



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

OCT 12 2011

REPLY TO THE ATTENTION OF:

L-8J

7001 0320 0005 8933 1174

**CERTIFIED LETTER**

**RETURN RECEIPT REQUESTED**

Mr. W.J. Kandel  
Solvay Advanced Polymers L.L.C.  
17005 State Route 7  
Marietta, Ohio 45750-0446

Re: Final Federal RCRA Permit, Solvay Advanced Polymers L.L.C.  
Marietta, Ohio, OHD 981 529 688

Dear Mr. Kandel:

Enclosed is a copy of the final federal Resource Conservation and Recovery Act (RCRA) permit for Solvay Advanced Polymers L.L.C. (Solvay), Marietta, Ohio. Unless review is requested under 40 CFR § 124.19, the federal permit will become effective on the date which is indicated on the title page of the enclosed federal RCRA permit.

The draft federal RCRA permit was publicly noticed in the "Marietta Times" newspaper and announced on the "WMOA" radio station on June 13, 2011. A copy of the draft federal RCRA permit was available for review at the Washington County Public Library, 615 Fifth Street, Marietta, Ohio. The public comment period extended from June 14 to July 29, 2011. A public hearing was conducted on July 14, 2011 at the Washington County Public Library.

Solvay submitted the only comments that U.S. Environmental Protection Agency received on the draft federal RCRA permit during the public comment period. EPA's Response Summary to the comments is enclosed with this letter.

Eligibility to appeal the federal permit is discussed further in 40 CFR § 124.19. All original documents are to be signed in blue ink with five copies marked as such. EPA must receive the petition for review in Washington, DC via U.S. Postal Service at the address indicated below within thirty days after service of notice of the final permit decision.

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board (1103B)  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-0001

Submissions can also be made by hand-delivery or courier, mailed via Federal Express, UPS, or non-U.S. Postal Service at the following address:

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, DC 20005

A copy of the petition should also be sent to:

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

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

If you have questions concerning the final federal RCRA permit, please contact Jae Lee of my staff at (312) 886-3781.

Sincerely,



Margaret M. Guerriero  
Director  
Land and Chemicals Division

Enclosures

cc: Jeremy Carroll, OEPA

**FINAL**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**RESOURCE CONSERVATION AND RECOVERY ACT PERMIT**

**Facility Name and Location:** Solvay Advanced Polymers, L.L.C.  
17005 State Route 7  
Marietta, Ohio 45750

**Owner:** Solvay Advanced Polymers, L.L.C.  
45000 McGinnis Ferry Road  
Alpharetta, Georgia 30202-3914

**Operator:** Solvay Advanced Polymers, L.L.C.  
45000 McGinnis Ferry Road  
Alpharetta, Georgia 30202-3914

**EPA Identification Number:** OHD 981 529 688

**Effective Date:** November 14, 2011

**Expiration Date:** November 1, 2021

**Authorized Activities:**

The U.S. Environmental Protection Agency hereby issues a Resource Conservation and Recovery Act permit (hereinafter, referred to as the "permit") to Solvay Advanced Polymers, L.L.C (hereinafter, referred to as the "Permittee" or addressed in the second person as "you") in connection with your hazardous waste management operations at your facility in Marietta, 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).

The RCRA permit consists of both this permit, which contains the effective federal RCRA permit conditions issued by EPA, and the effective state RCRA permit conditions issued by the State of Ohio's RCRA program, authorized under 40 CFR Part 271 (state RCRA permit).

Any hazardous waste activity which requires a RCRA permit, but is not included in the provisions of the RCRA permit, is prohibited.

**Permit Approval:**

On June 28, 1989 the State of Ohio received final authorization to administer the pre-HSWA RCRA hazardous waste program in accordance with Section 3006 of RCRA, 42 USC § 6926, and 40 CFR Part 271. The State of Ohio has also received final authorization to administer certain additional RCRA requirements on several occasions since that time.

EPA has not yet authorized the State of Ohio to administer certain regulations, however, including the air emission standards for equipment leaks (40 CFR Part 264 Subpart BB), the air emission standards for tanks, surface impoundments, and containers (40 CFR Part 264 Subpart CC), and changes to other sections of applicable regulations. Therefore, EPA Region 5 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 CFR Parts 124, 260, 261, 262, 264, 270, and applicable provisions of RCRA.

This permit is based on the assumption that 1) the information submitted in your RCRA Part B Permit Application on February 7, 2011 including the Part A Application, and all other modifications to that application (hereinafter referred to as the "Part B Permit Application"), and 2) Subpart CC information dated May 2, 2011 is accurate and the facility is configured, operated, and maintained as specified in the Part B Permit 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 CFR §§ 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 Part B Permit 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 thirty days after the 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 CFR § 124.19.

**Effective Date:**

This permit is effective as of (November 14, 2011 \_\_\_\_\_) and will remain in effect until (November 1, 2021 \_\_\_\_\_), unless revoked and reissued under 40 CFR § 270.41, terminated under 40 CFR § 270.43, or continued in accordance with 40 CFR § 270.51(a).

