requirements are not guidance, but necessary for Ohio EPA to determine the Permittee's compliance with the OAC Rules. The proposed changes by the Permittee have not been accepted and the permit condition will stand as written.

RIS Comment No.: 79
Location in Draft Part B: Module J, Condition J.6, Statistical Procedures

Ohio EPA Response:

The Permittee objects to Ohio EPA's language: 1) suggesting that the language indicates fundamental changes to the GWMP are needed, and 2) proposes clarifying other language and as well as objecting to the insertion of guidance into the permit.

Fundamental Changes

The intent of the Ohio EPA permit language is to indicate that the present GWMP meets the statistical methods requirements and that those statistical methods and procedures should be included in the revised GWMP required under Permit Condition J.7(b). The permit has been revised to clarify this issue.

Clarifying Language and Objecting to the Insertion of Guidance into the Permit

The Ohio EPA permit language allows the Permittee to vary their statistical methods should data collection require it according to the most recent USEPA statistical guidance document and ASTM guidance. OAC Rule 3745-54-97(G) requires that the statistical methods used comply with generally accepted statistical principles. Ohio EPA evaluates statistical programs under the assumption that both the USEPA guidance and the ASTM guidance incorporate generally accepted statistical principles. However, to make it abundantly clear that use of the guidance is not being required, Ohio EPA has opted to remove the language in question in the final permit.

The language in Permit Conditions J.6(a)(I through viii) is straight from OAC Rule 3745-54-97(H and I) and are performance standards required for any statistical method that the Permittee should choose. The final determination of the appropriateness of their use will be determined by Ohio EPA, not the Permittee.

The proposed language states that statistical PQLs only have to meet the requirements in the GWMP. Ohio EPA disagrees. OAC Rule 3745-54-97(i)(5) states that PQLs must be based on the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility. Ohio EPA will clarify the use of the SW-846 guidance in Permit Condition J.6(a)(vi) but will not include the reference to the GWMP.

The permit has been revised to read,

"J.6. Statistical Procedures
OAC Rules 3745-54-97 (G, H, and I) and 54-98(F)

The statistical methods and procedures in the June 12, 1998 GWMP are in accordance with the requirements of OAC Rule 3745-54-97(H and I) and shall be incorporated in the revised GWMP required under Permit Condition J.7(b). When evaluating the monitoring results in accordance with Permit Condition J.7, the Permittee shall use the procedures in the GWMP which include the following elements of identifying statistically significant evidence of contamination in accordance with OAC Rule 3745-54-97(G), (H) and (i):

(a) The Permittee shall use an appropriate statistical procedure for determining whether a statistically significant change has occurred.

Any statistical method that is chosen must comply with the following performance standards as appropriate: "

(i) through (v) remain the same.

"(vi) The statistical method shall account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantitation limit (PQL) approved in the permit that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility. Compliance may be facilitated by referring to the methods outlined in the most recent version of SW-846."

The rest of Permit Condition J.6 remains unchanged.

RIS Comment No.: 80
Location in Draft Part B: Module J, Condition J.7(a), Monitoring Program and Data Evaluation
Ohio EPA Response:

The Permittee objects to a number of aspects of the language in Permit Condition J.7(a).

Sampling & Analysis Requirements for a Statistical Detection of TOX or TOC

The Permittee objects to Ohio EPA's interpretation of their response to a statistical detection of TOX/TOC. The Permittee's response states that chloride will be analyzed if a confirmed statistically significant difference of TOX is detected, which Ohio EPA has previously agreed to. However, the Permittee's response indicates that if the chloride analysis determines that "chloride is present", then the statistically significant difference will be attributed to chloride and the Permittee will not continue on with the response requirements for a TOX detection.

Ohio EPA has agreed to the Permittee sampling TOX and TOC in place of sampling for a full list of VOCs and SVOCS, based upon their previous years of sampling for the full list of parameters in the appendix to OAC Rule 3745-54-98. However, the Ohio EPA does not agree that based on "the presence of chloride", that TOX detections should be discounted. The Permittee must provide a full evaluation that the influence of chloride is at a level to be an interferent. Chloride is detected at some level in all samples. Therefore, to discount a statistically significant difference in TOX based solely on "the presence of chloride", as the Permittee's response indicates, is not acceptable. Every single time a sample for TOX is taken, it would be discounted. Ohio EPA asks that the Permittee make the demonstration outlined in the response to Comment 74 in order to exclude wells from TOX sampling.

The Permittee's proposed additional language is addressed under Permit Conditions J.7 and J.10, relative to Monitoring Program & Data Evaluation and Special Requirements if Significant Increases Occur. The present draft permit language in those sections replicates the Permittee's language relative to the initial and verification sampling of TOX, chloride, and VOC/SVOCs with one exception. The present language does not clearly allow the Permittee to perform a verification re-sample of TOX and TOC. The Ohio EPA draft permit language has been revised to replicate the Permittee's language with two exceptions. The first is that the Permittee may not discount a TOX statistically significant difference solely based upon the "presence" of chloride. A full analysis shall be required. The second difference is addressed in the next section concerning the response requirements if a detection of metals, VOCs or SVOCs are confirmed.

Response Requirements for a Confirmed Detection of VOC/SVOC

The Permittee states that if they do have a confirmed detection of a VOC or SVOC they will submit a plan for a ground water quality assessment program in accordance with OAC Rule 3745-65-93(D)(3) to make an evaluation of the rate and extent of contamination. They further state that if a determination is made that no hazardous constituents have entered the ground water, the Permittee will re-instate the detection monitoring program in their present GWMP.

Under the interim status rules, this would have been an acceptable response. However, the Permittee must now follow OAC Rules 3745-54-90 to 55-01 for permitted facilities. The response requirements to a confirmed detection of a hazardous constituent are listed in Permit Condition J.10. This permit condition has been revised to remove the sampling for the appendix to OAC Rule 3745-54-98 referenced in Permit Condition J.10 (b)(c) and (d)(1). In place of sampling for the parameters listed in that Appendix, the Permittee must sample for the full list of VOCs and SVOCs and comply with all other response requirements listed under OAC Rule 3745-54-99 for a Compliance Monitoring Program.

Removal of sampling for the appendix to OAC Rule 3745-54-98 will be made under Permit Condition J.10. The language proposed relative to submitting a GWQAP will not be included as they are no longer under the interim status rules, and must respond to a confirmed detection under OAC Rules 3745-54-90 through 55-01.

Response Requirement Coordination of Rules and Permit Language

In order to clarify how Ohio EPA's permit language coordinates with the ground water monitoring rules regarding the response requirements, the following table has been developed. It should assist the Permittee in understanding how sampling and re-sampling requirements are incorporated in the permit.

Ross Permit Condition	OAC Rule 3745-54
J.7(a)(i)	98(C)
J.7(a)(ii)	98(D&F)
J.7(a)(iii)	98(F)(2)
J.7(a)(iv)	98(G)(2)
J.7(a)(v)	98(D), (F)(2) then (G)(2)
J.7(a)(vi)	98(G)
J.7(c)(i)	98(C)
J.7(c)(ii)	98(D)
J.7(c)(iii)	98(C)
J.7(c)(iv)	98(E)
J.7(c)(v)	98(F)
J.7(c)(vi)	98(F)(2)
J.10(a)	98(G)(1) to (G)(2)
J.10(b)	98(G)(3)
J.10(c)	98(G)(3)
J.10(d)(i)	98(G)(4)(a)
J.10(d)(ii)	98(G)(4)(b)
J.10(d)(iii)	98(G)(4)(c)
J.10(d)(iv)	98(G)(4)(c)
J.10(e)	98(G)(5)(b)
J.10(f)(i)	98(G)(6)(a)
J.10(f)(ii)	98(G)(6)(b)
J.10(f)(iii)	98(G)(6)(c)
J.10(f)(iv)	98(G)(6)
J.10(f)(v)	98(G)(6)(d)

Revisions to Conditions J.7(a) and J.10(a)(b)(c) and (d) were made in response to comment No. 74 and this comment. See response to Comment No. 74 for text of revisions.

RIS Comment No.: 81
Location in Draft Part B: Module J, Condition J.7(b), Monitoring Program and Data Evaluation

Ohio EPA Response:

The Permittee objects to Ohio EPA's language suggesting that the language indicates fundamental changes to the GWMP are needed and proposes clarifying other language. Portions of the present GWMP are consistent with OAC Rules 3745-54-90 through 55-01, and portions are not. The Permittee must bring the whole GWMP up to the standards in the permitted regulations. The permit can not state that the present GWMP is consistent with the requirements for a Detection Monitoring Program. It does not include the response requirements following OAC Rule 3745-54-98 and 99.

The permit language has not been changed.

RIS Comment No.: 82
Location in Draft Part B: Module J, Condition J.8(a), Recordkeeping and Reporting

Ohio EPA Response:

The Permittee objects to Ohio EPA's language suggesting that the language indicates fundamental changes to the GWMP are needed and proposes clarifying other language. Two different issues are brought up by the Permittee. One is the reporting requirements following a confirmed detection, and the other is specific data submittal requirements related to data validation.

<u>Reporting Requirements Following a Confirmed Detection</u>

The GWMP does not meet the requirements of OAC Rule 3745-54-98(G)(4 through 6). If a confirmed detection of metals or organics occurs, the Permittee may not follow the interim standards rules and submit a GWQAP under OAC Rule 3745-65-93(D)(3) as their present GWMP states. The Permittee must submit a permit modification for a compliance ground water monitoring program under OAC Rule 3745-54-99 per OAC Rule 3745-54-98(G)(4 and 5). If the Permittee decides to pursue the "Other Source" demonstration available under OAC Rule 3745-54-98(G)(6), they should be aware that the timeline runs concurrently with the time allowed to submit a permit modification for compliance monitoring under OAC Rule 3745-54-98(G)(4). Within 90 days of confirmed statistical detections of metals or detection of organics above PQLs, the Permittee must either submit a permit modification for a compliance monitoring program or have <u>successfully</u> demonstrated that the statistical difference was related to another source or an error in sampling, analysis, or evaluation. If the demonstration is not successful and the Permittee

has not submitted a permit modification for a compliance monitoring program, then the Permittee will be in violation of the final standards rules.

The Permittee may not return to a detection monitoring program once a confirmed detection of ground water contamination has occurred unless there is a successful demonstration under OAC Rule 3745-54-98(G)(6). By the time the Permittee has reached the timeline represented by the requirements in OAC Rule 3745-54-98(G)(4 through 6), there have been confirmed detections in the ground water. At the very least a permit modification would need to be submitted under OAC Rule 3745-54-98(G)(6)(c) to make appropriate changes to the detection monitoring program such that other false statistically significant differences related to other sources or errors in sampling would not occur again.

No changes to the draft permit condition have been made. The Permittee must change their GWMP to meet the final standards rules.

Data Submittal Requirements Related to Data Validation

The Permittee objects that language in Permit Conditions J.8(a)(vi & vii) regarding data validation submittal is not supported by regulations.

OAC Rule 3745-54-97(J) states that all ground water monitoring data collected in accordance with OAC Rule 3745-54-98(G) shall be maintained as part of the operating record and that the permit will specify when the data shall be submitted. Sampling and analytical data would be incorporated under OAC Rule 3745-54-98(G), therefore the permit must specify the submittal of analytical data. OAC Rule 3745-54-97(E) states that the ground water program must include analysis methods that accurately measure hazardous constituents in the ground water samples. OAC Rule 3745-54-98(C) also states that the Permittee must maintain a record of all ground water analytical data as measured and in a form necessary for determination of statistical significance.

In order for Ohio EPA to evaluate the accuracy and precision of the data collected and whether the analytical procedures are adequate, the Permittee must submit the laboratory analytical data as outlined in Permit Conditions J.8(a)(vi & vii). All the analytical data required is part of the operating record of the facility. The annual report required under OAC Rule 3745-54-75 must cover the facility's activities for the previous year which would include, but not be limited to, the sampling and analytical ground water monitoring data.

The permit language shall not be changed.

RIS Comment No.: 83
Location in Draft Part B: Module J, Condition J.8(c), Recordkeeping and Reporting

Ohio EPA Response:

The Permittee objects to the inflexibility of the annual reporting form.

OAC Rule 3745-54-75 requires that the Permittee submit an annual report using the form the Director supplies. For the calendar year 2002, the Permittee met those requirements. Ohio EPA has allowed facilities to use various spreadsheet formats for submittal, and the Permittee may use any of those spreadsheet formats outlined in the annual reporting form. Ohio EPA developed a format, specifying columns and rows, so that the data from every RCRA facility conducting ground water monitoring in Ohio might be added into a state-wide database and evaluated by the electronic statistical programs within the Ohio EPA. All other facilities in the state of Ohio required to submit annual ground water reports have been able to meet the formatting requirements. Ohio EPA expects the Permittee to continue to meet those same requirements as submitted for 2002. The permit has not been changed.

RIS Comment No.: 84
Location in Draft Part B: Module J, Condition J.10 (b), Special Requirements for Statistical Increases

Ohio EPA Response:

The Permittee objects to Ohio EPA's language suggesting that the language indicates fundamental changes to the GWMP are needed and proposes clarifying other language. The Permittee finds no justifiable reason to re-sample all wells for the detected parameters. The proposed language changes the wells re-sampled and the sampling parameters.

Ohio EPA agrees. This permit condition is comparable to OAC Rule 3745-54-98(G)(3) which allows re-sampling for the detected compounds at wells with initial detections.

In response to Comment No. 74 and this comment the permit has been revised to read,

> "(b) Within 30 days re-sample the ground water in the affected well(s) in Permit Condition J.2(a) and determine the concentration of well-specific parameters listed in Permit Condition J.10(a)."

RIS Comment No.: 85
Location in Draft Part B: Module J, Condition J.10 (f), Special Requirements for Statistical Increases

Ohio EPA Response:

The Permittee objects to Ohio EPA using language in the permit that they do not believe is supported by regulation. The comment also asks Ohio EPA to clarify situations under which an "Other Source" demonstration may be applicable. This permit condition outlines under what circumstances, once a hazardous constituent has been detected in the ground water, the Permittee may submit a demonstration that either another source caused the contamination or it occurred due to an error in sampling and analysis.

Compliance Point Wells

The first part of the comment focuses on the omission from the permit of the words, "at any monitoring well at the compliance point", which are in OAC Rule 3745-54-98(G)(6). In particular OAC Rule 3745-54-98(G)(6) states that only when such a detection is made in a well at the compliance point, may the Permittee make such a demonstration. Ohio EPA includes the Permittee's right to make such a demonstration should any well, either at the compliance point or downgradient of the compliance point, have confirmed detections of hazardous constituents.

OAC Rule 3745-54-91(A)(3) requires that if hazardous constituents in any well between the compliance point and the downgradient facility boundary exceed set concentration limits the facility owner/operator must move from compliance into a corrective action program under OAC Rule 3745-55-01. Therefore, an owner/operator must be monitoring the hazardous constituents and have the set concentration limits required under compliance monitoring at the wells between the compliance point and the downgradient property boundary. Additionally, OAC Rule 3745-55-01(E)(1&2) requires that anytime ground water contamination exceeds the concentration limit at wells between the compliance point and the downgradient property boundary or beyond the property boundary, the owner/operator must implement a corrective action program. Therefore, the requirements to sample for hazardous constituents and set concentration limits per a compliance monitoring program under OAC Rule 3745-54-99 apply to all wells, even those beyond the property boundary, used to monitor the regulated unit.

The permit has not been changed to add language related to compliance point wells.

Background Comparison Values

The Permittee's proposal adds language that the detection must be above background "comparison" values. The Permittee does not have background "comparison" values set for VOCs or SVOCs. If one of these hazardous constituents is detected above the method detection limit, and confirmed through a re-sample, then the Permittee must either submit a compliance monitoring plan or a demonstration of another source. For metals, the statistical values set in the GWMP are the "background values" intended by Ohio EPA's

language. Background for VOCs and SVOCs should be non-detect since there is no evidence of upgradient VOC or SVOC contamination. Therefore, no comparison values for those parameters would be developed. The draft permit is sufficiently clear to explain under what circumstances a demonstration of another source under OAC Rule 3745-54-98(G)(6) applies at Permittee's facility. The proposed additional information is not necessary and the permit has not been changed.

Natural Variation in Ground Water

The Permittee's proposal adds language that the submittal required under OAC Rule 3745-54- 98(G)(6) may also be made if the increase occurred due to "natural variation in the ground water". This additional language is in the rule and will be added.

The permit has been revised to read,

> "J.10 (f) If the Permittee determines, pursuant to Permit Condition J.7(c)(v), that there is a statistically significant increase above the background values for the hazardous parameters specified in Permit Condition J.3(a), he may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation or natural variation in the ground water. In such cases, the Permittee shall:"

RIS Comment No.: 86
Location in Draft Part B: Module J, Condition J.11, Request for Permit Modification

Ohio EPA Response:

The Permittee objects to the ninety day submittal schedule for a permit modification listed in the permit. The comment states that the regulations do not specify 90 days.

OAC Rule 3745-54-98(H) states: If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this rule, he must, within ninety days, submit an application for a permit modification to make any appropriate changes to the program.

The Permittee has ninety days to submit a permit modification should they determine that an error in sampling, analysis, or evaluation has occurred or that a natural variation in the ground water has occurred based upon procedures or techniques in the present monitoring program, or any other aspect of the program such that it no longer satisfies OAC Rule 3745-54-98. Following that submittal, the Permittee would follow OAC Rule 3745-50-51.

The permit has not been changed.

Correction of typographical errors.

The first sentence of Condition C.1(c) in the draft permit states, “Permit Conditions C.1(a) and (c) and C.2 shall not apply to the Permittee's activities as a generator accumulating hazardous waste on-site in compliance with OAC Rule 3745-52-34(A).”

The reference in paragraph (c) to "and (c)" is a typographical error. To correct the error the reference to "and (c)" has been removed.

The first sentence of Condition C.1(c) has been revised to read,

> “Permit 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 OAC Rule 3745-52-34(A).”

RIS Comment Numbers PH1 through PH5 are Permittee’s responses to issues raised in oral statements given at the February 3, 2003 Public Meeting on the draft permit.

Ohio EPA Response:

No responses are required to these comments.

Following are Ohio EPA’s responses to statements made at the February 3, 2003 Public Meeting on the draft permit. To respond to the comments from the public meeting, major issues raised were identified and a response prepared for each major issue. The transcript of the public meeting comments is not included in the responsiveness summary; however, a copy is available from Ohio EPA.

Head note to response to public meeting comments:

Some comments were received during the public meeting that did not require a response by Ohio EPA because either they were not relevant or they were relevant but expressed support for the draft permit.

PH-1

Comment: Expressed concern about possible adverse community health impacts especially cancer risks, from Ross Incineration Services (RIS) emissions.

Commenters: J. Bokar, P. Gembus, R. Anderson

Ohio EPA Response:

Ohio EPA does not believe that emissions from the RIS facility pose an unacceptable risk to human health. Ohio EPA is required by law to issue renewal permits with such terms and conditions needed to protect human health and the environment.

Human health is protected from hazardous waste operations at the RIS facility by the numerous operating controls and requirements in the facility's hazardous waste permit. The facility's current federal hazardous waste permit, which has been in effect since 1988, includes many of these operating controls and requirements. Additional controls that also protect human health are imposed on the facility by other Ohio EPA divisions, such the Division of Air Pollution Control.

The hazardous waste permit protects human health and the environment from hazardous waste operations at the RIS facility; it does not regulate or monitor all potential risks to community health. Community health monitoring (disease incidence, health surveys, etc.) is typically conducted by the Ohio EPA's sister agency, the Ohio Department of Health (ODH).

See the response to PH-5 for discussion of ODH role in health studies.

