



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

December 10, 2014

DuPont Electronic Polymers, L.P.
1515 Nicholas Road
Dayton, Ohio 45417

**Re: DuPont Electronic Polymers, L.P.
Permit - Long Term
Approval
RCRA C - Hazardous Waste
Montgomery County
OHD 004 855 292**

Subject: Renewed Ohio Hazardous Waste Facility Installation and Operation Permit

Dear Sir or Madam:

Here is the renewed Ohio Hazardous Waste Facility Installation and Operation Permit (Permit) for DuPont Electronic Polymers, L.P. (DuPont). I have also enclosed a copy of the Response to Comments Ohio EPA prepared in response to written comments the Agency received concerning the Part B permit application. The Permit is effective today, December 10, 2014. The date-stamped, page-numbered copy of the Part B permit application is also enclosed.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High St., 17th Floor
Columbus, Ohio 43215

DuPont Electronic Polymers, L.P.

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The record related to this action can be retrieved from the Agency's eDocument Search web site: <http://edocpub.epa.ohio.gov/publicportal/edochome.aspx>. Click **Show Advanced** and then search under the document type of **Permit – Long Term**. Refine the search using the facility's RCRA ID number (Secondary ID) which is noted in the RE: block above.

If you have any questions concerning compliance, please contact Jeff Smith of Ohio EPA's Southwest District Office at (937) 285-6357.

Sincerely,



Demetria Crumiell-Hagens, Administrative Professional II
Division of Materials and Waste Management

Attachments

cc: Brad Mitchell, DMWM, CO
Scott Hester, DMWM, CO
Jeremy Carroll, DMWM, CO
Don Vogel, DERR, CO
Todd Anderson, Legal
Darla Peelle, PIC
Jeff Smith, DMWM, SWDO
RCRAInfo
Tim Hull, DERR, SWDO
George Strobel, DMWM, SWDO
Jae Lee, U.S. EPA

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

OHIO E.P.A.
DEC 10 2014
ENTERED DIRECTOR'S JOURNAL

Permittee: **DuPont Electronic Polymers L.P.**

Mailing Address: **DuPont Electronic Polymers L.P.**
1515 Nicholas Road
Dayton, Ohio 45417

Owner: **DuPont Electronic Polymers L.P.**
1515 Nicholas Road
Dayton, Ohio 45417

Operator: **DuPont Electronic Polymers L.P.**
1515 Nicholas Road
Dayton, Ohio 45417

Location: **DuPont Electronic Polymers L.P.**
1515 Nicholas Road
Dayton, Ohio 45417

US EPA ID:	OHD 004 855 292
Issue Date:	December 10, 2014
Effective Date:	December 10, 2014
Expiration Date:	December 10, 2024

AUTHORIZED ACTIVITIES

In reference to the application of DuPont Electronic Polymers L.P. 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:

- **Corrective Action**

PERMIT APPROVAL



Craig W. Butler, 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 10th day of December, 2014.

By Jmy Lassiter 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) The Permittee is authorized to proceed with Corrective Action activities in accordance with the terms and conditions of this Ohio hazardous waste permit (hereinafter "permit"), ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all applicable regulations promulgated under the Resource Conservation and Recovery Act (RCRA). The permit application, as submitted to Ohio EPA on March 21, 2014 and last updated on May 7, 2014, is hereby incorporated into this permit. In the instance of inconsistent language or discrepancies between the above, the language of the more stringent provision shall govern.
- (b) Any management of hazardous waste not authorized by this permit is prohibited, unless otherwise expressly authorized or specifically exempted by law. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, or invasion of other private rights. Compliance with the terms and conditions of this permit does not obviate the 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 Date
OAC Rule 3745-50-54

The effective date of this permit is the date the permit is entered into the Director's Journal. The permit expiration date is 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), and 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 timely submittal of a trade secret claim and 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 Rules 3745-49-03 and 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 the appendix of OAC Rule 3745-51-20, Representative Sampling Methods, or an equivalent method approved by Ohio EPA. Laboratory methods must be those specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, EPA Publication SW-846, Third Edition, as amended by Updates I, II, IIA, IIB, III and IIIA, 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) This 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 that 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 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 Rules 3745-49-03 and 3745-50-30

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 Reserved

A.27 Reserved

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

- (a) Corrective Action reports and records as required by Conditions E.5, E.6, E.8, E.9, E.10 and E.11 of this permit. These reports and records must be maintained for at least 3 years after all Corrective Action Activities have been completed.

