



January 2012

Draft Hazardous Waste Permit Modification

Public Participation Procedures and Comment Period Ohio Administrative Code (OAC) Rule 3745-50-22 (B)(5)(a)&(b)

All persons, including the applicant, may submit written comments relating to this draft action. Written comments or requests for a public meeting may be submitted before the end of the comment period to the address in the box on the right.

The comment period begins on February 3, 2012, and ends on March 19, 2012.

A copy of the draft permit is available for review by the public at:

Dayton Metro Library Kettering-Moraine Branch 3496 Far Hills Avenue Dayton, Ohio 45429 (937) 496-8938

Copies of the permit application and the draft permit are available for review by the public at the following locations:

Ohio EPA Southwest District Office 401 East 5th Street Dayton, Ohio 45402-2911 (937) 285-6357

Ohio EPA Central Office Division of Materials and Waste Management Lazarus Government Center 50 West Town Street, Suite 700

Facility Name: Nexeo Solutions, LLC
U.S. EPA I.D.: OHD 074 700 311
Location: 2854 Springboro West, Moraine, Ohio 45439
Facility Owner: Nexeo Solutions, LLC P. O. Box 2219 Columbus, Ohio 43216
Facility Operators: Nexeo Solutions, LLC P. O. Box 2219 Columbus, Ohio 43216
Ashland, Inc. 5200 Blazer Parkway, DS-4 Dublin, Ohio 43017
Activity: Class 3A Permit Modification Application Change of Ownership
Comment Period: February 3, 2012 - March 19, 2012
Submit Comments to: Ohio EPA Division of Materials & Waste Management Authorizing Actions & Engineering Unit P.O. Box 1049 Columbus, Ohio 43216-1049 (614) 644-2621 dmwmcomments@epa.state.oh.us

Columbus, Ohio 43215 (614) 644-2621

The draft permit is available for review by the public online at:

http://www.epa.ohio.gov/dmwm

After the close of the public comment period, Ohio EPA will, without prior hearing, issue a modified permit (or deny the request) in accordance with

Chapter 3734 of the Ohio Revised Code (ORC). If Ohio EPA approves the application, taking into account public comments, a modified permit will be issued with terms and conditions as are necessary to ensure compliance with hazardous waste rules.

**Description of Facility
OAC Rule 3745-50-22
(B)(1)**

Nexeo Solutions, LLC ("Nexeo") is located just south of the city limits of Dayton, in the city of Moraine, Montgomery County, Ohio. This facility is permitted to store containerized hazardous waste.

The Nexeo facility provides its customers with a service for the removal and proper disposition of their hazardous wastes. In order to provide this service, Nexeo has entered into contractual agreements with several commercial solid and hazardous waste management firms. Nexeo picks up and transports customers' containerized wastes to a pre-approved waste management site. To facilitate this process, customer wastes are analyzed (tested) and often temporarily stored at the Moraine facility until a truckload shipment is accumulated, then waste is shipped off to other permitted hazardous waste treatment, storage, and disposal facilities. No hazardous waste disposal occurs at the Nexeo facility. The maximum amount of hazardous waste that can be stored at the facility at any time is 17,600 gallons (10,560 gallons maximum at the west side of the main warehouse and 7,040 gallons maximum at the south side of the main warehouse). This is equivalent to 320 (55-gallon) drums.

**Description of
Requested Permit
Modification
OAC Rule 3745-50-22
(B)(2)**

Nexeo is requesting a permit modification to transfer the ownership of the Moraine facility from Ashland, Inc. ("Ashland") to Nexeo Solutions, LLC.

On March 31, 2011, Ashland sold its chemical distribution business to TPG Capital, forming a new company called Nexeo Solutions, LLC. As part of the transaction, Nexeo became the owner of the Moraine facility, and commenced operations at the site on April 1, 2011. Nexeo is the legal owner of the property and will have responsibility for compliance with the hazardous waste management permit, specifically all operational and closure responsibilities associated with hazardous waste container storage operations. As part of the purchase agreement Ashland, Inc. agreed to retain responsibility for corrective actions requirements pre-dating the closing date of the transaction (March 31, 2011). Any solid waste management unit identified after March 31, 2011 will require further review to determine the responsible party, Nexeo or Ashland.

Nexeo retains responsibility for all operational requirements imposed under the permit as of the closing date including final site closure requirements, and Ashland retains responsibility for corrective action. As such, Nexeo and Ashland are identified as "operators" of this facility under the hazardous waste permit.

**Regulatory Basis to
Support the Decision
to Modify the Permit
OAC Rule 3745-50-22
(B)(3)**

When applying for a Class 3A permit modification, an applicant is required [by OAC Rule 3745-50-51 (D)] to submit the relevant informational requirements of OAC Rule 3745-50-43 (Part A application contents) and OAC Rule 3745-50-44 (Part B application contents). Nexeo submitted the Class 3A modification application with the relevant required information on March 2, 2011. Ohio EPA has reviewed the application and has determined that the proposal complies with Ohio EPA rules.