PH-2

Comment: Is the location of residences near Ross Incineration Services (RIS) considered in the permit? Has RIS attempted to purchase houses near the facility?

Commenter: B. Tollett, D. Sicz

Ohio EPA Response:

The permit is intended to be protective of human health in all siting situations. The RIS facility is located in an area that is currently largely rural but is experiencing some residential development. The provisions in the permit are not based on the number of residences or the population density in the community surrounding the facility. Nor are the provisions of the permit based on who owns houses near the facility. Ohio EPA would not expect the conditions in the permit to be different with a different population density or home ownership pattern.

PH-3

Comment: Is Ross Incineration Services (RIS) taking any extra precautions against acts of terrorism?

Commenter: B. Tollett

Ohio EPA Response:

The hazardous waste regulations require specific security precautions for all permitted hazardous waste sites. Specifically, at the RIS facility, the permit requires: perimeter security fencing, controlled access to the facility and a 24 hour security guard. The permit also includes a contingency plan which details how the facility would respond to various types of emergency incidents including terrorism, fire, explosions and releases of hazardous waste.

Additional precautions beyond the regulatory requirements have not been imposed by the permit. However, the facility may choose to take additional security measures beyond those required by their hazardous waste permit.

PH-4

Comment: Was air monitoring conducted previously for the Ross Incineration Services (RIS) facility? If so, what were the results? Is a there a possibility of an ambient air monitor or monitors being installed near the RIS facility? Can air monitors monitor for all pollutants potentially emitted from the facility? Are air emissions from the RIS facility adequately monitored?

Commenters: B. Tollett, D. Sicz, P. Gembus

Ohio EPA Response:

The Ohio EPA completed an ambient air monitoring study that involved the RIS facility in 1992 with funds provided by the Ohio Air Quality Development Authority (OAQDA). The risk assessment portion was completed by Ohio EPA staff. This study characterized the presence and associated health risks posed by polychlorinated dibenzo-p-dioxins (PCDD) and polychlorinated dibenzofurans (furans) in ambient air. Samples from the RIS facility were from four sites. One location was upwind of the plant and three were downwind. These sites were selected based upon prevalent wind directions and stack location. Although there were some variations in the concentrations between upwind and downwind sites near RIS, the results were not shown to be statistically significant. The study

concluded that the exposure levels measured did not present significant cancer risks to the population surrounding the facility. Currently, the Ohio EPA has no plans to monitor ambient air near the RIS facility in the immediate future.

RIS' Ohio hazardous waste permit will impose numerous controls and operating requirements that protect human health and the environment. The facility already meets many of these requirements through compliance with Ohio's hazardous waste regulations and the facility's current federal hazardous waste permit. The facility also must comply with regulations and permits of other Ohio EPA divisions, such the Division of Air Pollution Control, that address other aspects of facility operations.

The permit does not require any ambient air monitors, but it does require monitors that continuously measure and record carbon monoxide and oxygen concentrations in the incinerator stack. Carbon monoxide is an indicator of combustion efficiency and destruction of combustible constituents in the waste fed to the incinerator.

In 1992 the RIS facility conducted a detailed test, called a trial burn, to evaluate the ability of the incinerator and associated air pollution control system to destroy and remove several difficult to incinerate constituents. The facility was required to demonstrate that it could remove or destroy at least 99.99% of these constituents. The trial burn results were used to establish acceptable operating ranges for several parameters that are included in the permit conditions.

In October 2000, the facility conducted a performance test, which although significantly less comprehensive than a trial burn, provided sufficient data to demonstrate that current performance was consistent with that observed in the 1992 trial burn. Another performance test was conducted by the facility in April 2003. The facility was in compliance with all emission limits monitored during the April 2003 performance test.

The permit also requires many other air emission control measures including:

- Minimum acceptable operating conditions for the incinerator, such as, minimum and maximum temperature in the combustion zone; maximum feed rates for several heavy metals; maximum feed rates for liquid and solid wastes;

- Minimum acceptable operating conditions for the air pollution control equipment, such as, scrubber water pH, minimum scrubber water flow rate, system pressure drop and minimum operating power for the electrostatic precipitators, to ensure proper removal of acid gases and particulate matter from the incinerator exhaust gases prior to being discharged from the stack to the atmosphere;

- Automatic shutoff of waste feed to the incinerator if certain minimum operating requirements are not met.

Another element in the facility's program to control emissions is the Waste Analysis Plan which defines procedures that RIS must follow to become knowledgeable of the composition and properties of wastes accepted by the facility. For example, information on the concentration of certain heavy metals in the waste is used to ensure that feed rates of these metals do not exceed limits contained in the permit and so control emissions of heavy metals from the facility stack.

Any additional questions on the RIS hazardous waste permit should be directed to Neil Wasilk at 330-963-1165 or John Paquelet at 330-963-1246, in Ohio EPA's Division of Hazardous Waste Management. Additional questions on ambient air monitors should be addressed to the Division of Air Pollution Control at Ohio EPA in Twinsburg, Ohio. The contact person is Erik Bewley, at 330-963-1252. Any questions or complaints regarding odors should be addressed to the Division of Air Pollution Control at Ohio EPA in Twinsburg, Ohio. The contact person is Jim Veres at 330-963-1288.

PH-5

Comment: Was a health survey conducted previously of the community near the Ross Incineration Services (RIS) facility? If so what were the results? Is there a possibility of additional health surveys of the community near the RIS facility?

Commenter: B. Tollett

Ohio EPA Response:

The issues of cancer frequency and health surveys raised by commenters during the public hearing are typically addressed by the Ohio Department of Health (ODH). Ohio EPA contacted Mr. Robert Indian (ODH) concerning the comments received from the public hearing. The Ohio Department of Health conducted a door-to-door cancer survey in Eaton Township in the early eighties. No conclusions were drawn from the data. However, in response to the public comments, ODH has informed OEPA that a new cancer survey is **under consideration** for Eaton Township. Mr. Indian indicated that he has consulted with Lorain County Health Department officials about conducting such a study. Mr. Robert Indian of the Ohio Department of Health can be contacted at 614-622-7025.

PH-6

Comment: Members of the public have difficulty understanding changes to the facility's permit.

Commenter: B. Tollett

Ohio EPA Response:

Anyone who wishes to be on the contact list for permit modifications can be placed on that list by contacting Lonnie Terry, Ohio EPA, Division of Hazardous Waste Management (DHWM) at 614-644-2942. Persons on this list are notified by RIS of all permit modifications requests that have been submitted to Ohio EPA. Anyone with questions on changes in the facility's hazardous waste permit may contact Neil Wasilk (330-963-1165) or John Paquelet (330-963-1246) in the Ohio EPA DHWM to discuss these changes.

PH-7

Comment: Is Ohio EPA adequately staffed and supervised to properly monitor operations and ground water quality at the Ross Incineration Services (RIS) facility.

Commenter: P. Gembus

Ohio EPA Response:

Two Ohio EPA inspectors (commonly referred to as onsite inspectors) routinely monitor operations at the RIS facility for compliance with Ohio hazardous waste laws and regulations. They are present at the facility one to three days per week, with 2 days per week being an approximate long term average. Ohio EPA maintains a field office in the RIS Administrative Building located on facility property fronting on Giles Road. Both of these inspectors report to the same supervisor, who reviews their findings periodically and reviews significant issues expeditiously. She in turn reports items of interest upward through the management chain of command within Ohio EPA.

In addition to the onsite inspectors, other Division of Hazardous Waste Management inspectors in Ohio EPA are involved on an as-needed basis to review non-routine activities at the facility, for example, plans to close no longer used waste management units and changes in the facility or its operations.

Ohio EPA Division of Air Pollution control (DAPC) staff also review and regulate emissions from the facility stack in parallel with the Division of Hazardous Waste Management. In the future some of the emission controls will be transferred to the DAPC as the provisions of an air pollution control regulation, called the Combustor MACT, are implemented.

Ohio EPA Division of Drinking and Groundwater staff review the groundwater program and groundwater monitoring data. The RIS facility has had a groundwater monitoring program since the 1980s and will continue to have a groundwater monitoring program under the new

permit. The groundwater monitoring system consists of 5 wells which monitor groundwater upgradient of several waste management units at the facility(i.e., before the groundwater reaches those units) and 15 wells which monitor groundwater downgradient of those units (i.e., after the water has passed the units). Sampling is conducted twice annually. Results are reported to Ohio EPA and are available for review by the public. No statistically significant increases have been observed in the monitored constituents.

For more information on ground water quality issues at the RIS facility, the Ohio EPA contact person is Rich Kurlich in Twinsburg, Ohio who can be reached at 330-963-1153.

PH-8

Comment: Commenter has experienced excessive slime growth in water in her home near Ross Incineration Services (RIS) and is concerned that RIS may be a cause.

Commenter: R. Anderson

Ohio EPA Response:

Ohio EPA has no reason to believe that RIS emissions are a factor in excessive slime growth in residential water systems.

If the problem persists, questions should be directed to the Division of Drinking and Ground Water in Ohio EPA. For questions on drinking water, the contact person is Laura Weber, at 330-963-1299. For questions on groundwater quality at the RIS facility, the contact person is Rich Kurlich, at 330-963-1153.

PH-9

Comment: Questioned whether emissions from the Ross Incineration Services (RIS) facility might adversely affect consumers of locally grown food crops.

Commenter: R. Anderson

Ohio EPA Response:

Ohio EPA has no reason to believe that emissions from the RIS facility are adversely affecting locally grown food crops.

END OF OHIO EPA RESPONSIVENESS SUMMARY

PUBLIC NOTICE

Lorain County

OHIO EPA ISSUES FINAL RENEWAL OHIO HAZARDOUS WASTE PERMIT TO ROSS INCINERATION SERVICES, GRAFTON, OHIO

On September 30, 2003, Ohio EPA issued a final Ohio Hazardous Waste Facility Installation and Operation Permit Renewal (Permit) to Ross Incineration Services, Inc. for its facility at 36790 Giles Road, Grafton, Ohio 44044. The EPA Identification Number for this facility is OHD048415665.

Why does Ross Incineration Services, Inc. (Ross) need a Permit?

Ross is a commercial incineration facility that treats hazardous waste received from off-site. The facility also stores hazardous waste in containers and tanks; treats waste in tanks, a filter press and in an incinerator. Typical hazardous waste types received at the facility include: halogenated and non-halogenated spent solvents, paints, off-specification commercial chemical products and still residues. Wastes generated at the facility consist primarily of treatment residuals from the incineration process, which are sent off-site for disposal. To store and treat hazardous wastes, Ross needs a Hazardous Waste Permit. 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 Ross to continue to store hazardous waste in containers and tanks, and treat hazardous waste in tanks and by incineration. It will also require Ross to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility. Details about this final action can be viewed on Ohio EPA's website at www.epa.state.oh.us/dhwm/pdf/09-30-03ross.pdf

Some RCRA regulations have not been authorized in the state of Ohio, therefore US EPA must issue a permit to cover those regulations. Ross Incineration's complete RCRA permit is comprised of both the US EPA and Ohio EPA permits.

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 October 29, 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.

OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO HAZARDOUS WASTE FACILITY INSTALLATION AND OPERATION PERMIT RENEWAL

Permittee: Ross Incineration Services, Inc.

Mailing Address: Ross Incineration Services, Inc.
150 Innovation Drive
Elyria, OH 44035

Owner: Ross Incineration Services, Inc.
36790 Giles Road,
Grafton, OH 44044

Operator: Ross Incineration Services, Inc.
36790 Giles Road,
Grafton, OH 44044

Location: Ross Incineration Services, Inc.
36790 Giles Road,
Grafton, OH 44044

Ohio Permit No.:	02-47-0295
U.S. EPA ID:	OHD 048 415 665
Issue Date:	9/30/03
Effective Date:	9/30/03
Expiration Date:	9/30/08

AUTHORIZED ACTIVITIES

In reference to the application of Ross Incineration Services, Inc. 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:

- **Incineration of hazardous waste;**
- **Storage of hazardous waste in containers;**
- **Storage of hazardous waste in tanks;**
- **Treatment of hazardous waste in tanks;**
- **Treatment of hazardous waste in a filter press;**
- **Closure;**
- **Post-Closure;**
- **Corrective Action**

I certify this to be a true and accurate copy of the official [illegible] records of the Ohio Environmental Protection Agency.

By Donya Jackson Date 9/30/03

OHIO E.P.A.
SEP 30 2003
ENTERED DIRECTOR'S JOURNAL

PERMIT APPROVAL

Christopher Jones, Director
Ohio Environmental Protection Agency

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 30 day of September, 2003.

By Donya R. Jackson of the Ohio Environmental Protection Agency.

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 and to treat hazardous waste in tanks and a filter press and to treat hazardous waste by incineration 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 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 Part B permit application as submitted to Ohio EPA on March 16, 1998 and any subsequent amendment thereto, and last updated on June 27, 2002 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 the 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, or renewed as specified by Ohio law. The filing of a request for a permit modification, revocation, 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.

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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, revocation, modification, 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.

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(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 Rule 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.

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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 or revoking 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 Rules 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 conditions of this permit; and

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(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 Rule 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: Twentieth Edition, 1999; or an equivalent method as specified in the 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.

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A.13 Signatory Requirement and Certification of Records
OAC Rules 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 3745-50-40(G), 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 must maintain, in accordance with the Ohio hazardous waste rules, records of all data used to complete the permit application and any amendments, supplements or modifications of such application and must retain a complete copy of the application for a period of at least five (5) years from the effective date of the permit.

(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.

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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 Rules 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

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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 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.

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

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Northeast 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 Condition 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 Rules 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 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, misleading, or incomplete information to the Director, the Permittee shall promptly submit such facts, information or corrected information to the appropriate entity.

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, including any information obtained by the Director, or an authorized representative, pursuant to the authority provided under Condition A.11 of this permit.

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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, 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.27 Compliance Schedule - Documents

(a) The Permittee shall submit to Ohio EPA all documents specified in the following permit conditions within the time periods specified in those permit conditions:

1)	Condition A.30	Permit application without revision indication text.
2)	Condition B.9(b)	Fire Water System.
3)	Condition B.18(d)	Review of Contingency Plan with Local Responders.
4)	Condition B.27	Closure plan for existing surface impoundments.
5)	Condition D.5(g)	Revised Tank Corrosion Monitoring Plan (Tank 75).
6)	Condition D.11	Evaluation procedure for water in the tank farm containment trench.
7)	Condition E.5	Revised RFI Report.
8)	Condition I(A).9(a)	Plan to reduce frequency of emergency process termination incidents (EPTs).
9)	Condition I(A).9(b)	Evaluation of tanker direct feed containment system for highly volatile and flammable liquid wastes.

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10)	Condition I(A).9(c)	Extend paving at Tanker Direct Feed Site Number 3.
11)	Condition I(A).9(d)	Pave portion of former Outdoor Container Storage Area 1 not yet paved.
12)	Condition I(A).9(f)	Performance Test Plan
13)	Condition J.7(b)	Revised groundwater protection program.
14)	Condition F.4	Assessment Certification of Miscellaneous Unit
15)	Condition D.5(f)	Revised Tank Corrosion Monitoring Plan (Tanks 23-36)
16)	Condition B.3(g)	Revised WAP for Metals and PCBs Sampling and Analysis
17)	Condition B.14	Revised Contingency Plan Implementation Criteria.

(b) The Permittee shall complete all activities identified in the permit conditions listed in Condition A.27(a) within the time periods specified in those permit conditions.

(c) Unless specified otherwise, the Permittee shall submit the documents subject to Condition A.27 (a) 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

and

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Ohio Environmental Protection Agency
Northeast District Office
Division of Hazardous Waste Management
2110 E. Aurora Road
Twinsburg, Ohio 44087

A.28 Information to be Maintained at the Facility
OAC Rules 3745-50-51, 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 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, except for those portions of the operating record maintained at an off-site location pursuant to Condition B.22;

(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;

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(viii) Post-Closure Plan, after submittal by the Permittee and approved by Ohio EPA, for each unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, as required by OAC Rule 3745-55-18(A) and this permit;

(ix) annually-adjusted cost estimate for facility closure as required by OAC Rules 3745-55-42 and 3745-55-44 and this permit; and

(x) all other documents required by Module A, Permit Condition A.12.

(b) All changes or alterations to Permittee's hazardous waste facility or its operations that are inconsistent with or not authorized by this permit, including amendments, revisions and modifications to any plan required by this permit, shall be submitted to Ohio EPA and implemented in accordance with the permit modification requirements and procedures set forth in OAC Rule 3745-50-51.

(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.29 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); and 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) The Permittee shall submit the Waste Minimization Report to the Technical Assistance Section, Office of Pollution Prevention within one hundred eighty (180) days of journalization of this permit, and shall submit updates to this report biennially thereafter.

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A.30 Submittal of Revised Part B Permit Application Without Revision Indication Text.

Within 90 days of the effective date of this permit, the Permittee shall submit to Ohio EPA a Class 1 permit modification request that includes a revised copy of the Part B permit application in which all overstruck text that is intended to designate deleted text has been deleted and in which all text that is intended to designate the addition of new text, including but not limited to capitalized text, underlined text and text in special color print, has been replaced with said text in standard case and font.

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MODULE B - GENERAL FACILITY CONDITIONS

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 operate and maintain the facility in accordance with fire, explosion, or release prevention procedures, practices and design specifications provided in Sections D, F and G of the Part B permit application.

B.2 Required Notices
OAC Rule 3745-54-12

(a) Hazardous Waste from Foreign Sources

The Permittee shall notify the Director in writing at least four weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source, as required by OAC Rule 3745-54-12(A). Notice of subsequent shipments of the same waste from the same foreign source is not required.

(b) Hazardous Waste from Off-Site Sources

When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), he must inform the generator in writing that he has the appropriate Permits, and will accept the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record.

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

(a) The Permittee shall follow the procedures described in the waste analysis plan found in Section C of the Part B permit application and the terms and conditions of this permit.

(b) Boiler and Industrial Furnace (BIF) metals (as defined in 40 CFR Part 266 Appendix I) sampling and analysis: the Permittee shall conduct Boiler and Industrial Furnace (BIF) metals sampling and analysis on:

(i) Ten percent (10%) of the containers in the first shipment of each sampleable Waste Product Survey (WPS) received at the facility for each waste stream in which a generation rate in excess of 4,400 gallons per year of waste is listed on the WPS.

(ii) Ten percent (10%) of the containers in the first shipment of each sampleable WPS received at the facility following the annual renewal of each WPS in which a generation rate in excess of 4,400 gallons per year of waste is listed on the WPS, if the WPS has not been sampled and analyzed for BIF metals by the Permittee within 12 months prior to the date of receipt, or for wastes received from the initial generator, within 24 months prior to the date of receipt.

(iii) Ten percent (10%) of the containers in the first shipment of each sampleable WPS received at the facility following the receipt of 50,000 gallons and each additional 50,000 gallons, or for wastes received from the initial generator, each additional 100,000 gallons, of waste subsequent to the initial shipment of each WPS for which a generation rate in excess of 4,400 gallons per year of waste is listed on the WPS.

(iv) Ten percent (10%) of the containers in 10 out of 100 sampleable WPSs received at the facility for which a generation rate that is less than 4,400 gallons per year and greater than or equal to 1,100 gallons per year of waste is listed on the WPS, but if the WPS has been sampled and analyzed for BIF metals by the Permittee within the previous 24 months, or for wastes received from the initial generator, within the previous 36 months, no metals analysis shall be required on the current sample.

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(v) Ten percent (10%) of the containers in 10 out of 100 sampleable WPSs received at the facility for which a generation rate of less than 4,400 gallons per year of waste is listed on the WPS and which have at least one BIF metal concentration listed on the WPS that exceeds the following sampling threshold.

