

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

OHIO E.P.A.  
MAR 22 2002  
ENTERED DIRECTOR'S JOURNAL

Permittee: U.S. DOE Miamisburg Environmental Management Project (MEMP)

Mailing Address: U.S. DOE MEMP  
P.O. Box 66  
Miamisburg, OH 45343

Owner: U.S. Department of Energy  
P.O. Box 66  
Miamisburg, OH 45343

Operator: Babcock & Wilcox Technologies of Ohio, Inc.  
P.O. Box 3030  
Miamisburg, OH 45343

Location: 1 Mound Avenue  
Miamisburg, OH 45343

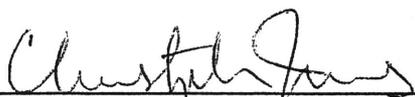
Ohio Permit No.:	05-57-0677
US EPA ID:	OH6 890-008 984
Issue Date:	March 22, 2002
Effective Date:	March 22, 2002
Expiration Date:	March 22, 2007

AUTHORIZED ACTIVITIES

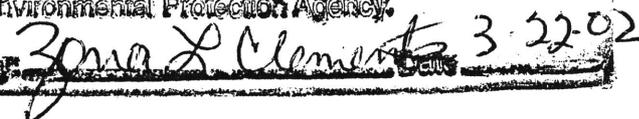
In reference to the application of U.S. DOE Miamisburg Environmental Project (formerly known as Mound Laboratory) for an Ohio Hazardous Waste Facility Installation and Operation Renewal Permit under Ohio Revised Code (ORC) Chapter 3734 and the record in this matter, you are authorized to conduct at the above-named facility the following hazardous waste management activities:

- ◆ Storage of hazardous waste (generated by on-site activities) in containers in Buildings 23 and 72.

PERMIT APPROVAL

  
\_\_\_\_\_  
Christopher Jones, 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 Zona L. Clements 3-22-02

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 22 day of March, 2002.

By Zona L. Clements of the Ohio Environmental Protection Agency.

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

***OHIO HAZARDOUS WASTE FACILITY  
INSTALLATION AND OPERATION PERMIT RENEWAL***

Permittee: U.S. DOE Miamisburg Closure Project (MCP)

Mailing  
Address: U.S. DOE MCP  
P.O. Box 66  
Miamisburg, OH 45343

US EPA ID:	OH6 890 008 984
Issue Date:	March 22, 2002

Owner: U.S. Department of Energy  
P.O. Box 66  
Miamisburg, OH 45343

Effective Date:	March 22, 2002
Expiration Date:	March 22, 2012

Operator: CH2MHill Mound, Inc.  
P.O. Box 3030  
Miamisburg, OH 45343

Location: 1 Mound Road  
Miamisburg, OH 45343

AUTHORIZED ACTIVITIES

In reference to the application of U.S. DOE Miamisburg Closure Project (formerly known as Mound Laboratory) for an Ohio Hazardous Waste Facility Installation and Operation Renewal Permit under Ohio Revised Code (ORC) Chapter 3734 and the record in this matter, you are authorized to conduct at the above-named facility the following hazardous waste management activities:

- ◆ Address Corrective Action Requirements per Ohio Administrative Code Rule 3745-54-101

PERMIT APPROVAL

\_\_\_\_\_  
Joe Koncelik, Director  
Ohio Environmental Protection Agency

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

Entered into the Journal of the Director this \_\_\_\_ day of \_\_\_\_\_, 2003.

By \_\_\_\_\_ of the Ohio Environmental Protection Agency.

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

Permittee: U.S. DOE Miamisburg Closure Project (MCP)

**Mailing**

Address: U.S. DOE MCP  
P.O. Box 66  
Miamisburg, Ohio 45343

Owner: U.S. Department of Energy  
P.O. Box 66  
Miamisburg, Ohio 45343

Operator: U.S. Department of Energy  
P.O. Box 66  
Miamisburg, Ohio 45343

Location: 1 Mound Road  
Miamisburg, OH 45343

Ohio Permit No.:	05-57-0677
US EPA ID:	OH6 890 008 984
Issue Date:	March 22, 2002
Effective Date:	March 22, 2002
Expiration Date:	March 22, 2012

**AUTHORIZED ACTIVITIES**

In reference to the application of U.S. DOE Miamisburg Closure Project (formerly known as Mound Laboratory) for an Ohio Hazardous Waste Facility Installation and Operation Renewal Permit under Ohio Revised Code (ORC) Chapter 3734 and the record in this matter, you are authorized to conduct at the above-named facility the following hazardous waste management activities:

- ◆ Address Corrective Action Requirements per Ohio Administrative Code Rule 3745-54-101

## 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 store hazardous waste in containers 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 April 17, 2001, and any subsequent amendment thereto, 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.

