



## July 2012

## Draft Hazardous Waste Permit Modification

### Public Participation Procedures and Comment Period Ohio Administrative Code (OAC) Rule 3745-50-22 (B)(5)(a)&(b)

All persons, including the applicant, may submit written comments relating to this draft action. Written comments or requests for a public meeting may be submitted before the end of the comment period to the address in the box on the right.

The comment period begins on July 26, 2012, and ends on September 9, 2012. A copy of the draft permit is available for review by the public at the following locations:

Warren-Trumble County Library  
444 Mahoning Avenue N.W.  
Warren, Ohio 44483-4606  
(330) 399-8807

Ohio EPA  
Northeast District Office  
2110 E. Aurora Rd  
Twinsburg, OH 44017  
(330) 963-1200

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

<b>Facility Name:</b>	IRG Warren I, LLC and Delphi Automotive Systems, LLC
<b>U.S. EPA I.D.:</b>	OHD 000 817 346
<b>Location:</b>	North River Road at Larchmont Avenue Warren, Ohio 44483
<b>Facility Owner:</b>	Delphi Automotive Systems, LLC P.O. Box 431 Station 10B Warren, Ohio 44486
<b>Facility Operator:</b>	IRG Warren I, LLC C/O Ohio Realty Advisors 3623 Brecksville Road Richfield, Ohio 44286
<b>Activity:</b>	Ohio Realty Advisors 3623 Brecksville Road, Suite A Richfield, Ohio 44286
<b>Activity:</b>	This permit modification, initiated by the director of Ohio EPA, will authorize the Permittee to perform specific corrective measures as a part of its site-wide corrective action activities.
<b>Comment Period:</b>	July 26, 2012 through September 9, 2012
<b>Submit Comments to:</b>	Ohio EPA Division of Materials and Waste Management Engineering, Remediation and Authorizations Section P.O. Box 1049 Columbus, Ohio 43216-1049 (614) 644-2621 dmwmcomments@epa.state.oh.us

The draft permit modification is available for review by the public online at:

<http://www.epa.ohio.gov/dmwm>

After the close of the public comment period, Ohio EPA will, without prior hearing, issue a

modified permit in accordance with Chapter 3734 of the Ohio Revised Code. After all public comments have been considered, a modified permit will be issued with terms and conditions as are necessary to ensure compliance with hazardous waste rules.



**Description of Facility  
OAC Rule 3745-50-22  
(B)(1)**

Delphi Automotive Systems has a Resource Conservation and Recovery Act (RCRA) Part B permit to conduct post-closure and corrective action activities at the facility.

Delphi started its operations in Warren in 1954. Known then as Packard Electric, the facility was a division of the General Motors Corporation.

As a result of waste disposal practices conducted at the site, contaminated soil and ground water remains on the property from a former Bulk Material Transfer Station (BMTS) and four hazardous waste surface impoundments. Ohio EPA accepted a closure certification for the impoundments on January 24, 2004.

In 2011, the facility was divided into two parcels. One parcel, containing the closed surface impoundments, was sold to IRG Warren I, LLC, of Downey, California (IRG). The remaining parcel was retained by Delphi.

**Description of  
Requested Permit  
Modification  
OAC Rule 3745-50-22  
(B)(2)**

The permit modification will require implementation of an Environmental Covenant for both parcels.

Two areas of the facility have residual contamination that is present in concentrations unacceptable for unlimited future use: Closed surface impoundments, and a former Bulk Material Transfer Station (BMTS). The Environmental Covenant will also prohibit the extraction of ground water site-wide for any purpose other than monitoring or pursuant to ground water remedial actions on the facility.

Ohio EPA proposes that use of the site in the vicinity of the former BMTS will be restricted to industrial purposes only, through enactment of an Environmental Covenant, an enforceable mechanism under Ohio law that can be used to restrict property use. This restriction will run with the land and will be binding upon all future property owners should the property be sold. The Environmental Covenant will include a legal description of the subject portion of the property, identifying the contaminated areas and describe acceptable and unacceptable land uses. Ohio EPA will monitor the property owner's adherence to the Environmental Covenant to ensure continued protection of human health and the environment. The types of limitations for this property include:

Industrial land use limitations. The Property shall not be used for residential or agricultural activities, but may be used for certain industrial activities.

The term "industrial activities" shall include but is not limited to,

facilities which supply goods or services to the public and facilities engaged in manufacturing, formulating, repackaging or refining operations and office and warehouse use, including but not limited to production, storage and parking/driveway use.

**Regulatory Basis to  
Support the Decision  
to Modify the Permit  
Application  
OAC Rule 3745-50-22  
(B)(3)**

The director may initiate a permit modification by issuing a draft modified permit in accordance with OAC Rule 3745-50-51(J). The director is using the authority in this rule to incorporate RCRA Corrective Action requirements into the permit.

Accordingly, Ohio EPA is issuing a draft action indicating the director's intention with respect to the issuance of a modified permit to Delphi Automotive Systems, LLC and IRG Warren I, LLC.

**Contact Person  
OAC Rule 3745-50-22  
(B)(6)**

For additional information, please contact Frank Popotnik at (330) 963-1198.

*Delphi IRG.DIM.Draft.FS.jm el.doc*



**STATEMENT OF BASIS  
PROPOSAL OF CORRECTIVE ACTION REMEDIES**

**AT**

**IRG Warren I, LLC  
and  
DELPHI AUTOMOTIVE SYSTEMS, LLC  
(formerly Delphi Automotive Systems, LLC)**

**WARREN, OHIO  
TRUMBULL COUNTY  
OHD 000 817 346**

**Prepared by  
The Ohio Environmental Protection Agency  
July 2012**

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## 1.0 INTRODUCTION

The Ohio Environmental Protection Agency (Ohio EPA) has prepared this Statement of Basis (SB) for the former Delphi Automotive Systems, LLC (Delphi) facility located in Warren, Ohio. The facility has a RCRA Hazardous Waste Part B Permit, currently for Post-Closure and Corrective Action only. This SB is being issued in conjunction with a draft modification to the facility's Ohio Hazardous Waste Facility Installation and Operation Permit (Draft Permit) in accordance with Rule 3745-50-51(J) of the Ohio Administrative Code (OAC). This SB identifies Ohio EPA's preferred remedies, explains the reasons for the selection of remedies, solicits public review and comments, and provides information on how the public can be involved in the remedy selection process.

Ohio EPA accepted the closure certification<sup>1,2</sup> of four hazardous waste surface impoundments on January 27, 2004. The closed surface impoundments, which are the source of ground water contamination (not extending beyond the limits of the unit), are currently under post-closure care under an approved plan<sup>3</sup>.

In addition to the four surface impoundments, other Waste Management Units (WMUs) were identified in the Final RCRA Facility Assessment (RFA) Preliminary Review/Visual Site Inspection (PR/VSI) Report<sup>4</sup> performed by USEPA in August 1987 (see Table 1). According to the PR/VSI, contaminated soil was detected in the area of the Bulk Material Transfer Station (BMTS) in 1985. At that time contaminated soil was removed and the area reconstructed to prevent further release of material. Neither USEPA nor Ohio EPA have found evidence of releases from any other Waste Management Units (WMUs).

