



State of Ohio Environmental Protection Agency

OHIO E.P.A.

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

NOV - 8 2010

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

ENTERED DIRECTOR'S JOURNAL

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: *Sandy Lassler* Date: 11-8-10

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

Date of Issuance: November 8, 2010
Effective Date: November 8, 2010

U.S. EPA ID No.: OHD 004 293 775
Ohio Permit No.: 04-82-0643

Name of Permittee: Austin Powder Company – Red Diamond Plant
Mailing Address: P.O. Box 317
McArthur, Ohio 45651
Facility Location: 430 Powder Plant Road
McArthur, Ohio 45651
Person to Contact: Mr. Keith Mills, Plant Manager

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

The Ohio Hazardous Waste Facility Installation and Operation Permit with the above-referenced permit number as issued by the Ohio Environmental Protection Agency and journalized on December 4, 2001, is hereby incorporated by reference in its entirety, except as it may be modified herein.

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in effect until such time as the Ohio Hazardous Waste Facility Installation and Operation Permit is renewed, modified, withdrawn, suspended, or revoked.

The Permittee shall comply with all requirements of the modified Part B permit application as amended or supplemented on July 20, 2010. The information contained in the modified Part B permit application is incorporated herein by reference.

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

Specifically, all written statements regarding the specifications, locations or capabilities of the processes, equipment, containment devices, safety devices or programs or other matters made by the applicant in the permit modification application are hereby incorporated as express, binding terms and conditions of this modified permit.

The modified Terms and Conditions of this permit are attached hereto and are incorporated herein by reference. The modified Terms and Conditions supersede and replace the corresponding pages found in the December 4, 2001 renewal permit.

A handwritten signature in black ink, appearing to read "Chris Korleski", written over a horizontal line.

Chris Korleski
Director

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 treat hazardous waste by open burning 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, all applicable Ohio hazardous waste rules, 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 January 20, 1999 and any subsequent amendment thereto, and last updated on October 17, 2000 is hereby incorporated into this permit. In the instance of inconsistent language or discrepancies between the above, the language of the more stringent provision shall govern.
- (b) Any management of hazardous waste not authorized by this permit is prohibited, unless otherwise expressly authorized or specifically exempted by law. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, or invasion of other private rights. Compliance with the terms and conditions of this permit does not obviate Permittee's obligation to comply with other applicable provisions of law governing protection of public health or the environment including but not limited to the Community Right to Know law under ORC Chapter 3750.
- (c) Empty packaging that contained reactive materials and which meets the definition of an empty container pursuant to OAC Rule 3745-51-07 and waste shock star tubing may be treated by open burning.

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

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

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

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, suspension, revocation, modification, revision, denial of a permit renewal application or other appropriate action.

A.6. Duty to Reapply and Permit Expiration

OAC Rules 3745-50-40(E); 3745-50-58(B); 3745-50-56 and ORC Section 3734.05(H)

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

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

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

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

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

A.11. Inspection and Entry

OAC Rules 3745-50-58(I), 3745-50-30 and ORC Section 3734.07

- (a) The Permittee shall allow the Director, or an authorized representative, upon stating the purpose and necessity of the inspection and upon proper identification to:
 - (i) enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the terms and conditions of this permit;
 - (ii) have access to and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
 - (iii) inspect and photograph at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the terms and conditions of this permit; and
 - (iv) sample, document, or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by ORC Chapter 3734 and the rules adopted thereunder, any substances or parameter at any location.
- (b) Any record, report or other information obtained under the hazardous waste rules or Chapter 3734 of the Revised Code shall not be available to the public upon the Permittee's satisfactory showing to Ohio EPA that all or part of the information would divulge methods or processes entitled to protection as trade secrets pursuant to Ohio Trade Secret Law and OAC Rule 3745-50-30.

A.12. Monitoring and Records

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

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

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

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

- (a) The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, the certification required by paragraph B(9) of rule 3745-54-73 of the Administrative Code, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, certification, or application.

