



State of Ohio Environmental Protection Agency

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Columbus, Ohio 43216-1049

**Certified Mail  
Return Receipt Requested**

**Re: Gabriel Performance Products, L.L.C.  
Occidental Chemical Corporation  
EPA ID #: OHD 003 913 308  
Modified Hazardous Waste Permit**

September 26, 2005

Ms. Jacquelynn Paolillo  
Gabriel Performance Products, L.L.C.  
725 State Road  
Ashtabula, Ohio 44004

Dear Ms. Paolillo:

On June 23, 2005, Ohio EPA issued a draft permit modification to Gabriel Performance Products, LLC (Gabriel) to implement corrective measures to remedy the contamination identified in the soils and groundwater at the facility. This modification was initiated and will be administrated by Ohio EPA. The Agency received written comments concerning this modification and these comments were addressed in the responsiveness summary. I have enclosed the final modified Ohio hazardous waste facility installation and operation permit (Permit) that was issued by the director today. Please note that the modified Permit remains in effect until it is renewed, withdrawn, suspended or revoked.

You have the right to appeal this Permit decision 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  
Bruce Johnson, Lieutenant Governor  
Joseph P. Koncelik, Director



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Ohio EPA is an Equal Opportunity

Ms. Jacquelynn Paolillo  
Gabriel Performance Products, LLC  
Occidental Chemical Corporation  
September 26, 2005  
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If you have any questions, please contact John Palmer of Ohio EPA's Northeast District Office at (330) 963-1200.

Sincerely,



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

cc: Jeremy Carroll/Jennifer Rockhold, ERAS, DHWM  
Harriet Croke, U.S. EPA, Region V  
Kurt Princic/John Palmer, NEDO, DHWM  
Carol Hester, Ohio EPA, PIC

## PUBLIC NOTICE

Ashtabula County

### OHIO EPA ISSUES FINAL HAZARDOUS WASTE PERMIT MODIFICATION

On September 26, 2005, Ohio EPA issued a final modified hazardous waste facility installation and operation permit (Permit) to Gabriel Performance Products, L.L.C . (Gabriel) for its facility located at 725 State Road, Ashtabula, Ohio 44004. The EPA Identification Number for this facility is OHD003913308.

#### **Why does Gabriel need this permit Modification?**

Gabriel is a permitted hazardous waste facility which is engaged in process development and production of speciality chemicals. Closure of all hazardous waste storage units has now been certified by the facility and approved by Ohio EPA. Gabriel is now involved in corrective action activities only at the facility, and will be implementing corrective measures to remedy the contamination identified in the soils and ground water at the facility. This final permit modification will allow Gabriel to make the requested changes. To issue this final modified permit, Ohio EPA determined that the proposed corrective action activities meet appropriate standards.

#### **Can I appeal this modified 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 October 27, 2005. 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 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: **Joseph P. Koncelik, Director of Ohio EPA**, P.O. Box 1049, Columbus, Ohio 43216-1049.

Responsiveness Summary for  
Gabriel Performance Products, L.L.C. and  
Occidental Chemical Corporation  
USEPA ID # OHD 003 913 308  
OHIO ID # 02-04-0078

Ohio EPA received comments from two entities regarding the June 23, 2005, issuance of the draft modified Hazardous Waste Facility Installation and Operation Permit to Gabriel Performance Products, L.L.C and Occidental Chemical Corporation. The public comment period began on June 24, 2005, and ended on August 8, 2005. The comments and Ohio EPA's response are provided below:

***Comments from Jacquelynn Paolillo for Gabriel Performance Products, L.L.C (GPP).***

1. Issue: *In the Statement of Basis, Executive Summary, no reference is made to the efforts made and responsibilities of Occidental Chemical Corporation (OCC). Please replace references of GPP with GPP and OCC.*

**Ohio EPA Response**

The comment is noted and any relevant permit conditions have been changed. However, since the Statement of Basis is meant to summarize the permit modification for public notice purposes, it is not issued as a part of the final modified permit. Therefore no changes to the Statement of Basis are necessary.

