



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184

MAILING ADDRESS:

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

October 8, 2003

Re: Ohio Hazardous Waste Permit Renewal
Delphi Automotive Systems, L.L.C.
U.S. EPA ID No.: OHD 060 928 561
Ohio ID No.: 05-57-0274

CERTIFIED MAIL

Mr. Michael K. Stout, Plant Manager
Delphi Automotive Systems, L.L.C.
P.O. 1042
Dayton, Ohio 45408

Dear Mr. Stout:

Here is the renewed Ohio Hazardous Waste Facility Installation and Operation Permit (Permit) for Delphi Automotive Systems, L.L.C. I have also enclosed a copy of the responsiveness summary Ohio EPA prepared in response to written comments the Agency received concerning the Part B permit application. The Permit is effective today, October 8, 2003. The date-stamped, page-numbered copy of the Part B permit application is also enclosed.

As a party to this permit proceeding, you may appeal this Permit to the Environmental Review Appeals Commission (ERAC) no later than 30 days after the public notice (See Ohio Revised Code § 3745.04). You may file your appeal with ERAC at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

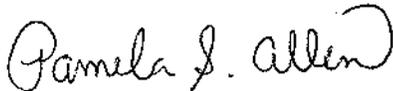
If you file an appeal, you must put it in writing. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. You must send a copy of the appeal to the director of the Ohio Environmental Protection Agency no later than three (3) days after you file it with ERAC.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

Mr. Michael K. Stout
Delphi Automotive Systems, L.L.C.
October 8, 2003
Page Two

If you have any questions concerning compliance, do not hesitate to call Jeff Smith of Ohio EPA's Southwest District Office at (937) 285-6357.

Sincerely,



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

Attachments

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

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PUBLIC NOTICE

Montgomery County

**OHIO EPA ISSUES FINAL RENEWAL HAZARDOUS WASTE PERMIT FOR
DELPHI AUTOMOTIVE SYSTEMS, L.L.C. DAYTON, OHIO**

On October 8, 2003, Ohio EPA issued a final Ohio Hazardous Waste Facility Installation and Operation Permit Renewal (Permit) to Delphi Automotive Systems, LLC for its facility at 1420 Wisconsin Boulevard, Dayton, Ohio 45408. The EPA Identification Number for this facility is OHD060928561.

Why does Delphi Automotive Systems, LLC need a Permit?

Delphi Automotive Systems (Delphi) is engaged in the manufacture of power train and brake system components for cars and trucks. From this activity hazardous wastes are generated and stored on site. Closure of the storage areas has now been certified by the facility and approved by Ohio EPA. Delphi is now involved in corrective action activities and must renew their permit for this purpose. To issue this final renewal Permit, Ohio EPA determined that the Permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. The renewal Permit allows the company to continue to store and treat hazardous waste at the designated areas and will require Delphi to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility. Details about this final action can be viewed on Ohio EPA's website at www.epa.state.oh.us/dhwm/pdf/10-08-03delphi.pdf

Can I appeal this permit?

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this Permit, you have the right to appeal this permit decision to the Environmental Review Appeals Commission (ERAC).

If I decide to appeal this final modified Permit, how and when must I make the appeal?

If you file an appeal, you must put it in writing no later than November 7, 2003. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. You must file your appeal, according to Ohio Revised Code § §3745.04 and 3745.07, with ERAC at the following address: **Environmental Review Appeals Commission**, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: **Christopher Jones, Director of Ohio EPA**, P.O. Box 1049, Columbus, Ohio 43216-1049.

Delphi Automotive Systems, L.L.C.
OHD060928561, Dayton, Ohio

Responsiveness Summary for Delphi's Draft Renewal Permit

The following comments were submitted to Ohio EPA by Delphi Automotive Systems, L.L.C., during the Public Comment period.

- 1) **Comment:** Delphi pointed out that there were several typographical errors throughout the permit that should be corrected.

Ohio EPA Response: All typographical errors have been corrected throughout the permit.

- 2) **Comment:** On the cover sheet, "The Operator's street address is identified in the draft permit as 1420 Wisconsin Boulevard. On February 24, 2003, Delphi Corporation submitted to Ohio EPA a RCRA Subtitle C Site Identification form, EPA 9029, informing Ohio EPA of a change in address. The Operator's street address has been changed to 1515 Cincinnati Street. The structures that once occupied 1420 Wisconsin Boulevard have been demolished and that parcel is now vacant."

Ohio EPA Response: The proper mechanism for invoking changes to facility information (e.g., the operator's street address) within a permit application is through submission of a permit modification in accordance with OAC rule 3745-50-51. The February 24, 2003 letter enclosed in the RCRA Subtitle C Site Identification form stated that a separate Class 1 modification to the Facility's Part B Permit Renewal Application would be filed at a later date. However, Ohio EPA has not received a modification and consequently, has not acknowledged, a change of street address. Therefore, there has been no change to the Operator's street address within the current permit application. Delphi representatives are advised to resubmit the RCRA Subtitle C Site Identification form in accordance with those administrative requirements stipulated within OAC 3745-50-51 for conducting modifications to an existing permit.

- 3) **Comment:** Delphi pointed out that there is an error in the first sentence of the Authorized Activities portion of the cover page. The word "of" was inadvertently added in the sentence.

Ohio EPA Response: The first sentence of the Authorized Activities portion which reads: "In reference to the application of for ...", has been revised to read, "In reference to the application for..."

