



CERTIFIED

June 18, 2013

Nexeo Solutions, LLC
and Ashland, Inc.
2854 Springboro West
Moraine, OH 45439

**Re: Draft Renewal Permit Issuance
Nexeo Solutions, LLC
EPA ID No. OHD 074 700 311**

Dear Sir/Madam:

The Ohio EPA, Division of Materials and Waste Management (DMWM) staff has reviewed your Ohio Hazardous Waste Facility Installation and Operation Permit (Permit) renewal application. It is the recommendation of the staff that the director issue a draft renewal Permit for Nexeo Solutions, LLC since the proposed changes to the permit appear to comply with applicable hazardous waste rules. Therefore, I have enclosed a draft renewal Permit in accordance with Rule 3745-50-40 of the Ohio Administrative Code.

A public hearing will be held on Tuesday, July 23, 2013 at 6 p.m. at Gerhardt Civic Center Commons, 3050 Kreitzer Road, Moraine, Ohio 45439 in Montgomery County. The public notice concerning the issuance of the draft renewal Permit will appear in the Dayton Daily News newspaper on June 20, 2013. A public announcement in similar form will be made over a local radio station. Ohio EPA will accept written comments relevant to the Permit application and the draft renewal Permit until August 5, 2013. Written comments should be submitted before the close of the public comment period to Ohio EPA, Division of Materials and Waste Management, Attn: Shawn Sellers, Engineering, Remediation & Authorizations Section, P.O. Box 1049, Columbus, Ohio 43216-1049, Tel: (614) 644-2621.

You can review copies of the Permit application and the draft renewal Permit at the following location:

Ohio EPA – Southwest District Office
401 E. Fifth Street
Dayton, OH 45402
(937) 285-6357

You can review the draft renewal Permit at the following location:

50 West Town Street • Suite 700 • P.O. Box 1049 • Columbus, OH 43216-1049
www.epa.ohio.gov • (614) 644-3020 • (614) 644-3184 (fax)

Nexeo Solutions, LLC
and Ashland, Inc.
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You can review the draft renewal Permit at the following location:

Kettering-Moraine Branch
3496 Far Hills Ave.
Kettering, OH 45429
(937) 496-8938

Details about this draft action may be viewed on Ohio EPA's website at <http://www.epa.ohio.gov/dmwm>.

After carefully considering public comments, Ohio EPA will reconsider the draft renewal Permit and should issue or deny the final renewal Permit after August 5, 2013.

If you have any questions concerning the draft renewal Permit, please call Jeff Smith of the Ohio EPA Southwest District Office at (937) 285-6357.

Sincerely,



Georgia Frakes, Management Analyst
Division of Materials & Waste Management

cc: Dustin Tschudy, DMWM, CO
Scott Hester, DMWM, CO
Laura Morgan, DMWM, CO
Todd Anderson, Legal
Darla Peelle, PIC
Ed Lim, DERR, CO
Jeff Smith, DMWM, SWDO
George Strobel, DMWM, SWDO
Jae Lee, US EPA

PUBLIC NOTICE

Montgomery County

HAZARDOUS WASTE DRAFT PERMIT RENEWAL

On June 18, 2013, Ohio EPA issued a draft renewal Hazardous Waste Facility Installation and Operation Permit (Permit) to Nexeo Solutions, LLC and Ashland, Inc. for its facility, Nexeo Solutions, LLC, located at 2854 Springboro West, Moraine, Ohio 45439 in Montgomery County, Ohio EPA ID Number OHD074700311. The renewal permit authorizes the storage of ignitable, corrosive and toxic hazardous wastes in containers in the Main Warehouse Building and Corrective Action activities at the facility. The Nexeo facility provides a service for the removal and proper disposition of hazardous wastes. Nexeo picks up and transports customers' containerized wastes to a pre-approved waste management site. To facilitate this process, wastes are analyzed (tested) and often temporarily stored at the Moraine facility until a truckload shipment is accumulated, then waste is shipped off to other permitted hazardous waste treatment, storage, and disposal facilities. No hazardous waste disposal occurs at the Nexeo facility. To issue this draft renewal permit, Ohio EPA determined that the Permit application is complete and meets the appropriate standards and that the applicant has a history of compliance with relevant environmental laws. A public meeting will be held on Tuesday, July 23, 2013 at 6:00 p.m. at Gerhardt Civic Center Commons, 3050 Kreitzer Road, Moraine, Ohio 45439 to receive oral comments. You may send written comments to Ohio EPA, Division of Materials and Waste Management, P.O. Box 1049, Columbus, Ohio 43216-1049, no later than August 5, 2013. A copy of the Permit is available for review at the following locations: Kettering-Moraine Branch Library, 3496 Far Hills Avenue, Kettering, Ohio 45429, Tel: (937) 496-8938, Ohio EPA Southwest District Office, 401 E. Fifth Street, Dayton, Ohio 45402, Tel: (937) 285-6357, or Ohio EPA Central Office, Division of Materials and Waste Management, 50 West Town Street, Suite 700, Columbus, Ohio 43215, Tel: (614) 644-2621.



June 2013

Draft Hazardous Waste Permit Renewal Factsheet

Facility Name: Nexeo Solutions, LLC and Ashland, Inc

U.S. EPA I.D.: OHD 074 700 311

Location:

2854 Springboro West
Moraine, Ohio 45439

Facility Owner:

Nexeo Solutions, LLC
2854 Springboro West
Moraine, Ohio 45439

Facility Operators:

Nexeo Solutions, LLC
2854 Springboro West
Moraine, Ohio 45439

Ashland, Inc
EH&S Department
5200 Blazer Parkway, DS-4
Dublin, Ohio 43017

Activity:

Permit renewal for storage of ignitable, corrosive and toxic hazardous wastes in containers in the Main Warehouse Building and Corrective Action

Comment Period:

June 20, 2013 – August 5, 2013

Submit Comments to:

Ohio EPA
Brian Dearth
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2621
dmwmcomments@epa.state.oh.us

U.S. EPA, Region 5
Mr. Jae Lee
RCRA Branch (LR-8J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
1-800-621-8431 ext. 63781
Lee.Jae@epa.gov

What is the History of the Hazardous Waste Program?