A.29 Reserved

MODULE B - GENERAL FACILITY CONDITIONS

B. GENERAL FACILITY CONDITIONS

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

(a) 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) Reserved

B.2 Reserved

B.3 Reserved

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).

B.5 Reserved

B.6 Reserved

B.7 Reserved

B.8 Reserved

B.9 Reserved

B.10 Reserved

B.11 Reserved

B.12 Reserved

B.13 Reserved

B.14 Reserved

B.15 Reserved

B.16 Reserved

B.17 Reserved

B.18 Reserved

B.19 Reserved

B.20 Reserved

B.21 Reserved

B.22 Reserved

B.23 Reserved

B.24 Reserved

B.25 Biennial Report 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 Reserved

B.27 Reserved

B.28 Reserved

B.29 Reserved

B.30 Reserved

B.31 Reserved

B.32 Reserved

B.33 Reserved

B.34 Reserved

B.35 Reserved

B.36 Reserved

B.37 Reserved

B.38 Reserved

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

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

B.40 Reserved

MODULE C - Reserved

MODULE D - Reserved

MODULE E - CORRECTIVE ACTION REQUIREMENTS

On December 17, 1996, U.S. EPA issued a Federal Part B Hazardous Waste Permit, which included a Corrective Action Schedule of Compliance. Since the effective date of Ohio Permit No. 05-57-0433 of April 21, 2004, Ohio EPA has been performing oversight of Corrective Action at the facility. The Permittee must continue with the Corrective Action Schedule of Compliance contained in Permit Condition E.5 (submittal of RCRA Facility Investigation (RFI) Workplan) and submit all required reports to Ohio EPA. A RCRA Facility Assessment (RFA) Report was prepared by Ohio EPA and submitted to U.S. EPA on June 22, 1992. The RFI is being conducted in phases. Phase I of the RFI has been completed. A Phase II RFI Report dated April 2013 with revisions dated February 2014 is under review. A Phase III RFI is anticipated.

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 solid waste, hazardous waste, infectious waste (as those terms are defined in ORC Chapter 3734), construction 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 solid waste or hazardous waste. Such units include any area at a facility at which wastes have been routinely and systematically released. For the purpose of Corrective Action, facility is defined as all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. The terms Interim Measure (IM), RCRA Facility Investigation (RFI), Corrective Measures Study (CMS) and Corrective Measure Implementation (CMI) are defined in U.S. EPA's Corrective Action Plan (CAP) (OSWER Directive 9902.3-2A, May 1994).

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

E.2 Corrective Action Beyond the Facility Boundary
OAC 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 March 10, 1992, a Visual Site Inspection (VSI) was conducted at the facility by Ohio EPA. Pursuant to this inspection, a RCRA Facility Assessment (RFA) Report was prepared by Ohio EPA and submitted to U.S. EPA on June 22, 1992. The RFA Report identified 29 Waste Management Units (WMU) and 12 Areas of Concern (AOC). After the RFA Report was complete, one additional AOC was identified (AOC 13 Site-Wide Groundwater). The WMUs and AOCs are identified below. The location of each SWMU and AOC, except AOC 13, is shown on Figures 1A and 1B within the RFA.

WMUs

1. Landfill A
2. Landfill B
3. Landfill C
4. Landfill D
5. Landfill E
6. Landfill F
7. Trenches G1 and G2
8. Landfill I
9. Landfill J
10. Landfill J1
11. Loading/Unloading Pad
12. Tank Car Loading Pad
13. Waste Staging Pad
14. Raw Materials Staging Pad
15. Hazardous Waste Storage Pad
16. Jugging Machine Pad

17. Main Loading/Unloading Pad
18. Hazardous Materials Storage Pads
19. Secondary Containment for the Bronco Raw Materials Tank Farm
20. Pad beneath Building 20 and the Bronco Product Tank Farm
21. Secondary Containment for the Chlorobenzene Pump
22. Secondary Containment for the Chlorobenzene Tank (T-66)
23. 90-Day Waste Storage Pad
24. Resin Drumming Pad
25. Waste Pit
26. Trench Containment System
27. Raw Materials Drum Storage Pad
28. Chemical Storeroom Pad
29. Resin Product Transfer Pad

