



Division of Materials and Waste Management

Response to Comments

Project: Haverhill Chemicals, LLC – Hazardous Waste Treatment/Storage Permit Renewal
Ohio EPA ID #: OHD 005 108 477

Agency Contacts for this Project

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Ohio EPA initiated a comment period on September 28, 2011 regarding the draft Hazardous Waste Treatment/Storage Renewal Permit. This document summarizes the comments and questions received during the associated comment period, which ended on November 12, 2011.

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

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

Recent Permit Modifications

Comment 1: The comment requests that the new corporate owner's address be used.

Response 1: Ohio EPA has revised the permit to reflect the permit modification which was received on September 19, 2011 and approved on October 3, 2011 which changed the owner of the facility to Haverhill Chemicals LLC.

Comment 2: The comment requests that the permit reflect the new Financial Assurance Mechanism for Closure which was received as a permit modification on November 15, 2011.

Response 2: The referenced permit modification is under review. As such, it would not be appropriate for Ohio EPA to incorporate the

modification into the final renewal permit. Action on this modification is forthcoming.

Timeframe/Notification Changes

Comment 3: The comment requests that the 10 day notification to local emergency agencies requirement for changes to the Contingency Plan in Permit Condition B.18(b) be revised to 45 days.

Response 3: The 10 day notification requirement is a standard requirement of all issued hazardous waste permits and the facility's existing permit. Absent any basis, Ohio EPA has no reason to change the requirement in today's permit to a standard that would be inconsistent with other issued permits. No change has been made to the permit with respect to this comment.

Comment 4: The comment requests the permit to be revised to remove the notification to Ohio EPA within five working days prior to all rinseate and soil sampling.

Response 4: Environmental sampling is used to make final determinations with respect to regulatory obligations for hazardous waste units. As such, Ohio EPA reserves the right to receive timely notification of facility sampling activities, both for observational and/or possible split-sampling purposes. No change has been made to the permit with respect to this comment.

Comment 5: The comment requests that three paragraphs specifying the frequency of the inspection and painting, if needed, of the storage tanks is obsolete and should be removed.

Response 5: Ohio EPA believes that the dates used in these paragraphs are needed for establishing a verifiable schedule for inspecting and maintaining the storage tanks to ensure their integrity, therefore, no revisions to the permit are necessary.

Comment 6: The comment states that, for many other regulatory programs, it is now customary to provide notification by electronic means (electronic mail messages or using an internet site.) The Permittee recognizes OAC 3745-50-58(L)(6) does not provide for this alternative, but believes this alternative should be made available in the permit language.

Response 6: Ohio EPA cannot authorize permit language that is inconsistent or less stringent than what is in the OAC rules. Ohio EPA's spill hotline is the only point of contact that is available 24-hours-a-day to ensure timely notification when human health or the environment may be endangered. No change has been made to the permit with respect to this comment.

Corrections/Clarifications

Comment 7: The comment states that the Contingency Plan is Section G of the permit application, not F as referenced in the permit.

Response 7: Ohio EPA has corrected this reference.

Comment 8: The comment requests that the permit also reference the Part A Application.

Response 8: The Part B Permit Application is divided into multiple sections. Section A of the Part B is the Part A Application. Therefore the Part A is incorporated by reference. No change has been made to the permit with respect to this comment.

Comment 9: The comment requests that text be added to Permit Condition A.14 to indicate that all monitoring information required by the regulations must be retained.

Response 9: Ohio EPA is unsure what additional clarification the suggested text would add to Permit Condition A.14. Clearly, the Permittee is only required to comply with the regulations of this permit. If the Permittee feels that further clarification of the Permit Condition is needed, then the Ohio EPA is willing to entertain a request for a permit modification. No change has been made to this permit with respect to this comment.

Comment 10: The comment requests that the reference to OAC Section 3745-205 be removed from Permit Condition B.3(a).

Response 10: This permit language is standard to all permits and is designed to require necessary waste analysis information based on any of the possible waste management units allowed under law. Clearly the Permittee is only required to provide waste management analysis information for units authorized in the permit. No change has been made to this permit with respect to this comment.

Comment 11: The comment requests that text be added to Permit Condition B.3(c) to change the frequency of verifying the analysis of each waste stream. In addition to the annual sampling requirement, the Permittee would also have to sample the wastes affected when a process or operation changes.

Response 11: This change conforms with OAC Rule 3745-54-13(A)(3) and, in certain situations, may be more protective than relying on only annual sampling. Therefore, Ohio EPA has adjusted the permit language accordingly.

Comment 12: The comment requests that language in Permit Condition B.14 be changed so that the contingency plan would be implemented when certain events could threaten human health and the environment.

Response 12: Ohio EPA has made the determination that the events listed in Permit Condition B.14 are considered a threat to human health or the environment. Ohio EPA will entertain a request to modify the permit from the Permittee if they feel that any of the listed events do not apply to the facility. No change has been made to this permit with respect to this comment.

Comment 13: The comment requests that the word "Material" be replaced with the word "Waste" in the title of Permit Condition B.16.

Response 13: Permit Condition B.16 requires the evaluation of materials released during an event. At the time of an event, it may not be known if the materials released are considered waste. Therefore, it would be presumptuous to refer to the material as waste before evaluating the material. No change has been made to this permit with respect to this comment.