The Resource Conservation and Recovery Act (RCRA), an amendment to the Solid Waste Disposal Act, was passed in 1976. The main reason for the amendment was to address the growing volume of municipal and industrial solid waste generated across the United States. A few goals established by RCRA include the protection of human health and the environment from potential hazards of waste disposal, to reduce the amount of waste generated and to ensure that waste produced is managed in an environmentally sound manner.

When RCRA was written, U.S. Congress' intent was for the states to assume primary responsibility for implementing the hazardous waste regulations with oversight from the United States Environmental Protection Agency (U.S. EPA). U.S. EPA must approve each state as an authorized state. To become authorized, each state must demonstrate that the state programs are at least equivalent to and consistent with federal laws, provide adequate enforcement authority and provide availability of information similar to the federal program. Since 1989, the State of Ohio has been authorized by U.S. EPA to implement the majority of the hazardous waste program.

Currently, the State of Ohio is not authorized by U.S. EPA to issue a permit for organic air emissions (40 CFR Part 264, Subparts BB and CC) from hazardous waste storage units. U.S. EPA has drafted a RCRA permit to address organic air emissions from hazardous waste storage units. U.S. EPA's draft permit and the State of Ohio's draft permit have been issued concurrently and both share the same comment period.

Draft Hazardous Waste Permit Renewal Factsheet

How Can I Become More Involved?

A public meeting has been scheduled. The public meeting will be held on Tuesday July 23, 2013 at 6:00 PM at Gerhardt Civic Center Commons, 3050 Kreitzer Rd., Moraine, OH 45439 to receive public comments. Oral comments will be received during the public meeting. All persons, including the applicant, may submit written comments relating to this draft action. Written comments may be submitted before the end of the comment period to the address in the box on page 1.

The comment period begins on Thursday June 20, 2013, and ends on Monday August 5, 2013. A copy of the permit application and the draft permit are available for review by the public at the following locations:

Ohio EPA, Southwest District Office
401 East 5th Street
Dayton, Ohio 45402-2911
(937) 285-6357

Ohio EPA, Central Office
Division of Materials and Waste Management
Lazarus Government Center
50 West Town St., Suite 700
Columbus, Ohio 43215
(614) 644-2621

Copies of the draft permits are available for review by the public at the following locations:

The Ohio draft permit is available for review by the public online under the "Stakeholder Input" tab at:
<http://www.epa.ohio.gov/dmwm>

The federal draft permit is available for review by the public online at:
<http://www.epa.gov/region5/waste/permits/actions.htm>

Dayton Metro Library
Kettering-Moraine Branch
3496 Far Hills Avenue
Dayton, Ohio 45429
(937) 496-8938

Within sixty (60) days of the close of the public comment period, Ohio EPA will, without prior hearing, issue the permit (or deny the request) in accordance with Chapter 3734 of the Ohio Revised Code (ORC). If Ohio EPA approves the application, taking into account public comments, a renewal permit will be issued with terms and conditions as are necessary to ensure compliance with hazardous waste rules.

What Does the Facility Do?

Nexeo Solutions, LLC ("Nexeo") is located just south of the city limits of Dayton, in the city of Moraine, Montgomery County, Ohio. This facility is permitted to store containerized hazardous waste.

The Nexeo facility provides its customers with a service for the removal and proper disposition of their hazardous wastes. In order to provide this service, Nexeo has entered into contractual agreements with several commercial solid and hazardous waste management firms. Nexeo picks up and transports customers' containerized wastes to a pre-approved waste management site. To facilitate this process, customer wastes are analyzed (tested) and often temporarily stored at the Moraine facility until a truckload shipment is accumulated, then waste is shipped off to other permitted hazardous waste treatment, storage, and disposal facilities. No hazardous waste disposal occurs at the Nexeo facility. The maximum amount of hazardous waste that can be stored at the facility at any time is 17,600 gallons (10,560 gallons maximum at the west side of the main warehouse and 7,040 gallons maximum at the south side of the main warehouse). This is equivalent to 320 (55-gallon) drums.

Draft Hazardous Waste Permit Renewal Factsheet

What Would this Hazardous Waste Permit Allow the Facility to Do?

This permit would allow Nexeo to continue storage of ignitable, corrosive, and toxic characteristic and listed hazardous wastes in two container storage areas within the Main Warehouse building. This permit does not allow Nexeo to accept or store reactive (D003) and acutely toxic (P wastes).

This permit would also allow Ashland, Inc. to conduct corrective action at the facility and would also allow Ashland, Inc. to be the "Operator for Corrective Action" for site conditions pre-April 1, 2011.

What is the Regulatory Basis to Support this Permit Renewal?

The Director has determined that Nexeo Solutions, LLC and Ashland, Inc. have submitted an application for renewal one hundred eighty (180) days prior to the expiration date of its present permit which was issued by Ohio EPA on December 5, 2002. The Director has considered the application, inspection reports, a report regarding the facility's compliance with the present permit, and the rules adopted under ORC Section 3734. The Director has found that the Part B permit application meets the Director's performance standards and that the facility has a history of compliance with this chapter, rules adopted under it, the existing permit, and orders entered into, which demonstrates reliability, expertise, and competency to subsequently operate the facility under this chapter, the rules, and the permit.

Who Can I Contact for More Information?

For additional information, please contact Jeff Smith of Ohio EPA, Southwest District Office, DMWM at (937) 285-6070 or Jae Lee of the U.S. EPA Region 5 Office in Chicago, Illinois at (312) 886-3781.

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

Permittees: Nexeo Solutions, LLC and
Ashland, Inc.

Mailing Address: Nexeo Solutions, LLC
2854 Springboro West
Moraine, Ohio 45439

Owner: Nexeo Solutions, LLC
2854 Springboro West
Moraine, Ohio 45439

Operators: Nexeo Solutions, LLC
2854 Springboro West
Moraine, Ohio 45439

Ashland, Inc.
EH&S Department
5200 Blazer Parkway, DS-4
Dublin, Ohio 43017

Location: Nexeo Solutions, LLC
2854 Springboro West
Moraine, Ohio 45439

Ohio Permit No.:	05-57-0631
US EPA ID:	OHD 074 700 311
Issue Date:	
Effective Date:	
Expiration Date:	

AUTHORIZED ACTIVITIES

In reference to the application of Nexeo Solutions, LLC and Ashland, Inc. 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 ignitable, corrosive and toxic hazardous wastes in containers in the Main Warehouse Building
- Corrective Action

PERMIT APPROVAL

Scott J. Nally, 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 _____, 2013.

