UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 30 2016

REPLY TO THE ATTENTION OF

Mr. Donald J. Steyer
Vice President of Operations
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616

Re: Final Federal RCRA Permit, Envirosafe Services of Ohio, Inc.
Oregon, Ohio, OHD 045 243 706

Dear Mr. Steyer:

Enclosed is a copy of the final Federal portion of a Resource Conservation and Recovery Act (RCRA) Hazardous Waste permit for the above-referenced facility. The complete RCRA Hazardous Waste permit contains both Federal permit conditions (contained herein) and State permit conditions, which were issued separately by the State of Ohio RCRA program authorized under Title 40 of the Code of Federal Regulations (40 C.F.R.) Part 271. Any hazardous waste activity not included in the Federal portion of the RCRA permit or in the State portion of the RCRA permit is prohibited when such activity requires a RCRA Hazardous Waste permit.

The draft Federal RCRA permit was publicly noticed in the *Toledo Blade*, Toledo, Ohio, and *WXUT* radio station on or about June 3, 2016. A copy of the draft Federal RCRA permit was available for review at the Toledo-Lucas County Public Library, Oregon Branch, 3340 Dustin Road, Oregon, Ohio 43616. The public comment period extended from June 3 to July 22, 2016. A public meeting was held on July 14, 2016, 6:00 p.m. at the Lake Erie Center, Room 155, 6200 Bayshore Road, Oregon, OH 43616.

The comments received by U.S. Environmental Protection Agency on the draft Federal RCRA permit during the public comment period were submitted by Envirosafe Services of Ohio, Inc. EPA's Response to Comments on the Federal Draft Permit is enclosed with this letter.

This Federal permit is effective on **November 4, 2016 and valid until September 30, 2026**, unless the Federal permit is revoked and reissued, or terminated pursuant to 40 C.F.R. § 270.41 and § 270.43. Failure to comply with any conditions of the Federal permit may result in civil and/or criminal Penalties.

You may appeal the issuance of this permit by filing a petition for review with the Environmental Appeals Board.

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A petition for review of any condition of a RCRA permit decision must be filed with the Environmental Appeals Board within 30 days after EPA serves notice of the issuance of the final permit decision. 40 C.F.R. § 124.19(a)(3). When EPA serves the notice by mail, service is deemed to be completed when the notice is placed in the mail, not when it is received. However, to compensate for the delay caused by mailing, the 30-day deadline for filing a petition is extended by three days if the final permit decision being appealed was served on the petitioner by mail. 40 C.F.R. § 124.20(d). Petitions are deemed filed when they are received by the Clerk of the Board at the address specified for the appropriate method of delivery. 40 C.F.R. § 124.19(a)(3) and 40 C.F.R. § 124.19(i). Additional information regarding petitions for review may be found in the Environmental Appeals Board Practice Manual (January 2013) and A Citizen's Guide to EPA's Environmental Appeals Board, both of which are available at http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Environmental+Appeals+Board+Guidance+Documents?OpenDocument.

Eligibility to appeal the Federal permit is discussed further in 40 C.F.R. § 124.19. General filing requirements are contained in the Environmental Appeals Board Practice Manual and A Citizens' Guide to EPA's Environmental Appeals Board.

All documents that are sent through the U.S. Postal Service (except by Express Mail) must be addressed as follows:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

Documents that are hand-carried in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) must be delivered to:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

A copy of the petition should also be sent to:

RCRA Branch (LR-8J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

The procedures for filing an appeal are found in 40 C.F.R. § 124.19. The administrative appeal procedures must be completed prior to any action seeking judicial review.

If you have any questions concerning this permit, please contact Mr. Jae Lee of my staff at (312) 886-3781.

Sincerely,

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosure

cc: Bradley Mitchell, OEPA

*Final*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

# RESOURCE CONSERVATION AND RECOVERY ACT PERMIT

**Facility Name and Location:** **Envirosafe Services of Ohio, Inc.**
**876 Otter Creek Road**
**Oregon, Ohio 43616**

**Owner:** **Envirosafe Services of Ohio, Inc.**
**876 Otter Creek Road**
**Oregon, Ohio 43616**

**Operator:** **Envirosafe Services of Ohio, Inc.**
**876 Otter Creek Road**
**Oregon, Ohio 43616**

**U.S. EPA Identification Number:** **OHD 045 243 706**

**Effective Date:** **November 4, 2016**

**Expiration Date:** **September 30, 2026**

**Authorized Activities:**

The U.S. Environmental Protection Agency hereby issues a Resource Conservation and Recovery Act permit (hereinafter referred to as the "permit") to Envirosafe Services of Ohio, Inc. (addressed in the second person as "you" or "Permitee") in connection with the hazardous waste management operations at the Envirosafe Services of Ohio, Inc. facility, located in Oregon, Ohio.

This permit is issued under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984 (42 U.S.C. § 6901 *et seq.*) (collectively referred to as "RCRA") and EPA's regulations promulgated thereunder (codified, and to be codified, in Title 40 of the Code of Federal Regulations (40 C.F.R.)).

Specifically, this permit addresses air emission standards for equipment leaks, tanks, and containers, and miscellaneous units. See 40 C.F.R. Part 264, Subparts BB and CC.

The RCRA permit consists of both this permit, which contains the effective Federal RCRA permit conditions, and the effective State RCRA permit conditions issued by the State of Ohio's RCRA program authorized under 40 C.F.R. Part 271 (hereinafter called the "State RCRA permit"). Any hazardous waste activity which requires a RCRA permit and is not included in the RCRA permit is prohibited.

The State issued a RCRA permit on September 30, 2016. (The effective date and expiration date of the State RCRA permit are September 30, 2016 and September 30, 2026, respectively.)

**Permit Approval**:

On June 30, 1989, the State of Ohio received final authorization according to Section 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271, to administer the pre-HSWA RCRA hazardous waste program. The State of Ohio has also received final authorization to administer certain additional RCRA requirements on several occasions since then. However, because EPA has not yet authorized the State of Ohio to administer certain regulations, including the air emission standards for equipment leaks (40 C.F.R. Part 264, Subpart BB) and tanks, containers, and miscellaneous units (40 C.F.R. Part 264, Subpart CC), EPA is issuing the RCRA permit requirements for operations at your facility which fall under these regulations.

You must comply with all terms and conditions contained in this permit. This permit consists of all the conditions contained herein, the documents attached hereto, all documents cross-referenced in these documents, approved submittals (including plans, schedules and other documents), the applicable regulations in 40 C.F.R. Parts 124, 260, 261, 262, 264, 268, 270, and applicable provisions of RCRA.

This permit is based on the assumption that the information submitted in your RCRA Part A and B Permit Renewal Application dated June 30, 2015 and all other revisions and addendums to that application (hereinafter referred to as the "Application") is accurate and the facility is configured, operated and maintained as specified in the Application and other relevant documents.

Any inaccuracies in the submitted information may be grounds for EPA to terminate, revoke and reissue, or modify this permit in accordance with 40 C.F.R. §§ 270.41, 270.42 and 270.43; and for enforcement action. You must inform EPA of any deviation from, or changes in, the information in the Application and other pertinent documents that might affect your ability to comply with the applicable regulations or conditions of this permit.

**Opportunity to Appeal:**

Petitions for review must be submitted within 30 days after EPA serves notice of the final permit decision. Any person who filed comments on the draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may file a petition for review only to the extent of the changes from the draft to the final permit decision. The procedures for permit appeals are found in 40 C.F.R. § 124.19.

**Effective Date:**

This permit is effective as of **November 4, 2016** and will remain in effect until **September 30, 2026**, unless revoked and reissued under 40 C.F.R. § 270.41, terminated under 40 C.F.R. § 270.43, or continued in accordance with 40 C.F.R. § 270.51(a).

