OhioEPA
State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

May 19, 2009

RECEIVED
OHIO EPA
MAY 20 2009
DIV. OF HAZARDOUS
WASTE MGT.

Mr. Patrick Conrath, Site Director
Ineos USA LLC
1900 Fort Amanda Road
Lima, Ohio 45804

Re: Hazardous Waste Permit Modification
Class 1A Approval
Ineos USA LLC
U.S. EPA ID# OHD 042 157 644 / Ohio Permit # 03-02-0450

Dear Mr. Conrath:

On March 13, 2009, Ohio EPA received a request for a Class 1A (Class 1 requiring prior approval) hazardous waste permit modification (tracking number – PITS# 090313-1A-1]) from Ineos USA LLC (Ineos). 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 December 20, 2002, Ohio Hazardous Waste Facility Installation and Operation Permit. Also, the records of Ohio EPA have been changed accordingly:

- Ineos requested to update certain informational changes to the Groundwater Monitoring Plan including changing four locations from upgradient and/or sidegradient wells to piezometers.

Enclosed is a copy of the revised permit terms and conditions. This has been included to ensure that all involved parties have written confirmation of the changes*.

If you have any questions concerning this action, please contact Kara Reynolds at the Ohio EPA Northwest District Office at 419-373-3065.

Sincerely,

Eric Getz for

Shannon Nabors
District Chief

*Also, in accordance with Ohio Administrative Code Rule 3745-50-51(D)(1)(a)(ii), the Permittee must 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 Jeremy A. Carroll, P.E., Manager, Regulatory and Information Services Section at (614) 644-2917, or by e-mail at jeremy.carroll@epa.state.oh.us.

KR/cs
pc: Jeremy Carroll, Manager, RISS, DHWM, CO
Mike Allen, Supervisor, ERAU, DHWM, CO
Gary Deutschman, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
DHWM, NWDO Allen County File: Ineos Permit 2009 Jan-May
DHWM, NWDO Ineos Permit Application
DHWM, NWDO Allen County File: Ineos Permit Terms & Conditions
ec: Eric Getz, NWDO, DO
Gary Deutschman, DHWM, NWDO

Class 1A 5/19/2009

MODULE J - GROUND-WATER DETECTION MONITORING

J.1 Module Highlights

This module addresses the ground water detection monitoring program associated with the two land disposal cells (Land Disposal Cell 1 & Land Disposal Cell 2) at Ineos USA LLC. The Permittee formerly operated four surface impoundments (V-1, Celite, Deepwell and Burn Ponds) which are referred to collectively as the "Mixed Waste Ponds". These surface impoundments were taken out of service in 1988. Waste in the Mixed Waste Ponds was solidified and stabilized.

Land Disposal Cell 1 was constructed on the former V-1 Pond. Stabilized waste was removed from the Celite Pond and combined with stabilized waste in the V-1 Pond. After removal of the stabilized waste the former Celite Pond was clean closed.

Land Disposal Cell 2 was constructed on the former Deepwell and Burn Ponds. Stabilized waste from the Deepwell and Burn Ponds were combined to make this land disposal cell.

Land Disposal Cells 1 & 2 closed as landfills. Certification of closure of Land Disposal Cells 1 & 2 was approved on November 22, 2004. Land Disposal Cells 1 & 2 are subject to 30 years of post-closure ground water monitoring. Upon the effective date of this Permit the permittee shall conduct ground water monitoring at all wells under OAC Rules 3745-54-90 through 55-01.

The Permittee's detection ground water monitoring system consists of ten (10) monitoring wells which are screened in the weathered and fractured zone of the upper Tymochtee Dolomite. This zone is considered to be the uppermost aquifer. The screened intervals for these wells range from 39 to 49 feet below ground surface (bgs) at well 91-T2 to 58 to 68 feet bgs at well 91-T7. The monitoring wells consist of one upgradient background well (91-T9), four upgradient and/or side-gradient piezometers (91-T2, 91-T6, 91-T10, and 91-T13) and five downgradient wells, (91-T7, 91-T8, 91-T11, 91-T12 and 91-T14), near the compliance boundary as illustrated in Figure 2 of the Ground Water Monitoring Plan for the Land Disposal Cells, Appendix E-1, Volume IV of VI, Revision 7 (March 4, 2009) of the approved Part B permit application (hereafter referred to as the GWMP).

