Ohio EPA held a comment period beginning March 15, 2019, regarding the draft issuance of a permit renewal. This document summarizes the comments and questions received during the associated comment period, which ended May 10, 2019.

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. For example, concerns about zoning issues are addressed at the local level. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

Questions are grouped by topic and organized in a consistent format.

Comments Received from Holcim

Comment 1: Condition A.3 refers to the effective date of the permit being the “date the permit is entered into the Director’s Journal.” Since this date is not noted in the permit, it is difficult to know from the permit what the term of the permit is. Holcim recommends that the effective date of the permit be defined in this condition as the date that the Ohio EPA director signs the permit since this date is noted on page 1 of the permit.
Response 1: The language in permit condition A.3 is boilerplate language common to all approved hazardous waste permits in Ohio; however, for clarification, Ohio EPA has modified the condition to state, "The effective date of this permit is the date the permit is signed by the Director and entered into the Director's Journal. The permit expiration date is ten (10) years after the effective date."

Comment 2: Condition A.14(a) requires keeping "all original strip chart recordings for continuous monitoring instrumentation." This language should be updated to include other more modern methods of data management by adding "or other similar data recording outputs."

Response 2: Ohio EPA has modified this condition to state, "The Permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings or other similar data recording outputs 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."

Comment 3: The title of condition A.22 includes reference to OAC Rule 3745 50 58(L)(4). The (L)(4) rule applies to the submission of monitoring reports, not other noncompliance. The commenter suggests removing reference to 3745 50 58(L)(4) from the title.

Response 3: Ohio EPA has removed the reference to OAC Rule 3745-50-58(L)(4) from the title of this condition.

Comment 4: Condition A.26 specifies that the disposal fee be submitted "on or before the anniversary date of issuance during the term of the permit." Holcim suggests that this date be referred to as the "effective date" of the permit.

Response 4: Ohio EPA has modified this condition to state, "The fees for the on-site or satellite disposal of hazardous wastes, calculated pursuant to OAC Rule 3745-50-34 and payable to the Treasurer of the State, must be submitted to the Director on or before the anniversary of the effective date of the permit as defined in Permit Condition A.3 during the term of the permit."
"The annual permit fee, calculated pursuant to OAC Rule 3745-50-36 and payable to the Treasurer of the State, must be submitted to the Director on or before the anniversary of the effective date of the permit as defined in Permit Condition A.3 during the term of the permit. For the purpose of the payment of the Ohio Annual Permit Fee, the effective date is the date the permit was signed by the Director and entered into the Journal of the Director of Ohio EPA."

Comment 5: Condition A.26 requires that the annual permit fee be submitted “on or before the anniversary date of issuance during the term of the permit.” Holcim suggests that this date be referred to as the “anniversary of the effective date of the permit.” In addition, the last sentence is therefore no longer necessary since Holcim is recommending that date entered into the Journal also be removed.

Response 5: Ohio EPA has modified this condition to state, “The fees for the on-site or satellite disposal of hazardous wastes, calculated pursuant to OAC Rule 3745-50-34 and payable to the Treasurer of the State, must be submitted to the Director on or before the anniversary of the effective date of the permit as defined in Permit Condition A.3 during the term of the permit.

"The annual permit fee, calculated pursuant to OAC Rule 3745-50-36 and payable to the Treasurer of the State, must be submitted to the Director on or before the anniversary of the effective date of the permit as defined in Permit Condition A.3 during the term of the permit. For the purpose of the payment of the Ohio Annual Permit Fee, the effective date is the date the permit was signed by the Director and entered into the Journal of the Director of Ohio EPA."

Comment 6: Condition A.27(b) requires submission of certain information “within sixty (60) days after permit journalization.” Holcim suggests that “permit journalization” be changed to “the effective date of the permit.”

Response 6: There is a typographical error in the comment. The condition currently reads, “The Permittee must submit to the Ohio EPA within sixty (60) (emphasis added) days after permit journalization, in accordance with Ohio’s hazardous waste rules, the following information to be incorporated in the permit application.”

Ohio EPA has modified this condition to state, “The Permittee must submit to the Ohio EPA within sixty (60) days after the effective
date of the permit, in accordance with Ohio's hazardous waste rules, the following information to be incorporated in the permit application:"

**Comment 7:** Condition A.27(c)(ii) requires Holcim to respond to Ohio EPA comments on the new risk assessment within 45 days of receiving comments. Holcim believes that stating this value with no alternatives for unique circumstances is unreasonable, especially given the fact that if there are significant issues included in the comments, then it may take much longer than 45 days to develop an adequate response. Holcim suggests at least 90 days. However, Holcim requests that additional language be added that allows an alternative time frame depending on the degree of comments, such as adding "or other date as agreed to by the Director."

