



State of Ohio Environmental Protection Agency

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September 30, 2003

Re: Ohio Hazardous Waste Permit Renewal
Onyx Environmental Services, L.L.C.
U.S. EPA ID No.: OHD 093 945 293
Ohio ID No.: 05-57-0056

CERTIFIED MAIL

Mr. Tracy DePugh
Onyx Environmental Services, L.L.C.
P.O. Box 453
West Carrollton, Ohio 45449

Dear Mr. DePugh:

Here is the renewed Ohio Hazardous Waste Facility Installation and Operation Permit (Permit) for Onyx Environmental Services, L.L.C.. 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, September 30, 2003. 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 \$1,000.00 will be due on September 30, 2004. 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. Tracy DePugh
Onyx Environmental Services
September 30, 2003
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If you have any questions concerning compliance, do not hesitate to call Jeff Smith of Ohio EPA's Southwest District Office at (937) 285-6357.

Sincerely,

Pamela S. Allen

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

Attachments

cc: Edwin Lim, Mgr., ERAS, DHWM, CO
Jeremy Carroll, ERAS, DHWM, CO
Dennis DeNiro, ERAS, DHWM, CO
Harriet Croke, US EPA, Region V
Harold O'Connell, DHWM, SWDO
Jeff Smith, DHWM, SWDO
Public Interest Center, Ohio EPA

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Responsiveness Summary for Comments Received on Onyx Environmental Services, L.L.C. Draft Ohio Hazardous Waste Facility Installation and Operation Permit Renewal, Ohio Permit Number 05-57-0056

The Ohio Environmental Protection Agency (Ohio EPA) received written comments from Onyx Environmental Services, L.L.C. (Applicant) officials as a result of the public comment period, which extended from April 4, 2003, to May 18, 2003. The applicant's comments and corresponding responses of Ohio EPA are provided below.

1. Comment Received on Permit Conditions A.2, A.5, A.8, A.10, A.11, and A.24:

"Much of the explicit and stipulating language in afore-referenced conditions is not consistent, nor substantiated by the comparable language reflected in the ORC laws, nor the OAC Rules of reference and would appear to exceed the Agency's regulatory authority. For example in A.2, the language of this condition is unlike that of which is reflected in OAC 3745-50-58(F). In particular, the inclusion of the concept of 'suspension' of the permit. We at ONYXES are not aware of any regulatory procedure for suspension of a permit, and therefore we at ONYXES are requesting that the language reflected in the aforesaid conditions which is inconsistent with the ORC and/or OAC codes of reference be withdrawn from these conditions or at a minimum be revised to mirror the requirements stipulated in the codes of reference, respectively."

Ohio EPA's Response: This comment objects to the inclusion of the word "suspension" within the permit conditions because that term is neither defined nor used in Ohio administrative law. Ohio Revised Code (ORC) §3734.09 makes reference to the term "suspension". However, Ohio EPA acknowledges that there is no regulatory mechanism in Ohio's hazardous rules to implement a permit suspension. Therefore the suspension language was removed from Conditions A.2, A.5, and A.10. Additionally, Ohio EPA removed the word "revision" from the conditions because this term is no longer used in the hazardous waste rules. The terms "expeditiously" and "correct" were removed from Condition A.8 because these words no longer appear in Ohio Administrative Code (OAC) Rule 3745-50-58(D). Similarly, the words "misleading" and "incomplete" were removed from Condition A.24 because they are not used in OAC Rule 3745-50-58(L)(11) .

Although the words "photograph" and "document" are not used in OAC Rule 3745-50-58(I), Ohio EPA believes they represent reasonable actions of the Agency during an inspection. Under Condition A.11, Ohio EPA may photograph those facilities and operations that are "...*regulated or required under the terms and conditions of this permit...*" (emphasis added). Ohio EPA believes that photographing facilities and

operations regulated or required by the Permit is similar to making field notes during an inspection. Condition A.11 also allows Ohio EPA to sample, document, or monitor any substance or parameter for the purposes of assuring permit compliance or as otherwise authorized by ORC Chapter 3734. Although the word “document” is not used in OAC Rule 3745-50-58(l), Ohio EPA believes that the Agency’s documentation of substances or parameters by making field notes, sketching figures or maps, and other similar actions, does not place a burden on the Permittee. Consequently, the terms “photograph” and “document” have been retained in Condition A.11 of the final Permit.

2. **Comment Received on Permit Condition A.28:** “(a)(i - iii) Condition A.28 and sub-conditions (a)(i - iii) require an updated closure care cost estimate and current financial assurance mechanisms for closure and liability coverage be submitted to OEPA within 60 days of permit journalization and such information will be incorporated within the Part B permit application. Given that such documents will be incorporated within said application, normal permitting protocol would require that such documents be submitted as a Permit Change Request “PCR” (i.e., Class 1 PCR). However, no mention or reference to OAC 3745-50-51 or submittal guidance to the fact is provided. Thus, we at ONYXES are requesting clarification as the submittal format, requirements and/or protocol we are to exercise when submitting such documents as required by the aforesaid permit conditions.”

Ohio EPA’s Response: Ohio EPA believes that a Permit modification is appropriate for the updated closure cost estimate and financial assurance mechanisms for closure and liability coverage. Condition A.28 of the final Permit has been revised to indicate that the required documents are to be submitted with a request for a Class 1 Permit modification, provided that the changes in the closure cost estimate and financial mechanisms reflect updated interest rates or other incidental changes. If the changes are more significant, the permit modification will need to be classified in accordance with OAC Rule 3745-50-51.

3. **Comment Received on Permit Condition A.30:**
OAC 3745-54-73

“(a - c) All of these sub-conditions of Permit Condition A.30 revolve around the Waste Minimization report, derived from a plan developed and maintained as part of the operating record of the facility. In accordance with OAC 3745-54-75 ‘Annual report’, annual waste minimization activities are required to be reported in the comment section in either the Site Identification “SI” or Generation and Management “GM” forms, respectively. In addition, section 12 of the “SI” form requires the annual report to be certified as to its authenticity in accordance with OAC 3745-50-42. Thus, via Ohio’s

annual reporting program, the West Carrollton facility suffices both, the annual and biennial waste minimization reporting requirement as well as the certification requirements associated with OAC 3745-54-75(H-J) and OAC 3745-73(B)(9) as reflected in Permit Condition A.30 (a and c).

Therefore, we at ONYXES are requesting that Permit Condition A.30 be either withdrawn from the final permit conditions or at a minimum be revised to reflect that the submittal and certification of biennial and annual Waste Minimization reports required by this condition may be satisfied via the annual reporting requirements under OAC 3745-54-75. For example, additional language following the last term in sub-conditions (a) and (c) should be added in order to clarify and circumvent duplicative waste minimization activity reporting already being accomplished via the annual report program.

For example: A.30

- (a) 'must be satisfied annually, unless such waste minimization activities are not reported annually as required under OAC 3745-54-75(H)(I) and (J) Annual report'
- (c) 'updates to this report biennially, unless such waste minimization activities are not reported annually as required under OAC 3745-54-75(H)(I) and (J) Annual report'

In addition, we at ONYXES are requesting that reference to OAC 3745-52-20(B) reflected in Permit Condition A.30(a) be withdrawn from this condition and final permit conditions, given that this rule is relevant to 'Manifest-general requirements', but not germane to the Waste Minimization report, reporting and/or such program as a whole."

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.30(a) of the final permit. As described in the guidance referenced in Permit Condition A.30(b), the biennial Waste Minimization Report is expected to be a more comprehensive description of the Permittee's waste minimization program than the information provided in the Annual Hazardous Waste Report. Consequently, Ohio EPA requires submittal of the Waste Minimization Report every other year, in addition to the Annual Hazardous Waste Report. This portion of Condition A.30(a) of the final Permit has not been revised.

4. **Comment Received on Permit Condition B.18:** OAC 3745-54-53

"(b) 'The permittee shall notify such agencies and the local authorities, in writing,

within (10) days of such effective date of any amendments of, revisions to, or modifications to the contingency plan.'

EXAMPLE 'Language revision to B.18(b)'

'The permittee shall include such agencies on the mailing list in respect to any amendments of, revisions to, or modifications to the contingency plan requiring a Class 2 or 3 Permit Modification (i.e., PCR) in accordance with OAC 3745-50-51 (i.e., as referenced in the Appendix to Rule 3745-50-51).'

All relevant local Emergency Response "ER" agencies/authorities are notified of non-administrative changes (e.g., changes in emergency procedures) to the contingency plan as part of the Permit Modification (i.e., Permit Change Request PCR) program under OAC 3745-50-51, either by direct mailing, public notice and/or public comment forum. In accordance with the Class 2 or 3 modification notification criteria, the actual documents modified are made available to the public in the local vicinity, at a specified location and period of time, for review and/or duplication. It is our contention at ONYXES that written notice and submittal of informal administrative changes (i.e., Class 1 PCR's) is overly burdensome and is not substantiated as a requirement of OAC 3745-54-53 rule of reference. Thus, we at ONYXES are requesting that the aforementioned language/condition reflected in Permit Condition B.18(b) be withdrawn from this condition or at a minimum be revised (see example) to reflect that all relevant local Emergency Response ER agencies/authorities shall be included on the mailing list in respect to any amendments of, revisions to, or modifications to the contingency plan requiring a Class 2 or 3 Permit Modification (i.e., PCR) in accordance with OAC 3745-50-51 (i.e., as referenced in the Appendix to Rule 3745-50-51)."

Ohio EPA's Response: Ohio EPA hazardous waste rules do not specify a timeframe 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.

5. **Comment Received on Permit Conditions B.24:** "(c) 'Unmanifested waste report. This report must be submitted to the Director within (15) days of receipt of unmanifested waste, which waste'..etc... We at ONYXES are requesting the removal of the term 'which' and replace such term with the appropriate language consistent and reflective of the actual rule language under OAC 3745-54-76(A). For example: 'Unmanifested waste report. This report must be submitted

to the Director
within (15)
days of
receipt of
unmanifested
waste, if such
waste'...etc.”

Ohio EPA’s Response: Ohio EPA agrees with the comment and has revised Condition B.24 of the final Permit to use wording from the first paragraph of OAC Rule 3745-54-76: “...within fifteen (15) days of receipt of unmanifested waste, if the waste is not excluded ...”.

6. **Comment received on Permit Condition C:** “Third paragraph, sentence ‘The storage area is divided into separate bays by concrete dikes’..etc... This building has a single concrete dike separating Bay numbers 29 and 30. The remainder of the bays are designated but not dike separated. Third paragraph, last sentence ‘Secondary containment is provided by the coated, reinforced concrete dikes, floor, and collection trench’. This building does not have a collection trench, however the floor is sloped to a centralized collection point. Thus, we at ONYXES are requesting the revision to such language as follows: Third paragraph, sentence ‘The storage area is divided into segregated bays’..etc.. Third paragraph, last sentence ‘Secondary containment is provided by the coated, reinforced concrete floor, and centralized collection point’.”

Ohio EPA’s Response: Ohio EPA agrees with the comment and has revised the language in Condition C of the final Permit to properly reflect the secondary containment and segregated bays in third container storage area.