By:  Date: Oct. 12, 2011  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

*OHD 981 529 688*

**Solvay Advanced Polymers, L.L.C.**

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## SECTION I—STANDARD PERMIT CONDITIONS

### I.A EFFECT OF PERMIT

This permit contains federal permit conditions. You also have a state RCRA permit. You are hereby allowed to manage hazardous waste at this facility in accordance with this permit and the effective State RCRA permit. Under this permit, the storage 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 CFR § 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 CFR Part 268 restricting the placement of hazardous waste in or on the land; (3) are promulgated under 40 CFR Part 264 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of the same; or (4) are promulgated under subparts AA, BB, or CC of 40 CFR Part 265 limiting air emissions. (40 CFR §§ 270.4)

This permit does not: (1) convey any property rights or any exclusive privilege (40 CFR § 270.30(g)); (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 USC §§ 9601 *et seq.* (commonly known as CERCLA); or (3) any other law protecting human health, welfare, 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 CFR §§ 270.41, 270.42, and 270.43. EPA may also review and modify this permit, consistent with 40 CFR § 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 delay the applicability or enforceability of any permit condition. (40 CFR § 270.30(f))

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 sixty days after submission of the request unless the Director establishes a later date. (40 CFR § 270.42(b)(8))

#### **I.B.2 Permit Renewal**

This permit may be renewed as specified in 40 CFR § 270.30(b) and Condition I.E.2 of this permit. In reviewing any application for a permit renewal, the EPA will consider improvements in the state of control and measurement technology, and changes in applicable regulations. (40 CFR § 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 CFR § 124.16(a))

#### **I.D DEFINITIONS**

The terms used in this permit will have the same meaning as in 40 CFR 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**

##### **1.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 CFR § 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; modification; or denial of a permit renewal application. (40 CFR § 270.30(a))

**I.E.2 Duty to Reapply**

If you wish to continue the permit regulated activities after the 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 expiration date, unless the Director grants permission for a later submittal date. The Director will not grant permission to submit the complete application for a new permit later than the permit's expiration date. (40 CFR §§ 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 until 10 Years from the 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 CFR § 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 CFR §§ 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 CFR § 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 CFR § 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 CFR § 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 of 1980, 44 USC §§ 3501 *et seq.* (40 CFR §§ 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 (40 CFR § 270.30(i)):

**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 ensure 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.

### **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 wastes, contaminated media, treatment residue, or other waste to be analyzed must be the appropriate methods from Appendix I of 40 CFR Part 261, or the methods specified in the State-approved waste analysis plan, 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 analysis plan. (40 CFR § 270.30(j)(1))

**I.E.9.b** You must retain at the facility, all records as specified in 40 CFR § 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 three 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 CFR §§ 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 CFR § 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 CFR § 270.30(l)(2))

#### **I.E.12 Certification of Construction**

Subject to the requirements of 40 CFR §§ 270.32(b)(2) and 270.42 Appendix I, 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. That letter must state that the portions of the facility covered by this permit (including all air emission control devices required 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** The Director waives inspection and you may commence treatment, storage, or disposal of hazardous waste in accordance with 40 CFR § 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 and obtain prior approval of the Director before transferring ownership or operational control of the facility (40 CFR § 270.42, Appendix I). Under 40 CFR § 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 this permit and the requirements of 40 CFR Parts 264, 268, and 270. (40 CFR §§ 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 noncompliance.

**I.E.14.b** The report must include the following information (40 CFR §§ 270.30(l)(6) and 270.33): (1) release of any hazardous waste that may endanger public drinking water supplies; (2) release or discharge of hazardous waste; or (3) fire or explosion from the hazardous waste management facility, that could threaten the environment or human health outside the facility. In addition, you must provide a description of the occurrence and its cause that includes the following information:

- (1) Name, title, and telephone number of the person making the report;
- (2) Name, address, and telephone number of the facility;
- (3) Name, address, and telephone number of owner or operator;
- (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 Conditions I.E.14.a and I.E.14.b of this permit, a written report must also be provided within five 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 Conditions I.E.14.a and I.E.14.b of this permit. (40 CFR § 270.30(1)(6))

**I.E.15 Other Noncompliance**

You must report all instances of noncompliance not reported under Condition I.E.14 of this permit, when any other reports this permit requires are submitted. The reports must contain the information listed in Condition I.E.14. (40 CFR § 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 permit application or other submittal, or submitted incorrect information in the permit 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 CFR § 270.30(l)(11))

**I.E.16.b** All other requirements contained in 40 CFR § 270.30 not specifically described in this permit are incorporated into this permit and you must comply with all of 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 CFR § 270.11. (40 CFR § 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 submitted to the Director should be sent by certified mail or hand-delivered to the U.S. Environmental Protection Agency, Region 5, 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 CFR Part 2, Subpart B, you may claim any information this permit requires, or is 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 CFR Part 2 (40 CFR § 270.12). You have the burden of substantiating that the claimed information is confidential, and 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 CFR §§ 264.1035, 264.1064, 264.1082, 264.1084, 264.1088, 264.1089 and 40 CFR § 264.73 (as they apply to the equipment used to comply with this permit).

### **I.I.2 Notifications**

You must maintain notifications from generators accompanying initial incoming shipment of wastes subject to 40 CFR Part 268 Subpart C, that specify treatment standards, as required by 40 CFR §§ 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 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 an enforcement action under Section 3008 of RCRA. This action 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 CFR Parts 124, 260, 261, 262, 264, 268, 270, and the 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 Condition 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.