- 4) **Comment:** Regarding Permit Condition A.1, "Permit # 05-57-0274 expired on July 25, 2001. Delphi Corporation (formerly Delphi Automotive Systems), hereafter referred to as "Delphi," initiated renewal of its Part B permit by submitting a draft Part B permit application to the Ohio EPA on January 26, 2001. Delphi subsequently submitted several updated draft permit applications to Ohio EPA to reflect recent changes in the Facility's operations, including closure of the permitted hazardous waste container storage areas and cessation of manufacturing activities in Plants 1 and 2, formerly located at 1420 Wisconsin Boulevard, Dayton, OH. The final permit application was submitted to Ohio EPA on June 7, 2002. This final submittal should take precedence over previous submittals."

Delphi has proposed the following language for A.1: "Additionally, the Facility proposed the following language change: ~~(a) The Permittee is authorized to proceed with Corrective Action activities in accordance with the terms and conditions of this permit, ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all applicable regulations promulgated under the Resource Conservation and Recovery Act (RCRA). The approved Part B permit application process was initiated by the Permittee in a draft permit application as submitted to Ohio EPA on January 29, 2001, and any subsequent amendment thereto, and last updated~~ The updated and final permit application was submitted to Ohio EPA on June 12, 2002, and 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.~~"

Ohio EPA Response: *The permit application was initially received on January 29, 2001, and there were subsequent amendments to the application and the last update was received on June 12, 2002. The dates listed in Permit Condition A.1 are not the dates that the Facility sends them out as the comment suggests, but rather when Ohio EPA receives the documentation.*

The last sentence of the Permit Condition (which states, "In the instance of inconsistent language or discrepancies between the above, the language of the more stringent provision shall govern.") refers to potential inconsistencies between all items listed in A.1(a). Therefore, no changes have been made to this Permit Condition.

- 5) **Comment:** Regarding Permit Condition A.6, "We believe OAC Rule 3745-50-40(E), Submittal of Hazardous Waste Permit Applications - Exposure Information, is an incorrect citation. We believe the correct citation is OAC 3745-50-58(D), Submittal of Hazardous Waste Permit Applications – Permit Renewal."

Ohio EPA Response: *Ohio EPA agrees that the citation to OAC Rule 3745-50-40(E) is incorrect, however, the rule that the Facility cites for replacement is also incorrect. The proper citation is OAC Rule 3745-50-40(D), Submittal of Hazardous Waste Permit Applications, and the permit condition has been changed to reflect the correct citation.*

- 6) **Comment:** Regarding Permit Condition A.6.(c), "In correspondence dated October 16, 2001, (attached) the Ohio EPA informed Delphi that Delphi had closed its hazardous waste container storage areas in accordance with the modified permit, the closure plan and OAC Rule 3745-55-011. The letter stated, 'Because there are no other hazardous waste management units at this location that require closure, Delphi Automotive Systems is no longer subject to the financial assurance requirements for closure and liability coverage for accidental occurrences.' Delphi no longer has any active hazardous waste management units at the Facility, nor does it intend to manage any active hazardous waste management units in the future."

"In agreement with Ohio EPA, Delphi will implement streamlined Corrective Action under the renewed Part B Permit. In doing such, it is Delphi's understanding that with exception of the Corrective Action requirements of OAC Rule 3745-55-011, Ohio EPA will not require Delphi to demonstrate compliance with the unit-specific standards under OAC Rules 3745-54 through 3745-69. Delphi will comply with the requirements of these Rules as applicable to RCRA Corrective Action at the site."

"Delphi will provide assurances of financial responsibility for completing corrective action as required by OAC Rule 3745-55-011."

Ohio EPA Response: *Ohio EPA concurs with Delphi's comment. However, no changes to condition A.6.(c) are needed in response to the supplied comment since these comments do not pertain to the requirements which address an applicant's duty to reapply for renewal prior to expiration of the permit.*

- 7) **Comment:** Regarding Permit Condition A.14, "Paragraph B(9) stipulates requirement to certify annually that the Permittee has a waste minimization program in place. We believe this is not applicable to Corrective Action nor is it applicable to the waste generation activities at the operating portion of the Facility, which is currently a small quantity generator of hazardous waste."

Ohio EPA Response: *Ohio EPA agrees that Permit Condition A.14 Retention of Records is not applicable in this permit. Permit Condition E.11 Record Retention in the Corrective Action portion of the permit will address the requirements during*

the pendency of this permit. Therefore, Permit Condition A.14, will be changed to read Reserved.

- 8) **Comment:** Regarding Permit Condition A.15, "Delphi no longer operates any active hazardous waste management units the Facility. It is Delphi's intention to provide notice of any planned physical alterations or additions as soon as possible, as applicable to RCRA Corrective Action activities."

Ohio EPA Response: *It was Ohio EPA's intention to use this language for any type of Hazardous Waste Facility permit, whether they operated active hazardous waste management units at the Facility or if the permit was solely for Corrective Action. However, the addition of language to reflect that any changes to the Facility, "as applicable to corrective action activities as required by this permit", is acceptable, and has therefore been included in the Permit Condition.*

- 9) **Comment:** Regarding Permit Condition A.17, "Delphi no longer operates any active hazardous waste management units the Facility. It is Delphi's intention to provide notice of any planned changes in the permitted facility operations which may result in noncompliance with the terms and conditions of the permit, as applicable to RCRA Corrective Action activities."

Ohio EPA Response: *Permit Condition A.17 will be revised to address this comment in a similar fashion to that supplied in response to Comment # 8 above.*

- 10) **Comment:** Regarding Permit Condition A.24, "Delphi interprets 'promptly' to be within thirty (30) days of becoming aware that it failed to submit any relevant facts, or submitted incorrect, misleading, or incomplete information to the Director."

