



State of Ohio Environmental Protection Agency

**Northwest District Office**

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

October 28, 2008

Mr. Michael Darr  
BP Products North America Inc.  
4850 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio 44125

RECEIVED  
OHIO EPA

OCT 31 2008

DIV. OF HAZARDOUS  
WASTE MGT.

**Re: Hazardous Waste Permit Modification  
Class 1A  
Approval  
BP Products North America  
OHD005057542/03-48-0411**

Dear Mr. Darr:

On September 18, 2008, Ohio EPA received a request for a Class 1A (Class 1 requiring prior approval) hazardous waste permit modification (tracking number - 080918-1A-1) from BP Products North America Inc (BPNA).

As the modification referenced above is not explicitly listed in the Appendix of Ohio Administrative Code (OAC) Rule 3745-50-51, Ohio EPA has evaluated the classification of the modification application pursuant to OAC Rule 3745-50-51 (E). BPNA is hereby notified that Ohio EPA concurs with the classification as a Class 1A permit modification.

With this letter, Ohio EPA approves the above referenced Class 1A modification submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-50-51.

The following modification has been made to your May 23, 2002, Ohio Hazardous Waste Facility Installation and Operation Permit. Also, the records of Ohio EPA have been changed accordingly:

Construction Completion Reports (CCR) are required to be submitted to Ohio EPA within 45 days of completion of Corrective Measures Implementation (CMI) activities at each unit per Section E.9 of the permit. Because BPNA is conducting a risk assessment on Solid Waste Management Unit (SWMU) 14, there must be time allowed for risk assessment preparation prior to submittal of the CCR. BPNA's permit has been modified to allow for the CCR for SWMU 14 to be submitted no later than December 18, 2008.

Attached is a copy of the modified permit terms and conditions. This has been included to ensure that all involved parties have written confirmation of the change\*.

If you have any questions concerning this action, please contact Wendy Miller at the Ohio EPA Northwest District Office.

Sincerely,



Shannon Nabors  
District Office Chief  
Northwest District Office

/llr

Enclosure

\*Also, in accordance with Ohio Administrative Code Rule 3745-50-51(D)(1)(a)(ii), BP Products North America shall send a notice within 90 days of an approved Class 1A Modification to all persons on the Agency mailing list. An updated mailing list can be obtained by contacting Dave Sholtis at (614) 644-2917, or by e-mail at [dave.sholtis@epa.state.oh.us](mailto:dave.sholtis@epa.state.oh.us).

cc: Dave Sholtis, Assistant Chief, DWHM, CO w/enclosure  
NWDO BP Products North America Permit File Copy w/enclosure  
Gary Deutschman, DHWM, NWDO w/enclosure  
Wendy Miller, DHWM, NWDO w/enclosure  
BP Toledo Permit, Document Library, DHWM, NWDO enclosure only  
ec: Dawn Pleiman, DHWM, NWDO  
Gary Deutschman, DHWM, NWDO  
Colleen Weaver, DHWM, NWDO

of the month.

(e) Corrective Measures Completion Report

Within forty-five (45) days of completion of corrective measures implementation, the permittee shall submit to Ohio EPA a Corrective Measures Completion Report (CM Report) and Operation and Maintenance Plan (O&M Plan). Because the permittee has elected to complete corrective measures at SWMU's 1, 17 and 36 concurrently, the permittee shall submit the CM Report and O&M Plan for SWMU 1 within 45 days of completion of corrective measures at SWMU's 1, 17 and 36. The permittee shall submit the CM Report and O&M Plan for SWMU 17 within 90 days of completion of corrective measures at SWMU's 1, 17 and 36. The permittee shall submit the CM Report and O&M Plan for SWMU 36 within 135 days of completion of corrective measures at SWMU's 1, 17 and 36. The permittee shall submit the CM Report and O&M Plan for SWMU 54H by March 25, 2008. The permittee shall submit the CM Report and O&M Plan for SWMU 14 by December 18, 2008.

- (1) Prior to the Permittee's submittal of the CM Report to Ohio EPA, the Permittee must finalize and record the environmental covenant(s) required by Condition E.9(b). A file and date-stamped copy of the environmental covenant(s) must be included in the CM Report.
- (2) If necessary, Ohio EPA shall provide written comments on the CM Report and O&M Plan to the Permittee.
- (3) Within forty-five (45) days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new CM Report and O&M Plan.
- (4) Ohio EPA shall approve or modify and approve, in writing, the amended or new CM Report and O&M Plan. The CM Report and O&M Plan, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved CM Report and O&M Plan must be authorized by Ohio EPA.

(f) Permit Modification

In case of a newly discovered waste management unit that requires corrective measures, Ohio EPA will initiate a permit modification, as provided by OAC Rule 3745-50-51 to require implementation of the corrective measures authorized.

The Permittee shall not implement the corrective measure until the permit is