

## OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A. MAR 25 2011

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OHIO HAZARDOUS WASTE FACILITY  
INSTALLATION AND OPERATION PERMIT RENEWAL

ENTERED DIRECTOR'S JOURNAL

Permittee: United States Department of Energy

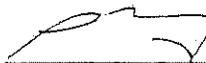
Mailing Address: Portsmouth GDP  
P.O. Box 700  
Pike-ton, Ohio 45661-0700Owner: United States Department of Energy  
P.O. Box 700  
Pike-ton, Ohio 45661-0700Operator: United States Department of Energy  
Co-Operator Fluor-B&W Portsmouth, LLC (FBP)  
1862 Shyville Road  
Pike-ton, Ohio 45661Location: Portsmouth GDP  
3930 U.S. Route 23  
Pike-ton, Ohio 45661

Ohio Permit No.:	04-66-0680
US EPA ID:	OH7-890-008-983
Issue Date:	March 25, 2011
Effective Date:	March 25, 2011
Expiration Date:	March 25, 2021

AUTHORIZED ACTIVITIES

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

- ◆ **Renewal: storage of hazardous waste and Corrective Action**

PERMIT APPROVAL


\_\_\_\_\_  
Scott J. Nally, Director  
Ohio Environmental Protection Agency

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

Entered into the Journal of the Director this 25<sup>th</sup> day of March, 2011.

By Imy Lassiter of the Ohio Environmental Protection Agency.

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 Imy Lassiter Date: 3-25-11

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**MODULE A - GENERAL PERMIT CONDITIONS****A. GENERAL PERMIT CONDITIONS****A.1 Effect of Permit**ORC Sections 3734.02 (E) and (F) and 3734.05  
OAC Rule 3745-50-58(G)

- (a) The Permittee is authorized to store hazardous and mixed waste in containers in the permitted X-326 storage area, in accordance with the terms and conditions of this permit, ORC Chapter 3734, all applicable Ohio hazardous waste rules, all applicable regulations promulgated under the Resource Conservation and Recovery Act (RCRA), as amended, and all other applicable administrative and judicial orders which the Permittee is subject to, 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 September 13, 2010 and last updated on October 15, 2010 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 and mixed waste not authorized by this permit is prohibited, unless otherwise expressly authorized or specifically exempted by law. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, or invasion of other private rights. Compliance with the terms and conditions of this permit does not obviate Permittee's obligation to comply with other applicable provisions of law governing protection of public health or the environment including but not limited to the Community Right to Know law under ORC Chapter 3750.

**A.2 Permit Actions**

OAC Rule 3745-50-58(F)

This permit may be modified, revoked, suspended, or renewed as specified by Ohio law. The filing of a request by the Permittee 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.

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

The effective date of this permit is the date the permit is entered into the Director's Journal. The permit expiration date is ten 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 there under 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(D), 3745-50-58(B), 3745-50-56 and ORC Section 3734.05(H)

- (a) If the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the Permittee must submit a completed application for a hazardous waste facility installation and operation permit renewal and any necessary accompanying general plans, detailed plans, specifications, and such information as the Director may require, to the Director no later than one hundred eighty (180) days prior to the expiration date of this permit or upon approval of the director a later date prior to the expiration date if the Permittee can demonstrate good cause for late submittals.
- (b) The Permittee may continue to operate in accordance with the terms and condition of the expired permit until a renewal permit is issued or denied if:

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- (i) the Permittee has submitted a timely and complete permit application for a renewal permit under OAC Rule 3745-50-40; and
  - (ii) through no fault of the Permittee, a new permit has not been issued pursuant to OAC Rule 3745-50-40 on or before the expiration date of this permit.
- (c) The corrective action obligations contained in this permit will continue regardless of whether the facility continues to operate or ceases operation and closes. The Permittee is obligated to complete facility-wide corrective action under the conditions of this permit regardless of the operational status of the facility. The Permittee must submit an application for permit 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 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,

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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 to 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) 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 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

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protection as trade secrets pursuant to Ohio Trade Secret Law and OAC Rule 3745-50-30.

- (c) Upon request the Permittee shall make available to the Director, or an authorized representative, at reasonable times, photographs of any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the terms and conditions of this permit, subject to DOE security orders.

