



State of Ohio Environmental Protection Agency

**Northwest District Office**

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DIV. OF HAZARDOUS  
WASTE MGT.

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

September 25, 2007

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

**Re: Hazardous Waste Permit Modification  
Class 1 Acknowledgment  
BP Products North America  
Premcor Refining Group, Inc.  
U.S. EPA ID# OHD 005 051 826 / Ohio Permit #03-02-0390**

Dear Mr. Darr:

On August 1, 2007, Ohio EPA received a notification for a Class 1 hazardous waste permit modification from BP Products North America, Inc. With this letter, Ohio EPA acknowledges the above referenced Class 1 modification submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-50-51, and accordingly has updated the facility's Part B permit application and permit.

Corrections to typographical errors in the permit terms and conditions for BP Products North America, Inc. and Premcor Refining Group, Inc. was assigned a permit information tracking system (PITS) ID number of OHD005051826-070801-1-1.

Enclosed is a copy of the revised permit terms and conditions. This has been included to ensure that all involved parties have written confirmation of the changes. If you have any questions concerning this action, please contact Don North at the Ohio EPA Northwest District Office (419-373-3074).

Sincerely,

John Pasquarette  
Manager  
Division of Hazardous Waste Management

/cs

pc: Dave Sholtis, Assistant Chief, DHWM, CO  
Jeremy Carroll, Supervisor, Engineering Unit, DHWM, CO  
Don North, DHWM, NWDO  
Gary Deutschman, DHWM, NWDO  
DHWM, NWDO File – Lima Refining Company Permit File  
DHWM, NWDO File – Premcor Terms & Conditions; Document Library  
ec: Gary Deutschman, DHWM, NWDO  
John Pasquarette, DHWM, NWDO

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.

- b) The Permittee may continue to operate in accordance with the terms and conditions of the expired permit until a renewal permit is issued or denied if:
  - i) the Permittee has submitted a timely and complete 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-side 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 Rule 3745-50-40(D) unless a) the permit has been modified to terminate the corrective action schedule of compliance and the Permittee has been released from the requirements for financial assurance for corrective action; or b) permission for a later date has been granted by the Director. The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

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

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

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

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

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

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

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

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

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

- a) The Permittee shall allow the Director, or an authorized representative, upon stating the purpose and necessity of the inspection and upon proper identification to:
  - i) enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the terms and conditions of this permit;

- ii) have access to and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
  - iii) inspect and photograph at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the terms and conditions of this permit; and
  - iv) sample, document (including but not limited to the use of videotape and camera equipment) or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by ORC Chapter 3734 and the rules adopted thereunder, any substances or parameter at any location.
- b) Any record, report or other information obtained under the hazardous waste rules or Chapter 3734 of the Revised Code shall not be available to the public upon the Permittee's satisfactory showing to Ohio EPA that all or part of the information would divulge methods or processes entitled to protection as trade secrets pursuant to Ohio Trade Secret Law and OAC Rule 3745-50-30.

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

- a) Any sample and measurement taken for the purpose of monitoring 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) sampling and monitoring equipment used, including calibration settings;
- vi) analytical technique(s) or method(s) used; and
- vii) results of such analyses.

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

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. Once any enforcement action is resolved, the Permittee shall maintain relevant documentation for a period of one year beyond the date of final resolution or three years from the original date of sample measurement, report of record, whichever is greater.

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

A.19. Compliance Reports

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

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

A.20. Immediate Reporting of Noncompliance

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

- a) The Permittee shall report orally to the Ohio Environmental Protection Agency's Division of 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.

A.22. Other Noncompliance

OAC Rules 3745-50-58(L)(10) and 3745-50-58(L)(4)

The Permittee shall report to the Director and the Division of Hazardous Waste Management District Office all other instances of noncompliance not provided for in Condition A.20. These reports shall be submitted within 20 days 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 and OAC Rule 3745-50-58(L)(6).

A.23. Reserved.

A.24. Other Information

OAC Rule 3745-50-58(L)(11)

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

A.25. Confidential Information

OAC Rule 3745-50-30

In accordance with ORC Chapter 3734 and the rules adopted thereunder, the Permittee may request confidentiality of any information (other than discharge or emission data) required to be submitted by the terms and conditions of this permit. This includes any information obtained by the Director, or an authorized representative, pursuant to the authority provided under condition A.11 of this permit.

A.26. Reserved.

A.27. Compliance Schedule – Documents

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

entrances to and roads inside the facility, and possible evacuation routes as depicted and explained in Attachment E 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).
  - c) The Permittee shall, in accordance with OAC Rule 3745-54-53, submit a copy of the approved contingency plan, and all revisions, amendments and modifications to the Ohio EPA Emergency Response Section.