Metal	Sampling Threshold Concentration (PPM)
Antimony	250
Arsenic	12
Barium	1500
Beryllium	25
Cadmium	25
Chromium	300
Lead	525
Mercury	75
Silver	85
Thallium	975

(vi) Ten percent (10%) of the containers in 1 out of 100 sampleable WPS's received at the facility for which a generation rate of less than 1,110 gallons per year of waste is listed on the WPS and which have no metals concentrations listed on the WPS that exceed the sampling threshold concentrations listed in (v), but if the WPS has been sampled and analyzed for BIF metals by the Permittee within the previous 24 months, or for wastes received from the initial generator, within the previous 36 months, no metals analysis shall be required on the current sample.

(vii) Ten percent (10%) of the containers in the first shipment of each sampleable WPS received at the facility following a discrepant metals analysis of that WPS.

(viii) Unless a more stringent sampling and analysis program is required by this section, the Permittee shall conduct supplemental metals analyses as provided in the Waste Analysis Plan in Section C of the Part B permit application.

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(c) PCB sampling and analysis: the Permittee shall conduct PCB sampling and analysis on:

(i) Ten percent (10%) of the containers in the first shipment of each sampleable Waste Product Survey (WPS) received at the facility, if the generator indicates on the WPS that the waste contains PCBs.

(ii) Ten percent (10%) of the containers in the first shipment of each sampleable WPS received at the facility following the annual renewal of such WPS, if the generator indicates on the WPS that the waste contains PCBs and if the WPS has not been sampled and analyzed for PCBs by the Permittee within 12 months prior to the date of receipt.

(iii) Ten percent (10%) of the containers in 3 out of 100 sampleable WPS's received at the facility for which a generation rate of 4,400 or more gallons per year of waste is listed on the WPS.

(iv) Ten percent (10%) of the containers in 1 out of 100 sampleable WPS's received at the facility for which a generation rate of less than 4,400 gallons per year of waste is listed on the WPS.

(v) Ten percent (10%) of the containers of the first shipment of each sampleable WPS received at the facility for all oily wastes and waste streams having a more logical possibility of containing PCBs.

(vi) Ten percent (10%) of the containers of the first shipment of each sampleable WPS received at the facility following the annual renewal of each WPS for all oily wastes and waste streams having a more logical possibility of containing PCBs, if the WPS has not been sampled and analyzed for PCBs by the Permittee within 12 months prior to the date of receipt.

(vii) Ten percent (10%) of the containers in the first shipment of each sampleable WPS received at the facility following a discrepant PCB analysis of that WPS.

(viii) Unless a more stringent sampling and analysis program is required by this section, the Permittee shall conduct supplemental analyses for PCBs as provided in the Waste Analysis Plan in Section C of the Part B permit application.

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(d) Reduced sampling and analysis frequency for BIF metals.

The Permittee may implement a reduced frequency of sampling and analysis for BIF metals provided the conditions listed below are met. Reduced frequency of sampling and analysis means that the Permittee need not conduct additional sampling and analysis for metals for that WPS pursuant to (b)(iii) or (b)(v). While using a reduced frequency sampling and analysis, the Permittee must use no less than the arithmetic mean plus two standard deviations as the WPS metals concentrations.

(i) For wastes received by the Permittee from the initial generator, upon completion of three sampling and analysis events if the arithmetic mean values for all metals concentrations are less than the concentrations then listed on the WPS or less than the threshold values in (b)(v), or otherwise, upon completion of ten sampling and analysis events;

(ii) For wastes received by the Permittee from parties other than the initial generator, upon completion of ten sampling and analysis events if the arithmetic mean values for all metals concentrations are less than the concentrations then listed on the WPS or less than the threshold values in (b)(v); or, otherwise, upon completion of thirty sampling and analysis events.

If a generator notifies the Permittee of any change in the process that generates a waste that increases the concentrations of metals in such waste, the number of sampling and analysis events used for (i) and (ii) shall be of such waste after that change.

If the metals concentrations for any sampling and analysis event conducted under (b)(ii) or (b)(iv) exceed WPS values while a reduced sampling and analysis frequency is in effect, the reduced sampling and analysis frequency shall no longer apply until sufficient additional sampling and analysis events are conducted to re-qualify for (i) and (ii).

(iii) Permittee shall maintain documentation of all WPSs for which a reduced frequency of metals sampling and analysis has been established.

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(e) For Condition B.3, the generation rate listed on the WPS is a measure of the expected shipment rate of that waste to the Permittee. The Permittee will obtain the estimated generation rate through the WPS completion process and will exercise reasonable care and diligence to assure that the generation rate on each WPS is not less than the expected shipment rate to the Permittee.

(f) For this condition, "initial generator" means the operator of a production or manufacturing process that produces a waste. It does not include waste treatment, storage or disposal facilities, brokers or any party that consolidates wastes from several sources.

(g) Permittee shall submit a modified Waste Analysis Plan and implement the sampling and analysis requirements for metals and PCBs specified in Condition B.3 within 90 days of the effective date of this permit.

(h) Supplemental Analyses, Sampling and Analysis of Treatment Residues

Treatment residues generated by the Permittee shall be sampled and analyzed as follows:

Waste Stream	Frequency	Standards defining constituents to be analyzed
Incinerator Ash	Quarterly	Universal Treatment Standards for applicable constituents in OAC Rule 3745-270-48 (concentrations in extract of the waste or in the waste, whichever is applicable). Paint Filter Test.
Incinerator Ash	Monthly	Abbreviated Organic Constituents (as defined in Section C of the Part B permit application)
Scrubber Water	Quarterly	Universal Treatment Standards for applicable constituents in OAC Rule 3745-270-48 (concentrations in extract of the waste or in the waste, whichever is applicable).
Filter Cake	Quarterly	Universal Treatment Standards for applicable constituents in OAC Rule 3745-270-48 (concentrations in extract of the waste or in the waste, whichever is applicable). Paint Filter Test.

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 of the Part B permit application.

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

The Permittee shall follow the inspection schedule set forth in Section F of the 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.

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 the elements set forth in Section H of the 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

The Permittee shall comply with the requirements of OAC Rule 3745-54-17 and shall follow the procedures, practices and design specifications for handling ignitable, reactive and incompatible wastes set forth in Sections C, D and F of the Part B permit application.

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 the attached plans and specifications in Section B of the Part B permit application. To prevent washout and overtopping during a flood, facility protective dikes shall be inspected and maintained in good condition and at the elevations indicated in Section B of the Part B permit application.

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

(a) 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 contingency plan contained in Section G of the Part B permit application.

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(b) Fire Water System

Within six months of the effective date of this permit, the Permittee shall submit a Class 2 permit modification request to the Ohio EPA that commits the Permittee to:

- Install fire water hoses, with compatible nozzles, of sufficient length to convey water from the nearest fire water hydrant to all areas likely to require water for initial fire suppression capability including but not limited to, the container staging areas and the bulk solid repack area at the incinerator;

- Install any other specific equipment that Permittee has determined, after evaluation of its fire response plan, is required to utilize the fire hydrants for initial fire suppression activities capability for other areas near the incinerator. (A copy of the facility fire response plan used to identify required equipment shall be included with the permit modification request.);

- Establish training for its employees in incipient fire response using these hoses, nozzles and any other new fire suppression equipment as well as in identifying the types of fires Permittee's employees will respond to;

- Establish an inspection schedule for hoses, nozzles and any other new fire suppression equipment.

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 of the 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, Sections D, F and G of the Part B permit application and the terms and conditions of this permit.

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

At a minimum, the Permittee shall maintain 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, Sections D and F of the Part B permit application and the terms and conditions of this permit.

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:

(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 Part B permit application;

(ii) make arrangements with Ohio EPA emergency response teams, emergency response contractors, and equipment suppliers; 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, potential associated hazards of emergency response 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 contingency plan and follow the emergency procedures described in OAC Rule 3745-54-56,

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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, except that for a fire located in or on an incinerator waste feed mechanism or the incinerator feed structure, implementation shall be required only if the fire can not be controlled with hand-held fire extinguishers;

(b) Any explosion, as defined in Table G-2 in Section G of the permit application, involving hazardous waste; or

(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; or

(f) Occurrence of any event listed in Sections 3 or 4 of the Contingency Plan Implementation Criteria in Table G-2 in Section G of the permit application.

The Permittee shall submit to Ohio EPA a revised contingency plan that incorporates the preceding implementation criteria and shall submit documentation that facility staff has been trained in use of the new implementation criteria within 60 days of the effective date of this permit.

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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 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 contingency plan 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.

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 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 of any significant changes to the plan which will impact their ability to respond to an emergency, within fifteen (15) days of the effective date of any amendments of, revisions to, or modifications to the contingency plan. For all other changes, notification in writing must be made annually.

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(c) The Permittee shall, in accordance with OAC Rule 3745-54-53, submit a copy of the contingency plan to the Ohio Environmental Protection Agency's Division of Emergency and Remedial Response.

(d) Within 90 days of the effective date of this permit, the Permittee shall submit an acknowledgment to Ohio EPA that the Contingency Plan in Section G of the Part B permit application has been reviewed with the local police departments, fire departments, hospitals and local emergency response teams identified in 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 regarding emergency procedures set forth in OAC Rule 3745-54-56, Section G of the Part B permit application and the conditions of this permit.

B.21 Availability, Retention and Disposition of Records
OAC Rule 3745-54-74

All records shall be furnished, upon request, to Ohio EPA, and those records shall be retained by the Permittee in accordance with OAC Rule 3745-54-74.

B.22 Operating Record
OAC Rule 3745-54-73

(a) 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.

(b) The Permittee is authorized to maintain portions of the operating record required by OAC Rule 3745-54-73 that are more than three years old at an off-site location with the following conditions:

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(i) The off-site location must be listed in the approved Part B application. The listing must include the address of the records storage site and a description of which portion of the record is maintained at that site. Changes and/or additions to storage site locations detailed in the Part B application must be made through the permit modification process described in OAC Rule 3745-50-51.

(ii) All portions of the operating record maintained at off-site locations must be available for Ohio EPA review at the Permittee's facility within two (2) business days of the request, unless this is clearly not reasonable, in which case the Permittee will establish the most expeditious schedule practicable and immediately notify Ohio EPA of the anticipated schedule.

(c) The Permittee is authorized to maintain original copies of waste analysis information collected through Waste Product Survey (WPS) development and update activities (i.e., WPS sheets, attachments and the waste analyses used to develop WPS sheets) and initial notices to generators, as specified in paragraph (B) of OAC rule 3745-54-12, at the Ross Environmental Services Business Center, provided that

(i) All WPS Sheets are accessible at the facility through an electronic data retrieval system from which paper copies can be printed;

(ii) Facsimile or original copies of all waste analysis data used to develop WPS sheets are made available to Ohio EPA within one business day; and

(iii) All portions of the operating records maintained at the Ross Environmental Services Business Center are made available upon request for inspection by Ohio EPA.

B.23 Contingency Plan Records
OAC Rules 3745-54-73 and 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).

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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) Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved with fifteen (15) days after receiving the waste, the Permittee must submit a report, including a copy of the manifest, to the Director in accordance with OAC Rule 3745-54-72.

(c) Unmanifested waste report. This report must be submitted to the Director within fifteen (15) days of receipt of unmanifested waste, which waste is not excluded from the manifest requirements by OAC Rule 3745-51-05, and include the information required under OAC Rule 3745-54-76.

B.25 Annual Reports and Additional Reports
OAC Rules 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 closure plan in Section I of the Part B permit application in such a manner as to achieve compliance with OAC Rule 3745-55-11.

B.27 Closure Plan
OAC Rules 3745-55-10, 3745-55-11 and 3745-55-13

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

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Additionally, the Permittee has three surface impoundments that were in existence at the time the implementing rules for RCRA were enacted and for which the Permittee never sought full permitted status. As such, these units were subject to the interim standards closure requirements of OAC Chapter 3745-66 but, for various reasons, have not yet achieved final closure. The purpose of this condition is to put the Permittee on schedule to complete closure of these units.

These impoundments and their closure status are outlined in the following table:

Surface Impoundment Name	Type of Waste Managed/Contained in the Surface Impoundment	Status of Closure
Surface Impoundment 2 or SWI 2; Surface Impoundment 6 or SWI 6; and Surface Impoundment 7 or SWI 7	Scrubber water and scrubber water sludge composed primarily of incinerator ash	A Closure Plan to close SWI 6 and SWI 7 with waste in-place and consolidate the waste and unit liner from SWI 2 in SWI 6 was received by Ohio EPA on 9/7/2000. On 11/20/2000, Ohio EPA issued a Notice of Deficiency (NOD) on this Closure Plan. The NOD response letter dated 1/12/2001 requested additional meetings with Ohio EPA and proposed a sequential response to the NOD with Ohio EPA approval of intermediate plan elements. A Treatability Study and Analysis Plan was submitted to Ohio EPA on 12/6/2001. On 1/23/2002, Ohio EPA issued a NOD on the plan. Ross responded by letter dated 2/22/2002. In response, Ohio EPA issued a NOD on 5/29/2002. Ross responded by letter dated 7/5/2002. Following a meeting, Ross submitted a revised Treatability Study and Analysis Plan dated 8/22/2002. Ohio EPA reviewed this submittal and by letter dated October 2, 2002 stated that Ohio EPA had no further comment on the Treatability Study and expected RIS to proceed with implementation.

The Permittee shall submit a revised closure plan for the surface impoundments to Ohio EPA within 60 days of the effective date of this permit. The Permittee should note that such submittal should be reflective of OAC 3745-55 requirements and not OAC 3745-66 requirements.

If the Permittee believes that the preceding schedule provides insufficient time to complete the requested work, the Permittee may submit a permit modification request documenting the basis for such belief and requesting an amended schedule.

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

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

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

The Permittee shall maintain the 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

Within ninety (90) days 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. 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 after receiving the final volume of hazardous waste 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 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 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.

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

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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 Survey Plat
OAC Rule 3745-55-16

The Permittee shall submit a survey plat to the Director and the local zoning authority no later than the submission of certification of closure of each unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, and if the Permittee has not submitted certification of closure for these units prior to the effective date of this permit, in accordance with OAC Rule 3745-55-16.

B.35 General Post-Closure Requirements
OAC Rules 3745-55-17, 3745-55-18, 3745-55-19, 3745-55-20

(a) Post-Closure Care Period

The Permittee shall submit a post-closure care plan for each unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, within 90 days from the date that the Permittee determines that the unit must be closed as a landfill. Post-closure care shall be in accordance with OAC Rule 3745-55-17 and the Post-Closure Plan as approved by Ohio EPA.

(b) Post-Closure Security

The Permittee shall maintain security at the facility during the post-closure care period for each unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, in accordance with

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the Post-Closure Plan as approved by Ohio EPA and OAC Rule 3745-55-17(B).

(c) Amendment to Post-Closure Plan

Subsequent to approval by Ohio EPA of a Post-Closure Plan for each unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, the Permittee shall amend the Post-Closure Plan whenever necessary in accordance with OAC Rule 3745-55-18(D).

(d) Post-Closure Notices

(i) No later than 60 days after certification of closure of each unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, the Permittee shall submit to the director and the local zoning authority records of the type, location, and quantity of hazardous waste disposed of within each cell or disposal unit, in accordance with OAC Rule 3745-55-19(A).

(ii) Within 60 days of certification of closure of the first unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, and within 60 days of certification of closure of the last unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, the Permittee shall do the following:

(1) Record a notation on the deed to the facility property which contains the information required by OAC Rule 3745-55-19(B)(1).

(2) Submit to the Director a certification that the Permittee has recorded the notation and submit a copy of the document in which the Permittee placed the notation.

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(3) The Permittee shall request and obtain a permit modification prior to post-closure removal of hazardous wastes, hazardous waste residues, liners, or contaminated soils, in accordance with OAC Rule 3745-55-19(C).

(e) Certification of Completion of Post-Closure Care

No later than sixty days after completion of the established post-closure care period for each unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, the Permittee shall certify that the post-closure care period was performed in accordance with the specifications in the Post-Closure Plan, as required by OAC Rule 3745-55-20.

B.36 Cost Estimate for Facility Closure and Post-Closure
OAC Rules 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. The Permittee shall submit a post-closure cost estimate for each unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, within 90 days after the Permittee determines that the unit must be closed as a landfill.

(b) The Permittee must adjust the closure and post-closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with OAC Rule 3745-55-43 and 3745-55-45 and Permit Condition B.39.

(c) The Permittee must revise the closure cost estimate whenever there is a change in the facility's Closure Plan that increases the cost of closure, and the post-closure cost estimate whenever there is a change in the facility's Post-Closure Plan that increases the cost of post-closure for each unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, as required by OAC Rule 3745-55-42(C) and 3745-55-44(C).

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(d) The Permittee must submit to the Ohio EPA and keep at the facility the latest closure cost estimate and post-closure cost estimate for each unit that is closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place as required by OAC Rule 3745-55-42(D) and 3745-55-44(D).

B.37 Financial Assurance for Facility Closure and Post-Closure

The Permittee shall maintain continuous compliance with OAC Rule 3745-55-43, and maintain continuous compliance with OAC Rule 55-45 or 55-46 within 90 days after determining that a unit that must be closed as a hazardous waste disposal unit, including surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 if closed with waste in place, 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.36.

B.38 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 legal defense costs.

The Permittee also shall demonstrate compliance with OAC Rule 3745-55-47(B) by maintaining liability coverage for non-sudden accidental occurrences in the amount of at least $3 million per occurrence, with an annual aggregate of at least $6 million, exclusive of legal defense costs.

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.

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B.40 General Requirements for Land Disposal Restrictions
OAC Chapter 3745-270

The Permittee shall comply with all applicable regulations regarding land disposal prohibitions and restrictions as required by OAC Chapter 3745-270 and as set forth in Section C of the Part B permit application.

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MODULE C - CONTAINERS STORAGE & MANAGEMENT

C. MODULE HIGHLIGHTS

The Container Storage Facility is an open-sided covered building with dimensions of approximately 257 feet by 60 feet that is used for storage of containers of wastes from off-site generators and certain on-site generated wastes. Containers stored in the Container Storage Facility include various types of steel, plastic and composite drums, pails, buckets and boxes as well as bulk containers such as roll-offs and truck tankers. Containers with and without free liquids may be stored in the Container Storage Facility. The Container Storage Facility has adequate secondary containment.

Typical hazardous waste types received at the facility in containers include: halogenated and non-halogenated spent solvents, paint wastes, off-specification commercial chemical products and spill residues. Waste generated at the facility and stored in containers consists primarily of treatment residuals from the incineration process.

The Container Storage Facility includes 18 separate storage bays. Containers accepted from off-site generators for storage in the Container Storage Facility must meet the US-DOT specifications found in 49 CFR 178. Non-bulk containers such as drums, pails, buckets and boxes are stored in racks. Bulk containers, such as roll-offs and truck tankers, are stored in the tanker bays in the Container Storage Facility. Drums, pails, buckets and boxes, subject to waste type and quantity restrictions, may also be stored in the tanker bays in the Container Storage Facility.

Containers of hazardous waste may be accepted for storage and re-shipment to other hazardous waste treatment, storage and disposal facilities. The wastes in re-shipped containers typically carry waste codes that the facility is permitted to store, but not to incinerate.

Containers of hazardous waste may be repackaged at designated locations within the facility into alternate containers to facilitate management of the waste. Liquid wastes received in tanker trucks may be transferred to tankers operated by the facility (i.e., yard tankers) for direct feeding from a tanker into the incinerator.

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

(a) The Permittee shall not store more than 365,625 gallons of containerized waste at any given time in the permitted container area located in the Container Storage Facility. The Permittee shall store hazardous waste in the types of containers (size and type) described in Section D of the Part B permit application. The Permittee may not store containers for more than one year.

(b) The Permittee shall at all times have access to its current container storage volume via its computer tracking system and be able to demonstrate compliance with its permitted container storage capacity limitation.