Ohio EPA Response: *Ohio EPA concurs and has updated Permit Condition A.24 to read: "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 submit such facts, information or corrected information to the appropriate entity within 30 days."*

- 11) **Comment:** Regarding Permit Condition A.28, "The Permittee will maintain all reports and records relevant to Corrective Action."

The Facility also requests the following language change:
"(Information to be Maintained at the Facility by the Permittee
OAC Rule 3745-54-74

The Facility Permittee shall maintain all Corrective Action reports and records as required by Permit Conditions E.5, and E.7 of this permit. These reports and records must be maintained for at least 3 years after all Corrective Action Activities activities have been completed."

Ohio EPA Response: Ohio EPA concurs with the suggested change. The term "Facility" has been replaced by the term "Permittee" in Permit Condition A.28, and the upper case A in activities has revised to lower case.

- 12) **Comment:** Regarding Permit Condition B.4, "We believe OAC Rule 3745-54-14 applies to active TSDFs. In agreement with Ohio EPA, Delphi will implement streamlined Corrective Action under the renewed Part B Permit. In doing such, it is Delphi's understanding that with exception of the Corrective Action requirements of OAC Rule 3745-55-011, Ohio EPA will not require Delphi to demonstrate compliance with the unit-specific standards of OAC Rules 3745-54 through 3745-69. Delphi will comply with the requirements of these Rules as applicable to RCRA Corrective Action at the site."

"Delphi has closed all hazardous waste management units in accordance with its modified permit, the approved closure plan, and OAC Rule 3745-55-11. Delphi does not manage any active hazardous waste management units at the Facility to which the Security requirements of OAC Rule 3745-54-14(C) apply." Therefore, Delphi has proposed the following language change in Permit Condition B.4. Security:

"The Permittee shall comply with the security provisions of OAC Rule 3745-54-14(B) (2) and (C)."

Ohio EPA Response: Based upon the comment supplied by Delphi representatives, Ohio EPA has re-evaluated the applicability of the security requirements encompassed within OAC Rule 3745-54-14 to those corrective action activities required by this permit and subsequently, has decided to strike Permit Condition B.4 and replace it with the word "Reserved".

- 13) **Comment:** Regarding Permit Condition B.25, "Delphi believes OAC Rules 3745-54-77 and 3745-54-75 apply to owners or operators of active hazardous waste management units. Delphi is not currently, nor does it intend in the future to manage any active hazardous waste management units at the Facility. In agreement with Ohio EPA, Delphi will implement streamlined Corrective Action under the renewed Part B Permit. In doing such, it is Delphi's understanding that

with exception of the Corrective Action requirements of OAC Rule 3745-55-011, Ohio EPA will not require Delphi to demonstrate compliance with the unit-specific standards under OAC Rules 3745-54 through 3745-69. Delphi will comply with the requirements of these Rules as applicable to RCRA Corrective Action at the site."

"We believe the annual and additional reporting requirements of OAC Rule 3745-54-77 and 3745-54-75 are not applicable to the Corrective Action activities at the site. Delphi will complete annual reports as required by applicable OAC Rules. For example, the Facility is currently a small quantity generator of hazardous waste. Should the Facility's hazardous waste generator status change to large quantity, Delphi will complete its obligations for annual hazardous waste reporting according to applicable OAC Rules."

Consequently, the Facility requests that Permit Condition B.25 Annual Reports and Additional Reports, be stricken from the permit language.

Ohio EPA Response: Ohio EPA concurs with the suggested change and the reports requirement of Permit Condition B.25 has been stricken from the permit language. Therefore, Permit Condition B.25, will be changed to read: Reserved.

- 14) **Comment:** Regarding Permit Condition E.4, second paragraph, "Several changes have been made to the elements of Module E to reflect the streamlined approach to RCRA Corrective Action. Certain sections of text have been re-organized to improve the descriptions of Corrective Action requirements under this permit. " Delphi has proposed the following language for E.4: "For any ~~additional AOs requiring further investigation~~, the Permittee must identify and define the nature and extent of releases of hazardous waste and hazardous constituents at or from ~~the facility~~ the Facility."

Ohio EPA Response: Ohio EPA concurs with the suggested change and has revised Permit Condition E.4 accordingly.

- 15) **Comment:** Regarding Permit Condition E.4.(a), Delphi has proposed the following language; "The report must also describe the nature and extent of any releases of hazardous waste and hazardous constituents ~~as defined by Subtitle C of RCRA~~ at or from ~~the facility~~ the Facility..."

Ohio EPA Response: Ohio EPA has considered the comment and suggested language provided and has revised Permit Condition E.4(a) by incorporating a reference to OAC Rule 3745-50-10 which contains definitions for both hazardous waste and hazardous constituents.

- 16) **Comment:** Regarding Permit Condition E.4.(d), Delphi believes that "The use of Institutional Controls may be an important element of final Corrective Measures at the Facility", and therefore proposed the following language change: "the Documentation of Environmental Indicator Determination Guidance dated February 5, 1999; Use of Institutional Controls in the RCRA Corrective Action Program dated March 2000; relevant portions of the Model Scopes of Work as contained in the RCRA Corrective Action Plan dated May 1994..."

Ohio EPA Response: *Ohio EPA concurs with the suggested change and Permit Condition E.4.(d) has been revised accordingly.*

- 17) **Comment:** Regarding Permit Condition E.4.(e), "...Ohio EPA may require the development and implementation of Interim Measures..." is not consistent with the streamlined RCRA Corrective Action approach. The streamlined approach places the obligation on the Permittee to develop and implement Interim Measures as appropriate to protect human health and the environment." The Facility has proposed the following revised language: "Based upon information documenting a release of hazardous waste or constituents to the environment, ~~Ohio EPA may require the development and implementation of the~~ Permittee may develop and implement Interim Measures at any time during the life of the permit."