## **SECTION II -- AIR EMISSION STANDARDS FOR CONTAINERS AND SURFACE IMPOUNDMENT (40 CFR PART 264 SUBPART CC)**

Hazardous waste is stored in containers in the permitted Containers Storage Area. The maximum amount of hazardous waste that can be stored in the Container Storage Area at any time is 32,500 gallons. In this Container Storage Area, liquid wastes are typically stored in 55-gallon (0.21 cubic meter (m<sup>3</sup>)) drums. Five-gallon steel pails, 85-gallon and 110-gallon over-pack drums, IBCs, and Tank Trailers may also be used to store liquid, semi-solid, and solid wastes.

The containers stored in the Container Storage Area have design capacity between 0.1 m<sup>3</sup> and 0.46 m<sup>3</sup>. These containers are Level 1 containers and must comply with the standards at 40 CFR § 264.1086(c). However, there are also containers larger than 0.46 m<sup>3</sup> in light liquid service, which are considered Level 2 containers. There are no Level 3 containers stored in the Container Storage Area. All containers are assumed to have volatile organic (VO) concentrations of the hazardous waste above 500 ppm at the point of waste origination.

You must comply with all applicable requirements of 40 CFR § 264.1080 through 40 CFR § 264.1090, regarding air emission standards for containers handling hazardous waste. All containers not exempt from 40 CFR Part 264 Subpart CC must be managed using the applicable standards at 40 CFR § 264.1086.

There is one operating surface impoundment (emergency basin) at the wastewater treatment plant (WWTP) of this facility. The emergency basin is a component of the WWTP and has a nominal capacity of 6,000,000 gallons.

This permit does not cover your production areas.

## **II.A CONTAINER LEVEL 1 STANDARDS**

When storing hazardous waste in Level 1 containers you must comply with the following requirements:

**II.A.1** A Level 1 container must be one of the following:

- (a) meet the applicable U.S. Department of Transportation (DOT) regulations as specified in 40 CFR § 264.1086(f),
- (b) be equipped with a cover and closure devices with an acceptable tightness and construction materials in accordance with 40 CFR § 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 CFR § 264.1086(c)(1)(iii).

Containers, which do not meet U.S. DOT regulation specified in 40 CFR § 264.1086(f), must be equipped with covers and enclosures suitable for the physical and chemical characteristics of hazardous waste in containers, maintaining container integrity throughout the life of the container, and the environments under which the containers are placed in the storage facility. Any

chemical used for vapor suppression must not generate heat and/or fume and must be compatible with the hazardous waste in the container. Vapor suppression chemicals must maintain an acceptable and stable barrier between the barrier and the hazardous waste. The barrier shall not chemically react to the hazardous waste. (40 CFR § 264.1086(c)(2))

**II.A.2** Whenever a hazardous waste is in a container, you shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position except as specified in 40 CFR § 264.1086(c)(3)(i) through (v).

**II.A.3** You must inspect the containers and their covers and closure devices in accordance with 40 CFR § 264.1086(c)(4)(i) and (ii) and repair defects in accordance with 40 CFR § 264.1086(c)(4)(iii).

**II.A.4** You must not conduct waste stabilization process, as defined in 40 CFR § 265.1081, in containers.

## **II.B CONTAINER LEVEL 2 STANDARDS**

When storing hazardous waste in Level 2 containers you must comply with the following requirements

**II.B.1** A Level 2 container must be one of the following:

- (a) meet the applicable U.S. DOT regulations as specified in 40 CFR § 264.1086(f),
- (b) operate with no detectable organic emissions as defined in 40 CFR § 265.1081 and determined in accordance with the procedure specified in 40 CFR § 264.1086(g), or
- (c) be vapor tight as demonstrated within the preceding 12 months by using 40 CFR Part 60, Appendix A, Method 27. (40 CFR § 264.1086(d)(1))

**II.B.2** Transfer of hazardous waste in or out of container shall be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, as specified by 40 CFR § 264.1086(d)(2).

**II.B.3** Whenever a hazardous waste is in a container, you shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position except as specified in 40 CFR § 264.1086(d)(3).

**II.B.4** You must inspect the containers and their covers and closure devices in accordance with 40 CFR § 264.1086(d)(4)(i) and (ii) and repair defects in accordance with 40 CFR § 264.1086(d)(4)(iii).

**II.B.5** You must not conduct waste stabilization process, as defined in 40 CFR § 265.1081, in containers.

## **II.C. SURFACE IMPOUNDMENT STANDARDS**

The Part B application indicates that process knowledge and analytical data have historically been used to demonstrate that the average volatile organic concentration of influent wastewater diverted to the emergency basin is less than 500 parts per million by weight (ppmw).

Therefore, according to 40 CFR § 264.1082(c)(1), the requirements of the air emission standard for surface impoundment specified in 40 CFR § 264.1085 is not applicable to your facility.

However, it is necessary for you to demonstrate that all of the hazardous waste entering into the emergency basin has its volatile organic concentration less than 500 ppmw using approved sampling and analytical methods. You are required to submit a revised Waste Analysis Plan (WAP) for the effluents which enter into the emergency basin in accordance with the schedule specified in Section III of this permit. The WAP shall include, but not be limited, the process description of the production areas, types and locations of the effluents generated from the production area which enter into the emergency basin, sampling location and frequency of the effluents, analytical method, quality assurance and project plan (QAPP), and standard of operating (SOP) of the laboratory. Once the WAP is approved by the EPA, then you shall implement the WAP in accordance with the time table specified in the EPA's approved letter. You shall update and implement the approved WAP at least once every 12 months following the date of the initial implementation of the approved WAP to demonstrate that all hazardous waste entering to the emergency basin has an average VO concentration at the point of waste origination of less than 500 ppmw. The process knowledge can be utilized in updating the VO concentration of the waste stream as provided for in 40 CFR § 264.1083(a). The resulting analytical data shall be submitted to EPA as soon as it is available, and shall be retained at the facility and must be provided to the EPA representatives, or its designees, upon request.