As a result of a 2005 bankruptcy declaration, the facility performed a voluntary site-wide RCRA Facility Investigation (RFI), during which sampling at the BMTS revealed the presence of hazardous constituents in soil. On March 2, 2010, Delphi submitted a risk assessment intended to address the contamination found at the BMTS.

Ohio EPA has reviewed Delphi's *Bulk Material Transfer Station (AOI-04) Risk Assessment Revision*<sup>5</sup> and *Evaluation of Construction Worker Particulate Inhalation Exposure (Supplement)*<sup>6</sup> in response to Ohio EPA's September 14, 2009 comments and is proposing remedies for public comment in order to address the contamination found at the site. Ohio EPA will select the final remedy only after the public comment period has ended and the comments received during this period have been reviewed and considered. In brief, Ohio EPA is proposing that an Environmental Covenant, a mechanism under Ohio law that can be used to restrict property use, be used to address environmental hazards caused by previous industrial activities. Ohio EPA finds that this remedy will further protect public health and the environment by permanently reducing risks to acceptable levels. This corrective measure is in addition to the Post-Closure requirements for the closed surface impoundments.

The Delphi facility is located at 1205 North River Road NE in Warren, Trumbull County, Ohio. (Figure 1) Land use surrounding the site is a combination of residential, mixed commercial/industrial and undeveloped parcels. Neighboring properties include residential developments to the east and west, and industrial and commercial businesses to the south; with the Warren Outer Belt immediately north of the site.

In 2011, the facility was divided into two parcels. One parcel, containing the closed surface impoundments, was sold to IRG Warren I, LLC, of Downey, California (IRG). The anticipated future use is commercial (retail sales of fireworks). The remaining parcel, containing the BMTS, was retained by Delphi. The anticipated future use is commercial/industrial. This Statement of Basis addresses both parcels.

## **2.0 PUBLIC INVOLVEMENT**

The Ohio EPA is seeking comments from the public on the proposed remedy presented in this document. The actual approval for the final remedy will only be made after the comments received during the public comment period have been reviewed and analyzed. Ohio EPA will consider all public comments on this Statement of Basis and Draft Permit Modification. All written and oral comments received during the public comment period will be summarized and addressed in the Responsiveness Summary of the final Permit Modification.

The documents which have been submitted to Ohio EPA on this matter by Delphi are available for review by the public at Ohio EPA's Northeast District Office, Division of Materials and Waste Management, 2110 E. Aurora Road, Twinsburg, Ohio 44087.

Your comments may either be submitted in writing by mail or e-mail to:

Ohio EPA, Division of Materials and Waste Management  
Engineering, Remediation and Authorizations Section  
P.O. Box 1049, Columbus, Ohio 43216-1049  
dmwmcomments@epa.state.oh.us

The comment period for this Statement of Basis will run from July 26, 2012 through September 9, 2012. Written comments regarding information contained in this Statement of Basis must be submitted before the end of the public comment period. The comment period may be extended by Ohio EPA if a specific request for a comment period extension is received within the original comment period. All persons including Delphi and IRG may submit written comments relating to this matter.

## **3.0 FACILITY BACKGROUND**

Delphi Automotive Systems, LLC (formerly known as Delphi Packard Electric) is located in Trumbull County at the intersection of North River Road and Larchmont Avenue, Warren, Ohio. (Figure 2) The facility property is zoned industrial. Prior to plant construction, the land was used for agricultural purposes.

Delphi started its operations in Warren in 1954. Known then as Packard Electric, the facility was a division of the General Motors Corporation. The facility's past processes included

drawing, forming and coating copper wire, extrusion and molding of plastic parts and wire insulation, fabricating and coating metal parts, preparing wire leads, and assembly of finished wiring products. Other support functions at the facility included a wastewater treatment plant, warehousing and offices.

Delphi closed four hazardous waste surface impoundments which were used for wastewater solids settling prior to installation of process wastewater treatment facilities in 1986. All contaminated sludges, waste residues, piping, and liners associated with the surface impoundments were removed in 1986, when closure of the surface impoundments started.

The impoundments were subsequently filled in with native materials and certified closed by the facility on January 2, 1991. The Ohio EPA accepted the certification on January 27, 2004. The facility initiated corrective action ground water removal in November 1989. On January 6, 2004, Delphi was granted a Temporary Authorization to cease the extraction of groundwater in order to evaluate the effectiveness of the system. The facility subsequently submitted a revised Post-Closure Plan, which was approved on July 14, 2004, and included the designation of 'sentry wells', a modified sampling schedule and analytical parameters, and eliminated ground water extraction. Following the incorporation of Ohio EPA comments, the facility implemented the revised Post-Closure Plan and incorporated it into their permit renewal submittal. The revised plan included the installation of MW-20 to serve as a down gradient sentry well.

Trichloroethene (TCE) is the main organic contaminant, for which the Maximum Contaminant Level (MCL) is 0.005 mg/l. It is found at plume well MW-7 at concentrations historically ranging from 0.007 to 0.039 mg/L. The last few years this concentration has been consistently ranging from 0.027 to 0.030 mg/L. Historically, TCE was reported at MW-3 that is located between MW-7 and the northwest quadrant of the waste management unit at concentrations of 0.005 to 0.010 mg/L. MW-3 was dropped from the ground water sampling program after implementation of the sentry well program. MW-20 is located downgradient of MW-7 and is the sentry well for ground water flow in this direction. TCE has not been observed in MW-20 (See Figure 3).

Over time the TCE plume has been remarkably stable with cis-1,2-Dichloroethene at concentrations below its maximum contaminant level (MCL, i.e. drinking water standard) being the only daughter product detected with any regularity. The origin of the TCE has never been identified with certainty. However, it is assumed to come from the waste management unit. Since it is present above the MCL, long term ground water monitoring is required.

A RCRA Part B permit application was submitted in 1985 for six RCRA regulated units. These units included two drum storage areas (since clean closed) and four lined surface impoundments. The original permit was for storage and treatment of hazardous wastes.

Delphi currently maintains a hazardous waste permit for Post-Closure and Corrective Action activities only. The units are currently in Post-Closure as required by Ohio law to ensure the effectiveness of the clean-up of these units. Post-Closure activities include groundwater monitoring, sampling and analysis. The facility is no longer extracting and treating groundwater from the closed surface impoundments.

## 4.0 SUMMARY OF BMTS INVESTIGATION RESULTS

The former Bulk Material Transfer Station (BMTS), located in the southeast corner of the site, is an inactive unit formerly used for the transfer of phthalate plasticizers for storage inside the adjacent inactive Enamel Building. Operations at the BMTS concluded in the early 1990s. The Final RCRA Facility Assessment (RFA) Preliminary Review/Visual Site Inspection (PR/VSI) Report dated August 1987 indicated contaminated soil was detected in the area of the BMTS in 1985. The soil had become contaminated by seepage of materials through construction joints in the concrete flooring. Contaminated soil was excavated and removed for offsite disposal in 1985. The area was then reconstructed to prevent further contamination.

On January 4, 2007, and February 14, 2007, Delphi submitted information and analytical data regarding contamination found during voluntary environmental investigations performed at the Delphi facility, triggered by Delphi's 2005 bankruptcy filing. Specifically, sampling performed at the BMTS indicated elevated levels of hazardous constituents in soil exceeding risk-based screening criteria. The BMTS is subject to Corrective Action under OAC Rule 3745-54-101 and initial remediation of the BMTS was considered an Interim Measure (IM) in Condition E.6 of the October 19, 2005 Ohio hazardous waste operating permit<sup>7</sup>.