7. **Comment received on Permit Condition C.1:** “Condition C.1 Process Capacity/Annual Quantity Limitation OAC Rules 3745-50-43(A)(7), C.1(d)(ii) mark each container with the accumulation date and a label identifying the material as ‘Hazardous Waste’. In accordance with OAC 3745-52-34(A)(2-3), and in respect to labeling and/or marking of a container with the accumulation date and the words “Hazardous Waste”, such rule specifies that such container is to be marked with the accumulation date and labeled or marked clearly with the words Hazardous Waste. Thus, for flexibility purposes and to be consistent with such rule, we at ONYXES are requesting the revision to such condition, allowing for the ability to mark the accumulation date on such containers and the ability to either label or mark clearly such containers with the words ‘Hazardous Waste’. For example: mark and/or label each

container with the accumulation date and the words 'Hazardous Waste.'

Ohio EPA's Response: Ohio EPA agrees with the comment and has revised Condition C.1(d)(ii) of the final Permit to reflect the language of OAC Rule 3745-52-34(A).

- 8. Comment Received on Permit Condition C.2:** "C.2 Waste Identification, ORC Sections 3734.02(F) and 3734.05(H); and OAC Rules 3745-50-43, 'The Permittee shall store in containers only the hazardous waste codes specified in Attachment 1.'

Through several Federal HSWA Permit by Rule PCR's, there are several federal hazardous waste codes that have yet to be adopted under Ohio code that the facility is allocated to accept and store which are not reflected on the afore-referenced 'Attachment 1'. The facility was granted such allocation to store such additional codes pursuant to PCR's in accordance with 40 CFR 270.42(g)(iv) and 40 CFR 270.42(b) and in accordance with the Hazardous & Solid Waste Amendments HSWA of 1984 and thus are effective in all states regardless of each individual state's authorization status on the effective date. Therefore, the actual and total number and type of RCRA waste codes authorized for acceptance are reflected in Section A on EPA Form 8700-23, pages -6 of 7- series, which is reflective of the current D, F, K and U Hazardous Waste Codes allocated for acceptance. Thus, we at ONYXES are requesting that the aforementioned condition be revised to read as follows: The Permittee shall store in containers only the hazardous waste codes specified in Section A, EPA Form 8700-23."

Ohio EPA's Response: Ohio EPA can only authorize through a state hazardous waste facility permit those waste codes reflected within current OAC requirements. Ohio EPA does not have the authority to regulate the storage of waste codes approved under Onyx's federal permit. Ohio EPA has updated Attachments I & II accordingly.

- 9. Comment Received on Permit Condition C.3:**
C.3 Storage of Hazardous Waste In Containers
OAC Rule 3745-55-70; ORC 3745.05(H)

"(b) 'The Permittee may accumulate material generated on-site for ninety (90) days or less in accordance with OAC 3745-52-34(A).'

The explicit language in the aforesaid condition, if interpreted literally would imply that site generated hazardous wastes are only allocated for 90 day storage. Given the fact the West Carrollton facility is permitted to store hazardous waste(s) (i.e., as reflected

in Section A, EPA Form 8700-23 of the approved application) for up to 365 days from the date such waste is placed into Part 'B' storage. Thus, we at ONYX are requesting either withdraw of this language from the condition and from the Final Part 'B' permit or clarified to reflect that site generated hazardous wastes may be stored in containers located in areas which encompass secondary containment for up to 90 days, in accordance with OAC 3745-55-73 and OAC 3745-55-75.

Clarification example language:

- (b) 'The Permittee may accumulate material generated on-site for ninety (90) days or less in containers located in secondary containment areas other than those storage units described in Condition C.1 of this permit and Section D of the approved Part B application (i.e. Decant and New Container Storage Buildings), in accordance with OAC 3745-52-43(A), 3745-55-73 and 3745-55-75'."

Ohio EPA's Response: Upon review, Ohio EPA has decided to remove Condition C.3 from the final permit. It was not Ohio EPA's intent to impose generator requirements per OAC Rule 3745-52-34(A) under this permit. It is the Permittee's responsibility as a generator to comply with these regulations, and Ohio EPA will evaluate the Permittee's compliance during routine inspections.

10. **Comment Received on Permit Condition C.4:**

C.4 Limitation on Time of Storage

"Each container stored must be clearly marked to identify its contents, and the date each period of storage begins.

The explicit language in the aforesaid condition, if interpreted literally would imply that all waste containers and their respective contents (i.e., both hazardous and non-hazardous and constituents thereof) must be clearly marked to identify their contents, and the date each period of storage begins. Given that no OAC rule of reference is specified, we at ONYX are requesting either withdraw of this language from the condition and from the Final Part 'B' permit or clarified to the extent that such language is specific to hazardous waste and OAC rule 3745-52-34(C)(1)(b), for example:

'Each hazardous waste container stored must be clearly marked with the words 'Hazardous Waste' or with other words that identify the contents of the container, and the date each period of storage begins in accordance with OAC rule 3745-52-34.'

Ohio EPA's Response: Ohio EPA must have the ability to identify every container

stored within a permitted storage area to evaluate compliance. Ohio EPA regulates the unit and any container within the unit impacts the storage of all containers in the unit (i.e. compatibility, secondary containment). Consequently, Condition C.4 of the final Permit has not been revised.

11. Comment received on Permit Condition C.7: C.7 Management of Containers
OAC Rule 3745-55-73

“(a) All container storage shall be conducted within the container storage units as described in Condition C.1 of this permit and Section D of the approved Part B application.

The explicit language in the aforesaid condition, if interpreted literally would imply that all waste containers (i.e., both hazardous and non-hazardous) must be stored in the units as described in Condition C.1 of this permit and Section D of the approved Part B application. Given the fact the West Carrollton facility is permitted to store hazardous waste(s) as well as non-hazardous wastes and in accordance with OAC 3745-52-34, store hazardous waste for up to 90 days in areas other than those storage units described in Condition C.1 of this permit and Section D of the approved Part B application, we at ONYX are requesting the language reflected in this condition be revised and/or clarified to reflect that this condition is specific only to hazardous waste received from off-site sources and does not pertain to site generated hazardous wastes which may be stored in containers located in areas which encompass secondary containment for up to 90 days, in accordance with OAC 3745-55-73 and OAC 3745-55-75.

Clarification example language:

‘(a) The storage of all hazardous waste containers received from off-site shall be conducted within the container storage units as described in Condition C.1 of this permit and Section D of the approved Part B application.’

Ohio EPA’s Response: Ohio EPA agrees that Condition C.7(a) should be revised to specify containers covered by this Permit. Conditions C.7(a) has been revised to state “All permitted container storage shall be conducted with the container storage units as described in Condition C.1 of this Permit and Section D of the approved Part B Permit application.

12. Comment received on Permit Condition C.7: Management of Containers
OAC Rule 3745-55-73

“(b-d) The explicit language in the aforesaid conditions, if interpreted literally would imply that such conditions are applicable to all waste containers and/or wastes, both hazardous and non-hazardous alike. Thus, we at ONYX are requesting that in all instances where container(s) is/are referenced, such term be preceded by the words ‘hazardous waste’ and in all instances where the term waste(s) is/are referenced, such term be preceded by the word ‘hazardous’.”

Ohio EPA’s Response: Ohio EPA regulates the unit, and any container within the unit impacts the storage of all containers in that unit (i.e. compatibility, secondary containment). Consequently, Condition C.7(b-d) of the final Permit has not been revised.

- 13. Comment Received on Permit Condition C.10:** ‘On days when containerized waste are added or removed to and/or from any of the permitted areas of storage, the Permittee shall conduct an inspection as described in Section F’..etc.....

The aforesaid language in this condition is not supported and/or substantiated in the OAC rules of reference. Given that such permitted storage areas are required to be inspected daily as specified in Section F of the approved application, it is our contention at ONYXES that such language is superfluous in context and not substantiated as a requirement of OAC 3745-54-15 or 3745-54-73 rules of reference. Thus, we at ONYXES are requesting that the aforementioned language/condition reflected in Permit Condition C.10 be withdrawn from this condition or at a minimum be revised as follows:

‘On days when containerized waste are added or removed to and/or from any of the permitted areas of storage, the Permittee shall conduct an inspection as described in Section F..etc..... (Note: an inspection of the permitted storage areas on days when containerized hazardous wastes have been added to and/or removed from such areas is not required if an inspection in accordance with Section F has already been completed for that day and such inspection record is maintained in the facility operating record.’

Ohio EPA’s Response: Ohio EPA agrees that daily inspection of the container storage area meets the requirements of OAC Rule 3745-54-15. Consequently, Condition C.10 of the final Permit has been revised to clarify that container storage areas are to be inspected once per day when in use.

- 14. Comment Received on Permit Condition D:**
D. TANK STORAGE AND TREATMENT

“Second paragraph, second sentence ‘The capacity of the ‘dirty’ tank farm is 290,000 gallons.’

In the fall of 2003, the dirty tank farm capacity was to be increased from 262,000 to 290,000 via PCR09-02 (i.e., increase in capacity and replacement of Tanks D-9, D-10 and D-12). However, due to constraints on 2003 capital spending, we at ONYXES will not be pursuing the replacement of tanks D-9, D-10 and D-12, as scheduled for the fall of 2003. All such application tables and text reflecting revisions made as part of PCR09-02 have also been revised accordingly via PCR02-03. Thus, we at ONYXES are requesting the aforesaid condition be revised to read as follows: ‘The capacity of the ‘dirty’ tank farm is 262,000 gallons.’

Second paragraph, fifth sentence 'Installation dates for the tanks in the 'dirty' tank farm range from 1979 to 1993.'

Subsequent to the replacement of tank D-4 in 1993. In 2001 tank D-16 was replaced and on May 9, 2003, tank D-18 was replaced. All such application tables and text necessitating revisions as part of PCR02-03, submitted in respect to the replacement of tank D-18 have been revised accordingly. Thus, we at ONYXES are requesting the aforesaid condition be revised to read as follows: 'Installation dates for the tanks in the 'dirty' tank farm range from 1979 to 2003'."

Ohio EPA's Response: Ohio EPA cannot revise the permit per this comment since Ohio EPA has not acted upon this permit modification request per OAC 3745-50-51. Once the permit has been issued final, Ohio EPA will act upon this permit modification request and revise the permit accordingly.

15. Comment received on Permit Condition D.1: Process Capacity/Annual Limitation/Waste Identification; ORC Section 3734.02(F) and OAC Rule 3745-50-43

“(a) The permittee may store a total volume of 446,000 gallons of hazardous waste’..etc...

In the fall of 2003, the total tank farm capacity was to be increased from 418,000 to 446,000 via PCR09-02 (i.e., increase in capacity and replacement of Tanks D-9, D-10 and D-12). However, due to constraints on 2003 capital spending, we at ONYXES will not be pursuing the replacement of tanks D-9, D-10 and D-12, as scheduled for the fall of 2003. All such application tables and text reflecting revisions made as part of PCR09-02 have also been revised accordingly via PCR02-03. Thus, we at ONYXES are requesting the aforesaid condition be revised to read as follows: 'The permittee may store a total volume of 418,000 gallons of hazardous waste’..etc..."

Ohio EPA's Response: Ohio EPA cannot revise the permit per this comment since Ohio EPA has not acted upon this permit modification request per OAC 3745-50-51. Once the permit has been issued final, Ohio EPA will act upon this permit modification request and revise the permit accordingly.