For any analytical results of the average VO concentration above 500 ppmw, you shall inform the EPA. EPA may initiate permit modification process in accordance with 40 CFR § 270.42 to include the air emission conditions of 40 CFR § 264.1085 for the surface impoundment in the permit.

**II.D RECORDKEEPING AND REPORTING REQUIREMENTS**

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

**SECTION III — SCHEDULE OF COMPLIANCE**

<u>Submittal Requirement</u>	<u>Due Dates</u>
Draft Waste Analysis Plan	90 days after the issuance date of the final Permit
Final Waste Analysis Plan	60 days after EPA's review comment of the draft Waste Analysis Plan

## RESPONSE SUMMARY

### **RESPONSE TO COMMENTS ON THE DRAFT PERMIT FOR Solvay Advanced Polymers, L.L.C. Federal RCRA Permit Marietta, Ohio OHD 981 529 688**

#### 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 extended from June 14, to July 29, 2011. A public meeting was held on July 14, 2011, at the Washington County Public Library, 615 Fifth Street, Marietta, Ohio 45750.

#### II. COMMENTS, RESPONSES, AND CHANGES

The following comments were submitted by Solvay Advanced Polymers, L.L.C. during public comment period. No comment was received for the federal draft permit at the public hearing.

- 1. Comment:** The statement "This permit does not cover your productions area" requires additional clarification. The permit covers the wastewater treatment facility shown in Figure 3 in the Permit Application and does not apply to, nor is required for the Solvay Plant. As written it is unclear whether this statement applies to the entire Solvay Plant or only the production area at the Solvay Plant.

**Response:** The requirements specified in the permit, and the permit, apply to the wastewater treatment plant (WWTP) facility. The container storage area and emergency basin are located in the WWTP. The production area located in the other part of the Solvay plant is not covered by this permit.

**Change:** No Change is made per this comment.

- 2. Comment:** EPA Waste Analysis Plan (WAP) requirements should include consideration of additional costs, health and safety implications, and consistency with the WAP requirements of the Ohio Environmental Protection Agency (Ohio EPA) Hazardous Waste Permit. Section II.C appears to require sampling and analysis at each effluent generated from the production area. Currently, the only wastewater streams which can be discharged to the emergency basin are the geotube filter water, back wash from the tertiary filter, and diversion of the combined influent flow into the wastewater treatment facility. Of these, the combined influent flow into the wastewater treatment facility is the only potentially hazardous discharge to the emergency basin. To characterize this discharge, procedures for sampling the combined influent flow diverted to the

wastewater treatment facility at the flume are presented in the Waste Analysis Plan (Appendix C-2 of the Part B Permit Application).

If additional costs, health and safety implications, consistency with the WAP requirements of the Ohio EPA Hazardous Waste Permit, and other applicable criteria are considered in the evaluation of the procedures for characterization of wastes discharged to the emergency basin, then sampling at the flume and generator knowledge as presented in the Waste Analysis Plan should be appropriate for waste characterization related to Subpart CC based on the following reasons:

- a. Combined flow at the flume is the most representative of wastes entering the emergency basin;
- b. Past permits have accepted generator knowledge to demonstrate that the Subpart CC exemption (average volatile organic [VO] concentration less than 500 parts per million by weight (ppmw) is being met;
- c. Process conditions affecting average VO concentrations in waste water managed at the emergency basin have not changed since the last permit application;
- d. Inconsistency of flows from individual discharges shown in Figure 12 of the permit application (both in frequency of occurrences and in volumes contributed during each occurrence) overly complicates sampling and averaging of VO concentrations entering the emergency basin;
- e. Analytical and sampling costs for each determination will be significantly higher if the EPA approach is used in comparison with sampling at the influent flume only, i.e. sampling at 1 point as proposed in the current Waste Analysis Plan vs. sampling at up to 9 points as implied by the requirements of Section II.C. The approach implied by the requirements of Section II.C will result in much greater cost with no additional benefit regarding representativeness of data obtained to characterize the discharge to the emergency basin.
- f. Sampling at the inlet flume is consistent with the requirements of the Ohio EPA Hazardous Waste Permit.

**Response:** The federal permit is not intended to require Solvay to develop a new WAP to sample and analyze all of effluent entering the emergency basin. Solvay should modify the current WAP in order to add waste sampling and analysis to comply with Subpart CC requirements. Since the current WAP is developed to comply with the State requirements of waste storage regulations, it is necessary to amend the current WAP for the Subpart CC regulations.