To assess the significance of soil data collected at the BMTS, a risk assessment which evaluates reasonable maximum exposures to constituents in soil at the BMTS under current and reasonably expected future industrial use of the site was submitted by Delphi to Ohio EPA on March 2, 2010 for review. For expediency, potential risks associated with current and reasonably expected future soil exposures as part of continued industrial operations were evaluated using default Ohio EPA exposure factors, toxicity values and physical/chemical parameters provided in the Closure Plan Review Guidance for RCRA Facilities<sup>8</sup>.

The exposure scenarios considered include routine workers', maintenance workers' and construction workers' direct contact with soil, soil vapor intrusion into indoor air of industrial buildings and off-site resident exposure to wind-blown dust during maintenance or construction activities. The risk estimates using maximum detected concentrations for most chemicals and upper confidence limits on the mean (UCLs) concentration for certain chemicals meet the cancer risk and non-cancer Hazard Index goals established by USEPA of  $1 \times 10^{-4}$  and 1, respectively. In addition, all of these exposures meet the Ohio EPA preferred cancer risk goal of  $1 \times 10^{-5}$ .

The significance of potential soil leaching to groundwater at the BMTS was evaluated by comparing soil data to the criteria calculated for protection of a hypothetical drinking water source. None of the maximum concentrations detected in soil exceed the calculated soil migration to groundwater criteria, with the exception of arsenic at boring GP-201, which is not a constituent associated with known or potential uses or releases at the BMTS.

In addition, the maximum detected arsenic concentration in soil (16.9 mg/kg) is within the range of typical background range of 5.2 to 22 mg/kg reported for Ohio soils<sup>9</sup>. When the concentrations at this boring are depth-averaged to further assess the potential significance of

soil concentrations at this location with respect to the soil-to-groundwater pathway, the resulting concentration (14 mg/kg) is slightly above the upper limit of an arsenic background concentration in soil that can be regarded as a "normal occurrence" identified in the CPRG (13 mg/kg). Therefore, arsenic is not expected to result in significant exposure via potable groundwater use beyond those likely from normally occurring background soil concentrations. Further, the shallow water bearing unit is not currently used, nor reasonably likely to be used in the future, for a source of potable water at or near the site. Nevertheless, while evaluating the site, it was assumed that ground water site-wide would be restricted through an institutional control. Ohio EPA therefore is proposing ground water restrictions (see below).

The majority of the site is covered by buildings or pavement and most exposed soil is present in landscaped areas. The site is underlain by 20 to 25 feet of clay-rich ground moraine overlying bedrock. The upper 20 feet of overburden till consists of brown silty sand, with thin layers of blue-gray clayey silt. Gray clay with some gravel is present from 20 to 27 feet below ground surface (bgs). Weathered shale is present from 27 feet to 35 feet bgs. Beneath 35 feet, bedrock is present; the top 50 to 60 feet of bedrock consists of alternating thin shale and sandstone layers of the Orangeville Shale formation. The Berea-Cussewago Sandstone sequence is present beneath the Orangeville Shale formation. Shallow groundwater is encountered at the site at an average depth of 10 feet bgs. There is no known use of groundwater from the shallow water bearing zone at or near the site. Potable groundwater is not currently in use at the facility. The Berea-Cussewago Sandstone is considered a confined aquifer system of local and regional importance for domestic and small municipal water supplies<sup>10</sup>.

## 5.0 DESCRIPTION AND EVALUATION OF PROPOSED REMEDIES

Two areas of the facility have residual contamination that is present in concentrations unacceptable for unlimited future use: The closed surface impoundments, and the former BMTS.

The closed surface impoundments are being maintained and monitored under an Approved Post-Closure Plan. The remedy was proposed, given public notice, and finalized through the closure process. **Ohio EPA is proposing that no further action is required for the surface impoundments**, beyond the site-wide Environmental Covenant(s) noted below.

For a proposed remedy to be considered a viable remedy when implemented, it must meet the threshold criterion that it be protective of human health and the environment. An option of "no action" to be implemented to address the contaminated soils remaining at the BMTS unit is not acceptable to Ohio EPA. Even though current use of the property is industrial and the current levels of contaminants present in the soils are not harmful to workers on site who come into direct contact with these soils, there is no legally enforceable mechanism in place to prevent the property from being converted to residential or other uses in the future. There is also no legally enforceable mechanism beyond local ordinances (if any) to restrict ground water from potable use.

To ensure the affected portion of the property continues to be used only for industrial purposes (for which the risk assessment was conducted), **Ohio EPA proposes as a remedy that the property owner (Delphi) and Ohio EPA enter into an Environmental Covenant for the former BMTS.** An Environmental Covenant is a legally enforceable mechanism that would describe the affected portion of the facility, limit its use to industrial purposes and restrict the use of ground water. The Covenant would list appropriate land use while also describing what uses would not be allowable. The Covenant would run with the land and attach to the property deed and could not be changed without the written agreement of both the property owner and Ohio EPA even if the property was sold at some point in the future. Ohio EPA would monitor the property periodically to ensure that its use was consistent with the allowed uses listed in the Covenant.

**Environmental Covenant** – Ohio EPA proposes that use of the site in the vicinity of the former BMTS will be restricted to industrial purposes only, through enactment of an Environmental Covenant, an enforceable mechanism under Ohio law that can be used to restrict property use. This restriction will run with the land and will be binding upon all future property owners should the property be sold. The Environmental Covenant will include a legal description of the subject portion of the property, identifying the contaminated areas and describe acceptable and unacceptable land uses. Ohio EPA will monitor the property owner's adherence to the Environmental Covenant to ensure continued protection of human health and the environment. The types of limitations for this property include:

Industrial land use limitations. The Property shall not be used for residential or agricultural activities, but may be used for certain industrial activities. The term "residential activities" shall include, but not be limited to, the following:

- a. Single and multi-family dwelling and rental units;
- b. Day care centers and preschools;
- c. Hotels and motels;
- d. Educational (except as a part of industrial activities within the Property) and religious facilities;
- e. Outdoor Parks and Playgrounds;
- f. Correctional Facilities;
- g. Hospitals and other extended care medical facilities (except as a part of industrial activities within the Property);
- h. Transient or other residential facilities; and
- i. Production of food-chain products by agricultural means for animal or human consumption.

The term "industrial activities" shall include but is not limited to, facilities which supply goods or services to the public and facilities engaged in manufacturing, formulating, repackaging or refining operations and office and warehouse use, including but not limited to production, storage and parking/driveway use.

Contacts with local government authorities indicate the property is zoned industrial and that anticipated future use is industrial. Ohio Revised Code 5301.87 provides that an environmental

covenant does not displace other restrictions such as land use laws, zoning codes, building codes, and subdivision requirements.