16. Comment received on Permit Condition D.12: Compliance Schedule

“(a-d) In the fall of 2003, via PCR09-02 Tanks D-9, D-10 and D-12 were to be replaced. However, due to constraints on 2003 capital spending, we at ONYXES will

not be pursuing the replacement of tanks D-9, D-10 and D-12, as scheduled for the fall of 2003. All such application tables and text reflecting revisions made as part of PCR09-02 have also been revised accordingly via PCR02-03. Thus, we at ONYXES are requesting the aforesaid conditions be withdrawn or revised in a manner which does not specify any given tank and/or tank I.D. For example:

- '(a) Prior to replacing any hazardous waste storage tank, where the capacity of such replacement tank is greater than 10% of the tank being replaced, or the increase in capacity of the new tank is greater than 1500 gallons from that of the tank being replaced or the facility's total tank farm capacity is increased and/or the replacement tank does not meet the same conditions in the permit, the Permittee shall submit results of an assessment'...etc..
- '(b) The Permittee shall clean any hazardous waste storage tanks being replaced using the decontamination procedures'...etc
- (c) (strikethrough: 'The Permittee shall complete installation of replacement Tanks D-9, D-10, and D-12 by November 30, 2003'.) The Permittee shall provide Ohio EPA with at least 30 days notice prior to final installation of any tanks subject to Condition D.12(a)."

Ohio EPA's Response: Ohio EPA cannot revise the permit per this comment since Ohio EPA has not acted upon this permit modification request per OAC 3745-50-51. Once the permit has been issued final, Ohio EPA will act upon this permit modification request and revise the permit accordingly.

17. Comment received on Permit Condition D.13: Permitted Designated Areas

“All hazardous waste subject to this Permit shall be stored only at the permitted designated areas described in the approved Part B permit application.’

The explicit language in the aforesaid condition, if interpreted literally would imply that all hazardous waste (i.e, both on-site and off-site generated hazardous waste) must be stored in the units as described in Condition C.1 of this permit and Section D of the approved Part B application. Given the fact the West Carrollton facility is allocated store hazardous waste for up to 90 days in areas other than those storage units described in Condition C.1 of this permit and Section D of the approved Part B application, we at ONYX are requesting the language reflected in this condition be revised and/or clarified to reflect that this condition is specific only to hazardous waste received from off-site sources and does not pertain to site generated hazardous

wastes which may be stored in areas which encompass secondary containment for up to 90 days, in accordance with OAC 3745-52-34, 3745-55-73 and OAC 3745-55-75.

Clarification example language:

'All hazardous waste received from off-site sources and subject to this Permit shall be stored only at the permitted designated areas described in the approved Part B permit application'."

Ohio EPA's Response: Upon review of this condition and other permitted facility permits, Ohio EPA has concluded that this condition will be removed from Onyx's final Permit.

18. Comment Received on Permit Condition E: Corrective Action Requirements

"Add Phase I and the Phase II Scope of Work Document after the word report in the last sentence of the first paragraph."

Ohio EPA's Response: Ohio EPA agrees with this comment and has revised the final Permit accordingly.

19. Comment Received on Permit Condition E.1: "The definition of waste management unit in this condition is slightly different from that provided in OAC Rules referenced. Thus, to avoid confusion and for consistency purposes, we at ONYXES are requesting that the all language which is inconsistent with the OAC rules of reference, be withdrawn from these conditions and final Part B permit or revised to reflect the precise language in the rules of reference, accordingly. In addition, we at ONYXES do not believe that Section 3004(u) of RCRA contains a definition of solid waste management unit. Therefore we at ONYXES are requesting that the language reflected in the aforesaid conditions which is inconsistent with Section 3004(u) of RCRA be withdrawn or at a minimum be revised mirror the definition set forth in Section 3004(u) of RCRA."

Ohio EPA's Response: Ohio EPA has revised Condition E.1 of the final Permit so that the definition of "waste management unit" in the Permit is the same as the definition in OAC Rule 3745-50-10(A)(128). Ohio EPA also acknowledges that a definition for "solid waste management unit" is not provided in Section 3004(u) of RCRA.

20. Comment Received on Permit Condition E.5: "Add Phase I and the Phase II Scope of Work Document after the Word 'report' in the first sentence of the first paragraph."

Ohio EPA's Response: Ohio EPA agrees with this comment and has updated the final Permit accordingly.

21. Comment Received on Permit Condition E.6: Interim Measures (IM)

“We at ONYXES are requesting that the language in the afore-referenced condition be revised to include an option of conducting voluntary interim action at any point in the RCRA Corrective Action process. For example: Alternatively, with Ohio EPA's approval, the Permittee may elect to conduct voluntary Interim Measures at any time during the life of the permit, to mitigate or eliminate a threat to human health and the environment.”

Ohio EPA's Response: Ohio EPA agrees with the comment, and has revised Condition E.6 of the final Permit to clarify that the Permittee is not precluded from conducting voluntary Interim Measures with Ohio EPA's prior approval. Additional explicit statements of this right are not required. However, implementation of voluntary interim measures by the Permittee does not preclude Ohio EPA from requiring additional interim measures necessary to mitigate or eliminate a threat to human health or the environment.

22. Comment Received on Permit Condition E.7(a):

“We at ONYXES are requesting the following text be added at the end of the first paragraph of this condition as follows: Decisions regarding 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 specified unit or release.

The basis for this request is that such provision would allow for removal of WMUs from the program which have met the Corrective Action requirements prior to final termination of the Corrective Action portion of the permit. Removal of WMUs from the permit would provide a means for ONYXES to measure meaningful progress and provide some assurance to management and stakeholders that future expenditures associated with the unit(s) in question would be limited. The above requested addition is from Section III.C.6.c of the ANPR (U.S. EPA, 1996) and is similar to that discussed in the Corrective Action Completion Guidance.”

Ohio EPA's Response: Ohio EPA revised Condition E.7(a) of the final Permit to make it consistent with U.S. EPA's “Final Guidance on Completion of Corrective Action at RCRA Facilities”, which was published at 69 FR 8763, February 25, 2003. This U.S. EPA guidance provides for a determination that RCRA Corrective Action is complete and that no further action is needed for an entire facility, for a portion of the

facility, or for a specific unit or release. Also, Condition 7(a) was revised to clarify that the permit modification request terminating corrective action requirements need not always be a Class 3. Ohio EPA deleted language referencing a specific modification class. The condition instead allows for the class to be determined on a site-specific basis in accordance with OAC Rule 3745-50-51. This change is consistent with U.S. EPA's "Final Guidance on Completion of Corrective Action Activities at RCRA Facilities".

- 23. Comment Received on Permit Condition E.8:** "The language associated with Ohio EPA's notification to the Permittee at the end of the first sentence of this condition is expansive and too open-ended and provides no limit, rationale and/or extent in respect to Ohio EPA's ability to request information as part of a CMS. Additionally, the language/term '...satisfy....' the performance objectives specified by Ohio EPA is open ended. Therefore we at ONYXES are requesting that the language reflected in the aforesaid conditions be withdrawn or at a minimum add additional clarification language that defines 'other relevant information' associated with Ohio EPA's notification to the Permittee in respect to Ohio EPA's ability to request information as part of a CMS. In addition, we at ONYXES are requesting the last sentence in this condition be withdrawn or at a minimum revised in a manner which references the performance objectives of E.9."

Ohio EPA's Response: Ohio EPA included the language "...and any other relevant information..." in Permit Condition E.8 to address circumstances under which data outside the RFI could indicate the need for a CMS. For example, if a spill occurred after submittal of the RFI report, data collected as part of the spill response could indicate the need for evaluating corrective measures for the spill area. Also, please see Ohio EPA's response to Comment 24 regarding corrective measures performance objectives. No revisions were made to Condition E.8 of the final Permit.

- 24. Comment Response Received on E.9: Corrective Measures Implementation (CMI)**

"As discussed in the 1996 ANPR, on a national basis there has historically been some disagreement between owner/operators and EPA regarding the threshold criterion that remedies attain media cleanup standards. This issue is also likely to cause some confusion between such protocol, Ohio EPA and ONYXES in respect to deciphering 'clean close'. Thus, we at ONYXES are requesting to add the following text from Section III.C.5.b. of the ANPR as a new third paragraph of Condition E.9. of the Permit, for example:

Attaining media cleanup standards does not necessarily entail removal or treatment

of all contaminated material above specific constituent concentrations. Depending on the site-specific circumstances, remedies may attain media cleanup standards through various combinations of removal, treatment, engineering or institutional controls.

Additionally, we at ONYXES are requesting the addition of the following sentence to the end of the second paragraph of this condition, for example:

The numbering of the balancing criteria does not imply relative importance and any one of the criteria might prove to be the most important balancing criteria at a particular site.

The basis for this request is also discussed in III.C.5.b. of the ANPR.”

Ohio EPA’s Response:

The principles discussed within U.S. EPA’s 1996 Advanced Notice of Proposed Rulemaking for RCRA Corrective Actions activities were considered by Ohio EPA in formulating The Ohio Corrective Action Plan. As a result, Ohio EPA has incorporated those suggested revisions supplied by the commenter into the final Permit as follows:

“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. (*Note: the assigned numbering of the above-stated threshold criteria does not imply relative importance and any one of these individual criteria might prove to be the most important factor used by Ohio EPA in authorizing the CMI. Furthermore, Ohio EPA recognizes that the attainment of media cleanup standards does not necessarily entail removal or treatment of all contaminated material above specific constituent concentrations. Depending on the site-specific circumstances, remedies may attain media cleanup standards through various combinations of removal, treatment, engineering or institutional controls.*)

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

(a) Permit Modification

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

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

(b) Financial Assurance

OAC Rule 3745-55-011

As part of the modification of this permit to incorporate CMI, the Permittee shall provide financial assurance in the amount necessary to implement the corrective measure(s) as required by OAC Rule 3745-55-011 (b) and (c)."

25. **Comment received on Permit Attachment 3: ATTACHMENT 3
TANKS IN "DIRTY" TANK FARM**

"In the fall of 2003, via PCR09-02 Tanks D-9, D-10 and D-12 were to be replaced. However, due to constraints on 2003 capital spending, we at ONYXES will not be pursuing the replacement of tanks D-9, D-10 and D-12, as scheduled for the fall of 2003. All such application tables and text reflecting revisions made as part of PCR09-02 have also been revised accordingly via PCR02-03. Thus, we at ONYXES are requesting the tank dimensions and/or capacities for D-9, D-10, D-12 and D-18 be revised as follows:"

Tank No.	Capacity (Gallons)	Dimensions of Tank (Dia. x Ht. in Ft.)
D-9	12,000	10 x 20.5
D-10	10,000	10 x 17.25
D-12	10,000	10 x 17.25
D-18	20,000	10.5 x 29.75

Ohio EPA's Response: Ohio EPA cannot revise the permit per this comment since Ohio EPA has not acted upon this permit modification request per OAC 3745-50-51.

Once the permit has been issued final, Ohio EPA will act upon this permit modification request and revise the permit accordingly.

26. **Comment Received on Permit Overall: GENERAL/OVERALL COMMENT**

“Explicit language throughout the permit and its conditions, if interpreted literally would imply that this permit is applicable to all tanks, containers, wastes and waste containers, both hazardous and non-hazardous alike. Thus, we at ONYX are requesting that in all instances where tanks, containers, wastes and waste containers are referenced, such terms be preceded by the words ‘hazardous waste’ or preceded by the word ‘hazardous’, as appropriate and applicable.”