Accordingly, Ohio EPA is issuing a draft action indicating the Director's intention with respect to the issuance of a modified permit to Nexeo Solutions, LLC.

**Contact Person
OAC Rule 3745-50-22
(B)(6)**

For additional information, please contact Tom Ontko, Division of Materials and Waste Management, or Jeff Stark, Division of Environmental Response and Revitalization at (937) 285-6357.

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OHIO ENVIRONMENTAL PROTECTION AGENCY

**MODIFIED OHIO HAZARDOUS WASTE FACILITY
INSTALLATION AND OPERATION PERMIT**

Date of Issuance:

Effective Date:

U.S. EPA ID No.: OHD 074 700 311

Ohio Permit No.: 05-57-0631

Name of Permittee(s): Nexeo Solutions, LLC and
Ashland, Inc.

Mailing Address: 2854 Springboro West
Moraine, Ohio 45439

Facility Location: 2854 Springboro West
Moraine, Ohio 45439

Persons to Contact: Edward C. Graves and Mark Santangelo

This Modified Ohio Hazardous Waste Facility Installation and Operation Permit is issued pursuant and subject to Section 3734.05(D) of the Ohio Revised Code and Rule 3745-50-51(D) of the Ohio Administrative Code.

The Ohio Hazardous Waste Facility Installation and Operation Permit with the above-referenced permit number as issued by the Ohio Environmental Protection Agency and journalized on December 2, 2002, is hereby incorporated by reference in its entirety, except as it may be modified herein.

This modification of the permit shall remain in effect until such time as the Ohio Hazardous Waste Facility Installation and Operation Permit is renewed, modified, withdrawn, suspended or revoked.

The Permittee(s) shall comply with all requirements of the modified Part B permit application as amended or supplemented on March 2, 2011, July 11, 2011, and October 28, 2011. The information contained in the modified Part B permit application is incorporated herein by reference. Specifically, all written statements regarding the specifications, locations or capabilities of the processes, equipment, containment devices, safety devices or programs or other matters made by the applicant in the permit modification application are hereby incorporated as express, binding terms and conditions of this modified permit.

The modified Terms and Conditions of this permit are attached hereto and are incorporated herein by reference. The modified Terms and Conditions supersede and replace the corresponding pages found in the December 2, 2002 renewal permit.

Scott J. Nally
Director

OHIO ENVIRONMENTAL PROTECTION AGENCY
OHIO HAZARDOUS WASTE FACILITY
INSTALLATION AND OPERATION PERMIT RENEWAL

Permittees: Nexeo Solutions, LLC and
Ashland, Inc. Distribution Company
Mailing Address: 2854 Springboro West Pike
Moraine Dayton, Ohio 45439

Owner: Ashland, Inc.
Nexeo Solutions, LLC
5200 Blazer Parkway
P. O. Box 2219
Dublin Columbus, Ohio 43017 43216

Operators: Nexeo Solutions, LLC
2854 Springboro West Pike
Moraine Dayton, Ohio 45439

Ashland, Inc.
2854 Springboro West Pike
Moraine Dayton, Ohio 45439

Location: Ashland Distribution Company, Nexeo Solutions, LLC
2854 Springboro West Pike
Moraine Dayton, Ohio 45439

Ohio Permit No.:	05-57-0631
US EPA ID:	OHD 074 700 311
Issue Date:	December 5, 2002
Effective Date:	December 5, 2002
Expiration Date:	December 5, 2012

AUTHORIZED ACTIVITIES

In reference to the application of Nexeo Solutions, LLC ~~Ashland Distribution Company~~ 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:

- > **Storage of ignitable, corrosive and toxic hazardous wastes in containers in the Main Warehouse Building.**
- > Corrective Action

MODULE 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, Nexeo Solutions, LLC, is authorized to store on-site hazardous waste containers 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 approved 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 approved Part B permit application as submitted to Ohio EPA on May 1, 2000 and any subsequent amendment thereto, and last updated on January 15, 2001 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) Permittee Ashland, Inc. is authorized to conduct corrective action at the facility, in accordance with the terms and conditions of this permit, ORC Chapter 3734, all applicable Ohio hazardous waste rules, applicable regulations promulgated under the Resource Conservation and Recovery Act (RCRA) as amended, and the approved 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.
- (2e) Any management of hazardous waste not authorized by this permit is prohibited, unless otherwise expressly authorized or specifically exempted by law. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, or invasion of other private rights. Compliance with the terms and conditions of this permit does not obviate Permittee's obligation to comply with other applicable provisions of law governing protection of public health or the environment including but not limited to the Community Right to Know law under ORC Chapter 3750.

A.2. Permit Actions
OAC Rule 3745-50-58(F)

This permit may be modified, revoked, suspended, or renewed as specified by Ohio law. The filing of a request for a permit modification, revision, revocation, suspension, or renewal or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any permit term or condition.

A.3. Permit Effective/Expiration Date
OAC Rule 3745-50-54

This permit will expire on December 5, 2012.

