



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

April 21, 2004

Re: Ohio Hazardous Waste Permit Renewal
DuPont Electronic Polymers, L.P.
U.S. EPA ID No.: OHD 004 855 292
Ohio ID No.: 05-57-0433

CERTIFIED MAIL

Mr. Aaron Smith
DuPont Electronic Polymers, L.P.
1515 Nicholas Road
Dayton, Ohio 45418

Dear Mr. Smith:

Here is the renewed Ohio Hazardous Waste Facility Installation and Operation Permit (Permit) for DuPont Electronic Polymers, L.P. I have also enclosed a copy of the responsiveness summary Ohio EPA prepared in response to written comments the Agency received concerning the Part B permit application. The Permit is effective today, April 21, 2004. The date-stamped, page-numbered copy of the Part B permit application is also enclosed.

Please remember that according to Rule 3745-50-36 of the Ohio Administrative Code your annual hazardous waste permit fee of \$500.00 will be due on April 21, 2005. Ohio EPA will try to notify you before this fee is due, but it is your responsibility to make sure it gets paid on time.

As a party to this permit proceeding, you may appeal this Permit to the Environmental Review Appeals Commission (ERAC) no later than 30 days after the public notice (See Ohio Revised Code § 3745.04). You may file your appeal with ERAC at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

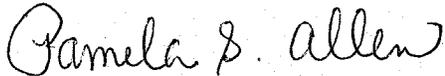
If you file an appeal, you must put it in writing. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. You must send a copy of the appeal to the director of the Ohio Environmental Protection Agency no later than three (3) days after you file it with ERAC.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

Mr. Aaron Smith
DuPont Electronic Polymers, L.P.
April 21, 2004
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If you have any questions concerning compliance, do not hesitate to call Steven Roth of Ohio EPA's Southwest District Office at (937) 285-6357.

Sincerely,



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

Attachments

cc: Edwin Lim, Mgr., ERAS, DHWM
Jeremy Carroll/Shannon Ryan, ERAS, DHWM
Harriet Croke, US EPA, Region V
Harold O'Connell/Steven Roth, DHWM, SWDO
Susan Aman, Public Interest Center, Ohio EPA

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PUBLIC NOTICE

Montgomery County

OHIO EPA ISSUES FINAL RENEWAL HAZARDOUS WASTE PERMIT

On April 21, 2004, Ohio EPA issued a final renewal Hazardous Waste Facility Installation and Operation Permit (Permit) to DuPont Electronic Polymers L.P. for its facility at 1515 Nicholas Road, Dayton, Ohio 45418. The EPA Identification Number for this facility is OHD004855292.

Why does DuPont Electronic Polymers L.P. need a Permit?

DuPont Electronic Polymers L.P. (DuPont) operates a micro-electronic and developmental production plant involved in the manufacture of chemical products for the electronic industry. From these activities, hazardous wastes are generated and stored on-site in containers for greater than 90 days. DuPont wishes to continue to store hazardous waste in containers. The final renewal Permit contains the conditions under which the facility must operate. To issue this final Permit, Ohio EPA determined that the Permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws. The renewal Permit requires DuPont to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility.

Can I appeal this permit?

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this Permit, you have the right to appeal this permit decision to the Environmental Review Appeals Commission (ERAC).

If I decide to appeal this final modified Permit, how and when must I make the appeal?

If you file an appeal, you must put it in writing no later than May 21, 2004. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. You must file your appeal, according to Ohio Revised Code § 3745.04 and 3745.07, with ERAC at the following address: ***Environmental Review Appeals Commission***, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: ***Christopher Jones, Director of Ohio EPA***, P.O. Box 1049, Columbus, Ohio 43216-1049.

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

Permittee: **DuPont Electronic Polymers L.P.**

Mailing
Address: DuPont Electronic Polymers L.P.
1515 Nicholas Road
Dayton, Ohio 45418

Owner: DuPont Electronic Polymers L.P.
1515 Nicholas Road
Dayton, Ohio 45418

Operator: DuPont Electronic Polymers L.P.
1515 Nicholas Road
Dayton, Ohio 45418

Location: DuPont Electronic Polymers L.P.
1515 Nicholas Road
Dayton, Ohio 45418

Ohio Permit No.:	05-57-0433
US EPA ID:	OHD 004 855 292
Issue Date:	
Effective Date:	
Expiration Date:	

AUTHORIZED ACTIVITIES

In reference to the application of **DuPont Electronic Polymers L.P.** 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:

- ◆ **Container Storage of Hazardous Waste**
- ◆ **Corrective Action**

PERMIT APPROVAL

Christopher Jones, Director
Ohio Environmental Protection Agency

This permit approval is based upon the record in this matter which is maintained at the offices of the Ohio Environmental Protection Agency. The Director has considered the application, accompanying information, inspection reports of the facility, a report regarding the facility's compliance or noncompliance with the terms and conditions of its permit and rules adopted by the Director under this chapter, and such other information as is relevant to the operation of the facility. The Director has determined that the facility under the existing permit has a history of compliance with ORC Chapter 3734, rules adopted under it, the existing permit, or orders entered to enforce such requirements that demonstrate sufficient reliability, expertise, and competency to operate the facility henceforth under this chapter, rules adopted under it, and the renewal permit.

Entered into the Journal of the Director this _____ day of _____, 2004.

By _____ of the Ohio Environmental Protection Agency.

MODULE A - GENERAL PERMIT CONDITIONS

A. GENERAL PERMIT CONDITIONS

A.1 Effect of Permit

ORC Sections 3734.02 (E) and (F) and 3734.05
OAC Rule 3745-50-58(G)

- (a) The Permittee is authorized to store hazardous waste in containers in accordance with the terms and conditions of this Ohio hazardous waste permit (hereinafter "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 permit application. The permit application as submitted to Ohio EPA on September 3, 2002 and last updated on November 7, 2003, is hereby incorporated into this permit. In the instance of inconsistent language or discrepancies between the above, the language of the more stringent provision shall govern.
- (b) Any management of hazardous waste not authorized by this permit is prohibited, unless otherwise expressly authorized or specifically exempted by law. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, or invasion of other private rights. Compliance with the terms and conditions of this permit does not obviate 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 or revoked as specified by Ohio law. The filing of a request by the Permittee for a permit modification, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay any permit term or condition.

A.3 Permit Effective/Expiration Date

OAC Rule 3745-50-54

The effective date of this permit is the date the permit is entered into the Director's Journal. The permit expiration date is five years after the date of journalization of

this permit.

A.4 Severability

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

A.5 Duty to Comply

OAC Rule 3745-50-58(A)

The Permittee must 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 is grounds for enforcement action, revocation, modification, denial of a permit renewal application or other appropriate action.