Ohio EPA’s Response: The permit is a hazardous waste permit, and on page 1 it specifically states that the activities authorized by this permit are storage and treatment of hazardous waste in containers and tanks and corrective action. Consistent with Ohio hazardous waste rules and other state hazardous waste permits, all references in the final Permit to tanks, containers, wastes and waste containers imply hazardous.

Note: In addition to the changes to the permit made by Ohio EPA in response to the Permittee’s comments, Ohio EPA has changed Conditions A.30 and B.26 for the purpose of removing the reference to guidance documents.

End of Responsiveness Summary

PUBLIC NOTICE

Montgomery County

OHIO EPA ISSUES FINAL RENEWAL HAZARDOUS WASTE PERMIT TO ONYX ENVIRONMENTAL SERVICES

On September 30, 2003, Ohio EPA issued a final Ohio Hazardous Waste Facility Installation and Operation Permit Renewal (Permit) to Onyx Environmental Services, LLC for its facility at 4301 Infirmiry Road, West Carrollton, Ohio 45449. The EPA Identification Number for this facility is OHD093945293.

Why does Onyx Environmental Services, LLC need a Permit?

Onyx Environmental Services, LLC (Onyx) is a commercial waste management facility engaged in the reclamation of industrial solvents, blending and marketing of hazardous waste fuels, and storage for transfer of waste not processed at the facility. To store and treat the hazardous wastes, Onyx needs a Permit. To issue this final renewal 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, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. The renewal Permit allows the company to continue to store and treat hazardous waste at the designated areas and will require Onyx to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility. Details about this final action can be viewed on Ohio EPA's website at www.epa.state.oh.us/dhwm/pdf/09-30-03onyx.pdf

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 October 30, 2003. 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: Onyx Environmental Services, L.L.C.

Mailing Address: Onyx Environmental Services, L.L.C.
P.O. Box 453
West Carrollton, OH 45449

Owner: Onyx Environmental Services, L.L.C.
3225 Aviation Avenue, 4th Floor
Miami, FL 33133

Operator: Onyx Environmental Services, L.L.C.
P.O. Box 453
West Carrollton, OH 45449

Location: Onyx Environmental Services, L.L.C.
4301 Infirmiry Road
West Carrollton, OH 45449

Ohio Permit No.	05-57-0056
US EPA ID	OHD 093-945-293
Issue Date	9/30/03
Effective Date	9/30/03
Expiration Date	9/30/08

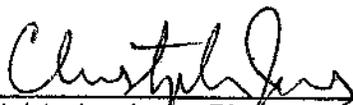
AUTHORIZED ACTIVITIES

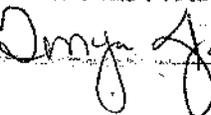
In reference to the application of Onyx Environmental Services, L.L.C. for an Ohio Hazardous Waste Facility Installation and Operation Renewal Permit under Ohio Revised Code (ORC) Chapter 3734 and the record in this matter, you are authorized to conduct at the above-named facility the following hazardous waste management activities:

- ◆ Storage of hazardous waste in containers
- ◆ Storage and treatment of hazardous waste in tanks
- ◆ Corrective action

I certify this to be a true and accurate copy of the original submitted to and received by the Ohio Environmental Protection Agency.

PERMIT APPROVAL


Christopher Jones, Director
Ohio Environmental Protection Agency

 09/30/03

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ENTERED DIRECTOR'S JOURNAL

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 30 day of September, 2003.

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 and to store and treat hazardous waste tanks in accordance with the terms and conditions of this permit, ORC Chapter 3734, all applicable Ohio hazardous waste rules, all applicable regulations promulgated under the Resource Conservation and Recovery Act (RCRA), as amended, and the approved hazardous waste facility installation and operation permit renewal application, as such application has been revised and supplemented and as such application may be modified pursuant to the hazardous waste rules. The approved Part B permit application as submitted to Ohio EPA on June 8, 1998 and any subsequent amendment thereto, and last updated on May 8, 2001 is hereby incorporated into this permit. In the instance of inconsistent language or discrepancies between the above, the language of the more stringent provision shall govern.
- (b) Any management of hazardous waste not authorized by this permit is prohibited, unless otherwise expressly authorized or specifically exempted by law. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, or invasion of other private rights. Compliance with the terms and conditions of this permit does not obviate Permittee's obligation to comply with other applicable provisions of law governing protection of public health or the environment including but not limited to the Community Right to Know law under ORC Chapter 3750.

A.2. Permit Actions

OAC Rule 3745-50-58(F)

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

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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 shall comply with all applicable provisions of ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all terms and conditions of this permit, except to the extent and for the duration such noncompliance is authorized by the laws of the State of Ohio. Any permit noncompliance, other than noncompliance authorized by the laws of the State of Ohio, constitutes a violation of ORC Chapter 3734 and the rules adopted thereunder and is grounds for enforcement action, 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(E); 3745-50-58(B); 3745-50-56 and ORC Section 3734.05(H)

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

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

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

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

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

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

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

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

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

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

A.11. Inspection and Entry
OAC Rule 3745-50-58(I), 3745-50-30 and ORC Section 3734.07

- (a) The Permittee shall allow the Director, or an authorized representative, upon stating the purpose and necessity of the inspection and upon proper identification to:
- (i) enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the terms and conditions of this permit;
 - (ii) have access to and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
 - (iii) inspect and photograph at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the terms and condition of this permit; and

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

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

- (a) Any sample and measurement taken for the purpose of monitoring shall be a representative sample or measurement, as such term is defined and used in the Ohio hazardous waste rules. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of OAC Rule 3745-51-20, Laboratory Methods. Laboratory methods must be those specified in Test Methods for the Evaluation of Solid Waste: Physical /Chemical Methods; SW-846:Third Edition, November 1992; and additional supplements or editions thereof; Standard Methods for the Examination of Water and Wastewater: Seventeenth Edition, 1989; or an equivalent method as specified in the approved waste analysis plan, or as such term is defined and used in the Ohio hazardous waste rules.
- (b) Records of monitoring information shall specify the:
 - (i) date(s), exact place(s), and time(s) of sampling or measurements;
 - (ii) individual(s) who performed the sampling or measurements;
 - (iii) date(s) analyses were performed;
 - (iv) individual(s) who performed the analyses;
 - (v) analytical technique(s) or method(s) used; and

(vi) results of such analyses.

A.13. Signatory Requirement and Certification of Records
OAC Rule 3745-50-58(K) and 3745-50-42

All applications, reports or information shall be properly signed and certified in accordance with OAC Rule 3745-50-58(K).

A.14. Retention of Records
OAC Rules 3745-50-58(J) and 3745-50-58(M)

- (a) The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, the certification required by paragraph B(9) of rule 3745-54-73 of the Administrative Code, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, certification, or application.
- (b) The record retention period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding the facility.
- (c) The Permittee shall maintain, in accordance with the Ohio hazardous waste rules, records of all data used to complete the Part B permit application and any amendments, supplements, modifications or revisions, of such application and shall retain a complete copy of the application for the life of the facility.
- (d) The Permittee shall maintain records from all ground water monitoring wells and associated ground water surface elevations for the active life of the facility, and for disposal facilities for the post-closure care period as well.
- (e) Corrective Action records must be maintained at least three (3) years after all Corrective Action activities have been completed.

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A.15. Planned Changes

OAC Rules 3745-50-51 and 3745-50-58(L)(1)

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

A.16. Waste Shipments

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

The Permittee shall only use properly registered transporters of hazardous waste to remove hazardous waste from the facility, in accordance with all applicable laws and rules.

A.17. Anticipated Noncompliance

OAC Rule 3745-50-58(L)(2)

The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or operations which may result in noncompliance with the terms and conditions of this permit. Such notification does not waive the Permittee's duty to comply with this permit pursuant to Condition A.5.

A.18. Transfer of Permits

OAC Rules 3745-50-52; 3745-50-58(L)(3) and 3745-54-12

- (a) This permit is not transferable to any person except after notice of the director.
- (b) The permit may be transferred to a new owner or operator only if such transfer is conducted in accordance with ORC Chapter 3734 and the rules adopted thereunder. This permit may be transferred by the Permittee to a new owner or operator only if the permit has been modified under OAC Rule 3745-50-51. Before transferring ownership or operation of the facility the Permittee shall notify the new owner or operator in writing of the requirements of ORC Chapter 3734 and the rules adopted thereunder (including all applicable corrective action requirements).
- (c) The Permittee's failure to notify the new owner or operator of the requirements of the applicable Ohio law or hazardous waste rules does not relieve the new owner or operator of its obligation to comply with all applicable requirements.

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A.19. Compliance Reports

OAC Rule 3745-50-58(L)(5) and 3745-50-50

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule (developed in accordance with OAC Rule 3745-50-50) of this permit shall be submitted to the Director no later than fourteen (14) days following each scheduled date.

A.20. Immediate Reporting of Noncompliance

OAC Rule 3745-50-58(L)(6)

- (a) The Permittee shall report orally to the Ohio Environmental Protection Agency's Division of Emergency and Remedial Response within two hours from the time the Permittee becomes aware of any noncompliance with this permit, ORC Chapter 3734 or the rules adopted thereunder, which endangers human health or the environment, including:
 - (i) information concerning the release of any hazardous waste that may cause an endangerment to public drinking water supplies; and
 - (ii) any information of a release or discharge of hazardous waste or a fire or explosion from the hazardous waste facility, which could threaten the environment or human health outside the facility.

- (b) The report shall consist of the following information (if such information is available at the time of the oral report):
 - (i) name, address, and telephone number of the owner or operator;
 - (ii) name, address, and telephone number of the facility;
 - (iii) 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 shall also be provided to the Ohio Environmental Protection Agency'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 Condition A.20.
- (b) The written report shall address the items in A.20 and shall contain a description of such noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to minimize the impact on human health and the environment and to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) The Permittee need not comply with the five (5) day written report requirement if the Director, upon good cause shown by the Permittee, waives that requirement and the Permittee submits a written report within fifteen (15) days of the time the Permittee becomes aware of the circumstances.

A.22. Other Noncompliance
OAC Rule 3745-50-58(L)(10) and 3745-50-58(L)(4)

The Permittee shall report to the Director, all other instances of noncompliance not provided for in Condition A.20. These reports shall be submitted within a month of the time at which the Permittee is aware of such noncompliance. Such reports shall contain all information set forth within Condition A.20 of this permit.

A.23. Reserved.

A.24. Other Information
OAC Rule 3745-50-58(L)(11)

If at any time the Permittee becomes aware that it failed to submit any relevant facts, or submitted incorrect information to the Director, the Permittee shall promptly submit such facts, information or corrected information to the appropriate entity.

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A.25 Signatory Requirement.
OAC Rules 3745-50-42(B) and 3745-50-58(K)

All reports or information by the terms and conditions of this permit or required or requested by the Director shall be signed and certified in accordance with OAC 3745-50-42.

A.26. Confidential Information
OAC Rule 3745-50-30

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

A.27. Ohio Annual Permit Fee
OAC Rule 3745-50-36

The annual permit fee, calculated pursuant to OAC Rule 3745-50-36 and payable to the Treasurer of the State, shall be submitted to the Director on or before the anniversary of the date of issuance during the term of the permit. For the purpose of the payment of the Ohio Annual Permit Fee, the date of issuance is the date the permit was entered into the Journal of the Director of the Ohio Environmental Protection Agency.