By _____ of the Ohio Environmental Protection Agency.

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) Permittee Nexeo Solutions, LLC is authorized to store hazardous waste in containers in accordance with the terms and conditions of this Ohio hazardous waste permit (hereinafter 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 permit application. The permit application, as submitted to Ohio EPA on June 6, 2012, 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) Permittee Ashland, Inc. is authorized to conduct corrective action at the facility, in accordance with the terms and conditions of this permit, ORC Chapter 3734, all applicable Ohio hazardous waste rules, 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.
- (c) 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 or revoked as specified by Ohio law. The filing of a request by the Permittee for a permit modification, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay any permit term or condition.

A.3 Permit Effective/Expiration Dates
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 ten 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 must 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 is grounds for enforcement action, revocation, modification, denial of a permit renewal application or other appropriate action.

A.6 Duty to Reapply and Permit Expiration
OAC Rules 3745-50-40(D), 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 permit 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 prior to the expiration date of this permit, unless a later submittal date has been authorized by the Director upon a showing of good cause.

- (b) The Permittee may continue to operate in accordance with the terms and conditions of the expired permit until a renewal permit is issued or denied if:
 - (i) the Permittee has submitted a timely and complete permit 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 renewal at least 180 days before the expiration date of this permit pursuant to OAC Rule 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) a later submittal date has been authorized by the Director.

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 must take all reasonable steps to minimize releases to the environment and must carry out such measures as are reasonable to prevent significant adverse impact on human health or the environment resulting from noncompliance with this permit.

A.9 Proper Operation and Maintenance
OAC Rule 3745-50-58(E)

The Permittee must 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 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 must furnish to the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying or revoking, or to determine compliance with, this permit. The Permittee must also furnish to the Director, upon request, copies of records required to be kept by this permit.

A.11 Inspection and Entry
OAC Rules 3745-50-58(I), 3745-49-03, and 3745-50-30, and ORC Section 3734.07

- (a) The Permittee must 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 conditions 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 Rule 3745-50-58(J)

- (a) Any sample and measurement taken for the purpose of monitoring must be representative of the monitored activity. Further, a sample must be a representative sample, 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, August 1, 2000, and additional supplements or editions thereof; Standard Methods for the Examination of Water and Wastewater: Twentieth Edition, 1999; or an equivalent method as specified in the approved waste analysis plan, or as this term is defined and used in the Ohio hazardous waste rules.
- (b) Records of monitoring information must 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 Rules 3745-50-58(K) and 3745-50-42

All applications, reports or information must be properly signed and certified in accordance with OAC Rule 3745-50-58(K).

A.14 Retention of Records and Information Repository
OAC Rules 3745-50-40(G), 3745-50-58(J), 3745-50-58(M) and 3745-50-58(N)

- (a) The Permittee must 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 OAC Rule 3745-54-73(B)(9), 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 must maintain, in accordance with the Ohio hazardous waste rules, records of all data used to complete the permit application and any amendments, supplements or modifications of such application. The Permittee must retain a complete copy of the current application for the effective life of the permit as indicated in Permit Condition A.3.
- (d) The Permittee must 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 three (3) years after all Corrective Action activities have been completed.

A.15 Planned Changes
OAC Rules 3745-50-51 and 3745-50-58(L)(1)

The Permittee must give notice to the Director as soon as possible of any planned physical alterations or additions to the facility. All such changes must be made in accordance with OAC Rule 3745-50-51.

A.16 Waste Shipments

OAC Rules 3745-52-12 and 3745-53-11, ORC Section 3734.15(C)

The Permittee must 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 must 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 Permit Condition A.5.

A.18 Transfer of Permits

OAC Rules 3745-50-52, 3745-50-58(L)(3) and 3745-54-12

(a) 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 must 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).

(b) 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 Rules 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 must 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 must report orally to Ohio EPA's Division of Environmental Response and Revitalization within twenty-four (24) hours from the time the Permittee becomes aware of any noncompliance with this permit, ORC Chapter 3734 or the rules adopted thereunder, which may endanger 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 must 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) date, time, and type of incident;
 - (iv) name and quantity of material(s) involved;
 - (v) the extent of injuries, if any;
 - (vi) an assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
 - (vii) 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 must also be provided to Ohio EPA's Division of Environmental Response and Revitalization and the Division of Materials and Waste Management, Southwest District Office within five (5) days of

the time the Permittee becomes aware of the circumstances reported in Permit Condition A.20.

- (b) The written report must address the items in Permit Condition A.20 and must 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 Rules 3745-50-58(L)(10) and 3745-50-58(L)(4)

The Permittee must report to the Director all other instances of noncompliance not provided for in Permit Conditions A.19 and A.20. These reports must be submitted within thirty (30) days of the time at which the Permittee is aware of such noncompliance. Such reports must contain all information set forth within Permit Condition A.20.

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 information to the Director, the Permittee must promptly submit such facts, information or corrected information to the Director.

A.25 Confidential Information

OAC Rule 3745-50-30 and 3745-49-03

In accordance with ORC Chapter 3734 and the rules adopted thereunder, the Permittee may request confidentiality for any information required to be submitted by the terms and conditions of this permit, or any information obtained

by the Director, or an authorized representative, pursuant to the authority provided under Permit Condition A.11.

A.26 Ohio Annual Permit Fee
OAC Rules 3745-50-33 through 3745-50-36

The annual permit fee, calculated pursuant to OAC Rule 3745-50-36 and payable to the Treasurer of the State, must be submitted to the Director on or before the anniversary of the date of issuance during the term of the permit. For the purpose of the payment of the Ohio Annual Permit Fee, the date of issuance is the date the permit was entered into the Journal of the Director of Ohio EPA.

