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

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OHIO EPA
APR 25 2006
DIV. OF HAZARDOUS
WASTE MGT.

REPLY TO THE ATTENTION OF:

APR 11 2006

D-8J

CERTIFIED MAIL: 7001 0320 0006 1558 2211
RETURN RECEIPT REQUESTED

Kenneth E. Nisly, P.E.
Envirite of Ohio, Inc.
2050 Central Avenue
Canton, Ohio 44707

RE: Federal RCRA Permit
OHD 980 056 992

Dear Mr. Nisly:

Enclosed is the Federal portion of the Resource Conservation and Recovery Act (RCRA) permit issued by the United States Environmental Protection Agency (U.S. EPA) to cover hazardous waste operations of Envirite of Ohio, Inc., (Envirite) located at 2050 Central Avenue, Canton, Ohio. The Federal portion of the RCRA permit contains those provisions and conditions required pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) to RCRA. Please read the permit carefully. Failure to comply with any portion of your permit could result in civil and/or criminal penalties.

Under the provisions of Title 40 of the Code of Federal Regulations (40 CFR), Part 124, the draft permit and the administrative record were advertised for public review and comment. The public comment period began on January 20, 2006, and ended on March 8, 2006. During the public comment period, no comments were received by U.S. EPA on the Federal portion of the draft permit, and the permit is identical to the draft permit:

Eligibility to appeal the Federal permit is covered in 40 CFR §124.19, as amended May 15, 2000 (65 FR 30910). The administrative appeal procedures must be completed prior to any action seeking judicial review. The original and one copy of a petition to appeal must be received by U.S. EPA within 30 days after service of notice of the final permit decision. If using the U. S. Postal Service (except Express Mail), the petition must be sent to the following address

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United States Environmental Protection Agency
Clerk, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

All filings delivered by hand or courier (including U.S. Postal Service Express Mail) must be delivered to the Board's address:

Colorado Building
1341 G Street, NW
Suite 600
Washington, D.C. 20005

A copy of the petition should also be sent to:

United States Environmental Protection Agency
attn: Robert Guenther
Office of Regional Counsel (C-14J)
77 West Jackson Boulevard
Chicago, Illinois 60604

This Federal permit is effective on the date indicated on its signature page. It shall remain valid until January 15, 2013, unless it is revoked and reissued, or terminated pursuant to 40 CFR §§ 270.41 and 270.43.

If you have any questions concerning this permit, please contact John Gaitskill of my staff, at (312) 886-6795.

Sincerely,

Margaret M. Guerriero, Director
Waste, Pesticides and Toxics Division

Enclosure

cc: Jeremy Carroll, OEPA, CO
Kris Coder, OEPA, NEDO

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT

Facility Name and Location: Envirite of Ohio, Inc.
2050 Central Ave SE
Canton, Ohio

Operator(s): Envirite of Ohio, Inc.

Owner(s): Envirite Holding Company
1105 North Market Street
Wilmington, Delaware

U.S. EPA Identification Number: OHD 980 568 992

Effective Date: 4/11/06

Expiration Date: January 15, 2013

Authorized Activities:

The United States Environmental Protection Agency (U.S. EPA) hereby issues the Federal portion of the Resource Conservation and Recovery Act (RCRA) Permit (hereinafter referred to as the Permit) to Envirite of Ohio, Inc., (hereinafter referred to as Permittee) to regulate the management of hazardous waste at its facility located at 2050 Central Ave SE, Canton, Ohio (hereinafter known as the Facility.)

This permit is issued under the authority given to U.S. EPA by 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 according to regulations promulgated thereunder by U.S. EPA and codified in Title 40 of the Code of Federal Regulations.

Section 3006 of RCRA, 42 U.S.C. § 6926 authorizes U.S. EPA to convey to a state government the authority to administer RCRA if the state's program is equivalent to ensure that the health of the public is protected. State authorization procedures are described in the regulations at 40 CFR Part 271. On June 30, 1989, U.S. EPA initially authorized the Ohio Environmental Protection Agency (Ohio EPA) to administer the RCRA hazardous waste program within its jurisdiction. Since then, U.S. EPA has promulgated additional RCRA regulations. When Ohio EPA demonstrated its ability to adequately administer the new RCRA regulations, U.S. EPA issued a subsequent authorization, adding the new regulations to the Ohio EPA's authorized RCRA program.