A.28. Compliance Schedule - Documents

- (a) The Permittee shall submit to the Ohio EPA within sixty (60) days after permit journalization, a request for a permit modification and the information listed below, which is to be incorporated in the Part B permit application. The permit modification shall be classified as a Class 1 modification, provided that the changes in the closure cost estimate and the financial assurance mechanisms reflect updated interest rates or other incidental changes. If the changes are more significant, the modification will be classified in accordance with OAC Rule 3745-50-51.

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

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

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

Section I of the application containing the financial assurance mechanism for closure shall be updated to include a copy of the current financial assurance mechanism, as set forth in OAC Rule 3745-55-43 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 Part B permit, the facility may change the financial assurance mechanism as stated in OAC Rule 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) Liability Requirements
OAC Rule 3745-55-47

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

During the life of the Part B permit, the facility may change the financial assurance mechanism used to demonstrate liability coverage as stated in OAC Rule 3745-55-47. 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 3745-55-47.

(b) Reserved.

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- (c) Unless specified otherwise, the Permittee shall submit the documents listed above to:

Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Attn: Regulatory and Information Services Section
P.O. Box 1049
122 S. Front Street
Columbus, Ohio 43216-1049

A.29. Information to be Maintained at the Facility
OAC Rule 3745-54-74

- (a) The Permittee shall 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, as developed and maintained in accordance with OAC Rule 3745-54-16 and the terms and conditions of this permit;
 - (vi) operating record required by OAC Rule 3745-54-73 and the terms and conditions of this permit;

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- (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) reserved;
 - (ix) annually-adjusted cost estimate for facility closure, as required by OAC Rules 3745-55-42 and 3745-55-44 and this Permit.
 - (x) all other documents required by Module A, Permit Condition A.12 and A.28.
- (b) All amendments, revisions and modifications to any plan required by the terms and conditions of this permit or the Ohio hazardous waste rules shall be submitted to the Director. No such change shall be made unless the Permittee has received approval in accordance with the Ohio hazardous waste rules.
 - (c) The Permittee shall maintain copies of all inspection logs at the facility for a period not less than three (3) years from the date of inspection.
 - (d) Corrective Action reports and records as required by Conditions in Module E of this permit. These reports and records must be maintained for at least three (3) years after all Corrective Action Activities have been completed.

A.30. Waste Minimization Report
OAC Rule 3745-54-73

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

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MODULE B - GENERAL FACILITY CONDITIONS

B. GENERAL FACILITY CONDITIONS

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

- (a) The Permittee shall design, construct, maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, and ground or surface waters which could threaten human health or the environment.
- (b) The Permittee shall not accept more than 90,000 tons of hazardous waste in any one calendar year from any off-site sources during the life of the permit, until such time as this Condition is modified, renewed, or revised. This is a facility wide limitation and includes all units.

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

- (a) The Permittee shall notify the Director in writing at least four weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source, as required by OAC Rule 3745-54-12(A). Notice of subsequent shipments of the same waste from the same foreign source is not required.
- (b) Hazardous Waste from Off-Site Sources

When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), he must inform the generator in writing that he has the appropriate Permits, and will accept the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record.

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

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

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

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

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

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

The Permittee shall follow the inspection schedule set out in Section F of the approved Part B permit application. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by OAC Rule 3745-54-15(C). Records of inspection shall be kept for a minimum of three (3) years from the date of inspection.

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

The Permittee shall conduct personnel training, as required by OAC Rule 3745-54-16. This training program shall contain at least the elements set forth in Section H of the approved Part B permit application. The Permittee shall maintain training documents and records as required by OAC Rule 3745-54-16(D) and (E).

B.7. General Requirements for Ignitable, Reactive, or Incompatible Waste
OAC Rule 3745-54-17

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

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

B.8. Reserved.

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

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

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

The Permittee shall inspect, test and maintain the equipment required by Condition B.9. as necessary to assure its proper operation in time of emergency, as specified in OAC Rule 3745-54-33, Section F of the approved Part B permit application, and the terms and conditions of this permit.

B.11. Access to Communications or Alarm System
OAC Rule 3745-54-34

The Permittee shall maintain access to the communications and alarm systems, as required by OAC Rule 3745-54-34, Section F of the Part B permit application, and the terms and conditions of this permit.

B.12. Required Aisle Space
OAC Rule 3745-54-35

At a minimum, the Permittee shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and

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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 shall comply with the requirements of OAC Rule 3745-54-37 (A) by making a diligent effort to:
 - (i) familiarize all emergency response agencies which are likely to respond in an emergency with the location and layout of the facility, properties of hazardous waste managed at the facility and associated hazards, places where facility personnel will normally be working, entrances to and roads inside the facility, and possible evacuation routes as depicted and explained in Section G of the approved Part B permit application;
 - (ii) inform such agencies of safety equipment, supplies, proper emergency safety procedures that are applicable to the facility, and any further requirements related to emergency response imposed by terms and conditions of this permit; and
 - (iii) familiarize the local police and fire departments, hospitals and any other local emergency service, with the properties of hazardous waste managed at the facility and the types of injuries or illness which could result from fires, explosions, or releases at the facility.
- (b) When a State or local agency declines to enter into the arrangements set forth in OAC Rule 3745-54-37(A), the Permittee shall document the refusal in the operating record as required by OAC Rule 3745-54-37(B).

B.14. Implementation of Contingency Plan
OAC Rules 3745-54-51 and 3745-54-56

The Permittee shall immediately carry out the provisions of the approved contingency plan and follow the emergency procedures described in OAC Rule 3745-54-56, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which threatens or could threaten human health or the environment.

In regard to spills and related toxic gas releases, the plan must describe the criteria to be used by the emergency coordinator to determine when the plan will be

implemented. At a minimum, the plan must be implemented in the following situations:

- (a) Any fire 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 a potential to produce hazardous conditions, including noxious, poisonous, flammable and/or explosive gases, fumes, or vapors; harmful dust; or explosive conditions.

B.15. Content of the Contingency Plan
OAC Rule 3745-54-52

The Permittee shall comply with OAC Rule 3745-54-52 and the contingency plan, as set forth in Section G of the approved Part B permit application.

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

All liquid or solid material resulting from fire, explosion, released material or emergency response material and by-products that the permittee is required to evaluate to determine whether such material is hazardous waste in accordance with OAC Rule 3745-52-11, shall be collected and managed as a hazardous waste until such time as the Permittee can demonstrate that such waste is not hazardous in accordance with OAC Rules 3745-51-03(C) and (D).

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

The Permittee shall review the approved contingency plan at least annually and upon the occurrence of any event listed in OAC Rule 3745-54-54. If necessary or

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appropriate, the Permittee shall amend the contingency plan as required by OAC Rule 3745-54-54 in accordance with OAC Rule 3745-50-51.

B.18. Copies of Plan

OAC Rule 3745-54-53

- (a) The Permittee shall comply with the requirements set forth in OAC Rule 3745-54-53 regarding contingency plan distribution.
- (b) The Permittee shall, in accordance with OAC Rule 3745-54-53, submit a copy of the contingency plan, to all local police departments, fire departments, hospitals, and local emergency response teams that may be called upon to provide emergency services. The Permittee shall notify such agencies and the local authorities, in writing if 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 shall, in accordance with OAC Rule 3745-54-53, submit a copy of the approved contingency plan, to the Ohio Environmental Protection Agency's Division of Emergency and Remedial Response.

B.19. Emergency Coordinator

OAC Rule 3745-54-55

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

B.20. Emergency Procedures

OAC Rules 3745-54-56 and 3745-51-01

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

B.21. Availability, Retention and Disposition of Records

OAC Rule 3745-54-74

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

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

The permittee shall comply with the requirements set forth in OAC Rule 3745-54-73 regarding an operating record, including information to be recorded and the maintenance thereof.

B.23. Contingency Plan Records
OAC Rule 3745-54-73 and OAC Rule 3745-54-56-(J)

The Permittee shall note in the operating record the time, date, and details of any incident that requires the implementation of the contingency plan. Within fifteen (15) days of any such incident the Permittee shall submit to the Director a written report of the incident containing the elements set forth in OAC Rule 3745-54-56(J).

B.24. Manifest System
OAC Rules 3745-54-70, 3745-54-71, 3745-54-72 and 3745-54-76

- (a) In the management of waste at the facility the Permittee shall comply with the provisions of OAC Chapter 3745-52 and OAC Rules 3745-54-71, 3745-54-72 and 3745-54-76 with regard to the manifest system.
- (b) Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved with fifteen (15) days after receiving the waste, the Permittee must submit a report, including a copy of the manifest, to the Director in accordance with OAC Rule 3745-54-72.
- (c) Unmanifested waste report. This report must be submitted to the Director within fifteen (15) days of receipt of unmanifested waste, if the waste is not excluded from the manifest requirements by OAC Rule 3745-51-05, and include the information required under OAC Rule 3745-54-76.

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

The Permittee shall comply with the annual report requirements set forth in OAC Rule 3745-54-75 and the additional report requirements set forth in OAC Rule 3745-54-77.

B.26. Closure Performance Standard
OAC Rule 3745-55-11

During facility closure, the Permittee shall implement the provisions of the approved closure plan, Section I, in such a manner as to achieve compliance with OAC Rule 3745-55-11.

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

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

B.28. Amendment of Closure Plan
OAC Rule 3745-55-12 and OAC Rule 3745-50-51

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

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

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

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

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

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

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

The permittee shall complete all closure activities within one hundred eighty (180) days 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 shall decontaminate and/or dispose of all contaminated facility equipment, structures, and soils, as required by OAC Rule 3745-55-14, the approved closure plan and the terms and conditions of this permit.
- (b) The Permittee shall notify the Ohio EPA Southwest District Office (SWDO) 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, qualified, registered professional engineer shall certify that each hazardous waste management unit or the facility has been closed in accordance with the specifications in the approved closure plan and the terms and conditions of this permit, as required by OAC Rule 3745-55-15. The Permittee shall furnish to the Director, upon request, documentation supporting the certification.

B.34. Reserved.

B.35. Reserved.

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

- (a) The Permittee's most recent closure cost estimate, prepared in accordance with OAC Rules 3745-55-42, 3745-55-44, 3745-55-97(C)(3) & (5), 3745-56-28(C)(3) and 3745-56-58(C)(2) is specified in Section I of the Part B permit application.
- (b) The Permittee must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with OAC Rule 3745-55-43 and Permit Condition B.37.

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- (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).

B.37. Financial Assurance for Facility Closure.

The Permittee shall maintain continuous compliance with OAC Rule 3745-55-43 and provide documentation of financial assurance, which meets the requirements of OAC Rule 3745-55-51, in at least the amount of the cost estimates required by Permit Condition B.36.

B.38. Liability Requirements

The Permittee shall maintain continuous compliance with the requirement of OAC Rule 3745-55-47 and the documentation of liability by providing liability coverage which meets the requirements of OAC Rule 3745-55-51 for sudden accidental occurrences in the amount required by the applicable rules, exclusive of the legal defense costs.

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

The Permittee shall comply with requirements set forth in OAC Rule 3745-55-48 regarding the incapacity of owners, operators, guarantors or financial institutions.