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

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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 and Information Repository

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

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

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.

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A.16 Waste Shipments

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

The Permittee shall only use properly registered transporters of hazardous and mixed waste to remove hazardous and mixed 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 Permit Condition A.5.

A.18 Transfer of Permits

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

- (a) The permit 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).
- (b) The Permittee's failure to notify the new owner or operator of the requirements of the applicable Ohio law or hazardous waste rules does not relieve the new owner or operator of its obligation to comply with all applicable requirements.

A.19 Compliance Reports

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

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

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A.20 Immediate Reporting of Noncompliance  
OAC Rule 3745-50-58(L)(6)

- (a) The Permittee must report orally to the Ohio Environmental Protection Agency's Division of Emergency and Remedial Response within twenty-four 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 and mixed waste that may cause an endangerment to public drinking water supplies; and
  - (ii) any information of a release or discharge of hazardous and mixed 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
  - (vii) estimated quantity and disposition of recovered material that resulted from the incident.

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

- (a) A written report shall also be provided to the Ohio Environmental Protection Agency's Division of Emergency and Remedial Response and the Division of Hazardous Waste Management Southeast District Office within five (5) days of the time the Permittee becomes aware of the circumstances reported in Condition A.20.

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- (b) The written report shall address the items in Condition 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 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 for 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, Disposal, and Treatment Fees

OAC Rule 3745-50-36

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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 Reserved

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, 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) 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;
  - (v) operating record required by OAC Rule 3745-54-73 and the terms and conditions of this permit; and
  - (vi) 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.
- (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.

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- (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.

A.29 Waste Minimization Report

OAC Rule 3745-54-73 and 3745-54-75

- (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.

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## MODULE B - GENERAL FACILITY CONDITIONS

B.1 Design 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 and mixed 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

- (a) The Permittee may not receive hazardous waste or mixed waste from a foreign source.
- (b) The Permittee may not receive hazardous waste or mixed waste from off-site other than as described in Section C-2E of the Part B application.

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

The Permittee shall follow the procedures described in the approved waste analysis plan found in Section C of the approved Part B permit application and the terms and conditions of this permit. 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 must comply with the security provisions of OAC Rule 3745-54-14(B)(1) or (2), and (C) and Section F of the Part B permit application.

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

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

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

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

B.7 General Requirements for Ignitable, Reactive, or Incompatible Wastes  
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 F 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

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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 contingency plan contained in Section G of the approved Part B permit application.

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

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

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

The Permittee shall maintain access to the communications and alarm systems, as required by OAC Rule 3745-54-34, Section F of the approved 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 and mixed 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

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evacuation routes as depicted and explained in Section G of the approved Part B permit application;

- (ii) inform such agencies of safety equipment, supplies, proper emergency safety procedures that are applicable to the facility, and any further requirements related to emergency response imposed by terms and conditions of this permit; and
  - (iii) familiarize local police and fire departments, hospitals and any other local emergency service, with the properties of hazardous waste and mixed waste handled 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, hazardous waste constituents, mixed waste or mixed 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:

- (1) Any fire involving hazardous or mixed waste; or
- (2) Any explosion involving hazardous or mixed waste; or
- (3) Any uncontrolled hazardous or mixed 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

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- (4) 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
  - (5) Any hazardous or mixed 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
  - (6) Any hazardous or mixed waste release that produces or has the potential to produce hazardous conditions, including noxious, poisonous, flammable and/or explosive gases, fumes, or vapors; harmful dust; or explosive conditions.

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

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

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

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

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B.18 Copies of Plan

OAC Rule 3745-54-53

- (a) The Permittee shall comply with the requirements set forth in OAC Rule 3745-54-53 regarding contingency plan distribution.
- (b) The Permittee shall, in accordance with OAC Rule 3745-54-53, submit a copy of the contingency plan to all local police departments, fire departments, hospitals and local emergency response teams that may be called upon to provide emergency services. The Permittee shall notify such agencies and the local authorities, in writing, within ten (10) days of the effective date of any amendments of, revisions to, or modifications to the contingency plan.
- (c) The Permittee must, 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 Rule 3745-54-56

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

B.21 Availability, Retention and Disposition of Records

OAC Rule 3745-54-74

All records shall be furnished upon Ohio EPA request to, 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.