- (b) The record retention period may be extended by request of the Director at any time and are automatically extended during the course of any unresolved enforcement action regarding the facility.
- (c) The Permittee shall maintain, in accordance with the Ohio hazardous waste rules, records of all data used to complete the Part B permit application and any amendments, supplements, modifications or revisions, of such application and shall retain a complete copy of the application for the life of the facility.
- (d) The Permittee shall maintain records from all ground water monitoring wells and associated ground water surface elevations for the active life of the facility, and for disposal facilities for the post-closure care period as well.
- (e) Corrective Action records must be maintained at least 3 years after all Corrective Action activities have been completed.

A.15. Planned Changes

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

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

A.16. Waste Shipments

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

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

A.17. Anticipated Noncompliance

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

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

A.18. Transfer of Permits

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

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

A.19. Compliance Reports

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

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

A.20. Immediate Reporting of Noncompliance

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

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

- (ii) any information of a release or discharge of hazardous waste or a fire or explosion from the hazardous waste facility, which could threaten the environment or human health outside the facility.
- (b) The report shall consist of the following information (if such information is available at the time of the oral report):
- (i) name, address, and telephone number of the owner or operator;
 - (ii) name, address, and telephone number of the facility;
 - (iii) name and quantity of material(s) involved;
 - (iv) the extent of injuries, if any;
 - (v) an assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
 - (vi) estimated quantity and disposition of recovered material that resulted from the incident.

A.21. Follow-Up Written Report of Noncompliance
OAC Rule 3745-50-58(L)(6)(c)

- (a) A written report shall also be provided to the Ohio Environmental Protection Agency's Division of Emergency and Remedial Response and the Division of Hazardous Waste Management Southeast 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 Rules 3745-50-58(L)(10) and 3745-50-58(L)(4)

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

A.23. Certification of Construction or Modification

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

Reserved

A.24. Other Information

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

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

A.25. Confidential Information

OAC Rule 3745-50-30

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

A.26. Ohio Annual Permit Fee

OAC Rule 3745-50-36

The annual permit fee, calculated pursuant to OAC Rule 3745-50-36 and payable to the Treasurer of the State, shall be submitted to the Director on or before the

anniversary of the date of issuance during the term of the permit. For the purpose of the payment of the Ohio Annual Permit Fee, the date of issuance is the date the permit was entered into the Journal of the Director of the Ohio Environmental Protection Agency.

A.27. Compliance Schedule - Documents

- (a) The Permittee shall submit to the Ohio EPA within sixty (60) days after permit journalization, the following information to be incorporated in the Part B permit application:
 - (i) An update of the closure cost estimate in accordance with OAC Rule 3745-55-42 and Rule 3745-55-44 for all permitted hazardous waste units. Also, submit copies of the updated estimates to Ohio EPA, DHWM, Compliance Monitoring and Enforcement Section, and the Southeast District Office.
 - (ii) An updated mechanism(s) which demonstrates compliance with the financial assurance requirement of OAC Rule 3745-55-43 and the liability requirements of Rule 3745-55-47. These updated mechanisms must include the specific wording as required by OAC Rule 3745-55-51 and must include current cost estimates where appropriate.
- (b) Unless specified otherwise, the Permittee shall submit the documents listed above to:

Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Attn: Information Technologies & Technical Support Section
P.O. Box 1049
122 S. Front Street
Columbus, Ohio 43216-1049

A.28. 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; and
 - (vii) inspection schedules developed in accordance with OAC Rules 3745-54-15; 3745-55-74 and 3745-55-95; and the terms and conditions of this permit.
 - (viii) annually-adjusted cost estimate for facility closure as required by OAC Rule 3745-55-42 and this Permit.
 - (ix) all other documents required by Module A, Permit Condition A.12 and A.14 and sampling data required in Module F, Permit Condition F.2.
- (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 E.4 through E.9 of this permit. These reports and records must be maintained for at least 3 years after all Corrective Action Activities have been completed.