**B.40. General Requirements for Land Disposal Restrictions
OAC Chapter 3745-270**

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

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MODULE C - CONTAINERS STORAGE

C. CONTAINERS STORAGE

Onyx Environmental Services, L.L.C. is permitted to store hazardous wastes in three container storage areas. Typical containers include pint, quart, gallon and 5-gallon consumer commodity cans; 30-, 55-, 85- and 110-gallon steel and plastic drums; and 250-gallon totes and roll-off boxes.

One of the storage areas is a building that manages 52,800 gallons of waste (equivalent to 960 55-gallon containers). This storage area has dimensions of approximately 120 feet by 59 feet. Concrete dikes divide the storage area into four bays to enable segregation of waste according to its type: acidic, toxic, alkaline, ignitable. The coated, reinforced concrete dikes, floor, and collection trench provide secondary containment for the wastes in the event of a spill.

Containerized solids are stored in the dry dock area. This area has a permitted capacity of 3,850 gallons (equivalent to 70 55-gallon containers). It is a coated, reinforced concrete platform that slopes into the surrounding secondary containment. The third container storage area is a building that is separate from the building described above. This third storage area has a permitted capacity of 105,600 gallons (equivalent to 1,920 55-gallon drums). The building is approximately 170 feet by 110 feet in size. The storage area is divided into segregated bays for incompatible wastes. The waste types managed in the third storage area are acidic, toxic, alkaline, and ignitable. Secondary containment is provided by the coated, reinforced concrete dikes, floor, and centralized collection point.

C.1. Process Capacity/Annual Quantity Limitation OAC Rules 3745-50-43(A)(7)

- (a) The Permittee shall not store more than 162,250 gallons of containerized waste at any given time in the permitted container area as described in the approved Part B permit application. The Permittee shall store hazardous waste in the types of containers (size and type) described in Section D of the approved Part B application.

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- (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.
- (a) During any calendar year, the Permittee shall not manage through container storage hazardous waste in quantities in excess of the annual quantity set forth in Condition B.1(b) of this permit. The limitation on annual quantity of hazardous waste imposed by this condition shall not be applicable to the Permittee's activities as a generator accumulating hazardous waste on-site in compliance with OAC Rule 3745-52-34(A).
- (d) The provision of Conditions C.1(a) and C.2 shall not apply to the Permittee's activities as a generator accumulating hazardous waste on-site in compliance with the provisions of OAC Rule 3745-52-34(A). In the accumulation of hazardous waste under those provisions, the Permittee shall:
 - (i) accumulate the hazardous waste in permitted storage areas of the facility, or other accumulation areas; and
 - (ii) mark each container with the accumulation date and clearly label or mark each container with the words "Hazardous Waste".
- (e) When accumulating waste within the permitted container storage area, in accordance with OAC Rule 3745-52-34(A), the Permittee shall not, for the total amount of permitted waste stored, (both more than 90 day and less than 90 day) exceed the maximum container storage inventory established under Condition C.1.

C.2. Waste Identification

ORC Sections 3734.02(F) and 3734.05(H); and OAC Rule 3745-50-43

The Permittee shall store in containers only the hazardous waste codes specified in Attachment 1.

C.3. Reserved.

C.4. Limitation on Time of Storage.

The Permittee shall not store hazardous waste for a period which exceeds one year, except that upon good cause shown the Ohio Environmental Protection Agency

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may extend such time period. Each container stored must be clearly marked to identify its contents, and the date each period of storage begins.

C.5. Condition of Containers
OAC Rule 3745-55-71

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit or the hazardous waste facility chapters of the OAC.

C.6. Compatibility of Waste with Containers
OAC Rule 3745-55-72

The Permittee shall use containers that are compatible with the hazardous waste to be stored.

C.7. Management of Containers
OAC Rule 3745-55-73

- (a) All permitted container storage shall be conducted within the container storage units as described in Condition C.1. of this permit and Section D of the approved Part B permit application.
- (b) The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak.
- (c) In the event lab-pack wastes are generated they shall be handled in compliance with applicable storage requirements.
- (d) In the event lab-pack wastes are generated they shall be packaged in drums containing absorbent material that is compatible with the waste.

C.8. Containment Systems
OAC Rule 3745-55-75; ORC Section 3734.05(H)

- (a) The Permittee shall maintain the containment system in accordance with the plans and specifications contained in Section D of the Part B permit application.

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- (b) The Permittee shall maintain the containment system as described in the approved Part B permit application, designed with sufficient capacity to contain ten (10) percent of the total volume of the containers or the volume of the largest container, whichever is greater. The containment system shall be free of cracks and gaps and sufficiently impervious to contain leaks and spills and accumulated precipitation until the collected material is detected and removed. The Permittee shall insure that the coating(s) utilized in lining the secondary containment system(s) is compatible with each waste stored in containers situated at the permitted Container Storage (Pad) Area(s). For those hazardous wastes that are deemed incompatible with the liner material the Permittee shall install a separate secondary containment structure, located within the existing structure, possessing the appropriate liner in order to withstand any degrading effects imposed through initial and/or prolonged contact (e.g., 24 hours) with released waste materials.
- (c) Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection area in a timely manner. This time period is not to exceed twenty-four (24) hours from the time spilled and/or leaked waste is discovered to have reached the hazardous waste pad sump.

C.9. Reserved.

C.10. Inspection Schedules and Procedures
OAC Rule 3745-54-15, and 3745-54-73

As required by OAC Rule 3745-54-15, the Permittee shall inspect the container storage area in accordance with the approved inspection schedule (one inspection per day) contained in Section F of the Part B permit application, to detect leaking containers and deterioration of containers and the containment system caused by corrosion or other factors. 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 F of the permit application. The Permittee shall note the results of these inspections in the inspection log along with any remedial action taken.

C.11. Recordkeeping
OAC Rule 3745-54-73

The Permittee shall comply with all recordkeeping requirements of OAC Rule 3745-54-73 as part of the facility operating record.

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C.12. Special Container Provisions for Ignitable Waste
OAC Rules 3745-54-17(A) and 3745-55-76

- (a) The Permittee shall not locate containers holding ignitable waste within 15 meters (50 feet) of the facility's property line.
- (b) The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable waste and shall follow the storage procedures specified in Sections D and F of the Part B permit application.

C.13. Special Container Provisions for Incompatible Waste.
OAC Rule 3745-55-77

- (a) The Permittee shall not store incompatible waste except in accordance with OAC Rules 3745-54-17(B) and 3745-55-77.
- (b) The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material.
- (c) The Permittee shall separate containers of incompatible wastes from each other and other incompatible materials.

C.14. Reserved.

C.15. Closure and Post-Closure
OAC Rules 3745-55-10, 3745-55-11, 3745-55-78

- (a) At closure of the container area, the Permittee shall remove all hazardous waste and hazardous waste residues from the containment system, in accordance with the procedures in the Closure Plan set forth in Section I of the approved Part B permit application.
- (b) If the Permittee demonstrates that not all contaminated soils can be practically removed or decontaminated in accordance with the Closure Plan, Section I of the approved Part B permit application, the Permittee shall close the unit and perform post-closure care following a plan approved by the Director of Ohio EPA.

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MODULE D - TANK STORAGE AND TREATMENT

D. TANK STORAGE AND TREATMENT

Onyx Environmental Services, L.L.C. is permitted to store and treat hazardous wastes in two tank farms and an individual tank. The wastes managed include feedstock wastes such as spent solvents and hazardous and non-hazardous waste fuels, blended fuels for shipment off-site, and reclaimed solvent products. No reactive wastes are placed in the tanks. The two tank farms are identified according to their primary functions. The "dirty" tank farm typically stores feedstock for reclamation or recycling, and the "clean" tank farm typically stores products (e.g., recovered solvents). However, any of the tanks may be used for treatment, which consists of blending hazardous and nonhazardous waste solvents, associated solids, and waste oils into fuels for recycling in industrial furnaces.

The "dirty" tank farm contains 23 above-ground tanks ranging in capacity from 8,000 to 20,000 gallons. The total capacity of the "dirty" tank farm is 290,000 gallons. Two of the tanks are constructed of stainless steel; the other tanks are carbon steel. All of the tanks are supported by legs or horizontal structural steel beams. Installation dates for the tanks in the "dirty" tank farm range from 1979 to 1993. All of the tanks are equipped with manifolded vapor piping, conservation vents, flame arresters, pressure relief mechanisms, level gauges and high-level alarms, and safety cutoff devices. Several of the tanks have agitators. Secondary containment is provided by coated, reinforced concrete dikes and base.

The "clean" tank farm has 16 above-ground tanks with capacities ranging from 7,500 gallons to 15,000 gallons. The total capacity of the "clean" tank farm is 149,100 gallons. Two of the tanks are constructed of carbon steel, and the other 14 tanks are constructed of stainless steel. All of the tanks in the "clean" tank farm are supported by legs or skirts. The tanks were installed from 1981 to 1993. All of the "clean" tanks are equipped with manifolded vapor piping, conservation vents, flame arresters, pressure relief mechanisms, level gauges and high-level alarms, and safety cutoff devices. Several of the tanks have agitators. Secondary containment is provided by coated, reinforced concrete dikes and base.

A single carbon steel tank with a capacity of 7,000 gallons is used to store liquids decanted from containers prior to the waste being pumped to a tank farm. This above-ground decant tank was installed in 1984. It is supported by steel legs and is equipped with manifolded vapor piping, conservation vent, flame arrester, pressure relief mechanism, level gauges and high-level alarms, and safety cutoff

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devices. Coated, reinforced concrete dikes and base provide secondary containment.

D.1. Process Capacity/Annual Limitation/Waste Identification
ORC Section 3734.02(F) and OAC Rule 3745-50-43

- (a) The Permittee may store a total volume of 446,100 gallons of hazardous waste in 40 tanks, as specified in Attachments 2 through 5, subject to the terms of this Permit.
- (b) During any calendar year, the Permittee shall not manage through tank storage hazardous waste in excess of the maximum annual quantity set forth in Condition B.1(b) of this permit.
- (c) The Permittee shall store in tanks only the hazardous waste codes specified in the approved Part B permit application and summarized in Attachment 2.
- (d) The Permittee is prohibited from storing hazardous waste that is not identified in this permit condition.

D.2. Reserved.

D.3. Containment and Detection of Releases.
OAC Rule 3745-55-93

- (a) Reserved.
- (b) The Permittee shall operate and maintain the containment systems as described in the approved Part B permit application. The containment systems for the "dirty" tank farm shall have holding capacities of at least 13,920 gallons or 1,861 cubic feet for Tanks D-19 through D-24, and at least 30,900 gallons or 4,131 cubic feet for Tanks D-1, D-2, and D-4 through D-18. The containment system for the "clean" tank farm shall have a holding capacity of at least 29,835 gallons or 3,988 cubic feet.
- (c) Reserved.

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D.4. Certification of Tank Systems.
OAC 3745-55-92, 3745-55-93 and 3745-50-42

The Permittee shall keep on file at the facility a written assessment that is reviewed and certified by an independent, qualified professional engineer, in accordance with OAC Rule 3745-50-42(D), that attests to the structural integrity and suitability of each existing tank system for handling hazardous waste.