A.6 Duty to Reapply and Permit Expiration

OAC Rules 3745-50-40(D), 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 permit 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 prior to the expiration date of this permit, unless a later submittal date has been authorized by the Director upon a showing of good cause.
- (b) The Permittee may continue to operate in accordance with the terms and conditions of the expired permit until a renewal permit is issued or denied if:
 - (i) the Permittee has submitted a timely and complete permit 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 renewal at least 180 days before the expiration date of this permit pursuant to OAC Rule 3745-50-40(D) unless a) the permit has been modified to terminate the Corrective Action schedule of compliance and the Permittee has been released from the requirements for financial assurance for Corrective Action; or b) a later submittal date has been authorized by the Director.

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 must take all reasonable steps to minimize releases to the environment and must carry out such measures as are reasonable to prevent significant adverse impact on human health or the environment resulting from noncompliance with this permit.

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

The Permittee must 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 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 must furnish to the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying or revoking, or to determine compliance with, this permit. The Permittee must also furnish to 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) and 3745-50-30, and ORC Section 3734.07

- (a) The Permittee must 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 Rule 3745-50-58(J)

- (a) Any sample and measurement taken for the purpose of monitoring must be representative of the monitored activity. Further, a sample must be a representative sample, 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 Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846, Third Edition (November 1986), as amended by Updates I (dated July 1992), II (dated September 1994), IIA (dated August 1993), IIB (dated January 1995), III (dated December 1996) and IIIA (dated April 1998), 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 this term is defined and used in the Ohio hazardous waste rules.

- (b) Records of monitoring information must 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 must be properly signed and certified in accordance with OAC Rule 3745-50-58(K).

A.14 Retention of Records

OAC Rules 3745-50-40(G), 3745-50-58(J) and 3745-50-58(M)

- (a) The Permittee must 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 OAC Rule 3745-54-73(B)(9), and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, certification, or application.
- (b) The record retention period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding the facility.
- (c) The Permittee must maintain, in accordance with the Ohio hazardous waste rules, records of all data used to complete the permit application and any amendments, supplements or modifications of such application and must retain a complete copy of the application for a period of at least five (5) years from the effective date of the permit.
- (d) The Permittee must 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 three (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 must give notice to the Director as soon as possible of any planned physical alterations or additions to the facility. All such changes must be made in accordance with OAC Rule 3745-50-51.

A.16 Waste Shipments

OAC Rule 3745-52-12, ORC Section 3734.15(C)

The Permittee must 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 must 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 Permit Condition A.5.

A.18 Transfer of Permits
OAC Rules 3745-50-52, 3745-50-58(L)(3) and 3745-54-12

- (a) 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 must 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).
- (b) 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 must 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 must report orally to Ohio EPA's Division of Emergency and Remedial Response within twenty-four (24) hours from the time the Permittee becomes aware of any noncompliance with this permit, ORC Chapter 3734 or the rules adopted thereunder, which may endanger 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 must 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) date, time, and type of incident;
 - (iv) name and quantity of material(s) involved;
 - (v) the extent of injuries, if any;
 - (vi) an assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
 - (vii) 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 must also be provided to Ohio EPA's Division of Emergency and Remedial Response and the Division of Hazardous Waste Management Southwest District Office within five (5) days of the time the Permittee becomes aware of the circumstances reported in Permit Condition A.20.
- (b) The written report must address the items in Permit Condition A.20 and must 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 must report to the Director all other instances of noncompliance not provided for in Permit Conditions A.19 and A.20. These reports must be submitted within thirty (30) days of the time at which the Permittee is aware of such noncompliance. Such reports must contain all information set forth within Permit Condition A.20.

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 information to the Director, the Permittee must promptly submit such facts, information or corrected information to the Director.

A.25 Confidential Information

OAC Rule 3745-50-30

In accordance with ORC Chapter 3734 and the rules adopted thereunder, the Permittee may request confidentiality for any information required to be submitted by the terms and conditions of this permit, or any information obtained by the Director, or an authorized representative, pursuant to the authority provided under Permit Condition A.11.

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, must be submitted to the Director on or before the anniversary of the date of issuance during the term of the permit. For the purpose of the payment of the Ohio Annual Permit Fee, the date of issuance is the date the permit was entered into the Journal of the Director of Ohio EPA.

A.27 Compliance Schedule - Documents
OAC Rule 3745-50-50, OAC 3745-50-51

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

Ohio EPA, Director
P.O. Box 1049
Columbus, Ohio 43216-1049

Ohio EPA, DHWM
Attn: Regulatory and Information Services Section
P.O. Box 1049
Columbus, Ohio 43216-1049

Ohio EPA, DHWM
Southwest District Office
401 East Fifth Street
Dayton, Ohio 45402

- (b) The Permittee must 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 permit application:

- (i) Updated Closure Cost Estimate
OAC Rules 3745-55-42

Section 7 of the permit application containing the financial assurance mechanism for closure must be updated to include a copy of the current closure cost estimate as set forth in OAC Rules 3745-55-42.

- (ii) Updated Financial Assurance Mechanism for Closure
OAC Rules 3745-55-43

Section 7 of the permit application containing the financial assurance mechanism for closure must be updated to include a copy of the current financial assurance mechanism, as set forth in OAC Rule 3745-55-43, 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 cost estimate.

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

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

Section 7 of the permit application containing the financial assurance mechanism for liability must be updated to include a copy of the current financial 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 permit the facility may change the mechanism used to demonstrate liability coverage as stated in OAC Rule 3745-55-47. The 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.

This information must be submitted in accordance with OAC Rule 3745-50-51.

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

- (a) Unless otherwise specified by the hazardous waste rules, the Permittee must maintain at the facility, until closure is completed and certified by an independent, registered professional engineer, pursuant to OAC Rule 3745-55-15, and until the Director releases the Permittee from financial assurance requirements pursuant to OAC Rule 3745-55-47, the following documents (including amendments, revisions and modifications):
- (i) waste analysis plan, developed and maintained in accordance with OAC Rule 3745-54-13 and the terms and conditions of this permit;
 - (ii) contingency plan, developed and maintained in accordance with OAC Rule 3745-54-53 and the terms and conditions of this permit;
 - (iii) closure plan, developed and maintained in accordance with OAC Rule 3745-55-12 and the terms and conditions of this permit;

- (iv) cost estimate for facility closure, developed and maintained in accordance with OAC Rule 3745-55-42 and the terms and conditions of this permit;
 - (v) personnel training plan and the training records, 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 the terms and conditions of this permit.
 - (ix) all other documents required by Module A, Permit Condition A.12.
- (b) The Permittee must maintain copies of all inspection logs at the facility for a period not less than three (3) years from the date of inspection.

A.29 Waste Minimization Report
OAC Rules 3745-54-73 and 3745-54-75

- (a) The Permittee must submit a Waste Minimization Report describing the waste minimization program required by OAC Rules 3745-54-75(H), (I), and (J); and 3745-54-73(B)(9) at least once every two years. The provisions of OAC Rules 3745-54-75(H), (I) and (J); and 3745-54-73(B)(9) must be satisfied annually.
- (b) The Permittee must submit the Waste Minimization Report to Ohio EPA's Office of Pollution Prevention within one hundred eighty (180) days of the effective date of this permit, and must submit updates to this report biennially thereafter.