A.29. Waste Minimization Report
OAC Rule 3745-54-73

- (a) The Permittee shall submit a Waste Minimization Report describing the waste minimization program required by OAC Rules 3745-54-75(H), (I), and (J); 3745-54-73(B)(9); and 3745-52-20(B) at least once every two years. The provision of OAC Rules 3745-54-75(H), (I) and (J); and 3745-54-73(B)(9) must be satisfied annually.
- (b) In completing this report, the Permittee should refer to the following information: instructions prepared by the Ohio EPA for completing the Waste Minimization Annual Report required by OAC Rules 3745-54-75(H), (I), and (J); the Federal Register notice of May 28, 1993, vol. 58, p. 31114, "Interim Final Guidance: Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program"; and U.S. EPA's "Facility Pollution Prevention Guide" including planning and organization, assessment, feasibility analysis, implementation, measuring progress, and maintaining the program.
- (c) The Permittee shall submit the Waste Minimization Report to the Technical Assistance Section, Office of Pollution Prevention within one hundred eighty (180) days of journalization of this permit, and shall submit updates to this report biennially thereafter.

MODULE B - GENERAL FACILITY CONDITIONS

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

The Permittee shall design, construct, maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, and ground or surface waters which could threaten human health or the environment.

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

The Permittee shall not receive hazardous waste at the McArthur facility from any foreign sources or from any off-site sources.

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 Appendix 21 of the approved Part B permit application and the terms and conditions of this permit.

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

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

The Permittee shall comply with the security provisions of OAC Rule 3745-54-14(B) and (C) and Section I(D) 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 I(E) of the approved Part B permit application. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by OAC Rule 3745-54-15(C). Records of inspection shall be kept for a minimum of three years from the date of inspection.

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

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

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

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

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 I(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 I(G) 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, Sections I(F) and I(G) of the Part B permit application, and the terms and conditions of this permit.

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

At a minimum, the Permittee shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency as required by OAC Rule 3745-54-35.

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 I(G) of the approved Part B permit application;

- (ii) inform such agencies of safety equipment, supplies, proper emergency safety procedures that are applicable to the facility, and any further requirements related to emergency response imposed by terms and conditions of this permit; and
 - (iii) familiarize the local police and fire departments, hospitals and any other local emergency service, with the properties of hazardous waste managed at the facility and the types of injuries or illness which could result from fires, explosions, or releases at the facility.
- (b) When a State or local agency declines to enter into the arrangements set forth in OAC Rule 3745-54-37(A), the Permittee shall document the refusal in the operating record as required by OAC Rule 3745-54-37(B).

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

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

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

- a) Any fire or explosion involving hazardous waste which threatens or could threaten human health or the environment and is not done in accordance with the approved Part B Application; or
- b) Any uncontrolled hazardous waste reaction that produces or has the potential to produce hazardous conditions, including noxious, poisonous, flammable and/or explosive gases, fumes, or vapors; harmful dust; or

explosive conditions; or

- c) Any fire or explosion that has an increased potential to threaten human health or the environment due to its proximity to a hazardous waste management unit; or
- d) Any hazardous waste release, outside of a secondary containment system, that causes or has the potential to cause off-site soil and/or surface water contamination; or
- e) Any hazardous waste release that produces or has a potential to produce hazardous conditions, including noxious, poisonous, flammable and/or explosive gases, fumes, or vapors; harmful dust; or explosive conditions.

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

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

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

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

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

The Permittee shall review the approved contingency plan at least annually and upon the occurrence of any event listed in OAC Rule 3745-54-54. If necessary or appropriate, the Permittee shall amend the contingency plan as required by OAC Rule 3745-54-54 in accordance with OAC Rule 3745-50-51.