By: _____ Date: 9/30/2016

Margaret M. Guerriero, Director
Land and Chemicals Division

**OHD 045 243 706**
**Envirosafe Services of Ohio, Inc., Oregon, Ohio**

## TABLE OF CONTENTS

SECTION I--STANDARD PERMIT CONDITIONS ..... 1

I.A EFFECT OF PERMIT ..... 1
I.B PERMIT ACTIONS ..... 1
I.B.1 Permit Review, Modification, Revocation and Reissuance, and Termination ..... 1
I.B.2 Permit Renewal ..... 2
I.C SEVERABILITY ..... 2
I.D DEFINITIONS ..... 2
I.E DUTIES AND REQUIREMENTS ..... 3
I.E.1 Duty to Comply ..... 3
I.E.2 Duty to Reapply ..... 3
I.E.3 Permit Expiration ..... 3
I.E.4 Need to Halt or Reduce Activity Not a Defense ..... 3
I.E.5 Duty to Mitigate ..... 3
I.E.6 Proper Operation and Maintenance ..... 4
I.E.7 Duty to Provide Information ..... 4
I.E.8 Inspection and Entry ..... 4
I.E.9 Monitoring and Records ..... 5
I.E.10 Reporting Planned Changes ..... 5
I.E.11 Reporting Anticipated Noncompliance ..... 5
I.E.12 Certification of Construction ..... 6
I.E.13 Transfer of Permits ..... 6
I.E.14 Twenty-Four Hour Reporting ..... 6
I.E.15 Other Noncompliance ..... 8
I.E.16 Other Information ..... 8
I.F SIGNATORY REQUIREMENT ..... 9
I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR ..... 9
I.H CONFIDENTIAL INFORMATION ..... 9
I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY ..... 9
I.I.1 Operating Record ..... 9
I.I.2 Notifications ..... 10
I.I.3 Copy of Permit ..... 10
I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE ..... 10
I.K COORDINATION WITH THE CLEAN AIR ACT ..... 11

SECTION II-- AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS
(40 C.F.R. PART 264 SUBPART BB) ..... 11

II.A EQUIPMENT LEAKS ..... 11
II.B. TEST METHOD AND PROCEDURES ..... 11
II.C. RECORDKEEPING REQUIREMENTS ..... 11

SECTION III-- AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS
(40 C.F.R. PART 264 SUBPART CC) ..... 11

III.A MAXIMUM VOLATILE ORGANIC CONTENT ..... 12
III.B WASTE DETERMINATION PROCEDURE ..... 13
III.C RECORDKEEPING AND REPORTING REQUIREMENTS ..... 14
III.D OTHER REQUIREMENTS ..... 14
III.E LEVEL 1 CONTAINER REQUIREMENTS ..... 14
III.F LEVEL 2 CONTAINER REQUIREMENTS ..... 15
III.G LEVEL 1 TANK REQUIREMENTS ..... 16

# SECTION I—STANDARD PERMIT CONDITIONS

## I.A EFFECT OF PERMIT

This permit contains the federal RCRA permit conditions. You also have a state RCRA permit. You are hereby allowed to manage hazardous waste at Envirosafe Services of Ohio, Inc. ("facility") in accordance with this permit and the effective state RCRA permit. The storage, treatment and disposal of RCRA hazardous waste must comply with all terms and conditions in this permit. Other aspects of the storage and treatment of RCRA hazardous wastes are subject to the conditions in the state-issued portion of the RCRA permit. Any hazardous waste activity which requires a RCRA permit and is not included either in this permit, or the state RCRA permit, is prohibited.

Subject to 40 C.F.R. § 270.4, compliance with the RCRA permit during its term constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which: (1) become effective by statute; (2) are promulgated under 40 C.F.R. Part 268 restricting the placement of hazardous waste in or on the land; (3) are promulgated under 40 C.F.R. Part 264 regarding leak detection systems; or (4) promulgated under subparts AA, BB, or CC of 40 C.F.R. Part 265 limiting air emissions. (40 C.F.R. § 270.4)

This permit does not: (1) convey any property rights or any exclusive privilege; (2) authorize any injury to persons or property, or invasion of other private rights; or (3) authorize any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued, or any action brought, under: (1) Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; (2) Sections 104, 106(a), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§ 9601 *et seq.* (commonly known as "CERCLA"); or (3) any other law protecting public health or the environment.

## I.B PERMIT ACTIONS

### I.B.1 Permit Review, Modification, Revocation and Reissuance, and Termination

EPA may review, modify, or revoke and reissue this permit, or terminate it for cause, as specified in 40 C.F.R. §§ 270.41, 270.42, and 270.43. EPA may also review and modify this permit, consistent with 40 C.F.R. § 270.41, to include any terms and conditions it determines are necessary to protect human health and the environment under Section 3005(c)(3) of RCRA. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or

anticipated noncompliance on your part will not stay the applicability or enforceability of any permit condition. (40 C.F.R. § 270.30(f))

You may request a modification of this permit under the procedures specified in 40 C.F.R. § 270.42. A class 1 modification is generally allowed without prior approval by EPA except under certain conditions as described in 40 C.F.R. § 270.42(a)(2). A class 2 modification requires prior approval by EPA as described in 40 C.F.R. §270.42(b). You must not perform any construction associated with a Class 3 permit modification request until such modification request is granted and the modification becomes effective.

You may perform construction associated with a Class 2 permit modification request beginning 60 days after submission of the request, unless the Director establishes a later date. (40 C.F.R. § 270.42(b)(8)) (Pursuant to Chapter 8-6 of the Region 5 Delegation Manual, the authority assigned to the Regional Administrator as Director under 40 C.F.R. § 270.42(b)(8) has been delegated to the Director of the Land and Chemicals Division of EPA, Region 5. Thus, for the purposes of this permit, the term Director shall refer to the Division Director of EPA Region 5's Land and Chemicals Division.) Procedures for a class 3 modification are specified in 40 C.F.R. § 270.42(c).

### I.B.2 Permit Renewal

This permit may be renewed as specified in 40 C.F.R. § 270.30(b) and Section I.E.2 of this permit. In reviewing any application for a permit renewal, EPA will consider improvements in the state of control and measurement technology, and changes in applicable regulations. (40 C.F.R. § 270.30(b) and RCRA Section 3005(c)(3))

## I.C SEVERABILITY

This permit's provisions are severable. If any permit provision, or the application of any permit provision to any circumstance, is held invalid, such provision's application to other circumstances and the remainder of this permit will not be affected. Invalidation of any statutory or regulatory provision on which any condition of this permit is based does not affect the validity of any other statutory or regulatory basis for that condition. (40 C.F.R. § 124.16(a))

## I.D DEFINITIONS

The terms used in this permit will have the same meaning as in 40 C.F.R. Parts 124, 260 through 266, 268 and 270, unless this permit specifically provides otherwise. Where neither the regulations nor the permit define a term, the term's definition will be the standard dictionary definition or its generally accepted scientific or industrial meaning.