Comment 14: The comment requests that the entire text of OAC Rule 3745-55-43 be inserted into Permit Condition B.36(b).

Response 14: Throughout the permit, there are numerous conditions where the entire rule reference is not included. The Permittee is required to comply with each rule in its entirety even if the entire text is not included in the text of the permit. No change has been made to this permit with respect to this comment.

Comment 15: The comment requests that references to D018 and D035 be deleted and that the reference to four industrial boilers be revised to two industrial boilers (two of the boilers will be RCRA closed) in the Module D Highlights.

Response 15: The references to D018 and D035 have been deleted. The text regarding the industrial boilers has been changed to reflect that two of the boilers are currently undergoing closure.

Comment 16: The comment requests that the description of hazardous waste in the table in Permit Condition D.1 be modified to reflect the language in the current permit application.

Response 16: This comment clarifies current waste generation and facility operations. Therefore, Ohio EPA has adjusted the permit language accordingly.

Comment 17: The comment requests that Module E be revised to recognize the portions of the Corrective Action Requirements that have been previously completed and acknowledge the current status of the Corrective Action Requirements.

Response 17: This module in the draft permit has been updated to reflect the current status of the corrective actions taken to date, therefore, no change to the permit is necessary.

Comment 18: The comment requests that Permit Condition I.1(c) be modified to state, "Within 45 days of the effective date of this permit, the Permittee shall *begin implementation of* the approved closure plan for boilers UA and UB" - emphasis added.

Response 18: Ohio EPA accepts this clarifying change to this permit condition.

Comment 19: The comment requests that the text description of the HHC generation points in Permit Condition I.2(a) be changed to reflect the permit application text. Suggested text:

The wastes that are pumped to the on-site industrial boilers for heat recovery include:

- *Phenol distillation column bottoms (K022); and*
- *BPA purification system column bottoms (nonhazardous).*

Response 19: Ohio EPA accepts this clarification to this permit condition.

Comment 20: The comment requests that the text description of the LHC generation points in Permit Condition I.2(b) be changed to reflect the permit application text. Suggested text:

Tank 2003-F receives several light hydrocarbon process waste streams. They are:

- *Phenol process spent emission scrubber fluid (D001);*
- *AMS distillation column bottoms (D001); and*
- *Purification system light hydrocarbons (D001).*

Response 20: Ohio EPA accepts this clarification to this permit condition.

Comment 21: The Permittee requests clarification to text in Permit Condition A.15. The comment is that the Permit Condition only refers to the permitted hazardous waste management facilities at the site and is limited to those changes that would require a request for a permit modification as required by OAC 3745-50-51.

Response 21: The word "facility" is already defined sufficiently in OAC Rule 3745-50-10, and OAC Rule 3745-50-51 specifically lists the changes that require a permit modification request. Therefore, no additional clarification to the permit is needed.

Comment 22: The Permittee wishes to clarify that the 1st waste minimization report is not due until 180 days after the effective date of the permit. The succeeding report is not due until 5 ½ years after the effective date of the permit.

Response 22: Ohio EPA agrees with the Permittee's clarification statement.

Comment 23: The Permittee requests clarification to Permit Condition B.18, specifically, whether Contingency Plans from previous permits still need to be maintained or if contingency plans that pre-date this permit can be discarded.

Response 23: The Permittee is required to maintain a current copy of the contingency plan that is included in the permit renewal with any revisions made to it throughout the term of the permit. The Permittee is not required to maintain Contingency Plans from

previous permits. No change has been made to this permit with respect to this comment.

Comment 24: **The comment requests to clarify that the draft permit language does not preclude the Permittee from storing hazardous waste in other, non-permitted units, as long as the storage of hazardous waste in those non-permitted units complies with the non-permitted storage requirements.**

Response 24: The hazardous waste permit has a maximum capacity of hazardous waste that can be stored in the permitted units; however, the Permittee may accumulate more hazardous waste on-site that is not in the permitted units as long as the accumulation of hazardous waste in those non-permitted units complies with the generator requirements. No change has been made to this permit with respect to this comment.

Sampling

Comment 25: **The comment requests that text be added to Permit Condition A.11(a)(iv) to allow any sample collected by Ohio EPA to be split with the Permittee.**

Response 25: The permit does not restrict the Permittee's right to collect their own samples or to request split samples from Ohio EPA. Additionally, Ohio EPA follows a standard format for all hazardous waste permits and prefers to remain consistent with the standard language. No change has been made to this permit with respect to this comment.

Comment 26: **The comment states that the draft permit language indicates the need to follow the waste analysis plan before treating, storing, or disposing of hazardous waste. It is not clear from the text on page 14 exactly what RCRA waste analysis requirements still apply to the boilers. The Permittee wishes to clarify with Ohio EPA that this section is retained only for the initial and ongoing characterization of hazardous waste at the plant and that it does not include the waste analysis requirements associated with the routine operation of the boilers.**

Response 26: As indicated later in the permit, the boilers now comply with the HWC MACT Standards, and waste analysis associated with the boiler feedstreams is now regulated by those standards, not

OAC Rule 3745-54-13. Ohio EPA acknowledges this in Module I where the remaining applicable RCRA standards do not include waste analysis. Ohio EPA follows a standard format for all hazardous waste permits. Without more information on how such a change would benefit this permit, Ohio EPA prefers to remain consistent with the standard language. No change has been made to this permit with respect to this comment.

End of Response to Comments