- a. If the combined flow at the flume is a co-mingled flow of different hazardous wastestreams at different points of waste origination, then each wastestream at its point of origination should be sampled and analyzed. As specified in 40 CFR § 264.1082(c)(1), all hazardous waste entering the surface impoundment should have an average VO concentration at its origination point less than 500

- should have an average VO concentration at its origination point less than 500 ppmw in order to be exempted from Subpart CC regulations.
- b. 40 CFR § 264.1082(c) requires that the average VO concentration shall be determined using the procedures specified in 40 CFR § 264.1083(a), and 40 CFR § 265.1083(a)(2) states that for a waste determination that is required by 40 CFR § 264.1083(a)(1), the average VO concentration of a hazardous waste at the point of waste origination shall be determined in accordance with the procedure specified in 40 CFR § 265.1084(a)(2) through (a)(4). (40 CFR § 262.11, which you referenced in Comment #3, below, involves hazardous waste determination for compliance with Land Disposal Restriction regulations and the waste listed in 40 CFR 261, Subpart D.) 40 CFR § 265.1084(a)(2) allows use of owner or operator's knowledge to determine average VO concentration of a hazardous waste at the point of origination. If process knowledge is utilized by the owner or operator to determine the VO concentrations, then the necessary documentations shall be recorded and placed at the site in accordance with 40 CFR § 265.1084(a)(4).
  - c. After an initial determination of the VO concentration of a hazardous waste, if there is no process change which would not change the VO concentration of the waste stream, then such process knowledge can be utilized in updating the VO concentration of the wastestream.
  - d. The Subpart CC regulations require the facility to sample and analyze only the hazardous waste stream at its origination point.
  - e. See the Response d, above.
  - f. See the Response d, above.

Based on the above response, necessary changes can be made:

**Change: SECTION II.C. SURFACE IMPOUNDMENT, Third Paragraph, 1st line:** "However, it is necessary for you to demonstrate that all of wastewater entered into the emergency....." This sentence will be changed to read: "However, it is necessary for you to demonstrate that all of hazardous waste entered into the emergency....."

**SECTION II.C. SURFACE IMPOUNDMENT, Third Paragraph, 3rd line:** "... You are required to submit a Waste Analysis Plan (WAP) for the effluents which enter into the emergency ....." This sentence will be changed to read: "... You are required to submit a revised Waste Analysis Plan (WAP) for the effluents which enter into the emergency ..."

**SECTION II.C. SURFACE IMPOUNDMENT, Third Paragraph, 14th line:** "... waste origination of less than 500 ppmw. The resulting analytical data shall be submitted to EPA..." This sentence will be changed to read: "... waste origination of less than 500 ppmw. The process knowledge can be utilized in updating the VO concentration of the waste stream as provided for in 40 CFR § 264.1083(a). The resulting analytical data shall be submitted to EPA ..."

3. **Comment:** In accordance with 40 CFR § 262.11, generator process knowledge may be used to make hazardous waste determinations. Therefore, EPA should allow Solvay to opt for less frequent sampling and use of generator process knowledge for waste characterization relative to Subpart CC once the initial sampling has been completed. This approach is consistent with current regulations, past waste characterization requirements, and past permit requirements. Moreover, this condition should not require Solvay to sample annually, unless generator knowledge indicates that wastes discharged to the emergency basin have changed in a manner affecting the average VO concentration. Instead, the WAP requirements of Section II.C should allow use of generator process knowledge to demonstrate waste characterization provided that necessary reporting/record keeping requirements are met.

**Response:** See the Response 2, above.

**Change:** See the change 2, above.

4. **Comment:** EPA should clarify “point of generation”. Does it only apply to the combined flow at the flume, only potential hazardous wastes, or all individual discharges? For consistency with Ohio EPA’s permit, the WAP should only look at the waste streams identified in Section 4.4.3 of the application (i.e. storm water, combined influent flow, filter press and geotube water, and filter backwash). Of these, only the combined influent could be hazardous.

**Response:** 40 CFR 264.1082(c)(1) specifies that if all hazardous waste entering surface impoundment has an average volatile organic (VO) concentration at the point of waste origination less than 500 parts per million by weight (ppmw), then the surface impoundment is exempted from the applicability of the surface impoundment standards (40 CFR 264.1085).

The point of waste origination means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste as defined in 40 CFR Part 261. The point of generation referred in Section II of this permit is often same point as the point of waste origination. However, to be consistent with the term used in the Subpart CC regulations, the term of “point of generation” should be replaced with “the point of waste origination” in Section II of this permit.

As specified in 40 CFR § 264.1082(c)(1), only hazardous waste entering surface impoundment is applicable to the Subpart CC requirements. See the response #2 above.

**Change: SECTION II -- AIR EMISSION STANDARDS FOR CONTAINERS AND SURFACE IMPOUNDMENT (40 CFR PART 264 SUBPART CC),**  
**Second paragraph, 6th line:** “. . . There are no Level 3 containers stored in the Container Storage Area. All containers are assumed to have volatile organic (VO)

**Change:** SECTION II.C. SURFACE IMPOUNDMENT, Third Paragraph, 7<sup>th</sup> line: “. . . . generated from the production area which enter into the emergency basis, sampling location and frequency of the effluents, analytical method.” This sentence will be changed to read: “. . . . generated from the production area which enter into the emergency basin, sampling location and frequency of the effluents, analytical method.”

8. **Comment:** The following minor typographical error shall be corrected.

Page 13 of 14, Section II.C, Third Paragraph, first line: “However, it is necessary for you to demonstrate that all of wastewater entered into the emergency basin has its volatile organic . . . . .” This sentence will be changed to read: “However, it is necessary for you to demonstrate that all of the hazardous waste entering into the emergency basin has its volatile organic . . . . .”

concentrations of the hazardous waste above 500 ppm at the point of generation.” This sentence will be changed to read: “. . . . There are no Level 3 containers stored in the Container Storage Area. All containers are assumed to have volatile organic (VO) concentrations of the hazardous waste above 500 ppm at the point of waste origination.”