B.18. Copies of Plan
OAC Rule 3745-54-53

- (a) The Permittee shall comply with the requirements set forth in OAC Rule 3745-54-53 regarding contingency plan distribution.
- (b) The Permittee shall, in accordance with OAC Rule 3745-54-53, submit a copy of the approved contingency plan, to all local police departments, fire departments, hospitals, and local emergency response teams that may be called upon to provide emergency services. The Permittee shall notify such agencies and the local authorities, in writing, within ten (10) days of the effective date of any amendments of, revisions to, or modifications to the contingency plan.
- (c) The Permittee shall, in accordance with OAC Rule 3745-54-53, submit a copy of the approved contingency plan, to the Ohio Environmental Protection Agency's Division of 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, Sections I(F) and I(G) of the approved Part B permit application, and the terms and conditions of this permit, regarding emergency procedures.

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

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

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

The permittee shall comply with the requirements set forth in OAC Rule 3745-54-73 regarding an operating record, including information to be recorded and the maintenance thereof. The operating record shall include a log that contains information on the meteorological conditions occurring on the day and time of each waste treatment event.

B.23. Contingency Plan Records
OAC Rules 3745-54-73 and 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. Closure Performance Standard
OAC Rule 3745-55-11

During facility closure, the Permittee shall implement the provisions of the approved closure plan and Section I(M) of the permit application in such a manner as to achieve compliance with OAC Rule 3745-55-11. Compliance with OAC Rule 3745-55-11 will be facilitated by referring to the Division of Hazardous

Waste Management's most recent Closure Plan Review Guidance for RCRA facilities.

B.27. Closure Plan

OAC Rules 3745-55-10, 3745-55-11, and 3745-55-13

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

B.28. Amendment of Closure Plan

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

Should a change in the facility closure plan become necessary, the Permittee 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

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 the hazardous waste open burning area.

B.31. Time Allowed For Closure

OAC Rule 3745-55-13

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

hundred eighty (180), in accordance with OAC Rule 3745-55-13. The Director may approve a longer closure period, if the Permittee complies with all applicable requirements for requesting a modification (or revision) to the permit as set forth in OAC Rule 3745-55-13 (B).

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

- (a) The Permittee shall decontaminate and/or dispose of all contaminated facility equipment, structures, and soils, as required by OAC Rule 3745-55-14, the approved closure plan and the terms and conditions of this permit.
- (b) The Permittee shall notify the Ohio EPA Southeast District Office within five (5) working days prior to all rinseate 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 Rule 3745-55-42, is specified in Section I(N) 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.39.

- (c) The Permittee must revise the closure cost estimate whenever there is a change in the facility's Closure Plan that increases the cost of closure, as required by OAC Rule 3745-55-42(C).
- (d) The Permittee must submit to the Ohio EPA and keep at the facility the latest closure cost estimate as required by OAC Rule 3745-55-42(D).

B.37. Financial Assurance for Facility Closure

The Permittee shall maintain continuous compliance with OAC Rules 3745-55-43, and 55-46 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.

MODULE C - HAZARDOUS WASTE TREATMENT

C.1. Open Burning of Hazardous Wastes

OAC Rules 3745-57-90 through 3745-57-93

1. Not more than one thousand (1000) pounds of explosives or explosive contaminated materials shall be allowed on the open burning area of the facility at any one time.
2. Not more than one hundred (100) pounds of explosives or two hundred (200) pounds of detonating cord waste, or two hundred (200) pounds of emulsion-plastic bag waste shall be open burned on any single burn pan at a time.
3. Open burning of waste explosives must occur only in the burn pans located at the existing designated open burning area.

C.2. Permitted and Prohibited Waste Identification

ORC 3734.02 (F)(3)

- (a) The Permittee may open burn the following wastes subject to the terms and conditions of this permit and as described below:

Unit Description	Description of Hazardous Waste	Hazardous Waste No.	Annual Quantity
Open Burn Area See Attachment 1, Drawing of Burning Pan	Off-spec/out-of- date explosives, detonation cord, contaminated packaging and materials.	D003	62 Tons (124,000 lbs.)
Open Burn Area See Attachment 1, Drawing of Burning Pan	Waste water treatment sludge from manufacturing and processing of explosives.	K044	4 Tons (8,000 lbs.)
Open Burn Area See Attachment 1, Drawing of Burning Pan	Spent carbon from treatment of waste water containing explosives.	K045	5 Tons (10,000 lbs.)