## I.E DUTIES AND REQUIREMENTS

### I.E.1 Duty to Comply

You must comply with all conditions of this permit, except to the extent and for the duration for which an emergency permit authorizes such noncompliance (40 C.F.R. § 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of RCRA and will be grounds for: enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 C.F.R. § 270.30(a))

### I.E.2 Duty to Reapply

If you wish to continue an activity this permit regulates after its expiration date, you must apply for and obtain a new permit. You must submit a complete application for a new permit at least 180 days before the permit expires, unless the Director grants permission for a later date. The Director will not grant permission to submit the complete application for a new permit later than the permit's expiration date. (40 C.F.R. §§ 270.10(h) and 270.30(b))

### I.E.3 Permit Expiration

Unless revoked or terminated, this permit and all conditions herein will be effective for approximately 10 years from this permit's effective date. This permit and all conditions herein will remain in effect beyond the permit's expiration date if you have submitted a timely, complete application (40 C.F.R. § 270.10 and §§ 270.13 through 270.29), and, through no fault of your own, the Director has not made a final determination regarding permit reissuance. (40 C.F.R. §§ 270.50 and 270.51)

### I.E.4 Need to Halt or Reduce Activity Not a Defense

In an enforcement action, you are not entitled to a defense that it would have been necessary to halt or reduce the permitted activity to maintain compliance with this permit. (40 C.F.R. § 270.30(c))

### I.E.5 Duty to Mitigate

In the event of noncompliance with this permit, you must take all reasonable steps to minimize releases to the environment resulting from the noncompliance and must implement all reasonable measures to prevent significant adverse impacts on human health or the environment. (40 C.F.R. § 270.30(d))

### I.E.6 Proper Operation and Maintenance

You must always properly operate and maintain all facilities and treatment and control systems (and related appurtenances) that you install or use to comply with this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires you to operate back-up or auxiliary facilities or similar systems only when necessary to comply with this permit. (40 C.F.R. § 270.30(e))

### I.E.7 Duty to Provide Information

You must provide the Director, within a reasonable time, any relevant information that the Director requests to determine whether there is cause to modify, revoke and reissue, or terminate this permit, or to determine permit compliance. You must also provide the Director, upon request, with copies of any records this permit requires. The information you must maintain under this permit is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 *et seq.* (40 C.F.R. §§ 264.74(a) and 270.30(h))

### I.E.8 Inspection and Entry

Upon the presentation of credentials and other legally required documents, you must allow the Director or an authorized representative to:

**I.E.8.a** Enter at reasonable times upon your premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;

**I.E.8.b** Have access to and copy, at reasonable times, any records that you must keep under the conditions of this permit;

**I.E.8.c** Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

**I.E.8.d** Sample or monitor any substances at any location at reasonable times, to assure permit compliance or as RCRA otherwise authorizes.

Notwithstanding any provision of this permit, EPA retains the inspection and access authority which it has under RCRA and other applicable laws. (40 C.F.R. § 270.30(i))

### I.E.9 Monitoring and Records

**I.E.9.a** Samples and measurements taken for monitoring purposes must be representative of the monitored activity. The methods used to obtain a representative sample of the feed streams, treatment residues, or other hazardous wastes to be analyzed must be the appropriate methods from Appendix I of 40 C.F.R. Part 261, or the methods specified in the Waste Characteristics which is Section C of the Application, or an equivalent method approved by the Director. Laboratory methods must be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods* (SW-846, latest edition), *Methods for Chemical Analysis of Water and Wastes* (EPA 600/4-79-020), or an equivalent method, as specified in the referenced Waste Characteristics. (40 C.F.R. § 270.30(j)(1))

**I.E.9.b** You must retain, at the facility, all records as specified in 40 C.F.R. § 264.74.

**I.E.9.c** You must submit all monitoring results at the intervals specified in this permit.

**I.E.9.d** You must retain all reports, records, or other documents, required by this permit, and records of all data used to complete the Application for this permit, for a period of at least 3 years from the date of the reports, records, or other documents, unless a different period is specified in this permit. The 3-year 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 this facility. (40 C.F.R. §§ 270.30(j) and 270.31)

### I.E.10 Reporting Planned Changes

You must notify the Director as soon as possible of any planned physical alterations or additions to the permitted facility. (40 C.F.R. § 270.30(l)(1))

### I.E.11 Reporting Anticipated Noncompliance

You must notify the Director, in advance, of any planned changes in the permitted facility or activity that may result in permit noncompliance. Advance notice will not constitute a defense for any noncompliance. (40 C.F.R. § 270.30(l)(2))

### I.E.12 Certification of Construction

You must not operate any RCRA air emission control devices completed after the effective date of this permit until you have submitted to the Director, by certified mail or hand-delivery, a letter signed both by your authorized representative and by a registered professional engineer, in accordance with 40 C.F.R. 270.30(l)(2)(i). That letter must state that the portions of the facility covered by this permit have been constructed in compliance with the applicable conditions of this permit. In addition, you must not operate the permitted control devices until either:

**I.E.12.a** The Director or his/her representative has inspected those portions of the facility and finds them in compliance with the conditions of the permit; or

**I.E.12.b** Within 15 days of the date of submission of the letter in I.E.12, the Permittee has not received notice from the Director of his or her intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste in accordance with 40 C.F.R. § 270.30(l)(2)(ii)(B).

### I.E.13 Transfer of Permits

This permit is not transferable to any person, except after notice to the Director. You must inform the Director in writing and obtain prior written approval of the Director before transferring ownership or operational control of the facility. (40 C.F.R. § 270.42, Appendix I) Under 40 C.F.R. § 270.40, the Director may require permit modification, or revocation and reissuance to change your name and incorporate other RCRA requirements. Before transferring ownership or operation of the facility during its operating life, you must notify the Director and obtain prior approval, and notify the new owner or operator in writing of the requirements of 40 C.F.R. Parts 264, 268, and 270, and you must provide a copy of the RCRA permit to the new owner or operator. (40 C.F.R. §§ 264.12(c), 270.30(l)(3), and 270.40(a))

### I.E.14 Twenty-Four Hour Reporting

**I.E.14.a** You must report to the Director any noncompliance with this permit that may endanger human health or the environment. Any such information must be promptly reported orally, but no later than 24 hours after you become aware of the circumstances.

**I.E.14.b** The report must include the following (40 C.F.R. § 270.30(l)(6)): (1) Information concerning release of any hazardous waste that may endanger public drinking water supplies; (2) Information of a release or discharge of hazardous

waste; or (3) Information of a fire or explosion from the hazardous waste management facility, that could threaten the environment or human health outside the facility. You must include the following information:

(1) Name, title and telephone number of the person making the report;

(2) Name, address and telephone number of the facility owner or operator;

(3) Facility name, address and telephone number;

(4) Date, time and type of incident;

(5) Location and cause of incident;

(6) Identification and quantity of material(s) involved;

(7) Extent of injuries, if any;

(8) Assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;

(9) Description of any emergency action taken to minimize the threat to human health and the environment; and

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

**I.E.14.c** In addition to the oral notification required under Sections I.E.14.a and I.E.14.b of this permit, a written report must also be provided within 5 calendar days after you become aware of the circumstances. The written report must include, but is not limited to, the following:

(1) Name, address and telephone number of the person reporting;

(2) Incident description (noncompliance and/or release or discharge of hazardous waste), including cause, location, extent of injuries, if any, and an assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;

(3) Period(s) in which the incident (noncompliance and/or release or discharge of hazardous waste) occurred, including exact dates and times;

(4) Whether the incident's results continue to threaten human health and the environment, which will depend on whether the noncompliance has been corrected and/or the release or discharge of hazardous waste has been adequately cleaned up; and

(5) If the noncompliance has not been corrected, the anticipated period for which it is expected to continue and the steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance.

The Director may waive the requirement that written notice be provided within 5 calendar days; however, you will then be required to submit a written report within 15 calendar days of the day on which you must provide oral notice, in accordance with Sections I.E.14.a and I.E.14.b of this permit. (40 C.F.R. §§ 270.30(1)(6) and 270.30(h))

### I.E.15 Other Noncompliance

You must report all instances of noncompliance not reported under Section I.E.14 of this permit, when any other reports this permit requires are submitted. The reports must contain the information listed in Section I.E.14 of this permit. (40 C.F.R. § 270.30(l)(10))

### I.E.16 Other Information

**I.E.16.a** Whenever you become aware that you failed to submit or otherwise omitted any relevant facts in the Application or other submittal, or submitted incorrect information in the Application or other submittal, you must promptly notify the Director of any incorrect information or previously omitted information, submit the correct facts or information, and explain in writing the circumstances of the incomplete or inaccurate submittal. (40 C.F.R. §§ 270.30(l)(11) and 270.30(h))

**I.E.16.b** All other requirements contained in 40 C.F.R. § 270.30 not specifically described in this permit are incorporated into this permit and you must comply with all those requirements.