A.4. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

A.5. Duty to Comply
OAC Rule 3745-50-58(A)

The Permittee shall comply with all applicable provisions of ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all terms and conditions of this permit, except to the extent and for the duration such noncompliance is authorized by the laws of the State of Ohio. Any permit noncompliance, other than noncompliance authorized by the laws of the State of Ohio, constitutes a violation of ORC Chapter 3734 and the rules adopted thereunder and is grounds for enforcement action, suspension, revocation, modification, revision, denial of a permit renewal application or other appropriate action.

A.6. Duty to Reapply and Permit Expiration
OAC Rules 3745-50-40(E); 3745-50-58(B); 3745-50-56 and ORC Section 3734.05(H)

- (a) If the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the Permittee must submit a completed application for a hazardous waste facility installation and operation permit renewal and any necessary accompanying general plans, detailed plans, specifications, and such information as the Director may require, to the Director no later than one hundred eighty (180) days before to the

expiration date of this permit or upon approval of the director a later date prior to the expiration date if the Permittee can demonstrate good cause for late submittal.

- (b) The Permittee may continue to operate in accordance with the terms and condition of the expired permit until a renewal permit is issued or denied if:
 - (i) the Permittee has submitted a timely and complete application for a renewal permit under OAC Rule 3745-50-40; and
 - (ii) through no fault of the Permittee, a new permit has not been issued pursuant to OAC Rule 3745-50-40 on or before the expiration date of this permit.
- (c) The corrective action obligations contained in this permit will continue regardless of whether the facility continues to operate or ceases operation and closes. The Permittee is obligated to complete facility-wide corrective action under the conditions of this permit regardless of the operational status of the facility. The Permittee must submit an application for permit reissuance at least 180 days before the expiration date of this permit pursuant to OAC 3745-50-40(D) unless a) the permit has been modified to terminate the corrective action schedule of compliance and the Permittee has been released from the requirements for financial assurance for corrective action; or b) permission for a later date has been granted by the Director. The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

A.7. Need to Halt or Reduce Activity Not a Defense
OAC Rule 3745-50-58(C)

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce a permitted activity in order to maintain compliance with the conditions of this permit.

A.8. Duty to Mitigate
OAC Rule 3745-50-58(D)

The Permittee shall expeditiously take all reasonable steps necessary to minimize or correct any adverse impact on the environment or the public health resulting from noncompliance with this permit.

A.9. Proper Operation and Maintenance
OAC Rule 3745-50-58(E)

The Permittee shall at all times properly operate and maintain the facility (and related appurtenances) to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective management practices, adequate funding, adequate operator staffing and training, and where appropriate, adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the terms and conditions of this permit.

A.10. Duty to Provide Information
OAC Rule 3745-50-58(H)

The Permittee shall furnish the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revising, revoking or suspending this permit or to determine compliance with this permit. The Permittee shall also furnish the Director, upon request, copies of records required to be kept by this permit.

A.11. Inspection and Entry
OAC 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
 - (iv) sample, document, or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by ORC Chapter 3734 and the rules adopted thereunder, any substances or parameter at any location.
- (b) Any record, report or other information obtained under the hazardous waste rules or Chapter 3734 of the Revised Code shall not be available to the public upon the Permittee's satisfactory showing to Ohio EPA that all or part of the information would divulge methods or processes entitled to protection as trade secrets pursuant to Ohio Trade Secret Law and OAC Rule 3745-50-30.

A.12. Monitoring and Records
OAC Rules 3745-50-58(J)

- (a) Any sample and measurement taken for the purpose of monitoring shall be a representative sample or measurement, as such term is defined and used in the Ohio hazardous waste rules. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of OAC Rule 3745-51-20, Laboratory Methods. Laboratory methods must be those specified in Test Methods for the Evaluation of Solid Waste. Physical-Chemical Methods; SW-846:Third Edition, August 1, 2000-; and additional supplements or editions thereof; Standard Methods for the Examination of Water and Wastewater: Twentieth Edition, 1998; or an equivalent method as specified in the approved waste analysis plan, or as such term is defined and used in the Ohio hazardous waste rules.
- (b) Records of monitoring information shall specify the:
- (i) date(s), exact place(s), and time(s) of sampling or measurements;
 - (ii) individual(s) who performed the sampling or measurements;
 - (iii) date(s) analyses were performed;
 - (iv) individual(s) who performed the analyses;

- (v) analytical technique(s) or method(s) used; and
- (vi) results of such analyses.

A.13. Signatory Requirement and Certification of Records
OAC 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 3745-50-58(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 are automatically extended during the course of any unresolved enforcement action regarding the facility.
- (c) The Permittee shall maintain, in accordance with the Ohio hazardous waste rules, records of all data used to complete the Part B permit application and any amendments, supplements, modifications or revisions, of such application and shall retain a complete copy of the application for the life of the facility.