AOCs

1. Building 8a Pad
2. Building 12 Pad
3. Building 21 Pad
4. Demolished Building Sites
5. Soils in the area of Former Underground Storage Tanks-Group U1
6. Soils in the area of Former Underground Storage Tanks-Group U2
7. Soils in the area of Former Underground Storage Tanks-U3
8. Soils in the area of Former Underground Storage Tanks-Group U4
9. Soils in the area of Former Underground Storage Tanks-U5
10. Soils in the area of Former Underground Storage Tanks-U6
11. Soils in the area of Former Underground Storage Tanks-Group U7
12. Soils in the area of Former Underground Storage Tanks-U8
13. AOC Site-Wide Groundwater

E.4 Reserved

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

The Permittee must 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 Permit Condition E.3 above and Permit Condition E.10. The major tasks and required submittal dates are shown below. The scope of work for each task is found in U.S. EPA's CAP. The RFI is being conducted in Phases.

(a) RFI Workplan

Two RFI Workplans have been submitted and approved for the facility. On May 21, 2007 Ohio EPA approved a Revised Phase I RFI Workplan for the facility, and on April 21, 2009 Ohio EPA approved a Phase II RFI Workplan for the facility. A Phase III RFI is anticipated.

The Permittee must submit a written RFI Workplan to Ohio EPA within 90 days of an Ohio EPA request. In the case of a newly discovered waste management unit, the Permittee must submit a written RFI Workplan on a time frame established by Ohio EPA.

- (i) Within 60 days of receipt of any Ohio EPA comments on the RFI Workplan, the Permittee must submit either an amended or new RFI Workplan that incorporates Ohio EPA's comments.
- (ii) 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. Both approved Phase I and Phase II RFI Workplans have been implemented.

(c) RFI Final Report

Separate RFI Reports have been submitted for the Phase I RFI and the Phase II RFI. On July 2, 2008, Ohio EPA approved the Permittee's Phase I RFI Report. In December 2010, the Permittee submitted a Phase II RFI Report. In April 2013, the Permittee submitted a Revised Phase II RFI Report. In February 2014, the Permittee submitted revisions to the April 2013 Revised Phase II RFI Report.

Within 90 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) Within 60 days of receipt of any Ohio EPA comments on the RFI Final Report, the Permittee must submit either an amended or new RFI Final Report that incorporates Ohio EPA's comments.
- (ii) 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.

E.6 Interim Measure (IM)

The following specific IM has been identified by Ohio EPA: The Permittee must develop a comprehensive site-wide soil management plan which ensures protection of human health and the environment and ensures compliance with applicable regulations related to on-site excavation activity and movement of potentially contaminated soil. The soil management plan must address Ohio EPA's comments dated June 29, 2012 and August 31, 2012, and must be submitted to Ohio EPA for review within 45 days of the effective date of this permit. Within 30 days of receiving Ohio EPA's comments, a revised soil management plan addressing Ohio EPA's comments must be submitted for review and approval.

In the event of an 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 additional IM(s) (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 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 are either 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 Workplan and upon Ohio EPA approval of that Workplan, 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 90 days from the notification by Ohio EPA of the requirement to conduct a CMS.

- (i) Within 60 days of receipt of any Ohio EPA comments, the Permittee must submit either an amended or new CMS Workplan that incorporates Ohio EPA's comments.
- (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 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) Within 60 days of receipt of any Ohio EPA comments, the Permittee must submit either an amended or new CMS Final Report that incorporates Ohio EPA's comments.
- (ii) Ohio EPA will 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 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; (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 ease with which the Corrective Measure can be implemented; and (5) the relative cost associated with the alternative.

(a) Permit Modification
OAC Rule 3745-50-51

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

As part of the modification of this permit to incorporate 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).

Within forty-five (45) days after receiving approval of the CMI Work Plan, the permittee must provide a third party, itemized cost estimate which outlines the tasks required to implement the corrective measure(s). Within

30 days of Ohio EPA approval of the cost estimate, the Permittee shall provide financial assurance in an amount at least equal to the approved cost estimate. A financial assurance mechanism which meets the requirements of OAC Rules 3745-55-40 through 3745-55-51 is sufficient to comply with this financial assurance requirement. With prior approval by Ohio EPA, the Permittee may, on any date, reduce the amount of financial assurance maintained so that the amount is at least equal to the estimated costs of completing corrective measure(s).