U.S. EPA has not yet authorized the Ohio EPA to administer the RCRA regulations at 40 CFR Part 264, Subpart BB, which cover air emissions from equipment leaks; 40 CFR Part 264, Subpart CC which cover air emissions from tanks and containers; and some

hazardous waste numbers listed at 40 CFR Part 261, Subpart D. Therefore, U.S. EPA is issuing this portion of the RCRA permit to cover operations at Permittee's facility which are subject to these as yet unauthorized regulations.

Permittee's complete RCRA permit is comprised of both this U.S. EPA permit, which covers the applicable federal RCRA conditions, and the permit issued by the Ohio EPA effective on January 15, 2003, covering RCRA regulations for which Ohio EPA is authorized. The complete RCRA permit authorizes Permittee to manage hazardous waste in accordance with the terms and conditions of the permit. This permit consists of all the conditions contained herein, and all conditions incorporated by citation. Permittee must comply with all terms and conditions contained in the permit.

This permit is based on the following assumptions: (1) the information submitted by Permittee in its permit application and subsequent revisions (hereinafter referred to as the application) is accurate, and (2) the facility is configured, operated and maintained as specified in the application.

Any inaccuracies in the application may be grounds for U.S. EPA to modify or revoke and reissue this permit in accordance with 40 CFR § 270.41, or terminate it in accordance with 40 CFR § 270.43; and for enforcement action under Section 3008 of RCRA. Permittee must inform U.S. EPA of any deviation from, or changes in, the information in the application that might affect Permittee's 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 U.S. EPA serves notice of the final permit decision. Any person filing comments on the draft Permit or participating in the public hearing may petition the Environmental Appeals Board to review any condition of the Permit decision. Any person failing to file comments or failing 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 4/11/06 and will remain in effect until January 15, 2013, 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: for
Margaret M. Guerriero, Director
Waste, Pesticides and Toxics Division

Date: 4/11/06

TABLE OF CONTENTS

SECTION I--STANDARD PERMIT CONDITIONS 1
I.A EFFECT OF PERMIT 1
I.B PERMIT ACTIONS 1
I.C SEVERABILITY 2
I.D DEFINITIONS 2
I.E DUTIES AND REQUIREMENTS 2
I.E.1 Duty to Comply 2
I.E.2 Permit Expiration 2
I.E.3 Duty to Reapply 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 3
I.E.7 Duty to Provide Information 3
I.E.8 Inspection and Entry 4
I.E.9 Monitoring and Records 4
I.E.10 Reporting Planned Changes 5
I.E.11 Reporting Anticipated Noncompliance 5
I.E.12 Certification of Construction 5
I.E.13 Transfer of Permits 5
I.E.14 Twenty-Four Hour Reporting 6
I.E.15 Other Noncompliance 7
I.E.16 Other Information 7
I.F SIGNATORY REQUIREMENT 8
I.G REPORTS, NOTIFICATIONS AND SUBMISSIONS TO THE DIRECTOR . . . 8
I.H CONFIDENTIAL INFORMATION 8
I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY 8
I.I.1 Operating Record 8
I.I.2 Permit on Site 9
I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE 9
I.K COORDINATION WITH THE CLEAN AIR ACT 9
I.L APPLICATION MODIFICATION 9

SECTION II -- AIR EMISSION STANDARDS 9
II.A EQUIPMENT LEAKS 9
II.B CONTAINERS 10
II.B.1 Maximum Volatile Organic Content 10
II.B.2 Waste Determination Procedure 10
II.B.3 New Waste Determination 10
II.C TANKS 10
II.C.1 Maximum Volatile Organic Content 10
II.C.2 Waste Determination Procedure 11
II.C.3 New Waste Determination 11

II.D RECORDKEEPING REQUIREMENTS 11
II.E REPORTING REQUIREMENTS 12

SECTION III–HAZARDOUS WASTE NUMBERS 12

SECTION I—STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

Permittee is hereby allowed to manage hazardous waste in accordance with this permit. Under this permit, the operation of units storing RCRA hazardous waste must comply with all terms and conditions in this permit. Other aspects of the storage, treatment, and disposal of RCRA hazardous wastes by Permittee in containers, tanks, miscellaneous units, etc., are subject to the conditions in the RCRA permit issued by the Ohio EPA. Any hazardous waste activity which requires a RCRA permit and is not included in either the federal or state RCRA permits is prohibited.