## I.F SIGNATORY REQUIREMENT

You must sign and certify all applications, reports, or information this permit requires, or which are otherwise submitted to the Director, in accordance with 40 C.F.R. § 270.11. (40 C.F.R. § 270.30(k))

## I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR

Except as otherwise specified in this permit, all reports, notifications, or other submittals that this permit requires to be sent or given to the Director should be sent by certified mail or express mail, or hand-delivered to the U.S. Environmental Protection Agency Region 5, RCRA Branch, at the following address:

RCRA Branch, LR-8J
Land and Chemicals Division
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

## I.H CONFIDENTIAL INFORMATION

In accordance with 40 C.F.R. Part 2, Subpart B, you may claim any information this permit requires, or otherwise submitted to the Director, as confidential. You must assert any such claim at the time of submittal in the manner prescribed on the application form or instructions or, in the case of other submittals, by stamping the words "Confidential Business Information" on each page containing such information. If you made no claim at the time of submittal, the Director may make the information available to the public without further notice. If you assert a claim, the information will be treated in accordance with the procedures in 40 C.F.R. Part 2. (40 C.F.R. § 270.12) You have the burden of substantiating that the claimed information is confidential, and U.S. EPA may request further information from you regarding such claim, and may reasonably determine which such information to treat as confidential.

## I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY

You must maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and all amendments, revisions, and modifications to them.

### I.I.1 Operating Record

You must maintain in the facility's operating record the documents required by this permit, and by the applicable portions of 40 C.F.R. §§ 264.1035, 264.1064, 264.1084, 264.1088, 264.1089 and 40 C.F.R. § 264.73 (as they apply to the equipment used to comply with this permit).

### I.I.2 Notifications

You must maintain notifications from generators that are required by 40 C.F.R. § 268.7 to accompany an incoming shipment of hazardous wastes subject to 40 C.F.R. Part 268, Subpart C, that specify treatment standards, as required by 40 C.F.R. §§ 264.73, 268.7, and this permit.

### I.I.3 Copy of Permit

You must keep a copy of this permit at the facility, including all of the documents listed in any attachments, and you must update it as necessary to incorporate any official permit modifications.

## I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE

**I.J.1** All attachments and documents that this permit requires to be submitted, if any, including all plans and schedules are, upon the Director's approval, incorporated into this permit by reference and become an enforceable part of this permit. Since required items are essential elements of this permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject you to enforcement action under Section 3008 of RCRA. This may include fines, or permit suspension or revocation.

**I.J.2** This permit also includes the documents attached hereto, all documents cross-referenced in these documents, and the applicable regulations contained in 40 C.F.R. Parts 124, 260, 261, 262, 264, 266, 268, and 270, and applicable provisions of RCRA, all of which are incorporated herein by reference.

**I.J.3** Any inconsistency or deviation from the approved designs, plans and schedules is a permit noncompliance. The Director may grant written requests for extensions of due dates for submittals required in this permit.

**I.J.4** If the Director determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Director may modify this permit according to

procedures in Section I.B of this permit.

**I.J.5** If any documents attached to this permit are found to conflict with any of the conditions in this permit, the condition will take precedence.

## I.K COORDINATION WITH THE CLEAN AIR ACT

You must fully comply with the RCRA requirements contained in this permit. This permit does not include the requirements imposed by the Clean Air Act.

You shall not operate process vents as defined in 40 C.F.R. § 264.1031.

# SECTION II -- AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS (40 C.F.R. PART 264, SUBPART BB)

## II.A EQUIPMENT LEAKS

You must comply with all applicable requirements of 40 C.F.R. Part 264 Subpart BB (Subpart BB), regarding air emission standards for equipment leaks. Subpart BB applies to equipment that contains or contacts hazardous waste with organic concentrations of at least 10 percent by weight that are managed in certain units as provided in 40 C.F.R. § 264.1050(b). The Application represents your facility does not have any such equipment. You shall not manage hazardous waste with organic concentrations equal to or greater than 10 percent by weight in any equipment, as defined in 40 C.F.R. § 264.1031. (40 C.F.R. § 264.1050(b)).

## II.B TEST METHOD AND PROCEDURES

You must comply with the requirements of 40 C.F.R. § 264.1063(d).

## II.C RECORDKEEPING REQUIREMENTS

You must comply with the requirements of 40 C.F.R. § 264.1064(k).

# SECTION III – AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS (40 C.F.R. PART 264, SUBPART CC)

You must comply with all applicable requirements of 40 C.F.R. Part 264 Subpart CC (Subpart CC), regarding air emission standards for tanks and containers. All containers and tanks not exempt from 40 C.F.R. Part 264 Subpart CC must be managed using the applicable standards at 40 C.F.R. § 264.1084 and 40 C.F.R. § 264.1086.

You are permitted by the State portion of the permit to store hazardous wastes in 4 tanks (S100, S200, S300, and S400). The capacity of each of the tanks is 25,000 gallons. There are also 4 tanks in the landfill Cell M (Landfill Tank 1: 14,360 gallons, Tank 2: 14,360 gallons, Tank 3: 25,930 gallons, and Tank 4: 25,930 gallons). You are also allowed to store hazardous waste in the four container storage areas (Area H, K, M, and N). The capacity of each container storage area is as follows: Area H (300 cubic yards ($yd^3$)), K (600 $yd^3$), M (300 $yd^3$), and N (300 $yd^3$).

The Application also specifies that tanks identified as S4 through S7 with a capacity of 15,000 gallons each and container storage areas identified as G (1,050 $yd^3$), I (450 $yd^3$), and L (200 $yd^3$) are authorized in the Ohio EPA RCRA permit, but have not been constructed. If constructed, these tanks and container storage areas will be subject to 40 C.F.R. Part 264, Subpart CC and shall comply with all applicable requirements. Prior to managing hazardous waste in these to-be-constructed tanks and container storage areas, the Permittee pursuant to 40 C.F.R. § 270.42 shall submit a request to the U.S. EPA to modify this permit to add these units to this permit. Such units are not permitted to operate unless the Permittee receives approval for the modification request from the U.S. EPA.

There is also a Size Reduction Crushing Unit (SRCU) in the stabilization containment building (SCB) which processes hazardous waste. The SRCU is considered a miscellaneous unit as defined in 40 C.F.R. Part 264, Subpart X. The miscellaneous unit is subject to 40 C.F.R. Part 264, Subpart CC, requirements. (40 C.F.R. § 264.601)

You are allowed to manage hazardous waste in tanks and containers in accordance with the state portion of the RCRA permit.

You must not conduct a waste stabilization process, as defined at 40 C.F.R. § 265.1081, for wastes subject to 40 C.F.R. Part 264, Subpart CC, in containers and tanks.

## III.A MAXIMUM VOLATILE ORGANIC CONTENT

The Application states that the hazardous waste stored in the tanks and containers at the facility contains an average volatile organic (VO) concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The Application also states that the hazardous waste entering into the SCB contains an average VO concentration at the point of waste origination of less than 500 ppmw. 40 C.F.R. § 264.1082(c)(1), in pertinent part, provides:

> (c) A tank, surface impoundment, or container is exempt from standards specified in § 264.1084 through § 264.1087 of this subpart, as applicable, provided that the waste management unit is one of the following:
>
> > (1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of

> waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration shall be determined using the procedures specified in § 264.1083(a) of this subpart. The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

Among other requirements, 40 C.F.R. § 264.1083(a) specifies procedures for determining the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under 40 C.F.R. § 264.1082, including the procedures at 40 C.F.R. § 265.1084(a)(2) through (a)(4); discusses the timing of the initial determination; and requires an owner and operator to perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in 40 C.F.R. § 264.1082.