All of the monitoring wells listed in Permit Condition J.2 are under the detection monitoring program. Compliance monitoring has not been initiated.

J.2 Well Location, Installation and Construction
OAC Rule 3745-54-97

The Permittee shall install and maintain a ground-water monitoring system as specified below:

Class 1A 5/19/2009

(a) The Permittee shall maintain, as part of a Ground Water Detection Monitoring System complying with OAC Rule 3745-54-97(A) and (B), ground water monitoring wells as specified on Figure 2 of the GWMP in conformance with the following list:

Type of Well	Well Identification
Background Wells (upgradient)	91-T9
Upgradient and/or Sidegradient Piezometers	91-T2, 91-T6, 91-T10, 91-T13
Point of Compliance Wells (downgradient)	91-T7, 91-T8, 91-T11, 91-T12, 91-T14

The ground water monitoring well system must: yield samples in upgradient wells that represent the quality of the background ground water unaffected by leakage from any regulated unit(s), and in downgradient wells, yield samples that represent the quality of water passing the point of compliance. The number and location of monitoring wells must be sufficient to identify and define all logical release pathways to the uppermost aquifer from the regulated units based on site-specific hydrogeologic characterization.

(b) The Permittee shall maintain the monitoring wells identified in Permit Condition J.2(a), in accordance with the detailed plans and specifications presented in Appendix A of the GWMP. This document is hereby incorporated into the approved permit application.

(c) The Permittee shall remove or replace any monitoring well identified in Permit Condition J.2(a) in accordance with the Appendix to OAC Rule 3745-50-51 permit modification process. Each change must be accompanied by a revised map as specified on Figure 2 of the GWMP for Permit Condition J.2(a).

(d) All wells removed or replaced in accordance with Permit Condition J.2(c) shall be plugged and abandoned in accordance with the document entitled "State of Ohio Technical Guidance for Sealing Unused Wells" (State Coordinating Committee on Ground Water, 1996). Well plugging and abandonment methods, certification and justification shall be submitted to the Director within thirty (30) days from the date the well was removed from the monitoring program.

(e) Whenever any of the wells specified in Permit Condition J.2(a) are replaced, the Permittee must demonstrate to Ohio EPA that the ground water quality at the replacement well meets the criteria in Permit Condition J.2(a) within a two-year period of the date of replacement using means appropriate to the reason for replacement.

Class 1A 5/19/2009

J.3 Indicator Parameters and Monitoring Constituents
OAC Rule 3745-54-98

(a) The Permittee shall monitor upgradient background well (91-T9) and downgradient wells (91-T7, 91-T8, 91-T11, 91-T12 and 91-T14) as described in Permit Condition J.2 for the following parameters and constituents:

Analyte or Constituent	Established Detection Concentrations (PQLs) (micrograms per liter)
2-Methyl Naphthalene	5.0
Pyridine	10.0
Arsenic, Dissolved	3.0
Barium, Dissolved	50.0
Cadmium, Dissolved	1.0
Chromium, Dissolved	4.0
Mercury, Dissolved	0.2
Lead, Dissolved	4.0
Selenium, Dissolved	3.0
Silver, Dissolved	5.0
Cyanide, Total	10.0
Acetone*	50.0
Acetonitrile	20.0
Acrolein	100.0
Acrylonitrile	50.0
Bromomethane (Methyl Bromide)	10.0
1,1-Dichloroethylene	5.0
Methyl Ethyl Ketone	100.0
Tetrachloroethylene	2.0
1,1,1-Trichloroethane	5.0
Trichloroethylene	4.0
1,1,1,2-Tetrachloroethane	5.0
1,1,2,2-Tetrachloroethane	5.0
1,1,2-Trichloroethane	3.0
1,1-Dichloroethane	5.0
1,2,3-Trichloropropane	5.0
1,2-Dichlorobenzene	5.0
1,2-Dichloroethane	1.0
1,2-Dichloropropane	1.0
1,3-Dichlorobenzene	1.0
1,4-Dichlorobenzene	1.0
1,4-Dioxane	50.0
2-Chloroethyl Vinyl Ether	1.0