### **Environmental Covenant(s) - Ground Water Restrictions**

The risk assessment conducted during the Interim Measures investigation evaluated ground water as a potential contaminant transport pathway. Shallow ground water is encountered at an average depth of ten feet below ground surface. Observed yields are less the 0.5 gallons per minute, vertical hydraulic conductivity is low, and there are no identifiable users of the ground water at or near the facility. Ground water was therefore eliminated from the risk assessment as a potable use pathway, with the assumption that future use would be restricted with an Environmental Covenant. This restriction would apply to site-wide ground water, not just in the vicinity of the BMTS. There is known ground water contamination in the vicinity of the closed surface impoundments. Also, even though the natural ground water quality is poor, and there is a low potential for impact from leaching, Ohio EPA has determined that restrictions are needed to ensure the long term protectiveness of the overall remedial action.

Therefore, **Ohio EPA proposes as a remedy that both property owners (Delphi and IRG) and Ohio EPA enter into an Environmental Covenant(s)** stipulating that groundwater located beneath the Subject Property shall not be extracted or used for any purpose other than monitoring the environmental condition of such groundwater and/or surrounding property, or remedial purposes.

## **6.0 CONCLUSION**

The Ohio EPA can modify the proposed remedies based on new information or public comments. The public can be involved in the remedy approval process by reviewing this Statement of Basis and the documents contained in the administrative record. Any person may submit written comments relevant to the Statement of Basis during the comment period or may request a public meeting to be held within forty-five days of the issuance of the public notice. The Ohio EPA will select the final remedy only after the public comment period has ended and the information submitted during this time has been reviewed and considered. The Ohio EPA has set a public comment period from July 26, 2012 through September 9, 2012 to encourage public participation in the selection process.

\*\* A storm water impoundment and two outfalls, located west of the facility across Larchmont Avenue, were investigated by Delphi as part of the voluntary RFI. Elevated levels of potential constituents of concern, mostly polynuclear aromatic compounds, were identified in a few areas. Although Delphi discharged storm water to this impoundment, numerous other businesses along Larchmont Avenue also discharge to this impoundment. The contaminant profile is what one would expect to see in typical run-off from streets and parking lots. The impoundment is not contiguous with the facility, and not subject to Corrective Action under RCRA.

## 7.0 REFERENCES

1. Certification of Closure, Ohio EPA Northeast District Office Correspondence File, January 2, 1991.
2. Certification of Closure Acceptance, Ohio EPA Northeast District Office Correspondence File, January 27, 2004.
3. RCRA Surface Impoundments Post Closure Plan, approved July 14, 2004 (most recent revision 2008), Hazardous Waste Part B Permit and Application, Ohio EPA Northeast District Office.
4. USEPA, Final RCRA Facility Assessment (RFA) Preliminary Review/Visual Site Inspection (PR/VS) Report, August 1987, Ohio EPA Northeast District Office.
5. Delphi Corporation, Bulk Material Transfer Station (AOI-04) Risk Assessment Revision, March 2, 2010, Ohio EPA Northeast District Office.
6. Delphi Corporation, Evaluation of Construction Worker Particulate Inhalation Exposure (Supplement), March 11, 2010, Ohio EPA Northeast District Office.
7. Hazardous Waste Part B Permit and Application, Ohio EPA Northeast District Office.
8. Closure Plan Review Guidance for RCRA Facilities, October 2009, Ohio Environmental Protection Agency.
9. Boerngen, J.G, and Shacklette, H.T. 1981. Chemical analysis of soils and other surficial materials of the conterminous United States. U.S. Geological Survey Open-File Report 81-197.
10. Delphi Corporation, Bulk Material Transfer Station Field Investigation Report, November 12, 2008, Ohio EPA Northeast District Office.

**Figure 1 – Site Location**



**Figure 2 – Site Layout in 2012**

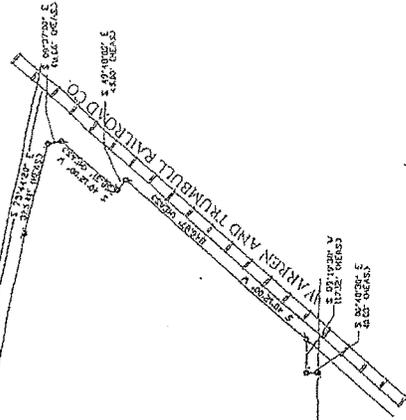
APR 16 2012

LOT 11A SPLIT PLAT

FOR PARCELS OPENED BY  
S.R. 5 (VARIES)

SECTION IN THE TOWN OF WARREN, IN THE COUNTY OF WASHINGTON, DISTRICT OF COLUMBIA, AND THE TOWN OF WASHINGTON, DISTRICT OF COLUMBIA, FOR THE PURPOSE OF SPLITTING THE LOT 11A SPLIT PLAT INTO TWO LOTS, ONE BEING 1.00 ACRES AND THE OTHER BEING 0.50 ACRES, AS SHOWN ON THE ATTACHED MAP.

S.R. 5 (VARIES)

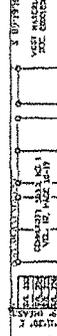


IRG Warren, LLC

PARCEL "A"

EXISTING ADJACENT TO THE WEST AND SOUTH OF THE PROPERTY LINE. THE ADJACENT PROPERTY IS OWNED BY IRG WARREN, LLC. THE ADJACENT PROPERTY IS SHOWN ON THE ATTACHED MAP.

Former RCRA Surface Impoundment Area under post-closure monitoring



Property Line

PHOENIX ROAD (25')

Delphi Automotive Systems, LLC

EXISTING BUILDING

PARCEL "B"

27,524 ACRES

0.204 ACRES (20.4%)

PHOENIX ROAD (25')

NORTH RIVER ROAD (60') - CH. 142



- LEGEND
- 0 - Road per DC code books
  - 1 - 1/2" wide flat set 1/4" x 1/4" marked "X" above 701"
  - 2 - 1" x 1" square set

THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. THE PLAN IS SUBJECT TO THE APPROVAL OF THE DISTRICT ENGINEER OF THE DISTRICT OF COLUMBIA. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

DATE: 04/16/2012

CURVE	LENGTH	START	END	PC	PT	PI	PT	PC
1	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
2	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

