



State of Ohio Environmental Protection Agency

Northwest District Office

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December 9, 2005

Certified Mail 7002 2410 0003 1155 8249

Mr. Charles E. Stewart
Brush Wellman, Inc.
14710 West Portage River South Road
Elmore, Ohio 43416-9502

RECEIVED
OHIO EPA

DEC 14 2005

**Re: Hazardous Waste Permit Modification
Class 1A Approval
Brush Wellman, Inc.
OHD 004 212 999 / 03-62-0042**

DIV. OF HAZARDOUS WASTE MGT.

Dear Mr. Stewart:

On November 2, 2005, Ohio EPA received a request for a Class 1A (Class 1 requiring prior approval) hazardous waste permit modification (tracking number - OHD004212999-051102-1A-1) from Brush Wellman, Inc. (BWI). With this letter, Ohio EPA approves the above referenced Class 1A modification submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-50-51.

The following modification has been made to your June 14, 2001, Ohio Hazardous Waste Facility Installation and Operation Permit (permit). Also, the records of Ohio EPA have been changed accordingly:

Permit condition F.12(b) has been revised to clarify where construction of buildings or structures is prohibited at the facility.

Enclosed are copies of the revision to the permit terms and conditions. These have been included to ensure that all involved parties have written confirmation of the changes.*

If you have any questions concerning this action, please contact Amber Hicks, Ohio EPA Northwest District Office, at (419)373-3082.

Sincerely,

Shannon Nabors
Chief

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

/cs

Enclosures

pc: Jeremy Carroll, Supervisor, Engineering Unit, DHWM, CO (w/enc)
Pamela Allen, Manager, RIS, DHWM, CO (w/enc)
Gary Deutschman, DHWM, NWDO (w/enc)
Chad Zajkowski, DDAGW, NWDO (w/enc)
DHWM, NWDO File: Brush Wellman - Permit (w/enc)
NWDO Document Library: Brush Wellman Permit T&Cs (enc only)

ec: Marie Jarden, DHWM, CO
Amber Hicks, DHWM, NWDO
Eric Getz, Asst. Chief, NWDO
Ed Merriman, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
Larry Chako, Brush Wellman, Inc.

F.12 Property Use Restrictions

- (a) **No Use of Ground Water:** The Permittee shall not extract or use ground water underlying or within the zone of influence of the property or any portion of the property at the following approximate coordinates: 41.4870 degrees North latitude (southern boundary of the Eastern Settling Lagoons AOI) north to the property boundary (Portage River) and 83.2142 degrees West longitude (west of the PCE AOC) east to the property boundary for any purpose, potable or otherwise, except for monitoring or remediation of the ground water. For the purpose of this permit, remediation includes the pumping of Production Wells to maintain hydraulic capture.

- (b) **No Construction of Buildings:** The Permittee shall not construct a building or structure of any kind within the footprint of the ground water VOC plume for any purpose due to the potential of vapor intrusion from contaminated ground water volatilizing into an overlying structure causing an inhalation human health exposure pathway. For the purposes of this condition, the footprint of the VOC plume is defined as the area within the plume shown in the most recent VOC plume map provided to Ohio EPA annually as part of the Supplemental Report. Construction would be allowed in this area under two circumstances:
 - (i) If a risk evaluation (including a vapor intrusion model if appropriate), approved by the Ohio EPA, indicates that an exposure pathway from volatilizing compounds (including applicable VOCs and SVOCs) is not present based upon the proposed building construction or risk standards applicable to occupancy or activities within the proposed building having been met; or,

 - (ii) An engineering control has been approved by Ohio EPA and constructed and implemented at the site construction. An engineering control must be used in conjunction with an operation and maintenance plan.