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

The effective date of this permit is the date the permit is entered into the Director's Journal. The permit expiration date is five years after the date of journalization of this permit.

A.4. Severability

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

A.5. Duty to Comply  
OAC Rule 3745-50-58(A)

The Permittee shall comply with all applicable provisions of ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all terms and conditions of this permit, except to the extent and for the duration such noncompliance is authorized by the laws of the State of Ohio. Any permit noncompliance, other than noncompliance authorized by the laws of the State of Ohio, constitutes a violation of ORC Chapter 3734 and the rules adopted thereunder and is grounds for enforcement action, suspension, revocation, modification, revision, denial of a permit renewal application or other appropriate action.

A.6. Duty to Reapply and Permit Expiration  
OAC Rules 3745-50-40(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
  - (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. Reserved

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 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.

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

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

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

A.23. Reserved

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

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

A.29. Reserved

## MODULE B - GENERAL FACILITY CONDITIONS

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

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

B.2. Reserved

B.3. Reserved

B.4. Reserved

B.5. Reserved

B.6. Reserved

B.7. Reserved

B.8. Reserved

B.9. Reserved

B.10. Reserved

B.11. Reserved

B.12. Reserved

B.13. Reserved

B.14. Reserved

B.15. Reserved

B.16. Reserved

B.17. Reserved

B.18. Reserved

B.19. Reserved

B.20. Reserved

B.21. Reserved

B.22. Reserved

B.23. Reserved

B.24. Manifest System

OAC Rules 3745-54-70, 3745-54-71, 3745-54-72 and 3745-54-76

(a) In the management of waste at the facility the Permittee shall comply with the provisions of OAC Chapter 3745-52 and OAC Rules 3745-54-71, 3745-54-72 and 3745-54-76 with regard to the manifest system.

B.25. Reserved

B.26. Reserved

B.27. Reserved

B.28. Reserved

B.29. Reserved

B.30. Reserved

B.31. Reserved

B.32. Reserved

B.33. Reserved

B.34. Reserved

B.35. Reserved

B.36. Reserved

B.37. Reserved

B.38. Reserved

B.39. Reserved

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

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

**MODULE C - \_Reserved**

**MODULE D - \_Reserved**

## **1 MODULE E - CORRECTIVE ACTION REQUIREMENTS**

### **E.1. CORRECTIVE ACTION AT THE FACILITY OAC Rules 3745-50-10 & 3745-54-101**

- (a) U.S. Department of Energy (U.S. DOE) shall address releases of hazardous substances, including hazardous waste and hazardous waste constituents, from any waste management unit at the facility using authority granted to U.S. DOE under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104, to implement removal or remedial actions necessary to protect human health and the environment. U.S. DOE shall address releases from any waste management unit at the facility in a manner consistent with and in compliance with applicable Ohio law and rules. The authority for U.S. DOE to implement response actions for releases at the facility was granted by Executive Order 12580, which gave U.S. DOE the authority to implement response actions for releases at DOE facilities. The authority for U.S. DOE to implement response actions for releases at the facility is also contained in the Federal Facilities Agreement (FFA), negotiated under CERCLA Section 120 between the U.S. Environmental Protection Agency (U.S. EPA) and U.S. DOE. The State of Ohio became a party to this agreement in 1993.
  
- (b) U.S. DOE shall address releases of hazardous substances, including hazardous waste and hazardous waste constituents, beyond the facility boundary using authority granted to U.S. DOE under CERCLA Section 104, to implement removal or remedial actions necessary to protect human health and the environment. U.S. DOE shall address releases beyond the facility boundary in a manner consistent with and in compliance with applicable Ohio law and rules. The authority for U.S. DOE to implement response actions for releases beyond the facility boundary was granted by Executive Order 12580, which gave U.S. DOE the authority to implement response actions for releases at DOE facilities. The authority for U.S. DOE to implement response actions for releases beyond the facility boundary is also contained in the FFA, negotiated under CERCLA Section 120 between U.S. EPA and U.S. DOE. The State of Ohio became a party to this agreement in 1993.

**END OF PERMIT CONDITIONS**