Class 1A 5/19/2009

Analyte or Constituent	Established Detection Concentrations (PQLs) (micrograms per liter)
2-Hexanone	10.0
4-Methyl-2-Pentanone	10.0
Allyl Alcohol	2000.0
Allyl Chloride	2.0
Benzene	1.0
Bromodichloromethane	1.0
Bromoform	1.0
Carbon Disulfide	1.0
Carbon Tetrachloride	1.0
Chlorobenzene	1.0
Chloroethane	2.0
Chloroform	1.0
cis-1,3-Dichloropropene	1.0
cis-1,4-Dichloro-2-butene	2.0
Dibromochloromethane	1.0
Dichlorodifluoromethane	1.0
Ethanol	2000.0
Ethyl Methacrylate	1.0
Ethylbenzene	1.0
Isobutyl Alcohol	50.0
m, p-Xylene	1.0
Methacrylonitrile	2.0
Methyl Chloride	10.0
Methyl Iodide	5.0
Methyl Methacrylate	10.0
Methylene Bromide	10.0
Methylene Chloride	5.0
o-Xylene	5.0
Pentachloroethane	5.0
Propionitrile	20.0
Styrene	5.0
Toluene	5.0
trans-1,2-Dichloroethene	5.0
trans-1,3-Dichloropropene	5.0
trans-1,4-Dichloro-2-butene	10.0
Trichlorofluoromethane	10.0
Vinyl Acetate	10.0
Vinyl Chloride	2.0

(b) The Permittee shall monitor upgradient background well (91-T9) and downgradient wells (91-T7, 91-T8, 91-T11, 91-T12 and 91-T14) as described in Permit Condition J.2 for Nitrogen, Ammonia.

Class 1A 5/19/2009

J.4 Sampling and Analysis Procedures
OAC Rule 3745-54-97

The Permittee shall use the following techniques and procedures when obtaining and analyzing samples from the ground water monitoring wells described in Permit Condition J.2:

(a) Ground water elevations shall be measured using the techniques specified in the GWMP included in the approved Part B permit application

(b) Samples shall be collected and handled (including well evacuation, sample withdrawal, preservation, containerization, filtration and shipment) to ensure representative samples are obtained using the techniques and equipment described in the GWMP included in the approved Part B permit application.

(c) Field analysis shall be performed using instruments, procedures, and forms described in the GWMP included in the approved Part B permit application. Instruments shall be calibrated as described in the approved Part B permit application.

(d) Sampling equipment shall be decontaminated using techniques described in the GWMP included in the approved Part B permit application.

(e) Purge water shall be disposed of in accordance with procedures described in the GWMP included in the approved Part B permit application.

(f) Laboratory analytical methods, detection limits and sample holding time shall be in accordance with techniques described in the GWMP included in the approved Part B permit application.

(g) Quality assurance, including field/lab/equipment blanks, duplicate samples and identification of potential interferences, shall be in accordance with the methods described in the GWMP included in the approved Part B permit application.

(h) Chain of custody procedures, including standardized field tracking reporting forms, and sample labels, shall be in accordance with the GWMP included in the approved Part B permit application.

Class 1A 5/19/2009

J.5 Elevation of the Ground-Water Surface
OAC Rule 3745-54-97(F)

(a) The Permittee shall determine the elevation of the ground water surface at each well each time the ground water is sampled, in accordance with Permit Condition J.7(b).

(b) The Permittee shall record, on the facility map, the ground water elevations at the monitoring wells for each ground water sampling events. The ground water elevations shall be retained for the life of the permit.

(c) The Permittee shall record in the facility operating record the total depth of any replacement wells installed in accordance with Permit Condition J.2.(c) and the surveyed elevation of the top of casing, ground surface and/or apron elevation, and the protective casing of the monitoring well(s) within thirty (30) days of the date of installation (with as-built drawings).

J.6 Statistical Procedures

(a) The Permittee shall conduct the statistical procedures as presented in the GWMP of the approved Part B permit application which include:

(i) For partially quantified parameters, which are defined as those parameters in the sample with 50 to 90 percent "non-detects" and include arsenic, barium, chromium and lead, the non-parametric prediction limits for future median statistical method shall be performed.

Class 1A 5/19/2009

(ii) For partially quantified parameters, which are defined as those parameters in the sample with greater than 90 percent "non-detects" and include arsenic, barium, chromium and lead, the Poisson prediction limits statistical method shall be performed.