MODULE B - GENERAL FACILITY CONDITIONS

B. GENERAL FACILITY CONDITIONS

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

The Permittee must 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 or hazardous waste constituents to air, soil, ground water or surface waters which could threaten human health or the environment.

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

- (a) The Permittee may not receive hazardous waste from a foreign source.
- (b) The Permittee may not receive hazardous waste from off-site.

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

- (a) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under OAC Rule 3745-55-13(D), he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, this analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with the requirements of Chapters 3745-54 to 3745-57, 3745-218, and 3745-270 of the Administrative Code.
- (b) The Permittee must follow the procedures described in the waste analysis plan found in Section 2 of the permit application and the terms and conditions of this permit.
- (c) The Permittee must 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, Third Edition (November 1986), as amended by Updates I (dated July 1992), II (dated September 1994), IIA (dated August 1993), IIB (dated January 1995), III (dated December 1996) and IIIA (dated April 1998), and additional supplements or editions thereof, or equivalent methods approved

by the Director. At a minimum, the Permittee must 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 must 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 must comply with the security provisions of OAC Rule 3745-54-14(B)(2), and (C) and Section 4 of the permit application.

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

The Permittee must follow the inspection schedule set forth in Section 4 of the permit application. The Permittee must remedy any deterioration or malfunction discovered by an inspection, as required by OAC Rule 3745-54-15(C). Records of inspection must be kept for a minimum of three years from the date of inspection. These records must be a part of the facility's operating record as required by OAC Rule 3745-54-73.

B.6 Personnel Training
OAC Rule 3745-54-16

The Permittee must conduct personnel training, as required by OAC Rule 3745-54-16. This training program must contain at least the elements set forth in Section 6 of the permit application. The Permittee must 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 Wastes
OAC Rule 3745-54-17

- (a) The Permittee must comply with the requirements of OAC Rule 3745-54-17 and must follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in Sections 3 and 4 of the permit application.
- (b) The Permittee must provide electrical grounding for all containers and tanks, and transport vehicles during all operations involving the handling of ignitable or reactive wastes.

- (c) The Permittee must provide, and require the use of, spark proof tools during all operations involving the handling of all ignitable or reactive wastes.
- (d) The Permittee must prohibit smoking and open flames in each area where ignitable, reactive or incompatible hazardous wastes are managed and must post appropriate signs.

B.8 Location Standards
OAC Rule 3745-54-18

- (a) The Permittee must operate, and maintain the facility to prevent washout of any hazardous waste by a 100-year flood, as required by OAC Rule 3745-54-18(B)(1) and as specified in the permit application.
- (b) In the event of a 100-year flood, the Permittee must remove all hazardous waste, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to the flood waters, as required by OAC Rule 3745-54-18(B)(1) and in accordance with the 100-year flood response procedures specified in the permit application.

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

At a minimum, the Permittee must maintain at the facility all the equipment required by OAC Rule 3745-54-32 and the equipment set forth in the contingency plan contained in Section 5 of the permit application.

B.10 Testing and Maintenance of Equipment
OAC Rule 3745-54-33

The Permittee must inspect, test and maintain the equipment required by Permit Condition B.9 as necessary to assure its proper operation in time of emergency, as specified in OAC Rule 3745-54-33, Section 4 of the 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 must maintain access to the communications and alarm systems, as required by OAC Rule 3745-54-34, Section 4 of the 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 must 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.

B.13 Arrangements with Local Authorities
OAC Rule 3745-54-37

- (a) The Permittee must comply with the requirements of OAC Rule 3745-54-37 (A) by making a diligent effort to:
- (i) make arrangements and 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 5 of the permit application;
 - (ii) make arrangements with Ohio EPA emergency response teams, emergency response contractors, and equipment suppliers;
 - (iii) make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and types of injuries or illnesses which could result from fires, explosions, or releases at the facility; and
 - (iv) make agreements designating primary emergency authority to a specific police and a specific fire department and make agreements with any others to provide support to the primary emergency authority, where more than one police and fire department may respond to an emergency.
- (b) Where authorities decline to enter into such agreements or arrangements set forth in OAC Rule 3745-54-37(A), the Permittee must 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 must immediately carry out the provisions of the contingency plan and follow the emergency procedures described in OAC Rule 3745-54-56, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which threatens or could threaten human health or the environment.

In regard to spills and related toxic gas releases, the plan must describe the criteria to be used by the emergency coordinator to determine when the plan will be implemented. At a minimum, the plan must be implemented in the following situations:

- (a) Any fire involving hazardous waste; or
- (b) Any explosion involving hazardous waste; or
- (c) Any uncontrolled hazardous waste reaction that produces or has the potential to produce hazardous conditions, including noxious, poisonous, flammable and/or explosive gases, fumes, or vapors; harmful dust; or explosive conditions; or
- (d) Any hazardous waste release, outside of a secondary containment system, that causes or has the potential to cause off-site soil and/or surface water contamination; or
- (e) Any hazardous waste release that produces or has the 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 must comply with OAC Rule 3745-54-52 and the contingency plan, as set forth in Section 5 of the permit application.

B.16 Contingency Plan - Released Material and Emergency Response Material and By-products
OAC Rule 3745-54-56(G)

- (a) Immediately after an emergency, the emergency coordinator must provide

for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

- (b) 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, must be collected and managed as a hazardous waste unless the Permittee can demonstrate that such waste is not hazardous in accordance with OAC Rule 3745-51-03(C) and (D).

B.17 Amendments to Plan
OAC Rule 3745-54-54

The Permittee must review the 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 must 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 must comply with the requirements set forth in OAC Rule 3745-54-53 regarding contingency plan distribution. The Permittee must maintain at the facility a copy of the contingency plan and all revisions to the plan.
- (b) The Permittee must, in accordance with OAC Rule 3745-54-53, submit a copy of the contingency plan to all local police departments, fire departments, hospitals and local emergency response teams that may be called upon to provide emergency services. The Permittee must notify such agencies and the local authorities, in writing, of any significant changes to the plan which will impact their ability to respond to an emergency, within fifteen (15) days of the effective date of any amendments of, revisions to, or modifications to the contingency plan. For all other changes, notification in writing must be made annually.
- (c) The Permittee must, in accordance with OAC Rule 3745-54-53, submit a copy of the contingency plan to the Ohio Environmental Protection Agency's Division of Emergency and Remedial Response.

B.19 Emergency Coordinator
OAC Rule 3745-54-55

The Permittee must comply with the requirements set forth in OAC Rule 3745-54-55 regarding the emergency coordinator.

B.20 Emergency Procedures
OAC Rule 3745-54-56

The Permittee must comply with the requirements regarding emergency procedures set forth in OAC Rule 3745-54-56, Sections 4 and 5 of the permit application and the terms and conditions of this permit.

