Attachment A

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

SEP 0 6 2019

REPLY TO THE ATTENTION OF:

Mr. Stephen Lonneman
General Manager
Vickery Environmental Inc.
3956 State Route 412
Vickery, Ohio 43464

Re: Final Federal RCRA Permit, Vickery Environmental, Inc.
Vickery, Ohio, OHD 020 273 819

Dear Mr. Lonneman:

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

The draft federal RCRA permit was publicly noticed in the *Fremont News Messenger*, Fremont, Ohio, and Coast Country WMJK FM-100.9 radio station on or about October 5, 2018. A copy of the draft federal RCRA permit was available for review at the Clyde Public Library, 222West Buckeye Street, Clyde, Ohio 43410. The public comment period extended from October 5, 2018 to November 23, 2018.

The only comments received by U.S. Environmental Protection Agency on the draft federal RCRA permit during the public comment period were submitted by Vickery Environmental, Inc. No comments from any concerned citizens were received. EPA's Response Summary to the comments is enclosed with this letter.

This federal permit is effective on **October 10, 2019 and valid until October 10, 2029**, unless the federal permit is revoked and reissued, or terminated pursuant to 40 C.F.R. § 270.41 and § 270.43. Failure to comply with any conditions of the federal permit may result in civil and/or criminal penalties.

You may appeal the issuance of this permit by filing a petition for review with the Environmental Appeals Board as provided at 40 C.F.R. § 124.19.

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

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

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

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

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

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

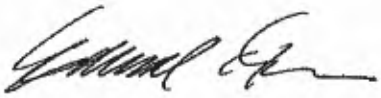
A copy of the petition should also be sent to:

Land and Chemicals Branch (LL-17J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

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

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

Sincerely,



Edward Nam
Director
Land, Chemicals and Redevelopment Division

Enclosures

cc: Bradley Mitchell, OEPA

FINAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT

Facility Name and Location: Vickery Environmental, Inc.
3956 State Route 412
Vickery, Ohio 43464

Owner: Vickery Environmental, Inc.
3956 State Route 412
Vickery, Ohio 43464

Operator: Vickery Environmental, Inc.
3956 State Route 412
Vickery, Ohio 43464

U.S. EPA Identification Number: OHD 020 273 819

Effective Date: October 10, 2019

Expiration Date: October 10, 2029

Authorized Activities:

The U.S. Environmental Protection Agency (EPA) hereby issues a Resource Conservation and Recovery Act (RCRA) permit (hereinafter referred to as the "permit") to Vickery Environmental, Inc. (addressed in the second person as "you" or "Permittee") in connection with the hazardous waste management operations at the Vickery Environmental, Inc., located in Vickery, 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 United States Code (U.S.C.) § 6901 *et seq.*) (collectively referred to as "RCRA") and EPA's regulations promulgated thereunder (codified, and to be codified, in Title 40 of the Code of Federal Regulations (40 C.F.R.)).

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

According to Vickery's RCRA permit application, this facility currently does not operate process vents as defined in 40 C.F.R. Part 264, Subpart AA, Air Emission Standards for Process Vents. Therefore, the requirements under Subpart AA are not set forth in this permit.

This permit does not contain 40 C.F.R. Part 264, Subpart BB, Air Emission Standards for Equipment Leaks, because Vickery's RCRA permit application states that the facility does not have equipment to which those standards apply on the basis that no equipment contains or contacts hazardous waste with organic concentrations of at least 10 percent by weight, as set forth at 40 C.F.R. § 264.1050(b). Therefore, this permit prohibits Vickery from managing hazardous waste with organic concentration equal to or greater than 10 percent by weight in any equipment and requires it to conduct waste analysis to determine, as specified in the regulations, if any equipment meets that criteria. If any equipment falls within 40 C.F.R. § 264.1050(b), this permit will have to be modified to add 40 C.F.R. Part 264, Subpart BB requirements.

40 C.F.R. Part 264, Subpart CC, Air Emission Standards for Tanks, Surface Impoundments, and Containers, apply to the containers, 13 tanks, and 21 miscellaneous units of this facility.

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

The State previously issued a RCRA permit on March 5, 2012. The effective date and expiration date of that earlier State RCRA permit are March 5, 2012 and March 5, 2022, respectively.

Permit Approval:

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

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

This permit is based on the assumption that the information submitted in your RCRA Part A and B Permit Renewal Application dated September 12, 2014 and all other revisions and addendums to that application (hereinafter referred to as the "Application") is accurate and the facility is configured, operated and maintained as specified in the Application and other relevant documents.

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

Opportunity to Appeal:

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

Effective Date:

This permit is effective as of **October 10, 2019** and will remain in effect until **October 10, 2029**, unless revoked and reissued under 40 C.F.R. § 270.41, terminated under 40 C.F.R. § 270.43, or continued in accordance with 40 C.F.R. § 270.51(a).