- (b) The Permittee is prohibited from treating hazardous waste and other waste that is not identified in Permit Condition C.2. or A.1.(c) of the permit.

C.3. Design, Construction, and Operating Requirements
OAC Rule 3745-57-91

Open Burning on a Pad

The Permittee shall operate and maintain the open burning pad in accordance with the operating procedures contained in Section I(H) and Section I(I) (General Hazard Prevention and Prevention of Unintended Ignition or Reaction of Waste Sections, respectively) of the approved permit application and the following terms and conditions:

- (1) The permittee shall open burn D003 hazardous waste and the empty packaging as outlined in A.1.(C) separately from the K044 and K045 hazardous waste.
- (2) Open burning shall not occur during rain events and/or periods of wind speed greater than 15 mph. A log recording these meteorological conditions, including wind direction, shall be maintained for each treatment event at the facility.
- (3) The Permittee shall utilize the type of open burning unit as described in Attachment 1 of this document.
- (4) Ash/residues from the open burning pad shall be collected immediately and managed in accordance with Section I(H) (General Hazard Prevention Section) and Attachment 15 of the approved permit application.
- (5) Ash from separately treated D003 (reactive) and K044, K045 (listed) wastes may be mixed together prior to sampling, analysis and disposal.
- (6) The Permittee shall operate and maintain run on and run off control systems in accordance with the operating practices contained in Section I(H) (General Hazard Prevention Section) of the approved permit application.

C.4 Management and Accumulation Requirements

The Permittee shall manage energetic waste in accordance with the Preparedness and Prevention, Contingency Plan, General Hazard Prevention, Prevention of Unintended Ignition or Reaction of Waste and Traffic Pattern, Volume and Control Sections (Sections I(F), (G), (H), (I) and (J), respectively) of the approved permit application.

The Permittee shall accumulate energetic wastes in accordance with the General Hazard Prevention Section (Section I(H)) of the approved permit application.

C.5. Inspection Schedules and Procedures
OAC Rule 3745-50-44(A)(9)

The Permittee shall inspect the open burning unit in accordance with Inspection Schedule, Section I(E) of the approved permit application.

C.6. Prevention of Unintended Ignition or Reaction of Wastes

The Permittee shall follow the procedures, contained in Section I(I) (Prevention of Unintended Ignition or Reaction of Waste Section) of the approved application.

C.7. Closure
OAC Rule 3745-57-93

- (a) At final closure of the open burning unit the Permittee shall follow the procedures in the approved closure plan, Section I(M) of the approved permit application.
- (b) If after closure the Permittee finds that not all contaminated soils and debris can be removed or decontaminated in accordance with the closure plan, then the Permittee shall close the open burning unit and perform post-closure care in accordance with OAC Rule 3745-57-93.

C.8. Recordkeeping
OAC Rule 3745-54-73

The Permittee shall develop and maintain all records required to comply with OAC Rules 3745-54-73, 3745-57-92 and all other terms and conditions of this permit.

MODULE D - RESERVED

MODULE E - CORRECTIVE ACTION REQUIREMENTS

Corrective Action Summary

In March, 1995 Austin Powder received a copy of the Draft Federal Resource Conservation and Recovery Act Hazardous Waste Operating Permit (Federal Permit) for its Red Diamond Plant in McArthur, Ohio as prepared by the U.S. EPA.