(iii) For parameters with analytical results below detection limits, which includes all of the remaining site specific parameters, a comparison of these analytical results to the practical quantitation limits (PQLs) listed as the established detection concentrations in Permit Condition J.3(a), shall be performed.

(b) If the Permittee decides in the future, based on data collected, that another statistical method would be more appropriate, the Permittee shall submit to Ohio EPA the appropriate statistical method for approval. Compliance will be facilitated by referring to the most recently finalized U.S. EPA statistical guidance document. The Permittee may follow the flow chart for statistical analysis decision making as included in the ASTM guidance document number D 6312-98 entitled: "Standard Guide for Developing Appropriate Statistical Approaches for Ground-Water Detection Monitoring Programs" where deemed appropriate by the Ohio EPA.

Any statistical method that is chosen must comply with the following performance standards:

(i) The statistical method shall utilize a sample large enough to ensure with reasonable confidence that a contaminant released to the ground water from the facility will be detected.

(ii) The statistical procedure must be protective of human health and the environment and provide reasonable confidence that the migration of hazardous constituents from a regulated unit into and through the aquifer will be indicated.

(iii) The statistical method must be used in evaluating ground water monitoring data for each hazardous constituent specified in Permit Condition J.3(a).

(iv) The statistical method must be appropriate for the distribution of the data used to establish background values or concentration limits. If the distribution for the constituents differ, more than one statistical method may be needed.

(v) The statistical method must provide a reasonable balance between the probability of falsely identifying a non-contaminating unit and the probability of failing to identify a contaminating regulated unit.

Class 1A 5/19/2009

(vi) The statistical method shall account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantitation limit (PQL) approved in the permit that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility using the methods outlined in the most recent version of SW-846.

(vii) If necessary, the statistical method shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

J.7 Monitoring Program and Data Evaluation
OAC Rules 3745-54-97 and 3745-54-98

The Permittee shall establish and implement a detection ground water monitoring program that will determine with reasonable confidence whether any hazardous constituents have entered the ground water as a result of activities from the unit covered by the Part B Permit. The Permittee shall determine ground water quality as follows:

(a) The Permittee shall collect, preserve, and analyze samples pursuant to Permit Condition J.4.

(b) The Permittee shall determine ground-water quality and elevation, at each monitoring well listed in Permit Condition J.2(a), semi-annually during the active life of a regulated unit, including the closure period and post-closure care period for land disposal units which are not clean closed.

The Permittee shall express the ground water quality at each monitoring well in a form necessary for the determination of statistically significant increases.

(c) The Permittee shall determine the ground water flow rate and direction in the uppermost aquifer (upper Tymochtee Dolomite) at least annually. Record and report as required under Permit Condition J.8.

(d) The Permittee shall determine whether there is a statistically significant increase over the background values for each parameter identified in Permit Condition J.3(a) at each well each time ground water quality is determined. In determining whether such an increase has occurred, the Permittee must compare the ground water quality at each monitoring well specified in Permit Condition J.2(a) to the background value specified in Permit Condition J.3(a), in accordance with the statistical procedures specified in Permit Condition J.6.

Class 1A 5/19/2009

(e) The Permittee shall perform the evaluations described in Permit Condition J.7(d) within ninety (90) days after completion of sampling.

(f) If the Permittee determines, pursuant to Permit Condition J.6, that there is statistically significant evidence of contamination, the Permittee shall, in order to reduce the Type I error rate (false positive rate) immediately resample (and split sample, if deemed appropriate by the Permittee) the well or wells for that parameter in accordance with Section 6.5 of the GWMP in the approved Part B permit application. If the analytical results and statistical evaluation of the resample data confirm a significant statistical increase then the Permittee shall take the response actions and fulfill the requirements of Condition J.10 regarding statistical evidence of contamination.

(g) The Permittee shall, within 90 days of permit journalization, submit an amended GWMP to meet the revisions required by this permit. The submittal of the revised GWMP constitutes a Class 1 permit modification for which the Director's Approval is required.