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

All records shall be furnished by the Permittee upon request to, and made available at all reasonable times for inspection by, Ohio EPA, in accordance with OAC Rule 3745-54-74.

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

The Permittee must 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 3745-54-56(J)

The Permittee must 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 after any such incident the Permittee must 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

In managing waste at the facility the Permittee must comply with OAC Chapter 3745-52 and OAC Rules 3745-54-71, 3745-54-72 and 3745-54-76 with regard to the manifest system.

B.25 Annual Reports and Additional Reports
OAC Rules 3745-54-77 and 3745-54-75

The Permittee must 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 must implement the provisions of the closure plan found in Section 7 of the permit application in such a manner as to achieve compliance with OAC Rule 3745-55-11.

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

The Permittee must implement those procedures detailed within Section 7 of the permit 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 3745-50-51

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

B.29 Content of Closure Plan
OAC Rule 3745-55-12

The Permittee must maintain the closure plan at the facility which contains the elements set forth in OAC Rule 3745-55-12 and all elements required by the terms and conditions of this permit.

B.30 Notification of Closure
OAC Rule 3745-55-12

The Permittee must notify the Director in writing at least 45 days prior to the date on which he expects to begin final closure of a facility, as required by OAC Rule 3745-55-12(D).

B.31 Time Allowed For Closure
OAC Rule 3745-55-13

Within ninety (90) days after receiving the final volume of hazardous waste, the Permittee must remove from the facility or treat or dispose of on-site all hazardous waste in accordance with the closure plan. The Director may approve a longer closure period if the Permittee complies with all applicable requirements for requesting a modification to the permit as set forth in OAC Rule 3745-55-13(A). The Permittee must complete all closure activities within one hundred eighty (180) days after receiving the final volume of hazardous waste in accordance with OAC Rule 3745-55-13. The Director may approve a longer closure period if the Permittee complies with all applicable requirements for requesting a modification to the permit as set forth in OAC Rule 3745-55-13 (B).

B.32 Disposal or Decontamination of Equipment, Structures, and Soils
OAC Rule 3745-55-14

- (a) The Permittee must decontaminate or dispose of all contaminated facility equipment, structures, and soils, as required by OAC Rule 3745-55-14, the closure plan and the terms and conditions of this permit.
- (b) The Permittee must notify the Ohio EPA Southwest District Office within five (5) working days prior to all rinsewater and soil sampling.

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

The Permittee and an independent, registered professional engineer must certify that each hazardous waste management unit or the facility has been closed in accordance with the specifications in the closure plan and the terms and conditions of this permit, as required by OAC Rule 3745-55-15. The Permittee must furnish to the Director, upon request, documentation supporting the certification.

B.34 Reserved

B.35 Reserved

B.36 Cost Estimate for Facility Closure
OAC Rule 3745-55-42

- (a) The Permittee's most recent closure cost estimate, prepared in accordance with OAC Rule 3745-55-42 is specified in Section 7 of the 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 Rule 3745-55-43.
- (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 Rule 3745-55-42(D) and (E).

B.37 Financial Assurance for Facility Closure

The Permittee must 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 must maintain continuous compliance with the requirements 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 of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million, exclusive of legal defense costs.

B.39 Incapacity of Owners or Operators, Guarantors, or Financial Institutions OAC Rule 3745-55-48

The Permittee must 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 3745-270

The Permittee must comply with all applicable regulations regarding land disposal prohibitions and restrictions as required by OAC Chapter 3745-270.

MODULE C - CONTAINERS STORAGE

C. CONTAINER STORAGE AND MANAGEMENT

The containerized hazardous waste storage facility is designated as Building 25. The facility consists of a rectangular structure, approximately 31' x 65', containing four (10' x 27') holding areas. Each holding area is capable of storing fifty 55-gallon drums. The maximum capacity of the facility is 200 55-gallon drums for a total container storage capacity volume of 11,000 gallons. The hazardous wastes being stored mainly consist of chlorinated and non-chlorinated solvents, ignitable, corrosive, reactive, and other wastes displaying the characteristic of toxicity.

C.1 Container Storage / Quantity Limitation

- (a) The Permittee is authorized to store 11,000 gallons of hazardous waste at any given time in the permitted container area located in Building 25.

The Permittee must store hazardous waste in the types of containers (size and type) described in Section 3 of the permit 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) Permit Conditions C.1(a) and C.2 shall not apply to the Permittee's activities as a generator accumulating hazardous waste on-site in compliance with OAC Rule 3745-52-34.

However, when accumulating waste within the permitted container storage area, in accordance with OAC Rule 3745-52-34, the Permittee must not, for the total amount of hazardous waste stored and accumulated, exceed the maximum container storage inventory established under this permit condition.

C.2 Reserved

C.3 Waste Identification

The Permittee must store in containers only the hazardous waste codes specified below:

D001, D002, D003, F002, F003, F005, U117, D004, D005, D018, D019, D021, D022, D027, D028, D029, D030, D009, D014, D035, D036, D038, D039, D040, F001, U001, U003, U007, P022, U079, U122, U080, U220

C.4 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 must 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 and the hazardous waste facility chapters of the OAC.

C.5 Compatibility of Waste with Containers
OAC Rule 3745-55-72

The Permittee must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

C.6 Management of Containers
OAC Rule 3745-55-73

- (a) The Permittee must keep all containers closed during storage, except when it is necessary to add or remove waste, and must not open, handle, or store containers in a manner which may rupture the container or cause it to leak.
- (b) In the event lab-pack wastes are generated they must be handled in compliance with applicable storage requirements.
- (c) In the event lab-pack wastes are generated they must be packaged in drums containing absorbent material that is compatible with the waste.

C.7 Containment Systems
OAC Rule 3745-55-75

- (a) The Permittee must maintain the containment system in accordance with the plans and specifications contained in Section 3 of the permit application.
- (b) The Permittee must maintain the containment system as described in the 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 must be free of cracks and gaps and sufficiently impervious to contain leaks and spills and accumulated precipitation until the collected material is detected and removed.

- (c) The base of the containment system must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids.
- (d) Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in Permit Condition C.7(b) above.
- (e) Spilled or leaked waste and accumulated precipitation must 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.8 Prohibition of Container Storage
ORC Section 3734.02(F)

The Permittee must not store any container of hazardous waste received from any off-site source.

C.9 Inspection Schedules and Procedures
OAC Rules 3745-54-15 and 3745-54-73

The Permittee must inspect the container storage area in accordance with the inspection schedule contained in Section 4 of the permit application and in accordance with OAC Rule 3745-54-15. The inspection schedule must be designed to detect for leaking containers, deteriorating containers and/or containment systems. The Permittee must note the results of these inspections in the inspection log along with any remedial action taken.