(c) Permit 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 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.

(d) The Permittee shall not treat wastes in containers, except by processing in the incineration unit.

(e) The Permittee may receive and store wastes in containers without intending to treat said wastes. The Permittee may ship these wastes to another permitted facility for treatment, storage or disposal. The Permittee will handle said wastes in accordance with the practices and procedures in Sections C and D of the Part B permit application.

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 with process code SO1 in Section A of the Part B permit application. The Permittee is prohibited from storing wastes in containers inconsistent with the restrictions and prohibitions in Table C1-1 of Section C of the Part B permit application.

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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 Sections D and F of the Part B permit application, 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 of the 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) Lab-pack wastes received at the facility shall be handled in compliance with applicable storage requirements and Sections C and D of the Part B permit application.

(d) The Permittee shall conduct the following container management activities in accordance with the procedures and practices specified in Section D of the Part B permit application: container storage and receiving, repacking of wastes, transportation of wastes through the facility and special handling of containers. Repacking of wastes may only be conducted in the following areas:

(i) Concrete pad northeast of the incinerator;

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(ii) Concrete pad west of the old process dock;

(iii) Concrete pads east or west of the process dock;

(iv) Concrete pad at the staging areas in the Container Storage Facility;

(v) Repacking room.

C.6 Containment Systems
OAC Rule 3745-55-75 and ORC Section 3734.05(H)

(a) The Permittee shall maintain the containment system in accordance with the plans and specifications contained in Section D of the Part B permit application.

(b) The Permittee shall maintain the containment system as described in the 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.

(c) Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection area in a timely manner and in accordance with the procedures and practices specified in Section D of the Part B permit application.

C.7 Reserved

C.8 Inspection Schedules and Procedures
OAC Rules 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 inspection schedule contained in 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 in accordance with the procedures contained in Section F of the Part B permit application. Each container in storage for six months or more

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shall be inspected and stored in accordance with Section F-2b(1) of the Part B permit application and the inspection results shall be recorded 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 and any other documentation showing compliance with the requirements of permit Condition C.13. and OAC Rules 3745-54-17(B) and 3745-55-77.

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 and practices specified in Sections C, D and F of the Part B permit application.

C.11 Special Container Provisions for Incompatible Waste
OAC Rules 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.

(c) The Permittee shall separate containers of incompatible wastes from each other and from other incompatible materials in accordance with the procedures and practices specified in Sections C, D and F of the Part B permit application.

C.12 Reserved.

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C.13 Closure and Post-Closure
OAC Rules 3745-55-10, 3745-55-11, 3745-55-78

(a) At closure of the container storage 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 Part B permit application.

(b) If the Permittee demonstrates that all contaminated soils cannot be practically removed or decontaminated in accordance with the Closure Plan in Section I of the 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.

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MODULE D - TANK STORAGE, TREATMENT AND MANAGEMENT

D. MODULE HIGHLIGHTS

A total of 49 hazardous waste tanks are included in this permit. There are 45 storage tanks and 4 tanks that are both storage and treatment tanks. All tanks are above-ground tanks. All of the tanks have been provided with a secondary containment system constructed of a reinforced concrete liner external to the tanks and a reinforced concrete retaining wall around the perimeter. All containment systems have an impermeable coating to make the secondary containment system impervious to the waste stored. The secondary containment system for all tanks is designed to contain greater than 100 percent of the capacity of the largest tank within its boundary plus precipitation from a 25 year 24 hour rainfall.

Wastes managed in most tanks are received from off-site generators, but several tanks are dedicated to on-site generated wastes. Most of the off-site generated wastes managed in these tanks are transferred from tank trucks, but some wastes are transferred from containers into tank storage. Wastes managed in these tanks fall into one or more of the following categories: high or low BTU wastes, halogenated wastes, flammable and/or ignitable wastes, fly ash sludge, and/or scrubber water. A system is in place to evaluate wastes for potential incompatibilities prior to placing wastes in these tanks.

One treatment tank treats residuals from the incineration process including fly ash, sludges and scrubber water. Three treatment tanks are part of the vacuum pump system for transferring wastes, including high and/or low BTU wastes, halogenated, flammable and/or ignitable wastes, from drums, tank trucks and other containers to the tank storage system.

All tanks are equipped with appropriate overfill prevention and, where required, over-pressure systems.

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 1,125,040 gallons of hazardous waste in 49 tanks and treat a total volume of 122,000 gallons of hazardous waste per day in 4 tanks, subject to the terms of this Permit and as follows:

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Storage Tanks Tank No.	Capacity (Gallons)	Dimensions of Tank	Secondary Containment Required	Description of Hazardous Waste	Month/Year of Construction
Tank Farm I Tanks 23-36	9,920 each	10 ft. (diam) x 22.5 ft.	Yes - in place	High BTU halogenated, flammable and/or ignitable wastes	June, 1982 (Existing tanks for OAC Chapter 3745-55)
Tank Farm II Tanks 37-50	9,920 each	10 ft. (diam) x 22.5 ft.	Yes - in place	High or Low BTU halogenated, flammable and/or ignitable wastes	December, 1987 (New tanks for OAC Chapter 3745-55)
Tank Farm III Tanks 51-64	9,920 each	10 ft. (diam) x 22.5 ft.	Yes - in place	Low BTU halogenated, flammable and/or ignitable wastes	December, 1987 (New tanks for OAC Chapter 3745-55)
Tanks 67 and 68	5,000 each	7 ft. (diam) x 17.9 ft.	Yes - in place	Fly ash sludge and scrubber water prior to filter pressing	April, 1986 (Existing tank for OAC Chapter 3745-55)
Tank 75	617,000	50 ft. (diam) x 42 ft.	Yes - in place	Fly ash sludge and scrubber water and/or sludge	September, 1988 (New tank for OAC Chapter 3745-55)

Treatment and Storage Tanks Tank No.	Capacity (Gallons)	Dimensions of Tank	Secondary Containment Required	Description of Hazardous Waste	Month/Year of Construction.
Tank 70 Hazardous waste storage and treatment tank-Condensation Tank	9,920 gallons for storage; (Combined treatment capacity of tanks 70, 73 and 74 is 72,000 gallons per day.)	10 ft. (diam) x 22.5 ft.	Yes - in place	Condensation vapors from tanks 73 & 74, high or low BTU halogenated, flammable and/or ignitable wastes	December, 1987 (New tank for OAC Chapter 3745-55)

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Treatment and Storage Tanks Tank No.	Capacity (Gallons)	Dimensions of Tank	Secondary Containment Required	Description of Hazardous Waste	Month/Year of Construction
Tank 73 & 74 Hazardous waste storage and treatment tanks-Vacuum Tanks	7,500 each gallons for storage; (Combined treatment capacity of tanks 70, 73 and 74 is 72,000 gallons per day.)	10 ft. (diam) x 10.5 ft.	Yes - in place	High and/or low BTU wastes, halogenated, flammable and/or ignitable wastes	December, 1987 (New tanks for OAC Chapter 3745-55)
Tank 79 Hazardous waste storage and treatment tank- Surge tank	56,402 gallons for storage; (Treatment capacity is 50,000 gallons per day.)	20 ft. (diam) x 24 ft.	Yes - in place	Fly ash sludge, scrubber water, and/or sludge generated on-site for on-site treatment only	1988 (New tank for OAC Chapter 3745-55)

(b) The Permittee shall store in tanks only the hazardous waste codes specified in Section A of the Part B application with process code SO2. The Permittee shall treat in tanks only the hazardous waste codes specified in Section A of the Part B permit application with process code TO1.

(c) The Permittee is prohibited from storing or treating in tanks hazardous waste that is not identified in this permit condition. The Permittee is prohibited from any storage or treatment of wastes in tanks inconsistent with the restrictions and prohibitions in Table C1-1 of Section C of the Part B permit application. The Permittee shall not store characteristically corrosive wastes or wastes with a corrosion rate greater than 50 mils per year in tanks.

D.2 <u>Design and Installation of New Tank Systems or Components</u>
OAC Rule 3745-55-92

(a) The Permittee shall construct any future new tank systems in accordance with Section D-2c of the Part B permit application.

(b) Prior to the operation of any newly constructed tank system, the Permittee shall submit to Ohio EPA the certification of installation of the tank system in accordance with OAC Rule 3745-55-92(B) to ensure that proper handling procedures were adhered to in order to prevent damage to the system during installation.

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D.3 Containment and Detection of Releases
OAC Rule 3745-55-93

(a) New Tank Systems

The Permittee shall operate the secondary containment system in accordance with the requirements of OAC Rule 3745-55-93(B) through (F), the detailed design plans and descriptions contained in the Part B permit application and Sections D and F of the Part B permit application.

New tanks at the facility are Tanks 37-64, 70, 73, 74, 75 and 79.

(b) Existing Tank Systems with Secondary Containment

The Permittee shall operate the secondary containment system in accordance with the requirements of OAC Rule 3745-55-93(B) through (F), the detailed design plans and descriptions contained in the Part B permit application and Sections D and F of the Part B application.

Existing tanks at the facility are Tanks 23-36, 67 and 68.

D.4 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.

(c) The Permittee shall operate and maintain all tank systems listed in Condition D.1 in accordance with the procedures, practices and design conditions identified in Section D of the Part B permit application.

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D.5 Inspection Schedules and Procedures
OAC Rule 3745-55-95

(a) The Permittee shall inspect the tank systems in accordance with the Inspection Schedule in Section F of the Part B permit application and shall complete the items in permit Conditions D.5(b) and D.5(c) as part of those inspections.

(b) The Permittee shall inspect the overfill 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) Above-ground portions of the tank system, if any, to detect corrosion or releases of waste;

(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; and

(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 with permit Condition D.5 in the operating record of the facility.

(e) The Permittee shall monitor and test the tank systems in accordance with the Tank Corrosion Inspection Plan in Appendix D-1 of Section D of the Part B permit application.

(f) The Permittee shall immediately remove from service any tank with a wall thickness, as determining from UT thickness testing or internal inspection, that is less than the design minimum wall thickness for either the top, shell or bottom of the tank. The applicable design minimum wall thickness for the tank corrosion monitoring program is: the value specified in Tables D2-3 through D2-8 in the application for the minimum design top thickness, minimum design shell thickness and minimum design bottom thickness,

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respectively; or, for Tanks 23-36, the value of 0.25 inches for the top and bottom and 0.1875 inches for the shell. Within 90 days of the effective date of this permit, the Permittee shall submit to Ohio EPA a class 1 permit modification request requiring the Director's approval that includes: (A) a revised Table D2-2 with design minimum wall thickness for the top, shell and bottom of Tanks 23-36 and with calculation documentation and a Certification by a Professional Engineer that these thicknesses meet all applicable requirements of the code or codes to which these tanks were constructed; and, (B) a revised Tank Corrosion Monitoring Plan that includes a revised "Remaining Wall Thickness" equation that is consistent with the "design wall thickness" and 'fabricated thickness" values in Tables D2-3 through D2-8 and the revised Table D2-2 of Section D of the permit application.

If the Permittee believes that the preceding schedule provides insufficient time to complete the requested work, the Permittee may submit a permit modification request documenting the basis for such belief and requesting an amended schedule.

(g) Within 90 days of the effective date of this permit, the Permittee shall submit to Ohio EPA a class 1 permit modification request requiring the Director's approval that includes a revised Tank Corrosion Monitoring Plan that adds Tank 75 to the Tank Corrosion Monitoring Plan. The Plan will be amended to reflect that the Permittee will conduct ultrasound testing penta-annually and internal visual inspection of the internal coating every ten years.

D.6 <u>Response to Leaks or Spills</u>
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

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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 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.6.(b)(i) through D.6.(b)(vi) are satisfied, the Permittee shall close its tank system in accordance with OAC Rule 3745-55-97 and its 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 continued 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) For a release to the environment caused by a leak from the above-ground portion of the tank system that does not have secondary containment, and can be visually inspected, the Permittee shall repair the tank system before returning it to service.

(iv) 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.

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(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.7 Recordkeeping and Reporting
OAC Rules 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).

(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.

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(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.8 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 in Section I of the Part B permit application.

(b) If during closure of any tank system, the Permittee concludes that not all contaminated soils can be practically removed or decontaminated in accordance with the Closure Plan, the Permittee shall submit a written permit modification request which includes a demonstration of why removal or decontamination is not practical and a Post-Closure Plan for such tank system.

D.9 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.

(c) The Permittee shall follow the fire and explosion prevention procedures and practices in Section D of the Part B permit application when storing or placing ignitable or reactive waste in a tank system.

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D.10 Special Tank Provisions for Incompatible Wastes
OAC Rule 3745-55-99

(a) The Permittee shall not simultaneously place incompatible wastes, or incompatible wastes and materials, in the same tank system. The tanks will be emptied and thoroughly rinsed and visually inspected before wastes that are incompatible with the previous contents of the tanks are placed in them. The Permittee shall document compliance with the decontamination requirements and place that documentation into the operating record.

(b) The Permittee shall not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material unless the requirements of permit Condition D.10(a) are met.

(c) The Permittee shall follow the procedures and practices to identify incompatible wastes and to prevent simultaneously placing incompatible wastes in the same tank that are identified in Sections C and D of the Part B permit application.

D.11 Compliance Schedule

The Permittee shall use the inspection criteria listed in Section D of the Part B permit application to visually evaluate, prior to transfer, whether water accumulated in the tank farm containment trench is contaminated with hazardous waste. Within 90 days of the effective date of this permit, the Permittee shall submit to Ohio EPA for review, specific procedures derived from the inspection criteria listed in Section D of the Part B permit application for conducting these inspections, including documentation of results, identification of the person conducting the inspection and the date of the inspection.

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MODULE E - CORRECTIVE ACTION REQUIREMENTS

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

In accordance with OAC Rule 3745-50-10 "waste management unit" means any discernible unit at which solid waste, hazardous waste, infectious waste (as those terms are defined in ORC Chapter 3734), construction and demolition debris (as defined in ORC Chapter 3714) industrial waste, or other waste (as those terms are defined in ORC Chapter 6111), has 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. 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 the Ohio Corrective Action Plan (OCAP).

The Permittee must institute Corrective Action as necessary to protect human health and the environment for all releases of hazardous wastes or hazardous constituents 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.

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

USEPA prepared an RFA (RCRA Facility Assessment) report for the Permittee's facility dated July 21, 1987. The RFA identified potential releases and potential release pathways including groundwater, soils, surface water and air. Based on the results of the RFA, the Permittee was required to implement an RFI. Consequently a Corrective Action Program requirement was added to Section VI of the U.S. EPA RCRA Part B Permit issued to the Permittee on September 8, 1988.

The Permittee began implementation of the RFI by preparing the Facility Background Report that was submitted to U.S. EPA on May 3, 1989. The Facility Background Report provided an historical site profile and environmental setting of the facility. The historical site profile provided a description of ownership, facility operation, a site description, a summary of solid waste management units (SWMU) and the volume and types of wastes handled, and a chronology of the waste management practices that have been conducted throughout the life of the facility. The environmental setting provided an initial description of the hydrogeological, geological and meteorological characteristics of the site.

The Facility Background Report indicates that various waste treatment and waste management practices have occurred at the facility since it began operating in 1949. Consequently, different sections of the site have had multiple and overlapping uses during the years of operation. The Permittee's RFI Work Plan designates four SWMU Areas where past waste management practices occurred and SWMUs are located. A summary of the SWMUs within each of the four SWMUA Areas, including information on waste management unit type, general dimensions, structural description, time periods of operation and an abbreviated list of wastes managed in the unit, is provided in Table J3-1 of Section J of the Part B permit application. Detailed SWMU descriptions are found in the Permittee's Facility Background Report, Section 2.4 "Chronology of Known Waste Management Practices" (Pages 2-18 through 2-42). Past waste management practice areas are represented spatially in Figure J-1 in Section J of the Part B permit application.

E.4 Reserved.

E.5 RFI
OAC Rule 3745-55-011

The Permittee began implementation of the RFI required by Section VI of the U.S. EPA RCRA Part B Permit issued to the Permittee on September 8, 1988 by

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preparing the Facility Background Report that was submitted to U.S. EPA on May 3, 1989. Subsequent to preparation of the Facility Background Report, the Permittee submitted a report entitled "Investigative Analysis" to U.S. EPA on February 7, 1990. The "Investigative Analysis" report provided an assessment of the nature and extent of contamination of the Permittee's facility based on multimedia sampling and analytical data collected in and around SWMUs from 1986 through 1989. The "Investigative Analysis" also evaluated potential risks posed by site contamination to human health and the environment.

Subsequent to the "Investigative Analysis" report the Permittee submitted a proposed RFI Work Plan to U.S. EPA and Ohio EPA on September 25, 1991. The proposed RFI Work Plan included results of multimedia sampling and analysis from 1986 through 1991 and a site characterization based on this data. The proposed RFI Work Plan site characterization data constitute the initial phase of the RFI work at the facility and is often referred to as Phase 1. After responding to several Notices of Deficiency from U.S. EPA, the Permittee submitted a revised RFI Work Plan on November 3, 1993 which was approved by U.S. EPA on March 3, 1994.

The site characterization work completed under the November 3, 1993 work plan is often referred to as Phase II of the RFI. Characterization under the November 3, 1993 RFI Work Plan included multimedia sampling and analysis in and around SWMUs and the Equipment Storage Area (ESA), further sampling of site surface water bodies, further analysis of groundwater characteristics, groundwater modeling and an assessment of human health and ecological risk. The Permittee conducted the activities identified in the November 3, 1993 RFI Work Plan in 1994 and 1995 and submitted an RFI Report to U.S. EPA and Ohio EPA on December 7, 1995.

In May 1997 U.S. EPA and Ohio EPA provided comments to the Permittee on the December 7, 1995 RFI Report and on the scope of the RFI. U.S. EPA and Ohio EPA have worked with the Permittee since 1997 to define the final scope of the RFI, address data gaps in site characterization and improve the ecological risk assessment. To address U.S. EPA and Ohio EPA concerns, the Permittee has prepared a Work Plan Addenda for U.S. EPA and Ohio EPA review which represents the third stage (Phase III) of RFI activities at the facility.

Permittee will conduct the Phase III work in accordance with the scope and schedule included in the final RFI Work Plan Addenda as revised by the Phase III Work Plan Approval letter dated August 2, 2002 and other relevant correspondence from U.S. EPA. Permittee will prepare and submit RFI progress reports to Ohio EPA on a monthly basis during Work Plan Implementation activities. Otherwise,

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RFI progress reports will be prepared and submitted to Ohio EPA on a quarterly basis. Upon completion of the Phase III work, Permittee will prepare a revised RFI Report, which is expected to be the Final RFI Report, and submit it to Ohio EPA.

The Permittee must conduct an RFI to thoroughly evaluate the nature and extent of the release of hazardous wastes and hazardous constituents from all applicable WMUs identified in Permit Condition E.3. above and Permit Condition E.10. The major tasks and required submittal dates are shown in Permit Condition E.5(a), (b) and (c) below. The scope of work for each of the tasks is found in the RFI workplans approved by USEPA prior to the effective date of this permit, or for newly identified waste managements units identified in Condition E.10, in the RFI section of the Ohio EPA Corrective Action Plan.

(a) RFI Workplan

Corrective Action oversight will transition to Ohio EPA on the date the renewal is issued final. Ohio EPA will accept all documents and activities completed in accordance with workplans submitted and approved under U.S. EPA authority prior to the issuance of this permit.

In the case of a newly discovered waste management unit the Permittee must submit a written RFI Workplan to Ohio EPA pursuant to a schedule established by Ohio EPA. Ohio EPA may determine based on site-specific facts that an update to the RCRA Facility Assessment (RFA) is necessary prior to preparation of a RFI Workplan.

(i) If necessary, Ohio EPA shall provide written comments on the RFI Workplan to the Permittee.