**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 after 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 Biennial Reports and Additional Reports****OAC Rules 3745-54-75 and 3745-54-77**

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

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

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

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**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 of the approved Part B permit application, in accordance with OAC Rules 3745-55-10 through 3745-55-20.

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

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

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

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

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

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

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

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

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**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 a qualified 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 Survey Plat**  
OAC Rule 3745-55-16

The Permittee shall submit a survey plat to the Director and the local zoning authority no later than the submission of certification of closure of each hazardous waste disposal unit, in accordance with OAC Rule 3745-55-16.

**B.35 General Post-Closure Requirements**  
OAC Rules 3745-55-17, 3745-55-18, 3745-55-19, 3745-55-20

Pursuant to Director's Final Findings and Orders of March 18, 1999, the Permittee is conditionally exempt from compliance with OAC Rule 3745-55-18(A) for X-231B, X-701C, X-701B, X-230J7, X-616, X-735N, X-744Y, and X-749A. Also, pursuant to Director's Final Findings and Orders of March 18, 1999, the Permittee is conditionally exempt from OAC Rule 3745-55-20 for X-749, X-231B, X-701C, X-701B, X-230J7, X-616, and X-744Y. The Permittee's exemptions from the above requirements are conditioned upon its compliance with the specific requirements set forth in the Director's Final Findings and Orders dated March 18, 1999. Termination of the Director's Final Findings and Orders of March 18, 1999, shall reinstate the Permittee's obligation to comply in full with OAC Rules 3745-55-17, 3745-55-18, 3745-55-19, and 3745-55-20.

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**B.36 General Requirements for Land Disposal Restrictions**  
OAC Chapter 3745-270

On May 17, 1993, the Director issued to the Permittee a Director's Final Findings and Orders granting the Permittee an exemption from the prohibition on storage of Land Disposal Restricted (LDR) hazardous and mixed wastes as set forth in OAC Rule 3745-270-50. On October 4, 1995, the Director issued to the Permittee an order pursuant to the Federal Facility Compliance Act establishing a schedule of compliance with OAC Rule 3745-270-50. The Permittee is required to update this schedule on an annual basis. Nothing contained in this permit shall alter the exemption or obligations provided in the May 17, 1993, and October 4, 1995, Director's Findings and Orders.

- (a) The Permittee shall comply with all applicable regulations regarding land disposal prohibitions and restrictions as required by OAC Chapter 3745-270 and in accordance with all administrative and judicial orders. Wastes restricted from land disposal by OAC Rules 3745-270-30, 3745-270-31, 3745-270-34, and 3745-270-35, 3745-270-37, 3745-270-38, 3745-270-39 or prohibited by land disposal by 40 CFR 268.32, shall not be shipped to an off-site land disposal facility unless the waste meets the treatment standards given in OAC rules 3745-270-40 through 3745-270-49, and the applicable prohibition levels set forth in 40 CFR 268.32.
- (b) A mixture of any restricted waste with nonrestricted waste(s) is a restricted waste under OAC Chapter 3745-270. [OAC Rule 3745-51-03(B)(2)]
- (c) The Permittee shall not in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with OAC Rules 3745-270-40 through 3745-270-49, to circumvent the effective date of a prohibition in OAC Rules 3745-270-30 through 3745-270-39, or to circumvent a land disposal prohibition imposed by OAC Rule 3745-270-03.
- (d) The Permittee shall prepare and maintain a current list of the hazardous waste streams handled by the facility that are identified by waste code in OAC Rules 3745-270-30 through 3745-270-39. The list shall include all waste streams handled by the facility, and any associated treatment standards, and shall be updated through the inclusion of new treatment standards, as promulgated or amended. The list shall specify all applicable waste codes for each waste stream and wastes shall be listed in the same sequence as table C-1. This list shall be provided to the Ohio EPA as required by OAC Rule 3745-50-51.