Areas subject to spills, such as loading or unloading areas, shall be inspected daily when in use pursuant to the inspection procedure described in Section 4 of the permit application. The Permittee must maintain these inspection results in the facility operating record.

C.10 Recordkeeping
OAC Rule 3745-54-73

The Permittee must comply with all recordkeeping requirements of OAC Rule 3745-

54-73 as part of the facility operating record.

C.11 Special Container Provisions for Ignitable or Reactive Waste
OAC Rules 3745-54-17 and 3745-55-76

- (a) The Permittee must not store ignitable or reactive waste except in accordance with OAC Rules 3745-54-17 and 3745-55-76.
- (b) The Permittee must not locate containers holding ignitable or reactive waste within 15 meters (50 feet) of the facility's property line.
- (c) The Permittee must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and shall follow the storage procedures specified in Section 4 of the permit application.

C.12 Special Container Provisions for Incompatible Waste
OAC Rules 3745-54-17(B) and 3745-55-77

- (a) The Permittee must not store incompatible waste except in accordance with OAC Rules 3745-54-17(B) and 3745-55-77.
- (b) The Permittee must not place hazardous waste in an unwashed container that previously held an incompatible waste or material.
- (c) The Permittee must separate or protect (by means of a dike, berm, wall, or other device) a storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments.

C.13 Reserved

C.14 Closure and Post-Closure
OAC Rules 3745-55-10 through 3745-55-20, and 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 7 of the permit application.

MODULE D

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MODULE E - CORRECTIVE ACTION REQUIREMENTS

E. CORRECTIVE ACTION SUMMARY

On March 10, 1992, a Visual Site Inspection (VSI) was conducted at the facility by Ohio EPA. Pursuant to this inspection, a RCRA Facility Assessment (RFA) Report was prepared by Ohio EPA and submitted to U.S. EPA on June 22, 1992. The RFA Report identified 29 Waste Management Units (WMU) and 12 Areas of Concern (AOC), which are listed in Permit Condition E.3.

On December 17, 1996, U.S. EPA issued a Federal Part B Hazardous Waste Permit, which included a Corrective Action Schedule of Compliance. On the effective date of this permit, Ohio EPA will implement Corrective Action oversight at the facility. The Permittee must continue with the Corrective Action Schedule of Compliance contained in Permit Condition E.5 (submittal of a RCRA Facility Investigation (RFI) Workplan) and submit all required reports to Ohio EPA.

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

In accordance with OAC Rule 3745-50-10 "waste management unit" means any discernible unit at which solid waste, hazardous waste, infectious waste (as those terms are defined in Chapter 3734. of the Revised Code), constructions and demolition debris (as defined in Chapter 3714. of the Revised Code), industrial waste, or other waste (as those terms are defined in Chapter 6111. of the Revised Code), has been placed at any time, irrespective of whether the unit was intended for the management of solid waste, hazardous waste, infectious waste, constructions and demolition debris, industrial waste, or other waste. Such units include any area at a facility at which solid waste, hazardous waste, infectious waste, constructions and demolition debris, industrial waste, or other waste has been routinely and systematically released. For the purpose of Corrective Action, facility is defined as all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. The terms Interim Measure (IM), RCRA Facility Investigation (RFI), Corrective Measures Study (CMS) and Corrective Measure Implementation (CMI) are defined in U.S. EPA's Corrective Action Plan (CAP) (OSWER Directive 9902.3-2A, May 1994).

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

E.2 Corrective Action Beyond the Facility Boundary
OAC Rule 3745-55-011

The Permittee must implement Corrective Action 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(D) and 3745-55-011

The Waste Management Units and Areas of Concern are identified in Section 8 of the permit application and are shown in Figure 8-1.

E.4 Reserved

E.5 RCRA Facility Investigation (RFI)
OAC Rule 3745-55-011

The Permittee must conduct an RFI to thoroughly evaluate the nature and extent of the release of hazardous wastes and hazardous constituents from all applicable WMUs identified in Permit Condition E.3 above and Permit Condition E.10. The major tasks and required submittal dates are shown below. The scope of work for each of the tasks is found in U.S. EPA's CAP.

(a) RFI Workplan

The Permittee must submit a written RFI Workplan to Ohio EPA within 120 days after the effective date of this permit or, in case of a newly discovered waste management unit, on a time frame established by Ohio EPA.

- (1) Within 90 days of receipt of any Ohio EPA comments on the RFI Workplan, the Permittee must submit either an amended or new RFI Workplan that incorporates Ohio EPA's comments.
- (2) Ohio EPA will approve or modify and approve, in writing, the amended

or new RFI Workplan. The RFI Workplan, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved RFI Workplan must be authorized by Ohio EPA.

(b) RFI Implementation

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

(c) RFI Final Report

Within 90 days after the completion of the RFI, the Permittee must submit an RFI Final Report to Ohio EPA. The RFI Final Report must 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.

- (1) Within 90 days of receipt of any Ohio EPA comments on the RFI Final Report, the Permittee must submit either an amended or new RFI Final Report that incorporates Ohio EPA's comments.
- (2) Ohio EPA will approve or modify and approve, in writing, the amended or new RFI Final Report. The RFI Final Report, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved RFI Final Report must be authorized by Ohio EPA.

E.6 Interim Measure (IM)

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

E.7 Determination of No Further Action

(a) Permit Modification

Based on the results of the completed RFI and other relevant information, the

Permittee may submit an application to Ohio EPA for a permit modification under OAC Rule 3745-50-51 to terminate the Corrective Action tasks of the Schedule of Compliance within this permit module. 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 an unacceptable risk to human health and the environment.

If, based upon review of the Permittee's request for a permit modification, the results of the completed RFI, and other information, Ohio EPA determines that releases or suspected releases which were investigated either are nonexistent or do not pose an unacceptable risk to human health and the environment, Ohio EPA will approve the requested modification. Decisions regarding the completion of RCRA Corrective Action and no further action may be made for the entire Facility, for a portion of the Facility, or for a specific unit or release.

(b) Periodic Monitoring

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

(c) Further Investigations

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

E.8 Corrective Measures Study (CMS)

If Ohio EPA determines, based on the results of the RFI and any other relevant

information, that corrective measures are necessary, Ohio EPA will notify the Permittee in writing that the Permittee must conduct a CMS. The purpose of the CMS will be to develop and evaluate the corrective action alternative(s) and to outline one or more alternative corrective measure(s) that will satisfy the performance objectives specified in Permit Condition E.9.

(a) CMS Workplan

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

- (1) Within 90 days of receipt of any Ohio EPA comments, the Permittee must submit either an amended or new CMS Workplan that incorporates Ohio EPA's comments.
- (2) Ohio EPA will approve or modify and approve, in writing, the amended or new CMS Workplan. The CMS Workplan, as approved or as modified and approved, must 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 must 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 must submit a CMS Final Report to Ohio EPA. The CMS Final Report must summarize the results of the investigations for each remedy studied and must include an evaluation of each remedial alternative.