Pursuant 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 RCRA requirements not included in the permit which become effective by statute, or are promulgated under subparts AA, BB, or CC of 40 CFR Part 265. 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, 3013, or 7003 of RCRA; (2) Sections 104, 106, 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 from any imminent and substantial endangerment to human health, welfare, or the environment.
(40 CFR §§ 270.4 and 270.30(g))

I.B PERMIT ACTIONS

U.S. EPA may modify or revoke and reissue this permit in accordance with 40 CFR § 270.41, or terminate it in accordance with 40 CFR § 270.43. Section 3005(c)(3) of RCRA provides that modification pursuant to 40 CFR § 270.41 may include any new terms and conditions U.S. EPA determines are necessary to protect human health and the environment. The filing by Permittee of a request for modification, revocation and reissuance, or termination of this permit, or a notification by Permittee of planned changes or anticipated noncompliance will not stay the applicability or enforceability of any permit condition. (40 CFR § 270.30(f))

Permittee may request a modification of this permit under the procedures specified in 40 CFR § 270.42. A class 1 modification is generally allowed without prior approval by U.S. EPA except under certain conditions as described in 40 CFR § 270.42(a)(2). A Class 2 modification requires prior approval by the U. S. EPA as described in 40 CFR § 270.42(b). However, Permittee may perform construction associated with a Class 2 permit modification request beginning 60 days after submission of the request unless the Director of the Waste, Pesticides and Toxics Division, U.S. EPA (Director)

establishes a later date under 40 CFR § 270.42(b)(8). Procedures for a Class 3 modification are specified in 40 CFR § 270.42(c). Permittee must not perform any construction associated with a Class 3 permit modification request until such modification request is granted and the modification becomes effective.

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

Permittee must comply with all conditions of this Permit, except to the extent and for the duration for which an emergency permit authorizes such noncompliance (see 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 new permit application. (40 CFR § 270.30(a))

I.E.2 Permit Expiration

Unless revoked or terminated, this permit and all conditions herein will be effective until January 15, 2013. This permit and all conditions herein will remain in effect beyond the permit's expiration date only if Permittee has submitted a timely, complete application for a new permit (40 CFR §§ 270.10 and 270.13 through 270.29), and, through no fault of Permittee, the Director has not made a final determination regarding issuance of a new permit. (40 CFR §§ 270.50, 270.51)

I.E.3 Duty to Reapply

If Permittee wishes to continue the activities regulated by this permit after its expiration date, Permittee must submit a complete application for a new permit at least 180 days before this permit's expiration date, unless the Director grants permission for a later application submittal date. The Director will not grant permission to submit an application for a new permit later than this permit's expiration date. In reviewing any application for a new permit, U.S. EPA will consider improvements in the state of control and measurement technology, and changes in applicable regulations.
(40 CFR §§ 270.10(h) and 270.30(b))

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

In an enforcement action, Permittee is 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, Permittee 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

Permittee must always properly operate and maintain all facilities and treatment and control systems (and related appurtenances) that Permittee installs or uses 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 Permittee 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

Within a reasonable time, Permittee must provide the Director 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. Permittee must also provide the Director, upon request, with copies of any records this Permit requires. The information Permittee must maintain under this Permit is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 *et seq.* (40 CFR §§ 264.74(a) and 270.30(h))

I.E.8 Inspection and Entry

Pursuant to 40 CFR § 270.30(i), upon the presentation of credentials and other legally required documents, Permittee must allow the Director or an authorized representative to

I.E.8.a Enter Permittee's premises at reasonable times 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 Permittee 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 or parameters at any location at reasonable times, to assure Permit compliance or as RCRA otherwise authorizes.