5. **Comment:** EPA should clarify the statement “for any analytical results of the average VO concentration above 500 ppmw”. Is this the average of all effluents discharged to the emergency basin or the average concentration of any one effluent discharged? Consistent with Comment 2 above, it is Solvay’s opinion that analysis of samples collected at the influent flume is most representative of the average VO concentration of the combined influent flow into the wastewater treatment facility.

**Response:** A hazardous wastestream would be different from another if it is generated from a different process or because it’s organic composition is sufficiently different. If there are a multiple hazardous waste streams, then an average VO concentration of each hazardous waste stream should be determined at its point of origination. (see 40 CFR § 264.1083(a)(1)). 40 CFR § 264.1083(a)(1)(i) further states that an initial determination of the average VO concentration of the waste stream shall be made before the first time any portion of the material in the hazardous waste stream is placed in a unit.

**Change:** No Change is made per this comment.

6. **Comment:** EPA should remove the requirement to identify raw materials in the Waste Analysis Plan. The raw materials are not waste.

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

**Change:** SECTION II.C. SURFACE IMPOUNDMENT, Third Paragraph, 6<sup>th</sup> line: “. . . . The WAP shall include, but not be limited, the process description of the production areas, its raw materials used in the production areas, types and locations of the effluents generated from the production area which enter into the emergency basin . . . .” This sentence will be changed to read: “. . . . The WAP shall include, but not be limited, the process description of the production areas, types and locations of the hazardous waste effluents generated from the production area which enter into the emergency basin . . . .”

7. **Comment:** EPA should replace “basis” with “basin” in the third sentence of the third paragraph of this section.

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

OCT 12 2011

REPLY TO THE ATTENTION OF:

LR-8J

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

Re: Final Federal RCRA Permit  
Solvay Advanced Polymers L.L.C.  
Marietta, Ohio  
OHD 981 529 688

Dear Mr. Carroll:

Enclosed please find a copy of the draft 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,

A handwritten signature in cursive script, appearing to read "Mary Setnicar".

Mary Setnicar, Chief  
RCRA/TSCA Section  
Land and Chemicals Division

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 12 2011

REPLY TO THE ATTENTION OF:

LR-8J

Washington County Public Library  
615 Fifth Street  
Marietta, Ohio 45750-1973

Re: Final Federal RCRA Permit  
Solvay Advanced Polymers L.L.C.  
Marietta, Ohio  
OHD 981 529 688

Dear Librarian:

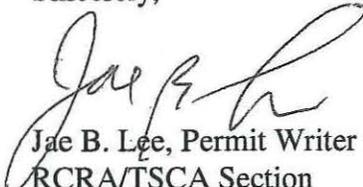
The United States Environmental Protection Agency, intends to issue a final Hazardous Waste Management permit to the Solvay Advanced Polymers L.L.C., Marietta, Ohio. In accordance with the public involvement procedures in Title 40 Code of Federal Regulations Part 124, the draft Federal Resource Conservation Recovery Act (RCRA) permit was publicly noticed in the "Marietta Times" newspaper and announced on the "WMOA" radio station on June 13, 2011. A copy of the draft federal RCRA permit was available for review at the Washington County Public Library, 615 Fifth Street, Marietta, Ohio. The public comment period extended from June 14 to July 29, 2011. A public hearing was conducted on July 14, 2011 at the Washington County Public Library.

Please make available for public examination this letter and the enclosed documents for at least 75 days under "Reference Materials - Solvay Advanced Polymers L.L.C.". The following items are enclosed.

- Final Permit
- Fact Sheet

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

Sincerely,



Jae B. Lee, Permit Writer  
RCRA/TSCA Section  
Land and Chemicals Division

**Administrative Record Index (FINAL RCRA PERMIT)**

Solvay Advanced Polymers, L.L.C.

Marietta, Ohio

OHD 981 529 688

<b><u>Title</u></b>	<b><u>Date</u></b>	<b><u>Prepared by</u></b>
1. Part B Application (2 Volumes)	February 7, 2011	Solvay
2. EJ Report	April 2011	EPA
3. Part B Review Comments	April 18, 2011	EPA
4. Response to EPA's Review Comment (Includes two analytical data sets and Subpart CC Information)	May 2, 2011	Solvay
5. E-mail correspondence	May 4, 2011	Solvay
6. Draft Federal RCRA Permit (Includes Cover Letter to the Facility, Draft permit, Administrative Record Index, Public Notice, Letter to the Public Library, and Letter to the OEPA)	June 13, 2011	EPA
7. Fact Sheet for Draft Federal/State Permit	June 2011	OEPA
8. Draft State RCRA Permit	June 13, 2011	OEPA
9. Public meeting Information	July 14, 2011	OEPA
10. Response to the EPA's Review Comment	July 26, 2011	Solvay
11. Responsive Summary	September 2011	EPA
12. Final Permit	September 2011	EPA

EPA: United States Environmental Protection Agency

OEPA: Ohio Environmental Protection Agency

RCRA: Resource Conservation Recovery Act

EJ: Environmental Justice

Subpart CC: Air Emission Standards for Containers

PUBLIC NOTICE

Washington County

**OHIO EPA AND U.S. EPA ISSUE DRAFT RENEWAL HAZARDOUS WASTE PERMIT TO  
SOLVAY ADVANCED POLYMERS, LLC**

On June 13, 2011, Ohio EPA and U.S. EPA issued a draft renewal Hazardous Waste Facility Installation and Operation Permit (Permit) to Solvay Advanced Polymers, LLC (Solvay) for its facility located at 17005 State Route 7, Marietta, Ohio 45750. The EPA Identification Number for this facility is OHD981529688.