(ii) Within 45 days of receipt of any Ohio EPA comments on the RFI Workplan, the Permittee must submit either an amended or new RFI Workplan that incorporates any Ohio EPA's comments.

(iii) Ohio EPA will 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.

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(b) RFI Implementation

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

The Permittee shall implement any RFI Workplan approved pursuant to Condition E.5(a) according to the terms and schedule in such approved RFI Workplan.

(c) RFI Final Report

The Permittee shall submit an RFI Final Report to Ohio EPA for the work completed pursuant to the RFI Workplan approved by U.S. EPA according to the terms and schedule in the approved RFI Workplan.

For any RFI Workplan approved pursuant to Condition E.5(a), 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 for the work completed pursuant to the RFI Workplan approved by U.S. EPA and for work completed pursuant to any RFI Workplan approved pursuant to Condition E.5(a) must contain adequate information to support further decisions concerning corrective action at the Facility.

In the case of a newly discovered unit, the Permittee shall submit an RFI Final Report to Ohio EPA within sixty (60) days after the completion of the RFI. 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.

(i) If necessary, Ohio EPA shall provide written comments on the RFI Report to the Permittee.

(ii) Within 60 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.

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(iii) 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)

Based on the RFI Final Report or other information documenting a release of hazardous waste or constituents to the environment, Ohio EPA may require (or the Permittee may propose) the development and implementation of an IM (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. The Permittee must implement the IM upon a time frame established by Ohio EPA.

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 permit modification under OAC Rule 3745-50-51 to terminate the Corrective Action tasks that the Permittee is obligated by this permit to complete. This permit modification application must conclusively demonstrate that there are no releases of hazardous waste or constituents from WMUs at the Facility that pose an unacceptable risk 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, Ohio EPA determines that releases or suspected releases which were investigated either are nonexistent or do not pose an unacceptable risk to human health and the environment, Ohio EPA will approve the requested modification. Decisions regarding the completion of RCRA Corrective Action and no further action may be made for the entire Facility, for a portion of the Facility, or for a specific unit or release.

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(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 a potential or an actual release of hazardous waste or constituents exists.

(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 potential release from a WMU at the Facility may pose an unacceptable risk 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 develop a Workplan and upon Ohio EPA approval of that Workplan, 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 in Condition E.9.

(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.

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(1) If necessary, Ohio EPA shall provide written comments on the CMS Workplan to the Permittee.

(2) Within 60 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 and evaluation of each remedial alternative.

(1) If necessary, Ohio EPA shall provide written comments on the CMS Final Report to the Permittee.

(2) Within 60 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new CMS Final Report that incorporates Ohio EPA's comments.

(3) Ohio EPA shall approve or modify and approve, in writing, the amended or new CMS Final Report. The CMS Final 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 Final Report must be authorized by Ohio EPA.

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E.9 Corrective Measures Implementation (CMI)

The Permittee must 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 Report as approved by Ohio EPA pursuant to Condition E.8 (c), and will 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 that are generated during implementation.

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 implementability; and (5) the relative cost associated with the alternative.

(a) 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.

(b) Financial Assurance
OAC Rule 3745-55-011

Within 45 days after receiving approval of the CMI, the Permittee must 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 SWMUs 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:

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(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) Specifications 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 3745-55-011

If Ohio EPA determines in accordance with Condition E.5 that a RCRA Facility Investigation is required for newly identified WMUs, the Permittee shall submit a written RCRA Facility Investigation Workplan to Ohio EPA upon a timeframe established in written notification by Ohio EPA. Ohio EPA shall act upon the workplan as specified in Condition E.5.

Further investigations or corrective measures will be established by Ohio EPA following the procedures in Conditions E.6 and E.8.

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

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MODULE F - TREATMENT IN MISCELLANEOUS UNIT

F. MODULE HIGHLIGHTS

The filter press treats scrubber water from the closed loop scrubber water system by physical removal of solids from the scrubber water feed stream. A damp cake of compressed solids is generated, dropped into a container, and transported to an offsite treatment or disposal facility. The liquid filtrate is recycled back to the closed loop scrubber water system. The filter press is located in the Filter Press Building. The filter press has a 3 cubic yard per batch capacity. Secondary containment for the filter press is provided by the Filter Press Building liner and sump system which has a total capacity of 23,070 gallons.

F.1 Reserved.

F.2 Process Capacity/Annual Limitation

The Permittee shall not exceed a maximum process treatment capacity of 111,000 gallons per day of scrubber water feed to the filter press.

F.3 Waste Identification
OAC Rule 3745-57-90

The Permittee shall treat in the permitted hazardous waste filter press only scrubber water and scrubber water sludges from blow-down operations of the closed loop scrubber water system carrying the hazardous waste codes specified in Section A of the Part B permit application under the process codes of T04 and T03 and for which incineration is permissible under the restrictions and prohibitions in Table C1-1 of Section C of the Part B permit application.

F.4 Assessment/Certification of Miscellaneous Unit
OAC Rules 3745-57-91 and 3745-50-42(D)

Within 180 days of the effective date of this permit, the Permittee shall have prepared and keep on file at the facility a written statement by a qualified, registered professional engineer that attests that the filter press system was properly designed and installed. The written statement must also include the certification as required by OAC Rule 3745-50-42(D). If the Permittee believes that 180 days is insufficient to properly prepare this statement, the Permittee may submit a permit modification request documenting the basis for such belief and requesting an amended schedule.

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F.5 Containment System
OAC Rule 3745-57-91

(a) Secondary containment must be designed, installed and operated to prevent any migration of waste or accumulated liquid out of the system to soil, groundwater or surface water.

(b) Secondary containment must be capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

(c) The secondary containment must meet the requirements of OAC Rule 3745-55-93.

F.6 General Operating Requirements
OAC Rule 3745-57-91

(a) Hazardous waste or treatment reagents shall not be placed in the filter press system if they could cause the filter press, its ancillary equipment, or the secondary containment system to rupture, leak, corrode or otherwise fail, as required by OAC Rule 3745-55-94.

(b) The Permittee must use appropriate controls and practices to prevent spills or overflows from the filter press or containment system.

(c) The filter press must be operated in accordance with the procedures and practices in Section D of the Part B permit application, manufacturer's instructions and accepted industry practice.

(d) The filter press must be maintained in accordance with manufacturer's recommendations and accepted industry practice.

(e) The Permittee must comply with the requirements of OAC Rule 3745-55-96 if a leak or spill occurs in the filter press system.

F.7 Inspections
OAC Rule 3745-57-92

(a) The Permittee shall inspect the hazardous waste filter press system daily in accordance with OAC Rule 3745-55-95 and Pages 21 and 22 of 45 of Appendix F-2 of Section F of the Part B permit application.

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(b) The Permittee shall document compliance with Condition F.7 (a) in an inspection log.

F.8 Response to Leaks or Spills and Disposition of Leaking or Unfit for Use Miscellaneous System
OAC Rule 3745-57-92

A hazardous waste filter press system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately and the Permittee must satisfy the following requirements in accordance with OAC Rule 3745-55-96.

(a) Cessation of Use

The Permittee must immediately stop the flow of hazardous waste into the filter press system or secondary containment system and inspect the system to determine the cause of the release.

(b) Removal of Waste From the Miscellaneous Unit or Secondary Containment System

(i) If the release was from the filter press system, the Permittee must, within twenty-four hours after detection of the leak, remove as much waste as necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the filter press system to be performed.

(ii) If the material released was to a secondary containment system, all released materials must be removed within twenty-four hours of the release to prevent harm to human health and the environment.

(c) Containment of Visible Releases to the Environment

The Permittee shall immediately conduct a visual inspection of the release and, based upon that inspection, prevent further migration of the leak or spill to soil or surface water and remove, and properly dispose of, any visible contamination of the soil or surface water.

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(d) Notifications

Any release to the environment, except as provided in OAC Rule 3745-55-96 (D)(2), must be reported to the director of Ohio EPA within twenty-four hours of detection.

(e) The Permittee shall obtain a certification by an independent, qualified professional engineer, that any major repair has been satisfactorily performed, and the unit is capable of handling hazardous waste without release for the intended life of the system. The certification must be submitted to the director of Ohio EPA within seven days after returning the filter press system to use.

F.9 Special Requirements

(a) Ignitable or Reactive Waste

The Permittee shall not place ignitable or reactive waste in the filter press.

(b) Incompatible Waste

(i) The Permittee must not place incompatible waste in the same filter press system or place hazardous waste in a filter press system that previously held an incompatible waste or material unless it is done in accordance with OAC Rule 3745-55-99.

(ii) The Permittee shall document compliance with Condition F.9 (b)(i) of this permit, as required by OAC Rule 3745-55-99, and place this documentation in the operating record.

F.10 Closure and Post-Closure Care
OAC Rule 3745-57-91 and 3745-57-93

At closure of the filter press system, the Permittee shall follow the procedures in Section I of the Part B permit application in accordance with OAC Rules 3745-55-10 through 3745-55-40.

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MODULE G - POST-CLOSURE CARE

G.1 Module Highlights

This section is applicable to units with in-place closure approval by Ohio EPA. The following units may be subject to post-closure care:

Surface impoundment SWI 2
Surface impoundment SWI 6
Surface impoundment SWI 7

Surface impoundment SWI 2, surface impoundment SWI 6 and surface impoundment SWI 7 are storing hazardous waste placed in the impoundment prior to November 8, 1988. No hazardous waste has been added to any of these impoundments since that date. Each impoundment has been awaiting closure since November 8, 1988. Hazardous wastes managed in the unit included scrubber water and scrubber water sludge. Each of these units closed with waste in place will require thirty (30) years of post-closure groundwater monitoring and post -closure care of the unit.

G.2 Unit Identification

The Permittee shall provide post-closure care for the following hazardous waste management units upon completion of the closure requirements as found in this Permit and OAC Chapter 55,subject to the terms and conditions of this permit, and as described as follows:

Type of Waste Unit	Unit No. or Other Designation	Description of Wastes Contained	Hazardous Waste No.
Surface Impoundment*	Surface impoundment 2 or SWI 2	Scrubber water and scrubber water sludge which is composed primarily of incinerator fly ash	Multiple
Surface Impoundment*	Surface impoundment 6 or SWI 6	Scrubber water and scrubber water sludge which is composed primarily of incinerator fly ash	Multiple
Surface Impoundment*	Surface impoundment 7 or SWI 7	Scrubber water and scrubber water sludge which is composed primarily of incinerator fly ash	Multiple

*Post-closure care shall not be required for any unit for which the Permittee can demonstrate that closure was by removal or decontamination meeting the requirements of OAC Rule 3745-56-28.

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G.3 Post-Closure Procedures and Use of Property
OAC Rules 3745-55-17 and 3745-55-18

(a) The Permittee shall conduct post-closure care for each hazardous waste management unit listed in permit Condition G.2. above, to begin after completion of closure of the unit and continue for 30 years after that date, except that the 30-year post-closure care period may be shortened upon application and demonstration approved by Ohio EPA that the facility is secure, or may be extended by Ohio EPA if the Director finds this is necessary to protect human health and the environment.

(b) The Permittee shall maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of OAC Rules 3745-54-90 thru 99 and OAC Rule 3745-55-01 during the post-closure period.

(c) The Permittee shall comply with the requirements for surface impoundments as follows:

(i) maintain the integrity and effectiveness of the final cover, including making repairs to the cap, as necessary, to correct the effects of settling, subsidence, erosion, and other events; and

(ii) prevent run-on and run-off from eroding or otherwise damaging the final cover.

(d) The Permittee shall comply with all security requirements, as specified in the Part B permit application.

(e) The Permittee shall not allow any use of the units designated in permit Condition G.2. which will disturb the integrity of the final cover, liners, any components of the containment system, or the function of the facility's monitoring systems during the post-closure care period.

(f) The Permittee shall implement the procedures as detailed in the Post-Closure Plan within Section I of the Part B permit application. All post-closure care activities must be conducted in accordance with the provisions of the Post-Closure Plan.

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G.4 Inspections
OAC Rule 3745-55-17

The Permittee shall inspect the components, structures, and equipment at the site in accordance with the Inspection Schedule.

G.5 Notices and Certification
OAC Rule 3745-55-19

(a) No later than 60 days after certification of closure of each permitted hazardous waste disposal unit, the Permittee shall submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Director, a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the Permittee shall identify the type, location, and quantity of the hazardous wastes to the best of his knowledge and in accordance with any records he has kept.

(b) Within 60 days of certification of closure of the first and the last hazardous waste disposal unit, the Permittee shall:

(i) Record, in accordance with Ohio law, a notation on the deed to the facility property, or on some other instrument that is normally examined during the title search, that will in perpetuity notify any potential purchaser of the property that:

(aa) the land has been used to manage hazardous wastes;

(bb) its use is restricted under OAC Rule 3745-55-10 thru 20; and

(cc) the survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility have been filed with the Director and the Lorain County zoning authority.

(ii) Submit a certification to the Director, signed by the Permittee, that he has recorded the notation specified in permit Condition G.3(b)(i), including a copy of the document in which the notation has been placed.

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(c) If the Permittee or any subsequent owner or operator of the land upon which the hazardous waste disposal unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, or contaminated soils, then he shall request a modification to this permit in accordance with the applicable requirements in OAC Chapter 3745-50. The Permittee or any subsequent owner or operator of the land shall demonstrate that the removal of hazardous wastes will satisfy the criteria of OAC Rule 3745-55-17(C).

(d) No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the Permittee shall submit to the Director, by registered mail, a certification that the post-closure care for the hazardous waste disposal unit was performed in accordance with the specifications in the approved Post-Closure Plan. The certification must be signed by the Permittee and an independent, registered professional engineer. Documentation supporting the independent, registered professional engineer's certification must be furnished to the Director upon request until the Director releases the Permittee from the financial assurance requirements for post-closure care under OAC Rule 3745-55-45.

G.6 Financial Assurance
OAC Rule 3745-55-45

The Permittee shall continuously maintain financial assurance during the post-closure period and comply with all applicable requirements of OAC Rules 3745-55-40 thru 51.

G.7 Post-Closure Permit Modifications
OAC Rule 3745-55-18

The Permittee must request a permit modification to authorize a change in the approved Post-Closure Plan. This request must be made in accordance with the applicable requirements of OAC Chapter 3745-50 and must include a copy of the proposed amended Post-Closure Plan for approval by the Director. The Permittee shall request a permit modification whenever changes in operating plans or facility design affect the approved Post-Closure Plan, there is a change in the expected year of final closure, or other events occur during the active life of the facility that affect the approved Post-Closure Plan. The Permittee must submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the Post-Closure Plan.

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MODULE I(A) - INCINERATION

I(A).1 MODULE HIGHLIGHTS

The incineration unit includes the following components and systems:

(a) Two enclosed combustion devices: the rotary kiln and the main chamber;

(b) Material handling and feed systems for liquid and solid wastes as identified in Section D-5 of the permit application,

(c) An ash handling system for removing the ash remaining after the combustion of wastes which includes ash cooling, de-watering, separation of metal pieces and conveying ash into appropriate containers;

(d) An air pollution control system for removal of acidic gases and particulate matter; and

(e) Associated instrumentation and control systems.

Wastes are introduced into either the rotary kiln or the main chamber. Flue gas from the rotary kiln flows into the main chamber which functions as a secondary combustion chamber for the rotary kiln.

Flue gases pass from the main chamber to the air pollution control equipment which consists of a quench/cyclone chamber, a radial scrubber, a gas/liquid contactor, two serially-operated wet electrostatic precipitators (WESPs), an induced draft fan and a stack. This series of air pollution control equipment removes contaminants (primarily particulates and acid gases) contained in the flue gas prior to discharge through a stack to the atmosphere.

Stack emissions are monitored by Continuous Emission Monitors (CEMs) for carbon monoxide, oxygen and nitrogen oxides. Carbon monoxide is the primary indicator of combustion efficiency and destruction efficiency of hazardous constituents in the wastes.

Operation of the incineration system is monitored and controlled by a Honeywell TDC 3000 distributed control system (DCS). Critical process parameters are continuously monitored by the DCS and are accessible to the control room operator. The control system maintains key process parameters within permitted ranges. The

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control system will automatically cut off waste feeds if certain process parameters, as defined by this permit, fall outside of the allowable operating range.

Procedures in the facility's waste analysis plan and other sections of the Part B permit application limit hazardous wastes fed to the incinerator to those that the facility is permitted to incinerate.

Except for changes required by the recently installed air pollution control system, the incinerator operating limits in this permit are the same as those in the facility's previous U.S. EPA permit. U.S. EPA based these limits on the facility's 1992 trial burn. The facility conducted a performance test in October of 2000 to demonstrate that current system performance is consistent with performance during the 1992 trial burn. The Permittee submitted the results of the performance test in the Part B permit application as data in lieu of a trial burn.

I(A).2 Identification Criteria for Permitted and Prohibited Waste
OAC Rule 3745-57-44

Except during the periods specified in the conditions for Short-Term Incineration under a Shakedown Period, Trial Burn or Post-Trial Burn conducted in accordance with a plan approved by Ohio EPA, the Permittee may incinerate the following hazardous wastes, as specified in this permit and only under the terms of this permit. The Permittee may only feed the hazardous wastes as identified below at the facility subject to permit Conditions I(A).3. through I(A).5., and I(A).8.

(a) The Permittee shall only incinerate hazardous wastes meeting the following criteria:

(i) The Permittee shall not feed any hazardous waste containing any organic hazardous constituent listed in the Appendix to OAC Rule 3745-51-11 of the Administrative Code unless the constituent has a thermal stability Class ranking equal to or less than Class 1.

(ii) The Permittee shall not feed any hazardous waste whose current Ohio EPA hazardous waste code number does not appear in Part A of the permit application under the process code of T03.

(iii) The Permittee shall not feed any hazardous waste for which incineration would be inconsistent with the restrictions and prohibitions in Table C1-1 of Section C of the Part B permit application.

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(iv) The Permittee shall not feed any hazardous waste in excess of the maximum concentration and annual volume limitations in Table XIV of Part A of the Part B permit application.

(vi) The ash content of waste fed to the incinerator shall not exceed the limits in Attachment A of Module I(A) to this permit and Table D5-6 of Section D of the Part B permit application and waste fed through the main chamber lances shall not have an ash content greater than 25%.

(vii) System total halogen daily average in waste feed shall not exceed the limit in Attachment A of Module I(A) to this permit.

(viii) The heating value of waste fed to the incinerator shall be within the range of heating value limitations in Table D5-6 of Section D of the Part B permit application and any waste fed through the container feeder to the drop chute in the rotary kiln shall not have a heating value greater than 3 million BTU per container.

(ix) The viscosity of waste fed to the incinerator burners shall not exceed the limits in Table D5-6 of Section D of the Part B permit application and waste fed through the main chamber lances shall not have a viscosity greater than 50000 cenitpoise.

(b) Throughout operation, the Permittee shall conduct sufficient analysis in accordance with the Waste Analysis Plan to verify that waste fed to the incinerator is within the physical and chemical composition limits specified in this permit.

The Permittee shall conduct waste analysis of the incinerator waste feeds at least once a calendar month in accordance with Section C-1e of Section C of the Part B application, to verify that the waste feed to the incinerator is within the physical and chemical limits specified in Table D5-6 of Section D of the Part B permit application. Records of this activity shall be kept at the facility according to OAC Rule 3745-54-73 (B)(3).

(c) Auxiliary fuel or bypass waste fuel meeting the conditions and criteria identified in Section D-5c (1)(f)(ii) of the Part B permit application may be used in the incinerator during start-up, shutdown and upset conditions.

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(d) The point of injection or feed for all hazardous waste streams fed into the incinerator shall be consistent with Table C1-1 of Section C of the Part B permit application.