A.27 Compliance Schedule - Documents
OAC Rules 3745-50-50 and 3745-50-51

- (a) Unless specified otherwise, the Permittee must submit the documents listed below to:

Ohio EPA, Director
c/o DMWM, Engineering, Remediation, and Authorizations Section
P.O. Box 1049
Columbus, Ohio 43216-1049

Ohio EPA, Southwest District Office
c/o DMWM
401 East Fifth Street
Dayton, Ohio 45402

- (b) The Permittee must submit to the Ohio EPA within sixty (60) days after permit journalization, in accordance with Ohio's hazardous waste rules, the following information to be incorporated in the permit application:

- (i) Updated Closure Cost Estimate
OAC Rule 3745-55-42

Section I of the permit application containing the financial assurance mechanism for closure must be updated to include a copy of the current closure cost estimate as set forth in OAC Rule 3745-55-42.

(ii) Updated Financial Assurance Mechanism for Closure
OAC Rules 3745-55-43

Section I, Attachment I-1 of the permit application containing the financial assurance mechanism for closure must be updated to include a copy of the current financial assurance mechanism, as set forth in OAC Rule 3745-55-43, and as specified by the wording requirements of OAC Rule 3745-55-51. The value of the financial assurance mechanism must reflect at least the current amount of the closure cost estimate.

During the life of the permit, the facility may change the financial assurance mechanism as stated in OAC Rule 3745-55-43. The facility must submit the financial assurance mechanism documentation to the Director of Ohio EPA in accordance with the parameters set forth in OAC Rule 3745-55-43.

(iii) Updated Liability Requirements
OAC Rule 3745-55-47

Section I, Attachment I-1 of the permit application containing the mechanism used to demonstrate third party liability coverage must be updated to include a copy of the current liability mechanism as set forth in OAC Rule 3745-55-47 and as specified by the wording requirements of OAC Rule 3745-55-51.

During the life of the permit the facility may change the mechanism used to demonstrate liability coverage as stated in OAC Rule 3745-55-47. The facility must submit the liability mechanism documentation to the Director of Ohio EPA in accordance with the parameters set forth in OAC Rule 3745-55-47.

This information must be submitted in accordance with OAC Rule 3745-50-51.

A.28 Information to be Maintained at the Facility
OAC Rule 3745-54-74

- (a) The Permittee shall maintain at the facility, until closure is completed and certified by an independent, registered (in Ohio) professional engineer, pursuant to OAC Rule 3745-55-15, and until the Director releases the Permittee from financial assurance requirements pursuant to OAC Rule

3745-55-47, the following documents (including amendments, revisions and modifications):

- (i) waste analysis plan, developed and maintained in accordance with OAC Rule 3745-54-13 and the terms and conditions of this permit;
 - (ii) contingency plan, developed and maintained in accordance with OAC Rule 3745-54-53 and the terms and conditions of this permit;
 - (iii) closure plan, developed and maintained in accordance with OAC Rule 3745-55-12 and the terms and conditions of this permit;
 - (iv) cost estimate for facility closure, developed and maintained in accordance with OAC Rule 3745-55-42 and the terms and conditions of this permit;
 - (v) personnel training plan and the training records, developed and maintained in accordance with OAC Rule 3745-54-16 and the terms and conditions of this permit;
 - (vi) operating record, required by OAC Rule 3745-54-73 and the terms and conditions of this permit;
 - (vii) inspection schedules, developed in accordance with OAC Rules 3745-54-15, 3745-55-74, 3745-55-95 and the terms and conditions of this permit;
 - (viii) annually-adjusted cost estimate for facility closure, as required by OAC Rules 3745-55-42 and 3745-55-44 and the terms and conditions of this Permit; and
 - (ix) all other documents required by Module A, Permit Condition A.12.
- (b) The Permittee must maintain copies of all inspection logs at the facility for a period not less than three (3) years from the date of inspection.

A.29 Waste Minimization Report
OAC Rules 3745-54-73 and 3745-54-75

- (a) The Permittee must submit a Waste Minimization Report describing the waste minimization program required by OAC Rules 3745-54-75(H), (I), and (J); 3745-54-73(B)(9); and 3745-52-20(A) at least once every five

years. The provisions of OAC Rules 3745-54-75(H), (I) and (J); and 3745-54-73(B)(9) must be satisfied annually.

- (b) In completing this report, the Permittee should refer to the following information: instructions prepared by the Ohio EPA for completing the Waste Minimization Annual Report required by OAC Rules 3745-54-75(H), (I), and (J); the Federal Register notice of May 28, 1993, vol. 58, p. 31114, "Interim Final Guidance: Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program"; and U.S. EPA's "Facility Pollution Prevention Guide" including planning and organization, assessment, feasibility analysis, implementation, measuring progress, and maintaining the program.
- (c) The Permittee must submit the Waste Minimization Report to Ohio EPA's Office of Compliance Assistance and Pollution Prevention within one hundred eighty (180) days of the effective date of this permit, and must submit updates to this report once every five years thereafter.

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MODULE B - GENERAL FACILITY CONDITIONS

B. GENERAL FACILITY CONDITIONS

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

The Permittee must 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 or hazardous waste constituents to air, soil, ground water or surface waters which could threaten human health or the environment.

B.2 Required Notices OAC Rule 3745-54-12

(a) Hazardous Waste from Off-Site Sources

When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), he must inform the generator in writing that he has the appropriate permits, and will accept the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record.

(b) Hazardous Wastes from Foreign Sources

The Permittee must notify the regional administrator in writing at least four weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source, as required by OAC Rule 3745-54-12(A). Notice of subsequent shipments of the same waste from the same foreign source is not required.

B.3 General Waste Analysis Plan OAC Rule 3745-54-13

(a) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under OAC Rule 3745-55-13(D), he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, this analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with the requirements of OAC Chapters 3745-54 to 3745-57, 3745-205, and 3745-270.

- (b) The Permittee must follow the procedures described in the waste analysis plan found in Section C of the permit application and the terms and conditions of this permit.
- (c) The Permittee must verify the analysis of each waste stream annually as part of its quality assurance program, in accordance with Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846, or equivalent methods approved by the Director. At a minimum, the Permittee must maintain proper functional instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations. If the Permittee uses a contract laboratory to perform analyses, then the Permittee must inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this permit.