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

(a) General Information

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

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

(b) Release Information

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

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

If Ohio EPA determines that an 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. The 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 either stamped by a Professional Engineer licensed to practice in the State of Ohio or include a statement providing the reason a Professional Engineer stamp is not required.



Re: DuPont Electronic Polymers L.P.
Permit – Intermediate
Public Response
RCRA C – Hazardous Waste
Montgomery County
OHD 004 855 292

Division of Materials and Waste Management (DMWM)

Response to Comments

**Ohio Hazardous Waste Installation and Operation Permit Renewal
DuPont Electronic Polymers L.P. OHD 004 855 292**

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On July 11, 2014, Ohio EPA announced a public comment period regarding a draft hazardous waste renewal permit for DuPont Electronic Polymers L.P. (DuPont). This document summarizes the comments and questions received during the comment period, which ended on August 25, 2014.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

DuPont was the only entity or person that submitted comments regarding the draft permit.

Comment 1: **A.12 Monitoring and Records**
 OAC Rule 3745-50-58(J)

For consistency with currently effective OAC Rule 3745-51-20(c) and associated parenthetical comment, DEP respectfully requests that the third sentence of draft permit Condition A.12(a) be revised to read, "The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from ~~Appendix I~~ the appendix of OAC Rule 3745-51-20, Laboratory Methods Representative Sampling Methods, or an equivalent method approved by the Ohio EPA."

Response 1: Ohio EPA concurs with the suggested change. OAC Rule 3745-51-20 was revised, effective January 13, 2009, but the language included in draft Permit Condition A.12 did not reflect the revised rule language as noted in DuPont's comment. The language of the final permit has been revised to reflect the change suggested by DuPont.

Comment 2: **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)

For consistency and to help ensure compliance by consolidating required Corrective Action record keeping requirements under one permit Condition, DEP respectfully requests that the Corrective Action report and record keeping requirements proposed under draft permit Condition A.28 be removed and incorporated under draft permit Condition A.14(e). Therefore, DEP respectfully requests that draft Permit Condition A.14(e) be revised to read, "Corrective Action reports and records as required by Conditions E.5, E.6, E.8, E.9, E.10 and E.11 of this permit must be maintained for at least three (3) years after all Correction Action activities have been completed."

Consistent with this change, DEP respectfully requests that draft permit Condition A.28 be revised as follows:

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

~~(a) Corrective Action reports and records as required by Conditions E.5, E.6, E.8, E.9, E.10 and E.11 of this permit. These reports and records must be maintained for at least 3 years after all Corrective Action Activities have been completed.~~

Response 2: While Ohio EPA understands DuPont's rationale for suggesting consolidation of the two referenced conditions, the Agency is not inclined to make the change. Condition A.14 is specific to record-retention requirements while Condition A.28 is specific to information must be maintained at the facility. Although related, the regulatory

basis for each condition is different, as is noted via the rule citation under each condition title.

Ohio EPA strives to ensure hazardous waste permit conditions are consistent with existing issued permits to ensure consistent regulation of permitted facilities. Revising the language as suggested by DuPont could lead to confusion as to whether the permit is consistent with other issued permits. Ohio EPA inspection staff also is accustomed to seeing specific permit conditions in specific locations of the permit – consolidation of the requirements into a single condition could create a potential misperception in this regard. Therefore, the permit language has not been changed as suggested.

Comment 3: *In a letter dated April 9, 2014, Ohio EPA's Division of Environmental Response and Revitalization (DERR) acknowledged DEP's completion of final closure for our hazardous waste facility (i.e. Hazardous Waste Pad; Building 25) located at 1515 Nicholas Road, Dayton, Ohio in accordance with the approved closure plan and the substantive requirements of OAC Rules 3745-55-11 through 3745-55-15. DERR also released DEP from the requirements to maintain financial assurance established to meet closure obligations for the Facility. Subsequently, by letter dated June 12, 2014, Ohio EPA approved DEP's request for a Class 1A permit modification removing the closed hazardous waste storage pad, Building 25, and associated Conditions from the facility's Ohio Hazardous Waste Facility Installation and Operation Permit. The only remaining obligation for an Ohio Hazardous Waste Facility Installation and Operation permit for the Facility regards corrective action.*

Concurrent with receipt of the April 9, 2014 letter from Ohio EPA's DERR, DEP commenced operation of the Facility in accordance with Ohio EPA rules for large quantity generators of hazardous waste.