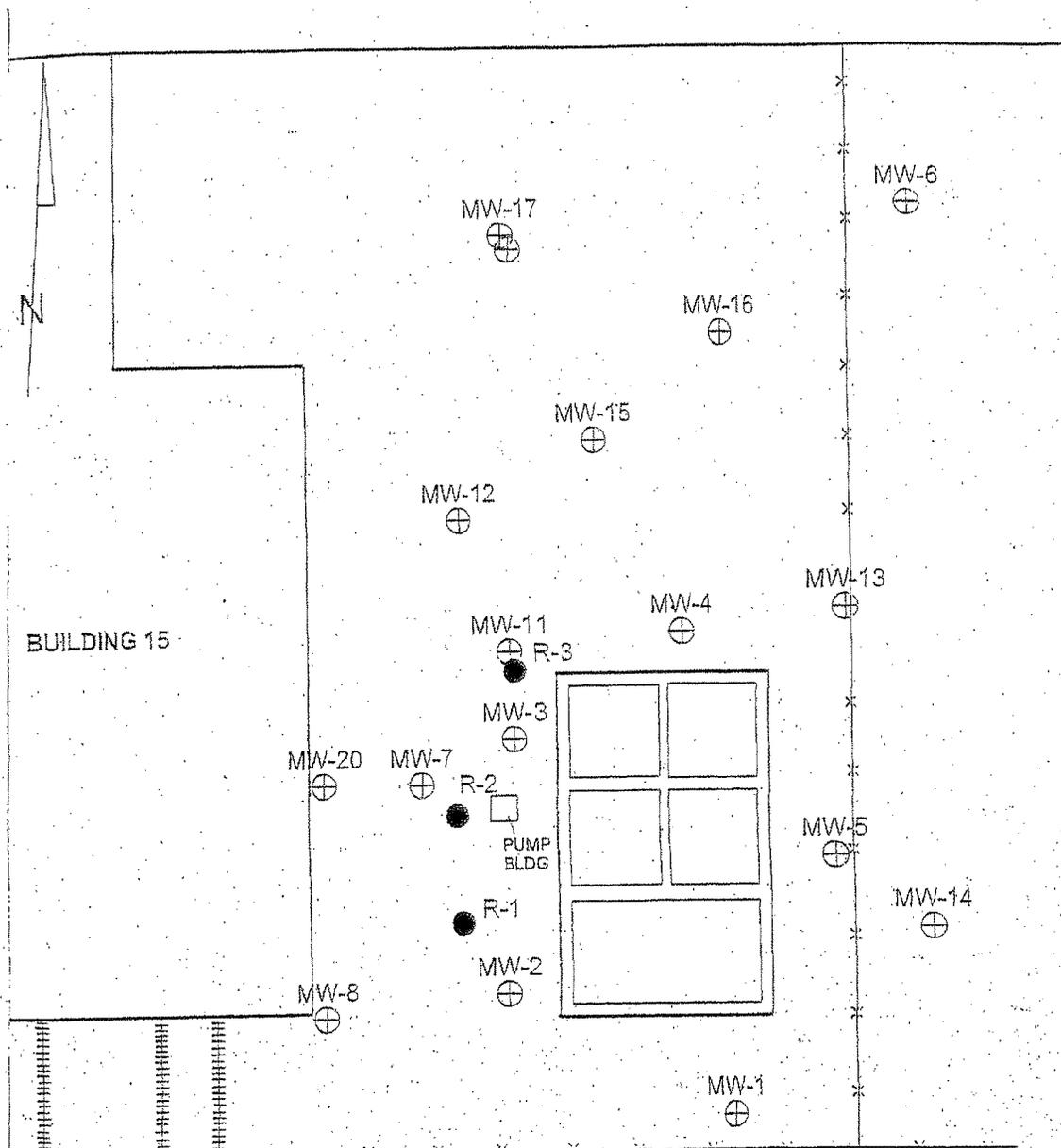
GRAPHIC SCALE



ALBANY SURVEYING CO.  
1000 W. 10th Street, Suite 100  
Columbus, OH 43260  
614.291.1100  
www.albany-surveying.com

**Figure 3 – Well Locations and Ground Water Flow**

[Includes 3 drawings: 11/30/05 Figure 1; 12/14/05 Figure 1; 12/14/05 Figure 2]



**LEGEND**

- ⊕ MONITORING WELL
- RECOVERY WELL

SCALE:	
(FEET) 0 50 100 150	
DATA FILE: JUSTWELS*.DAT	SURFER FILE: SENTRYALL.SRF
DRAWING DATE: 11/30/2005	DRAWING NO.: FIGURE 1

DELPHI AUTOMOTIVE SYSTEMS  
 NORTH RIVER ROAD  
 WARREN, OHIO  
 SENTRY WELL  
 MONITORING SYSTEM

N

BUILDING 15

MW-8

MW-17



MW-18

MW-16



MW-15



MW-12



MW-4



MW-11 R-3



MW-3



MW-7



R-2



PUMP BLDG

R-1



MW-2



MW-6



MW-13



MW-5



MW-14



MW-1



**LEGEND**

⊕ MONITORING WELL

● RECOVERY WELL

SCALE: (FEET) 0 50 100 150

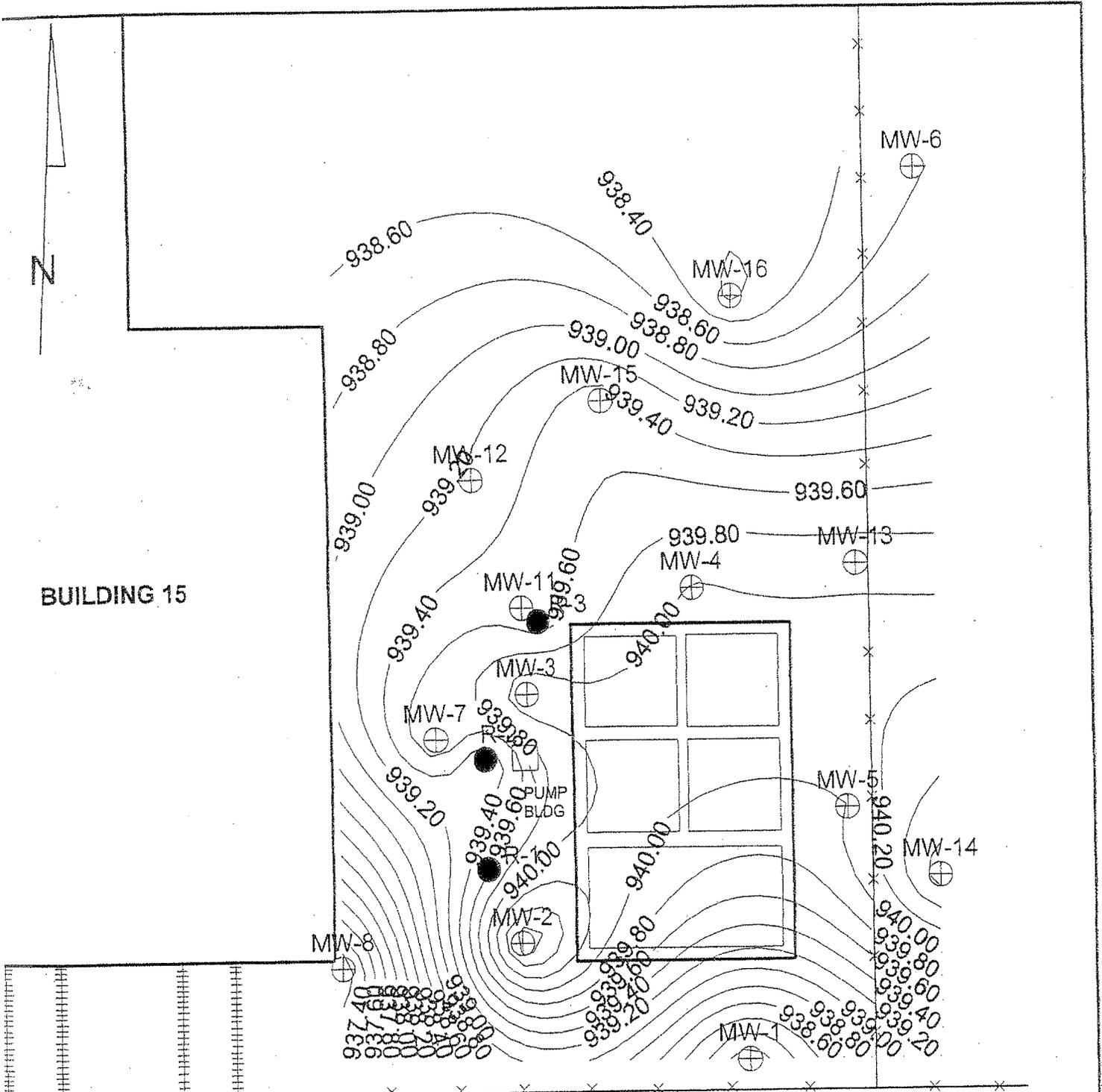
DATA FILE: JUSTWELS.DAT SURFER FILE: CAMSMAP.SRF