- (d) The Permittee shall maintain records from all ground water monitoring wells and associated ground water surface elevations for the active life of the facility, and for disposal facilities for the post-closure care period as well.
- (e) Corrective Action records must be maintained at least 3 years after all Corrective Action activities have been completed.

A.15. Planned Changes
OAC Rules 3745-50-51 and 3745-50-58(L)(1)

The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. All such changes must be made in accordance with OAC Rule 3745-50-51.

A.16. Waste Shipments
OAC Rule 3745-52-12 and ORC Section 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 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 the Ohio Environmental Protection Agency's Division of Environmental Response and Revitalization Emergency and Remedial Response within two 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 the Ohio Environmental Protection Agency's Division of Environmental Response and Revitalization and the Division of Materials and Hazardous Waste Management (SWDO) within five (5) days of the time the Permittee becomes aware of the circumstances reported in Condition A.20.
- (b) The written report shall address the items in A.20 and shall contain a description of such noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to minimize the impact on human health and the environment and to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) The Permittee need not comply with the five (5) day written report requirement if the Director, upon good cause shown by the Permittee, waives that requirement and the Permittee submits a written report within fifteen (15) days of the time the Permittee becomes aware of the circumstances.

A.22. Other Noncompliance
OAC 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 of any information required to be submitted by the terms and conditions of this permit. Including any information obtained by the Director, or an authorized representative, pursuant to the authority provided under condition A.11 of this permit.

A.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 the Ohio Environmental Protection Agency.

A.27. Compliance Schedule - Documents

- (a) Unless specified otherwise, Permittee shall submit the documents listed below to:

Ohio EPA, DMHMM
Attn: Engineering, Remediation, and Authorizations ~~Regulatory and Information Services~~ Section
P.O. Box 1049
Columbus, Ohio 43212-1049

- (b) The Permittee shall submit to the Ohio EPA within sixty (60) days after permit journalization, in accordance with Ohio's hazardous waste rules, the following information to be incorporated in the Part B permit application:

- (i) Updated Financial Assurance Mechanism for Closure
OAC Rules 3745-55-43 and 3745-55-45

Section I of the application containing the financial assurance

mechanism for closure shall be updated to include a copy of the current financial assurance mechanism, as set forth in OAC Rules 3745-55-43 and 3745-55-45, and as specified by the wording requirements of OAC Rule 3745-55-51. The value of the financial assurance mechanism must reflect at least the current amount of the closure/post-closure cost estimate.

During the life of the Part B permit, the Permittee facility may change the financial assurance mechanism as stated in OAC Rules 3745-55-43 and 3745-55-45. The Permittee facility must submit the financial assurance mechanism documentation to the Director of Ohio EPA in accordance with the parameters set forth in OAC Rules 3745-55-43 and 3745-55-45.

(ii) Updated Liability Requirements
OAC Rule 3745-55-47

Section I of the application containing the financial assurance mechanism for closure shall be updated to include a copy of the current financial assurance mechanism as set forth in OAC Rule 3745-55-47 and as specified by the wording requirements of OAC Rule 3745-55-51.

During the life of the Part B permit, the Permittee facility may change the mechanism used to demonstrate liability coverage as stated in OAC Rule 3745-55-47. The Permittee facility must submit the liability mechanism documentation to the Director of Ohio EPA in accordance with the parameters set forth in OAC Rule 3745-55-47. In addition, the Permittee must send copies of the mechanism to Ohio EPA DMWM, Engineering, Remediation, and Authorizations Section DHW's CAS and ERAS.

A.28. Information to be Maintained at the Facility
OAC Rule 3745-54-74

- (a) The Permittee shall be maintained at the facility, until closure is completed and certified by an independent, registered (in Ohio) 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; and
 - (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;
 - (viii) annually-adjusted cost estimate for facility closure, as required by OAC Rules 3745-55-42 and 3745-55-44 and this Permit; and
 - (ix) all other documents required by Module A, Permit Condition A.12.
- (b) All amendments, revisions and modifications to any plan required by the terms and conditions of this permit or the Ohio hazardous waste rules shall be submitted to the Director. No such change shall be made unless the

Permittee has received approval in accordance with the Ohio hazardous waste rules.

- (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 Module E 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); 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) In completing this report, the Permittee should refer to the following information: instructions prepared by the Ohio EPA for completing the Waste Minimization Annual Report required by OAC Rules 3745-54-75(H), (I), and (J); the Federal Register notice of May 28, 1993, vol. 58, p. 31114, "Interim Final Guidance: Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program"; and U.S. EPA's "Facility Pollution Prevention Guide" including planning and organization, assessment, feasibility analysis, implementation, measuring progress, and maintaining the program.
- (c) The Permittee shall submit the Waste Minimization Report to the Technical Assistance Section, Office of Compliance Assistance and Pollution Prevention within one hundred eighty (180) days of journalization of this permit, and shall submit updates to this report biennially thereafter.

MODULE B - GENERAL FACILITY CONDITIONS

B.1. Design, Maintenance and Operation of Facility OAC Rule 3745-54-31

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.2. Required Notices OAC Rule 3745-54-12

(a) Hazardous Waste from a Foreign Source.