For a unit to be exempt from the requirements of 40 C.F.R. §§ 264.1084 through 264.1087, which this permit discusses at Section III.E., F. and G below, you must meet all the requirements specified at 40 C.F.R. § 264.1082(c)(1) for that unit, including but not limited to making timely determinations, following the procedures specified at § 264.1083(a), and having an average VO concentration for hazardous waste at the point of waste origination below 500 ppmw.

## III.B WASTE DETERMINATION PROCEDURE

You must demonstrate by direct measurement or by knowledge method that for each unit you claim to be exempt under 40 C.F.R. § 264.1082(c)(1), the average VO concentration for all hazardous waste entering the unit, as determined in accordance with 40 C.F.R. §§ 264.1083(a) and 265.1084(a)(2) through (a)(4), is less than 500 ppmw.

For each hazardous waste placed in the permitted tanks, containers, and SRCU, you shall review and update, as necessary, that determination, at least once every twelve months following the date of the initial determination using the procedures specified in 40 C.F.R. §§ 264.1083(a) and 265.1084(a)(2) through (a)(4), as specified by 40 C.F.R. § 264.1082(c)(1).

You shall perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste managed in the containers, tanks, and SRCU to increase to a level that is equal to or greater than 500 ppmw.

## III.C RECORDKEEPING AND REPORTING REQUIREMENTS

You must comply with all applicable recordkeeping and reporting requirements described in 40 C.F.R. § 264.1089 and § 264.1090.

## III.D OTHER REQUIREMENTS

You shall inform the EPA Region 5 RCRA program, in writing, about any changes to the statement in the Application that hazardous waste processed in the tanks, containers, and SRCU contain an average VO concentration at the point of waste origination of less than 500 ppmw no later than 30 days prior to any such changes. In the event that any of the tanks, containers, and/or SRCU specified in the Application process hazardous waste with an average VO concentration at the point of waste origination of greater than 500 ppmw, such tanks, containers, and/or SRCU shall be subject to, and you must comply with, all applicable requirements specified in Sections III.E, F, and G; and also submit a permit modification request providing for the application of 40 C.F.R. Part 264, Subpart CC, to those hazardous waste tanks, containers, and/or SRCU.

## III.E LEVEL 1 CONTAINER REQUIREMENTS

You must manage the containers with a design capacity greater than 0.1 $m^3$ (26.4 gallons) and less than or equal to 0.46 $m^3$ (121 gallons), and the containers with a design capacity greater than 0.46 $m^3$ (121 gallons) that are not in light material service, as defined in 40 C.F.R. § 265.1081, with Container Level 1 standards as described at 40 C.F.R. § 264.1086(c). When storing hazardous waste in Level 1 containers you must comply with the following requirements:

**III.E.1** A Level 1 container must satisfy one of the following requirements (40 C.F.R. § 264.1086(c)(1)):

*(a)* meet the applicable Department of Transportation (DOT) regulations as specified in 40 C.F.R. § 264.1086(f),

*(b)* be equipped with a cover and closure devices with acceptable tightness and construction materials in accordance with 40 C.F.R. § 264.1086(c)(1)(ii), or

*(c)* be an open-top container with organic vapor suppressing barrier to prevent hazardous waste from being exposed to the atmosphere as specified in 40 C.F.R. § 264.1086(c)(1)(iii).

Containers, which do not meet DOT regulation specified in 40 C.F.R. § 264.1086(f), must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity, for as long as the container is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices shall include: organic vapor permeability, the effects of any contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used. (40 C.F.R. § 264.1086(c)(2))

**III.E.2** All covers and closure devices must be in closed position whenever hazardous waste is in a container. Opening of a closure device or cover is allowed if it meets the purpose of and operates as defined in 40 C.F.R. § 264.1086(c)(3)(i) through (v).

**III.E.3** You must inspect all containers and their covers and closure devices in accordance with 40 C.F.R. § 264.1086(c)(4)(i) and (ii) and repair defects in accordance with 40 C.F.R. § 264.1086(c)(4)(iii). For containers with a capacity of 0.46 $m^3$ or greater, which do not meet applicable DOT regulations, you must maintain at the facility a copy of the procedure used to determine that those containers are not managing hazardous waste in light material service, as specified in 40 C.F.R. § 264.1086(c)(5).

## III.F LEVEL 2 CONTAINER REQUIREMENTS

You must manage the containers with a design capacity greater than 0.46 $m^3$ (121 gallons) that are in light material service, as defined in 40 C.F.R. § 265.1081, with Container Level 2 standards as described at 40 C.F.R § 264.1086(d). When storing hazardous waste in Level 2 containers you must comply with the following requirements:

**III.F.1** You shall receive and handle a container complying with one of the following requirements as specified in 40 C.FR. § 264.1086(d)(1):

**III.F.1.a** A container that meets the applicable U.S. Department of Transportation regulations on packaging hazardous materials for transportation as specified in 40 C.F.R. § 264.1086(f);

**III.F.1.b** A container that operates with no detectable organic emissions as defined in 40 C.F.R. § 265.1081 and determined in accordance with the procedure specified in 40 C.F.R. § 264.1086(g); or

**III.F.1.c** A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 C.F.R. Part 60, appendix A, Method 27 in accordance with the procedure specified in 40 C.F.R. § 264.1086(h).

**III.F.2** You shall transfer hazardous waste into or out of a container in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, as specified in 40 C.F.R. § 264.1086(d)(2). When transferring hazardous waste into or out of a container, you shall conduct such transferring activity by opening only the bung portion of the container. You shall not open the entire top portion of a container to transfer hazardous waste into or out of a container at any time.

**III.F.3** For the treatment activities in containers other than the prohibited waste stabilization process defined in 40 C.F.R. § 265.1081, you shall comply with the requirements specified in Section III.F.2.

**III.F.4** You shall install all covers and closure devices for the container whenever a hazardous waste is in a container. You shall secure and maintain each closure device in the closed position except during filling and removal operations as specified in 40 C.F.R. § 264.1086(d)(3).

**III.F.5** You shall inspect all containers and their covers and closure devices in accordance with 40 C.F.R § 264.1086(d)(4)(i) and (ii). When a defect is detected for a container, cover, or closure devices, you shall repair the defect in accordance with 40 C.FR. § 264.1086(d)(4)(iii).

## III.G LEVEL 1 TANK REQUIREMENTS

All hazardous waste tanks specified above must comply with the Level 1 tank standards of 40 C.F.R. § 264.1084(c) and the following requirements:

**III.G.1** The maximum vapor pressure, as determined by 40 C.F.R. § 264.1083(c)(2), must be less than 76.6 kilo-Pascal (kPa) for Landfill Tanks 1, 2, and tanks S4 through S7. The maximum vapor pressure, as determined by 40 C.F.R § 264.1083(c)(2), must be less than 27.6 kPa for tanks S100, S200, S300, S400, and Landfill tanks 3 and 4.

**IIII.G.2** You shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank in accordance with standards specified in Section III.G.1. Whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity specified in Section III.G.1, you shall perform a new determination of the maximum organic vapor pressure in the tank in accordance with 40 C.F.R. § 264.1083(c)(2).

**III.G.3** Each tank, except Landfill tanks, must be a fixed roof design complying with the following specifications:

(a) The tank closure devices must be designed and constructed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. Gaskets used for closure devices or piping systems shall be of suitable materials compatible with the hazardous wastes and shall be in accordance with good engineering practices.

(b) Each opening in the fixed roof and any manifold system associated with the fixed roof shall be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device.

(c) The fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life.