***Comments from David Steele for Miller Springs Remediation Management, Inc.***

1. Issue: *In the Statement of Basis, Summary of the Facility Investigation, paragraph four, the third sentence reads: "The treated water is discharged to the State Road Storm Sewer via the National Pollutant Discharge Elimination System (NPDES) permitted outfall." The State Road Sewer was closed under a CERCLA source control remedial action in 2000. The facility discharge is currently to the adjacent DS tributary of Fields Brook via a discharge to the box culvert under State Road at the tributary. Please consider revising this sentence accordingly.*

**Ohio EPA Response**

The comment is noted and as stated above, no changes will be made to the Statement of Basis.

OHIO E.P.A. OHIO ENVIRONMENTAL PROTECTION AGENCY  
SEP 26 2005  
MODIFIED OHIO HAZARDOUS WASTE FACILITY  
ENTERED DIRECTOR'S JOURNAL INSTALLATION AND OPERATION PERMIT

Date of Issuance: September 26, 2005  
Effective Date: September 26, 2005

U.S. EPA ID No.: OHD 003 913 308  
Ohio Permit No.: 02-04-0078

**Name of Permittee:** Gabriel Performance Products, L.L.C. and Occidental Chemical Corporation

**Mailing Address:** 725 State Road  
Ashtabula, OH 44004

**Facility Location:** 725 State Road  
Ashtabula, OH 44004

**Person to Contact:** Jacquelynn Paolillo

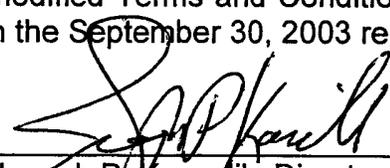
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This Modified Ohio Hazardous Waste Facility Installation and Operation Permit is issued pursuant and subject to Section 3734.05(I) of the Ohio Revised Code and Rule 3745-50-51(J) of the Ohio Administrative Code.

The Ohio Hazardous Waste Facility Installation and Operation Permit with the above-referenced permit number as issued by the Ohio Environmental Protection Agency and journalized on September 30, 2003, is hereby incorporated by reference in its entirety, except as it may be modified herein.

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

The modified Terms and Conditions of this permit are attached hereto and are incorporated herein by reference. The modified Terms and Conditions supersede and replace the corresponding pages found in the September 30, 2003 renewal permit.

  
\_\_\_\_\_  
Joseph P. Koncelik, Director  
Ohio Environmental Protection Agency

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

By:  Date: 9-26-05

**OHIO ENVIRONMENTAL PROTECTION AGENCY  
DIVISION OF HAZARDOUS WASTE MANAGEMENT**

**SUMMARY OF MODIFICATIONS TO HAZARDOUS WASTE  
INSTALLATION AND OPERATION PERMIT**

**Gabriel Performance Products, L.L.C.  
Occidental Chemical Corporation  
U.S. EPA ID #: OHD 003 913 308  
Ohio ID #: 02-04-0078**

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Modification of the Hazardous Waste Facility Installation and Operation Permit will authorize Occidental Chemical Corporation to make the following changes:

**Director Initiated Permit Modification:**

The renewal permit issued by the Ohio EPA on September 30, 2003 required Gabriel Performance Products L.L.C. / Occidental Chemical Corporation to submit a Corrective Measures Study Final Report. This report identifies what corrective measures must be taken to remedy the contamination identified in the soils and ground water at the facility. This permit modification requires Gabriel Performance Products L.L.C. / Occidental Chemical Corporation to conduct corrective measures to address soil and ground water contamination at the facility.