Ohio EPA Response: *Ohio EPA agrees with Delphi that the development and implementation of any interim measures at the site are the responsibility of the Permittee. However, Ohio EPA will reserve the right within the permit to review and supply concurrence on the development and implementation of any interim measures proposed at the site by the Permittee. The permit language will be revised to read: "Based upon information documenting a release of hazardous waste or constituents to the environment, Ohio EPA may require, or the Permittee may develop and implement, Interim Measures (with Ohio EPA concurrence) at any time during the life of the permit."*

- 18) **Comment:** Regarding Permit Condition E.5.(c)(iii), the Facility proposes the permit language to change to the following; "Control any unacceptable current human exposures that the Permittee identifies. This includes performing any ~~Interim Measures Corrective Action~~ or other response measures (corrective measures) necessary to control current human exposures to contamination to within acceptable risk levels."

Ohio EPA Response: *Ohio EPA concurs with the suggested change and it has been incorporated within Permit Condition E.5. (c)(iii).*

- 19) **Comment:** Regarding Permit Condition E.6, first paragraph, the Facility proposes the permit language to change to the following: "The proposal must describe all **Interim Measures and** corrective measures implemented at the Facility...".

Ohio EPA Response: *Ohio EPA concurs with the suggested change and has revised Permit Condition E.6. accordingly.*

- 20) **Comment:** Delphi representatives supplied an alternate way of organizing the information and associated process for the evaluation of Final Corrective Measures proposal within Permit Condition E.7.

Ohio EPA Response: *Ohio EPA concurs with the suggested change and has rearranged Permit Condition E.7. The text of the language did not change. The changes that were made were a rearrangement of several paragraphs under different headings which clarified some of the text.*

- 21) **Comment:** Regarding Permit Condition E.9, "...determination by Ohio EPA will be made..." is not consistent with the streamlined RCRA Corrective Action approach. The streamlined approach places the obligation on the Permittee to determine whether the WMU(s) require further investigations or corrective measures. The Permittee is held accountable for these decisions throughout the streamlined Corrective Action process." The Facility proposes the language to be changed as follows: "The Permittee shall submit written notification to Ohio EPA that (an) additional WMU(s) or release from a newly identified or existing WMU was discovered, and a **the Permittee's** determination ~~by Ohio EPA will be made on~~ of whether the WMU(s) require(s) further investigations or corrective measures."

Ohio EPA Response: *Ohio EPA agrees with Delphi that the Permittee is responsible for 1) providing notification to Ohio EPA, conducting appropriate investigation, and the application of corrective measures in either of the following scenarios: 1) when new Waste Management Units (WMU's) are discovered; or, 2) when releases are discovered from either newly identified or existing WMU's. However, Ohio EPA will reserve the right within the permit to review and supply concurrence on the development and implementation of any activities involving either newly discovered or existing WMU's. Therefore, the Permit Condition has been revised to read as follows: "The Permittee shall submit written notification to Ohio EPA that (an) additional WMU(s) or release from a newly identified or existing WMU was discovered, and the Permittee shall determine whether the WMU(s) require(s) further investigations or corrective measures with Ohio EPA concurrence."*

- 22) **Comment:** Regarding Permit Condition E.11, "The period of record retention should be at least three (3) years to be consistent with the other record retention requirements of this permit."

Ohio EPA Response: *Ohio EPA concurs with the suggested change and the sentence within the permit condition now reads: "The Permittee must retain, during the pendency of this Permit and for at least three (3) years after the permit terminates..."*

- 23) **Comment:** Regarding Permit Condition E.11.(a), "Delphi interprets 'promptly' to be within thirty (30) days of notifying the Director."

Ohio EPA Response: *Ohio EPA concurs with the suggested change and has updated Permit Condition E.11(a) to read: "The Permittee will also give Ohio EPA's Project Manager a copy of the notice within 30 days."*

- 24) **Comment:** Regarding Permit Condition E.12 (a), Delphi believes that the Final Interim Measures Report should not be required under this permit.

Ohio EPA Response: *Ohio EPA concurs with Delphi and has removed the requirement for submitting the Final Interim Measures Report. Ohio EPA will reserve the right for determining the effectiveness of Interim Measures implemented by Delphi in reviewing any subsequent Class 3 Permit modification as required by Permit Condition E.7.*

- 25) **Comment:** Regarding Permit Condition E.12.(c), Delphi believes that the Final Interim Measures Report are not applicable to this Permit because it would be addressed under a subsequent permit modification.

Ohio EPA Response: *Ohio EPA concurs with Delphi and has removed the requirement for submitting the Corrective Measures Completion Report. Ohio EPA will reserve the right for determining the effectiveness of any final remedy implemented by Delphi in reviewing the subsequent Class 3 Permit modification as required by Permit Condition E.7.*

- 26) **Comment:** The Facility suggests the removal of the word "each", found in Permit Condition E.13. "The Permittee must~~each~~ designate a Project Manager and notify Ohio EPA in writing of the Project Manager selected within 14 days of the effective date of this Permit."

Ohio EPA Response: *Ohio EPA concurs with the suggested change and the sentence now reads: "The Permittee must designate a Project Manager and notify*

Ohio EPA in writing of the Project Manager selected within 14 days of the effective date of this Permit."

