



# Ohio Hazardous Waste Facility Installation and Operation Permit Renewal

Division of Environmental Response and Revitalization

Permittee: IRG Dayton II, LLC U.S. EPA ID: OHD060928561

Facility Name: Former Delphi Automotive Systems, LLC Wisconsin Boulevard Operations

Mailing Address: 4020 Kinross Lakes Parkway, Suite 200

City: Richfield State: Ohio Zip: 44286

Facility Street Address: 1515 Cincinnati Street

City: Dayton State: Ohio Zip: 45406

Operator Name: IRG Dayton II, LLC

Mailing Address: 4020 Kinross Lakes Parkway, Suite 200

City: Richfield State: Ohio Zip: 44286

Owner Name: IRG Dayton II, LLC

Mailing Address: 4020 Kinross Lakes Parkway, Suite 200

City: Richfield State: Ohio Zip: 44286

## Authorized Activities

In reference to the application of Former Delphi Automotive Systems, LLC Wisconsin Boulevard Operations 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

Entered into the Journal of the Director on:

July 14, 2017

Date:

  
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.

## **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 September 19, 2016 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 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), 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 one hundred eighty (180) days before the expiration date of this permit pursuant to OAC Rule 3745-50-40(D) unless:
  - i) 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
  - ii) 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 (November 1986), as amended by Updates I (dated July 1992), II (dated September 1994), IIA (dated August 1993), IIB (dated January 1995), III (dated December 1996) and IIIA (dated April 1998), and additional supplements or editions thereof; Standard Methods for the Examination of Water and Wastewater: Twentieth Edition, 1999; or an equivalent method as specified in the approved waste analysis plan, or as this term is defined and used in the Ohio hazardous waste rules.
- (b) Records of monitoring information must specify the:
  - (i) Date(s), exact place(s), and time(s) of sampling or measurements;
  - (ii) Individual(s) who performed the sampling or measurements;
  - (iii) Date(s) analyses were performed;

- (iv) Individual(s) who performed the analyses;
- (v) Analytical technique(s) or method(s) used; and
- (vi) Results of such analyses.

A.13 Signatory Requirement and Certification of Records  
OAC Rules 3745-50-58(K) and 3745-50-42

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

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

- (a) The Permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, the certification required by OAC Rule 3745-54-73(B)(9), and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, certification, or application.
- (b) The record retention period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding the facility.
- (c) The Permittee must maintain, in accordance with the Ohio hazardous waste rules, records of all data used to complete the permit application and any amendments, supplements or modifications of such application. The Permittee must retain a complete copy of the current application for the effective life of the permit as indicated in Permit Condition A.3.
- (d) The Permittee must maintain records from all ground water monitoring wells and associated ground water surface elevations for the active life of the facility, and for disposal facilities for the post-closure care period as well.
- (e) Corrective Action records must be maintained at least three (3) years after all Corrective Action activities have been completed.

A.15 Planned Changes

OAC Rules 3745-50-51 and 3745-50-58(L)(1)

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

A.16 Waste Shipments

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

The Permittee must only use properly registered transporters of hazardous waste to remove hazardous waste from the facility, in accordance with all applicable laws and rules.

A.17 Anticipated Noncompliance

OAC Rule 3745-50-58(L)(2)

The Permittee must give advance notice to the Director of any planned changes in the permitted facility or operations which may result in noncompliance with the terms and conditions of this permit. Such notification does not waive the Permittee's duty to comply with this permit pursuant to Permit Condition A.5.

A.18 Transfer of Permits

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

- (a) The permit may be transferred to a new owner or operator only if such transfer is conducted in accordance with ORC Chapter 3734 and the rules adopted thereunder. This permit may be transferred by the Permittee to a new owner or operator only if the permit has been modified under OAC Rule 3745-50-51. Before transferring ownership or operation of the facility, the Permittee must notify the new owner or operator in writing of the requirements of ORC Chapter 3734 and the rules adopted thereunder (including all applicable Corrective Action requirements).
- (b) The Permittee's failure to notify the new owner or operator of the requirements of the applicable Ohio law or hazardous waste rules does not relieve the new owner or operator of its obligation to comply with all applicable requirements.



A.19 Compliance Reports

OAC Rules 3745-50-58(L)(5) and 3745-50-50

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule (developed in accordance with OAC Rule 3745-50-50) of this permit must be submitted to the Director no later than fourteen (14) days following each scheduled date.