(e) All waste streams fed into the incinerator shall be within the characteristics set forth in Table D5-6 of Section D of the Part B permit application.

(f) Only waste feed systems specified in Section D-5 of the Part B permit application shall be used to feed wastes to the incinerator.

(g) The Permittee shall not feed wastes through the kiln aerosol can feeder and the second main chamber aerosol can feeder until and unless they are modified to the same design and operating standards as the first main chamber aerosol can feeder and Ohio EPA has approved these modifications in accordance with permit Condition I(A).9(e).

I(A).3 Construction, Instrumentation, and Operational Performance Requirements
OAC Rule 3745-57-45

Wastes described in permit Condition I(A).2. may be fed to the incinerator only in compliance with permit Conditions I(A).3(a) through (w).

(a) The Permittee shall operate and maintain all components of the incineration system in accordance with the design plans, specifications and practices contained in Section D-5 of the Part B permit application.

(b) The Permittee shall install, test, operate and maintain all instrumentation, including all associated instrument loops, monitors, analyzers and the distributed control system, in accordance with the design plans, performance specifications and maintenance practices contained in Section D-5 of the Part B permit application.

(c) The Permittee shall maintain the incinerator so that when operated in accordance with the operating requirements specified in this permit, it will meet the performance standards specified in permit Conditions I(A).3(d) through I(A).3(f).

(d) The incinerator shall achieve a destruction and removal efficiency (DRE) of 99.99 percent for each of the following principal organic hazardous constituents (POHC) for each waste feed. The designated POHCs pursuant to OAC Rule 3745-57-42(B) are carbon tetrachloride and

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monochlorobenzene. The DRE value shall be determined using the method specified in OAC Rule 3745-57-43(A)(1).

(e) The Permittee shall control hydrogen chloride (HCl) emissions, such that the rate of emissions is no greater than the larger of either 1.8 kilograms per hour (4 pounds/hour) or one percent of the HCl in the stack gas prior to entering any pollution control equipment.

(f) The incinerator shall not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas, in accordance with the formula specified in OAC Rule 3745-57-43(C).

(g) Carbon monoxide concentration in the stack exhaust gas, monitored as specified in permit Condition I(A).5, and corrected for the amount of oxygen in the stack gas, shall not exceed the limit in Attachment A of Module I(A) to this permit.

(h) The Permittee shall be limited to the waste feed rates in Attachment A of Module I(A) to this permit. The waste feed rates to the lances in the Main Chamber shall be limited to not more than 3000 pounds per hour per lance.

(i) Combustion temperature for the kiln and main chamber, monitored as specified in permit Condition I(A).5, shall be maintained within the limits in Attachment A of Module I(A) to this permit.

(j) Combustion gas volumetric flow, monitored as specified in permit Condition I(A).5, shall be maintained within the limits in Attachment A of Module I(A) to this permit.

(k) The mass feed rates of toxic metals to the incinerator shall not exceed the limits in Attachment A of Module I(A) to this permit.

(l) Atomization air pressure shall be no less than the limits in Attachment A of Module I(A) to this permit.

(m) The air pollution control equipment, including the quench/cyclone chamber, a radial scrubber, a gas/liquid contactor, two serially-operated wet electrostatic precipitators (WESPs) and the induced draft fan shall be operated within the limits in Attachment A of Module I(A) to this permit.

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(n) The Permittee shall control fugitive emissions from the combustion zone of the incinerator by maintaining the pressure in the kiln and main chamber, monitored as specified in permit Condition I(A).5, so that the limits in Attachment A of Module I(A) of this permit are not exceeded.

(o) No hazardous waste streams, other than bypass waste fuel meeting the conditions and criteria identified in Section D-5c (1)(f)(ii) of the Part B permit application, shall be fed into the incinerator until the minimum temperature conditions in Attachment A of Module I(A) to this permit have been attained.

(p) In the event of a shutdown of the incinerator, the procedures identified in Section D-5c (1)(f)(v) of the Part B permit application shall be followed.

(q) The Permittee shall, for each set of 10 activations of the automatic waste feed cut-off system due to the exceedance of either minimum operating temperature or maximum carbon monoxide emissions limits in Attachment A of Module I(A) while hazardous waste remains in the combustion chamber (i.e., hazardous waste residence time has not transpired prior to the hazardous waste feed cutoff) during a rolling 60-day block period, submit to the Director of Ohio EPA a written report within 5 calendar days of the 10th exceedance documenting the exceedances and results of the investigation and corrective measures taken.

(r) Feed Restrictions for the Side Door and Direct Feed Locations

(i) The Permittee shall follow the procedures and practices identified in Sections C, D and F of the Part B permit application for determining the compatibility of waste materials being fed to the side door and tanker and container direct feed mechanisms of the Main Chamber.

(ii) The Permittee shall follow the procedures and practices identified in section D-5c (1)(c)(iv) of the permit application when feeding waste into the Main Chamber through the side door feed mechanism.

(iii) The Permittee shall follow the procedures and practices identified in Section D of the Part B permit application for operation of the tanker and drum direct feed systems, the side door feed system and the direct feed areas.

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(iv) The Permittee shall comply with the following general operating requirements for operation of the direct feed systems and the direct feed areas:

The direct transfer of hazardous waste to the incinerator shall be conducted so that it does not:

(1) Generate extreme heat or pressure, fire, explosion or violent reaction;

(2) Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to pose a risk of fire or explosion;

(3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(4) Damage the structural integrity of the container or direct transfer equipment containing the waste;

(5) Adversely affect the capability of the incinerator to meet the standards provided in OAC Rules 3745-57-43 (B) and (C); or

(6) Threaten human health or the environment.

The Permittee shall operate the direct feed transfer of hazardous waste to the Main chamber and the transfer of low BTU waste from Tank Farm III to the Main Chamber in accordance with the automatic safety cutoff limits specified in Section D of the Part B permit application and Attachment B of Module I(A) to this permit.

The Permittee shall conduct direct feed transfer only in areas with spill containment as indicated in Sections D and F of the Part B permit application.

The Permittee shall conduct inspections of the direct feed area in accordance with Sections D and F of the Part B permit application, maintain records of these inspections in the operating record of the facility and make them available for review for at least three years from the date of the inspection.

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(v) The Permittee, when feeding waste to the Main Chamber through the side door feed mechanism, shall not allow the number of drums per containment box per feed placement event to exceed the smallest number of drums per containment box identified in section D-5c (1)(c)(iv) of the permit application.

(vi) The Permittee shall not feed empty containers through the side door feed mechanism unless the provisions applicable to empty containers in the Side Door Implementation Plan dated November 23, 1998, which plan is included in U.S. EPA's Administrative Orders dated December 12, 1998, are met.

(s) The incinerator shall cease operation when changes in the waste feed, incinerator design or operating conditions exceed limits designated in this Permit, pursuant to OAC Rule 3745-57-45(F).

(t) The Permittee shall comply with all the applicable requirements for restricted wastes and treatment residues (ash, scrubber water, etc.) specified in the rules found in OAC Chapter 3745-270.

(u) Pursuant to OAC Rule 3745-57-43(D), for the purposes of enforcement, compliance with the operating conditions specified in permit Conditions I(A).3(g) through I(A).3(v) will be regarded as compliance with the performance standards specified in permit Conditions I(A).3(d) through I(A).3(f). However, evidence that compliance with these operating conditions is insufficient to ensure compliance with the aforementioned performance standards may be "information" justifying modification, revocation, or reissuance of the permit pursuant to OAC Rule 3745-50-51.

(v) Wastes may be fed during the periods for Short-Term Incineration under the Shakedown Period, Trial Burn Period, and Post-Trial Burn Period without meeting permit Conditions I(A).3(g) through (v) only if such operations are conducted in accordance with a plan approved by Ohio EPA.

I(A).4 <u>Inspection Requirements</u>
OAC Rule 3745-57-47

The Permittee shall inspect the incineration unit in accordance with the Inspection Schedule in Section F of the Part B permit application and shall complete the following as part of these inspections:

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(a) The Permittee shall thoroughly visually inspect the incinerator and associated equipment (including pumps, valves, conveyors, pipes, etc.) for leaks, spills, fugitive emissions, and signs of tampering, as specified in Pages 14 and 15 of 45 in Appendix F-2 of Section F of the Part B permit application.

(b) The Permittee shall continuously monitor the distributed control system for proper operation while the incinerator is in operation.

(c) The Permittee shall test the emergency waste feed cut-off system and associated alarms at least weekly to verify operability, and document the test as specified on Pages 42 and 42.1 of 45 in Appendix F-2 of Section F of the Part B permit application. The monitoring systems will be tested by simulating an upset condition of each monitoring parameter which will engage the waste feed cutoff system.

(d) The Permittee shall conduct all other inspections applicable to the incineration unit as specified in Appendix F-2 of Section F of the Part B permit application.

I(A).5 Monitoring Requirements
OAC Rule 3745-57-47

(a) While incinerating hazardous waste, the Permittee shall:

(i) Maintain and operate the monitoring systems listed under "Monitoring System" for each operating parameter listed under "Parameter and Monitoring Location" as listed in Attachment C of Module I(A) to this permit; and

(ii) Monitor and record data for each operating parameter listed under "Parameter and Monitoring Location" at the frequency specified under "Monitoring Frequency" as listed in Attachment C of Module I(A) to this permit;

(iii) Maintain and operate the backup monitoring systems listed under "Backup Monitoring System" in Attachment C of Module I(A) to this permit, and when backup monitoring systems are utilized, record data from the backup monitoring system at the frequency specified under "Backup Monitoring Frequency" in Attachment C of Module I(A) to this permit.

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(b) The Permittee shall calibrate the monitoring equipment for each operating parameter listed under "Parameter and Monitoring Location" at the frequency specified under "Calibration Frequency" as listed in Attachment C of Module I(A) to this permit.

The Permittee shall maintain and calibrate daily the continuous CO monitoring equipment as specified in Section D of the Part B permit application. In addition the CO monitoring equipment shall be examined by the equipment supplier's representative at least one time per year and certified by the supplier or an independent, properly trained and certified individual that the equipment has been calibrated in accordance with the manufacturer's recommended procedures and guaranteed accuracy to +/- 10 ppm or +/-2.5% of full scale readings, whichever is greater.

The Permittee shall document the results of all calibrations required by this permit condition.

(c) The Permittee shall log the following data while incinerating hazardous waste:

(i) Quantities of chemicals used in conjunction with air pollution control equipment in tons/month of caustic used or equivalent.

(ii) Quantities of ash and air pollution control sludges generated in tons/month.

(iii) Results of viscosity tests on liquid wastes and bypass fuels to be used in the burner.

(d) Upon request of Ohio EPA, the Permittee shall perform sampling and analysis of the waste and exhaust emissions to verify that the operating requirements established in the permit achieve the performance standards.

I(A).6 <u>Waste Feed Cut-Off Requirements</u>
OAC Rule 3745-57-45

(a) The Permittee shall not feed hazardous wastes to the incinerator unless all monitoring systems listed under "Monitoring System" in Attachment C of Module I(A) to this permit and that have a monitoring frequency of "Continuous" or "Continuously" specified under "Monitoring Frequency" in Attachment C of Module I(A) to this permit, are on-line, properly operating and continuously monitoring the specified parameters.

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(b) In case of a malfunction of the automatic waste feed cut-off systems, the Permittee shall perform manual shutdowns in accordance with the approved procedures in the Part B permit application. The Permittee shall not restart the incinerator until the problem causing the malfunction has been located and corrected.

(c) The waste feeds to the incinerator shall be automatically cutoff whenever any operating limit identified as a waste feed cutoff limit in Attachment B of Module I(A) to this permit is exceeded or if both CO continuous emissions monitoring systems are off-line for any reason.

An alarm shall be actuated whenever any operating limit identified as an "Alarm Only" limit in Attachment B of Module I(A) to this permit is exceeded.

The Permittee shall test the automatic waste feed cut-off system weekly and document the test using pages 42 and 42.1 of 45 in Appendix F-2 of Section F of the Part B permit application.

(d) Unless the Permittee can show otherwise per OAC Rule 3745-51-03(D), residue from the incinerator is hazardous waste, the Permittee is a generator and must manage this hazardous waste according to the Ohio hazardous waste regulations. The Permittee shall manage residue from the incinerator in accordance with the applicable practices and procedures in Sections C and D of the Part B permit application.

I(A).7 Closure
OAC Rule 3745-57-51

The Permittee shall follow the procedures in the Closure Plan in Section I of the Part B permit application.

I(A).8 Recordkeeping

(a) The Permittee shall record and maintain, in the operating record for this facility, all monitoring and inspection data compiled under the requirements of this permit.

(b) The Permittee shall record in the operating record for this facility the date and time of all automatic waste feed shut-offs, including the triggering parameters, reason for the shut-off, and corrective actions taken. The Permittee shall also record all failures of the automatic waste feed shut-off systems and corrective actions taken.

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(c) The incinerator and associated equipment (pumps, valves, conveyors, piping, etc.) must be subjected to thorough visual inspection, at least daily, for leaks, spills, fugitive emissions and signs of tampering. These inspections shall be recorded in the daily inspection log and become part of the facility's operating log (pursuant to OAC Rules 3745-57-47 (B) and (D)).

(d) The Permittee shall document all emergency process termination (EPT) incidents at the facility and promptly report the occurrence of the EPT, cause of the EPT and associated emissions to Ohio EPA.

I(A).9 Compliance Schedule

(a) No later than one year after the effective date of this permit, the Permittee shall submit a plan to reduce the frequency of emergency process termination incidents (EPTs) at the facility to the Ohio EPA. The plan shall include a listing of all EPT incidents in the five year period preceding the date of the effective date of this permit. To the extent determinable by the Permittee, the listing shall include the immediate and root causes of each EPT.

The plan shall consider all reasonable options for reducing the frequency of EPT incidents, including improving the reliability of electrical supply to and within the facility.

The plan shall be approved by a certified professional engineer qualified in electrical distribution systems and process plant control systems.

Ohio EPA will review the EPT frequency reduction plan as submitted by the Permittee, and if necessary, notify Permittee of deficiencies. If necessary, Ohio EPA will request that the Permittee submit a permit modification request to implement feasible options that consider costs and reductions in emissions from EPT events or Ohio EPA will initiate such a permit modification request.

(b) The Permittee shall evaluate the ability of the containment system for incinerator tanker direct feed locations Number 1 and 2 to safely contain releases of highly volatile and flammable liquid wastes (e. g. Class 1A, 1B and 1C liquids).

For those wastes possessing flammability properties that are not consistent with using the trench as part of the containment system, the Permittee shall include the following options in its evaluation:

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(i) Do not tanker direct feed, or

(ii) Feed at tanker direct feed location number 3, or

(iii) Modify the containment system to address the concerns with the risk of ignition of flammable liquids contained in the trench.

The Permittee will submit to Ohio EPA for review within 6 months after the effective date of this permit a plan detailing the methods to be used for conducting the evaluation and for assessing the hazards of a release of highly volatile and flammable liquid wastes from incinerator tanker direct feed locations Number 1 and 2. Ohio EPA will either approve the plan, issue a notice of deficiencies or a revised plan. Upon receipt of an approved plan, the Permittee shall conduct the evaluation and submit the results of the evaluation to Ohio EPA for review within six months. Ohio EPA will either approve the evaluation, issue a notice of deficiencies or a revised evaluation. If any changes to tanker direct feed containment or operations are required as a result of the evaluation, Ohio EPA will request that the Permittee submit a permit modification request to implement such changes or Ohio EPA will initiate a permit modification request.

If the Permittee believes that any of the preceding schedules provide insufficient time to complete the requested work, the Permittee may submit a permit modification request documenting the basis for such belief and requesting an amended schedule.

(c) The Permittee shall extend the concrete paving at Tanker Direct Feed Site Number 3 so that no portion of any direct feed tanker projects over an unpaved area and to provide adequate lateral extensions from the tanker centerline (five feet minimum each side of centerline) for adequate containment of releases.

The Permittee shall construct the paving to the same standards as the paving proposed for former OCSA 1 and described in the Permittee's letter to Ohio EPA dated June 13, 1995. The Permittee shall complete construction no later than six months after the date of this permit. Within 90 days of completion of the paving, the Permittee shall submit appropriate documentation, including "as-built" drawings and a Professional Engineer's certification, in a permit modification request.

Alternatively if Permittee does not intend to construct the paving to the same standards as the proposed paving for former OCSA 1 described in the

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Permittee's letter to Ohio EPA dated June 13, 1995, Permittee shall submit a permit modification request prior to installation which includes appropriate drawings and construction standards. The Permittee shall submit the required permit modification request no later than six months after the date of this permit. The Permittee shall complete construction no later than six months after Ohio EPA approval of the construction drawings.

If the Permittee believes that any of the preceding schedules provide insufficient time to complete the requested work, the Permittee may submit a permit modification request documenting the basis for such belief and requesting an amended schedule.

(d) The Permittee shall pave that portion of former Outdoor Container Storage Area 1 not currently paved with concrete and such paving will be consistent in extent and quality with the Permittee's' June 13, 1995 letter to Ohio EPA on the installation of additional concrete in this area, Ohio EPA's letter of September 9, 1996, responding to said letter and Ohio EPA's correspondence on the paving for this area. The Permittee shall complete construction no later than six months after the date of this permit. Within 90 days of completion of the paving, the Permittee shall submit appropriate documentation, including "as-built" drawings and a Professional Engineer's certification, in a permit modification request.

Alternatively if Permittee does not intend to construct the paving in accordance with the Permittee's' June 13, 1995 letter and Ohio EPA's response letter of September 9, 1996, then the Permittee shall submit a permit modification request prior to installation which includes revised drawings and construction standards. The Permittee shall submit the required permit modification request no later than six months after the date of this permit. The Permittee shall complete construction no later than six months after Ohio EPA approval of the construction drawings.

If the Permittee believes that any of the preceding schedules provide insufficient time to complete the requested work, the Permittee may submit a permit modification request documenting the basis for such belief and requesting an amended schedule.

(e) The Permittee shall not operate either the kiln aerosol can feeder or the second main chamber aerosol can feeder until:

(i) It has been modified to the same design and operating standards as the first main chamber aerosol can feeder;

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(ii) The Permittee has submitted to Ohio EPA a permit modification request that includes documentation that the feeder has been so modified and a request to operate; and

(iii) The permit modification request is approved by Ohio EPA.

(f) The Permittee shall conduct an incineration performance test within two years of the effective date of this permit and each succeeding three years. The performance test plan shall be submitted to Ohio EPA at least six months prior to the test date and shall address all regulations and other conditions that may be needed to protect human health and the environment. The Permittee shall submit to Ohio EPA the report documenting performance test activities and results within 6 month of conducting each performance test.