**III.G.4** Whenever a hazardous waste is in a tank, all openings (e.g., manholes, instruments connections, pipe nozzles), must be securely closed to prevent releases of vapors into the atmosphere, except for routine inspections, maintenance, and other approved activities. (40 C.F.R. § 264.1084(c)(3))

**III.G.5** You must inspect all tanks at least once per year, or retest the tanks to ascertain that the air emissions from the tank systems comply with the design and with the requirements specified in 40 C.F.R. § 264.1084(c)(4).

**III.G.6** You must process a Class 1 permit modification and obtain approval from the Director if you plan to operate or to modify the tank systems to comply with Level 2 standards.

**III.G.7** You shall control the air emissions from all tanks and SRCU in accordance with 40 C.F.R. § 264.1084(c)(2)(iii)(B) by venting the tanks through closed vent systems to a control device, which is designed and operated to minimize emissions with an efficiency of 95 percent or greater by weight. If the control device is offline due to a power outage or maintenance, emissions shall be routed through the closed-vent system to the carbon canister adsorption system.

# RESPONSE TO COMMENTS ON THE FEDERAL DRAFT PERMIT FOR

## Envirosafe Services of Ohio, Inc.
## Oregon, Ohio EPA ID# OHD 045 243 706

I. INTRODUCTION

This summary is issued in response to all of the significant comments raised during the public comment period. The public comment period for the draft permit lasted from June 3 to July 22, 2016. A public meeting was held on July 14, 2016.

II. COMMENTS, RESPONSES, AND CHANGES

Envirosafe Services of Ohio, Inc. (Envirosafe) submitted comments during the public comment period.

The following comments are from Envirosafe and each comment is taken directly from Envirosafe's written comments.

1. **Comment**: ESOI believes the wording of the last sentence in the Section III preface does not clearly state its intended purpose. It states that "You must not conduct a waste stabilization process, as defined at 40 C.F.R. 265.1081, in containers and tanks." Waste stabilization is not directly defined in that section but is defined in parts 260 through 266 of that chapter. This is a broad definition and does not limit it to those wastes subject to 40 CFR 264 Subpart CC. Waste stabilization of non-Subpart CC wastes has always been and continues to be an integral piece of ESOI's business. We believe USEPA's intent is to preclude waste stabilization of wastes subject to 40 CFR 264 Subpart CC. Therefore, the following change or similar language is requested: "You must not conduct a waste stabilization process for wastes subject to 40 C.F.R. 264 Subpart CC in containers and tanks."

   **Response**: Waste stabilization process is defined in 40 C.F.R. § 265.1081 as "any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095B (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § 260.11. A waste stabilization process includes mixing the hazardous waste with binders or other materials, and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification." This does not include the adding of absorbent materials to the surface of a waste, without mixing, agitation, or subsequent curing, to absorb free liquid". As indicated in 40 C.F.R. §§ 264.1084(b)(2) and 264.1086(b)(2), waste stabilization process is not allowed in Level 1 tanks and Level 1 and 2 containers.

Since Envirosafe operates Level 1 and Level 2 containers and Level 1 tanks, waste stabilization process, as defined in 40 C.F.R. 265.1081, is prohibited.

For the applicability of the waste stabilization process in the tanks and containers, the waste stabilization process prohibition is applicable only to the units which are regulated in the Subpart CC regulations. Since the waste stabilization process prohibition is required under the Section III (Air Emission Standards for Tanks and Containers (40 C.F.R. Part 264, Subpart CC)), the requirement is only applicable to the Subpart CC tanks and containers. However, in order to make such statement more clear, the mentioned statement will be modified as "You must not conduct a waste stabilization process, as defined at 40 C.F.R. § 265.1081, for wastes subject to 40 C.F.R. Part 264, Subpart CC, in containers and tanks."

**Change**: Section III, Page 12 of 17, 5th paragraph: "You must not conduct a waste stabilization process, as defined at 40 C.F.R. 265.1081, in containers and tanks" **will be changed to** "You must not conduct a waste stabilization process, as defined at 40 C.F.R. § 265.1081, for wastes subject to 40 C.F.R. Part 264, Subpart CC, in containers and tanks.".

2. **Comment**: Conditions III.A contains a typographical error in the second to last paragraph. The reference made to 40 C.F.R. § 264.1084(a)(2) through (a)(4) should reference Part 265; not Part 264.

   **Response**: EPA will accept this comment and will modify the draft permit accordingly.

   **Change**: Section III.A, page 13 of 17, second to last paragraph, 4th line: " ..... .... procedures at 40 C.F.R. § 264.1084(a)(2) through (a)(4); discusses the timing of the....." **will be changed to** ".....procedures at 40 C.F.R. § 265.1084(a)(2) through (a)(4); discusses the timing of the.....".

3. **Comment**: Conditions III.B contains two typographical errors in the first and second paragraphs. The references made to 264. 1084(a)(2) and (3) should reference Part 265; not Part 264.

   **Response**: EPA will accept this comment and will modify the draft permit accordingly.

   **Change**: Section III.B, page 13 of 17, first paragraph, 4th line: "...40 C.F.R. §§ 264.1083(a) and 264.1084(a)(2) and (3), is less than 500 ppmw.: **will be changed to** "..... 40 C.F.R. §§ 264.1083(a) and 265.1084(a)(2) and (3), is less than 500 ppmw.".

   **Change**: Section III.B, page 13 of 17, second paragraph, 4th line: ".....40 C.F.R. §§ 264.1083(a) and 264.1084(a)(2) and (3), as specified by 40 C.F.R. § 264.1082(c)(1)." **will be changed to** " .....40 C.F.R. §§ 264.1083(a) and 265.1084(a)(2) and (3), as specified by 40 C.F.R. § 264.1082(c)(1).".

4. **Comment**: There are inconsistent permit conditions regarding waste determination procedures in Conditions III.A and III.B. The inconsistency is in reference to the use of direct measurement or knowledge.

   Condition III.A includes an excerpt from 40 C.F.R. 264.1082(c)(1). It states in part "...VO concentration shall be determined using the procedures specified in § 264.1083(a) of this subpart." It also states in part "Among other requirements, 40 C.F.R. § 264.1083(a) specifies procedures for determining the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under 40 C.F.R. § 264.1082, including the procedures at 40 C.F.R. § 264.1084(a)(2) through (a)(4)" (as noted above, the condition should read 265.1084(a)(2) through (a)(4)). Both statements include the use of direct measurement or knowledge as acceptable means for waste determination. This is consistent with the current permit.

   However, Condition III.B. states "You must demonstrate by direct measurement or approved method that for each unit you claim to be exempt under 40 C.F.R. § 264.1082(c)(1), the average VO concentration for all hazardous waste entering the unit, as determined in accordance with 40 C.F.R. §§ 264.1083(a) and 264.1084(a)(2) and (3), is less than 500 ppmw." It also states "For each hazardous waste placed in the permitted tanks, containers, and SRCU, you shall review and update, as necessary, that determination, at least once every twelve months following the date of the initial determination using the procedures specified in 40 C.F.R. §§ 264.1083(a) and 264.1084(a)(2) and (3), as specified by 40 C.F.R. § 264.1082(c)(1)" (as noted above, the conditions should read 265.1084(a)(2) and (3)). These conditions specifically exclude the use of knowledge and 265.1084(a)(4). This is inconsistent with Condition III.A and the current permit which states "using either direct measurement as specified in Condition II.B.4.a or by knowledge as specified in Condition II.B.4.b."