B.4 Security
OAC Rule 3745-54-14

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

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

The Permittee must inspect the facility in accordance with OAC Rule 3745-54-15 and the inspection schedule set forth in Section F of the permit application. The Permittee must remedy any deterioration or malfunction discovered by an inspection, as required by OAC Rule 3745-54-15(C). Records of inspection must be kept for a minimum of three years from the date of inspection. These records must be a part of the facility's operating record as required by OAC Rule 3745-54-73.

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

The Permittee must conduct personnel training, as required by OAC Rule 3745-54-16. This training program must contain at least the elements set forth in Section H of the permit application. The Permittee must maintain training documents and records as required by OAC Rule 3745-54-16(D) and (E).

B.7 General Requirements for Ignitable, Reactive, or Incompatible Wastes
OAC Rule 3745-54-17

- (a) The Permittee must comply with the requirements of OAC Rule 3745-54-17 and must follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in Section F of the permit application.
- (b) The Permittee must provide electrical grounding for all containers, tanks, and transport vehicles during all operations involving the handling of ignitable or reactive wastes.
- (c) The Permittee must provide, and require the use of, spark proof tools during all operations involving the handling of all ignitable or reactive wastes.
- (d) The Permittee must prohibit smoking and open flames in each area where ignitable, reactive or incompatible hazardous wastes are managed and must post appropriate signs.

B.8 Reserved

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

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

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

The Permittee must inspect, test and maintain the equipment required by Permit 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 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 must maintain access to the communications and alarm systems, as required by OAC Rule 3745-54-34, Section F of the permit application and the terms and conditions of this permit.

B.12 Required Aisle Space
OAC Rule 3745-54-35

At a minimum, the Permittee must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, as required by OAC Rule 3745-54-35.

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

- (a) The Permittee must comply with the requirements of OAC Rule 3745-54-37(A) by making a diligent effort to:
- (i) make arrangements and 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 permit application;
 - (ii) make arrangements with Ohio EPA emergency response teams, emergency response contractors, and equipment suppliers;
 - (iii) make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and types of injuries or illnesses which could result from fires, explosions, or releases at the facility; and
 - (iv) make agreements designating primary emergency authority to a specific police and a specific fire department and make agreements with any others to provide support to the primary emergency authority, where more than one police and fire department may respond to an emergency.
- (b) Where authorities decline to enter into such agreements or arrangements set forth in OAC Rule 3745-54-37(A), the Permittee must 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 must immediately carry out the provisions of the 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.

In regard to spills and related toxic gas releases, the plan must describe the criteria to be used by the emergency coordinator to determine when the plan will be implemented. At a minimum, the plan must be implemented in the following situations:

- (a) Any fire involving hazardous waste; or
- (b) Any explosion involving hazardous waste; or
- (c) Any uncontrolled hazardous waste reaction that produces or has the potential to produce hazardous conditions, including noxious, poisonous, flammable and/or explosive gases, fumes, or vapors; harmful dust; or explosive conditions; or
- (d) Any hazardous waste release, outside of a secondary containment system, that causes or has the potential to cause off-site soil and/or surface water contamination; or
- (e) Any hazardous waste release that produces or has the potential to produce hazardous conditions, including noxious, poisonous, flammable and/or explosive gases, fumes, or vapors; harmful dust; or explosive conditions.

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

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

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

- (a) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.
- (b) 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, must be collected and managed as a hazardous waste unless the Permittee can demonstrate that such waste is not hazardous in accordance with OAC Rule 3745-51-03(C) and (D).

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

The Permittee must review the 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 must 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 must comply with the requirements set forth in OAC Rule 3745-54-53 regarding contingency plan distribution. The Permittee must maintain at the facility a copy of the contingency plan and all revisions to the plan.
- (b) The Permittee must, in accordance with OAC Rule 3745-54-53, submit a copy of the 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 must 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 must, in accordance with OAC Rule 3745-54-53, submit a copy of the contingency plan to the Ohio Environmental Protection Agency's Division of Environmental Response and Revitalization.

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

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

B.20 Emergency Procedures
OAC Rule 3745-54-56

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

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

All records shall be furnished by the Permittee upon request to, and made available at all reasonable times for inspection by, Ohio EPA, in accordance with OAC Rule 3745-54-74.

B.22 Operating Record
OAC Rule 3745-54-73

The Permittee must comply with the requirements set forth in OAC Rule 3745-54-73 regarding an operating record, including information to be recorded and the maintenance thereof.

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

The Permittee must 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 after any such incident the Permittee must submit to the Director a written report of the incident containing the elements set forth in OAC Rule 3745-54-56(J).

B.24 Manifest System

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

- (a) In managing waste at the facility, the Permittee must comply with OAC Chapter 3745-52 and OAC Rules 3745-54-71, 3745-54-72 and 3745-54-76 with regard to the manifest system.
- (b) Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved with fifteen (15) days after receiving the waste, the Permittee must submit a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest, to the Director in accordance with OAC Rule 3745-54-72.
- (c) Unmanifested waste report. If the Permittee receives unmanifested waste which is not excluded from the manifest requirements of OAC Rule 3745-51-05, then the Permittee must submit an unmanifested waste report to the Director within fifteen (15) days after receipt of the waste. The report must include the information required under OAC Rule 3745-54-76.

B.25 Biennial Reports and Additional Reports

OAC Rules 3745-54-75 and 3745-54-77

The Permittee must comply with the report requirements set forth in OAC Rule 3745-54-75 and the additional report requirements set forth in OAC Rule 3745-54-77.

B.26 Closure Performance Standard

OAC Rule 3745-55-11

During facility closure, the Permittee must implement the provisions of the closure plan found in Section I of the permit application in such a manner as to achieve compliance with OAC Rule 3745-55-11.

B.27 Closure Plan

OAC Rules 3745-55-10 through 3745-55-20

The Permittee must implement those procedures detailed within Section I of the permit application, in accordance with OAC Rules 3745-55-10 through 3745-55-20.