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.

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

The Permittee shall follow the procedures described in the approved waste analysis plan found in Section C of the approved Part B permit application and the terms and conditions of this permit.

The Permittee shall verify the analysis of each waste stream annually as part of its quality assurance program, in accordance with Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846, or equivalent methods approved by the Director. At a minimum, the Permittee shall maintain proper functional instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations. If the Permittee uses a contract laboratory to perform analyses, then

the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit.

B.4. Security
OAC Rule 3745-54-14

The Permittee shall comply with the security provisions of OAC Rule 3745-54-14(B)-(2) and (C) and Section F of the Part B permit application.

B.5. General Inspection Requirements
OAC Rules 3745-54-15 and 3745-54-73

The Permittee shall follow the inspection schedule set out in Section F of the approved 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 at least the elements set forth in the Section H of the approved 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

- (a) The Permittee shall comply with the requirements of OAC Rule 3745-54-17 and shall follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in Section F of the approved Part B permit application.

- (b) The Permittee shall provide electrical grounding for all containers and tanks, and transport vehicles during all operations involving the handling of ignitable and/or combustible wastes.
- (c) The Permittee shall provide, and require the use of, spark proof tools during all operations involving the handling of all ignitable and/or combustible wastes.
- (d) The Permittee shall prohibit smoking and open flames in each area where hazardous wastes are managed, and shall post appropriate signs.

B.8. Reserved.

B.9. Required Equipment
OAC Rule 3745-54-32

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 approved contingency plan contained in Section G of the approved Part B permit application.

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 approved 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, Section F of the Part B permit application, and the terms and conditions of this permit.

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. Accordingly, the Permittee shall maintain aisle space within the permitted container storage areas as set forth in the approved permit application, Section D.1.a.2.

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 approved Part B permit application;
 - (ii) inform such agencies of safety equipment, supplies, proper emergency safety procedures that are applicable to the facility, and any further requirements related to emergency response imposed by terms and conditions of this permit; 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 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 approved 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 or explosion involving hazardous waste which threatens or could threaten human health or the environment;
- (b) 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
- (c) Any fire or explosion that has an increased potential to threaten human health or the environment due to its proximity to a hazardous waste management unit; 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.

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 approved 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 approved contingency plan at least annually and 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 approved 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, within ten (10) days of the effective date of any amendments of, revisions to, or modifications to the contingency plan.
- (c) The Permittee shall, in accordance with OAC Rule 3745-54-53, submit a copy of the approved contingency plan, to the Ohio Environmental Protection Agency's Division of Environmental Response and Revitalization emergency and Remedial Response.

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 set forth in OAC Rule 3745-54-56, Section G of the approved Part B permit application, and the conditions of this permit, regarding emergency procedures.

B.21. Availability, Retention and Disposition of Records
OAC Rule 3745-54-74

The Permittee shall furnish, upon Ohio EPA request, and retain all records at the facility in accordance with OAC Rule 3745-54-74.

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

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.23. Contingency Plan Records
OAC Rule 3745-54-73 and OAC Rule 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).

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 within 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. ~~The Permittee's report must be submitted a report~~ 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 ~~3745-54-757~~ and ~~3745-54-775~~

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 approved closure plan, Section I in such a manner as to achieve compliance with OAC Rule 3745-55-11. Compliance with OAC Rule 3745-55-11 will be facilitated by referring to the Division of Hazardous Waste Management's most recent Closure Plan Review Guidance for RCRA facilities.

B.27. Closure Plan
~~OAC Rules 3745-55-10, OAC Rule 3745-55-11, and OAC Rule 3745-55-13~~

The Permittee shall implement those procedures detailed within Section I of the approved application, in accordance with OAC Rules 3745-55-10 through 3745-55-20.

B.28. Amendment of Closure Plan

OAC Rules 3745-55-12 and ~~OAC Rule 3745-50-51~~

Should a change in the facility closure plan become necessary, the Permittee shall amend the approved closure plan in accordance with OAC Rule 3745-55-12 (C).

B.29. Content of Closure Plan

OAC Rule 3745-55-12

The Permittee shall maintain the approved 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

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 within ninety (90) days. 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), 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 (or revision) 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 and/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 Southwest District Office within five (5) working days prior to all critical activities, such as rinseate and soil sampling.

B.33. Certification of Closure
OAC Rule 3745-55-15

The Permittee and an independent, qualified, registered (in the State of Ohio) 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. Reserved.

B.35. Reserved.

B.36. Cost Estimate for Facility 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) and (5), 3745-56-28(C)(3) and 3745-56-58(C)(2) is specified in Section I of the Part B permit application.
- (b) The Permittee must adjust the 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 Rules 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, as required by OAC Rule 3745-55-42(C).

- (d) The Permittee must submit to the Ohio EPA and keep at the facility the latest closure cost estimate as required by OAC Rules 3745-55-42(D) and 3745-55-44(D).