**OHIO EPA DHWM**

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## MODULE E - CORRECTIVE ACTION REQUIREMENTS

### Corrective Actions Summary

The Gabriel Performance Products / Occidental Chemical Corporation facility is located on 40 acres of land in Ashtabula Township, Ashtabula County, Ohio. The facility was built and operated in 1955 by Archer - Daniels - Midland Company for the production of fatty acids and alcohols. Prior to 1955, the area was a golf course. In the summer of 1962, the facility was purchased by the Diamond Alkali Company and was their semi-works facility from 1962 to 1982. The facility changed its name to the Diamond Shamrock Corporation in the early 1980s. In 1985, the Diamond Shamrock Corporation changed its name to Diamond Shamrock Company. In 1986, all Diamond Shamrock facilities were purchased by Occidental Electrochemical Corporation (OEC) and functioned under the name of Oxy Process Chemicals Corporation. In 1987, OEC sold the Process Chemicals Corporation, except for the Ashtabula facility, and merged with OEC's parent corporation, Occidental Chemical Corporation (OCC). This facility manufactured high-performance, high-quality specialty chemicals. Ownership of the facility was transferred from OCC to Gabriel Performance Products, L.L.C. on June 29, 2001.

Several site investigations were conducted at the facility to assess potential subsurface soil and groundwater contamination. In November 1985 Woodward-Clyde Consultants (WCC) of Cleveland, Ohio, conducted a hydrogeologic assessment. Following WCC's investigation, International Technology Corporation (IT) of Pittsburgh, Pennsylvania, delineated the extent of soil and groundwater contamination identified by WCC. On August 7, 1989, U.S. EPA's contractor, A.T. Kearney, Inc. of Chicago, Illinois, conducted a Visual Site Inspection (VSI) at the OCC facility. Pursuant to the VSI, a RCRA Facility Assessment (RFA) was submitted to the U.S. EPA on September 29, 1989. The RFA report identified thirty (30) Waste Management Units (WMUs) and one Area of Concern (AOC). The AOC consisted of two (2) 12,000 gallon fiberglass tanks containing fuel oil. Based on the report, it was determined by the U.S. EPA that a RCRA Facility Investigation (RFI) must be conducted at the facility to determine the nature and extent of contamination.

The major constituents of concern are carbon tetrachloride, chloroform, methylene chloride, dichlorobenzene, dichloroethane, tetrachloroethene, trichloroethylene, and hexachlorobutadiene.

The site investigations revealed that there was a need to contain and collect the contamination that was found at the site. The ground water characteristics indicated a substantial potential for off-site migration of contamination. In 1989, OCC performed a

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voluntary Interim Measure (IM) at the Ashtabula facility to contain and manage ground water. The IM consisted of the installation of french drains and a slurry wall around the perimeter of the site.

On April 3, 1992, a Federal Hazardous Waste Permit was issued to Occidental Chemical Corporation, which included requirements for RCRA Corrective Actions at the facility. An Interim Measures Report (IMR) was submitted by Occidental Chemical Corporation on June 29, 1992, so that the impact of the IM could be evaluated in the course of determining the RCRA Corrective Action needs at the facility. The IMR was reviewed by U.S. EPA and Ohio EPA. A notice of deficiency was issued and the facility responded with a submittal dated April 19, 1993. The U.S. EPA and Ohio EPA commented on the revised submittal in a letter dated August 17, 1994, from U.S. EPA. In this letter, U.S. EPA stated that information provided in the IMR was sufficient in describing the slurry wall and the water collection system. U.S. EPA also stated that in order to fully characterize the extent of releases at the facility, OCC will be required to submit a RFI Workplan and Quality Assurance Project Plan (QAPP) while the information provided in the IMR would serve as a background information source.

On December 29, 1994, OCC submitted historical site data in the form of a Risk Assessment (RA). It was the opinion of OCC, that one Solid Waste Management Unit (SWMU) #30, the former ditch, required remediation and that only ten of the waste management units had more than a minimal potential for release to the environment. In July 1996, a fifth interceptor trench (french drain) was installed through the area designated as SWMU #30.