By: _____ Date: 9/6/19

Edward Nam
Director
Land, Chemicals and Redevelopment Division

OHD 020 273 819
Vickery Environmental Inc., Vickery, Ohio

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SECTION I - STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

This permit contains the federal Resource Conservation and Recovery Act (RCRA) permit conditions. You also have an effective State of Ohio RCRA permit. You are hereby allowed to manage hazardous waste at Vickery Environmental, Inc. ("facility") in accordance with this permit and the effective State RCRA permit. Your storage, treatment, and disposal of 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 are subject to the conditions in the State-issued portion of the RCRA permit. Any hazardous waste activity which requires a RCRA permit and is not included either in this permit or the State RCRA permit, is prohibited.

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

This permit does not: (1) convey any property rights or any exclusive privilege (40 C.F.R. § 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 U.S.C. §§ 9601 *et seq.* (commonly known as "CERCLA"); or (3) any other law protecting public health or the environment.

I.B PERMIT ACTIONS

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

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

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

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

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

I.B.2 Permit Renewal

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

I.C SEVERABILITY

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

I.D DEFINITIONS

The terms used in this permit will have the same meaning as in 40 C.F.R. Parts 124, 260 through 266, 268 and 270, unless this permit specifically provides otherwise. Where

neither the regulations nor the permit defines a term, the term's definition will be the standard dictionary definition or its generally accepted scientific or industrial meaning.

I.E DUTIES AND REQUIREMENTS

I.E.1 Duty to Comply

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

I.E.2 Duty to Reapply

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

I.E.3 Permit Expiration

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

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

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

I.E.5 Duty to Mitigate

In the event of noncompliance with this permit, you must take all reasonable steps to

minimize releases to the environment resulting from the noncompliance and must implement all reasonable measures to prevent significant adverse impacts on human health or the environment. (40 C.F.R. § 270.30(d)).

I.E.6 Proper Operation and Maintenance

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

I.E.7 Duty to Provide Information

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

I.E.8 Inspection and Entry

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

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

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

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

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

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

I.E.9 Monitoring and Records

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

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

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

I.E.9.d You must retain all reports, records, or other documents, required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the reports, records, or other documents, unless a different period is specified in this permit. The 3-year period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. (40 C.F.R. §§ 270.30(j) and 270.31).

I.E.10 Reporting Planned Changes

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

I.E.11 Reporting Anticipated Noncompliance

You must notify the Director, in advance, of any planned changes in the permitted facility or activity that may result in permit noncompliance. Advance notice will not

constitute a defense for any noncompliance. (40 C.F.R. § 270.30(l)(2)).

I.E.12 Certification of Construction

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

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

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

I.E.13 Transfer of Permits

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

I.E.14 Twenty-Four Hour Reporting

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

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

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

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

(3) Facility name, address and telephone number;

(4) Date, time and type of incident;

(5) Location and cause of incident;

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

(7) Extent of injuries, if any;

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

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

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

(40 C.F.R. § 270.30(l)(6)).

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

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

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

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

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

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

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

I.E.15 Other Noncompliance

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

I.E.16 Other Information

I.E.16.a Whenever you become aware that you failed to submit or otherwise omitted any relevant facts in the Application or other submittal or submitted incorrect information in the Application or other submittal, you must promptly notify the Director of any incorrect information or previously omitted information,

submit the correct facts or information, and explain in writing the circumstances of the incomplete or inaccurate submittal. (40 C.F.R. §§ 270.30(l)(11) and 270.30(h)).

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

I.F SIGNATORY REQUIREMENT

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

I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR

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

Land and Chemicals Branch, LL-17J
Land, Chemicals and Redevelopment Division
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

I.H CONFIDENTIAL INFORMATION

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

I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY

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

I.I.1 Operating Record

You must maintain in the facility's operating record the documents required by this permit, and by the applicable portions of 40 C.F.R. §§ 264.13, 264.73, 264.1064, 264.1084, 264.1088, and 264.1089.

I.I.2 Notifications

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

I.I.3 Copy of Permit

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

I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE

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

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

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

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

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

I.K COORDINATION WITH THE CLEAN AIR ACT

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

You must not operate at the facility process vents as defined in 40 C.F.R. § 264.1031.

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

II.A EQUIPMENT LEAKS

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

You must inform the EPA Region 5 RCRA program, in writing, about any changes to the statement in the Application or any change in any permitting exemption status no later than 30 days prior to any such changes. In the event that Subpart BB applies to any equipment as set forth at 40 C.F.R. § 264.1050(b), it shall be immediately subject to and you must comply with all requirements that apply to that equipment, including but not limited to the applicable requirements of 40 C.F.R. Part 264, Subpart BB. In this event, you must also submit to EPA and the State RCRA program a modification request of the appropriate class providing for revision of the State and federal RCRA Permit to apply the applicable 40 C.F.R. Part 264, requirements.