B.28 Amendment of Closure Plan
OAC Rules 3745-55-12 and 3745-50-51

Should a change in the facility closure plan become necessary, the Permittee must amend the closure plan in accordance with OAC Rules 3745-55-12 (C) and 3745-50-51.

B.29 Content of Closure Plan
OAC Rule 3745-55-12

The Permittee must maintain the closure plan at the facility which contains the elements set forth in OAC Rule 3745-55-12 and all elements required by the terms and conditions of this permit.

B.30 Notification of Closure
OAC Rule 3745-55-12

The Permittee must notify the Director in writing at least 45 days prior to the date on which he expects to begin final closure of a facility, as required by OAC Rule 3745-55-12(D).

B.31 Time Allowed For Closure
OAC Rule 3745-55-13

Within ninety (90) days after receiving the final volume of hazardous waste, the Permittee must remove from the facility, or treat or dispose of on-site, all hazardous waste in accordance with the closure plan. The Director may approve a longer closure period if the Permittee complies with all applicable requirements for requesting a modification to the permit as set forth in OAC Rule 3745-55-13(A). The Permittee must complete all closure activities within one hundred eighty (180) days after receiving the final volume of hazardous waste in accordance with OAC Rule 3745-55-13. The Director may approve a longer closure period if the Permittee complies with all applicable requirements for requesting a modification to the permit as set forth in OAC Rule 3745-55-13 (B).

B.32 Disposal or Decontamination of Equipment, Structures, and Soils
OAC Rule 3745-55-14

(a) The Permittee must decontaminate or dispose of all contaminated facility equipment, structures, and soils, as required by OAC Rule 3745-55-14, the closure plan and the terms and conditions of this permit.

- (b) The Permittee must notify the Ohio EPA Southwest District Office within five (5) working days prior to all rinseate and soil sampling.

B.33 Certification of Closure
OAC Rule 3745-55-15

The Permittee and an independent, registered professional engineer must certify that each hazardous waste management unit or the facility has been closed in accordance with the specifications in the closure plan and the terms and conditions of this permit, as required by OAC Rule 3745-55-15. The Permittee must furnish to the Director, upon request, documentation supporting the certification.

B.34 Reserved

B.35 Reserved

B.36 Cost Estimate for Facility Closure
OAC Rule 3745-55-42

- (a) The Permittee's most recent closure cost estimate, prepared in accordance with OAC Rule 3745-55-42, is specified in Section I of the permit application.
- (b) The Permittee must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with OAC Rule 3745-55-43.
- (c) The Permittee must revise the closure cost estimate whenever there is a change in the facility's closure plan that increases the cost of closure, as required by OAC Rule 3745-55-42(C).
- (d) The Permittee must submit to the Ohio EPA and keep at the facility the latest closure cost estimate as required by OAC Rule 3745-55-42(D) and (E).

B.37 Financial Assurance for Facility Closure

The Permittee must maintain continuous compliance with OAC Rule 3745-55-43 and provide documentation of financial assurance, which meets the requirements of OAC Rule 3745-55-51, in at least the amount of the cost estimates required by Permit Condition B.36.

B.38 Liability Requirements

The Permittee must maintain continuous compliance with the requirements of OAC Rule 3745-55-47 and the documentation of liability by providing liability coverage which meets the requirements of OAC Rule 3745-55-51 for sudden accidental occurrences in the amount of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million, exclusive of legal defense costs.

B.39 Incapacity of Owners or Operators, Guarantors, or Financial Institutions
OAC Rule 3745-55-48

The Permittee must comply with the requirements set forth in OAC Rule 3745-55-48 regarding the incapacity of owners, operators, guarantors or financial institutions.

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

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

MODULE C - CONTAINER STORAGE & MANAGEMENT

C. CONTAINER STORAGE AND MANAGEMENT

The Permittee is permitted to store hazardous wastes in two container storage areas located in the Main Warehouse building. The first storage area is located on the west wall of the Main Warehouse where ignitable and listed wastes are stored. The area is separated into 4 separate bays, three small and one large, separated and surrounded by a four inch curb. The storage area is 916.5 square feet. The maximum volume of waste stored in this area is 10,560 gallons. This is based on a maximum of twelve (12) portable tote containers (i.e. 550 gallons each) in the large bay and twenty-four (24) drums (i.e. fifty-five gallons each) in each of the smaller bays. The second storage area is located on the south side of the Main Warehouse where non-ignitable and non-reactive wastes are stored. Only non-ignitable waste streams are permitted in this area because this storage area is less than fifty (50) feet from the Permittee's property line (see Condition C.14). This storage area is 687.5 square feet. It is separated into four bays of equal size each segregated and surrounded by a four inch curb. The maximum volume of waste stored in this area is 7,040 gallons. This is based on a maximum of thirty-two (32) drums (i.e. fifty-five gallons each) in each bay.

The wastes permitted for storage include ignitable, corrosive and toxic characteristic and listed wastes (see Condition C.2). The Permittee is not permitted to accept or store reactive (D003) and acutely toxic wastes (P wastes) as the facility is not constructed to safely store these types of wastes (see Condition C.14).

C.1 Process Capacity OAC Rule 3745-50-43(A)(7)

- (a) The Permittee shall not store more than 10,560 gallons of containerized hazardous waste in the permitted container storage area, located on the west side of the Main Warehouse building, and 7,040 gallons of containerized hazardous waste at any given time in the permitted container storage area, located on the south side of the Main Warehouse building. The Permittee shall store hazardous waste in the types of containers described in Section D (Table D-1) of the approved Part B application.
- (b) For the purpose of compliance with the capacity limitation of this permit, each container will be considered to be storing an amount of hazardous

- (c) waste equal to its capacity, regardless of the actual quantity stored in the container.
- (c) The provision of Conditions C.1(a) and C.2 shall not apply to the Permittee's activities as a generator accumulating hazardous waste on-site in compliance with the provisions of OAC Rule 3745-52-34(A).

However, when accumulating waste within the permitted container storage area, in accordance with OAC Rule 3745-52-34(A), the Permittee shall not, for the total amount of hazardous waste stored and accumulated, exceed the maximum container storage inventory established under this Condition.