- 27) **Comment:** Regarding Permit Condition E.14, the Facility proposes to change the permit language to read: "The Permittee must submit an outline for a Public Outreach Plan within 30 days after the effective date of this permit. ~~The Public Outreach Plan will identify and establish~~ a publicly accessible repository for information regarding site activities and ~~conduct~~ describe public outreach and involvement activities."

Ohio EPA Response: *Ohio EPA concurs with the suggested change and has updated Permit Condition E.14 accordingly.*

End of Responsiveness Summary

OHIO E.P.A.

OHIO ENVIRONMENTAL PROTECTION AGENCY

OCT - 8 2003

OHIO HAZARDOUS WASTE FACILITY
INSTALLATION AND OPERATION PERMIT RENEWAL

ENTERED DIRECTOR'S JOURNAL

Permittee: Delphi Automotive Systems, L.L.C.

Mailing

Address: Delphi Automotive Systems, L.L.C.
P.O. Box 1042
Dayton, OH 45408

Owner: Delphi Automotive Systems, L.L.C.
5725 Delphi Drive
Troy, MI 48098

Operator: Delphi Automotive Systems, L.L.C.
1420 Wisconsin Boulevard
Dayton, OH 45408

Location: Delphi Automotive Systems, L.L.C.
1420 Wisconsin Boulevard
Dayton, OH 45408

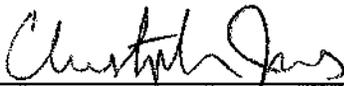
Ohio Permit No	05-57-0274
US EPA ID	OHD060928561
Issue Date	October 8, 2003
Effective Date	October 8, 2003
Expiration Date	October 8, 2008

AUTHORIZED ACTIVITIES

In reference to the application 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 activity:

- ◆ Address Corrective Action Requirements per Ohio Administrative Code Rule 3745-55-011

PERMIT APPROVAL



Christopher Jones, Director
Ohio Environmental Protection Agency

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

Entered into the Journal of the Director this 8th day of October, 2003.

By Donyea Jackson of the Ohio Environmental Protection Agency.

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

By Donyea Jackson on 10-8-03

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 proceed with Corrective Action activities in accordance with the terms and conditions of this permit, ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all applicable regulations promulgated under the Resource Conservation and Recovery Act (RCRA). The approved Part B permit application as submitted to Ohio EPA on January 29, 2001, and any subsequent amendment thereto, and last updated on June 12, 2002, is hereby incorporated into this permit. In the instance of inconsistent language or discrepancies between the above, the language of the more stringent provision shall govern.
- (b) Any management of hazardous waste not authorized by this permit is prohibited, unless otherwise expressly authorized or specifically exempted by law. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, or invasion of other private rights. Compliance with the terms and conditions of this permit does not obviate Permittee's obligation to comply with other applicable provisions of law governing protection of public health or the environment including but not limited to the Community Right to Know law under ORC Chapter 3750.

A.2. Permit Actions

OAC Rule 3745-50-58(F)

This permit may be modified, revoked, 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.

OHIO EPA DHWM

OCT 08 2003

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(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 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.

OHIO EPA DHWM

OCT 08 2003

- (b) The Permittee may continue to operate in accordance with the terms and condition of the expired permit until a renewal permit is issued or denied if:
 - (i) the Permittee has submitted a timely and complete application for a renewal permit under OAC Rule 3745-50-40; and
 - (ii) through no fault of the Permittee, a new permit has not been issued pursuant to OAC Rule 3745-50-40 on or before the expiration date of this permit.

- (c) The Corrective Action obligations contained in this permit will continue regardless of whether the Facility continues to operate or ceases operation and closes. The Permittee is obligated to complete facility-wide Corrective Action under the conditions of this permit regardless of the operational status of the Facility. The Permittee must submit an application for permit reissuance at least 180 days before the expiration date of this permit pursuant to OAC 3745-50-40(D) unless a) the permit has been modified to terminate the Corrective Action schedule of compliance and the Permittee has been released from the requirements for financial assurance for Corrective Action; or b) permission for a later date has been granted by the Director. The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

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

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

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

The Permittee shall 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

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

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

of the information would divulge methods or processes entitled to protection as trade secrets pursuant to Ohio Trade Secret Law and OAC Rule 3745-50-30.

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

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

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

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

A.14. Reserved

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A.15. Planned Changes

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

The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted Facility as applicable to corrective action activities required by this permit. All such changes must be made in accordance with OAC Rule 3745-50-51.

A.16. Waste Shipments

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

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

A.17. Anticipated Noncompliance

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

The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or operations which may result in noncompliance with the terms and conditions of this permit as applicable to corrective action activities required by 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

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relieve the new owner or operator of its obligation to comply with all applicable requirements.

A.19. Compliance Reports

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

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

A.20. Immediate Reporting of Noncompliance

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

- (a) The Permittee shall report verbally to Ohio EPA'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 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 verbal report):
 - (i) name, address, and telephone number of the owner or operator;
 - (ii) name, address, and telephone number of the Facility;
 - (iii) date, time, and type of incident;
 - (iv) name and quantity of material(s) involved;
 - (v) the extent of injuries, if any;

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- (vi) an assessment of actual or potential hazards to the environment and human health outside the Facility, where this is applicable; and
- (vii) estimated quantity and disposition of recovered material that resulted from the incident.

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

- (a) A written report shall also be provided to Ohio EPA's Division of Emergency and Remedial Response and the Division of Hazardous Waste Management Southwest District Office within five (5) days of the time the Permittee becomes aware of the circumstances reported in Condition A.20.
- (b) The written report shall address the items in A.20 and shall contain a description of such noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to minimize the impact on human health and the environment and to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) The Permittee need not comply with the five (5) day written report requirement if the Director, upon good cause shown by the Permittee, waives that requirement and the Permittee submits a written report within fifteen (15) days of the time the Permittee becomes aware of the circumstances.