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

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

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

- a) Any fire or explosion involving hazardous waste which threatens or could threaten human health or the environment;

B.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, Volume II, Section 8.0 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 Lima Facility in accordance with OAC Rule 3745-54-74.

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

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

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

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

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

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.25. Annual Reports and Additional Reports  
OAC Rules 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. Reserved.

B.27. Reserved.

B.28. Reserved.

B.29. Reserved.

B.30. Reserved.

B.31. Reserved.

B.32. Reserved.

B.33. Reserved.

B.34. Reserved.

B.35. Reserved.

B.36. Cost Estimate for Facility Closure and Post-Closure  
OAC Rules 3745-55-42 and 3745-55-44

- a) The Permittee's most recent closure cost and post-closure estimates, 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) are specified in Volume I, Attachment A of the Part B permit application.
- b) The Permittee must adjust the closure and post-closure cost estimates for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with OAC Rules 3745-55-42(B),

## MODULE E – CORRECTIVE ACTION REQUIREMENTS

### Corrective Action Summary

The United States Environmental Protection Agency (U.S. EPA) issued BP Oil Company (BP) a hazardous waste permit for the Lima Refinery on June 28, 1989. As a condition of this permit, U.S. EPA required completion of corrective action for the release of hazardous waste and hazardous waste constituents from solid waste management units (SWMUs) and SWMU groups identified in the permit.

The Permittee submitted a draft RCRA Facility Investigation (RFI) Workplan to U.S. EPA during March 1990. After several rounds of review and comment between the facility and U.S. EPA, the final approval for the RFI Workplan was granted on August 7, 1997.

The Phase I RFI was conducted during August and September 1997. The Phase I Report and Phase II Workplan were submitted to U.S. EPA on January 15, 1999. On November 29, 1999, U.S. EPA granted approval of the Phase II RFI Workplan. By a letter dated November 30, 1999, BP notified the Agencies of their intent to commence Phase II RFI Workplan field activities on December 6, 1999. A Draft Phase II Report, Human Health Risk Assessment, and Detailed Ecological Risk Assessment were submitted on April 3, 2001. U.S. EPA conditionally approved the RFI report on June 18, 2001. On October 24, 2001, U.S. EPA determined that BP had met the conditions in the RFI approval. On the same date, U.S. EPA issued a conditional approval of a Corrective Measures Study (CMS) that had been submitted on August 17, 2001. A Final CMS, prepared in accordance with U.S. EPA's conditional approval, was submitted on November 16, 2001. U.S. EPA approved the Final CMS on December 12, 2001.

On December 31, 2001, U.S. EPA gave public notice of its intent to modify BP's Federal RCRA permit to incorporate Corrective Measures. A draft Corrective Measures Implementation Conceptual Work Plan (CMICWP) and draft Performance Based Ground Water Monitoring Plan (PBGWMP) dated March 2002 were conditionally approved by U.S. EPA on April 19, 2002. On April 24, 2002, U.S. EPA issued a final modification to BP's federal permit requiring implementation of Corrective Measures.

As part of the Corrective Measures, BP implemented deed restrictions on June 7, 2002, and submitted the documents to U.S. EPA. The Trolumen Product Management Plan was submitted to the Agency on June 20, 2002. U.S. EPA approved the final CMICWP/PBGWMP on August 16, 2002. On September 3, 2002, BP submitted the E-Pond Corrective Measures Completion Report to U.S. EPA. Subsequently, BP also submitted the following reports on completion of corrective measures construction:

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

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

The Permittee must implement Corrective Action(s) beyond the Facility property boundary, where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of Ohio EPA that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of any responsibility to clean up a release that has migrated beyond the Facility boundary where off-site access is denied. On-site measures to address such releases will be addressed under the RFI, CMS, and CMI phases, as determined to be necessary on a case-by-case basis.

E.3. Identification of SWMUs  
OAC Rules 3745-50-44(d) & 3745-55-011

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

E.4. Reserved.

E.5. RFI  
OAC Rule 3745-55-011

The Permittee has conducted a 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.

a) RFI Workplan

In case of a newly discovered waste management unit, the Permittee shall submit a written RFI Workplan to Ohio EPA on a time frame established by Ohio EPA.

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

b) RFI Implementation

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

c) RFI Final Report

Within sixty (60) days after the completion of the RFI, the Permittee shall submit an RFI Final Report to Ohio EPA. The RFI Final Report shall describe the procedures, methods, and results of the RFI. The Final Report must contain adequate information to support further decisions concerning corrective action at the Facility.