Many of the draft permit Conditions proposed for Module B (e.g. proposed Conditions B.1, B.24, B.25 and B.40) are duplicative of already applicable Ohio EPA rules for large quantity generators of hazardous waste and, in some cases, also appear duplicative of draft permit Conditions contained in Module A (e.g. proposed Conditions B.1 and B.21), while others (e.g. draft permit Conditions B.4 and B.39) appear to be more closely related to operation of the closed hazardous waste storage pad, Building 25.

As such, the draft permit Conditions proposed for Module B do not appear to be necessary or directly related to implementation of Corrective Action activities, nor do they substantively change the hazardous waste regulatory requirements that apply during implementation of Corrective Action activities (i.e. any hazardous wastes or environmental media containing hazardous waste generated during implementation of Corrective Action activities

are required to be managed in accordance with the Ohio EPA rules for large quantity generators of hazardous waste). Therefore, DEP respectfully requests that the draft permit Conditions proposed for Module B be removed and the title of the module revised to read, "MODULE B – GENERAL FACILITY CONDITIONS Reserved."

Response 3: Ohio EPA provides an evaluation and response for each of DuPont's concerns regarding Module B conditions below. The Agency does not agree with the overall suggestion to remove or "Reserve" the module in its entirety.

Comment 4: **B.1 Design and Operation of Facility**
OAC Rule 3745-54-31

In a letter dated April 9, 2014, Ohio EPA's Division of Environmental Response and Revitalization (DERR) acknowledged DEP's completion of final closure for our hazardous waste facility (i.e. Hazardous Waste Pad; Building 25) located at 1515 Nicholas Road, Dayton, Ohio in accordance with the approved closure plan and the substantive requirements of OAC Rules 3745-55-11 through 3745-55-15. Concurrent with receipt of the April 9, 2014 letter from Ohio EPA's DERR, DEP commenced operation of the Facility in accordance with Ohio EPA rules for large quantity generators of hazardous waste.

More specifically, as it pertains to draft permit Condition B.1(a), OAC Rule 3745-65-31 already requires that the Facility "...be maintained and operated 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, or surface water which could threaten human health or the environment." Moreover, draft permit Conditions A.8 and A.9 contain substantially similar requirements.

As it pertains to draft permit Condition B.1(b), draft permit Condition A.1(b) already prohibits the Facility from "Any management of hazardous waste not authorized by this permit..., unless otherwise expressly authorized or specifically exempted by law" (i.e. permit authorization is essentially limited to Corrective Action activities). Further, as written, proposed draft permit Condition B.1(b) would also appear to unnecessarily restrict or prohibit the Facility's ability to receive rejected shipments of hazardous waste or container residues contained in non-empty containers that are returned to the Facility (i.e. the generator) by the designated facility in accordance with OAC Rule 3745-52-23(F).

Therefore, as the Facility has closed its former hazardous waste facility and these requirements are duplicative of otherwise currently applicable requirements (i.e. Ohio EPA rules for large quantity generators of hazardous waste, draft permit Condition A.1(b)), and to avoid inadvertently limiting or prohibiting the

or container residues contained in non-empty containers that are returned to the Facility (i.e. the generator) by the designated facility in accordance with OAC Rule 3745-52-23(F), DEP respectfully requests that draft permit Conditions B.1(a) and B.1(b) be removed.

Response 4: As articulated in the comment, DuPont has successfully closed and Ohio EPA has accepted the closure certification for the Hazardous Waste Pad/Building 25 unit. However, an Ohio Hazardous Waste Installation and Operation permit is still required to address remaining RCRA Corrective Action obligations at the site. With respect to similarities between Condition B.1 and Conditions A.8 and A.9, as noted in the titles of these conditions, the regulatory foundations for the conditions differ. As such, these are independent requirements and cannot be viewed as "substantially similar" as suggested by DuPont.