**Response 7:** This permit condition has been modified to state, "Within ninety (90) days of any Ohio EPA comments on the new risk assessment, the Permittee must submit an amended risk assessment that incorporates Ohio EPA's comments."

Additionally, if after receipt of Ohio EPA comments Holcim believes ninety (90) days is unreasonable, Holcim may submit a permit modification in accordance with OAC Rule 3745-50-51 to modify this condition at that time.

**Comment 8:** Condition A.27(d) requires installing the upgraded security fencing and gates to the kiln floor within 60 days of the permit's journalization. Holcim requests that this time limit be changed to 90 days. Holcim also suggests that "permit journalization" be changed to "the effective date of the permit."

**Response 8:** Ohio EPA has modified the permit condition to state, "Within ninety (90) days after the effective date of the permit, the Permittee shall install the upgraded security fencing and gates to the kiln floor as described in the permit application."

**Comment 9:** Condition A.28(a)(vii) requires the facility to maintain-inspection schedules per several OAC Rules, including 3745 55 74 which applies to inspections of containers. Holcim does not manage containers and there is no reference to container inspections in Section A(5) of the application. Holcim suggests removing reference to 3745 55 74 from this condition.
Response 9: Holcim only manages hazardous waste in containers as part of its hazardous waste generator activities. Therefore, the reference to OAC Rule 3745-55-74 has been removed from this condition.

Comment 10: Condition A.29(a) and (b) require the submittal of a waste minimization report at least every five (5) years and is repeated in each of these conditions. Holcim suggests that A.29(a) include a combination of the waste minimization report language in paragraphs (a) and (b), and then the biennial report requirement be moved to paragraph (b).

Response 10: The current condition is boilerplate, but Ohio EPA agrees the condition may be confusing. Ohio EPA has modified this condition to state,

“(a) The Permittee must submit the Waste Minimization Report to Ohio EPA’s Office of Compliance Assistance and Pollution Prevention within one hundred eighty (180) days of the effective date of this permit and must submit updates to this report once every five (5) years thereafter. The Waste Minimization Report must describe the Permittee’s waste minimization program as required by OAC Rules 3745-54-75(H), (I), and (J); 3745-54-73(B)(9); and 3745-52-20(A).

(b) The provisions of OAC Rules 3745-54-75(H), (I) and (J) must be satisfied biennially.

(c) The provisions of OAC Rule 3745-54-73(B)(9) must be satisfied no less often than annually.”

Comment 11: Condition B.1(c) limits the amount of hazardous waste received from offsite sources to no more than 134,203 tons per year. Holcim requests that the permit includes language similar to the current Hazardous Waste Management Permit issued in 2007 [Condition B.1(c)] that reads: “The Permittee must not process more than 152,000 tons of hazardous waste in any one calendar year during the life of the permit, until such time as this permit condition is modified or renewed. This is a facility wide limitation and includes all units.” This focuses the attention on “processing” in the kilns instead of receiving, and keeps the kiln burning limit at current values. Holcim also suggests that the Part A form be updated as part of a Compliance Schedule to make this value consistent.
Response 11: Holcim is only allowed to accept hazardous waste fuel from the adjacent Systech facility which is considered on-site. Therefore, as written, the permit condition may be confusing. Additionally, Ohio EPA notes that the previous limit was 152,000 tons. Holcim updated section 9 of the Part A on July 1, 2019, so that the renewal application is consistent with the terms and conditions.

Ohio EPA has modified the condition to state, “The Permittee must not process more than 152,000 tons of hazardous waste in any one calendar year during the life of the permit, until such time as this permit condition is modified or renewed. This is a facility wide limitation and includes all units.”

Comment 12: Condition B.3(a) includes reference to several OAC Chapters, including, 3745 57 (Incinerators), and 3745 205 (containment buildings, munitions or explosives). Holcim operations do not include the mentioned waste management units, so this condition should be modified to only mention OAC Chapters 3745 54, 3745 55, and 3745 270.

Response 12: Holcim is not permitted to manage hazardous waste in surface impoundments, waste piles, land treatment units, landfills, incinerators, drip pads, or miscellaneous units. This permit condition has been modified to state, “Before the Permittee treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under OAC Rule 3745-55-13(D), the Permittee must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, this analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with the requirements of OAC Chapters 3745-54, 3745-55, and 3745-270.”

