



State of Ohio Environmental Protection Agency

Northwest District Office

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Bob Taft, Governor
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July 5, 2006

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OHIO EPA

NOV - 8 2006

DIV. OF HAZARDOUS
WASTE MGT.

Mr. Michael Darr
Environmental Business Manager
BP Products North America, Inc.
1150 South Metcalf Street
Lima, Ohio 45804

**Re: Hazardous Waste Permit Modification
Class 1A Approval
BP Products North America
Premcor Refining Group, Inc.
Ineos USA, LLC
U.S. EPA ID# OHD 005051826/ Ohio Permit # 03-02-0390**

Dear Mr. Darr:

On June 13, 2006, Ohio EPA received a request for a Class 1A (Class 1 requiring prior approval) hazardous waste permit modification (tracking number - 060613-1A-1) from BP Products North America, Inc., and Premcor Refining Group, Inc. With this letter, Ohio EPA approves the above referenced Class 1A modification submitted pursuant to Ohio Administrative Code Rule 3745-50-51.

The following modification has been made to your June 20, 2003, Ohio Hazardous Waste Facility Installation and Operation Permit. Also, the records of Ohio EPA have been changed accordingly:

Modify the General Permit Conditions Regarding RCRA Responsibility of Various Parties, the Selected Remedies Regarding Use Restrictions & the Specific Remedies for Area 3 - SWMU Group F: The permit has been modified in order to add language that names BP Products North America and Premcor refining Group, Inc. as the owners, as that term is used in the permit; and to remove BP Amoco Chemical Company from the permit; to remove language about the use restrictions since they have been incorporated into the property deed; and to reassess remediation of the light non-aqueous phase liquid in ground water at five-year intervals.

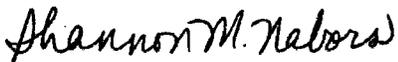
Attached are copies of the revised permit Terms and Conditions. These have been included to ensure that all involved parties have written confirmation of the changes.

In accordance with Ohio Administrative Code Rule 3745-50-51(D)(1)(a)(ii), BP Products North America, Inc., and Premcor Refining Group, Inc. shall send a notice within 90 days of an approved Class 1A Modification to all persons on the Agency mailing list. An updated mailing list can be obtained by contacting Pamela Allen at (614) 644-2980, or by e-mail at pamela.allen@epa.state.oh.us.

Mr. Michael Darr
July 5, 2006
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If you have any questions concerning this action, please contact Don North at the Ohio EPA Northwest District Office (419)373-3074.

Sincerely,



Shannon M. Nabors
District Chief

/csf

Enclosures

pc: Pamela Allen, Manager, RIS, DHWM, CO, w/enclosures
Jeremy Carroll, Supervisor, Engineering Unit, DHWM, CO, w/enclosures
Gary Deutschman, DHWM, NWDO, w/enclosures
Cindy Lohrbach, DHWM, NWDO
Joe Bischoff, Valero Refinery, w/enclosures
NWDO, DHWM, Premcor/Valero Permit File, w/enclosures
NWDO, DHWM, Premcor/Valero Permit Terms & Conditions

ec: Don North, DHWM, NWDO
Ed Merriman, Supervisor, DHWM, NWDO
John Pasquarette, Manager, DHWM, NWDO
Ali Moazed, DHWM, NWDO

OHIO ENVIRONMENTAL PROTECTION AGENCY

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

Permittee: BP Products North America
Premcor Refining Group, Inc.
~~BP Amoco Chemical Company~~

Mailing Address: Lima Refinery
1150 South Metcalf Street
Lima, Ohio 45804-1199

Owner: BP Products North America
Premcor Refining Group, Inc.
~~BP Amoco Chemical Company~~
1150 South Metcalf Street
Lima, Ohio 45804-1199

Operator: BP Products North America
Premcor Refining Group, Inc.
~~BP Amoco Chemical Company~~
1150 South Metcalf Street
Lima, Ohio 45804-1199

Location: 1150 South Metcalf Street
Lima, OH 45804-1199

Ohio Permit No.	03-02-0390
US EPA ID:	OHD 005 051 826
Issue Date:	June 20, 2003
Effective Date:	June 20, 2003
Expiration Date:	June 20, 2008

AUTHORIZED ACTIVITIES

In reference to the application of BP Products North America/Premcor Refining Group, Inc./~~BP Amoco Chemical Company~~, for an Ohio Hazardous Waste Facility Installation and Operation Renewal Permit under Ohio Revised Code (ORC) Chapter 3734 and the record in this matter, you are authorized to conduct at the above-named facility the following hazardous waste management activities:

- ◆ Post-Closure
- ◆ 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 _____, 2003.