On July 12, 1997 a draft Hazardous Waste Facility Installation and Operation Permit Renewal was issued to OCC. On September 9, 1997, OCC, U.S. EPA and Ohio EPA representatives met in Columbus, Ohio, to discuss the status of corrective action activities at OCC's Ashtabula facility. At this time, U.S. EPA circulated comments on the December 29, 1994 risk assessment. U.S. EPA expressed concerns with the quality assurance / quality control aspects of the data upon which the risk assessment was based and said data needed further demonstration of quality.

In 1997, Ohio EPA assumed the lead for regulatory oversight of RCRA Corrective Action activities at the facility. Ohio EPA reviewed OCC's risk assessment and supplemental information regarding data quality and determined any needed project objectives.

On April 13, 2000, OCC received comments from Ohio EPA regarding its corrective action documentation that was submitted on December 10, 1997. OCC met with Ohio EPA on July 20, 2000 and reviewed Ohio EPA's recommendations and presented responses to the

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recommendations. OCC subsequently submitted a RFI Work Plan to Ohio EPA on October 19, 2000. The Work Plan entailed the evaluation of ten waste management units having more than a minimal risk of release and the assessment of the functionality of the site-wide ground water containment slurry wall.

The investigation of SWMU 1h, South Lagoon (SWMU Group C) started on October 17, 2000. The investigation of SWMU 1g, North Lagoon (SWMU Group C) started on June 26, 2001. Data was provided to Ohio EPA on August 20, 2001.

OCC received comments from Ohio EPA on the RFI Work Plan under cover letter dated October 5, 2001. Glenn Springs Holdings, Inc. (GSHI), a subsidiary of Occidental Petroleum Corporation, which manages certain corrective action responsibilities on behalf of OCC, submitted responses to these comments under a cover letter dated November 9, 2001. Ohio EPA approved the RFI Work Plan (inclusive of GSHI's responses) on January 25, 2002.

The soil and ground water investigation activities for the RFI were initiated on April 10, 2002 and May 16, 2002, respectively. The sampling results were submitted on August 13, 2002, in a report entitled, "Interim Groundwater and Soil Investigation Report."

The RCRA Facility Investigation Final Report was submitted to Ohio EPA on November 15, 2002. Ohio EPA approved the RFI Final Report on June 30, 2003. The RFI Final Report approval letter required submittal of a Corrective Measures Study (CMS) Final Report in accordance with Permit Condition E.8(c) within 90 days. The initial Corrective Measures Study (CMS), as described in permit condition E.8(a), and the CMS workplan, as described in permit condition E.8(b), were determined to be unnecessary steps in the corrective action process. This is because the ongoing interim measure has been selected as part of the final remedy.

Gabriel Performance Products, L.L.C. submitted a Draft Corrective Measures Study Final Report received on December 8, 2003 by Ohio EPA. This report outlined the proposed remedy and also addressed the Vapor Intrusion Pathway from Ground Water and Soils. The report concluded that there is no risk of exposure and no health risk to workers from the Vapor Intrusion Pathway. The Final CMS report was submitted on June 10, 2004 and approved by the Ohio EPA on June 15, 2004.

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

In accordance with OAC Rule 3745-50-10 "waste management unit" means any discernible unit at which solid waste, hazardous waste, infectious waste (as those

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terms are defined in ORC Chapter 3734), constructions and demolition debris (as defined in ORC Chapter 3714) industrial waste, or other waste (as those terms are defined in ORC Chapter 6111), has 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. For the purpose of Corrective Action, facility is defined as all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. The terms Interim Measure (IM), RCRA Facility Investigation (RFI), Corrective Measures Study (CMS) and Corrective Measure Implementation (CMI) are defined in U.S. EPA's Corrective Action Plan (CAP) (OSWER Directive 9902.3-2A, May 1994).