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

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

A.23. Reserved

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

If at any time the Permittee becomes aware that it failed to submit any relevant facts, or submitted incorrect, misleading, or incomplete information to the Director,

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the Permittee shall submit such facts, information or corrected information to the appropriate entity within 30 days.

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. Reserved

A.27. Reserved

A.28. Information to be Maintained by the Permittee
OAC Rule 3745-54-74

The Permittee shall maintain all Corrective Action reports and records as required by Permit Conditions E.5, and E.7 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. Reserved

MODULE B - GENERAL FACILITY CONDITIONS

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

- (a) The Permittee shall design, construct, maintain and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, and ground or surface waters which could threaten human health or the environment.
- (b) The Permittee shall not accept any hazardous waste from off-site sources.

B.2. Reserved

B.3. Reserved

B.4. Reserved

B.5. Reserved

B.6. Reserved

B.7. Reserved

B.8. Reserved

B.9. Reserved

B.10. Reserved

B.11. Reserved

B.12. Reserved

B.13. Reserved

B.14. Reserved

B.15. Reserved

B.16. Reserved

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B.17. Reserved

B.18. Reserved

B.19. Reserved

B.20. Reserved

B.21. Reserved

B.22. Reserved

B.23. Reserved

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 Rules 3745-52, 3745-54-71, 3745-54-72, and 3745-54-76 with regard to the manifest system.

B.25. Reserved

B.26. Reserved

B.27. Reserved

B.28. Reserved

B.29. Reserved

B.30. Reserved

B.31. Reserved

B.32. Reserved

B.33. Reserved

B.34. Reserved

B.35. Reserved

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B.36. Reserved

B.37. Reserved

B.38. Reserved

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

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

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

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

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MODULE C - Reserved

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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 & 3745-55-011

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 used 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 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 Rules 3745-55-011

The Permittee must implement Corrective Action(s) beyond the Facility property boundary, where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of Ohio EPA that, despite the Permittee's good faith, 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 performance-based approach described in Section J of the permit application.

E.3. IDENTIFICATION OF WMUs OAC Rules 3745-50-44(d) & 3745-55-011

See Section J, Table J-I Current Conditions Summary in the permit application for the listing of WMUs. Note that the term Area of Interest (AOI) has been used in place of WMU in Section J of the permit application, and therefore the identification of AOIs are actually identified WMUs.

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E.4. CURRENT CONDITIONS AND INVESTIGATIONS

Delphi submitted a Current Conditions Summary as part of the permit renewal. The Current Conditions Summary identified 40 AOIs at the Facility which Delphi knows that past waste management activities or chemical releases may have occurred. Twenty-four of these locations exhibited evidence of probable or likely releases of hazardous waste and/or constituents requiring additional investigation.

For any AOIs requiring further investigation, the Permittee must identify and define the nature and extent of releases of hazardous waste and hazardous constituents at or from the Facility. This includes:

- (a) Performing an investigation to identify the nature and extent of any releases of hazardous waste and hazardous constituents (as defined by OAC Rule 3745-50-10) at or from the Facility which may pose an unacceptable risk to human health and the environment, and provide a report to Ohio EPA. The report must also describe the nature and extent of any releases of hazardous waste and hazardous constituents at or from the Facility which do not pose an unacceptable risk to human health and the environment, and provide the basis for those conclusions, including an evaluation of the risks. The Permittee may prepare and submit the report in phases to provide timely support for the demonstrations described in Permit Condition E.5. and for the determinations and proposal described in Permit Condition E.6. A current Corrective Action schedule is provided in Appendix J-2 of the permit application.
- (b) All sampling and analysis conducted under this Permit must be performed in accordance with the Region V RCRA Quality Assurance Project Plan Policy (April 1998) as appropriate for the Facility. Ohio EPA may audit laboratories the Permittee selects or require the Permittee to purchase and have analyzed any performance evaluation samples selected by Ohio EPA for compounds of concern. The Permittee must notify Ohio EPA in writing at least 14 days before beginning each separate phase of field work performed under this Permit. At the request of Ohio EPA, the Permittee will provide or allow Ohio EPA or its authorized representative to take split or duplicate samples of all samples the Permittee collects under this Permit.
- (c) Any risk assessments the Permittee conducts must estimate human health and ecological risk under reasonable maximum exposure for both current and reasonable expected future land use scenarios. In conducting the human health risk assessments, the Permittee will consider the risk assessment methodology outlined in Ohio's Closure Plan Review Guidance.

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(CPRG). For ecological assessments, the Permittee will consider Ohio EPA's Guidance for Conducting RCRA Ecological Risk Assessment. Other U.S. EPA and Ohio EPA risk assessment guidance documents may be applicable. The Permittee will supply Ohio EPA with proper justification as to the selection and use of appropriate and conservative screening values when screening to determine whether further investigation is required. Appropriate screening values include those derived from Ohio EPA Division of Hazardous Waste Management's Generic Cleanup Numbers (GCNs) adjusted for screening, U.S. EPA Region IX Preliminary Remediation Goals (PRGs) adjusted for screening, screening values provided in Ohio EPA's Guidance for Conducting RCRA Ecological Risk Assessments, or other appropriate screening values.