   ESOI relies upon its Waste Analysis Plan (WAP) for waste determination procedures. A copy is included in the permit application Section C. For each waste stream, the generator completes a Waste Product Questionnaire (WPQ); Appendix C.1. Numbers 11 and 12 in Section F of the WPQ contain Subpart CC information and how the determination was made (including generator knowledge). It is updated annually as long as the generator continues to ship the waste. This has been the permitted practice that ESOI has employed since Subpart CC went into effect. ESOI is a commercial hazardous waste landfill facility that manages hundreds of waste streams per year. Very few organics are accepted for disposal. Land Disposal Restriction (LDR) regulations prohibit the disposal of volatile organics above concentrations that would typically exceed 500 ppm. To impose direct measurement on hundreds of waste streams would be a significant burden with little or no value considering nearly all waste accepted is metal

contaminated dusts, soils, and debris. Total concentration of organics is reviewed during the profiling process. If the total amount presented in either the constituent section of the profile or any accompanying analytical is remotely close to a total of 500 ppm, and will be managed in any other way than direct disposal, the profile is closely evaluated and the generator contacted for additional information if necessary. ESOI requests that the use of knowledge as allowed in 265.1084(a)(4) be permitted as it is and always has been at ESOI. ESOI is not aware that other commercial hazardous waste landfills are required to perform direct measurement on every waste stream they manage in a tank or container. This practice is overly burdensome from both a competitive and financial standpoint and will effectively shut down all operations.

**Response**: 40 C.F.R. § 265.1084(a)(2) states that the average volatile organic (VO) concentration of a hazardous waste shall be determined using either direct measurement as specified in 40 C.F.R. § 265.1084(a)(3) or by knowledge as specified in 40 C.F.R. § 265.1084(a)(4). Section III.B clearly states that the VO concentrations shall be determined in accordance with 40 CFR 265.1084(a)(2) for all hazardous waste entering the unit. Therefore, Section III.B of the permit does not exclude the "by knowledge" method as a means of VO concentration determination. However, in order to make this more clear, Section III.B can be modified to include the "by knowledge" method noted in 40 C.F.R. § 265.1084(a)(4).

**Change**: Section III.B, page 13 of 17, first paragraph: "You must demonstrate by direct measurement or approved method that for each unit you claim to be exempt under 40 C.F.R. § 264.1082(c)(1), the average VO concentration for all hazardous waste entering the unit, as determined in accordance with 40 C.F.R. §§ 264.1083(a) and 264.1084(a)(2) and (3), is less than 500 ppmw." **will be changed to** "You must demonstrate by direct measurement or by knowledge method that for each unit you claim to be exempt under 40 C.F.R. § 264.1082(c)(1), the average VO concentration for all hazardous waste entering the unit, as determined in accordance with 40 C.F.R. §§ 264.1083(a) and 265.1084(a)(2) through (a)(4), is less than 500 ppmw."

**Change:** Section III.B, page 13 of 17, second paragraph: "For each hazardous waste placed in the permitted tanks, containers, and SRCU, you shall review and update, as necessary, that determination, at least once every twelve months following the date of the initial determination using the procedures specified in 40 C.F.R. §§ 264.1083(a) and 264.1084(a)(2) and (3), as specified by 40 C.F.R. § 264.1082(c)(1)." **will be changed to** "For each hazardous waste placed in the permitted tanks, containers, and SRCU, you shall review and update, as necessary, that determination, at least once every twelve months following the date of the initial determination using the procedures specified in 40 C.F.R. §§ 264.1083(a) and 265.1084(a)(2) through (a)(4), as specified by 40 C.F.R. § 264.1082(c)(1)."

5. **Comment**: Permit Conditions III.E, F, and G are not included in the current permit and are unnecessary. ESOI has not requested to comply with any Clean Air Act (CAA) rules in the place of RCRA rules and regulations that may make such conditions necessary. ESOI does not accept Subpart CC wastes for treatment, storage, or processing in tanks, containers, or the Stabilization-Containment Building (SCB) including the size reduction unit; and is not asking for a permit to do so. In fact, the current permit prohibits ESOI from their acceptance. ESOI did not request any changes from that prohibition and does not understand the need for conditions in the permit that regulate how they will be managed when received. ESOI is requesting that the conditions be removed.

   An analogy can be made with explosives. ESOI has not proposed to accept explosives and there are no conditions regulating how they are to be managed when accepted; simply a condition prohibiting acceptance. Likewise, there is no need for conditions regulating the how Subpart CC wastes will be managed. The introduction to Section III already states that ESOI must comply with all applicable requirements of Subpart CC. Deletion of the newly proposed conditions does not lessen the strength or requirements of the permit or compliance with Subpart CC.

   **Response**: The permit assumes that the facility does not need to comply with 40 C.F.R. Part 264, Subpart CC requirements for the applicable unit because the Part B Permit Application states that the current average VO concentration of the waste stored in the applicable unit is below 500 ppm at the point of waste generation. However, during the course of permitted operation, it is possible that the VO concentration might exceed the regulated limit. Therefore, if ESOI operates Level 1 or 2 containers or Level 1 tanks at the facility, the permit imposes the requirements that apply to those tanks, containers and other applicable units, regardless of the current level of VO concentrations. As stated in Section III.D (Other Requirement), conditions specified in Section III.E, III.F, and III.G are only applicable when the VO concentration of the applicable unit is above 500 ppm at the point of waste origination. During the 10-year permit period, if the facility processes the waste in the applicable unit greater than 500 ppm at the point of waste origination, the requirements specified in Section III.E, III.F, and III.G shall be followed.

   **Change**: No change is needed per this comment.

Ohio Environmental Protection Agency

United States Environmental Protection Agency

# Draft Hazardous Waste Permit Renewal and Comment Period

May 2016

**Facility Name: Envirosafe Services of Ohio, Inc.**
**U.S. EPA I.D.:** OHD 045 243 706
**Location:**
876 Otter Creek Road
Oregon, Ohio 43616

**Facility Owner:**
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616

**Facility Operator:**
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616

**Activity:**
Permit renewal for Ohio Hazardous Waste Facility Installation and Operation Permit for Storage, Treatment and Disposal of Hazardous Waste, Closure/Post-Closure and Corrective action activities.

**Comment Period:**
June 3, 2016 – July 22, 2016

**Submit Comments to:**
Ohio EPA
Brad Mitchell
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2621
bradley.mitchell@epa.ohio.gov

U.S. EPA, Region 5
Mr. Jae Lee
RCRA/TSCA Programs Section, LR-8J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
lee.jae@epa.gov

## What is the history of the hazardous waste program?

The Resource Conservation and Recovery Act (RCRA), an amendment to the Solid Waste Disposal Act, was passed in 1976. The main reason for the amendment was to address the growing volume of municipal and industrial solid waste generated across the United States. A few goals established by RCRA include: to protect human health and the environment from potential hazards of waste disposal, to reduce the amount of waste generated, and to ensure that waste produced are managed in an environmentally sound manner.

When RCRA was written, U.S. Congress' intent was for the states to assume primary responsibility for implementing the hazardous waste regulations with oversight from the United States Environmental Protection Agency (U.S. EPA). U.S. EPA must approve each state as an authorized state. To become an authorized state, each must demonstrate that the state program is at least equivalent to and consistent with federal laws, provides adequate enforcement authority and provides availability of information similar to the federal program. Since 1989, the State of Ohio has been an authorized state by U.S. EPA for the majority of their hazardous waste program.

Currently, the State of Ohio is not authorized by U.S. EPA to issue a permit for organic air emissions (40 CFR Part 264, Subparts AA, BB, and CC) from hazardous waste storage units. U.S. EPA has drafted a RCRA permit to address organic air emissions from hazardous waste storage units. U.S. EPA's draft permit and the State of Ohio's draft permit have been issued concurrently and both share the same comment period.

# Draft Hazardous Waste Permit Renewal

## How can I become more involved?

**Public meeting has been pre-scheduled**
A public meeting will be held on Thursday, July 14, 2016 at 6:00 PM at Lake Erie Center, Room 155, 6200 Bayshore Road, Oregon, OH 43616 to receive public comments. Oral comments will be received during the public meeting. All persons, including the applicant, may submit written comments relating to this draft action. Written comments may be submitted before the end of the comment period to the address in the box on the left side of the first page. Written comments for the federal portion of the permit should be submitted to U.S. EPA to the address listed in the box on the left side of the first page.

