

OHIO ENVIRONMENTAL PROTECTION AGENCY
OHIO HAZARDOUS WASTE FACILITY
INSTALLATION AND OPERATION PERMIT RENEWAL

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

Mailing Address: 725 State Road
Ashtabula, Ohio 44004

Owner: Gabriel Performance Products, L.L.C.
P.O. Box 488
Ashtabula, OH 44004

Operator: Gabriel Performance Products, L.L.C.
P.O. Box 488
Ashtabula, OH 44004

Occidental Chemical Corporation
P.O. Box 809050
Dallas, Texas 75380

Location: 725 State Road
Ashtabula, Ohio 44004

Ohio Permit No.:	02-04-0078
US EPA ID:	OHD-003-913-308
Issue Date:	September 30, 2003
Effective Date:	September 30, 2003
Expiration Date:	September 30, 2008

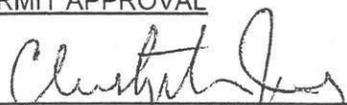
OHIO E.P.A.
SEP 30 2003
FIELD DIRECTOR'S JOURNAL

AUTHORIZED ACTIVITIES

In reference to the application of Gabriel Performance Products, L.L.C. and Occidental Chemical Corporation, for an Ohio Hazardous Waste Facility Installation and Operation Renewal Permit under Ohio Revised Code (ORC) Chapter 3734 and the record in this matter (where Gabriel Performance Products, L.L.C. is the owner and operator of the facility for purposes of the RCRA permit and Occidental Chemical Corporation is the co-operator for purposes of corrective action obligations in the permit), you are authorized to conduct at the above-named facility the following hazardous waste management activities:

Corrective Action

PERMIT APPROVAL



Christopher Jones, Director
Ohio Environmental Protection Agency

I certify this to be a true and accurate copy of the original as it appears on file in the files of the Ohio Environmental Protection Agency.

By Danya R. Jackson on 9/30/03

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 30 day of September, 2003.

By Danya R. Jackson of the Ohio Environmental Protection Agency.

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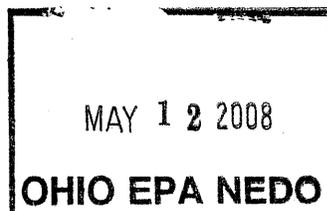
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Ohio Permit No.:	02-04-0078
US EPA ID:	OHD 003 913 308
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Effective Date:	September 30, 2003
Expiration Date:	September 30, 2013

AUTHORIZED ACTIVITIES

In reference to the application of Gabriel Performance Products, L.L.C. and Occidental Chemical Corporation, for an Ohio Hazardous Waste Facility Installation and Operation Renewal Permit under Ohio Revised Code (ORC) Chapter 3734 and the record in this matter (where Gabriel Performance Products, L.L.C. is the owner and operator of the facility for purposes of the RCRA permit and Occidental Chemical Corporation is the co-operator for purposes of corrective action obligations in the permit), you are authorized to conduct at the above-named facility the following hazardous waste management activities:

Corrective Action



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 conduct Corrective Action in accordance with the terms and conditions of this permit, ORC Chapter 3734, all applicable Ohio hazardous waste rules, all applicable regulations promulgated under the Resource Conservation and Recovery Act (RCRA), as amended, and the approved hazardous waste facility installation and operation permit renewal application, as such application has been revised and supplemented and as such application may be modified pursuant to the hazardous waste rules. The approved Part B permit application as submitted to Ohio EPA on September 6, 2002 and any subsequent amendment thereto, and last updated on April 25, 2003 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.

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

The effective date of this permit is the date the permit is entered into the Director's Journal. The permit expiration date is September 30, 2013.

A.4. Severability

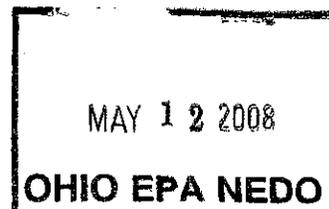
The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

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(E); 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 to the expiration date of this permit or upon approval of the director a later date prior to the expiration date if the Permittee can demonstrate good cause for late submittal.



- (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 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

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- (iv) sample, document, or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by ORC Chapter 3734 and the rules adopted thereunder, any substances or parameter at any location.
- (b) Any record, report or other information obtained under the hazardous waste rules or Chapter 3734 of the Revised Code shall not be available to the public upon the Permittee's satisfactory showing to Ohio EPA that all or part of the information would divulge methods or processes entitled to 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 Retention of Records
OAC Rules 3745-50-58(J) and 3745-50-58(M)

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

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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. 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. 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 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 orally 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 oral report):
- (i) name, address, and telephone number of the owner or operator;
 - (ii) name, address, and telephone number of the facility;
 - (iii) name and quantity of material(s) involved;
 - (iv) the extent of injuries, if any;
 - (v) an assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
 - (vi) estimated quantity and disposition of recovered material that resulted from the incident.

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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, Northeast 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, the Permittee shall promptly submit such facts, information or corrected information to the appropriate entity.