B.37. Financial Assurance for Facility Closure

The Permittee shall maintain continuous compliance with OAC Rule 3745-55-43 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 the 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.

B.40. General Requirements for Land Disposal Restrictions
OAC Chapter 3745-59

- (a) The Permittee shall comply with all applicable regulations regarding land disposal prohibitions and restrictions as required by OAC Chapter 3745-59.

MODULE C - CONTAINERS STORAGE

C. CONTAINER STORAGE AND MANAGEMENT

The Permittee Ashland Distribution Company is permitted to store hazardous wastes in two container storage areas located in the Main Warehouse building. The first storage area is located on the west wall of the Main Warehouse where ignitable and listed wastes are stored. The area is separated into 4 separate bays, three small and one large, separated and surrounded by a four inch curb. The storage area is 916.5 square feet. The maximum volume of waste stored in this area is 10,560 gallons. This is based on a maximum of twelve (12) portable tote containers (i.e. 550 gallons each) in the large bay and twenty-four (24) drums (i.e. fifty-five gallons each) in each of the smaller bays. The second storage area is located on the south side of the Main Warehouse where non-ignitable and non-reactive wastes are stored. Only non-ignitable waste streams are permitted in this area because this storage area is less than fifty (50) feet from the Permittee's Ashland's property line (see Condition C.14). This storage area is 687.5 square feet. It is separated into four bays of equal size each segregated and surrounded by a four inch curb. The maximum volume of waste stored in this area is to 7,040 gallons. This is based on a maximum of thirty-two (32) drums (i.e. fifty-five gallons each) in each bay.

The wastes permitted for storage include ignitable, corrosive and toxic characteristic and listed wastes (see Condition C.2). The Permittee Ashland Distribution Company is not permitted to accept or store reactive (D003) and acutely toxic wastes (P wastes) as the facility is not constructed to safely store these types of wastes (see Condition C.14).

C.1. Process Capacity OAC Rules 3745-50-43(A)(7)

- (a) The Permittee shall not store more than 10,560 gallons of containerized hazardous waste in the permitted container storage area, located on the west side of the Main Warehouse building and 7,040 gallons of containerized hazardous waste at any given time in the permitted container storage area, located on the south side of the Main Warehouse building. The Permittee shall store hazardous waste in the types of containers described in Section D (Table D-1) of the approved Part B application.

- (b) For the purpose of compliance with the capacity limitation of this permit, each container will be considered to be storing an amount of hazardous waste equal to its capacity, regardless of the actual quantity stored in the container.
- (c) The provision of 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 the provisions of 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.

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 below:

D001, D002, D004, D005, D006, D007, D008, D009, D010, D011, D012, D013-, D014, D015, D016, D017, D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, D043

F001, F002, F003, F004, F005, F006, F007, F008, F009, F010, F011, F012, F037;

K001, K022, K048, K049, K050, K051, K088;

U002, U007, U012, U019, U044, U053, U055, U057, U070, U071, U072; U080, U081, U082, U092, U112, U122, U123, U140, U147, U159, U161, U162, U165, U188, U191, U196, U211, U220, U239, U328, U375, U404.

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 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 approved 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) In the event lab-pack waste are generated they shall be handled in compliance with applicable storage requirements.
- (d) In the event lab-pack waste are generated they shall be packaged in drums containing absorbent material that is compatible with the waste.

C.6. Containment Systems
OAC Rule 3745-55-75; 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 approved 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. The Permittee shall ensure that the coatings utilized in lining the secondary containment system(s) are compatible with each waste stored in containers situated at the permitted Container Storage Area. For those hazardous wastes that are deemed incompatible with the liner material the Permittee shall install a separate secondary containment structure, located within the existing structure, possessing the appropriate liner in order to withstand any degrading effects imposed through initial

and/or prolonged contact (e.g., 24 hours) with released waste materials.

- (c) Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection area in a timely manner. This time period is not to exceed twenty-four (24) hours from the time spilled and/or leaked waste is discovered to have reached the hazardous waste pad sump.

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 approved 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. On days when containerized waste are added or removed to and/or removed from any of the permitted areas for storage, the Permittee shall conduct an inspection as described in Section F of the approved Part B permit application, and maintain the inspection results in the facility operating record.

C.9. Record keeping
OAC Rule 3745-54-73

The Permittee shall comply with all record-keeping 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.11. 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 specified in Section 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.

C.12. Reserved.

C.13. Closure
OAC Rules 3745-55-10, 3745-55-11, 3745-55-78

At closure of the container 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 approved Part B permit application.

C.14. Storage of Hazardous Waste in Containers
OAC Rule 3745-55-70

- (a) All hazardous waste generated at the facility shall be managed as a hazardous waste from the time of its generation until the hazardous waste is properly stored on-site or shipped off-site for treatment, storage or disposal.
- (b) The Permittee is prohibited from storing hazardous waste that is not identified in Permit Condition C.2. The Permittee may accumulate material generated on-site for less than ninety days in accordance with OAC Rule

3745-52-34(A).