D.5. Operating Requirements
OAC Rule 3745-55-94

- (a) The Permittee shall not place hazardous wastes or treatment reagents in the tank system if they could cause the tank, its ancillary equipment, or a containment system to rupture, leak, corrode, or otherwise fail.
- (b) The Permittee shall prevent spills and overflows from the tank or containment systems using the methods described in the Part B permit application. The Permittee shall comply with the requirements of OAC Rule 3745-55-96 if a leak or spill occurs in the tank system.

D.6. Inspection Schedules and Procedures
OAC Rule 3745-55-95

- (a) The Permittee shall inspect the tank systems, in accordance with the Inspection Schedule and shall complete the items in Permit Conditions D.6(b) and D.6(c) as part of those inspections:
- (b) The Permittee shall inspect the overfill controls, in accordance with the procedure and schedule in the Part B permit application.
- (c) The Permittee shall inspect the following components of the tank system once each operating day:
 - (i) Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
 - (ii) Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design;

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- (iii) Construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).
- (d) Reserved.
- (e) The Permittee shall document compliance of Permit Condition D.6 in the operating record of the facility.

D.7. Response to Leaks or Spills
OAC Rule 3745-55-96

- (a) In the event of a leak or a spill from the tank system, from a secondary containment system, or if a system becomes unfit for continued use, the Permittee shall remove the system from service immediately and complete the following actions:
 - (i) Stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.
 - (ii) Remove waste and accumulated precipitation from the system within 24 hours of the detection of the leak or at an earlier practicable time to prevent further release and to allow inspection and repair of the tank/containment system to be performed.
 - (iii) Contain visible releases to the environment. The Permittee shall immediately conduct a visual inspection of all releases to the environment and based on that inspection: (1) prevent further migration of the leak or spill to soils or surface water and (2) remove and properly dispose of any visible contamination of the soil or surface water.
- (b) Unless the requirements of Permit Conditions D.7.(b)(i) through D.7.(d)(vi) are satisfied, the Permittee shall close its tank system in accordance with OAC Rule 3745-55-97 and its approved Closure Plan if there has been a leak or spill from the tank system, from a secondary containment system, or if a system becomes unfit for continual use.

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- (i) For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service.
 - (ii) For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning it to service.
 - (iii) Reserved.
 - (iv) Reserved.
 - (v) Reserved.
 - (vi) If the Permittee replaces a component of the tank system to eliminate the leak, that component must satisfy the requirements for new tank systems or components in OAC Rules 3745-55-92 and 3745-55-93.
- (c) For all major repairs to eliminate leaks or restore the integrity of the tank system, the Permittee must obtain a certification by an independent, qualified, registered professional engineer in accordance with OAC Rule 3745-50-42(D) that the repaired system is capable of handling hazardous wastes without release for the intended life of the system before returning the system to service. Examples of major repairs are: installation of an internal liner, repair of a ruptured tank, or repair or replacement of a secondary containment vault.

D.8. Recordkeeping and Reporting
OAC Rule 3745-55-96

- (a) The Permittee shall report to the Director, within 24 hours of detection, when a leak or spill occurs from the tank system or secondary containment system to the environment. A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported. Releases that are contained within a secondary containment system need not be reported.
- (b) Within 30 days of detecting a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information to the Director:

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- (i) Likely route of migration of the release;
 - (ii) Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
 - (iii) Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee should provide the Director with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;
 - (iv) Proximity of downgradient drinking water, surface water, and populated areas; and
 - (v) Description of response actions taken or planned.
- (c) The Permittee shall submit to the Director all certifications of major repairs to correct leaks within seven (7) days from returning the tank system to use.
 - (d) The Permittee shall obtain, and keep on file at the facility, the written statements by those persons required to certify the design and installation of the tank system.
 - (e) Reserved.
 - (f) The Permittee shall maintain at the facility a record of the results of leak tests and integrity tests conducted in accordance with Section D.2.2.4 of the approved Part B permit application.

D.9. Closure and Post-Closure Care
OAC Rule 3745-55-97

- (a) At closure of the tank system(s), the Permittee shall follow the procedures in the Closure Plan.
- (b) If the Permittee demonstrates that not all contaminated soils can be practically removed or decontaminated, in accordance with the Closure Plan, then the Permittee shall close the tank system(s) and perform post-closure care following the contingent procedures in the Closure Plan and in the Post-Closure Plan.

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D.10. Special Tank Provisions for Ignitable or Reactive Wastes
OAC Rule 3745-55-98

- (a) The Permittee shall not place ignitable or reactive waste in the tank system or in the secondary containment system, unless the procedures specified in the Part B permit application are followed. The Permittee shall document compliance with this condition and place it in the operating record.
- (b) The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1991 or most recent edition) incorporated by reference in OAC Rule 3745-50-11.

D.11. Special Tank Provisions for Incompatible Wastes
OAC Rule 3745-55-99

- (a) The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same tank system or the same secondary containment system, unless the procedures specified in the Part B permit application are followed. The Permittee shall document compliance with this condition and place that documentation into the operating record.
- (b) The Permittee shall not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless the requirements of Permit Condition D.10(a) are met.

D.12. Compliance Schedule

- (a) Prior to replacing Tanks D-9, D-10, and D-12, the Permittee shall submit results of an assessment conducted by an independent, qualified, registered professional engineer that demonstrates that the bearing capacity of the underlying soils is sufficient for supporting the additional capacity of the replacement tanks.
- (b) The Permittee shall clean existing Tanks D-9, D-10, and D-12 using the decontamination procedures in Section I of the Part B permit application prior to replacing the tanks with new tanks.

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- (c) The Permittee shall complete installation of replacement Tanks D-9, D-10, and D-12 by November 30, 2003. The Permittee shall provide Ohio EPA with at least 30 days notice prior to installation of the tanks
- (d) Prior to putting the replacement tanks in service, the Permittee shall submit to Ohio EPA as-built drawings of the replacement tanks and certification from an independent, qualified installation inspector, or registered professional engineer attesting that the replacement tank systems have sufficient structural integrity and are acceptable for storing and treating hazardous waste.

D.13. Reserved.

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MODULE E - CORRECTIVE ACTION REQUIREMENTS

E. CORRECTIVE ACTION REQUIREMENTS

The goals of the corrective action program are to evaluate the nature and extent of releases of hazardous substances from facilities, and to develop and implement appropriate corrective measures to protect human health and the environment. On October 30, 1996, the United States Environmental Protection Agency (U.S. EPA) issued a Resource Conservation and Recovery Act (RCRA) Hazardous and Solid Waste Amendments (HSWA) permit to Onyx Environmental Services, L.L.C., requiring corrective action activities. The facility has completed Phase I of its RCRA Facility Investigation (RFI) and has submitted the RFI Phase I report and the Phase II Scope of Work to U.S. EPA and Ohio EPA.

Upon issuance of the state renewal permit, Ohio EPA will assume authority for conducting regulatory oversight of all RCRA Corrective Action activities required at this facility (including review and approval of the Phase I RFI report), as detailed in Conditions E.5 through E.11.

E.1. CORRECTIVE ACTION AT THE FACILITY OAC Rules 3745-50-10 & 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), construction and demolition debris (as defined in Chapter 3734. 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, construction and demolition debris, industrial waste, or other waste. Such units include any area at a Facility at which solid waste, hazardous waste, infectious waste, construction 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 RCRA Corrective Action Plan (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 waste(s) or hazardous

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constituent(s) from any waste management units (WMUs) at the Facility, regardless of the time at which waste was placed in such units.

E.2. CORRECTIVE ACTION BEYOND THE FACILITY BOUNDARY
OAC Rules 3745-55-011

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 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) & 3745-55-011

The following WMUs are being investigated at the facility:

WMU 1 Truck Loading Bays
WMU 2 Concrete Pad, and
WMU 4 French Drains

Detailed information concerning these WMUs is provided in the Facility Background Report; Volume II (Cox-Colvin & Associates, June 21, 1999).

E.4 Reserved.

E.5 RFI
OAC Rule 3745-55-011

To date Onyx has completed Phase I of its RFI and submitted the RFI Phase I report (Cox-Colvin, August 22, 2000) and the Phase II Scope of Work Document (Cox-Colvin, August 22, 2000). Upon Ohio EPA approval of the RFI Phase I report, the Permittee shall proceed into Phase II of the RFI to thoroughly evaluate the nature and extent of the release of hazardous waste(s) and hazardous constituent(s) from all applicable WMUs identified in Condition E.3. In the event that newly discovered WMU's or releases are identified at the facility, the Permittee will conduct a subsequent RFI to evaluate the nature and extent of releases of

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hazardous waste(s) and hazardous constituent(s) associated with such areas, in accordance with Condition E.11.

The major tasks and required submittal dates are shown below. The scope of work for each of the tasks associated with RFI-related activities is found in U.S. EPA's RCRA Corrective Action Plan.

(a) RFI Workplan

The Permittee shall submit a written RFI Phase II Scope of Work to Ohio EPA within ninety (90) days after the effective date of this permit. In the case of a newly discovered waste management unit, the Permittee shall submit a written RFI Workplan on a timeframe established by Ohio EPA.

- (i) If necessary, Ohio EPA shall provide written comments on the RFI Phase II Scope of Work to the Permittee; or in the case of a newly discovered waste management unit, comments on the RFI Workplan for the new unit.
- (ii) Within forty-five (45) days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new RFI Phase II Scope of Work that incorporates Ohio EPA's comments; or in the case of a newly discovered waste management unit, an amended or new RFI Workplan.
- (iii) Ohio EPA shall approve or modify and approve, in writing, the amended or new RFI Phase II Scope of Work; or in the case of a newly discovered waste management unit, the amended or new RFI Workplan. The RFI Phase II Scope of Work or RFI Workplan for newly discovered unit, 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 Phase II Scope of Work or RFI Workplan for newly discovered unit must be authorized by Ohio EPA.

(b) RFI Implementation

The Permittee shall implement the RFI Phase II Scope of Work according to the terms and schedule in the approved RFI Phase II Scope of Work. In the case of a newly discovered waste management unit, the Permittee shall

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implement the RFI Workplan for the new unit according to the terms and schedule in the approved RFI Workplan.

(c) RFI Final Report

Within sixty (60) days after the completion of Phase II of the RFI or the RFI for a newly discovered unit, the Permittee shall submit an RFI Final Report to Ohio EPA. The RFI Final Report shall describe the procedures, methods, and results of the RFI. The Final Report must contain adequate information to support both the RFI objectives developed within the Phase I Report (Cox-Colvin & Associates; August 22, 2000) and further decisions concerning corrective action at the Facility.

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

E.6 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 the development and implementation of an interim measure (this may include an IM Workplan) at any time during the life of the permit to mitigate or eliminate a threat to human health or the environment. With Ohio EPA's prior approval, the Permittee may conduct voluntary Interim Measures at any time during the life of the permit. Implementation of voluntary Interim Measures does not preclude Ohio EPA from requiring additional Interim Measures necessary to mitigate or eliminate a threat to human health or the environment.

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. The class of the permit modification will be determined in accordance with OAC Rule 3745-50-51. 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 that pose a threat to human health and the environment.

If, based upon review of the Permittee's request for a permit modification, the results of the completed RFI, and other information, including comments received during the initial (60-day) public comment period required for Class 2 or Class 3 permit modifications, Ohio EPA determines that releases or suspected releases which were investigated either are nonexistent or do not pose a threat to human health and the environment, Ohio EPA will approve the requested modification.