Moreover, even though the facility has an obligation as a generator to comply with OAC Rule 3745-65-31 with regard to proper maintenance and facility operations, Condition B.1 is specific to DuPont's status as a permittee. If DuPont were to cease being a generator, then OAC Rule 3745-65-31 would no longer apply. Therefore, Ohio EPA believes it is appropriate and supportable to maintain Permit Condition B.1(a) as it written in the draft permit. This is consistent with other "Corrective Action Only" permits the Agency has issued.

Regarding Permit Condition B.1(b), the Agency concurs with DuPont's comment and has marked this part of the condition as "Reserved" in the final permit.

Comment 5: **B.4 Security**
OAC Rule 3745-54-14

In a letter dated April 9, 2014, Ohio EPA's Division of Environmental Response and Revitalization (DERR) acknowledged DEP's completion of final closure for our hazardous waste facility (i.e. Hazardous Waste Pad; Building 25) located at 1515 Nicholas Road, Dayton, Ohio in accordance with the approved closure plan and the substantive requirements of OAC Rules 3745-55-11 through 3745-55-15. Concurrent with receipt of the April 9, 2014 letter from Ohio EPA's DERR, DEP commenced operation of the Facility in accordance with Ohio EPA rules for large quantity generators of hazardous waste.

Although Ohio rules for large quantity generators of hazardous waste do not require compliance with OAC Rule 3745-54-14 or similar requirements under OAC Rule 3745-65-14, a fence currently surrounds the entire Facility to prevent unauthorized entry into the facility. In addition, site security is currently provided by a contract security service that controls entry into the facility through a main gatehouse. Employees enter the site with the use of a card reader that monitors the entry and exit of all personnel

from the site. Others gain access through the main gatehouse and are required to sign-in and receive a visitor's pass to wear while on the site.

Therefore, as the Facility has closed its former hazardous waste facility and otherwise provides adequate measures to help prevent unauthorized access into the Facility, DEP respectfully requests that draft permit Condition B.4 be removed.

Response 5: Ohio EPA agrees that DuPont has existing measures adequate to prevent unauthorized access to the site. However, given the remaining RCRA Corrective Action activities that are potentially required at the site, Ohio EPA believes it is appropriate to require continued security provisions at the Facility. Therefore, Ohio EPA believes it is appropriate and supportable to maintain Permit Condition B.4 as it was in the draft permit. This is consistent with other "Corrective Action Only" permits the Agency has issued.

Comment 6: **B.21 Availability, Retention and Disposition of Records**
OAC Rule 3745-54-74

By letter dated April 9, 2014, Ohio EPA's Division of Environmental Response and Revitalization (DERR) acknowledged DEP's completion of final closure for our hazardous waste facility (i.e. Hazardous Waste Pad; Building 25) located at 1515 Nicholas Road, Dayton, Ohio in accordance with the approved closure plan and the substantive requirements of OAC Rules 3745-55-11 through 3745-55-15. Concurrent with receipt of the April 9, 2014 letter from Ohio EPA's DERR, DEP commenced operation of the Facility in accordance with Ohio EPA rules for large quantity generators of hazardous waste.

Draft permit Condition B.21 directs the Facility to comply with the requirements of OAC Rule 3745-54-74. OAC Rule 3745-54-74 pertains to record keeping requirements under OAC Chapters 3745-54 to 3745-57, OAC Chapter 205 and paragraph (B)(2) of OAC Rule 3745-54-73. As a large quantity generator of hazardous waste, the Facility does not appear to be subject to any of the record requirements associated with this draft permit Condition. Moreover, availability, retention and disposition of permit related records that the facility is required to maintain are already adequately addressed under draft permit Conditions A.10 and A.14.

Therefore, as the Facility has closed its former hazardous waste facility, as a large quantity generator of hazardous waste does not appear to be subject to any of the record requirements referenced in OAC Rule 3745-54-74, and availability, retention and disposition of permit related records that the facility is required to maintain are already adequately addressed under draft permit Conditions A.10 and A.14, DEP respectfully requests that draft permit Conditions

B.21 be removed.

Response 6: Ohio EPA agrees that OAC Rule 3745-54-74 pertains to records related to permitted/operating hazardous waste units. As such, Ohio EPA concurs that the language of Condition B.21 is not needed and has marked the condition as "Reserved" in the final permit.