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Attachment A–Module I(A)
Incinerator Operating Limits

		Maximum	Minimum
1.	Waste feed daily average, lb/hr. Excludes recycled waste feeds; total system feed rate not to exceed 24,000 lb/hr of hazardous waste[f]		
	Liquid waste to main chamber	12,900	0
	Solid waste to main chamber	4,850	0
	Solid waste to kiln	12,500	0
	Liquids to kiln	7,500	0
2.	Bypass fuel rate to main chamber, lb/hr	10,190	NA[g]
	Bypass fuel rate to kiln-liquid feed lb/hr	4,000	NA
	Bypass fuel rate to kiln-natural gas, ft^3/min	667	NA
3.	Kiln combustion temperature waste feed cutoff[h], ^oF	2,400[l]	1,700[l]
4.	Main chamber combustion temperature waste feed cutoff[h], ^oF	2,400	1,700
5.	Radial Flow Scrubber inlet temperature, ^oF	194	NA
6.	Radial Flow Pressure Drop, hourly rolling average, inches WC	NA	10
7.	Gas-Liquid Contactor Drain, pH hourly rolling average	NA[g]	6.0
8.	CO level, ppm dry corrected to 7% O_2 1-hour rolling average	100	NA[g]
9.	Total induction fan, amps[j]	*k	*k
10.	System halogen daily average waste feed, lb/hr	2,000	N/A[g]
11.	Liquid burner feed waste atomization pressure, psig[i]		
	Main Chamber	100	5
	Kiln, psig	NA	80
12.	Fuel burner atomization air pressures		
	Main Chamber, osi	NA[g]	16
	Kiln, psig	NA[g]	90
13.	Liquid feed ash content, %	40	NA[g]
14.	Solid feed ash content, %	100	NA[g]
15.	Combustion gas volumetric flow, acfm at 140^oF saturated	70,000	NA[g]
16.	Main chamber vacuum, in. H_2O for 15 seconds	NA[g]	0.05
17.	Kiln vacuum, in H_2O for 30 seconds	NA[g]	0.05
18.	WESP electrical settings[o]		
	Total power, hourly rolling average VA		900[o]
19.	Scrubber water flow rates		
	Radial Flow Scrubber hourly rolling average (gpm)[m]	NA	800
	Gas Liquid Contactor hourly rolling average (gpm)[m,n]	NA	2200
20.	Metals feed limits, lb/hr (24-hr rolling average) For each specific metal, maximum feed rates to the kiln and main chamber shall not be employed simultaneously.		

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Attachment A–Module I(A)
Incinerator Operating Limits (Cont.)

Carcinogenic metals	Kiln (K)	Main Chamber (M.C.)
Maximum arsenic (As)	9.56 lb/h[c]	1.74 lb/h[b]
Maximum beryllium (Be)	8.02 lb/h	3.59 lb/h[d]
Maximum cadmium (Cd)	23.5 lb/h	4.20 lb/h[b]
Maximum chromium (Cr)	195.2 lb/h	47.2 lb/h[e]

Additive Effect Of Carcinogenic Metals

Ohio EPA has limited the combined risk effect of the carcinogenic metals to be less than 1.0×10^{-5}.

Therefore, the carcinogenic metals will also be restricted by the following equation:

$$A_K/W_K + A_{MC}/W_{MC} + B_K/X_K + B_{MC}/X_{MC} + C_K/Y_K + C_{MC}/Y_{MC} + H_K/Z_K + H_{MC}/Z_{MC} \leq 1.0$$

$A/W + B/X + C/Y + H/Z \leq 1.0$ where:

A_K = actual 24-h rolling average, lb/h of arsenic to the kiln
A_{MC} = actual 24-h rolling average, lb/h of arsenic to the main chamber
B_K = actual 24-h rolling average, lb/h of beryllium to the kiln
B_{MC} = actual 24-h rolling average, lb/h of beryllium to the main chamber
C_K = actual 24-h rolling average, lb/h of cadmium to the kiln
C_{MC} = actual 24-h rolling average, lb/h of cadmium to the main chamber
H_K = actual 24-h rolling average, lb/h of total chromium to the kiln
H_{MC} = actual 24-h rolling average, lb/h of total chromium to the main chamber
W_K = 18.9 lb/h (maximum) of arsenic to the kiln based on 1.0×10^{-5} Risk Factor
W_{MC} = 1.74 lb/h (maximum) of arsenic to the main chamber based on a 1.0×10^{-5} Risk Factor
X_K = 18.66 lb/h (maximum) of beryllium to the kiln based on 1.0×10^{-5} Risk Factor
X_{MC} = 8.35 lb/h (maximum) of beryllium to the main chamber based on 1.0×10^{-5} Risk Factor
Y_K = 23.52 lb/h (maximum) of cadmium to the kiln based on 1.0×10^{-5} Risk Factor
Y_{MC} = 4.20 lb/h (maximum) of cadmium to the main chamber based on 1.0×10^{-5} Risk Factor
Z_K = 1509.5 lb/h (maximum) of chromium to the kiln based on 1.0×10^{-5} Risk Factor
Z_{MC} = 1509.5 lb/h (maximum) of chromium to the main chamber based on 1.0×10^{-5} Risk Factor[c]

Noncarcinogenic metals	Kiln (K)	Main Chamber (M.C.)	K + MC[a]
Maximum Antimony (Sb)	83.9 lb/h	37.5 lb/h[b]	< 83.9 lb/h
Maximum Lead (Pb)	123.1 lb/h	77.2 lb/h[d]	< 123.1 lb/h
Maximum Thallium (Tl)	142.5 lb/h	142.5 lb/h	< 142.5 lb/h
Maximum Barium (Ba)	219.9 lb/h	219.9 lb/h	< 219.9 lb/h
Maximum Silver (Ag)	12.9 lb/h	12.9 lb/h	< 12.9 lb/h
Maximum Mercury (Hg)	11.3 lb/h	11.3 lb/h	< 11.3 lb/h

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Attachment A--Module I(A)
Incinerator Operating Limits (Cont.)

EXPLANATION OF SUPERSCRIPTS:

a) Values are based on the following equation: Kiln + Main Chamber = Maximum Kiln x Decimal Percentage Fed to Kiln + Maximum Main Chamber x (1 - Decimal Percentage Fed to Kiln) < Maximum Kiln
b) Value is based on adjusted Tier I and EPA Removal Efficiency
c) Value is based on corrected emission rate for 43% lead recovery in spike sample

d) Value is based on test condition 2 overall system removal efficiency (OSRE) for lead and corrected emission rate from 43 lead recovery in spike sample
e) Value is based on test condition 1 OSRE for chromium
f) Weight does not include weight of containers

g) NA=Not applicable
h) Waste feed cutoff as follows:
If the instantaneous temperature drops below 1700°F or goes above 2400°F, Alarms as follows:
If temperature drops below 1845°F for 2 minutes or goes above 2255°F for 2 minutes.
If the kiln temperature goes above 2355°F for more than 50 seconds.
i) Kiln burner waste feed atomization pressure and kiln burner atomization air pressure may be zero during periods when the kiln burner is not being utilized. Main chamber burner waste feed atomization pressure may be zero during periods when the main chamber burner is not in use.

j) Total induction fans amps applicable only when combustion fan gas flow rate monitor is off line.
k) Fan amp range will be that established during interim operation period for air pollution control equipment.
l) RIS complies with its current kiln temperature limit by adding 200°F to the reading of the kiln dropout box thermocouple. Therefore, the allowable kiln WFCO temperature range of 1700 to 2400°F is translated to 1500 to 2200°F as indicated by the thermocouple at the outlet of the dropout box. This adjustment results from the approximately 200°F temperature drop across the kiln dropout box caused by heat losses and water evaporation/cooling from the wet ash removal system.

m) Pump current will be used as a back-up for flow meter failure. Pump current ranges to be determined after start-up.
n) Total contactor flow and WESP flush flow during WESP flush.
o) RIS will operate the WESP controller in a manner that maximizes the particulate removal performance of the unit. This shall include but not be limited to setting the controller to automatically maximize effective secondary voltage while considering the manufacturer's recommended maximum spark rate. RIS will not arbitrarily or artificially lower WESP controller set points, except for the purposes of particulate removal performance testing or to optimize particulate removal performance by minimizing sparking. RIS will record the initial configuration parameters of the WESP controller and any deviations therefrom, including the reason for such deviation, in the operating record.

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Attachment B–Module I(A)
Waste Feed Cutoff Actuating Events and Settings

Operating Limits Exceeded	Kiln	Main Chamber	Kiln & Main Chamber	Alarm
Gas Temp Main Chamber			X[a]	
Gas Temp Kiln	X[a]			
Gas Flowrate			X[b]	
Negative Draft			X[c]	
CO Concentration			X	
Loss of Atomization			X	
Loss of Both WESP Operation			X	
APCE Temperature				Alarm Only
Pressure Differential				Alarm Only
Scrubber Liquor pH				Alarm Only
Scrubber Water Flowrate				Alarm Only
Electrical Settings, WESP, Low Total Power				Alarm Only
Oxygen				Alarm Only

a) Instantaneous waste feed cutoff actuated if temperature goes above 2400°F or drops below 1700°F.
b) Waste feed cutoff following deviation of operating parameters for 5 minutes.
c) Waste feed cutoff following deviation of operating parameters for 15 seconds.

Gas Temperature Main Chamber
Waste feed cutoff shall be actuated when temperature deviates from the operating limits specified in Attachment A - item 4. Alarm only will sound at 2255°F and 1845°F after 2 minutes.

Gas Temperature Kiln
Waste feed cutoff shall be actuated when temperature deviates from the operating limits specified in Attachment A - item 3. Alarm only will sound at 2355°F after 50 seconds and 2255°F and 1845°F after 2 minutes.

Slagging Operating Condition at 2355°F for 50 seconds is as follows:
This specific operating condition is applied only when an optimal slagging condition is required;
An instantaneous and appropriate action is implemented by adjusting the kiln temperature to its normal operating temperature range of 1845°F to 2255°F when the applicable alarm system is activated.

Gas Flowrate
Waste feed cutoff shall be actuated when the gas flow rate deviates from the applicable operating limits specified in Attachment A - item 9 or 15 as applicable for more than 5 minutes.

Negative Draft
Kiln - Waste feed cutoff shall be actuated to kiln when the operating limits for the kiln specified in Attachment A - item 17 are exceeded.

Kiln and Main Chamber - Waste feed cutoff shall be actuated to the kiln and main chamber when the operating limits for the main chamber specified in Attachment A - item 16 are exceeded.

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Attachment B–Module I(A)
Waste Feed Cutoff Actuating Events and Settings (Cont.)

CO Concentration - Waste feed cutoff shall be actuated to kiln and main chamber when the operation limits specified in Attachment A, item 8 of this permit application are exceeded.

Loss of Atomization Air - Waste feed cutoff shall be actuated to the kiln and main chamber when the main chamber atomizing air pressure drops below the operating limit specified in Attachment A, Item 12.

Loss of both WESP Operation - Waste feed cutoff shall be actuated to the kiln and main chamber when both WESPs are not in operation (exclusive of WESP wash cycle).

APCE Temperature - An alarm will be actuated when the temperature of the gases at the radial flow scrubber inlet exceed limit specified in Attachment A, item 5.

APCE Pressure Differential - An alarm will be actuated when the pressure differential across the radial flow scrubber drops below the limits specified in Attachment A, item 6.

Scrubber Liquor pH - An alarm will be actuated when the pH of the scrubber liquor from the gas liquid contactor rundown drops below the limits specified in Attachment A, item 7.

Scrubber Water Flow rate - An alarm will be actuated when the water flow rate to the radial flow scrubber or gas liquid contactor falls outside the operating range specified in Attachment A, item 19.

Electrical Setting - An alarm will be actuated when the electrical settings to the WESP units fall outside the operating range specified in Attachment A, item 18.

Oxygen - An alarm will be activated when the oxygen concentration in the stack falls below 9%, dry basis.

Automatic Safety Control System:

Liquid feed rate – Liquid feed from the direct feed or Low Btu Tank Farm (Tank Farm III) to the main chamber will be automatically cutoff whenever the following conditions are sensed:

- Low Btu from Tank Farm III or direct feed flow rate of 5000 lbs/hr for 10 seconds;
- Low Btu from Tank Farm III or direct feed flow rate of 6000 lbs/hr following the first 30 seconds of waste feed.

An alarm will be actuated whenever the Low Btu from Tank Farm III or direct feed flow rate is 5000 lbs/hr. Liquid flow rates to the incinerator are continuously monitored by the Control Room Operator. Should the automatic cutoff system not actuate when exceeding one of the liquid feed cutoff limits above, the Operator will take corrective measures to assure that waste feed is cutoff at the location of the upset condition.

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Attachment C–Module I(A)
Incinerator Operating Parameter Monitoring Systems and Frequencies

Parameter and Monitoring Location	Monitoring System	Monitoring Frequency	Calibration Frequency	Backup Monitoring System[1]	Backup Mon. Frequency
Quench water supply pressure	Manual Reading	Daily	N/A	N/A - See Note 2	N/A
Radial Flow Water Supply Pressure	Manual Reading	Daily	N/A	N/A - See Note 2	N/A
Contactor Water Supply Pressure	Manual Reading	Daily	N/A	N/A - See Note 2	N/A
Cooling Tower Pump Discharge Temperature	Temperature Indicator	Continuously	N/A	N/A - See Note 2	N/A
Burner Atomizing Air Pressure Ounces	Pressure transmitters	Continuous	Manufacturers Recommend.	WFCO	N/A
Burner Fuel Pump Pressure PSIG	Pressure transmitters	Every 8 Hours	Manufacturers Recommend.	NA	NA
Static Pressure at MC (negative in. water column)	Draft pressure transmitters	Continuous	Semi-annually	WFCO[3]	N/A
Static Pressure at Kiln (negative in. water column)	Draft pressure transmitters	Continuous	Semi-annually	WFCO[3]	N/A
Quench/cyclone Discharge temperature	Redundant Temp. Indicators	Continuous	Manufacturers Recommend.	WFCO[3]	N/A
Gas/Liquid Contactor Discharge temperature	Temperature Indicator	Continuous	Manufacturers Recommend.	N/A - See Note 2	N/A
Stack gas flow rate	CEMS	Continuous	Daily/Annual RATA	ID fan amperage	Continuously
Carbon Monoxide	CEMS	Continuous	Daily/Annual RATA	WFCO[3]	N/A
Oxygen	CEMS	Continuous	Daily/Annual RATA	N/A	N/A
APC Water Return Tank pH	Redundant pH monitors	Continuously	Manufacturers Recommend.	Manual readings	Hourly
Gas-liquid Contactor discharge	Redundant pH monitors	Continuously	Manufacturers Recommend.	WFCO	N/A
Quench recirculation water flowrate	scrubber water flow meter	Continuous	Manufacturers Recommend.	Cooling tower pumps amps	Continuous
Radial Scrubber recirculation Flow Rate	scrubber water flow meter	Continuous	Manufacturers Recommend.	Cooling tower pumps amps	Continuous
Gas-Liquid Contactor recirculation Flow Rate	scrubber water flow meter	Continuous	Manufacturers Recommend.	Cooling tower pumps amps	Continuous
WESP Power Unit 1: voltage (kV) and current (mA)	Current/voltage transducer	Continuous	Manufacturers Recommend.	Manual	Hourly
WESP Power Unit 2: voltage (kV) and current (mA)	Current/voltage transducer	Continuous	Manufacturers Recommend.	Manual	Hourly
Kiln Temperature	Redundant Thermocouples	Continuous	Semi-annually	WFCO[3]	N/A
Main Chamber Temperature	Redundant Thermocouples	Continuous	Semi-annually	WFCO[3]	N/A
Waste Feed Rate (Liquid)	Micro-motion Meters	Continuous	Semi-annually	N/A	N/A
Waste feed rate (Solid)	Scales	N/A	Semi-annually	N/A	N/A
Bypass fuel rate	Micro-motion Meters	Continuous	Semi-annually	N/A	N/A
Radial Flow Scrubber Pressure Drop	Differential Press Transmitter	Continuous	Manufacturers Recommend.	Manual Readings	Hourly

1 Primary and backup monitoring systems will not be employed simultaneously. Backup monitoring systems will only be employed when primary systems are inoperable.
2 No associated permit parameter condition applicable.
3 WFCO System is tested on a weekly basis.

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MODULE J - GROUND-WATER DETECTION MONITORING

J.1 MODULE HIGHLIGHTS

This module addresses the ground water monitoring program associated with Surface Impoundments SWI 2, SWI 6, and SWI 7 at Ross Incineration Services. These units are being monitored during the closure period that began in 1988 when waste was last placed in the impoundments. Surface Impoundments SWI 6 and SWI 7 are expected to close as landfills with post-closure monitoring. Surface Impoundment SWI 2 is expected to close by removal of wastes and impoundment liner.

These units are being monitored under OAC Rules 3745-65-90 through 3745-65-94, a Consent Decree with Ohio EPA dated October 17, 1988, a Consent Agreement and Final Order with U.S. EPA dated May 6, 1992 and an Amended Consent Decree with Ohio EPA dated March 23, 1992. To comply with the requirements of these decrees and regulations, the Permittee is currently conducting groundwater monitoring in accordance with its Ground Water Monitoring Plan (GWMP) dated June 12, 1998, prepared in accordance with the three previously mentioned documents.

Until the Permittee submits, as part of permit Condition J.7(b), a permit modification for a groundwater protection program for Surface Impoundments SWI 2, SWI 6 and SWI 7 meeting the requirements of OAC rules 3745-54-90 to 3745-55-01, the Permittee shall comply with the GWMP and permit Condition J.7(a).

J.2 Well Location, Installation and Construction
OAC Rule 3745-54-97

The Permittee shall install, as needed, and maintain a ground water monitoring system as specified below:

(a) The Permittee shall maintain the ground water monitoring wells as shown on Figure 1-1 in the GWMP, which is part of the Ground Water Detection Monitoring System required to comply with OAC rules 3745-54-97(A), (B) and (C), in accordance with the detailed plans and specifications presented in the GWMP and in conformance with the following list:

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Zone Monitored	Background Wells	Downgradient Wells
Till	SI-8 MW-16 MW-17	GWP-6, GWP-18, MW-8, MW-11B, MW-13, MW-14B, MW-15, MW-19, MW-20B, MW-21B, MW-22, MW-23B
Berea Sandstone	MW-2 MW-5	MW-11A MW-24A MW-25A

The ground water monitoring system must: yield samples in upgradient wells that represent the quality of the background ground water unaffected by leakage from any regulated unit(s), and in downgradient wells yield samples that represent the quality of water passing the point of compliance. The number and location of monitoring wells must be sufficient to identify and define all logical release pathways to the uppermost aquifer from the regulated units based on site-specific hydrogeologic characterization.

(b) The Permittee shall remove or replace any monitoring well identified in permit Condition J.2(a) in accordance with the permit modification process set forth in OAC Rule 3745-50-51. Each change must be accompanied by a revised map as specified on Figure 1-1 of the GWMP for permit Condition J.2(a).

(c) All wells removed or replaced in accordance with permit Condition J.2(b) shall be properly plugged and abandoned. Well plugging and abandonment methods, certification, and justification shall be submitted to the Director through the permit modification process in OAC Rule 3745-50-51.

(d) Whenever any of the wells specified in permit Condition J.2(a) are replaced, the Permittee must demonstrate to Ohio EPA that the ground water quality at the replacement well meets the criteria in permit Condition J.2(a) within a two year period of the date of replacement using means appropriate to the reason for replacement.

(e) The Ground Water Detection Monitoring System that complies with OAC Rule 3745-54-97(A), (B), and (C) shall include a table of unique identifiers for each well (both upgradient/background and downgradient/ compliance wells), zone monitored, and hydrogeologic gradient from the unit(s) as well as the surveyed ground surface elevation of all monitoring wells.

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J.3 Indicator Parameters and Monitoring Constituents
OAC Rule 3745-54-98

(a) The Permittee shall monitor all the wells listed in permit Condition J.2(a) for the parameters and constituents identified in the GWMP which meet the requirements of OAC Rule 3745-54-98(A) as follows:

Ground Water Parameters per GWMP	
Antimony	Mercury
Arsenic	Nickel
Barium	Selenium
Beryllium	Silver
Cadmium	Thallium
Chromium	Tin
Cobalt	Vanadium
Copper	Zinc
Lead	TOC
	TOX

(b) Establishing Background

Background values for the parameters and constituents in Permit Condition J.3(a) previously established and the proposed methods for gathering background for TOX and TOC in the GWMP shall be used. When a program well identified in Figure 1-1 of the GWMP is replaced, or for those parameters and constituents in Permit Condition J.3(a) which include parameters and constituents required by OAC Rule 3745-54-98(A) for which no background values are established at the time the permit is issued, the Permittee shall establish background values in accordance with the following procedures:

(i) During each sampling event, the Permittee shall take a minimum of one sample from each well (background and compliance point wells), and analyze for each parameter or constituent specified in the permit. Background ground water quality for a monitoring parameter or constituent may be based on a sequence of four samples, taken at a quarterly interval that assures, to the greatest extent technically feasible, that an independent sample is obtained of the background well(s), or

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(ii) A background database shall be compiled for each constituent and/or parameter using an alternate sampling procedure specified in the permit modification request and approved by Ohio EPA.