**Why does Solvay need a Draft Renewal Permit for its Facility?**

Solvay is engaged in the treatment of hazardous waste in a surface impoundment and storage of hazardous waste in containers on-site. The purpose of the renewal permit is to allow Solvay to continue to treat and store hazardous waste at the facility. For the Permit application to receive final approval, Ohio EPA must determine that the Permit application is complete and meets appropriate standards and that the applicant has a history of compliance with relevant environmental laws and demonstrates sufficient reliability, expertise and competency to operate a hazardous waste facility. When issued, the renewal Permit will allow Solvay to continue to treat and store waste in containers. Also, if issued, the renewal Permit will require Solvay to investigate and, if necessary, clean up any contamination from hazardous wastes or constituents that may be at the facility.

Some RCRA regulations have not been authorized in the state of Ohio, therefore U.S. EPA must issue a permit to cover those regulations. Solvay's complete RCRA permit is comprised of both the U.S. EPA and Ohio EPA permits.

**When and where will Ohio EPA hold a Public Meeting?**

A public meeting will be held on Thursday, July 14, 2011 at 6:00 p.m. at the Washington County Public Library, 615 Fifth Street, Marietta, Ohio 45750 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 addresses in the paragraph below.

**When and how do I submit written comments?**

You can submit written comments anytime between June 14, 2011 and July 29, 2011. Send your comments to Ohio EPA, Division of Materials and Waste Management, Attn: Dustin Tschudy, Engineering, Remediation & Authorization Section, P.O. Box 1049, Columbus, Ohio 43216-1049, telephone number (614) 644-2621, fax number (614) 728-5315, e-mail: [dmwmcomments@epa.state.oh.us](mailto:dmwmcomments@epa.state.oh.us). You can submit written comments about the U.S. EPA portion of the draft permit to Jae Lee, LR-8J, United States Environmental Protection Agency, 77 West Jackson Blvd., Chicago, Illinois 60604-3590, telephone number (312) 886-3781, fax number (312) 692-2408, or email: [lee.jae@epa.gov](mailto:lee.jae@epa.gov)

**Where can I review the Permit Application and draft renewal Permit?**

You can review these at one of the following locations:

***Washington County Public Library, 615 Fifth Street, Marietta, Ohio 45750, (740) 373-1057***  
***Ohio EPA, Southeast District Office, 2195 Front Street, Logan, Ohio 43138, (740) 385-8501,***  
***Ohio EPA, Division of Materials and Waste Management, 50 West Town Street, Suite 700,***  
***Columbus, Ohio 43215, (614) 644-2621,***  
***U.S. EPA, RCRA Branch, 77 W. Jackson Blvd., Chicago, Illinois 60604, (312) 886-3781, and***  
***Ohio EPA website: <http://www.epa.ohio.gov/dhwm/issuedpermits.aspx>***  
***U.S. EPA website: <http://www.epa.gov/reg5rcra/wptdiv/permits/index.htm>***

**What will U.S. and Ohio EPAs do with the comments?**

After carefully considering public comments, Ohio EPA and U.S. EPA will reconsider the draft Permit, making any necessary changes, and issue or deny the final Permit. Ohio EPA and U.S. EPA will issue a "response to public comments," specifying any changes made to the draft Permit. If you commented on the draft Permit, Ohio EPA and U.S. EPA will send you a copy of the "response to public comments" and the final permit decision.

**June 2011****Draft Hazardous Waste Permit Renewal****Public Participation  
Procedures and Comment  
Period Ohio Administrative  
Code (OAC) Rule 3745-50-  
22 (B)(5)(a)&(b)**

A public meeting will be held on July 14, 2011 at 6:00 p.m. at the Washington County Public Library, 615 Fifth Street, Marietta, Ohio 45750, 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 right.

The comment period begins on June 14, 2011, and ends on July 29, 2011. A copy of the permit application and the draft permit is available for review by the public at the following locations:

Washington County  
Public Library  
615 Fifth Street  
Marietta, Ohio 45750-1973  
(740) 373-1057

Ohio EPA, Southeast District  
Division of Materials and  
Waste Management  
2195 Front Street  
Logan, Ohio 43138  
(740) 385-8501

Ohio EPA, Central Office  
Division of Materials and  
Waste Management  
Lazarus Government Center  
50 West Town Street, Suite 700  
Columbus, Ohio 43215

**Facility Name:** Solvay Advanced Polymers, L.L.C.**U.S. EPA I.D.:** OHD 981 529 688**Location:** 17005 State Route 7  
Marietta, OH 45750**Facility Owner:** Solvay Advanced Polymers, L.L.C.  
4500 McGinnis Ferry Road  
Alpharetta, GA 30202**Facility Operator:** Solvay Advanced Polymers, L.L.C.  
P.O. Box 446  
Marietta, OH 45750**Activity:** Container Storage  
Treatment in Surface Impoundment  
Post Closure Care**Comment Period:** June 14, 2011 – July 29, 2011**Submit Comments to:**  
Ohio EPA  
Attention: Mr. Dustin Tschudy  
Division of Materials and Waste Management  
Engineering, Remediation, and Authorizations  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
(614) 644-2621  
[dmwmcomments@epa.state.oh.us](mailto:dmwmcomments@epa.state.oh.us)U.S. EPA, Region 5  
Mr. Jae Lee  
RCRA Branch (LR-8J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
[Lee.Jae@epa.gov](mailto:Lee.Jae@epa.gov)

(614) 644-2621

The State of Ohio is authorized by United States Environmental Protection Agency (U.S. EPA) to administer its hazardous waste management program in lieu of the federal hazardous waste management program, except for portions of the federal standards for organic air emissions (40 CFR Part 264, Subparts BB and CC) from hazardous waste storage units.