A.25 Confidential Information
OAC Rule 3745-50-30

In accordance with ORC Chapter 3734 and the rules adopted thereunder, the Permittee may request confidentiality 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 at the Facility
OAC Rule 3745-54-74

- (a) The Permittee shall maintain at the facility, until corrective actions are completed, the following documents (including amendments, revisions and modifications):
- (i) reserved;
 - (ii) contingency plan developed and maintained in accordance with OAC Rule 3745-54-53 and the terms and conditions of this permit;
 - (iii) reserved;
 - (iv) reserved;
 - (v) personnel training plan and the training records, as developed and maintained in accordance with OAC Rule 3745-54-16 and the terms and conditions of this permit;
 - (vi) reserved;
 - (vii) inspection schedules developed in accordance with OAC Rule 3745-54-15 and the terms and conditions of this permit;
 - (viii) reserved;
 - (ix) reserved;

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- (x) all other documents required by Module A, Permit Condition A.12.
- (b) All amendments, revisions and modifications to any plan required by the terms and conditions of this permit or the Ohio hazardous waste rules shall be submitted to the Director. No such change shall be made unless the Permittee has received approval in accordance with the Ohio hazardous waste rules.
- (c) The Permittee shall maintain copies of all inspection logs at the facility for a period not less than three (3) years from the date of inspection.
- (d) Corrective Action reports and records as required by Conditions in Module E 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.

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MODULE B - GENERAL FACILITY CONDITIONS

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) Reserved.

B.2 Reserved.

B.3 Reserved.

B.4 Security OAC Rule 3745-54-14

The Permittee shall comply with the security provisions of OAC Rule 3745-54-14(B)(2), and (C) and Section F of the Part B permit application.

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

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

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

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

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maintain training documents and records as required by OAC Rule 3745-54-16(D) and (E).

B.7 Reserved.

B.8 Reserved.

B.9 Required Equipment
OAC Rule 3745-54-32

At a minimum, the Permittee shall maintain at the facility all the equipment required by OAC Rule 3745-54-32 and the equipment set forth in the approved contingency plan contained in Section G of the approved Part B permit application.

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

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

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

The Permittee shall maintain access to the communications and alarm systems, as required by OAC Rule 3745-54-34, Section F of the Part B permit application, and the terms and conditions of this permit.

B.12 Reserved.

B.13 Arrangements with Local Authorities
OAC Rule 3745-54-37

(a) The Permittee shall comply with the requirements of OAC Rule 3745-54-37 (A) by making a diligent effort to:

- (i) familiarize all emergency response agencies which are likely to respond in an emergency with the location and layout of the facility, properties of hazardous waste managed at the facility and associated hazards, places where facility personnel will normally be working, entrances to and roads inside the facility, and possible evacuation routes as depicted and explained in Section G of the approved Part B permit application;
 - (ii) inform such agencies of safety equipment, supplies, proper emergency safety procedures that are applicable to the facility, and any further requirements related to emergency response imposed by terms and conditions of this permit; and
 - (iii) familiarize the local police and fire departments, hospitals and any other local emergency service, with the properties of hazardous waste managed at the facility and the types of injuries or illness which could result from fires, explosions, or releases at the facility.
- (b) When a State or local agency declines to enter into the arrangements set forth in OAC Rule 3745-54-37(A), the Permittee shall document the refusal in the operating record as required by OAC Rule 3745-54-37(B).

B.14 Implementation of Contingency Plan
OAC Rules 3745-54-51 and 3745-54-56

The Permittee shall immediately carry out the provisions of the approved contingency plan and follow the emergency procedures described in OAC Rule 3745-54-56, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which threatens or could threaten human health or the environment.

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

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

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

All liquid or solid material resulting from fire, explosion, released material or emergency response material and by-products that the Permittee is required to evaluate to determine whether such material is hazardous waste in accordance with OAC Rule 3745-52-11, shall be collected and managed as a hazardous waste until such time as the Permittee can demonstrate that such waste is not hazardous in accordance with OAC Rules 3745-51-03(C) and (D).

B.17 Amendments to Plan
OAC Rule 3745-54-54

The Permittee shall review the approved contingency plan at least annually and upon the occurrence of any event listed in OAC Rule 3745-54-54. If necessary or appropriate, the Permittee shall amend the contingency plan as required by OAC Rule 3745-54-54 in accordance with OAC Rule 3745-50-51.

B.18 Copies of Plan
OAC Rule 3745-54-53

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

B.19 Emergency Coordinator
OAC Rule 3745-54-55

The Permittee shall comply with the requirements set forth in OAC Rule 3745-54-55 regarding the emergency coordinator.

B.20 Emergency Procedures
OAC Rules 3745-54-56 and 3745-51-01

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

B.21 Availability, Retention and Disposition of Records
OAC Rule 3745-54-74

The Permittee shall furnish upon Ohio EPA request, and retain all records (at the facility) in accordance with OAC Rule 3745-54-74.

B.22 Reserved.

B.23 Contingency Plan Records
OAC Rule 3745-54-73 and OAC Rule 3745-54-56-(J)

The Permittee shall note in the operating record the time, date, and details of any incident that requires the implementation of the contingency plan. Within fifteen (15) days of any such incident the Permittee shall submit to the Director a written report of the incident containing the elements set forth in OAC Rule 3745-54-56(J).

B.24 Reserved.

B.25 Reserved.

B.26 Reserved.

B.27 Reserved.

B.28 Reserved.

B.29 Reserved.

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B.30 Reserved.

B.31 Reserved.

B.32 Reserved.

B.33 Reserved.

B.34 Reserved.

B.35 Reserved.

B.36 Reserved.

B.37 Reserved.

B.38 Reserved.

B.39 Reserved.

B.40 Reserved.

MODULE C - RESERVED

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MODULE D- RESERVED

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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 approve 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

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.

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(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