On September 29, 1995, U. S. EPA issued in final form the Federal portion of the RCRA Permit for the Red Diamond Plant and also responses to comments submitted by Austin Powder Company. Section III of the Federal Permit required corrective action at the facility. Attachment III of the Federal Permit contained a list of Waste Management Units (WMUs) that required further investigation. There were initially 24 WMUs identified at the facility. These are listed and described in the November 1990 Final Preliminary Review/Visual Inspection Report, RCRA Facility Assessment of the Austin Powder Co., Red Diamond Plant, McArthur, Ohio. Of the 24 initial WMUs, U. S. EPA requested in the Draft Federal Permit corrective action at 9 WMUs. Based on additional information provided by Austin Powder Company, U.S. EPA deleted 3 WMUs and in the Final Federal Permit, identified corrective action at 6 WMUs. These include: WMU #6 - Landfill; WMUs 9-12 - PETN Dryer Houses and Storage House; WMU #17 - Booster Line. These WMU's were retained by Ohio EPA when renewing Austin Powder Company's hazardous waste permit in December of 2001.

The RCRA Facility Investigation (RFI) included the collection and analysis of soil, sediment, surface water and leachate at these six WMUs:

- **WMU #6, Landfill:** The landfill is located on the northern portion of the Austin Powder Company property. The landfill is approximately 3 acres in size and is immediately adjacent to a stream (located on the western edge of the landfill). The RFI at this WMU involved the collection of 3 co-located sediment, surface water and leachate samples at the base of the Landfill along natural drainage pathways. These samples were analyzed for Target Compound List (TCL), Target Analyte List (TAL), and explosive residues. Sediment samples were also analyzed for PCBs. Background sediment and surface water samples were also collected and analyzed for TCL volatiles, semivolatiles and TAL Metals. Analysis of these samples revealed that metals levels (specifically Arsenic, Lead, Barium, Copper, Iron and Zinc) in sediments at the southwestern end of the landfill exceeded either Ohio's sediment reference values for the Western Allegheny Plateau or US EPA's Ecological Data Quality Levels for Sediment.
- **WMUs #9 - 12, PETN Dryer Houses and Storage House (WMU #12):** WMUs 9, 10, 11, and 12 include the catchboxes associated with the PETN Dryer

DEC 05 2006

Houses 1, 2 and 3, respectively. WMU 12 includes the S-5 PETN storage building catchbox. These catchboxes consist of a 4-foot by 8-foot aluminum box approximately 2.5 feet deep. Wastewater effluent was formerly discharged directly to the ground surface along natural drainage pathways at the current location of each catchbox. Surface soil samples were initially collected at 2 locations along the natural drainage pathway associated with each WMU and analyzed for PETN explosive residue. Additional samples were collected at these WMU's to determine the extent of PETN in the drainage ditches and sediment samples were also collected in a pond that receives drainage from the drainage ditches. After evaluation of this data, it was determined that PETN levels in the drainage ditches at these WMU's meet risk objectives. Corrective action was determined to be completed at this WMU, except for the collection of a few confirmatory samples in 2007 to ensure that any remaining PETN in the drainage ditches is bio-degrading as expected.

- **WMU #17, Booster Line:** WMU 17 includes the catchbox associated with the booster line and the natural drainage pathway from the booster line building area. Two soil samples were collected and analyzed for nitroaromatics and nitramines.

The findings of the initial RFI sampling were compiled in a draft RFI report in accordance with Permit condition E.9(A) and submitted to Ohio EPA on April 9, 2003. This report was reviewed by Ohio EPA and approved on June 24, 2003. In this approval letter, Ohio EPA requested that a Corrective Measures Study Work Plan be submitted to the Agency. The Corrective Measures Study Work Plan was submitted to Ohio EPA on September 19, 2003, and revised on February 9, 2004. This work plan was reviewed and approved by Ohio EPA on March 22, 2004 with modifications.

On March 11, 2005, as part of the Corrective Measures process, Ohio EPA received a Human Health and Ecological Risk Assessment for the WMUs. In comments to the facility on the Risk Assessments, Ohio EPA requested that Interim Measures Plans (IM) be submitted for WMU's # 6, Landfill and WMU #17, Booster Line. These Interim Measures Plans were submitted to Ohio EPA on September 23, 2005. On November 23, 2005, Ohio EPA approved the Interim Measures Plans for WMU's #6, Landfill and WMU #17, Booster Line. These plans outlined the removal of soil in a drainage ditch at WMU #17, and the excavation of sediments from a pooled location in the creek at the base of WMU #6.