- 1) If necessary, Ohio EPA shall provide written comments on the RFI Report to the Permittee.
- 2) 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.
- 3) Ohio EPA shall approve or modify and approve, in writing, the amended or new RFI Report. The RFI Report, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved RFI Report must be authorized by Ohio EPA.

#### E.6. Interim Measures (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.

#### E.7. Determination of No Further Action

##### a) SWMUs Identified as No Further Action

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

SWMU 41 – Miscellaneous Sump

SWMU 64 – Old Fire Training Area

SWMU 68 – Former Lube Plant

SWMU 69 – Aromatics Closed Drain System

SWMU 70 – Tank 214

SWMU 71 – Tank 207

SWMU 72 – Tank 209

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

#### E.8. Corrective Measures Study (CMS)

Within ninety (90) days of Permit issuance, the Permittee shall conduct a CMS for SWMU 42 (AFU / Oily Sludge Pond) and shall submit a CMS Report to Ohio EPA in accordance with Condition E.8(c).

In the case of a newly discovered waste management unit, 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

In the case of a newly discovered waste management unit, 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.

- 1) If necessary, Ohio EPA shall provide written comments on the CMS Workplan to the Permittee.
- 2) 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.
- 3) Ohio EPA shall approve or modify and approve, in writing, the amended or new CMS Workplan. The CMS Workplan, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved CMS Workplan must be authorized by Ohio EPA.

##### b) CMS Workplan Implementation

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

c) CMS Final Report

Within 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 and evaluation of each remedial alternative.

- 1) If necessary, Ohio EPA shall provide written comments on the CMS Report to the Permittee.
- 2) 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.
- 3) 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

The Permittee shall implement the Corrective Measures Implementation Conceptual Work Plan (CMICWP) approved by U.S. EPA and the Performance Based Groundwater Monitoring Plan (PBGWMP). The Permittee also shall implement any additional Corrective Measures authorized by Ohio EPA for SWMU 42 (AFU/Oily Sludge Pond) once the CMS for this SWMU is approved by Ohio EPA.

Based on the results of the CMS for a newly discovered waste management unit, 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. Ohio EPA will select a Corrective Measure for implementation based on the following factors: 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.

approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved CM Completion Report and O&M Plan must be authorized by Ohio EPA.

g) Permit Modification

In case of a newly discovered waste management unit that requires corrective measures, 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.

h) Financial Assurance  
OAC Rule 3745-55-011

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). In case of a newly discovered waste management unit that requires corrective measures, the Permittee shall provide financial assurance in the amount necessary to implement the corrective measure(s) as part of the modification of this permit to incorporate CMI.

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

a) General Information

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

- i) the location of the unit on the site topographic map;
- ii) designation of the type of unit;
- iii) general dimensions and structural description (supply any available drawings);

- iv) when the unit was operated; and
- v) specification of all waste(s) that have been managed at the unit.

b) Release Information

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

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 time frame 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 time frames established by Ohio EPA.

The Permittee will provide Ohio EPA with the following items according to the schedule below:

<b>Facility Submission</b>	<b>Due Date</b>
Submit policies and procedures for notice of hazards to excavation workers and for protecting workers	45 days after effective date of permit
Ground water monitoring results	30 days after receipt from the laboratory
Progress reports	Monthly, by the 12 <sup>th</sup> of each month
Corrective Measure Completion Report and O&M Plan	45 days after corrective measures completion
Corrective Measures Study Report for SWMU 42 – AFU/Oily Sludge Pond	90 days after effective date of permit

chart for statistical analysis decision making as included in the ASTM guidance document number D6312-98 entitled: "Standard Guide for Developing Appropriate Statistical Approaches for Ground-Water Detection Monitoring Programs." The ASTM guidance also may be followed, where deemed appropriate by the Ohio EPA.

Any statistical method that is chosen must comply with the following performance standards:

- i) The statistical method shall utilize a sample size large enough to ensure with reasonable confidence that a contaminant release to the ground water from the facility will be detected.
- ii) The statistical procedure must be protective of human health and the environment and provide reasonable confidence that migration of hazardous constituents from a regulated unit into and through the aquifer will be indicated.
- iii) The statistical method must be used in evaluating ground water monitoring data for each hazardous constituent specified in Permit Condition F.3(a).
- iv) The statistical method must be appropriate for the distribution of the data used to establish background values or concentration limits. If the distribution for the constituents differs from one another, more than one statistical method may be needed.
- v) The statistical method must provide a reasonable balance between the probability of falsely identifying a non-contaminating unit and the probability of failing to identify a contaminating regulated unit.
- vi) The statistical method shall account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantitation limit (PQL) approved in the permit that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility using the methods outlined in the most recent version of SW-846.