- (d) Work undertaken pursuant to this Permit will comply with RCRA and other applicable federal and state laws and their implementing regulations, and be consistent with all relevant U.S. EPA and Ohio EPA guidance documents as appropriate to the Facility. This guidance includes, but is not limited to the Ohio Corrective Action Plan dated December 1996, the Documentation of Environmental Indicator Determination Guidance dated February 5, 1999; Use of Institutional Controls in the RCRA Corrective Action Program dated March 2000; relevant portions of the Model Scopes of Work as contained in the RCRA Corrective Action Plan dated May 1994; Guidance for Evaluating Technical Impracticability of Groundwater Restoration dated September 1993; Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action dated September 2001; the Advance Notice of Proposed Rule making dated May 1, 1996 (61Fed.Reg. 19432); and applicable U.S. EPA and Ohio EPA risk assessment guidance.
- (e) Based upon information documenting a release of hazardous waste or constituents to the environment, Ohio EPA may require, or the Permittee may develop and implement, Interim Measures (with Ohio EPA concurrence) at any time during the life of the permit. In addition, such measures may serve to limit the initial site investigation or risk assessment activities traditionally performed to complete the work as defined in Permit Conditions E.5 through E.6.

E.5. ENVIRONMENTAL INDICATORS DETERMINATION

The Permittee must demonstrate positive determinations for both Human Health Exposure and Groundwater EIs by December 28, 2006, through submitting an Environmental Indicators Report and performing any other necessary activities, consistent with this Permit Condition.

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- (a) All current human exposures to contamination at or from the Facility are under control. That is, significant or unacceptable exposures do not exist for all media known or reasonably suspected to be contaminated with hazardous wastes or hazardous constituents above risk-based levels, for which there are complete pathways between contamination and human receptors. If technically appropriate the Permittee may use institutional and or engineering controls to make this determination.

- (b) Migration of contaminated groundwater at or from the Facility is stabilized. That is, the migration of all groundwater known or reasonably suspected to be contaminated with hazardous wastes or hazardous constituents above acceptable levels is stabilized to remain within any existing areas of contamination as defined by monitoring locations designated at the time of the demonstration. In addition, any discharge of groundwater to surface water is either insignificant or currently acceptable according to an appropriate interim assessment. The Permittee must collect monitoring and measurement data in the future as necessary to verify that migration of any contaminated groundwater is stabilized.

- (c) To prepare for and provide the demonstrations required in Permit Conditions E.5(a) and E.5(b), the Permittee must:
 - (i) Determine appropriate risk screening criteria under current use scenarios and provide the basis and justification for the use of these criteria.
 - (ii) Determine any current unacceptable risks to human health and the environment and describe why other identified risks are acceptable.
 - (iii) Control any unacceptable current human exposures that the Permittee identifies. This includes performing any Interim Measures or other response measures (corrective measures) necessary to control current human exposures to contamination to within acceptable risk levels.
 - (iv) Stabilize the migration of contaminated groundwater. This includes implementing any corrective measures necessary to stabilize the migration of contaminated groundwater.
 - (v) Conduct groundwater monitoring to confirm that any contaminated groundwater remains within the area of contamination identified in the Environmental Indicators Report.

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- (vi) Prepare a report, either prior to or as part of the Environmental Indicators Report, that describes and justifies any interim actions performed to meet the requirements of this Permit Condition, including sampling documentation, construction completion documentation and/or confirmatory sampling results. This report may contain other investigation information, including sample results, and risk assessments that are used to support the overall investigation process including sampling and evaluation results necessary to support submittals required for Permit Condition E.6. below.

In the event Interim Measures are determined not to be necessary, the Permittee will adjust their current schedule by submitting an Environmental Indicators Report by February 7, 2006.

E.6. FINAL CORRECTIVE MEASURES PROPOSAL

The Permittee must propose to Ohio EPA by July 10, 2008, final corrective measures necessary to protect human health and the environment from all current and future unacceptable risks due to releases of hazardous waste or hazardous constituents at or from the Facility (the "Final Corrective Measures Proposal"). The proposal must describe all Interim Measures and corrective measures implemented at the Facility since the effective date of this Permit. It must also include a description of all other final corrective measures that the Permittee evaluated, a detailed explanation of why the Permittee preferred the proposed final corrective measures, and cost estimates for the final corrective measures evaluated.

As part of developing its proposal, the Permittee must propose appropriate risk screening criteria, cleanup objectives, and points of compliance under current and reasonably expected future land use scenarios and provide the basis and justification for these decisions.

Ohio EPA may request supplemental information from the Permittee if Ohio EPA determines that the proposal and supporting information do not provide an adequate basis to select final corrective measures that will protect human health and the environment from the release of hazardous waste and hazardous constituents at or from the Facility. The Permittee must provide timely any supplemental information that Ohio EPA requests in writing.

In the event Interim Measures are determined not to be necessary, the Permittee will adjust their current schedule to include submitting the Final Corrective Measures Proposal by July 21, 2007.

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E.7. OHIO EPA EVALUATION OF FINAL CORRECTIVE MEASURES PROPOSAL

Based on the results of the completed performance-based RCRA Corrective Action Investigation activities and other relevant information, the Permittee may opt to pursue either of the following approaches:

The Permittee will request a determination of No Further Action or will initiate a permit modification as provided by OAC Rule 3745-50-51 to implement the final corrective measure(s). Ohio EPA will declare a determination of No Further Action or will require implementation of the final corrective measure(s).

(a) Determination of No Further Action

Based on the results of the completed performance-based RCRA Corrective Action Activities as required herein 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 Corrective Action Schedule. Other tasks identified in the Corrective Action Schedule shall remain in effect. This permit modification application must conclusively demonstrate that there are no releases of hazardous waste or hazardous constituents from WMUs at the Facility that pose an unacceptable risk to human health and the environment.