U.S. EPA follows the public comment, permit issuance and appeal procedures at 40 C.F.R. §§ 124.11 – 124.19. At the public hearing, you will have an opportunity to submit written comments, ask questions, make statements, and otherwise discuss any concerns about the permit with Ohio and U.S. EPA staff.

The comment period begins on June 3, 2016, and ends on July 22, 2016. Copies of the permit application and the draft permit are available for review by the public at the following locations:

Ohio EPA, Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio, 43402
(419) 352-8461

Ohio EPA, Central Office
Division of Materials and Waste Management
Lazarus Government Center
50 West Town St., Suite 700
Columbus, Ohio 43215
(614) 644-2621

U.S. EPA, Region 5
RCRA Branch, LR-8J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
(312) 886-3781

Copies of the Ohio draft permit and the federal draft permit are available for review by the public at:

Toledo-Lucas County Public Library, Oregon Branch
3340 Dustin Road
Oregon, OH 43616
(419) 259-5250

The Ohio draft permit is available for review by the public online under the "Stakeholder Input" tab at:

www.epa.ohio.gov/dmwm

The entire record for this draft action is available via Ohio EPA's eDocument portal:

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 package number which is "315".

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

www.epa.gov/region5/waste/permits/actions.htm

After the close of the public comment period, Ohio EPA and U.S. EPA will review all comments received and decide whether to issue the permit. The final decision will include notification to those who submitted written comments during the official comment period. Ohio EPA and U.S. EPA will also prepare and send to all responders a document answering significant comments.

Within thirty (30) days of a final decision, any person who submitted written comments or made a statement at the hearing may appeal Ohio EPA's decision to the Environmental Review Appeals Commission.

Any person who submitted written comments or made a statement at the hearing to the federal portion of the permit may appeal to U.S. EPA to review the decision.

### What does the facility do?

Envirosafe Services of Ohio, Inc. treats, stores and disposes of industrial, solid and hazardous waste from off-site and on-site sources.

### What would this hazardous waste permit allow the facility to do?

This permit allows Envirosafe Services of Ohio, Inc. to continue to treat and store hazardous waste in containers, tanks, a containment building, dispose hazardous waste in landfill Cell M, to perform closure/post-closure care, and to conduct corrective action.

This permit allows Envirosafe Services of Ohio, Inc. to continue conducting the following activities: 1) accept up to 235,000 tons of hazardous waste in any one calendar year from off-site sources for treatment and storage, 2) accept up to 235,000 tons of hazardous waste in any one calendar year from off-site sources for disposal in one permitted landfill, 3) store 3,200 cubic yards of hazardous waste at any given time in permitted outdoor container storage areas, 4) store 1,185 cubic yards of hazardous waste at any given time in the permitted container storage areas located in a permitted Stabilization/Containment Building, 5) store 240,580 gallons of hazardous waste at any given time in 12 permitted tanks, 6) store 515 cubic yards of hazardous waste at any given time in permitted tanks located in a Stabilization/ Containment Building, 7) treat up to 150 tons per hour of hazardous waste in a Stabilization/ Containment Building, 8) treat up to 100 tons per hour of hazardous waste in four permitted tanks, 9) conduct Corrective Action activities, and 10) conduct closure/post-closure activities on-site.

### What is the regulatory basis to support this permit renewal?

The Director has determined that Envirosafe Services of Ohio, Inc. has submitted an application for renewal one hundred eighty (180) days prior to the expiration date of its present permit which was issued by Ohio EPA on December 29, 2005. The Director has considered the renewal application, inspection reports, a report regarding the facility's compliance with the present permit, and the rules adopted under ORC Section 3734. The Director has found that the Part B permit application meets the Director's performance standards and that the facility has a history of compliance with this chapter, rules adopted under it, the existing permit, and orders entered into, which demonstrates reliability, expertise, and competency to subsequently operate the facility under this chapter, the rules, and the permit.

### Who can I contact for more information?

For additional information, please contact Robin Wiley at (419) 698-3130 or Jae Lee of the U.S. EPA Regional Office in Chicago, Illinois at (800) 621-8431 ext. 6-3781.

**Administrative Record Index** ***(FINAL RCRA PERMIT)***
Envirosafe Services of Ohio, Inc.
OHD 045 243 706

| | Title | Date | Prepared by |
|---|---|---|---|
| 1. | Part B Permit Renewal Application | June 30, 2015 | Envirosafe |
| 2. | EJ Data | October 2015 | EPA |
| 3. | Subparts AA, BB, and CC Information | March 7, 2016 | Envirosafe |
| 4. | e-mail correspondences | March-April 2016 | EPA/Envirosafe |
| 5. | Fact Sheet | June 2016 | EPA/OEPA |
| 6. | Draft RCRA State Permit | June 2016 | OEPA |
| 7. | Draft RCRA Federal Permit | June 2016 | EPA |
| 8. | Comment for the Draft Permit | June 19, 2016 | Envirosafe |
| 9. | Final RCRA State Permit | September 2016 | OEPA |
| 10. | Response Summary | September 2016 | EPA |
| 11. | Final RCRA Federal Permit | September 2016 | EPA |

EJ: Environmental Justice
Subpart AA: Air Emission Standards for Process Vents (40 C.F.R. Part 264, Subpart AA)
Subpart BB: Air Emission Standards for Equipment (40 C.F.R. Part 264, Subpart BB)
Subpart CC: Air Emission Standards for Containers (40 C.F.R. Part 264, Subpart CC)
EPA: United States Environmental Protection Agency
OEPA: Ohio Environmental Protection Agency
RCRA: Resource Conservation and Recovery Act

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 30 2016

REPLY TO THE ATTENTION OF

Reference Desk Librarian
Toledo-Lucas County Public Library
Oregon Branch
3340 Dustin Road
Oregon, Ohio 43616

Re: Final Federal RCRA Permit, Envirosafe Services of Ohio, Inc.
Oregon, Ohio, OHD 045 243 706

Dear Madam or Sir:

The U.S. Environmental Protection Agency intends to issue a final Hazardous Waste Management permit to Envirosafe Services of Ohio, Inc., Oregon, Ohio. In accordance with the public involvement procedures in Title 40 Code of Federal Regulations, Part124, a public notice was publicly noticed in the *Toledo Blade*, Toledo, Ohio, and *WXUT* radio station on or about June 3, 2016. A copy of the draft Federal RCRA permit was available for review at the Toledo-Lucas County Public Library, Oregon Branch, 3340 Dustin Road, Oregon, Ohio 43616. The public comment period extended from June 3 to July 22, 2016. A public meeting was held on July 14, 2016, 6:00 p.m. at the Lake Erie Center, Room 155, 6200 Bayshore Road, Oregon, OH 43616.

Please make available for public examination this letter and the enclosed documents for at least seventy-five (75) days under "Reference Materials – Envirosafe Services of Ohio, Inc.". The following items are enclosed.

-- Final Permit
-- Response to Comments on Federal Draft Permit

Thank you for your assistance. If you have any questions, please contact me at 312-886-3781.

Sincerely,

Jae B. Lee
Permit Writer
Land and Chemicals Division

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 30 2016

REPLY TO THE ATTENTION OF

Mr. Bradley Mitchell
Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Post Office Box 1049
Columbus, Ohio 43266-0149

Re: Final Federal RCRA Permit, Envirosafe Services of Ohio, Inc.
Oregon, Ohio, OHD 045 243 706

Dear Mr. Mitchell:

Enclosed please find a copy of the Final Federal Resource Conservation and Recovery Act Permit and cover letter to the above-referenced facility.

If you have any questions, please contact Jae Lee of my staff at (312) 886-3781.

Sincerely,

Mary Setnicar, Chief
RCRA/TSCA Programs Section

Enclosure

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