DRAWING DATE: 12/14/2005 DRAWING NO.: FIGURE 1

DELPHI AUTOMOTIVE SYSTEMS

NORTH RIVER ROAD  
WARREN, OHIO

CORRECTIVE ACTION  
MONITORING SYSTEM



**LEGEND**

- ⊕ MONITORING WELL
- RECOVERY WELL

SCALE:	
(FEET) 0 50 100 150	
DATA FILE: WLS04-05.DAT	SURFER FILE: WLS04-05.SRF
DRAWING DATE: 12/14/2005	DRAWING NO.: FIGURE 2

**DELPHI AUTOMOTIVE SYSTEMS**  
 NORTH RIVER ROAD  
 WARREN, OHIO  
 GROUNDWATER ELEVATION  
 CONTOURS 12/14/2005

**Table 1**  
**Information on Identified WMUs and Determination of RFI Status**  
**(Adapted from PR/VS1)**

Unit	Description	Status	Notes on RFI/Corrective Action
1	Old Drum Storage Area	Closed	No Further Action - Closed with approved closure plan, no indication of release during inspection
2	New Drum Storage Area	Closed	No Further Action - Closed with approved closure plan. Currently being used as a less than ninety day accumulation area. Subject to generator closure.
3	Enamel Storage building	Building Demolished	No Further Action - Closed with approved closure plan, no indication of release during inspection
4	Bulk Material Transfer Station	Inactive	Unit subject of Interim Measure investigations, meets industrial risk-based standards
5	Lift Station #701	Active	No Further Action - Regulated under CWA, no indication of release during inspection
6	Lift Station #703	Active	No Further Action - Regulated under CWA, no indication of release during inspection
7	Lift Station #705	Active	No Further Action - Regulated under CWA, no indication of release during inspection
8	Recirculation Tank #702	Removed	No Further Action - Tank demolished and removed in 1993, no concerns during inspection.

Unit	Description	Status	Notes on RFI/Corrective Action
9	Wastewater Tank #704	Active	No Further Action - Regulated under CWA, no indication of release during inspection
10	Wastewater Tank #706	Active	No Further Action - Regulated under CWA, no indication of release during inspection
11	Wastewater Tank #708	Inactive	No Further Action - Regulated under CWA, no indication of release during inspection
12	Wastewater Tank #709	Inactive	No Further Action - Regulated under CWA, no indication of release during inspection
13	Wastewater Treatment Building Sump #730	Active	No Further Action - Regulated under CWA, no indication of release during inspection
14	Trench Sump #717	Active	No Further Action - Regulated under CWA, no indication of release during inspection
15	Wastewater Tank #711	Removed	No Further Action - Tank demolished and removed in 1993, no indication of release during inspection
16	Wastewater Tank #713	Removed	No Further Action - Tank demolished and removed in 1993, no indication of release during inspection
17	Wastewater Tank #712	Inactive	No Further Action - Regulated under CWA, no indication of release during inspection
18	Wastewater Tank #714	Inactive	No Further Action - Regulated under CWA, no indication of release during inspection

Unit	Description	Status	Notes on RFI/Corrective Action
19	Wastewater Tank #716	Inactive	No Further Action - Regulated under CWA, no indication of release during inspection
20	Wastewater Tank #715	Inactive	No Further Action - Regulated under CWA, no indication of release during inspection
21	Wastewater Tank #718A	Active	No Further Action - Regulated under CWA, no indication of release during inspection
22	Wastewater Tank #718B	Active	No Further Action - Regulated under CWA, no indication of release during inspection
23	Andco Heavy Metals Removal Units	Inactive	No Further Action - Regulated under CWA, no indication of release during inspection
24	Heavy Metals Treatment Degas Tank	Inactive	No Further Action - Regulated under CWA, no indication of release during inspection
25	Heavy Metals Treatment Clarifier	Inactive	No Further Action - Regulated under CWA, no indication of release during inspection
26	Heavy Metals Treatment Sludge Thickening Tank	Removed	No Further Action - removed from service in 1993, no indication of release during inspection.
27	Andco Filter Press	Removed	No Further Action - removed from service in 1993, no indication of release during inspection.
28	Filter Press #402	Active	No Further Action - Regulated under CWA, no indication of release during inspection
29	Sludge Thickening Tank	Active	No Further Action - Regulated under CWA, no indication of

Unit	Description	Status	Notes on RFI/Corrective Action
			release during inspection
30	Clarifier #301	Active	No Further Action - Regulated under CWA, no indication of release during inspection
31	Clarifier #302	Active	No Further Action - Regulated under CWA, no indication of release during inspection
32	Sand Filter #1	Active	No Further Action - Regulated under CWA, no indication of release during inspection
33	Sand Filter #2	Active	No Further Action - Regulated under CWA, no indication of release during inspection
34	Sand Filter #3	Active	No Further Action - Regulated under CWA, no indication of release during inspection
35	Clean Water Sump #722	Removed	No Further Action - Removed in 1995 and replaced with a clean water tank, no indication of release during inspection
36	Wastewater Tank #733A	Active	No Further Action - Regulated under CWA, no indication of release during inspection
37	Wastewater Tank #733B	Active	No Further Action - Regulated under CWA, no indication of release during inspection
38	Wastewater Inflow Sump	Active	No Further Action - Regulated under CWA, no indication of release during inspection
39	Skimmed Oil Tank	Removed	No Further Action - Tank demolished and removed in 1997, no concerns during inspection.

Unit	Description	Status	Notes on RFI/Corrective Action
40	Waste Compound Storage Tank	Active	No Further Action – Tank did have indication of release at time of inspection, this was investigated by the facility and it was determined that no hazardous constituents were released to the environment, also there is no potential for future releases. See letter from Delphi dated June 14, 2005.
41	Lime Slurry Settling Lagoon	Inactive/closed	No Further Action - Non-RCRA regulated unit.
42	Lined Surface Impoundment	Closed	No Further Action - Closed with approved closure plan, in post-closure process
43	Lined Surface Impoundment	Closed	No Further Action - Closed with approved closure plan, in post-closure process
44	Lined Surface Impoundment	Closed	No Further Action - Closed with approved closure plan, in post-closure process
45	Lined Surface Impoundment	Closed	No Further Action - Closed with approved closure plan, in post-closure process
46	Mill Pond	Inactive/Filled	No Further Action - Taken out of service in 1970, clean filled in 1995.
47	Wastewater Sewer System	Active	No Further Action - Regulated under CWA, no indication of release during inspection
48	Equalization Tank #3	Active	No Further Action - Constructed in 1995, regulated under CWA
49	Clean Water Tank	Active	No Further Action - Constructed in