On March 1, 2006, the Interim Measure for WMU #6, Landfill was completed. It was estimated that approximately 2 cubic yards of sediment were removed from the creek and disposed of as a solid waste. Confirmatory samples revealed that metals levels were below Ohio's sediment criteria in this area, therefore corrective action was

determined to be completed at this WMU.

Also in March, the Interim Measure for WMU #17, Booster Line was conducted. This IM consisted of excavating soils containing the explosive RDX and the collection of confirmatory samples. Confirmatory sample results indicated that risk goals were met at this WMU, therefore, corrective action was determined to be completed at this WMU.

E.1. Corrective Action at the Facility
OAC Rules 3745-50-10 and 3745-54-101

In accordance with OAC Rule 3745-50-10 "waste management unit" means any discernible unit at which wastes have been placed at any time, irrespective of whether the unit was intended for the management of waste or hazardous waste. Such units include any area at a Facility at which wastes have been routinely and systematically released. As used in this permit the term "waste management unit" shall be consistent with and equivalent to the term "solid waste management unit" as that term is defined in Section 3004(u) of RCRA. For the purpose of Corrective Action, facility is defined as all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. The terms Interim Measure (IM), RCRA Facility Investigation (RFI), Corrective Measures Study (CMS) and Corrective Measure Implementation (CMI) are defined in Attachment 2, U.S. EPA's Corrective Action Plan (CAP).

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

E.2. Corrective Action Beyond the Facility Boundary
OAC Rule 3745-54-101

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) and 3745-54-101

On January 25, 1995, 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 the Austin Powder Company, Red Diamond Plant.

In October of 2000, U.S. EPA visited the Austin Powder facility for the purpose of updating the current status of all units that were designated as requiring further corrective action at the site. There were initially 24 Waste Management Units (WMUs) identified at the facility. Of these 24 WMUs identified in the RFA document, 6 WMUs were identified as needing further corrective action investigation. These units are:

- (i) WMU #6: Landfill near the Mix Plant;
- (ii) WMUs #9 - 12: PETN Dryer Houses and Storage;
- (iii) WMU # 17: Booster Line Building Area.

On the renewal date of this Hazardous Waste Facility Installation and Operation Permit, Ohio EPA will assume authority for Corrective Action Activities at the Austin Powder Facility.

E.4 Reserved.

E.5 RCRA Facility Investigation (RFI)

OAC Rule 3745-54-101

In the event of a newly discovered unit, the Permittee must conduct an 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.10. The major tasks and required submittal dates are shown below. The scope of work for each of the tasks is found in U.S. EPA's CAP.

a) RFI Workplan

The Permittee shall submit a written RFI Workplan to Ohio EPA in case of a newly discovered waste management unit, 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 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 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 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

The following specific voluntary interim measures have been implemented by the Permittee:

- (1) These plans outlined the removal of soil in a drainage ditch at WMU #17, and the excavation of sediments from a pooled location in the creek at the base of WMU #6.
- (2) On March 1, 2006, the Interim Measure for WMU #6, Landfill was completed. It was estimated that approximately 2 cubic yards of sediment were removed from the creek and disposed of as a solid waste. Confirmatory samples revealed that metals levels were below Ohio's sediment criteria in this area, therefore corrective action was determined to be completed at this WMU.

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) Permit Modification

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

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

b) Periodic Monitoring

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

c) Further Investigations

A determination of no further action shall not preclude Ohio EPA from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates that a release or likelihood of a release from a WMU at the Facility is likely to pose a threat to human health or the environment. In such a case, Ohio EPA shall initiate a modification to the terms of the permit to rescind the determination made in accordance with Permit Condition E.6.a. Additionally, in the event Ohio EPA determines that there is insufficient information on which to base a determination, the Permittee, upon notification, is required to 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 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 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 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.