J.8 Recordkeeping and Reporting
OAC Rules 3745-54-97(J)

Operating Record
OAC Rule 3745-54-73(B)(5&6), OAC Rule 3745-54-97(J), & OAC Rule 3745-54-98(C)

(a) Ohio EPA may request a copy of the full Quality Assurance/Quality Control (QA/QC) report for a particular sampling event if circumstances warrant, but in general, QA/QC data will not be required except as described below in this Condition. The Permittee shall enter all of the following information obtained in accordance with Permit Condition J.7 in the operation record as required by OAC Rules 3745-54-73(B)(5&6), 54-97(J) and 54-98(C):

(i) The laboratory results from each of the wells and their associated qualifiers including the laboratory sheets for the full volatile and semi-volatile analyses (must include method codes, detection limits, and units of measurement);

(ii) The date each well was sampled (tabulated);

(iii) The date, time, and identification of all blanks and duplicates;

(iv) Any field log documentation of deviation from the procedures in the GWMP of the approved Part B permit application including documentation of parameter omissions during the sampling event;

Class 1A 5/19/2009

(v) The date the Permittee received the results from the laboratory;

(vi) The date the owner or operator completed their review of the analytical laboratory's verification of the accuracy and precision of the analytical data and determined its quality. This review shall be based upon the elements in Permit Condition J.8(a)(vii), and compliance will be facilitated by referring to:

U.S. EPA Contract Laboratory Program National Functional Guidelines for Inorganic Data Review, February 1994

U.S. EPA Contract Laboratory Program National Functional Guidelines for Organic Data Review, October 1999, and

Ohio EPA Technical Guidance Manual for Hydrogeologic Investigations and Ground Water Monitoring, February 1995

(vii) The results of the data validation review per J.8(a)(vi) including: report completeness, chain of custody, sample receipt form, signed statement of validity, technical holding time review, data qualifiers including their definitions, dilutions, blank data, spikes, spike recovery %, surrogate recovery, and an explanation of any rejected results consistent with the U.S. EPA and Ohio EPA guidelines for data review;

(viii) Results of all blanks (trip, field, equipment, and method) and duplicates;

(ix) Results of the field parameters;

(x) All chains of custody;

(xi) The date of completion of the statistical evaluation;

(xii) The statistical evaluation of the data according to the statistical tests that the director has specified, including all computations and results of statistical tests;

(xiii) Any changes in well status (i.e., going from unaffected to affected status and vice versa);

(xiv) The constituent lists for the affected wells;

(xv) Ground water surface elevations taken at the time of sampling each well as required by OAC Rule 3745-54-73(B)(6);

Class 1A 5/19/2009

(xvi) Data and results of the annual determination of the ground water flow rate and direction as required by OAC Rule 3745-54-73(B)(6); and

(xvii) The results of the last three years of all inspections required under OAC Rule 3745-54-15(D) related to ground water monitoring and equipment as required under OAC Rule 3745-54-73(B)(5);

Reporting
OAC Rule 3745-54-75 and OAC Rule 3745-54-97(J)

(c) The Permittee must submit an annual report to the director by March 1st of the following year or first business day thereafter, if this falls on a weekend. The annual report must reference the titles and dates of any other periodic reports required by the Permit or any updates to those reports (for example, due to confirmation sampling, comments by Ohio EPA, etc.), but generally do not need to include duplicates of hard copies previously submitted. The annual reports must include, at a minimum, the analytical results required by Permit Conditions J.7(b), the ground water elevation, flow rate and direction as required by Permit Conditions J.5(a) and J.7(c), and the results of the initial statistical analyses required by Permit Condition J.7(d). In addition, a copy on disk of all ground water and blank data must be submitted electronically in the format supplied by the Director. A hard copy of well-specific information [location (latitude and longitude), depth, construction, etc.) for any new/replacement wells, and any other information specified in the instructions for the annual report not addressed in this Condition must be submitted in the annual report.

(d) Other Reports

The Permittee shall comply with any reporting requirements that become necessary under Permit Condition J.10 in accordance with the schedule in that Condition and as required by OAC Rule 3745-54-77(C). If any of these dates falls on a weekend, the reports will be due no later than the following business day. Resampling reports must include the same types of information as the initial reports pertaining only to the resampled wells.

Class 1A 5/19/2009

The Permittee shall submit the analytical results and elevation data required by Permit Conditions J.7(b&c), and the results of the initial statistical analyses required by Permit Condition J.7(d), in accordance with the following schedule:

Monitoring Well Samples Collected During the Months of:	Results Due to the Director By:
March - April September - October	90 days after completion of semi-annual ground water sampling event

J.9 Assurance of Compliance
OAC Rule 3745-54-98

The Permittee shall assure the Director that the ground water monitoring program will ensure the earliest possible detection of contamination leakage from the regulated units, that any contamination leakage would be characterized, and that the need for further action will be determined.