The Permittee must institute Corrective Action as necessary to protect human health and the environment for all releases of hazardous wastes or hazardous constituents 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 3745-54-101

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

E.3 Identification of WMUs  
OAC Rules 3745-50-44(d) & 3745-54-101

The following WMUs have been identified at this facility:

- (1) Industrial Wastewater Treatment System
  - (a) Rain Sump
  - (b) Containment Sump
  - (c) East Pit
  - (d) West Pit
  - (e) Filters and Sludge Tank
  - (f) Treatment Sump

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- (g) North Pond
- (h) South Pond
- (i) Reservoir Pump
  
- (2) West Alley Trench
- (3) Tank T-4
- (4) Tank T-11
- (5) Tank T-59
- (6) Tank T-31
- (7) Tank T-55
- (8) Tank T-58
- (9) Tank T-60
- (10) Tank T-30
- (11) Tank XT-9
- (12) Tank T-19
- (13) Double Trap System and Floor Drains
- (14) Process Area V Collection
- (15) Storage Area (3 tanks)
- (16) Warehouse Shipping Docks
- (17) Undiked Loading and Unloading Areas (currently provided with secondary containment)
- (18) Truck Loading and Unloading Area Pipe and Sump
- (19) Caustic Scrubber and Neutralization Tank
- (20) Solvent Incinerator
- (21) Old Burn Pit
- (22) Outdoor Drum Storage West
- (23) Hazardous Waste Storage
- (24) Outdoor Drum Storage
- (25) Maintenance Shop Accumulation Area
- (26) Runoff System
- (27) Containment Ditch
- (28) Landfill A
- (29) Landfill B
- (30) Containment Ditch
- (31) Landfill C

AOC Underground Storage Tanks - Fuel Oil

See Attachment 1 for a description of WMUs and AOC found at this facility.

E.4 Reserved.

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E.5 RCRA Facility Investigation (RFI)  
OAC Rule 3745-54-101

In the event of a newly discovered unit, the Permittee must conduct an RFI to thoroughly evaluate the nature and extent of any release of hazardous waste(s) and hazardous constituent(s) from all applicable WMUs identified in Condition E.10. The major tasks and required submittal dates are shown below. The scope of work for each of the tasks is found in U.S. EPA's CAP.

(a) RFI Workplan

The Permittee must submit a written RFI Workplan to Ohio EPA, in case of a newly discovered waste management unit, on a timeframe established by Ohio EPA.

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

(b) RFI Implementation

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

(c) RFI Final Report

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

- (1) Within 45 days of receipt of any Ohio EPA comments on the RFI Final Report, the Permittee must submit either an amended or new RFI

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Report that incorporates Ohio EPA's comments.

- (2) Ohio EPA will approve or modify and approve, in writing, the amended or new RFI Report. The RFI Report, as approved or as modified and approved, must be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved RFI Report must be authorized by Ohio EPA.

#### E.6 Interim Measure (IM)

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

- (1) Installation of five (5) interceptor trenches.
- (2) Installation of a slurry wall.

The facility is currently conducting these interim measures by continued operation of the ground water collection and treatment system.

Based on any other information documenting any new release of hazardous waste or constituents to the environment, Ohio EPA may require the development and implementation of additional interim measures (this may include an IM Workplan) at any time during the life of the permit to mitigate or eliminate a threat to human health or the environment.

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

##### (a) Permit Modification

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

If, based upon review of the Permittee's request for a permit modification, the

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results of the completed RFI, and other information, including comments received during the initial (60-day) public comment period required for Class 3 permit modifications, Ohio EPA determines that releases or suspected releases which were investigated either are nonexistent or do not pose a threat to human health and the environment, Ohio EPA will approve the requested modification. Decisions regarding the completion of RCRA Corrective Action and no further action may be made for the entire Facility, for a portion of the Facility, or for a specific unit or release.