As an authorized program, Ohio has the responsibility for issuing the RCRA permit for hazardous waste treatment, storage, and disposal facilities. U.S. EPA has drafted a federal RCRA permit to address organic air emissions from hazardous waste storage units for which Ohio is not yet authorized.

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

<http://www.epa.ohio.gov/dmwm>



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

<http://www.epa.gov/reg5rcra/wpt/div/permits/index.htm>

Within sixty (60) days of the close of the public comment period, Ohio EPA and U.S. EPA will, without prior hearing, issue the permit (or deny the request) in accordance with Chapter 3734 of the Ohio Revised Code (ORC). If Ohio EPA and U.S. EPA approve the application, a renewal permit will be issued with terms and conditions as are necessary to ensure compliance with hazardous waste rules.

## **Description of Facility OAC Rule 3745-50-22 (B)(1)**

Solvay Advanced Polymers, L.L.C. (Solvay) operates a chemical manufacturing facility at 17005 State Route 7, Marietta, Ohio. The facility produces high-performance polymers for manufacturing use in the automotive, aerospace, medical, plumbing, and electronics industries. Hazardous wastes generated by polymer production at the facility are treated in a hazardous waste surface impoundment during emergency situations and stored on-site in containers for greater than 90 days.

## **Description of Requested Permit Renewal OAC Rule 3745-50-22 (B)(2)**

### ***Description of On-Site Treatment and Storage***

Solvay Advanced Polymers, L.L.C. requests a permit renewal to treat up to 162,000 gallons per day of corrosive and chlorobenzene containing wastewater in a hazardous waste surface impoundment and to store up to 32,500 gallons of hazardous waste in containers for greater than 90 days. The permittee has requested approval for storage of the following waste codes: D001, D007, D010, D021, D027, F002, and F003. These wastes are hazardous because they exhibit the characteristic of ignitability, toxicity, or are listed hazardous wastes.

### ***Description of Corrective Action***

Solvay (formerly BP Amoco Polymers, Inc. and Amoco Performance Products, Inc.) received a Federal Part B permit from US EPA Region V on December 4, 1988, which included RCRA Corrective Action provisions. Two Waste Management Units (WMU's) were initially identified by US EPA at the facility: the lime pond area and the wastewater treatment plant (WWTP). In 1993, ownership of the lime pond area was returned to the original landowner, Union Carbide, to be addressed under CERCLA authority. Hence, the WWTP is the only area of the facility currently being addressed under Corrective Action. One of the two regulated units at the WWTP, the Former Equalization Basin (FEQB), was closed in accordance with an Ohio EPA approved closure plan in 1994. Post-closure activities continue at the FEQB in accordance with the post-closure plan. The other

regulated unit, the Emergency Basin (EB), was retrofitted in 1988 with a double liner and leak detection system to meet RCRA minimum technology standards.

Solvay conducted a RCRA Facility Investigation (RFI) in accordance with an approved RFI Report to US EPA and Ohio EPA. The RFI Report was approved by US EPA in a letter dated January 6, 1999, with a recommendation for corrective measures. A Corrective Measures Study (CMS) was conducted by Solvay which resulted in a Corrective Measures Report (CMR) being submitted to US EPA. The CMR was approved by US EPA in a letter to Solvay dated June 11, 1999. Based on the results of the RFI and CMR, no active remedial measures were deemed to be necessary at the facility. The corrective measure selected by US EPA was to place a deed restriction on the property limiting its use to industrial purposes and preventing the use of ground water underlying the WWTP. The required deed restriction was put in place by Solvay on March 30, 2004.

If land use conditions or potential exposure scenarios change at any time in the future, the risks will be re-evaluated and interim and/or corrective measures will be implemented as necessary.



**Regulatory Basis to  
Support the Decision to  
Renew the Permit  
Application  
OAC Rule 3745-50-22  
(B)(3)**

***Renewal***

The director has determined that Solvay has submitted an application for renewal one hundred eighty (180) days prior to the expiration date of its present permit which was issued by the Ohio EPA on August 7, 2001. The director has considered the application, inspection reports, a report regarding the facility's compliance with the present permit, and the rules adopted under Chapter 3734.05 of the Ohio Revised Code. 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, orders entered into, which demonstrates reliability, expertise, and competency to subsequently operate the facility under this chapter, the rules, and the permit.

**Contact Person  
OAC Rule 3745-50-22 (B)(6)**

For additional information, please contact Elizabeth Herron of Ohio EPA's Southeast District Office at (740) 380-5248 or Jae Lee of the U.S. EPA Regional Office in Chicago, Illinois at (312) 886-3781.

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