C.2 Waste Identification

ORC Sections 3734.02(F) and 3734.05(H); and OAC Rule 3745-50-43

The Permittee must store in containers only the hazardous waste codes specified below:

D001, D002, D004, D005, D006, D007, D008, D009, D010, D011, D012, D013, D014, D015, D016, D017, D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, D043;

F001, F002, F003, F004, F005, F006, F007, F008, F009, F010, F011, F012, F037;

K001, K022, K048, K049, K050, K051, K088;

U002, U007, U012, U019, U044, U053, U055, U057, U070, U071, U072, U080, U081, U082, U092, U112, U122, U123, U140, U147, U159, U161, U162, U165, U188, U191, U196, U211, U220, U239, U328, U375, U404.

C.3 Condition of Containers

OAC Rule 3745-55-71

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee must transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this permit and the hazardous waste facility chapters of the OAC.

C.4 Compatibility of Waste with Containers
OAC Rule 3745-55-72

The Permittee shall use containers that are compatible with the hazardous waste to be stored.

C.5 Management of Containers
OAC Rule 3745-55-73

- (a) All container storage shall be conducted within the container storage units as described in Condition C.1. of this permit and Section D of the approved Part B permit application.
- (b) The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak.
- (c) In the event lab-pack waste are generated they shall be handled in compliance with applicable storage requirements.
- (d) In the event lab-pack waste are generated they shall be packaged in drums containing absorbent material that is compatible with the waste.

C.6 Containment Systems
OAC Rule 3745-55-75; ORC Section 3734.05(H)

- (a) The Permittee must maintain the containment system in accordance with the plans and specifications contained in Section D of the permit application.
- (b) The Permittee must maintain the containment system as described in the permit application, designed with sufficient capacity to contain ten percent of the total volume of the containers or the volume of the largest container, whichever is greater. The containment system must be free of cracks and gaps and sufficiently impervious to contain leaks and spills and accumulated precipitation until the collected material is detected and removed. The Permittee must ensure that the coatings utilized in lining the secondary containment system(s) are compatible with each waste stored in containers situated at the permitted Container Storage Area. For those hazardous wastes that are deemed incompatible with the liner material, the Permittee must install a separate secondary containment

structure, located within the existing structure, possessing the appropriate liner in order to withstand any degrading effects imposed through initial and/or prolonged contact (e.g., 24 hours) with released waste materials.

- (c) Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in a timely manner, not to exceed twenty-four hours from the time the spilled and/or leaked waste is discovered to have reached the hazardous waste pad sump.

C.7 Reserved

C.8 Inspection Schedules and Procedures
OAC Rules 3745-54-15 and 3745-54-73

The Permittee must inspect the container storage area in accordance with the inspection schedule contained in Section F of the permit application and in accordance with OAC Rule 3745-54-15. The inspection schedule must be designed to detect for leaking or deteriorating containers and/or containment systems. The Permittee must note the results of these inspections in the inspection log along with any remedial action taken.

Areas subject to spills, such as loading or unloading areas, shall be inspected daily when in use pursuant to the inspection procedure described in Section F of the permit application. The Permittee must maintain these inspection results in the facility operating record.

C.9 Recordkeeping
OAC Rule 3745-54-73

The Permittee must comply with all recordkeeping requirements of OAC Rule 3745-54-73 as part of the facility operating record and any other documentation showing compliance with the requirements of Permit Condition C.11 and OAC Rules 3745-54-17(B) and 3745-55-77.

C.10 Special Container Provisions for Ignitable or Reactive Waste
OAC Rules 3745-54-17 and 3745-55-76

- (a) The Permittee must not store ignitable or reactive waste except in accordance with OAC Rules 3745-54-17 and 3745-55-76.
- (b) The Permittee must not locate containers holding ignitable or reactive waste within 15 meters (50 feet) of the facility's property line.

- (c) The Permittee must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and shall follow the storage procedures specified in Section F the permit application.

C.11 Special Container Provisions for Incompatible Waste
OAC Rules 3745-54-17(B) and 3745-55-77

- (a) The Permittee must not store incompatible waste except in accordance with OAC Rules 3745-54-17(B) and 3745-55-77.
- (b) The Permittee must not place hazardous waste in an unwashed container that previously held an incompatible waste or material.
- (c) The Permittee must separate or protect (by means of a dike, berm, wall, or other device) a storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments.

C.12 Reserved

C.13 Closure
OAC Rules 3745-55-10 through 3745-55-20, and 3745-55-78

At closure of the container area, the Permittee shall remove all hazardous waste and hazardous waste residues from the containment system, in accordance with the procedures in the closure plan set forth in Section I of the permit application.

C.14 Storage of Hazardous Waste in Containers
OAC Rule 3745-55-70

- (a) All hazardous waste generated at the facility must be managed as a hazardous waste from the time of its generation until the hazardous waste is properly stored on-site or shipped off-site for treatment, storage or disposal.
- (b) The Permittee is prohibited from storing hazardous waste that is not identified in Permit Condition C.2. The Permittee may accumulate material generated on-site for less than ninety days in accordance with OAC Rule 3745-52-34(A).
- (c) The Permittee is prohibited from storing reactive (D003) and acutely toxic wastes (P wastes). The Permittee is permitted to accept F007, F008,

F009, F010, F011, and F012 provided analyses of these wastes, in accordance with the waste analysis plan, indicate that the waste is not reactive with cyanides.

- (d) The Permittee is prohibited from storing ignitable waste in the non-ignitable storage area.

C.15 Limitation on Time of Storage
OAC Rule 3745-59-50(B)

The Permittee must not store hazardous waste for a period which exceeds one year, except that upon good cause shown the Ohio Environmental Protection Agency may extend such time period. Each container stored must be clearly marked to identify its contents and the date each period of storage begins.

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MODULE D - RESERVED

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MODULE E - CORRECTIVE ACTION REQUIREMENTS

Corrective Action Summary

Ashland Distribution Company, Moraine facility, was issued a United States Environmental Protection Agency (U.S. EPA) hazardous waste permit on January 26, 1996. As a condition to this permit, U.S. EPA required completion of corrective action for the release of hazardous waste and hazardous waste constituents from solid waste management units (SWMUs) identified in the permit.