Notwithstanding any provision of this Permit, U.S. 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 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 waste analysis plan approved by Ohio EPA, 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 Permittee must retain, at the facility, all records as specified in 40 CFR § 264.74.

I.E.9.c Permittee must submit all monitoring results at the intervals specified in this Permit.

I.E.9.d Permittee 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 CFR §§ 270.30(j) and 270.31)

I.E.10 Reporting Planned Changes

Permittee 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

Permittee 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

For a new facility, Permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, Permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in 40 CFR § 270.42, until:

I.E.12.a Permittee has submitted to the Director certification attested to by a registered professional engineer that the facility has been constructed or modified in compliance with the permit; (40 CFR § 270.30(l)(2)(i)) and

I.E.12.b U.S. EPA has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit. However, if within 15 days of the date of submission of the above letter Permittee has not received notice from U.S. EPA of intent to inspect, prior inspection is waived and Permittee may commence treatment, storage, or disposal of hazardous waste in the new or modified portion of the facility. (40 CFR § 270.30(l)(2)(ii))

I.E.13 Transfer of Permits

This permit is not transferable to any person, except after notice to the Director. If Permittee notifies the Director of a transfer of ownership or change of operator of the premises subject to this permit, under 40 CFR § 270.40, the Director may revoke and reissue or modify the permit to change the owner or operator's name and incorporate other RCRA requirements. Before transferring ownership or operation of the facility during its operating life, Permittee must 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 Permittee must report to U.S. EPA, Region 5 office any noncompliance with this permit that may endanger human health or the environment. Any such information must be reported orally within 24 hours after Permittee becomes aware of the circumstances, by contacting the Enforcement and Compliance Assurance Branch at (312) 886-0838. (40 CFR §§ 270.30(l)(6))

I.E.14.b The report must describe the occurrence of any of the following: (1) the release of any hazardous waste that may endanger public drinking water supplies; (2) a release or discharge of hazardous waste; or (3) a fire or explosion from the hazardous waste management facility, that could threaten the environment or human health outside the facility. Permittee must include the following information about the incident:

(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) Date, time and type of incident;

(4) Location and cause of incident;

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

(6) Extent of injuries, if any;

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

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

(9) 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, Permittee must submit to the Director a written report within 5 calendar days after it became 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, Permittee will then be required to submit a written report within 15 calendar days after the day on which Permittee was required to provide the oral notice required by Condition I.E.14.a. This report must contain the information required by Condition I.E.14.b of this permit.
(40 CFR § 270.30(1)(6))

I.E.15 Other Noncompliance

For all instances of noncompliance which do not endanger health or the environment and are not reported under Condition I.E.14 of this permit, Permittee must include a description of such instances with the submittal of any other reports required by this permit. 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 Permittee becomes aware that it 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, Permittee 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 Permittee must comply with all those requirements.

I.F SIGNATORY REQUIREMENT

Permittee 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 delivered to U.S. EPA, Region 5, at the following address:

United States Environmental Protection Agency
attn: RCRA Permitting
Waste Management Branch, DW-8J
Waste, Pesticides and Toxics Division
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

I.H CONFIDENTIAL INFORMATION

In accordance with 40 CFR Part 2 Subpart B, Permittee may claim any information this Permit requires, or is otherwise submitted to the Director, as confidential. Permittee 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 Permittee made no claim at the time of submittal, the Director may make the information available to the public without further notice. If Permittee asserts a claim, the information will be treated in accordance with the procedures in 40 CFR Part 2. (40 CFR § 270.12)

I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY

Permittee 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

Permittee 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, 264.1084, 264.1088, 264.1089 and 40 CFR § 264.73 (as they apply to the equipment used to comply with this Permit).

I.I.2 Permit on Site

Permittee must keep this permit and any attachments on site, including all the documents required to be maintained by this permit, and Permittee must update it as necessary to incorporate any permit modifications under 40 CFR §§ 270.41 and 270.42.

I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE

All attachments and documents that this permit requires to be submitted, including all plans and schedules are, upon the Director's approval, incorporated 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 Permittee to enforcement action under Section 3008 of RCRA. This may include fines, or permit suspension or revocation.

Any noncompliance with approved designs, plans and schedules is noncompliance with this permit. The Director may grant written requests for extensions of due dates for submittals required in this permit.