(c) The Permittee is prohibited from storing reactive (D003) and acutely toxic wastes (P wastes). The Permittee is permitted to accept F007, F008, F009, F010, F011, and F012 provided analyses of these wastes, in accordance with the waste analysis plan, indicate that the waste is not reactive for cyanides.

~~(e)~~(d) The Permittee is prohibited from storing ignitable waste in the non-ignitable storage area.

C.15. Limitation on Time of Storage
OAC Rule 3745-59-50(B)

The Permittee shall not store hazardous waste for a period which exceeds one year, except that upon good cause shown the Ohio Environmental Protection Agency may extend such time period. Each container stored must be clearly marked to identify its contents, and the date each period of storage begins.

DRAFT

MODULE D

(Reserved)

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MODULE E - CORRECTIVE ACTION REQUIREMENTS

Corrective Action Summary

Ashland Distribution Company, Moraine facility, was issued a United States Environmental Protection Agency (U.S. EPA) hazardous waste permit on January 26, 1996. As a condition to this permit, U.S. EPA required completion of corrective action for the release of hazardous waste and hazardous waste constituents from solid waste management units (SWMUs) identified in the permit.

The Permittee submitted a RCRA Facility Investigation (RFI) Workplan to U.S. EPA in August 1996. The RFI Workplan was not reviewed by U.S. EPA. In the meantime, Ashland Distribution Company implemented a voluntary interim measure in July 1999 to remove VOCs in the soil and groundwater. The interim measure was the installation of a Soil Vapor Extraction/Air Sparging system.

Ashland Distribution Company will be required within 30 days of the issuance of the approved State permit to submit an updated RFI Workplan to Ohio EPA. A schedule for corrective action activities is located in Module E, Table 1 of the State permit. The transition of the corrective action program from the U.S. EPA to Ohio EPA will occur on the effective date of this renewal permit. Ohio EPA will then assume the oversight role for RCRA Corrective Action activities performed at this facility.

E.1. Corrective Action at the Facility OAC Rules 3745-50-10 and 3745-50-1015-011

In accordance with OAC Rule 3745-50-10 "waste management unit" means any discernible unit at which wastes have been placed at any time, irrespective of whether the unit was intended for the management of waste or hazardous waste. Such units include any area at a Facility at which wastes have been routinely and systematically released. As used in this permit the term "waste management unit" shall be consistent with and equivalent to the term "solid waste management unit" as that term is defined in Section 3004(u) of RCRA. For the purpose of Corrective Action, facility is defined as all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. The terms Interim Measure (IM), RCRA Facility Investigation (RFI), Corrective Measures Study (CMS) and Corrective Measure Implementation (CMI) are defined in Attachment 1, Ohio EPA's Corrective Action Plan (CAP).

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

E.2. Corrective Action Beyond the Facility Boundary
OAC Rules 3745-54-1015-011

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.

E.3. Identification of WMUs
OAC Rules 3745-50-44(Dd) and 3745-54-1015-011

Please refer to Section J of the approved permit application.

E.4. Reserved.

E.5. RFI
OAC Rule 3745-54-1015-011

The Permittee shall 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 Condition E.3. above and Condition E.10. The major tasks and required submittal dates are shown in Table 1. The scope of work for each of the tasks is found in Attachment 1 (EPA's CAP).

(a) RFI Workplan

The Permittee shall submit a written RFI Workplan to Ohio EPA within 30 days after the effective date of this permit or, in case of a newly discovered waste management unit, on a timeframe established by Ohio EPA.

- (i4) If necessary, Ohio EPA shall provide written comments on the RFI Workplan to the Permittee.
- (ii2) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new RFI Workplan that incorporates Ohio EPA's comments.
- (iii3) Ohio EPA shall approve or modify and approve, in writing, the amended or new RFI Workplan. The RFI Workplan, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved RFI Workplan must be authorized by Ohio EPA.

(b) RFI Implementation

The Permittee shall implement the RFI Workplan according to the terms and schedule in the approved RFI Workplan.

(c) RFI Final Report

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 must contain adequate information to support further decisions concerning corrective action at the Facility.

- (i4) If necessary, Ohio EPA shall provide written comments on the RFI Report to the Permittee.
- (ii2) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new RFI Report that incorporates Ohio EPA's comments.

- (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 Measure

Based on the RFI Final Report or other information documenting a release of hazardous waste or constituents to the environment, Ohio EPA may require the development and implementation of an interim measure (this may include an IM Workplan) at any time during the life of the permit to mitigate or eliminate a threat to human health or the environment.

E.7 Determination of No Further Action ~~ETERMINATION OF NO FURTHER ACTION~~

(a) Permit Modification

Based on the results of the completed RFI and other relevant information, the Permittee may submit an application to Ohio EPA for a Class 3 permit modification under OAC Rule 3745-50-51 to terminate the Corrective Action tasks of the Schedule of Compliance. Other tasks identified in the Schedule of Compliance shall remain in effect. This permit modification application must conclusively demonstrate that there are no releases of hazardous waste or constituents from WMUs at the Facility that pose a threat to human health and the environment.