(b) Periodic Monitoring

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

(c) Further Investigations

A determination of no further action shall not preclude Ohio EPA from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates that a release or likelihood of a release from a WMU at the Facility is likely to pose a threat to human health or the environment. In such a case, Ohio EPA will initiate a modification to the terms of the permit to rescind the determination made in accordance with Permit Condition E.7.a. Additionally, in the event Ohio EPA determines that there is insufficient information on which to base a determination, the Permittee, upon notification, is required to perform additional investigations as needed.

E.8 Corrective Measures Study (CMS)

If Ohio EPA determines, based on the results of the RFI and any other relevant information, that corrective measures are necessary, Ohio EPA will notify the Permittee in writing that the Permittee must conduct a CMS either as described below or as described in Ohio EPA's notification to the Permittee. The purpose of the CMS will be to develop and evaluate the corrective action alternative(s) and to outline one or more alternative corrective measure(s) that will satisfy the performance objectives specified by Ohio EPA.

(a) CMS Workplan

The Permittee must submit a written CMS Workplan to Ohio EPA within 90 days from the notification by Ohio EPA of the requirement to conduct a CMS.

- (1) Within 45 days of receipt of any Ohio EPA comments, the Permittee must submit either an amended or new CMS Workplan that incorporates Ohio EPA's comments.
- (2) Ohio EPA will approve or modify and approve, in writing, the amended or new CMS Workplan. The CMS Workplan, as approved or as modified and approved, must be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved CMS Workplan must be authorized by Ohio EPA.

(b) CMS Workplan Implementation

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

(c) CMS Final Report

Within 60 days after the completion of the CMS, the Permittee must submit a CMS Final Report to Ohio EPA. The CMS Final Report must summarize the results of the investigations for each remedy studied and must include and evaluation of each remedial alternative.

- (1) Within 45 days of receipt of any Ohio EPA comments, the Permittee must submit either an amended or new CMS Final Report that incorporates Ohio EPA's comments.
- (2) Ohio EPA will approve or modify and approve, in writing, the amended or new CMS Report. The CMS Report, as approved or as modified and approved, must be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved CMS Report must be authorized by Ohio EPA.

E.9 CMI

The Corrective Measure selected for implementation must: (1) be protective of

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human health and the environment; (2) attain media cleanup standards; (3) control the source(s) of releases so as to reduce or eliminate further releases of hazardous waste(s) (including hazardous constituent(s)); and (4) comply with all applicable standards for management of wastes.

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

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

The Permittee shall implement corrective measures as described below.

- (a) The Permittee shall submit a CMI Report within 60 days of the effective date of this permit modification which includes: details of current interim measures implemented; an operation and maintenance plan for the slurry wall; Corrective Actions Contingency Plan; description of Security Measures; Ground Water Sampling and Analysis Plan; Soil Management Plan; description of the use restrictions that restrict land use on the property based on a human health risk assessment. For a more detailed description, see the "remedy summary" section of the Statement of Basis.
  - (1) Within 45 days of receipt of any Ohio EPA comments, the Permittee must submit either an amended or new CMI Report that incorporates Ohio EPA's comments.
  - (2) Ohio EPA will approve or modify and approve, in writing, the amended or new CMI Report. The CMI Report, as approved or as modified and approved, must be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved CMI Report must be authorized by Ohio EPA.
- (b) The Permittee must implement corrective measures identified in the CMI Report according to the terms and schedule in the approved CMI Report.
- (c) Financial Assurance  
OAC Rule 3745-54-101

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As part of the modification of this permit to incorporate CMI, The Permittee must provide financial assurance in the amount necessary to implement the corrective measure(s) as required by OAC Rule 3745-54-101(B) and (C).

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

(a) General Information

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

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

(b) Release Information

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

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

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

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

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

E.12 Documents Requiring Professional Engineer Stamp  
ORC Section 4733.01

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

Final Interim Measures Report

Corrective Measures Final Design

Corrective Measures Construction Completion Report

Corrective Measures Attainment of Groundwater Performance Standards Report

Corrective Measures Completion of Work Report

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

**END OF PERMIT CONDITIONS**