Comment 7: **B.24 Manifest System**
OAC Rules 3745-54-70, 3745-54-71, 3745-54-72 and 3745-54-76

In a letter dated April 9, 2014, Ohio EPA's Division of Environmental Response and Revitalization (DERR) acknowledged DEP's completion of final closure for our hazardous waste facility (i.e. Hazardous Waste Pad; Building 25) located at 1515 Nicholas Road, Dayton, Ohio in accordance with the approved closure plan and the substantive requirements of OAC Rules 3745-55-11 through 3745-55-15. Concurrent with receipt of the April 9, 2014 letter from Ohio EPA's DERR, DEP commenced operation of the Facility in accordance with Ohio EPA rules for large quantity generators of hazardous waste.

Draft permit Condition B.24(a) directs the Facility to comply with the requirements of OAC Chapter 3745-52 and OAC Rule 3745-54-71(C) [which refers back to OAC Chapter 3745-52 requirements] with regard to the manifest system. As a large quantity generator of hazardous waste, the Facility is already subject to the requirements of OAC Chapter 3745-52 with regard to the manifest system. Moreover, the referenced requirements in OAC Rules 3745-54-71(A), (B), (D) and (E), 3745-54-72 and 3745-54-76 do not apply to the Facility as we are not permitted (or seeking a permit) to receive hazardous waste generated from off-site sources.

Therefore, as the Facility has closed its former hazardous waste facility and these requirements are duplicative of otherwise currently applicable requirements (i.e. Ohio EPA rules for large quantity generators of hazardous waste), DEP respectfully requests that draft permit Condition B.24(a) be removed.

Response 7: Ohio EPA agrees that DuPont is subject to manifest requirements as a large quantity generator (LQG). Although the draft permit condition did not conflict with DuPont's manifest obligations as an LQG, Ohio EPA agrees that the permit language is not required and has removed the language from the final permit and marked it "Reserved."

Comment 8: **B.25 Biennial Report and Additional Reports**
OAC Rules 3745-54-75 and 3745-54-77

In a letter dated April 9, 2014, Ohio EPA's Division of Environmental Response and Revitalization (DERR) acknowledged DEP's completion of final closure for our hazardous waste facility (i.e. Hazardous Waste Pad; Building 25) located at 1515 Nicholas

Road, Dayton, Ohio in accordance with the approved closure plan and the substantive requirements of OAC Rules 3745-55-11 through 3745-55-15. Concurrent with receipt of the April 9, 2014 letter from Ohio EPA's DERR, DEP commenced operation of the Facility in accordance with Ohio EPA rules for large quantity generators of hazardous waste.

Draft permit Condition B.25 directs the Facility to comply with the requirements of OAC Rules 3745-54-75 and 3745-54-77. As a large quantity generator of hazardous waste, the Facility is already subject to the requirements of OAC Rules 3745-52-41 (Biennial Report) and 3745-52-43 (Additional Reports).

Therefore, as the Facility has closed its former hazardous waste facility and these requirements are duplicative of otherwise currently applicable and substantially similar requirements (i.e. Ohio EPA rules for large quantity generators of hazardous waste), DEP respectfully requests that draft permit Condition B.25 be removed.

Response 8: Ohio EPA agrees that the Facility's obligations under the LQG requirements include biennial reporting. However, the condition includes a reference to OAC Rule 3745-45-77 which is inclusive of reports required under OAC Rule 3745-54-101, "Corrective action for waste management units." Therefore, Ohio EPA determined it is appropriate and supportable to maintain Permit Condition B.25 as it was in the draft permit. This is consistent with other "Corrective Action Only" permits the Agency has issued.

Comment 9: **B.39 Incapacity of Owners or Operators, Guarantors, or Financial Institutions**
OAC Rule 3745-55-48

By letter dated April 9, 2014, Ohio EPA's Division of Environmental Response and Revitalization (DERR) acknowledged DEP's completion of final closure for our hazardous waste facility (i.e. Hazardous Waste Pad; Building 25) located at 1515 Nicholas Road, Dayton, Ohio in accordance with the approved closure plan and the substantive requirements of OAC Rules 3745-55-11 through 3745-55-15. DERR also released DEP from the requirements to maintain financial assurance established to meet closure obligations for the Facility.