If, based upon review of the Permittee's request for a permit modification, the results of the completed RFI, and other information, including comments received during the initial (60-day) public comment period required for Class 3 permit modifications, Ohio EPA determines that releases or suspected releases which were investigated either are nonexistent or do not pose a threat to human health and the environment, Ohio EPA will approve the requested modification.

(b) Periodic Monitoring

A determination of no further action shall not preclude Ohio EPA from requiring continued or periodic monitoring of air, soil, ground water, or surface water, if necessary to protect human health and the environment, when site-specific circumstances indicate that potential or actual releases of hazardous waste or constituents are likely to occur.

(c) Further Investigations

A determination of no further action shall not preclude Ohio EPA from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates that a release or likelihood of a release from a WMU at the Facility is likely to pose a threat to human health or the environment. In such a case, Ohio EPA shall initiate a modification to the terms of the permit to rescind the determination made in accordance with Permit Condition E.7.a. Additionally, in the event Ohio EPA determines that there is insufficient information on which to base a determination, the Permittee, upon notification, ~~is~~ are required to perform additional investigations as needed.

E.8 Corrective/Preventive Measures Study (CMS)

If Ohio EPA determines, based on the results of the RFI and any other relevant information, that corrective measures are necessary, Ohio EPA will notify the Permittee in writing that the Permittee shall conduct a CMS either as described below or as described in Ohio EPA's notification to the Permittee. The purpose of the CMS will be to develop and evaluate the corrective action alternative(s) and to outline one or more alternative corrective measure(s) that will satisfy the performance objectives specified by Ohio EPA.

(a) CMS Workplan

The Permittee shall submit a written CMS Workplan to Ohio EPA within 90 days from the notification by Ohio EPA of the requirement to conduct a CMS.

(i1) If necessary, Ohio EPA shall provide written comments on the CMS Workplan to the Permittee.

(ii2) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new CMS Workplan that

incorporates Ohio EPA's comments.

(iii) 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.

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

(ii) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new CMS Report that incorporates Ohio EPA's comments.

(iii) Ohio EPA shall approve or modify and approve, in writing, the amended or new CMS Report. The CMS Report, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved CMS Report must be authorized by Ohio EPA.

E.9 Corrective Measures Implementation (CMI)

Based on the results of the CMS, the Permittee shall implement one or more of the Corrective Measures authorized by Ohio EPA. Ohio EPA shall authorize one or more of the Corrective Measures in the CMS, and shall notify the Permittee in writing of the decision. The Corrective Measure selected for implementation must: (1) be protective of human health and the environment; (2) attain media cleanup standards; (3) control the source(s) of releases so as to reduce or eliminate further releases of hazardous waste(s) (including hazardous constituent(s)); and (4) comply with all applicable standards for management of wastes.

If two or more of the Corrective Measures studied meet the threshold criteria set out above, Ohio EPA will authorize the Corrective Measures Implementation by considering remedy selection factors including (1) long-term reliability and effectiveness; (2) the degree to which the Corrective Measure will reduce the toxicity, mobility or volume of contamination; (3) the Corrective Measure's short-term effectiveness; (4) the Corrective Measure's implementability; and (5) the relative cost associated with the alternative.

In authorizing the proposed Corrective Measure(s), Ohio EPA may also consider such other factors as may be presented by site-specific conditions.

(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

As part of the modification of this permit to incorporate CMI, the Permittee shall provide financial assurance in the amount necessary to implement the corrective measure(s) as required by OAC Rule 3745-54-1015-011 (Bb) and (Cc).

E.10 Newly Identified or Released WMUs or Releases
OAC Rule 3745-54-1015-011

(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:

- (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 3745-54-1015-041

The Permittee shall submit a written RCRA Facility Investigation Workplan to Ohio EPA upon a timeframe established in written notification by Ohio EPA that further investigations or corrective measures are necessary.

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

Permittee shall make such submittal in accordance with timeframes established by Ohio EPA.

E.12. Compliance Schedule for Corrective Action

Table 1	
Document	Submittal Deadline
RFI Workplan	Sixty (60) calendar days after the effective day of permit
Revised RFI Workplan	February 15, 2005
RFI Implementation	Forty-five (45) calendar days after RFI Workplan approval
RFI Final Report	Sixty (60) calendar days after completion of RFI
CMS Workplan	Ninety (90) calendar days after notification of requirements to perform CMS
Amended or New CMS Workplan	Thirty (30) calendar days of receipt of Workplan comments
CMS Workplan Implementation	Fifteen (15) calendar days after CMS Workplan approval
CMS Final Report	Sixty (60) calendar days after completion of CMS
Amended or New CMS Final Report	Forty-five (45) calendar days after receipt of CMS Final Report
Newly Identified WMUs	Thirty (30) calendar days after discovery
Release Information	Thirty (30) calendar days after discovery