- 1) If necessary, Ohio EPA shall provide written comments on the CMS Report to the Permittee.
- 2) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new CMS Report that incorporates Ohio EPA's comments.
- 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 approved CMS Report must be authorized by Ohio EPA.

E.9 CMI

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.

Ohio EPA considered remedy selection factors including: (1) long-term reliability and effectiveness; (2) the degree to which the Corrective Measure will reduce the toxicity, mobility or volume of contamination; (3) the Corrective Measure's short-term effectiveness; (4) the Corrective Measure's implementability; and (5) the relative cost associated with the alternative.

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

DEC 05 2006

Ohio EPA has reviewed the RCRA Facility Investigation and Interim Measures Plans provided by Austin Powder Company including the confirmatory sample results collected at WMU #6, Landfill and WMU #17, Booster Line. Based upon this review, Ohio EPA is proposing that no further corrective measures be taken.

E.10 Newly Identified WMUs or Releases
OAC Rule 3745-54-101

(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 by Ohio EPA or the Permittee:

- i) The location of the unit on the site topographic map;
- ii) Designation of the type of unit;
- iii) General dimensions and structural description (supply any available drawings);
- iv) When the unit was operated; and
- v) Specification of all waste(s) that have been managed at the unit.

(b) Release Information

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

E.11 Corrective Action for Newly Identified WMUs and Releases
OAC Rule 3745-54-101

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

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

Permittee must make such submittal in accordance with time frames established by Ohio EPA.

E.12 Completion of Corrective Action

OAC Rule 3745-54-101

After completing Corrective Action as necessary to protect human health and the environment for all releases of hazardous wastes or hazardous constituents from any WMUs at the Facility, the Permittee shall submit a Corrective Measures Completion of Work (CMCW) Report. The CMCW Report shall document that Corrective Action construction is complete, cleanup objectives and standards have been met, and any releases of hazardous waste or constituents no longer pose an unacceptable risk to human health and the environment. The CMCW Report may be submitted for any part of the Facility for which corrective measures are complete, or for the entire Facility. The CMCW Report must be submitted as a request for permit modification pursuant to OAC Rule 3745-50-51.

E.13 Documents Requiring Professional Engineer Stamp

ORC Section 4733.01

Preparation of the following Corrective Action documents constitutes the "practice of engineering" as defined by ORC Section 4733.01:

Final Interim Measures Report

Corrective Measures Final Design

Corrective Measures Construction Completion Report

Corrective Measures Attainment of Groundwater Performance Standards Report

Corrective Measures Completion of Work Report

As such, the Permittee must ensure that these documents, as submitted to Ohio EPA, are stamped by a Professional Engineer licensed to practice in the State of Ohio.

MODULE F - ADDITIONAL CONDITIONS

F. Additional Conditions

F.1. Scientific Literature Search

The Permittee shall submit with its renewal application, a detailed search of the scientific literature for the following topic: Treatment or disposal technologies for explosives and explosive wastes. Based upon this search of the scientific literature, Permittee shall also submit with its renewal application a detailed discussion on the feasibility of implementing new treatment or disposal technologies for its explosive waste streams.

F.2. Annual Sampling

~~Within 90 days after this permit is final and annually thereafter, the Permittee shall collect a total of two (2) surface soil samples in the open burning area. Each sample shall: (1) be collected in close proximity to a burn pan door; (2) be located in consultation with Ohio EPA and Ohio EPA shall be notified within 5 business days prior to sample collection; (3) be a composite sample and collected immediately after a scheduled burn; and (4) be analyzed for nitrates (SW 846 Method 9200).~~

~~The annual sample results shall be submitted to Ohio EPA, Southeast District Office for review within 30 days after laboratory results are received.~~

END OF PERMIT CONDITIONS