Unit	Description	Status	Notes on RFI/Corrective Action
			1995, regulated under CWA
50	Sand Filter #4	Active	No Further Action - Constructed in 1995, regulated under CWA
51	Sand Filter #5	Active	No Further Action - Constructed in 1995, regulated under CWA
52	Sand Filter Backwash Reject Tank	Active	No Further Action - Constructed in 1995, regulated under CWA
53	Lamella Clarifier	Active	No Further Action - Constructed in 1995, regulated under CWA
54	Compliance Tank #1	Inactive	No Further Action - Constructed in 1995, regulated under CWA
55	Compliance Tank #2	Inactive	No Further Action - Constructed in 1995, regulated under CWA

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

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

Date of Issuance:  
Effective Date:

U.S. EPA ID No. OHD 000 817 346

**Name of Permittee:** IRG Warren I, LLC and Delon Automotive Systems, LLC  
**Mailing Address:** P.O. Box 431 Station 10B  
Warren, OH 44486  
**Facility Location:** North River Road at Larchmont Avenue  
Warren, OH 44483  
**Person to Contact:** Mr. John A. Martin

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

The Ohio Hazardous Waste Facility Installation and Operation Permit with the above-referenced permit number as issued by the Ohio Environmental Protection Agency and journalized on October 19, 2005, is hereby incorporated by reference in its entirety, except as it may be modified herein.

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

The modified Terms and Conditions of this permit are attached hereto and are incorporated herein by reference. The modified Terms and Conditions supersede and replace the corresponding pages found in the October 19, 2005 renewal permit.

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Scott J. Nally  
Director

## MODULE E - CORRECTIVE ACTION REQUIREMENTS

### E. Corrective Action Requirements

The Permittee has closed the following waste management units in compliance with approved closure plans: an obsolete drum storage pad, enamel storage building trench and sumps, four surface impoundments which are in post-closure care and the enclosed drum storage area with four underground sumps as part of the secondary containment system.

~~During a 1987 RCRA Facility Investigation, 47 areas of the facility were identified as Waste Management Units (WMUs), and in 1995 due to an upgrade to the water treatment system 8 additional WMUs were identified. After a subsequent inspection by Ohio EPA on April 26, 2005, it was determined that no further action is required for any of the already identified units. See Permit Condition E.3 and Attachment 1 for more information on the WMUs.~~

~~Ohio EPA accepted the closure certification of the four hazardous waste surface impoundments on January 27, 2004. The closed surface impoundments, which are the source of ground water contamination (not extending beyond the limits of the unit), are currently under post-closure care under an approved plan (see Module F).~~

~~In addition to the four surface impoundments, other Waste Management Units (WMUs) were identified in the Final RCRA Facility Assessment (RFA) Preliminary Review/Visual Site Inspection (PR/VS) Report performed by USEPA in August 1987. According to the PR/VS, contaminated soil was detected in the area of the Bulk Material Transfer Station (BMTS) in 1985. At that time contaminated soil was removed and the area reconstructed to prevent further release of material. In 2006 and 2007, the facility performed a voluntary site-wide RCRA Facility Investigation (RFI), during which sampling at the BMTS revealed the presence of hazardous constituents in soil. On March 2, 2010 Delphi submitted a risk assessment intended to address the contamination found at the BMTS. Ohio EPA has reviewed Delphi's Bulk Material Transfer Station (AOI-04) Risk Assessment Revision and Evaluation of Construction Worker Particulate Inhalation Exposure (Supplement) and has determined remedies in order to address the contamination found at the site.~~

~~Neither USEPA nor Ohio EPA have found evidence of releases from any other Waste Management Units (WMUs).~~

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

In accordance with OAC Rule 3745-50-10 "waste management unit" means any discernible unit at which solid waste, hazardous waste, infectious waste (as those terms are defined in ORC Chapter 3734), constructions and demolition debris (as

defined in ORC Chapter 3714) industrial waste, or other waste (as those terms are defined in ORC Chapter 6111), has been placed at any time, irrespective of whether the unit was intended for the management of waste or hazardous waste. Such units include any area at a facility at which wastes have been routinely and systematically released. For the purpose of Corrective Action, facility is defined as all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. The terms Interim Measure (IM), RCRA Facility Investigation (RFI), Corrective Measures Study (CMS) and Corrective Measure Implementation (CMI) are defined in U.S. EPA's ~~EPA's~~ Corrective Action Plan (CAP) (OSWER Directive 9902.3-2A, May 1994).

The Permittee must institute Corrective Action as necessary to protect human health and the environment for all releases of hazardous wastes or hazardous constituents from any waste management units (WMUs) at the Facility, regardless of the time at which waste was placed in such units.

E.2 Corrective Action Beyond the Facility Boundary  
OAC Rule 3745-54-101

The Permittee must implement Corrective Action 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

~~On September 11, 1992 the Permittee and the Ohio EPA received a copy of a RCRA Facility Assessment (RFA) from U.S. EPA identifying all known waste management units. There were 47 units identified; 33 representing a low potential for release, the other units were addressed with permitting and closure. On April 26, 2005 Ohio EPA inspected the facility to help determine if a RFI was needed for the units. At the time of the inspection the only unit that was of concern was Unit 40, the Waste Compound Storage Tank. It was fully investigated by the facility and it has been shown that there has been no release to the environment from Unit 40. Table 1 found in the Attachment 1 to this permit identifies the WMUs and indicates why no further action is required on each unit.~~

~~A release has been identified at Units 42-45, the Lined Surface Impoundments.~~

The volume capacity of the four surface impoundments was approximately 80,000 gallons. Hazardous waste stored and treated at the facility in the four surface impoundments prior to 1986 include wastes generated by the treatment of electroplating wastewaters and storage of wastewater treatment sludge designated by EPA waste code F006. All contaminated sludges, waste residues, piping, and liners associated with the surface impoundments were removed in 1986. Under the provisions of the closure plan for the surface impoundments approved on December 15, 1989, the surface impoundments have been filled in and capped with natural soils and certified closed on January 2, 1991. The units are currently undergoing post-closure as required by Ohio law to evaluate the effectiveness of the cleanup of these units.

E.4 No Corrective Action Required at this Time  
OAC Rule 3745-54-101

No Corrective Action investigation or implementation is required at this time. The Permittee is conducting post-closure care of the Lines Surface Impoundments, as described in Permit condition E.3, which addresses any releases.

For a list of the WMUs see Table 1.

E.4 Reserved

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

Should Ohio EPA determine that a release to the environment may have occurred event of a newly discovered unit, the Permittee shall must conduct an RFI to thoroughly evaluate the nature and extent of the release of hazardous waste(s) wastes and hazardous constituent(s) constituents from all applicable WMUs identified WMUs as referenced above, and in Permit Condition E.10.

The major tasks and required submittal dates are shown below. The scope of work for each of the tasks is found in U.S. EPA's EPA's CAP.

- (  
a) RFI Workplan

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

~~(i)~~ ~~Within forty five (45)~~(i) If necessary, Ohio EPA shall provide written comments on the RFI Workplan to the Permittee.

(ii) Within 45 days of receipt of any Ohio EPA comments on the RFI Workplan, the Permittee must submit either an amended or new RFI Workplan that addresses~~incorporates~~ Ohio EPA's EPA's comments.