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- (e) The Permittee must test, in accordance with OAC Rule 3745-270-07, any waste generated at the facility, or use knowledge of the waste, to determine if the waste is restricted from land disposal.
- (f) For restricted wastes with treatment standards expressed as concentrations in the waste extract, as specified in OAC Rule 3745-270-40, the Permittee shall test the treatment residues, or an extract of such residues developed using the test methods described in Appendix to OAC Rule 3745-51-24 (Toxicity Characteristic Leaching Procedure) to assure that the treatment residues or extract meet the applicable treatment standards of OAC Rules 3745-270-40 through 3745-270-49. Such testing shall be performed as required by the rules of the Director.
- (g) For restricted wastes under 40 CFR 268.32 which are not subject to any treatment standards under OAC Rules 3745-59-40 through 3745-59-44, the Permittee shall test the treatment residues according to the generator requirements specified under 40 CFR 268.32 to assure that the treatment residues comply with the applicable prohibitions of OAC Rules 3745-270-30 through 3745-270-39. Such testing shall be performed as required by the rules of the Director.
- (h) A restricted waste for which a treatment technology is specified under OAC Rule 3745-270-42 may be land disposed after it is treated using that specified technology or an equivalent treatment method approved by the Director under the procedures set forth in OAC Rule 3745-270-42.
- (i) For restricted wastes with treatment standards expressed as concentrations in the waste, as specified in OAC Rule 3745-270-40, the Permittee shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards of OAC Rules 3745-270-40 through 3745-270-49. Such testing shall be performed as required by rules of the Director.
- (j) The Permittee shall comply with all the applicable notification, certification, and record keeping requirements described in OAC Rule 3745-270-07.
- (k) The Permittee shall comply with all the applicable prohibitions on storage specified in OAC Rule 3745-270-50 and all administrative and judicial orders.
- (l) Except as otherwise provided in OAC Rule 3745-270-50, the Permittee may store restricted wastes in containers solely for the purpose of the accumulation

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of such quantities of hazardous wastes as necessary to facilitate proper recovery, treatment or disposal provided that each container is clearly marked to identify its contents and the date each period of accumulation begins.

- (m) The Permittee may store restricted wastes beyond one (1) year; however, the Permittee bears the burden of proving that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal. [OAC Rule 3745-270-50]

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**MODULE C - CONTAINERS STORAGE****C. CONTAINER STORAGE AND MANAGEMENT**

The activities covered by this module consist of storage of containers of hazardous and mixed waste in the X-326 building as described in the following tables and figures in Section D of the permit application, and all other terms and conditions of this permit.

Table D-1 – Container Information

Table D-2 – Maximum Container Stacking Heights

Table D-3 – Maximum Number of Containers, X-326 Unit

Figure D-1 – X-326 Building Floor Plan

**C.1 Process Capacity/Annual Quantity Limitation**

- (a) The Permittee shall not store more than 161,920 gallons of containerized waste at any given time in the permitted container area, located in building X-326. The Permittee shall store hazardous waste and mixed waste in the types of containers described in Section D of the approved Part B application.
- (b) For the purpose of compliance with the capacity limitation of this permit, each container will be considered to be storing an amount of hazardous waste or mixed waste equal to its capacity, regardless of the actual quantity stored in the container.
- (c) Permit Conditions C.1(a) and C.2 shall not apply to the Permittee's activities as a generator accumulating hazardous waste and mixed waste on-site in compliance with the provisions of OAC Rule 3745-52-34(A).

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

**C.2 Waste Identification**

The Permittee shall store in containers only the hazardous waste codes specified in Section A of the Part B application.

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C.3 Condition of Containers  
OAC Rule 3745-55-71

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

C.4 Compatibility of Waste with Containers  
OAC Rule 3745-55-72

The Permittee shall use a container made of or lined with materials which will not react with, and are compatible with the hazardous or mixed waste to be stored.

C.5 Management of Containers  
OAC Rule 3745-55-73

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

C.6 Containment Systems  
OAC Rule 3745-55-75

- (a) The Permittee shall construct and maintain the containment system in accordance with the plans and specifications contained in Section D of the Part B permit application.
- (b) The Permittee shall maintain the containment system as described in the approved Part B permit application, designed with sufficient capacity to contain ten percent of the total volume of the containers or the volume of the

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largest container, whichever is greater. The containment system shall be free of cracks and gaps and sufficiently impervious to contain leaks and spills and accumulated precipitation until the collected material is detected and removed. The Permittee shall insure that the coatings utilized in lining the secondary containment systems is compatible with each waste stored in containers situated at the permitted Container Storage Area. For those hazardous wastes or mixed wastes that are deemed incompatible with the liner material the Permittee shall install a separate secondary containment structure, located within the existing structure, possessing the appropriate liner in order to withstand any degrading effects imposed through initial and/or prolonged contact (e.g., 24 hours) with released waste materials.