As the Facility is currently not required to maintain financial assurance to meet closure or corrective action obligations for the facility, DEP respectfully requests that draft permit Condition B.39 be removed.

Response 9: Pursuant to Permit Condition E.9(b), the Facility will be required to provide financial assurance in the amount necessary to implement a corrective measure as required under RCRA Corrective Action

obligations of the permit. Although financial assurance may not be required at this time, because it is contemplated as a part of the RCRA Corrective Action requirements, it is appropriate for this condition to remain.

**Comment 10: B.40 General Requirements for Land Disposal Restrictions
OAC Chapter 3745-270**

By letter dated April 9, 2014, Ohio EPA's Division of Environmental Response and Revitalization (DERR) acknowledged DEP's completion of final closure for our hazardous waste facility (i.e. Hazardous Waste Pad; Building 25) located at 1515 Nicholas Road, Dayton, Ohio in accordance with the approved closure plan and the substantive requirements of OAC Rules 3745-55-11 through 3745-55-15. Concurrent with receipt of the April 9, 2014 letter from Ohio EPA's DERR, DEP commenced operation of the Facility in accordance with Ohio EPA rules for large quantity generators of hazardous waste.

Draft permit Condition B.40 directs the Facility to comply with the requirements of OAC Chapter 3745-270. As a large quantity generator of hazardous waste, the Facility is already subject to the requirements of OAC Chapter 3745-270.

Therefore, as the Facility has closed its former hazardous waste facility and these requirements are duplicative of otherwise currently applicable requirements (i.e. Ohio EPA rules for large quantity generators of hazardous waste), DEP respectfully requests that draft permit Condition B.40 be removed.

Response 10: Ohio EPA agrees that DuPont is subject to OAC Chapter 3734-270 as an LQG. Although the draft permit condition did not conflict with DuPont's obligations as an LQG, Ohio EPA agrees that the permit language is not required and has removed the language from the final permit and marked it "Reserved."

Comment 11: E.5(c) RFI Final Report Submittal

Under the second paragraph, the permit directs that the final RFI report be submitted within 60 days after completion of the RFI. The meaning of "completion of the RFI" may need some definition. It is unclear if "completion of the RFI" means the completion of the field work collecting samples for laboratory analysis or the availability of the validated data from the laboratory for data analysis.

DEP respectfully requests that "Within 60 days of completion of the RFI,..." be changed to one of the following options, preferably the 1st option:

- **"Within 90 days of the availability of validated data...";** or
- **"Within 180 days after completion of the RFI field activities...."**

The rationale is analytical data QA/QC review and any validation will require at least 90 days before incorporation into the RFI report.

Response 11: For the purposes of Condition E.5(c), an RFI is complete when the owner/operator determines that it has gathered adequate information pursuant to Condition E.5(a) through E.5(c), to prepare an RFI report meeting the requirements of E.5(c).

Ohio hazardous waste facility installation and operating permits typically contain a deadline of either 60 or 90 days to submit an RFI report upon completion without explicitly defining the term completion of an RFI. This allows flexibility to consider any number of RFI activities (including time needed for receipt of results of analysis or data validation) necessary to complete the RFI. Therefore, the permit language will not be modified to define the term completion of the RFI. The comment also notes that 60 days is not adequate time to submit an RFI report for this facility. To address this comment, Ohio EPA revised the permit language so the deadline is 90 days rather than 60 days. If additional time is needed to submit an RFI Report, Ohio EPA will consider a written request to extend the deadline.

Comment 12: **E.13 Documents Requiring Professional Engineer (PE) Stamp**
ORC Section 4733.01

E.13 requires that certain documents require the stamp of a Professional Engineer licensed to practice in the state of Ohio. DEP agrees that this may be required for reports that incorporate the activities that are considered "practice of engineering." However, some of the reports that document compliance with attainment of a regulatory standard may require risk assessment and regulatory expertise that may not be considered as "practice of engineering."

DEP respectfully requests that last sentence in E.13 be modified to read, "As such, the Permittee must ensure that these documents, as submitted to Ohio EPA, are either stamped by a Professional Engineer licensed to practice in the State of Ohio or include a statement providing the reason a Professional Engineer stamp is not required."

Response 12: Ohio EPA concurs with the comment and has adjusted the final permit language as suggested.

End of Response to Comments