~~(iii)~~ Ohio EPA will approve or modify and approve, in writing, the amended or new RFI Workplan. The RFI Workplan, as approved or as modified and approved, 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 must implement the RFI Workplan according to the terms and schedule in the approved RFI Workplan.

(c) RFI Final Report

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

~~(i)~~ ~~(i)~~ If necessary, Ohio EPA shall provide written comments on the RFI Final Report to the Permittee.

~~(+)(ii)~~ Within forty five (45) days of receipt of any Ohio EPA EPA's comments on the RFI Final Report, the Permittee must submit either an amended or new RFI Final Report that addresses~~incorporates~~ Ohio EPA's EPA's comments.

~~(iii)~~ (iii) Ohio EPA will approve or modify and approve, in writing, the amended or new RFI Final Report. The RFI 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 RFI Final Report must be authorized by Ohio EPA.

~~Based on the RFI Final Report or other information documenting a release of hazardous waste or constituents to the environment, Ohio EPA may require (or the Permittee may propose) the development and implementation of an IM (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. The Permittee must implement the IM upon a time frame established by Ohio EPA.~~

## E.7 Determination of No Further Action

### (a) Permit Modification

~~Based on the results of a the completed RFI and other relevant information, the Permittee may submit an application to Ohio EPA for a 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 an unacceptable risk 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, Ohio EPA determines that releases or suspected releases which were investigated either are nonexistent or do not pose an unacceptable risk to human health and the environment, Ohio EPA will approve the requested modification. Decisions regarding the completion of RCRA Corrective Action and no further action may be made for the entire Facility, for a portion of the Facility, or for a specific unit or release.~~

### (b) Periodic Monitoring

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

### (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 potential release from a WMU at the Facility may pose an unacceptable risk 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 develop a Work Plan and upon Ohio EPA approval of that Work Plan, perform additional investigations as needed.

#### E.8 Corrective Measures Study (CMS)

If Ohio EPA determines, based on the results of the RFI and any other relevant information, that corrective measures are necessary, Ohio EPA will notify the Permittee in writing that the Permittee must conduct a CMS either as described below or as described in Ohio EPA's notification to the Permittee. The purpose of the CMS will be to develop and evaluate the corrective action alternative(s) and to outline one or more alternative corrective measure(s) that will satisfy the performance objectives specified in Permit Condition E.9.

##### (a) CMS Workplan

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

(i) Within forty-five (45) ~~90~~ days of receipt of any Ohio EPA comments, the Permittee must submit either an amended or new CMS Workplan that addresses ~~incorporates~~ Ohio EPA's ~~EPA's~~ comments.

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

##### b) CMS Workplan Implementation

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

##### (c) CMS Final Report

Within sixty (60) days after the completion of the CMS, the Permittee must submit a CMS Final Report to Ohio EPA. The CMS Final Report must

summarize the results of the investigations for each remedy studied and must include an evaluation of each remedial alternative.

(i) If necessary, Ohio EPA shall provide written comments on the CMS Report to the Permittee.

~~(ii)(i) Within forty five (45) days of receipt of any Ohio EPA comments, the Permittee must submit either an amended or new CMS Final Report that addresses incorporates Ohio EPA's EPA's comments.~~

(iii) Ohio EPA ~~will~~ 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, ~~must~~ 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 must implement one or more of the Corrective Measures authorized by Ohio EPA. Ohio EPA will authorize one or more of the Corrective Measures in the CMS, and will notify the Permittee in writing of the decision. The Corrective Measure selected for implementation must: (1) be protective of human health and the environment; and as applicable, (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 (2) or more of the Corrective Measures studied meet the threshold criteria set out above, Ohio EPA will authorize the Corrective Measures Implementation by considering Ohio EPA considered, as applicable, 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.~~

(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 must not implement the corrective measure until the permit is modified pursuant to OAC Rule 3745-50-51.

(b) Financial Assurance  
OAC Rule 3745-54-101

Within forty five (45) days after receiving approval of the CMI, the Permittee must provide financial assurance in the amount necessary to implement the corrective measure(s) as required by OAC Rule 3745-54-101 (B) and (C). Ohio EPA has reviewed the Permittee's Bulk Material Transfer Station (AOI-04) Risk Assessment Revision and Evaluation of Construction Worker Particulate Inhalation Exposure (Supplement) and has determined remedies in order to address the contamination found at the site.

Based upon this review, the remedy selected is the Environmental Covenant. The Environmental Covenant will eliminate the potential for residential land use on a designated portion of the facility, and restrict ground water use. The Permittee shall initiate entering into an Environmental Covenant within sixty (60) days of issuance of this Permit Modification. The Environmental Covenant will be for the entire facility.

An Environmental Covenant pursuant to Ohio Revised Code ("ORC") §§ 5301.80 to 5301.92 is a legally enforceable mechanism that will delineate the affected areas of the property and impose use and/or activity limitations on those areas. The Covenant will run with the land and be binding upon existing and any future property owner should the property be sold. Ohio EPA will monitor the Facility owner's adherence to the Environmental Covenant to ensure continued protection of human health and the environment. The types of limitations for this property include:

**Industrial land use limitations.** The Property in the vicinity of the former BMTS shall not be used for residential, commercial (other than those associated with and incidental to industrial operations) or agricultural activities, but may be used for certain industrial activities. The term "residential activities" shall include, but not be limited to, the following:

- a. Single and multi-family dwelling and rental units;
- b. Day care centers and preschools;
- c. Hotels and motels;
- d. Educational (except as a part of industrial activities within the Property) and religious facilities;
- e. Outdoor Parks and Playgrounds;

- f. Correctional Facilities;
- g. Hospitals and other extended care medical facilities (except as a part of industrial activities within the Property);
- h. Transient or other residential facilities; and
- i. Production of food-chain products by agricultural means for animal or human consumption.

The term "industrial activities" shall include but is not limited to, facilities which supply goods or services to the public and facilities engaged in manufacturing, formulating, repackaging or refining operations, processing operations and office and warehouse use, including but not limited to production, storage, sales of durable goods and other non-food chain products and parking/driveway use.

Site-wide Ground Water Restrictions. Prohibit the extraction of ground water site-wide for any purpose other than monitoring or pursuant to a ground water remedial action on the Facility.

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

(a) General Information

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

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

(b) Release Information

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

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

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

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

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

E.12 Completion of Corrective Action  
OAC Rule 3745-54-101

After completing Corrective Action as necessary to protect human health and the environment for all releases of hazardous wastes or hazardous constituents from any WMUs at the Facility, the Permittee shall submit a Corrective Measures Completion of Work (CMCW) Report. The CMCW Report shall document that Corrective Action construction is complete, cleanup objectives and standards have been met, and any releases of hazardous waste or constituents no longer pose an unacceptable risk to human health and the environment. The CMCW Report may be submitted for any part of the Facility for which corrective measures are complete, or for the entire Facility. The CMCW Report must be submitted as a request for permit modification pursuant to OAC Rule 3745-50-51.

E.13 Documents Requiring Professional Engineer Stamp  
ORC Section 4733.01

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

\_\_\_\_\_ Final Interim Measures Report

———Corrective Measures Final Design

———Corrective Measures Construction Completion Report

———Corrective Measures Attainment of Groundwater Performance Standards Report

———Corrective Measures Completion of Work Report

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

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