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.

If any documents attached to this permit are found to conflict with any of the Conditions in this permit, the Conditions will take precedence.

I.K COORDINATION WITH THE CLEAN AIR ACT

Permittee must fully comply with all applicable Clean Air Act and RCRA Permit limits. Where two or more operating limitations apply, the most stringent operating limitations take precedence.

SECTION II -- AIR EMISSION STANDARDS

II.A EQUIPMENT LEAKS

Permittee shall not manage hazardous waste with organic concentration equal to or greater than 10% by weight in any equipment that would be subject to 40 CFR Part 264, Subpart BB.

II.B CONTAINERS

II.B.1 Maximum Volatile Organic Content

Permittee is allowed to manage hazardous waste in containers in accordance with Permittee's Ohio EPA RCRA permit effective January 15, 2003. All hazardous waste managed in these units shall contain an average volatile organic (VO) concentration of less than 500 parts per million by weight (ppmw).

II.B.2 Waste Determination Procedure

For each hazardous waste placed in permitted container storage areas, Permittee shall determine the average VO concentration of the waste at the point of origination using the procedures specified in 40 CFR § 264.1083(a) using either direct measurement as specified in Condition II.B.2.a or by knowledge as specified in Condition II.B.2.b.

II.B.2.a If direct measurement is used to determine the VO concentration, Permittee shall use the procedures specified in 40 CFR § 265.1084(a)(3).

II.B.2.b If knowledge is used to determine the VO concentration, Permittee shall use the procedures specified in 40 CFR § 265.1084(a)(4).

II.B.3 New Waste Determination

Permittee 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 Permittee's containers to increase to a level that is equal to or greater than 500 ppmw.

II.B.3.a If direct measurement is used to determine the VO concentration, Permittee shall use the procedures specified in 40 CFR § 265.1084(a)(3).

II.B.3.b If knowledge is used to determine the VO concentration, Permittee shall use the procedures specified in 40 CFR § 265.1084(a)(4).

II.C TANKS

II.C.1 Maximum Volatile Organic Content

Permittee is allowed to manage hazardous waste in tanks in accordance with Permittee's Ohio EPA RCRA permit effective January 15, 2003. All hazardous waste managed in these tanks shall contain an average VO concentration of less than 500 ppmw.

II.C.2 Waste Determination Procedure

For each hazardous waste placed in the tanks, Permittee shall determine the average VO concentration of the waste at the point of origination using the procedures specified in 40 CFR § 264.1083(a) using either direct measurement as specified in Condition II.C.2.a or by knowledge as specified in Condition II.C.2.b.

II.C.2.a If direct measurement is used to determine the VO concentration, Permittee shall use the procedures specified in 40 CFR § 265.1084(a)(3).

II.C.2.b If knowledge is used to determine the VO concentration, Permittee shall use the procedures specified in 40 CFR § 265.1084(a)(4).

II.C.3 New Waste Determination

Permittee 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 to increase to a level that is equal to or greater than 500 ppmw.

II.C.2.a If direct measurement is used to determine the VO concentration, Permittee shall use the procedures specified in 40 CFR § 265.1084(a)(3).

II.C.2.b If knowledge is used to determine the VO concentration, Permittee shall use the procedures specified in 40 CFR § 265.1084(a)(4).

II.D RECORD KEEPING REQUIREMENTS

Permittee shall comply with the applicable record keeping requirements under 40 CFR § 264.1089, regarding its tanks and containers.

II.E REPORTING REQUIREMENTS

Permittee shall submit all noncompliance reports required under 40 CFR § 264.1090 to U.S. EPA at

Chief, Enforcement and Compliance Assurance Branch
United States Environmental Protection Agency
Waste, Pesticides and Toxics Division, DE-9J
77 West Jackson Blvd
Chicago, IL 60604-3590.

SECTION III–HAZARDOUS WASTE NUMBERS

Permittee may manage hazardous waste with the following RCRA hazardous waste numbers listed at 40 CFR Part 261, Subpart D, in addition to those which the Ohio EPA has authorized in its RCRA permit.

K169	K171	K174	K176
K170	K172	K175	K177