A.20 Immediate Reporting of Noncompliance

OAC Rule 3745-50-58(L)(6)

- (a) The Permittee must report orally to Ohio EPA's Division of Environmental Response and Investigation & Enforcement within twenty-four (24) hours after the time the Permittee becomes aware of any noncompliance with this permit, ORC Chapter 3734 or the rules adopted thereunder, which may endanger human health or the environment, including:
  - (i) Information concerning the release of any hazardous waste that may cause an endangerment to public drinking water supplies; and
  - (ii) Any information of a release or discharge of hazardous waste or a fire or explosion from the hazardous waste facility, which could threaten the environment or human health outside the facility.
- (b) The report must consist of the following information (if such information is available at the time of the oral report):
  - (i) Name, address, and telephone number of the owner or operator;
  - (ii) Name, address, and telephone number of the facility;
  - (iii) Date, time, and type of incident;
  - (iv) Name and quantity of material(s) involved;
  - (v) The extent of injuries, if any;
  - (vi) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

- (vii) Estimated quantity and disposition of recovered material that resulted from the incident.

A.21 Follow-Up Written Report of Noncompliance  
OAC Rule 3745-50-58(L)(6)(c)

- (a) A written report must also be provided to Ohio EPA's Division of Environmental Response and Revitalization Southwest District Office within five (5) days after 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 after 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 three (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) The Permittee must not accept hazardous waste from any off-site sources.

#### 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 Availability, Retention and Disposition of Records  
OAC Rule 3745-54-74

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

B.22 Reserved

B.23 Reserved



B.24 Manifest System

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

(a) In managing waste at the facility the Permittee must comply with OAC Chapter 3745-52 and OAC Rules 3745-54-71, 3745-54-72 and 3745-54-76 with regard to the manifest system.

(b) Reserved.

(c) 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 General Requirements for Land Disposal Restrictions  
OAC Chapter 3745-270

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

**MODULE C - Reserved**

**MODULE D - Reserved**

## **MODULE E - CORRECTIVE ACTION REQUIREMENTS**

USEPA conducted a RCRA Facility Assessment (RFA) of the Delphi Automotive Systems-Cincinnati St. (f.k.a. Wisconsin Blvd.) in 1990.

USEPA PR/VSI-April 1990

Ohio EPA obtains oversight of RCRA CA with issuance of Ohio Hazardous Waste Facility Installation and Operations Permit-October 8, 2003

Delphi discontinues operations in 2007

Delphi submits RFI report to Ohio EPA for review-May 2008

IRG Dayton II, LLC purchases Facility from Delphi-June 25, 2009

IRG becomes new owner/operator on Permit via modification-March 9, 2010

IRG Permit modification to change Facility boundaries approved-October 26, 2011

IRG sells a portion of the site to Love's Travel Stops & Country Stores (Love) for redevelopment-November 29, 2012.

IRG submits Permit modification to add Love's as co-owner and Joint-Permittee approved by Ohio EPA October 7, 2013.

Love's conducts Interim Remedial Measures on its portion of the site to prepare for redevelopment. A report detailing the IRM effectiveness and in support of a modification request to remove Love's as co-owner and Joint-Permittee approved by Ohio EPA-January 29, 2016.

### **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.



Investigation completed in accordance with section E.4. Upon Ohio EPA approval thereof, the updated conditions summary shall replace and supersede the 2002 Current Conditions Summary in Appendix J-1 of the permit renewal application.

E.4 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. Delphi submitted the RFI Report to Ohio EPA in 2008. In 2013, Ohio EPA's comments on the RFI were provided to IRG. On or before January 11, 2019, Permittee will submit a revised RFI Report to Ohio EPA for approval. The final RFI will address Ohio EPA's comments on the initial RFI Report, describe the procedures, methods and results of the RFI, and contain adequate information to support further decisions concerning Corrective Action at the Facility. Ohio EPA will approve the revised RFI in writing, or send written comments to the Permittee. If Ohio EPA has further comments, the Permittee will review the comments, discuss with Ohio EPA if appropriate, and revise the RFI Report as appropriate. The final RFI Report, as approved by Ohio EPA, shall be incorporated into this Permit and become an enforceable condition of this Permit. Subsequent changes to the approved RFI Report may be proposed by Permittee for approval by Ohio EPA.

E.5 Interim Measure (IM)

In the event 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 interim remedial actions (also known as "Interim Measures") 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 Interim Measures upon a time frame established by Ohio EPA. An Interim Measures Report may be used to form the basis of a permit modification under OAC 3745-50-51 to remove a defined portion of the permitted Facility from the Permit or to complete all or part of the remaining Corrective Action. If, based upon review of the Permittee's request for a Permit modification, the Interim Measures report, and other information, Ohio EPA determines that releases or suspected releases are either nonexistent or do not pose an unacceptable risk to human health and the environment, Ohio EPA will approve the requested modification.