If, based upon review of the Permittee's request for a permit modification, the results of completed investigations, 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 an unacceptable risk to human health and the environment, Ohio EPA will approve the requested modification.

(i) Periodic Monitoring

A determination of No Further Action shall not preclude Ohio EPA from requiring continued or periodic monitoring of air, soil, groundwater, 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 hazardous constituents are likely to occur.

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(ii) 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 an unacceptable risk 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. 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.

(b) Final Corrective Measures Implementation (CMI)

The Permittee will submit an application to Ohio EPA for a Class 3 permit modification under OAC Rule 3745-50-51 to implement the final corrective measures(s) if such measures are required. The Permittee shall not implement the corrective measure(s) until the Permit is modified pursuant to OAC Rule 3745-50-51.

Ohio EPA will provide the public with an opportunity to review and comment on the proposed final corrective measures, including a detailed description and justification for the proposal (the "Statement of Basis"). Following the public comment period, Ohio EPA will select the final corrective measures, and will notify the public of the decision and rationale in a "Final Decision and Response to Comments" (Final Decision).

E.8. NEWLY IDENTIFIED WMUs OR RELEASES

OAC Rule 3745-55-011

(a) General Information

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

- (i) The location of the unit on the site topographic map;
- (ii) Designation of the type of unit;

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- (iii) General dimensions and structural description (supply any available drawings);
- (iv) When the unit was operated; and
- (v) Descriptions 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.9. CORRECTIVE ACTION FOR NEWLY IDENTIFIED WMUs AND RELEASES
OAC Rule 3745-55-011

The Permittee shall submit written notification to Ohio EPA that (an) additional WMU(s) or release from a newly identified or existing WMU was discovered, and the Permittee shall determine whether the WMU(s) require(s) further investigations or corrective measures with Ohio EPA concurrence.

The Permittee shall make such submittal in accordance with timeframes agreed to by Permittee and Ohio EPA.

E.10. ACCESS

- (a) Upon reasonable notice, and at reasonable times, Ohio EPA, its contractors, employees, and any designated Ohio EPA representatives may enter and freely move about the Facility to, among other things: interview facility personnel and contractors; review the Permittee's progress in carrying out the terms of this Permit; conduct tests, sampling, or monitoring as Ohio EPA deems necessary; use a camera, sound recording, or other documentary equipment; and verify the reports and data the Permittee submits to Ohio EPA. The Permittee will permit such persons to inspect and copy all non-privileged photographs and documents, including all sampling and monitoring data, that pertain to work undertaken under this Permit and that are within the possession or under the control of the Permittee or its contractors or consultants. The Permittee may request split samples, or copies of all photographs, tapes, videos or other recorded evidence created by Ohio EPA and releasable under Ohio's Public Records Law.

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- (b) If the Permittee must go beyond the Facility's boundary to perform work required by this Permit, the Permittee must use good faith efforts to obtain the necessary access agreements from the present owner(s) of such property within 30 days after the Permittee knows of the need for access. Any such access agreement must provide for access by Ohio EPA and its representatives. The Permittee must submit a copy of any access agreement to Ohio EPA's Project Manager. If it does not obtain agreements for access within 30 days, the Permittee must notify Ohio EPA in writing within 14 additional days of both the efforts undertaken to obtain access and the failure to obtain access agreements.
- (c) Nothing in this Permit Condition limits or otherwise affects Ohio EPA's right of access and entry under applicable Ohio Law.

E.11. RECORD PRESERVATION

- (a) The Permittee must retain, during the pendency of this Permit and for at least three (3) years after the permit terminates, all data and all final documents now in its possession or control or which come into its possession or control which relate to this Permit. The Permittee must notify Ohio EPA in writing 90 days before destroying any such records, and give Ohio EPA the opportunity to take possession of any such non-privileged documents. The Permittee's notice will refer to the effective date of said documents and records associated with this Permit and will be addressed to:

Director
Ohio EPA
P.O. Box 1049
Columbus, Ohio 43216-1049

The Permittee will also give Ohio EPA's Project Manager a copy of the notice within 30 days.

- (b) Within 30 days of retaining or employing any agent, consultant, or contractor (agents) to carry out the terms of this Permit, the Permittee will enter into an agreement with the agents to give the Permittee a copy of all data and final non-privileged documents produced under this Permit.
- (c) The Permittee will not assert any privilege claim concerning any data gathered during any investigations or other actions required by this Permit.

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E.12. DOCUMENTS REQUIRING PROFESSIONAL ENGINEER STAMP

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

- (a) Corrective Measures Implementation (CMI) information submitted as a Class 3 Permit Modification; or
- (b) Determination of No Further Action Report submitted as a Class 3 Permit Modification

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.

E.13. PROJECT MANAGER

The Permittee must designate a Project Manager and notify Ohio EPA in writing of the Project Manager selected within 14 days of the effective date of this Permit. The Project Manager will be responsible for overseeing the implementation of this Project. The Permittee must provide prompt written notice whenever they change Project Managers.

E.14. REPORTING AND OTHER REQUIRMENTS

- (a) The Permittee must submit an outline for a Public Outreach Plan within 30 days after the effective date of this permit. The Public Outreach Plan will identify a publicly accessible repository for information regarding site activities and describe public outreach and involvement activities.
- (b) The Permittee must provide quarterly progress reports to Ohio EPA/SWDO by the fifteenth day of the month after the end of each quarter. The report must list work performed to date, data collected, problems encountered, project schedule, and percent project completed.

End of Permit Conditions

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