The Permittee submitted a RCRA Facility Investigation (RFI) Workplan to U.S. EPA in August 1996. The RFI Workplan was not reviewed by U.S. EPA. In the meantime, Ashland Distribution Company implemented a voluntary interim measure in July 1999 to remove VOCs in the soil and groundwater. The interim measure was the installation of an Air Sparging/Soil Vapor Extraction (AS/SVE) system. From the time of implementation until shutdown, the AS/SVE system removed more than 1300 lbs of total VOCs from the soil and ground water system. In 2007, the Permittee removed 80 yd³ of shallow soil contaminated with VOCs as another interim measure. The RFI investigation was approved in 2009.

The facility proposed a Corrective Measures Study (CMS) which was approved in September of 2010. This study defined the potential solutions to mitigating risks to human health and the environment. The facility proposed to retain AS/SVE as a primary remediation mechanism for groundwater and soil; however, the current system will be modified so as to reach deeper into the contaminated zone. Off-site groundwater is proposed to be addressed through Monitored Natural Attenuation (MNA) processes. Ohio EPA is evaluating remedial options and once the evaluation is complete, a modification will be initiated per Condition E.9.

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

In accordance with OAC Rule 3745-50-10 "waste management unit" means any discernible unit at which wastes have 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. As used in this permit, the term "waste management unit" shall be consistent with and equivalent to the term "solid waste management unit" as that term is defined in Section 3004(u) of RCRA. 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 waste(s) or hazardous constituent(s) 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) and 3745-54-101

Please refer to Section J of the approved permit application.

E.4. Reserved.

E.5. RFI
OAC Rule 3745-54-101

The Permittee shall conduct an RFI to thoroughly evaluate the nature and extent of the release of hazardous wastes and hazardous constituents from all applicable WMUs identified in Condition E.3. above and Condition E.10. The major tasks and required submittal dates are shown in Table 1. The scope of work for each of the tasks is found in U.S. EPA's CAP.

(a) RFI Workplan

In case of a newly discovered waste management unit, the Permittee shall submit a written RFI Workplan to Ohio EPA on a timeframe established by

Ohio EPA.

- (i) If necessary, Ohio EPA shall provide written comments on the RFI Workplan to the Permittee.
- (ii) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new RFI Workplan that incorporates Ohio EPA's comments.
- (iii) Ohio EPA shall approve or modify and approve, in writing, the amended or new RFI Workplan. The RFI Workplan, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved RFI Workplan must be authorized by Ohio EPA.

(b) RFI Implementation

The Permittee shall 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 shall submit an RFI Final Report to Ohio EPA. The RFI Final Report shall 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.

- (i) If necessary, Ohio EPA shall provide written comments on the RFI Report to the Permittee.
- (ii) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new RFI Report that incorporates Ohio EPA's comments.
- (iii) Ohio EPA shall approve or modify and approve, in writing, the amended or new RFI Report. The RFI Report, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved RFI Report must be authorized by Ohio EPA.

E.6 Interim Measure

Based on the RFI Final Report or other information documenting a release of hazardous waste or constituents to the environment, Ohio EPA may require the development and implementation of an interim measure (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.

(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 shall 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 shall conduct a CMS either as described below or as described in Ohio EPA's notification to the Permittee. The purpose of the CMS will be to develop and evaluate the corrective action alternative(s) and to outline one or more alternative corrective measure(s) that will satisfy the performance objectives specified by Ohio EPA.

(a) CMS Workplan

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

- (i) If necessary, Ohio EPA shall provide written comments on the CMS Workplan to the Permittee.
- (ii) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new CMS Workplan that incorporates Ohio EPA's comments.
- (iii) Ohio EPA shall approve or modify and approve, in writing, the amended or new CMS Workplan. The CMS Workplan, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved 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 shall submit a CMS Final Report to Ohio EPA. The CMS Final Report shall summarize the results of the investigations for each remedy studied and must include an evaluation of each remedial alternative.

- (i) If necessary, Ohio EPA shall provide written comments on the CMS Final Report to the Permittee.
- (ii) Within 45 days of receipt of Ohio EPA's comments, the Permittee shall submit either an amended or new CMS Final Report that incorporates Ohio EPA's comments.
- (iii) Ohio EPA shall approve or modify and approve, in writing, the amended or new CMS Final Report. The CMS Final Report, as approved or as modified and approved, shall be incorporated into this permit and become an enforceable condition of this permit. Subsequent changes to the approved CMS Final Report must be authorized by Ohio EPA.

E.9 Corrective Measures Implementation (CMI)

Based on the results of the CMS, the Permittee shall implement one or more of the Corrective Measures authorized by Ohio EPA. Ohio EPA shall authorize one or more of the Corrective Measures in the CMS, and shall notify the Permittee in writing of the decision. The Corrective Measure selected for implementation must: (1) be protective of 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.

If two or more of the Corrective Measures studied meet the threshold criteria set out above, Ohio EPA will authorize the Corrective Measures Implementation by considering 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.

(a) Permit Modification

Ohio EPA will initiate a permit modification, as provided by OAC Rule 3745-50-51, to require implementation of the corrective measure(s) authorized.

The Permittee shall not implement the corrective measure until the permit is modified pursuant to OAC Rule 3745-50-51.

(b) Financial Assurance
OAC Rule 3745-55-011

As part of the modification of this permit to incorporate CMI, the Permittee shall 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 shall submit to Ohio EPA, within 30 days of discovery, the following information regarding any new WMU identified at the Facility:

- (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) Specifications of all waste(s) that have been managed at the unit.

(b) Release Information

The Permittee shall 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

The Permittee shall submit a written RCRA Facility Investigation Workplan to Ohio EPA upon a timeframe established in written notification by Ohio EPA that further investigations or corrective measures are necessary.

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

The Permittee shall make such submittal in accordance with time frames established by Ohio EPA.

E.12. Compliance Schedule for Corrective Action.

Document	Submittal Deadline
Newly Identified WMUs	Thirty (30) calendar days after discovery
Release Information	Thirty (30) calendar days after discovery