(c) Updating Background

In accordance with the schedule established in Condition J.7(b) of this permit, the permit modification shall include collection of background data in accordance with permit condition J.3(b) and OAC Rule 3745-54-97(G), development of background concentrations in accordance with OAC Rule 3745-54-97(H) and (I), and procedures for updating the background concentration when a program well identified in Figure 1-1 of the GWMP is replaced or if the Permittee determines that a background dataset no longer meets the standards in OAC Rule 3745-54-98(G). Compliance with OAC Rule 3745-54-98(G, H and I) may be facilitated by adherence to the following:

(i) Background is not updated with less than 4 new data points at any one time;

(ii) The new background (previous background data plus new background data) should be checked for slowly increasing trends. If a slowly increasing trend is identified then the background should not be updated unless concurrence from Ohio EPA is received that it has been adequately demonstrated that the increasing trend is not the result of a release from the regulated unit;

(iii) Background updates should be accumulative and not a moving window, unless a trend is identified in the background data. As required in permit Condition J.3(c)(ii), the identified trends would have to be adequately demonstrated to not be the result of a release from the regulated unit otherwise the background update would not be permitted; and

(iv) When a trend in background data has been identified and it has been adequately demonstrated to not be the result of a release from the regulated unit, then a moving window background should be used. The size of the moving window will be dependent upon the rate of change and the best balance between background size and variance.

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J.4 Sampling and Analysis Procedures

OAC Rule 3745-54-97(D) and (E)

The sampling and analysis techniques and procedures in the June 12, 1998 GWMP are in accordance with the requirements of OAC Rule 3745-54-97(D and E) and shall be incorporated in the revised GWMP required under Permit Condition J.7(b). The Permittee shall use the following techniques and procedures when obtaining and analyzing samples from the groundwater monitoring wells identified in J.2(a):

(a) Ground water elevations shall be measured using techniques outlined in the GWMP required under permit Condition J.7(b).

(b) The well shall be checked for the presence of immiscible layers prior to purging in any monitoring well or wells where the presence of dissolved concentrations of any GWMP parameter has been confirmed and indicates that immiscible layers could be present as outlined in the GWMP required under Permit Condition J.7(b).

(c) Samples shall be collected and handled (including well evacuation, sample withdrawal, preservation, containerization, filtration, and shipment) using the techniques and equipment described in the GWMP required under permit Condition J.7(b).

(d) Field analysis shall be performed using instruments, procedures, and forms described in the GWMP required under permit Condition J.7(b). Instruments shall be calibrated as described in the GWMP required under permit Condition J.7(b). At a minimum, calibrations shall be according to manufacturer's recommendations.

(e) Sampling equipment shall be decontaminated using the techniques described in the GWMP required under permit Condition J.7(b).

(f) Purge water shall be disposed in accordance with the procedures described in the GWMP required under permit Condition J.7(b).

(g) Laboratory analytical methods, detection limits and sample holding times shall be in accordance with techniques described in the GWMP required under permit Condition J.7(b).

(h) Quality assurance, including field/lab/equipment blanks, duplicate samples and identification of potential interferences, shall be accomplished in accordance with the methods described in the GWMP required under permit Condition J.7(b).

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(i) Chain of custody procedures, including standardized field tracking reporting forms, and sample labels, shall be implemented in accordance with the GWMP required under permit Condition J.7(b).

J.5 Elevation of the Ground-Water Surface

(a) The Permittee shall determine the elevation of the ground water surface at each program well identified in Permit Condition J.2(a) each time the ground water is sampled in accordance with the GWMP required under Permit Condition J.7(b). The techniques and procedures in the June 12, 1998 GWMP are in accordance with these requirements and shall be incorporated in the revised GWMP required under Permit Condition J.7(b).

(b) The GWMP required under permit Condition J.7(b) shall include methods, procedures, and results for surveying the ground surface elevation of all monitoring wells included on Figure 1-1 of the GWMP required under permit Condition J.7(b).

(c) The Permittee shall record the total depth of any wells installed in accordance with permit Condition J.2 and the surveyed elevation of the top of casing, ground surface and/or apron elevation, and the protective casing of the monitoring well(s) within 90 days of the date of installation (with as-built drawings).

J.6 Statistical Procedures
OAC Rules 3745-54-97 (G),(H) and (I) and 3745-54-98(F)

The statistical methods and procedures in the June 12, 1998 GWMP are in accordance with the requirements of OAC Rule 3745-54-97(H and I) and shall be incorporated in the revised GWMP required under Permit Condition J.7(b). When evaluating the monitoring results in accordance with Permit Condition J.7, the Permittee shall use the procedures in the GWMP which include the following elements of identifying statistically significant evidence of contamination in accordance with OAC Rule 3745-54-97(G), (H) and (I):

(a) The Permittee shall use an appropriate statistical procedure for determining whether a statistically significant change has occurred.

Any statistical method that is chosen must comply with the following performance standards as appropriate:

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(i) The statistical method shall utilize a sample size appropriate for the form of statistical test employed and large enough to ensure with reasonable confidence that a contaminant release to the ground water from the facility will be detected.

(ii) The statistical procedure must be protective of human health and the environment and provide reasonable confidence that the migration of hazardous constituents from a regulated unit into and through the aquifer will be indicated.

(iii) The statistical method must be used in evaluating ground water monitoring data for each hazardous constituent specified in permit Condition J.3(a).

(iv) The statistical method must be appropriate for the distribution of the data used to establish background or concentration limits. If the distribution for the constituents differ, more than one statistical method may be needed.

(v) The statistical method must provide a reasonable balance between the probability of falsely identifying a non-contaminating regulated unit and the probability of failing to identify a contaminating regulated unit.

(vi) The statistical method shall account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantitation limit (PQL) approved in the permit that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility. Compliance may be facilitated by referring to the methods outlined in the most recent version of SW-846.

(vii) If necessary, the statistical method shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

(viii) If a tolerance or prediction interval procedure is utilized, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, shall be approved in the permit in Condition J.6(b). These parameters must be determined

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after considering the number of samples in the background data base, the data distribution, and the range of concentration values for each constituent of concern.

(b) The Permittee shall choose and submit to Ohio EPA the appropriate statistical method within 90 days of the last background sampling event.

J.7 Monitoring Program and Data Evaluation

(a) Until the permit modification required in Permit Condition J.7(b) is approved, the Permittee shall comply with the GWMP dated June 12, 1998; OAC Rules 3745-65-90 through 3745-65-94; the Consent Decree with Ohio EPA dated October 17, 1988; the Amended Consent Decree with Ohio EPA dated March 23, 1992; the Consent Agreement and Final Order with U.S. EPA dated May 6, 1992; and the following conditions:

(i) In addition to the parameters in Permit Condition J.3(a), the Permittee shall collect samples for chloride from all wells listed in Permit Condition J.2(a) during each sampling event.

(ii) TOX specific: The Permittee shall use an approved statistical procedure for determining whether a statistically significant TOX increase has occurred. If a statistical increase in TOX is confirmed, then the Permittee shall have the laboratory analyze the chloride sample taken from the affected well or wells, otherwise chloride samples will not be analyzed. The Permittee shall use the chloride concentration data to evaluate the potential for chloride interference in the analytical methodology.

(iii) TOX specific: If elevated chloride concentrations are found to act as a laboratory interfering agent, then no further response will be necessary by the Permittee. However, if chloride is determined not to be an interfering agent, the Permittee shall immediately resample the affected well(s) for TOX and chloride, and reanalyze per Permit Condition J.7(a)(ii).

(iv) TOX specific: If following the re-sample, elevated chloride concentrations are found to act as a laboratory interfering agent, then no further response will be necessary by the Permittee. However, if chloride is determined not to be an interfering agent, the Permittee

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shall sample and analyze the affected well(s) for VOCs (SW-846 Method 8260B), SVOCs (SW-846 Method 8270), and chloride to evaluate any potential impact to ground water from the land-based units.

(v) TOC-Specific: The Permittee shall use an approved statistical procedure for determining whether a statistically significant TOC increase has occurred. If a statistical increase in TOC is confirmed through a resample, then the Permittee shall immediately sample and analyze the affected well(s) for VOCs (SW-846 Method 8260B) and SVOCs (SW-846 Method 8270) to evaluate any potential impact to ground water from the land-based units.

(vi) If the results of the initial sampling for metals, VOCs or SVOCs indicate contamination, then the Permittee shall follow the response requirements in Permit Condition J.10. If the results are non-detect for the VOCs/SVOCs or do not indicate a statistically significant difference for the metals, then the Permittee may remain in Detection Monitoring.

(b) The Permittee shall, within 180 days of the effective date of this permit, submit an amended GWMP meeting the revisions required by this permit under OAC Rules 3745-54-90 through 3745-55-01 establishing a Detection Ground Water Monitoring Program for Surface Impoundments SWI 2, SWI 6, and SWI 7 under OAC Rule 3745-54-98. Unless OAC Rule 3745-50-51 requires a different classification, the submittal of the revised GWMP constitutes a Class 1 permit modification for which the Director's approval is required. The Permittee shall implement the ground water protection program within six months of the date of approval of the permit modification.

(c) The Detection Ground Water Monitoring Program, referenced in permit Condition J.7(b), must be able to determine with reasonable confidence whether any hazardous constituents have entered the ground water as a result of activities from the unit/area covered by this permit. The Permittee shall determine ground water quality as follows:

(i) The Permittee shall collect, preserve, and analyze samples pursuant to Permit Condition J.4.

(ii) The Permittee shall determine ground water quality at each monitoring well semi-annually during the closure and post-closure care periods of the regulated units.

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(iii) The Permittee shall express the ground water quality at each monitoring well in a form necessary for the determination of statistically significant increases.

(iv) The Permittee shall determine the ground water flow rate and direction in the uppermost aquifer at least annually.

(v) The Permittee shall determine whether there are any statistically significant increases over the background values for all parameters identified in permit Condition J.3(a) each time ground water quality is determined at the compliance point. In determining whether such an increase has occurred, the Permittee must compare the ground water quality at each monitoring well specified in permit Condition J.2(a) to the background ground water quality specified in permit Condition J.3(b) or other statistical limit approved by the director, in accordance with the statistical procedures specified in permit Condition J.6. If there is a confirmed detection of any of the parameters listed in permit Condition J.3(a), then the Permittee shall take the response actions and fulfill the requirements of permit Condition J.10 regarding statistical evidence of contamination.

(vi) The Permittee shall perform the evaluations described in permit Condition J.7(c)(v) within 90 days after completion of sampling.

J.8. Recordkeeping and Reporting
OAC Rule 3745-54-97(J)

(a) Operating Record
OAC Rules 3745-54-73(B)(5) and (6), 3745-54-97(J) and 3745-54-98(C)

Ohio EPA may request a copy of the full Quality Assurance/Quality Control (QA/QC) report for a particular sampling event if circumstances warrant, but in general QA/QC data will not be required except as described below. The Permittee shall enter all of the following information obtained in accordance with permit Conditions J.5 and J.7 in the operating record, as required by OAC Rules 3745-54-73(B)(5) and (6), 3745-54-97(J) and 3745-54-98(C):

(i) The laboratory results from each of the wells and their associated qualifiers including the laboratory sheets for the full volatile and semi-volatile analyses (must include method codes, detection limits, and units of measurement);

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(ii) The date each well was sampled (tabulated);

(iii) The date, time, and identification of all blanks and duplicates;

(iv) Any field log documentation of deviation from the procedures in the Part B permit application or the Sampling and Analysis Plan (SAP), including documentation of parameter omissions during the sampling event.

(v) The date the Permittee received the results from the laboratory;

(vi) The date the owner or operator completed their review of the analytical laboratory's verification of the accuracy and precision of the analytical data and determined its quality. This review shall be based upon the elements in permit Condition J.8.(a)(vii);

(vii) The results of the data validation review per permit Condition J.8(a)(vi) including: report completeness, chain of custody, sample receipt form, signed statement of validity, technical holding time review, data qualifiers including their definitions, dilutions, blank data, spikes, spike recovery %, surrogate recovery, and an explanation of any rejected results consistent with the U.S. EPA and Ohio EPA guidelines for data review;

(viii) Results of all blanks and duplicates (trip, field, equipment, and method);

(ix) Results of the field parameters;

(x) All chains of custody;

(xi) The date the statistical evaluation was completed;

(xii) The statistical evaluation of the data according to the statistical tests(s) that the Director has specified (must include all computations and results of statistical tests) OAC Rules 3745-54-73(B)(6), 3745-54-97(J) and 3745-54-98(C);

(xiii) Any change in well status (i.e., going from unaffected to affected status and vice versa);

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(xiv) Ground water surface elevations taken at the time of sampling each well as required by OAC Rule 3745-54-73(B)(6);

(xv) Data and results of the annual determination of the ground water flow rate and direction as required by OAC Rule 3745-54-73(B)(6); and

(xvi) The results of the last three years of all inspections required under OAC Rule 3745-54-15(D) related to ground water monitoring and equipment as required under OAC Rule 3745-54-73(B)(5).

(b) All established background values and the computations necessary to determine background values must be included in the operating record and submitted in the GWMP required by permit Condition J.7(b). For any background value not included in the permit modification, the Permittee shall submit the analytical results, an appropriate statistical method, and the statistical calculations within 90 days of the completion of the last background sampling event.

(c) Annual & Other Periodic Required Reports
OAC Rules 3745-54-75 and 3745-54-97(J)

The Permittee must submit an annual report to the Director by March 1st or the first business day thereafter if this falls on a weekend. The annual report must reference the titles and dates of any other periodic reports required by the permit or any updates to those reports (for example, due to confirmation sampling, comments by Ohio EPA, etc.), but generally do not need to include duplicates of hard copies previously submitted. The annual report must include, at a minimum, the analytical results required by permit Conditions J.7(c)(ii), the ground water elevation data required by permit Condition J.5(a), the annual flow rate and direction required by permit Condition J.7(c)(iv), and the results of the initial statistical analyses required by permit Condition J.7(c)(v). In addition, a copy on disk of all ground water and blank data must be submitted electronically in the format supplied by the Director, a hard copy of well-specific information (location [latitude and longitude], depth, construction, etc.) for any new/replacement wells, and any other information specified in the instructions for the annual report not addressed in this permit Condition must be submitted by March 1st of the subsequent year as required by OAC Rule 3745-54-75.

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(d) Other Reports
OAC Rule 3745-54-77(C)

The Permittee shall comply with any reporting requirements that become necessary under permit Condition J.10 in accordance with the schedules in the regulations covered by that permit Condition and as required by OAC Rule 3745-54-77(C). If any of these dates falls on a weekend, the reports will be due no later than the following business day. Re-sampling reports must include the same types of information as the initial reports pertaining only to the re-sampled well(s).

J.9 Assurance of Compliance
OAC Rules 3745-54-92 and 3745-54-98

The Permittee shall assure the Director that during the term of the permit the ground water monitoring program will ensure the earliest possible detection of contamination leakage from the regulated units, that any contamination leakage will be characterized, and that the need for further action will be determined.

J.10 Special Requirements if Significant Increases Occur in Values for Parameters or Constituents
OAC Rule 3745-54-98(G)

If the Permittee has determined a statistically significant increase in any of the metals identified in Permit Condition J.3(a) in accordance with statistical procedures specified in Permit Condition J.6 and J.7, or a detection above the method detection limit for any VOCs or SVOCs identified in Permit Condition J.7(a)(iv) and J.7(a)(v), the Permittee must:

(a) Notify the Director in writing, within seven (7) days of that determination. The notification must indicate what parameters or constituents have shown statistically significant increases (metals) or detection above method detection limits (VOCs/SVOCs) and the corresponding analytical results.

(b) Within 30 days re-sample the ground water in the affected well(s) in Permit Condition J.2(a) and determine the concentration of well-specific parameters listed in Permit Condition J.10(a).

(c) If the results of the resample confirm the initial results for metals, VOCs, or SVOCs or if the Permittee elects not to re-sample, then the detected compounds form the basis for compliance monitoring. If the re-sampling

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results are non-detect for the VOCs/SVOCs or do not indicate a statistically significant difference for the metals, then the Permittee may remain in Detection Monitoring.

(d) Within 90 days of confirming a statistically significant increase in metals or a VOC/SVOC detection above method detection limits, submit to the Director an application for a permit modification to establish a compliance monitoring program. The application must include the following information:

(i) An identification of the concentration of each metal, VOC or SVOC detected in the ground water at each monitoring well at the point of compliance.

(ii) Any proposed changes to the ground water monitoring system at the facility necessary to meet the requirements of compliance monitoring under OAC Rule 3745-54-99.

(iii) Any proposed changes to the monitoring frequency, sampling and analysis procedures or methods or statistical procedures used at the facility necessary to meet the requirements of compliance monitoring and the Ground Water Protection Standard.

(iv) For each hazardous constituent detected at the compliance point, a proposed concentration limit under OAC Rule 3745-54-94(A) or a notice of intent to seek an alternate concentration limit for a hazardous constituent under OAC Rule 3745-54-94(B).

(v) The Permittee shall begin sampling and analyzing for the new constituents at the next regularly scheduled sampling event following the event in which they were determined to be present.

(e) Submit to the Director an engineering feasibility plan (EFP) for corrective action and all data necessary to satisfactorily justify an alternate concentration limit (ACL) within 180 days of determining a statistically significant increase, unless the concentrations of all hazardous constituents identified under permit Condition J.10(b) do not exceed the respective values listed in Table 1 of OAC Rule 3745-54-94 (or their respective MCLs), or the Permittee has sought an ACL variance for every hazardous constituent identified under permit Condition J.10(b). If the Permittee's ACL request is denied, Ohio EPA will specify a time frame for submittal of the EFP.

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(f) If the Permittee determines, pursuant to Permit Condition J.7(c)(v), that there is a statistically significant increase above the background values for the hazardous parameters specified in Permit Condition J.3(a), he may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation or natural variation in the ground water. In such cases, the Permittee shall:

(i) Notify the Director in writing within seven (7) days of determining a statistically significant increase that he intends to make a demonstration.

(ii) Within 90 days of determining a statistically significant increase, submit a report to the Director which successfully demonstrates that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation.

(iii) Within 90 days of determining a statistically significant increase, submit to the Director an application for a permit modification to make any appropriate changes to the detection monitoring program at the facility.

(iv) The Permittee may make this demonstration in addition to, or in lieu of, submitting a permit modification application for a compliance ground water monitoring program under OAC Rule 3745-54-99. However, the same period of ninety (90) days is required for both a successful "Other Source Demonstration" and the submittal of the permit modification application for compliance ground water monitoring. The Permittee is not relieved of the ninety (90) day requirement for submitting a permit modification unless the "Other Source Demonstration" is deemed successful by Ohio EPA prior to the ninety (90) day time limit.

(v) Continue to monitor in accordance with the detection monitoring program at the facility.

J.11 Request for Permit Modification
OAC Rule 3745-54-98(H)

If the Permittee or the Director determines the detection monitoring program no longer satisfies the requirements of the regulations, the Permittee must, within 90 days of the determination, submit the date of that determination and an application

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for a permit modification to make any appropriate changes to the program which will satisfy the regulations.

Nothing in this permit shall limit Ohio EPA from requiring additional ground water protection requirements in the Permittee's corrective action program or in any post-closure permit issued to the Permittee.

END OF PERMIT CONDITIONS

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