(b) Periodic Monitoring

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

(c) Further Investigations

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

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determination, the Permittee, upon notification, is required to 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 shall conduct a CMS either as described below or as described in Ohio EPA's notification to the Permittee. The purpose of the CMS will be to develop and evaluate the corrective action alternative(s) and to outline one or more alternative corrective measure(s) that will satisfy the performance objectives specified by Ohio EPA.

(a) CMS Workplan

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

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

(b) CMS Workplan Implementation

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

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(c) CMS Final Report

Within sixty (60) days after the completion of the CMS, the Permittee shall submit a CMS Final Report to Ohio EPA. The CMS Final Report shall summarize the results of the investigations for each remedy studied and must include an evaluation of each remedial alternative.

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

E.9 CMI

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

If two or more of the Corrective Measures studied meet the threshold criteria set out above, Ohio EPA will authorize the Corrective Measures Implementation by considering remedy selection factors including: (1) long-term reliability and effectiveness; (2) the degree to which the Corrective Measure will reduce the toxicity, mobility or volume of contamination (3) the Corrective Measure's short-term effectiveness; (4) the Corrective Measure's implementability; and (5) the relative cost associated with the alternative. (Note: the assigned numbering of the above-stated threshold criteria does not imply relative importance and any one of these individual criteria might prove to be the most important factor used by Ohio EPA in

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authorizing the CMI. Furthermore, Ohio EPA recognizes that the attainment of media cleanup standards does not necessarily entail removal or treatment of all contaminated material above specific constituent concentrations. Depending on the site-specific circumstances, remedies may attain media cleanup standards through various combinations of removal, treatment, engineering or institutional controls).

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

(a) Permit Modification

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

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

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

As part of the modification of this permit to incorporate CMI, the Permittee shall provide financial assurance in the amount necessary to implement the corrective measure(s) as required by OAC Rule 3745-55-011 (b) and (c).

E.10 NEWLY IDENTIFIED WMUs OR RELEASES
OAC Rule 3745-55-011

(a) General Information

The Permittee shall submit to Ohio EPA, within 30 days of discovery, the following information regarding any new WMU identified at the Facility:

- (i) The location of the unit on the site topographic map;
- (ii) Designation of the type of unit;
- (iii) General dimensions and structural description (supply any available drawings);
- (iv) When the unit was operated; and

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(v) Specifications of all waste(s) that have been managed at the unit.

(b) Release Information

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

E.11 CORRECTIVE ACTION FOR NEWLY IDENTIFIED WMUs AND RELEASES
OAC Rule 3745-55-011

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

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

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

E.12. COMPLIANCE SCHEDULE FOR CORRECTIVE ACTION

The Permittee shall complete the Corrective Action in accordance with the schedule below.

Corrective Action Compliance Schedule	
Document	Submittal Deadline
RFI Phase II Scope of Work	Ninety (90) calendar days after the effective day of permit
Amended or new RFI Phase II Scope of Work	Forty-five (45) calendar days after receipt of Scope of Work comments
RFI Implementation	According to schedule in approved Scope of Work
RFI Final Report	Sixty (60) calendar days after completion of RFI Phase II

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Corrective Action Compliance Schedule	
Document	Submittal Deadline
CMS Workplan	Ninety (90) calendar days after notification of requirements to perform CMS
Amended or New CMS Workplan	Forty-five (45) calendar days of receipt of CMS Workplan comments
CMS Workplan Implementation	According to schedule in approved CMS Workplan
CMS Final Report	Sixty (60) calendar days after completion of CMS
Amended or New CMS Final Report	Forty-five (45) calendar days after receipt of CMS Final Report comments
Newly Identified WMUs	Thirty (30) calendar days after discovery
Release Information	Thirty (30) calendar days after discovery

End of Permit Conditions

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ATTACHMENT 1

Onyx Environmental Services, L.L.C.

1. Waste Management:

Storage in Containers, (S01); total capacity of 162,250 gallons.

2. Waste Streams/Codes:

F001, F002, F003, F004, F005, F006, F007, F008, F009, F010, F011, F012,
F032, F034, F035, F039

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

K009, K010, K011, K014, K015, K016, K018, K022, K023, K024, K025, K026,
K027, K028, K029, K030, K048, K049, K050, K051, K052, K062, K073, K083,
K086, K087, K095, K096, K103, K104, K107, K108, K109, K110, K113, K115,
K131, K132, K141, K142, K143, K144, K145, K147, K148, K149, K150, K151,
K157, K158, K159, K161

U002, U003, U004, U008, U009, U012, U019, U029, U031, U032, U034, U037,
U038, U041, U042, U044, U047, U048, U050, U051, U052, U054, U055, U056,
U057, U068, U069, U070, U071, U072, U074, U076, U077, U078, U079, U080,
U081, U082, U083, U084, U088, U102, U103, U105, U106, U107, U108, U110,
U112, U113, U118, U120, U122, U123, U125, U131, U133, U134, U138, U140,
U144, U147, U151, U154, U159, U161, U162, U165, U169, U171, U182, U183,
U184, U185, U186, U188, U189, U196, U201, U203, U207, U208, U209, U210,
U211, U213, U218, U219, U220, U222, U223, U226, U227, U228, U238, U239,
U248, U271, U278, U279, U280, U359, U364, U367, U372, U373, U387, U389,
U394, U395, U404, U409, U410, U411

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ATTACHMENT 2

Onyx Environmental Services, L.L.C.

1. Waste Management Units:

Storage and Treatment in Tanks, S02, T01; total capacity of 446,100 Gallons

2. Waste Streams/Codes:

F001, F002, F003, F004, F005, F006, F007, F008, F009, F010, F011, F012, F032, F034, F035, F039

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

K009, K010, K011, K014, K015, K016, K018, K022, K023, K024, K025, K026, K027, K028, K029, K030, K048, K049, K050, K051, K052, K062, K073, K083, K086, K087, K095, K096, K103, K104, K107, K108, K109, K110, K113, K115, K131, K132, K141, K142, K143, K144, K145, K147, K148, K149, K150, K151, K156, K157, K158, K159, K161

U002, U003, U004, U008, U009, U012, U019, U029, U031, U032, U034, U037, U038, U041, U042, U044, U047, U048, U050, U051, U052, U054, U055, U056, U057, U068, U069, U070, U071, U072, U074, U076, U077, U078, U079, U080, U081, U082, U083, U084, U088, U102, U103, U105, U106, U107, U108, U110, U112, U113, U118, U120, U122, U123, U125, U131, U133, U134, U138, U140, U144, U147, U151, U154, U159, U161, U162, U165, U169, U171, U182, U183, U184, U185, U186, U188, U189, U196, U201, U203, U207, U208, U209, U210, U211, U213, U218, U219, U220, U222, U223, U226, U227, U228, U238, U239, U248, U271, U278, U279, U280, U359, 364, U367, U372, U373, U387, U389, U394, U395, U404, U409, U410, U411

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**ATTACHMENT 3
TANKS IN "DIRTY" TANK FARM**

Onyx Environmental Services, L.L.C.

Tank No.	Capacity (Gallons)	Dimensions of Tank (Dia. x Ht. in Ft.)	Secondary Containment Required	Hazardous Waste No.
D-1	8,000	8.0 x 24.0	Yes - in place	See Attachment 2
D-2	8,000	8.0 x 26.66	Yes - in place	See Attachment 2
D-4	8,000	8.0 x 26.7	Yes - in place	See Attachment 2
D-5	10,000	10.0 x 19.875	Yes - in place	See Attachment 2
D-6	10,000	10.0 x 19.875	Yes - in place	See Attachment 2
D-7	10,000	10.0 x 19.875	Yes - in place	See Attachment 2
D-8	10,000	10.0 x 19.875	Yes - in place	See Attachment 2
D-9	19,750	10.5 x 29.75	Yes - in place	See Attachment 2
D-10	19,750	10.5 x 29.75	Yes - in place	See Attachment 2
D-11	16,000	10.0 x 28.00	Yes - in place	See Attachment 2
D-12	19,750	10.5 x 29.75	Yes - in place	See Attachment 2
D-13	10,000	10.0 x 18.91	Yes - in place	See Attachment 2
D-14	10,000	10.0 x 18.91	Yes - in place	See Attachment 2
D-15	10,000	10.0 x 18.91	Yes - in place	See Attachment 2
D-16	20,000	10.5 x 29.75	Yes - in place	See Attachment 2
D-17	20,000	10.5 x 31.90	Yes - in place	See Attachment 2
D-18	20,000	10.5 x 31.90	Yes - in place	See Attachment 2

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**ATTACHMENT 3 (continued)
TANKS IN "DIRTY" TANK FARM**

Onyx Environmental Services, L.L.C.

Tank No.	Capacity (Gallons)	Dimensions of Tank (Dia. x Ht. in Ft.)	Secondary Containment Required	Hazardous Waste No.
D-19	10,000	10.0 x 18.91	Yes - in place	See Attachment 2
D-20	10,000	10.0 x 18.91	Yes - in place	See Attachment 2
D-21	10,000	10.0 x 18.91	Yes - in place	See Attachment 2
D-22	10,000	10.0 x 18.91	Yes - in place	See Attachment 2
D-23	10,000	10.0 x 18.91	Yes - in place	See Attachment 2
D-24	10,000	10.0 x 18.91	Yes - in place	See Attachment 2

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**ATTACHMENT 4
TANKS IN "CLEAN" TANK FARM**

Onyx Environmental Services, L.L.C.

Tank No.	Capacity (Gallons)	Dimensions of Tank (Dia. x Ht. in Ft.)	Secondary Containment Required	Hazardous Waste No.
C-1	8,600	10.0 x 17.25	Yes - in place	See Attachment 2
C-2	8,600	10.0 x 17.25	Yes - in place	See Attachment 2
C-3	8,600	10.0 x 17.25	Yes - in place	See Attachment 2
C-4	8,600	10.0 x 17.25	Yes - in place	See Attachment 2
C-5	8,600	10.0 x 17.25	Yes - in place	See Attachment 2
C-6	8,600	10.0 x 17.25	Yes - in place	See Attachment 2
C-7	8,000	10.0 x 15.5	Yes - in place	See Attachment 2
C-8	8,000	10.0 x 15.5	Yes - in place	See Attachment 2
C-9	15,000	12.0 x 20.5	Yes - in place	See Attachment 2
C-10	15,000	12.0 x 20.5	Yes - in place	See Attachment 2
C-11	14,000	10.0 x 23.0	Yes - in place	See Attachment 2
C-12	7,500	8.0 x 20.0	Yes - in place	See Attachment 2
C-13	7,500	8.0 x 20.0	Yes - in place	See Attachment 2
C-14	7,500	8.0 x 20.0	Yes - in place	See Attachment 2
C-15	7,500	8.0 x 20.0	Yes - in place	See Attachment 2
C-16	7,500	8.0 x 20.0	Yes - in place	See Attachment 2

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**ATTACHMENT 5
TANK IN DECANT AREA**

Onyx Environmental Services, L.L.C.

Tank No.	Capacity (Gallons)	Dimensions of Tank (Dia. x Ht. in Ft.)	Secondary Containment Required	Hazardous Waste No.
Decant DC-1	7,000	10.0 x 15.95	Yes - in place	See Attachment 2

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