Investigation completed in accordance with Permit Condition E.4. Upon Ohio EPA approval thereof, the updated conditions summary shall replace and supersede the 2002 Current Conditions Summary in Appendix J-1 of the permit application.

E.4 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. Delphi submitted the RFI Report to Ohio EPA in 2008. In 2013, Ohio EPA's comments on the RFI were provided to IRG. Within one hundred and twenty (120) days after the effective date of the renewed Permit, Permittee will submit a revised RFI Report to Ohio EPA for approval. The final RFI will address Ohio EPA's comments on the initial RFI Report, describe the procedures, methods and results of the RFI, and contain adequate information to support further decisions concerning Corrective Action at the Facility. Ohio EPA will approve the revised RFI in writing, or send written comments to the Permittee. If Ohio EPA has further comments, the Permittee will review the comments, discuss with Ohio EPA if appropriate, and revise the RFI Report as appropriate. The final RFI Report, as approved by Ohio EPA, shall be incorporated into this Permit and become an enforceable condition of this Permit. Subsequent changes to the approved RFI Report may be proposed by Permittee for approval by Ohio EPA.

E.5 Interim Measure (IM)

In the event 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 interim remedial actions (also known as "Interim Measures") 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 Interim Measures upon a time frame established by Ohio EPA. An Interim Measures Report may be used to form the basis of a permit modification under OAC 3745-50-51 to remove a defined portion of the permitted Facility from the Permit or to complete all or part of the remaining Corrective Action. If, based upon review of the Permittee's request for a Permit modification, the Interim Measures report, and other information, Ohio EPA determines that releases or suspected releases are either nonexistent or do not pose an unacceptable risk to human health and the environment, Ohio EPA will approve the requested modification.

#### E.6 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 all or part of the Corrective Action required under the Permit for the entire Facility, for a portion of the Facility, or for a specific WMU or release. 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.

#### E.7 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). To satisfy the CMS requirement, Permittee will complete the following activities:

##### (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 ninety (90) days of receipt of any Ohio EPA comments, the Permittee must submit an amended CMS Workplan that addresses Ohio EPA's comments.

- (ii) Ohio EPA will approve, in writing, the initial or revised CMS Workplan. The CMS Workplan, as approved, will thereafter be incorporated into this Permit and become an enforceable condition of this Permit. Subsequent changes to the approved CMS Workplan may be proposed by the Permittee for approval 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 will 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 ninety (90) days of receipt of any Ohio EPA comments, the Permittee will submit an amended CMS Final Report that addresses 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.8 Corrective Measures Implementation (CMI)

Based on the results of the CMS, the Permittee will propose, in writing, to implement one or more of the Corrective Measures developed and evaluated during the CMS. The Permittee's proposal will describe how the Corrective Measure selected for implementation must: (1) be protective of human health and the environment; (2) attain relevant and applicable 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 relevant and applicable standards for management of wastes. Ohio EPA will review and if acceptable, approve the proposed Corrective Measures, in writing. If two or more

of the Corrective Measures studied meet the threshold criteria set out above, Ohio EPA will authorize the Corrective Measures Implementation by considering remedy selection factors including: (1) long-term reliability and effectiveness; (2) the degree to which the Corrective Measure will reduce the toxicity, mobility or volume of contamination; (3) the Corrective Measure's short-term effectiveness; (4) the Corrective Measure's implementability; and (5) the estimated financial cost associated of implementing 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 approved corrective measure(s). Unless otherwise approved by Ohio EPA, the Permittee will 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 receipt of Ohio EPA's written approval of the CMI, the Permittee will provide financial assurance in the amount necessary to implement the corrective measure(s) as required by OAC Rule 3745-54-101(B) and (C).

E.9 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 (if available);
- (iv) When the WMU was operated (if available); and



- (v) Specification of all waste(s) that have been managed at the WMU (if available).

- (b) Release Information

The Permittee must submit to Ohio EPA, within forty-five (45) days of discovery of a new release not previously identified at the Facility, all available information pertaining to any release of hazardous waste(s) or hazardous constituent(s) from any new or existing WMU.

E.10 Corrective Action for Newly Identified WMUs and Releases  
OAC Rule 3745-54-101

If Ohio EPA reasonably determines in writing, based on the information submitted in accordance with Permit Condition E.9, above, that a RFI is required for newly identified WMUs, the Permittee amend the approved RFI (see Permit Condition E.4 above) to include investigation of the new WMU or release and submit this amendment to Ohio EPA within ninety (90) days of Permittee's receipt of Ohio EPA's written determination, or such other time as agreed to by Ohio EPA and Permittee.

E.11 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.12 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.

**END OF PERMIT CONDITIONS**