- (1) Within 90 days of receipt of any Ohio EPA comments, the Permittee must submit either an amended or new CMS Final Report that incorporates Ohio EPA's comments.
- (2) Ohio EPA will approve or modify and approve, in writing, the amended or new CMS Final Report. The CMS Final Report, as approved or as modified and approved, must be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved CMS Final Report must be authorized by Ohio EPA.

E.9 Corrective Measures Implementation (CMI)

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

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

(a) Permit Modification

Ohio EPA will initiate a permit modification, as provided by OAC Rule 3745-50-51 to require implementation of the corrective measure(s) authorized.

The Permittee shall not implement the corrective measure until the permit is modified pursuant to OAC Rule 3745-50-51.

(b) Financial Assurance OAC Rule 3745-55-011

Within 45 days after receiving approval of the CMI, the Permittee must provide financial assurance in the amount necessary to implement the corrective measure(s) as required by OAC Rule 3745-55-011 (b) and (c).

E.10 Newly Identified WMUs or Releases OAC Rule 3745-55-011

(a) General Information

The Permittee must submit to Ohio EPA, within 30 days of discovery, the

following information regarding any new WMU identified at the Facility by Ohio EPA or the Permittee:

- (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) Specification of all waste(s) that have been managed at the unit.
- (b) Release Information

The Permittee must submit to Ohio EPA, within 30 days of discovery, all available information pertaining to any release of hazardous waste(s) or hazardous constituent(s) from any new or existing WMU.

E.11 Corrective Action for Newly Identified WMUs and Releases
OAC Rule 3745-55-011

If Ohio EPA determines that a RCRA Facility Investigation is required for newly identified WMUs, the Permittee must submit a written RCRA Facility Investigation Workplan to Ohio EPA upon a time frame established in written notification by Ohio EPA in accordance with Permit Condition E.5. This determination will be made based on the information submitted in accordance with Permit Condition E.10.

Further investigations or corrective measures will be established by Ohio EPA following the procedures in Permit Condition E.6 and Permit Condition E.8..

E.12 Documents Requiring Professional Engineer Stamp
ORC Section 4733.01

Interim Measures and Corrective Measures may constitute the “practice of engineering” as defined by ORC Section 4733.01. If the Interim Measure or Corrective Measure constitutes the “practice of engineering,” the following associated documents must be certified by a Professional Engineer licensed to practice in the State of Ohio:

Final Interim Measures Report
Corrective Measures Final Design

Corrective Measures Construction Completion Report

Corrective Measures Attainment of Groundwater Performance Standards Report

Corrective Measures Completion of Work Report

END OF PERMIT CONDITIONS

**Responsiveness Summary for Comments Received on
DuPont Electronic Polymers L.P.
Draft Ohio Hazardous Waste Facility
Installation and Operation Permit Renewal
Ohio Permit Number 05-57-0433**

The Ohio Environmental Protection Agency (Ohio EPA) received written comments from DuPont Electronic Polymers L.P. (Permittee) officials as a result of the public comment period, which extended from January 16, 2004 to March 1, 2004. The Permittee's comments and corresponding responses of Ohio EPA are provided below.

1. **Comment received on Permit Condition A.6.(c). Duty to Reapply and Permit Expiration:** *"This condition states that "The Corrective Action obligations contained in this permit will continue regardless of whether the facility continues to operate or ceases operation and closes." As written, this condition implies that Corrective Action will continue indefinitely. The point of this condition is clearly stated in the second sentence of the condition as follows, The Permittee is obligated to complete facility-wide Corrective Action under the conditions of this permit regardless of the operational status of the facility." We suggest eliminating the first sentence of the condition or adding words "Until met" to the beginning of the first sentence."*

Ohio EPA's Response: Per Ohio Administrative Code (OAC) Rule 3745-55-011, the "...owner or operator of a facility seeking a permit...shall institute corrective action as necessary..." In short, the obligation to perform Corrective Action is an on-going obligation for hazardous waste permittees regardless of the current status of the facility. Potentially, a facility who has gone through the Corrective Action process (even through corrective measures completion) could discover a new waste management unit (WMU) that would require further attention (Permit Condition E.10 is included to address such situations). Ohio EPA does acknowledge that at some point in the future the Permittee may cease operations, close all units and provide evidence that no further Corrective Action activities will be needed. The Permittee could then request a permit withdrawal (pursuant to OAC Rule 3745-50-47). Once a permit has been formally withdrawn, all permitting obligations, including the Corrective Action obligation, would no longer exist. No changes were made in response to this comment.

2. **Comment received on Permit Condition A.29.(a). Waste Minimization Report:** *"This condition references OAC 3745-52-20(B) (Manifest-general requirements) as a rule describing the waste minimization program and biennial report. This rule is not applicable to the Waste Minimization report, reporting, and/or such program as a whole. We suggest removing this reference from the final permit conditions."*

Ohio EPA's Response: Ohio EPA agrees that the reference to OAC Rule 3745-52-20(B) is not relevant to the Waste Minimization Report and has removed it from Condition A.29(a) of the final permit.

- 3. Comment received on Permit Condition B.3.(c). General Waste Analysis Plan:** *“This condition requires the permittee to verify the analyses of each waste stream annually as part of its QA program, in accordance with SW-846 and, at a minimum, maintain functional instruments, use approved sampling and analytical procedures, and perform correct calculations. The last sentence of this condition states “If the Permittee uses a contract laboratory to perform analyses, then the Permittee must inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this permit.”*

Laboratories conduct analyses in accordance with internal QA/QC plans, SOPs, and specific methods such as provided by SW-846. To inform a laboratory that it must operate under the waste analysis portion of the permit will only cause confusion. This is due primarily to the fact that there are not clearly identified waste analysis conditions of the permit beyond B.3(b) (which states that the permittee must follow the waste analysis plan from the permit application) and condition B.3(c), discussed herein, and as stated before, the laboratory will invariably rely on their internal SOPs and published test methods. Sending a letter to the laboratory will not result in better data, but does create another task that the permittee must remember to do and which Ohio EPA will have to verify. We suggest that the last sentence of condition B.3(c) be removed or revised as follows:

“If the Permittee uses a contract laboratory to perform analyses, the analyses must be conducted in accordance with the waste analysis plan and Condition B.3.”

Ohio EPA’s Response: Ohio EPA does not agree with the Permittee's suggested language changes. The requirement to notify contracted laboratories in writing that they must operate under the waste analysis conditions set forth in the permit is not overly burdensome and helps to ensure data is generated in accordance with permit requirements. As an enforceable part of the permit, the permit application and waste analysis plan contain specific requirements regarding waste analysis procedures that a laboratory would need to be aware of to facilitate permit compliance. No changes were made in response to this comment.