By _____ of the Ohio Environmental Protection Agency.

MODULE A - GENERAL PERMIT CONDITIONS

A.1. Effect of Permit

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

- a) The Permittee is authorized to conduct closure, post closure, and corrective action activities in accordance with the terms and conditions of this permit, ORC Chapter 3734, all applicable Ohio hazardous waste rules, all applicable regulations promulgated under the Resource Conservation and Recovery Act (RCRA), as amended, and the approved hazardous waste facility installation and operation permit renewal application, as such application has been revised and supplemented and as such application may be modified pursuant to the hazardous waste rules. The renewal of the surface impoundments and the landfarms is for the purposes of accomplishing closure and post closure activities. These units are currently inactive and undergoing closure. These units shall not be reactivated for management of hazardous waste. The approved Part B permit application as submitted to Ohio EPA on March 26, 1997 and any subsequent amendment thereto including the latest Part B Application revision submitted August 13, 1999, 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.
- c) For the purposes of this permit, the facility owners are BP Products North America and Premcor Refining Group, Inc. The owners are not responsible for the acts or omissions concerning new or newly created RCRA responsibilities under the terms of the facility permit that occur on a parcel owned by another facility parcel owner unless the owner meets the definition of an operator for that new or newly created RCRA responsibility. New or newly created responsibilities are those that occur on or after the effective date of this permit.

A.2. Permit Actions

OAC Rule 3745-50-58(F)

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

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

~~For the purposes of SWMU 68, Old Lube Plant, the Permittee is defined as BP North America, Premcor Refining Group, Inc., and BP Amoco Chemical Company. As a result of the sale of this piece of property on August 9, 1998, BP Amoco Chemical Company is now considered to be the owner and must maintain compliance with this module. However, as Premcor Refining Group, Inc is the owner of the contiguous facility as defined in OAC Rule 3745-50-10 paragraph A(32), Premcor Refining Group, Inc. would have the ultimate responsibility for compliance with this module should BP Amoco Chemical Company fail to maintain compliance with this module.~~

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

The Permittee must implement Corrective Action(s) beyond the Facility property boundary, where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of Ohio EPA that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of any 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 SWMUs
OAC Rules 3745-50-44(d) & 3745-55-011

The units or groups of units which were investigated during the Phase 1 RFI are listed in Attachment 2.

E.4 Reserved.

- i) additional sampling of the wells in accordance with the PBGWMP;
- ii) evaluation of risk to humans and other environmental receptors who may be exposed to COCs in ground water;
- iii) installation and sampling of additional wells in accordance with the PBGWMP to determine the extent of contamination;
- iv) evaluation of ground water migration pathways to determine the potential for off-site migration of COCs to drinking water sources or surface waters; and
- v) evaluation of corrective measures alternatives to mitigate risk.

b) Selected Remedies

Based on the results of the completed RFI and the establishment of facility-wide institutional controls (~~Condition E.9(b)~~), Ohio EPA has determined that the SWMUs and SWMU Groups listed below do not pose a threat to human health and the environment. Therefore, these SWMUs and SWMU Groups do not require further action.

SWMU 41 – Miscellaneous Sump

SWMU 64 – Old Fire Training Area

SWMU 68 – Former Lube Plant

SWMU 69 – Aromatics Closed Drain System

SWMU 70 – Tank 214

SWMU 71 – Tank 207

SWMU 72 – Tank 209

Partial SWMU Group G – SWMU 49 - D-Pond; SWMU 50 - A-Pond; SWMU 51 - B-Pond.

~~The human health risk assessment and ecological risk assessment performed during the RFI concluded that several SWMUs pose unacceptable potential risk to human health and/or the ecological receptors.~~

~~The human health risk assessment assumed industrial land use for the active refinery and selected off-site SWMUs. Recreational exposures were assumed for the selected off-site SWMUs. These controls are required to~~

~~ensure that site-wide land use remains industrial, or recreational as appropriate, until such time when risk values for unrestricted land use are achieved. Under this permit, the institutional controls will consist of measures that limit the future use of the property in a manner that is consistent with the risk values for the site. This will be accomplished through a deed restriction. The Permittee shall perform the following tasks:~~

- ~~1) Within thirty (30) one hundred sixty (160) days of Permit issuance, the Permittee shall contact Ohio EPA to facilitate imposition of the use restriction on the property. The restriction of the property will be effectuated pursuant to Director's Final Findings and Orders.~~