- (c) Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection area in a timely manner. This time period is not to exceed twenty-four (24) hours from the time spilled and/or leaked waste is discovered to have reached the hazardous waste pad sump.

C.7 Prohibition of Container Storage  
ORC Section 3734.02(F)

The Permittee may not receive hazardous waste or mixed waste from off-site other than as described in Section C-2E of the Part B application.

C.8 Inspection Schedules and Procedures  
OAC Rules 3745-54-15 and 3745-54-73

As required by OAC Rule 3745-54-15, the Permittee shall inspect the container storage area in accordance with the approved inspection schedule contained in Section F of the Part B permit application, to detect leaking containers and deterioration of containers and the containment system caused by corrosion or other factors. The Permittee shall note the results of these inspections in the inspection log along with any remedial action taken. On days when containerized waste are added or removed to and/or from a permitted area for storage, the Permittee shall conduct an inspection as described in Section F of the approved Part B permit application, and maintain the inspection results in the facility operating record.

C.9 Recordkeeping  
OAC Rule 3745-54-73

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

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showing compliance with the requirements of Permit Condition C.13, OAC Rules 3745-54-17(B) and 3745-55-77.

C.10 Special Container Provisions for Ignitable or Reactive Waste  
OAC Rules 3745-54-17 and 3745-55-76

- (a) The Permittee shall not locate containers holding ignitable or reactive waste within 15 meters (50 feet) of the Portsmouth Gaseous Diffusion Plant reservation boundary.
- (b) The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and shall follow the storage procedures specified in Section F of the Part B permit application.

C.11 Special Container Provisions for Incompatible Waste  
OAC Rules 3745-54-17 and 3745-55-77

- (a) The Permittee shall not store incompatible waste except in accordance with OAC Rules 3745-54-17(B) and 3745-55-77.
- (b) The Permittee shall not place hazardous waste or mixed waste in an unwashed container that previously held an incompatible waste or material.
- (c) The Permittee shall ensure that all containers of incompatible wastes are physically separated from other incompatible wastes or materials by a wall, berm, dike or other device, in accordance with OAC Rule 3745-55-77 and the Appendix to 3745-55-99. All containers of flammable wastes are to be stored in flammable storage cabinets in the X-326 building. Incompatible wastes are to be stored a minimum of one aisle away from each other and will not be stored in the same row. Sodium wastes are to be stored in containers filled with organic liquids such as kerosene.

C.12 Reserved

C.13 Closure and Post-Closure  
OAC Rules 3745-55-10 through 3745-55-20 and 3745-55-78

- (a) At closure of the container area, the Permittee shall remove all hazardous waste, mixed waste, hazardous waste residues, and mixed waste residues from the containment system, in accordance with the procedures in the Closure Plan set forth in Section I of the approved Part B permit application.

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- (b) If the Permittee demonstrates that not all contaminated soils can be practically removed or decontaminated in accordance with the Closure Plan, Section I of the approved Part B permit application, the Permittee shall close the unit and perform post-closure care following a plan approved by the Director of Ohio EPA.

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**MODULE D - Reserved**

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## MODULE E - CORRECTIVE ACTION REQUIREMENTS

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

Corrective Action is currently being addressed pursuant to the September 1, 1989, Consent Decree ("Consent Decree") issued by the U.S. District Court for the Southern District of Ohio (Civil Action No. C2-89-732) and the August 4, 1994, Administrative Order by Consent, Docket No. V-W-90-R-03, to which Ohio and USEPA are parties. For as long as the Permittee remains in compliance with the Consent Decree, the Corrective Action obligations of the permit are met. In the event that the Consent Decree is violated, and/or the Corrective Action fails, is incomplete, or otherwise does not address corrective actions needed at waste management units, Ohio EPA reserves the right to modify the permit to require specific Corrective Action at the Facility.

**END OF PERMIT CONDITIONS**