



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

Ms. Marcelyn Boone  
INEOS Nitriles USA LLC  
1900 Fort Amanda Road  
Lima, Ohio 45804

RE: INEOS Nitriles USA LLC  
Permit - Intermediate  
Approval  
RCRA C – Hazardous Waste  
Allen County  
OHD042157644

**Subject: Hazardous Waste Permit Modification - Class 1A Approval and Exemption**

Dear Ms. Boone:

On April 14, 2016, Ohio EPA received a request for a Class 1A (Class 1 requiring prior approval) hazardous waste permit modification from INEOS Nitriles USA LLC dated April 14, 2016. The modification requested the following change to the permit:

Modification of the treatment and disposal fee due date from the anniversary date of the permit renewal (July 1) to December 20 of each year, with the exception that the final disposal fee for the last year of the permit renewal (2025) be June 30, 2025.

Pursuant to Ohio Revised Code (ORC) Section 3734.02(G) and Ohio Administrative Code (OAC) Rule 3745-50-31, the Director, by order, may exempt any person generating, storing, treating, disposing of, or transporting hazardous waste, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or comply with other requirements of ORC Chapter 3734. Such an exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6921 et seq., as amended.

In accordance with ORC Section 3734.02(G) and OAC Rule 3745-50-31, the Permittee is requesting an exemption from the requirement of OAC Rule 3745-50-34(C) as it applies to due date for the submittal of fees associated with on-site disposal of hazardous waste and to modify permit condition A.26 of their Ohio Hazardous Waste Facility Installation and Operation Permit.

Granting the exemption is unlikely to adversely affect the public health or safety or the environment. Therefore, the permittee is hereby granted an exemption, pursuant to ORC Section 3734.02(G), from the requirement of OAC Rule 3745-50-34(C) as it applies to due date for the submittal of on-site disposal of hazardous waste fees. The permittee shall submit the treatment and disposal fee on or before December 20<sup>th</sup> of each year starting from 2015 to 2024, with the exception that the final disposal fee for 2025 is due on June 30, 2025. The exemption will expire when the current permit expires or is revoked by the Director.

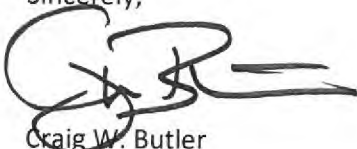
With this letter, Ohio EPA approves the above referenced Class 1A modification submitted pursuant to OAC Rule 3745-50-51, and accordingly has updated the facility's permit application and/or permit. The updated application/permit can be retrieved from the Agency's eDocument Search web site: <http://edocpub.epa.ohio.gov/publicportal/edochome.aspx>. Using the search function, search under the document type of "Permit" and then refine the search using the facility's RCRA ID number (Secondary ID) which is noted in the RE: block above.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Ohio Revised Code Section 3745.04. 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 Commission at the following address:

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

If you have any questions concerning this letter, please contact Gary Deutschman of Northwest District Office at (419) 373-3056 .

Sincerely,

A handwritten signature in black ink, appearing to read "C. Butler", with a horizontal line extending to the right.

Craig W. Butler  
Director

Permittee may request confidentiality for any information required to be submitted by the terms and conditions of this permit, or any information obtained by the Director, or an authorized representative, pursuant to the authority provided under Permit Condition A.11.

A.26 Ohio Annual Permit, Disposal, and Treatment Fees  
OAC Rules 3745-50-33 through 3745-50-36

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 December 20<sup>th</sup> each year starting from 2015 to 2024, with the exception that the final disposal fee for 2025 is due on June 30, 2025.

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

A.27 Compliance Schedule - Documents

OAC Rules 3745-50-50 and 3745-50-51

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

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

And

Ohio EPA, Northwest District Office  
Division of Materials and Waste Management  
347 North Dunbridge Road  
Bowling Green, Ohio 43402

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

- (i) Updated Closure/Post-Closure Cost Estimate  
OAC Rules 3745-55-42 and 3745-55-44

Section I of the permit application containing the financial assurance