~~The Director's Final Findings and Orders, on consent, will be issued which 1) create an equitable servitude upon the property, or portion thereof, which limits the use of the land as required by the approved Corrective Action, and demonstrate the agreement between the landowner and Ohio EPA to create such an equitable servitude, 2) require the landowner to file notice of the equitable servitude with the County Recorder's Office, 3) require the landowner to place the deed restriction into the deed at the time of the next transaction on the property, and 4) contain, as an attachment or otherwise, the specific, agreed-upon language of the land use restriction itself.~~

- ~~2) The use restriction on the property shall be legally sufficient to provide notice to future owners of the property or any portion thereof, or transferees of any interest therein, of the following restrictions on future use of the property; and impose the following restrictions:~~

~~i) There shall be no consumptive, extractive, or other use of the ground water from the Upper or Middle Sand Units underlying the site;~~

~~ii) There shall be no residential, commercial (other than those associated with and incidental to industrial operations) or agricultural use of the property;~~

~~iii) The property (other than those areas restricted to only recreational use) may be used for industrial purposes, including manufacturing, production, treatment and processing~~

~~operations, warehouse use (excluding storage of food-chain products used for direct human consumption, to the extent storage is consistent with local, State, and Federal laws and regulations), and parking and driveway use;~~

~~iv) The areas of the property designated for recreation shall be restricted to recreational uses that will not impact the effectiveness of other corrective measures in protecting human health and ecological receptors;~~

~~v) Swimming and fishing in the Ottawa River and Zurmehly Creek shall be restricted from the property;~~

~~vi) The property owner shall maintain the gravel layer covering SWMU Group E or provide an alternative cover that protects workers from exposure to contaminated soil, or demonstrate to Ohio EPA that risk values for unrestricted land use have been achieved for SWMU Group E;~~

~~vii) The property owner shall perform long term ground water monitoring in accordance with Condition E.9.d of this permit to monitor constituent concentrations in ground water; and~~

~~viii) The foregoing restrictions shall run with the land, inure to the benefit of the Ohio Environmental Protection Agency and be binding on the Permittee and its heirs, successors, assigns, transferees or any other owner of the property or any portion thereof or interest therein;~~

~~The instrument referenced above shall identify the areas of the property that pose an unacceptable risk to workers due to wastes left in place. The deed or instrument also shall identify the document(s) containing the assumptions and calculations for the estimated risks.~~

- 3) Within forty-five (45) one hundred sixty (160) days of the effective date of the permit, the Permittee shall submit to the Ohio EPA a description of its policies and procedures for (a) providing a notice of hazards to those performing work in areas that pose unacceptable risk due to wastes left in place; and (b) protecting its workers from the hazards.

12) SWMU Group A - Old Drum Storage Area (SWMU 3) and L-3 Waste Pile (SWMU 5)

Implement corrective measures in accordance with the CMICWP approved by U.S. EPA.

13) Area 3 - SWMU Groups B, E, and F

SWMU Group B consists of:

- Old Container Storage Area (SWMU 12)
- South Container Drying Pit (SWMU 32)
- North Container Drying Pit (SWMU 34)
- North Impounding Pond (SWMU 45)

SWMU Group E consists of:

- Tank 77 (SWMU 30)
- Tank 77A (SWMU 31)
- Tank 78 (SWMU 35)
- Tank 79 (SWMU 36)

SWMU Group F consists of:

- AFU Pond (SWMU 42)
- Oily Sludge Pond (SWMU 43)
- Sludge Drying Pit (SWMU 60)

- i) Implement corrective measures in accordance with the CMICWP approved by U.S. EPA.
- ~~ii) If Ohio EPA determines that LNAPL remediation is technically practicable, the Permittee shall implement LNAPL remediation.~~
- ii) Reassess the technical impracticability of light non-aqueous phase liquid (LNAPL) remediation at five-year intervals to determine if advances in technology would allow removal of LNAPL, and report the reassessment results to Ohio EPA. The first report shall be submitted by October 30, 2007.
- iii) Perform long-term ground water monitoring for contaminants of concern (COCs) in accordance with the PBGWMP.
- iv) If ground water monitoring indicates that the LNAPL is migrating or that COCs at concentrations posing unacceptable risk are present, implement remediation at the downgradient perimeter of the LNAPL as recommended in the October 2002 report titled "Technical Impracticability Area 3 LNAPL".

14) Ottawa River Area of Concern

- i) Implement corrective measures in accordance with the CMICWP approved by U.S. EPA.