Comment 13: Condition B.18(b) requires that a revised contingency plan be submitted to “agencies and local authorities, in writing, within ten (10) days of the effective date of revisions to or modifications to the contingency plan.” The 10-day requirement is not included in the OAC regulations at OAC Rule 3745 54 53. Holcim suggests removing the 10-day requirement, modifying the cited sentence as “must notify such agencies and local authorities, in writing, within ten (10) days of the effective date of revisions to or modifications to the contingency plan.”

Response 13: This condition has been modified to state, “The Permittee must, in accordance with OAC Rule 3745-54-53, submit a copy of the
Comment 14: The title of condition B.23 includes the citation of OAC Rule 3745 54 56(I). But the citation at the end of the condition refers to OAC Rule 3745 54 56(J). There is no (J) paragraph in this rule. Holcim suggests changing the latter citation to OAC Rule 3745 54 56(I), the same as in the title.

Response 14: This condition has been modified to state, “The Permittee must note in the operating record the time, date, and details of any incident that requires the implementation of the contingency plan. Within fifteen (15) days after any such incident the Permittee must submit to the Director a written report of the incident containing the elements set forth in OAC Rule 3745-54-56(I).”

Comment 15: Module I, second paragraph identifies which portions of 3745-266 no longer apply. It references 3745 266(B)(2) which appears to be an incomplete citation. Holcim believes that the reference to 3745 266(B)(2) should be 3745 266 100(B)(2) as stated in the 3745 266 100(B)(1) rule.

Response 15: The second paragraph of Module I has been modified to state, “In September 2003 the Permittee submitted a Notification of Compliance with Hazardous Waste Combustor Maximum Achievable Control Technology (MACT) under 40 CFR 63 Subpart EEE. This included a comprehensive performance test. Per OAC Rule 3745-266-100(B), once this notification has been submitted, except for those under OAC Rule 3745-266-100(B)(2), the standards of OAC Rule 3745-266 no longer apply.”

Comment 16: Condition I.1(e) includes a maximum viscosity requirement. While this condition exists in the current permit, Holcim removed this test from the waste analysis plan in section A(2/3), and does not believe that a viscosity limit is needed to ensure safe and compliant operation, and that viscosity is a piece of operating information. Holcim suggests removing this condition since it is not in the draft approved waste analysis plan.

Response 16: This condition has been modified and is now marked “Reserved.”
Comment 17: Condition 1.3(a) requires the removal of hazardous waste residues during closure of the cement kilns including "ash, scrubber waters, [and] scrubber sludges". These materials will not be present as part of a cement kiln closure but are more typical of incinerator closure activities. Holcim suggests removing reference to "ash, scrubber waters, scrubber sludges" in this condition.

Response 17: Holcim does not use scrubbers at the facility. This condition has been modified to state, “At closure, the Permittee must remove all hazardous waste and hazardous waste residues including, but not limited to, ash, contaminated piping and contaminated brick, from Kiln 1 and Kiln 2.”

Comment 18: Condition 1.4(a) references OAC Rule 3745-266-100(B)(2)(b) which applies to closure requirements. OAC Rule 3745 266 100(B)(2)(c) applies to direct transfer. Holcim suggests changing the reference to 3745 266 100(B)(2)(c).

Response 18: The rules cited under this condition have been modified to state, “OAC Rules 3745-266-100(B)(2)(c), and 3745-266-111.”

Comment 19: Condition 1.4(a) includes the statement “The direct transfer of hazardous waste must not adversely affect the capability of Kiln 1 and Kiln 2 to meet the standards provided by OAC Rules 3745 266 104 to 3745 266 107.” However, as stated in Condition 1.2, Holcim no longer is subject to the BIF emissions requirements since the company is operating under the Title V permit that incorporates the Hazardous Waste Combustor MACT (40 CFR 63 Subpart EEE) requirements. Holcim suggests that this sentence be removed, or alternately be modified to ensure that use of the direct transfer operations must not adversely affect compliance the HWC MACT requirements.

Response 19: This condition has been modified to state, “The Permittee must comply with the direct transfer provisions of OAC Rule 3745-266-111. Hazardous waste must not be placed in direct transfer equipment if it could cause the equipment to rupture, leak, corrode, or otherwise fail. The direct transfer of hazardous waste must not adversely affect the capability of Kiln 1 and Kiln 2 to meet the standards provided by HWC MACT requirements.”
Comment 20: Condition 1.5 includes reference to 3745-266-100(B)(2)(c) which deals with direct transfer. OAC Rule 3745 266 100(B)(2)(d) applies to regulation of residues. Holcim suggests changing the citation to 3745 266 100(B)(2)(d).

Response 20: The rules cited under this condition have been modified to state: “OAC Rules 3745-266-100(B)(2)(d) and 3745-266-112.”

End of Response to Comments