J.10 Special Requirements if Significant Increases Occur in Values for Parameters or Constituents OAC Rule 3745-54-98(G)

If the Permittee determines, pursuant to Permit Condition J.6 and 7, there is a statistically significant increase above the background values in any well for any of the chemical constituents specified in Permit Condition J.3(a), the Permittee shall:

(a) Notify the Ohio EPA in writing within seven days of that determination. The notification must indicate what parameters or constituents have shown statistically significant increases and the corresponding analytical results.

(b) Immediately sample the ground water in all wells and determine the concentration of all 71 constituents listed in Permit Condition J.3(a).

(c) If the Permittee desires, re-sample affected wells within one month of determining a statistically significant increase and repeat the analysis for any of the 71 constituents listed in Permit Condition J.3(a) that were detected. If the results of the second analysis confirm the initial results or if the Permittee elects not to re-sample, then the detected compounds form the basis for compliance monitoring.

(d) Within ninety (90) days of determining a statistically significant increase, submit to the Director an application for a permit modification to establish a compliance monitoring program in accordance with OAC Rule 3745-54-99. The application must include the following information:

Class 1A 5/19/2009

(i) An identification of the concentration of each of the 71 constituents listed in Permit Condition J.3.(a) found in the ground water at each well at the compliance point.

(ii) Any proposed changes to the ground water monitoring system at the facility necessary to meet the requirements of compliance monitoring (OAC Rule 3745-54-99).

(iii) Any proposed changes to the monitoring frequency, sampling and analysis procedures, or methods or statistical procedures used at the facility necessary to meet the requirements of compliance monitoring (OAC Rule 3745-54-99) and the Ground Water Protection Standard (OAC Rule 3745-54-92).

(iv) For each hazardous constituent found at the compliance point, a proposed concentration limit under OAC Rule 3745-54-94(A)(1) or (A)(2), or a notice of intent to seek an alternate concentration limit for a hazardous constituent (OAC Rule 3745-54-94(B)).

(v) The Permittee shall begin sampling and analyzing for the new constituents at the next regularly scheduled sampling event following the event in which they were determined to be present.

(e) Submit to the Director an engineering feasibility plan (EFP) for corrective action all data necessary to satisfactorily justify an alternate concentration limit within 180 days of determining a statistically significant increase, unless the concentrations of all hazardous constituents identified under permit condition J.3(a) do not exceed their respective values listed in Table 1 of OAC Rule 3745-54-94 (or their respective MCLs), or the permittee has sought an ACL variance for every hazardous constituent identified under J.3(a). If the permittee's ACL request is denied the permittee shall specify a time frame for the submittal of the EFP.

(f) If the Permittee determines, pursuant to Permit Condition J.7, there is a statistically significant increase above the background values in a well for the parameters specified in Permit Condition J.3(a), the Permittee may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In such cases, the Permittee shall:

(i) Notify the Director, in writing, within seven (7) days of determining a statistically significant increase that he intends to make such a demonstration.

Class 1A 5/19/2009

(ii) Within ninety (90) days of determining a statistically significant increase, submit a report to the Director which successfully demonstrates that a source other than a regulated unit caused the increase, or that the increase resulted from an error in sampling, analysis, or evaluation.

(iii) Within ninety (90) days, submit to the Director an application for a permit modification to make any appropriate changes to the detection monitoring program at the facility.

(iv) The Permittee may make this demonstration in addition to, or in lieu of, submitting a permit modification application for a compliance ground water monitoring program under OAC Rule 3745-54-99. However, the same period of ninety (90) days is required for both a successful "Other Source Demonstration" and the submittal of the permit modification application for compliance ground water monitoring. The Permittee is not relieved of the ninety (90) day requirement for the permit modification unless the "Other Source Demonstration" is deemed successful by the Agency prior to the ninety (90) day time limit.

(v) Continue to monitor in accordance with the detection monitoring program at the facility.

J.11. Request for Permit Modification
OAC Rule 3745-54-98(H)

If the Permittee or the Director determines that the detection monitoring program no longer satisfies the requirements of the regulations, the Permittee must, within 90 days of the determination, submit an application for a permit modification to make any appropriate changes to the program which will satisfy the regulations.