- 4. Comment received on Permit Condition B.13. Arrangements with Local Authorities:** *“This condition states that the Permittee must make a “diligent effort” to make arrangements with local emergency agencies. OAC 3745-54-37(A) states that the Permittee shall “attempt” to make those arrangements and “diligent effort” is not included nor defined. Without definition, “diligent effort” could be interpreted to mean anything and any time frame. We suggest that the term “diligent effort” be removed and the final permit be worded as codified.”*

Ohio EPA's Response: The concern expressed in the comment is that "diligent effort" is not defined in the OAC and that Ohio EPA will interpret "diligent effort" to mean anything and any time frame. It is the intention of Ohio EPA to apply a reasonable standard in determining compliance with this condition which is consistent with the intent of OAC Rule 3745-54-37(A). Ohio EPA's concern is that the Permittee may attempt to contact the local emergency agencies once and be unsuccessful in receiving a response and then not try again. Ohio EPA feels that a "diligent effort" would require the Permittee to attempt, more than once if needed, to contact the local emergency agencies until receiving a response. Consequently, Condition B.13 of the final permit has not been revised.

5. **Comment received on Permit Condition B.18. Copies of Plan:** *"Condition B.18(b) states that the Permittee must notify such agencies and the local authorities in writing within 10 days of the effective date of any amendments of, revisions to, or modifications to the contingency plan and cites OAC Rule 3745-54-53 as the authority for this requirement. However, no specific time period for such actions is provided in the regulations. Due to employee schedules and time constraints we suggest increasing the time period to 15 days for significant changes and annually for insignificant changes which have no impact on the authorities' ability to respond to an emergency."*

Ohio EPA's Response: Ohio EPA hazardous waste rules do not specify a time frame for submitting contingency plan revisions to local responding agencies. Ohio EPA agrees that it is appropriate to distinguish significant changes to the contingency plan from administrative changes. Consequently, Condition B.18(b) of the final permit has been revised to require the Permittee to notify local agencies of changes to the contingency plan that will impact their ability to respond to an emergency, within fifteen (15) days of the changes. For all other changes, notification must be made annually.

Revised language: "The Permittee must notify such agencies and the local authorities, in writing of any significant changes to the plan which will impact their ability to respond to an emergency, within fifteen (15) days of the effective date of any amendments of, revisions to, or modifications to the contingency plan. For all other changes, notification in writing must be made annually."

6. **Comment received on Permit Condition E.1. Corrective Action at the Facility:** *"This condition provides a definition of waste management unit that is slightly different from that provided in OAC Rule 3745-50-10. To avoid confusion, we would suggest using the identical definition provided in the rules."*

Ohio EPA's Response: Ohio EPA has revised Condition E.1 of the final permit so that the definition of "waste management unit" is the same as the definition in OAC Rule 3745-50-10(A)(128).

Revised language: "waste management unit" means any discernible unit at which solid waste, hazardous waste, infectious waste (as those terms are defined in Chapter 3734. of the Revised Code), constructions and demolition debris (as defined in Chapter 3714. of the Revised Code), industrial waste, or other waste (as those terms are defined in Chapter 6111. of the Revised Code), has been placed at any time, irrespective of whether the unit was intended for the management of solid waste, hazardous waste, infectious waste, constructions and demolition debris, industrial waste, or other waste. Such units include any area at a facility at which solid waste, hazardous waste, infectious waste, constructions and demolition debris, industrial waste, or other waste has been routinely and systematically released.

7. **Comment received on Permit Condition E.5. RCRA Facility Investigation (RFI):** *"This condition requires DuPont to conduct an RFI to thoroughly evaluate the nature and extent of the releases of hazardous wastes and hazardous constituents from all applicable WMUs and AOCs identified in Permit Condition E.3 and Permit Condition E.10 (newly discovered WMUs). In this case the word "applicable" is the only thing stopping EPA from requiring an RFI at every existing and future WMU or AOC regardless of the type of release, material release, environmental exposure, or cleanup activities. The key to reducing the number of WMUs which progress into an RFI or even a CMS is to develop, in the work plan, well defined, clear decision statements regarding the need for further action. This decision process should incorporate the use of action levels."*

Ohio EPA's Response: Ohio EPA has the authority to require an RFI which encompasses all WMUs and AOCs identified at the facility irrespective of when they are discovered. However an RFI is conducted only when it is necessary to investigate the nature and extent of any releases of hazardous waste or hazardous constituents. Further action is then taken to address any releases if it is reasonably determined to be necessary. Typically action levels are determined on a site-specific basis when needed and are normally not included in the permit. Therefore Condition E.5 of the final permit has not been revised.

8. **Comment received on Permit Condition E.5(a). RFI Work Plan:** *"Submittal of a well conceived and organized Corrective Action work plan of any type within a 90 day time period can be challenging. Given the facility's low priority ranking, we would like to request 120 days."*

Ohio EPA's Response: Ohio EPA understands the need for additional time to compile and submit a well conceived and organized Corrective Action work plan. Ohio EPA feels that the 30 day extension to submit the RFI Workplan will not unreasonably effect the time schedule for corrective action activities at the facility. Therefore, Condition E.5(a) has been revised to require submission of the RFI Workplan within 120 days after the effective date of the permit.

9. **Comment received on Permit Condition E.7(a). Determination of No Further Action:** *"The specific Schedule of Compliance for Corrective Action is not included in the permit as condition E.7(a) implies. The Compliance Schedule (A.27) does not include any Corrective Action tasks. Consider replacing the term "Schedule of Compliance" with "Permit".*

Ohio EPA's Response: "Schedule of Compliance" is a term used within Module E of the permit to describe the Corrective Action tasks and time frames associated with Conditions E.5 through E.9. The term "Schedule of Compliance" is not the same nor does it have the same meaning as "Compliance Schedule" as used in Condition A.27. Consequently, Condition E.7(a) of the final permit has not been revised.

10. **Comment received on Permit Condition E.8. Corrective Measures Study (CMS):** *"The language "as described in Ohio EPA's notification to the Permittee" at the end of the first sentence of this condition is too open-ended and provides no limit on Ohio EPA's ability to request unreasonable information as part of a CMS. The CMS process described in the permit is adequate and Ohio EPA does not need to have the option to change the process without modifying the permit. The end of the first sentence of E.8 should be removed beginning with the word "either"."*

Ohio EPA's Response: Ohio EPA concurs with the Permittee. The first sentence of Condition E.8 of the final permit has been revised to "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 must conduct a CMS." The last phrase of the sentence "either as described below or as described in Ohio EPA's notification to the Permittee" has been removed.

11. **Comment received on Permit Condition E.8(c). CMS Final Report:** *"As currently written, Ohio EPA could require DuPont to include an evaluation of every remedial alternative that exists whether or not it even remotely applies to the media or contaminants. The words "potentially applicable" should be inserted after "each" and before "remedial" in the second sentence of this condition."*

Ohio EPA's Response: Ohio EPA does not concur with the Permittee's suggestion. The condition requires the Permittee to submit a Corrective Measures Study Final Report that summarizes the results of the investigations for each remedy studied during the Corrective Measures Study and to also include an evaluation of each remedy studied. It is not Ohio EPA's intention for the Permittee to include an evaluation of every alternative remedy, only those which are potentially applicable. No changes were made in response to this comment.