#### G.5. Notices and Certification

- a) No later than 60 days after certification of closure of each permitted hazardous waste disposal unit, the Permittee shall submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Director, a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the Permittee shall identify the type, location, and quantity of the hazardous wastes to the best of his knowledge and in accordance with any records he has kept.
- b) Within 60 days of certification of closure of the first and the last hazardous waste disposal unit, the Permittee shall:
  - i) Record, in accordance with Ohio law, a notation on the deed to the facility property, or on some other instrument that is normally examined during the title search, that will in perpetuity notify any potential purchaser of the property that:
    - aa) The land has been used to manage hazardous wastes;
    - bb) Its use is restricted under OAC Rule 3745-55-10 thru 20; and
    - cc) The survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility have been filed with the Director and Allen County zoning authority.
  - ii) Submit a certification to the Director, signed by the Permittee, that he has recorded the notation specified in Permit Condition G.3(b)(i), including a copy of the document in which the notation has been placed.
- c) If the Permittee or any subsequent owner or operator of the land upon which the hazardous waste disposal unit is located, wishes to remove hazardous wastes and hazardous waste residues, the liner, if any; or contaminated soils, then he shall request a modification to this post closure permit in accordance with the applicable requirements in Chapter OAC 3745-50. The



State of Ohio Environmental Protection Agency

**Northwest District Office**

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DIV. OF HAZARDOUS  
WASTE MGT.

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Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

November 9, 2007

Mr. G. Michael Darr, Environmental Business Manager  
BP Products North American, Inc.  
Lima Refining Company  
1150 South Metcalf Street  
Lima, Ohio 45804

**Re: Hazardous Waste Permit Modification  
Class 1 Acknowledgment 070801-1-1  
Corrected Attachments  
BP Products North America / Premcor Refining Group, Inc.  
U.S. EPA ID# OHD 005 051 826 / Ohio Permit #03-02-0390**

Dear Mr. Darr:

On September 25, 2007, Ohio EPA acknowledged a class 1 permit modification to correct typographic errors in the terms and conditions for BP Products North America, Inc. and Premcor Refining Group, Inc.'s Ohio Hazardous Waste Facility and Installation Permit. This permit modification was assigned a permit information tracking system (PITS) ID number of OHD005051826-070801-1-1.

It has come to my attention that two of the modified pages were formatted using outdated pages from your permit. Therefore, please find enclosed copies of the corrected pages (17 of 71) and (20 of 71). If you have any questions concerning this letter, please contact Gary Deutschman at the Ohio EPA, Northwest District Office, (419) 373-3056.

Sincerely,

John Pasquarette  
Manager  
Division of Hazardous Waste Management

GSD/cs

Enclosures

pc: Dave Sholtis, Assistant Chief, DHWM, CO  
Jeremy Carroll, Supervisor, Engineering Unit, DHWM, CO  
Gary Deutschman, DHWM, NWDO  
Don North, DHWM, NWDO  
DHWM, NWDO File - Lima Refining Company Permit File  
DHWM, NWDO File - Premcor Terms & Conditions; Document Library

ec: Gary Deutschman, DHWM, NWDO  
John Pasquarette, DHWM, NWDO

~~entrances to and roads inside the facility, and possible evacuation routes as depicted and explained in Attachment E 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).~~
- ~~c) The Permittee shall, in accordance with OAC Rule 3745-54-53, submit a copy of the approved contingency plan, and all revisions, amendments and modifications to the Ohio EPA Emergency Response Section.~~

**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 found in Appendix G of the Closure Plan of Primary & "C" Ponds, September 2001 and follow the emergency procedures described in OAC Rule 3745-54-56, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which threatens or could threaten human health or the environment.

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

- ~~a) Any fire or explosion involving hazardous waste which threatens or could threaten human health or the environment;~~

B.20. Reserved.

~~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, Volume II, Section 8.0 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 Lima Facility in accordance with OAC Rule 3745-54-74.

B.22. Operating Record

OAC Rule 3745-54-73

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

B.23. Contingency Plan Records

OAC Rule 3745-54-73 and OAC Rule 3745-54-56-(J)

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

B.24. Manifest System

OAC Rules 3745-54-70, 3745-54-71, 3745-54-72 and 3745-54-76

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.