12. **Comment received on Permit Condition E.9. Corrective Measures Implementation (CMI):** *"Add the following text to the end of the first paragraph of E.9. to keep the condition focused on Corrective Measures Implementation.*

"... that are generated during implementation of corrective measures."

Add the following sentence to the end of the second paragraph.

"The numbering of the selection factors does not imply relative importance and any one of the criteria might prove to be the most important selection factor at any particular site."

Ohio EPA's Response: The title of the permit condition is "Corrective Measures Implementation" - Ohio EPA does not agree that the suggested additional language is needed to keep the condition "focused" on CMI. The numbering of the criteria in the second paragraph does not imply relative importance. No changes were made in response to either of these comments.

13. **Comment received on Permit Condition E.9(a). Permit Modification:** *"This condition states that Corrective Measures cannot be implemented until the permit is modified. This requirement could substantially reduce the effectiveness (in terms of rapid implementation) and the facility's willingness to conduct Interim Measures (IMs). Ohio EPA and the facility should have the ability to implement Corrective Measures without lengthy permit modifications. To address this condition, consider adding the following text to the beginning of the second sentence of E.9(a):*

Unless conducted as Interim Measures (IM) pursuant to Condition E.6., the Permittee..."

Ohio EPA's Response: Ohio EPA recognizes that there are trade-offs in using permit modification requests (PMRs) to implement Corrective Measures. However, PMRs do not prevent voluntary interim measures as suggested in the comment. (See Permit Condition E.6 for voluntary interim measures.) A PMR is processed following established procedures that result in an enforceable requirement while

providing procedural safeguards for the Permittee (i.e., a PMR decision is a final action of the Director). The PMR process also allows for the necessary public participation when choosing the corrective measure. No changes were made in response to this comment.

- 14. Comment received on Permit Condition E.10(a). Newly Identified WMUs or Releases, General Information:** *“This condition requires submittal of specific information within 30 days of “discovery”, of a newly identified WMU by Ohio EPA or the Permittee. We suggest using the word “identification” in place of “discovery” in the first sentence of the condition. This is more consistent and would give the Permittee additional time to determine or “identify” if newly discovered WMUs meet the definition of a WMU.”*

Ohio EPA’s Response: Ohio EPA does not concur with the Permittee’s suggestion to use the word “identification” in place of “discovery” in the first sentence of the permit condition. The condition is speaking to submission of specific information after the point in which a WMU has been positively identified. Thus, a change in the language to give the Permittee additional time to determine if the definition of WMU has been met is not necessary. No changes were made in response to this comment.

- 15. Comment received on Permit Condition E.11. Corrective Action for Newly Identified WMUs and Releases:** *“We suggest adding the following language to the end of the second sentence in E.11 that states “Further investigations or corrective measures will be established by Ohio EPA:*

“... following the procedures in Conditions E.6 and E.8.”

As currently written, Ohio EPA could, for example, change the criteria used in selecting a corrective measure (E.8.) for newly identified WMUs.

The time frame for submitting a written RCRA Facility Investigation Work Plan is stated in the first paragraph (i.e., in accordance with Permit Condition E.5). As such, we believe the third sentence of E.11 is unnecessary and should be removed from the final permit.”

Ohio EPA’s Response: Ohio EPA concurs with the addition of clarifying language to the end of the sentence in the second paragraph. The sentence now reads “Further investigations or corrective measures will be established by Ohio EPA following the procedures in Permit Condition E.6 and Permit Condition E.8.”

Ohio EPA also concurs with the removal of the last sentence of Permit Condition

E.11 and as such has removed “The Permittee must make such submittal in accordance with time frames established by Ohio EPA.” from the final permit.

- 16. Comment received on Permit Condition E.12. Documents Requiring Professional Engineer Stamp:** *“This condition states that all of the listed documents fall under the category requiring an Ohio-certified professional engineer stamp. The definition of “practice of engineering” as defined by ORC Section 4733.01 states:*

The practice of engineering includes any professional service, such as consultation, investigation, evaluation, planning, design, or inspection of construction or operation for the purpose of assuring compliance with drawings or specifications in connection with any public or privately owned public utilities, structures, buildings, machines, equipment, processes, works, or projects in the proper rendering of which the qualifications of section 4733-11 of the Revised Code are required to protect the public welfare or to safeguard life, health, or property.

ORC Section 4733.01 does not specify what documents fall under this category. In general, certifications should be conducted by an individual trained and experienced in the discipline most appropriate to the certification. Depending on the nature of the certification, it should not be limited to engineers, and should, for example, include geologist as appropriate to the specific certification. For example, remediation of groundwater is, more than ever, relying on in-situ alternatives which require a thorough understanding of subsurface conditions and fate and contaminant migration and require little or no understanding of engineering disciplines. In this situation, a geologist or hydrogeologist, would typically be more qualified to certify closure than an electrical engineer. A similar argument can be made for each of the documents currently listed under this condition.

Therefore we suggest replacing Condition E. 12 as follows:

Depending on the alternative, Corrective Measures and Interim Action may constitute the “practice of engineering” as defined by ORC Section 4733-01. If the Corrective Measure or Interim Measure is interpreted as constituting the practice of engineering, the following associated documents must be stamped by a professional engineer licensed to practice in the State of Ohio. If the Corrective Measure or Interim Action related document does not fall under ORC Section 4733.01, preparation of the following Corrective Action documents must be completed and certified by appropriately qualified professionals.”

Ohio EPA's Response: Ohio EPA concurs with the Permittee that certifications should be completed by an individual who is trained and experienced in the discipline most appropriate. Condition E.12 of the final permit has been revised to the following:

Interim Measures and Corrective Measures may constitute the "practice of engineering" as defined by ORC Section 4733.01. If the Interim Measure or Corrective Measure constitutes the "practice of engineering," the following associated documents must be certified by a Professional Engineer licensed to practice in the State of Ohio.

Final Interim Measures Report

Corrective Measures Final Design

Corrective Measures Construction Completion Report

Corrective Measures Attainment of Ground Water Performance Standards Report

Corrective Measures Completion of Work Report

Please Note: Ohio EPA has conducted one additional revision to the final permit to accompany those revisions performed in response to the above-noted comments. In Permit Condition A.1(a), the underlined text below has been added to include the date the renewal Part B application was submitted to Ohio EPA and the date of the last update to that Part B application.

Revised Language: The Permittee is authorized to store hazardous waste in containers in accordance with the terms and conditions of this Ohio hazardous waste permit (hereinafter "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 permit application. The permit application as submitted to Ohio EPA on September 3, 2002 and last updated on November 7, 2003, 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.

End of Responsiveness Summary