II.B TEST METHOD AND PROCEDURES

(1) For each piece of equipment, you must determine whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the procedures specified in 40 C.F.R. § 264.1063(d)(1), (d)(2), or (d)(3), in accordance with the waste analysis plan required by 40 C.F.R. § 264.13(b). As set forth in 40 C.F.R. § 264.1063(g), samples used in determining the percent organic content must be representative of the highest total organic content hazardous waste that is expected to be contained or contact the equipment.

(2) If you determine that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least by 10 percent by weight, such determination can be revised only after following the procedures specified in 40 C.F.R. § 264.1063(d)(1) or (d)(2) as specified in 40 C.F.R. § 264.1063(e). If there is a disagreement whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, then the procedures specified in 40 C.F.R. § 264.1063(d)(1) or (d)(2) can be used to resolve such dispute as specified in 40 C.F.R. § 264.1063(f).

(3) You must perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the organic concentration of the hazardous waste which contains or contacts equipment to increase to a level that is equal or greater than 10 percent by weight.

II.C RECORDKEEPING REQUIREMENTS

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

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

You are permitted by the State portion of the permit to store hazardous wastes in 13 existing tanks. Your Application also specifies that 4 tanks are authorized in the Ohio EPA RCRA permit, but have not been constructed. If constructed, these tanks will be subject to 40 C.F.R. Part 264, Subpart CC and must comply with all applicable requirements. Prior to managing hazardous waste in these to-be-constructed tanks, the Permittee must submit a request to the EPA to modify this permit pursuant to 40 C.F.R. § 270.42 to add these tanks to this permit and receive approval for the modification request from the EPA. The existing tanks, and the to-be-constructed tanks, are specified in the following chart:

Existing Tanks	To-Be-Constructed Tanks
4 tanks (T-1, T-2, T-5, and T-6): Each 200,000 gallons	1 tank (T-94): 500 gallons
2 tanks (T-9 and T-10): Each 100,000 gallons	3 tanks (T-800, T-400, and T-600): Each 11,750 gallons
4 tanks (T-22, T-23, T-24, and T-25): Each 6,000 gallons	
2 tanks (T-500 and T-300): Each 11,750 gallons	
1 tank (Lab Waste Tank): 2,500 gallons	

The Application states that tanks T-22, T-23, T-24, and T-25 (each 6,000 gallons) contain an average volatile organic (VO) concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). All other tanks contain an average VO concentration at the point of waste origination of more than 500 ppmw. The Application indicates there are also containers which store hazardous waste in less than 90-day areas, which are not covered by this permit.

III.A LESS-THAN 90-DAY CONTAINERS

The Permittee's Part B Application states that the hazardous waste stored in containers at the facility will be managed in a less-than 90-day area as a large quantity generator and will not be a permitted unit. The typical containers used by the facility for accumulation and shipment are 55-gallon drums and roll-off boxes. Based on your representations, this permit does not address, cover, or authorize those activities or units. Activities and units covered by an exemption from RCRA permitting, such as the large quantity generator exemption at the authorized State regulation at 35 Ohio. Admin. Code § 3745-52-34 and 40 C.F.R.§ 262.34 (which, among other things, imposes conditions addressing air emission standards for tanks and containers at 40 C.F.R. Part 265 subpart CC), must meet all conditions and/or requirements for the exemption as set forth in the provisions that govern any exemption from RCRA permitting to operate without a permit or meeting the conditions that apply to permitted facilities. As discussed at I.A. above, any hazardous waste activity that requires a RCRA permit and is not authorized is prohibited.

You must inform the EPA Region 5 RCRA program, in writing, about any changes to the statement in the Application or any change in any permitting exemption status no later than 30 days prior to any such changes. In the event that any activity or unit does not meet the conditions and/or requirements for an exemption from permitting, it shall be immediately subject to and you must comply with all requirements that apply to facilities

that must obtain a RCRA permit, including but not limited to the applicable requirements of 40 C.F.R. Part 264, Subpart CC. In this event, you must also submit to EPA and the State RCRA program a modification request of the appropriate class providing for revision of the State and federal RCRA Permit to apply the applicable 40 C.F.R. Part 264, requirements.

III.B MAXIMUM VOLATILE ORGANIC CONCENTRATION FOR TANKS T-22, T-23, T-24, AND T-25

The Permittee's Part B Application states that the hazardous waste stored in tanks T-22, T-23, T-24, and T-25 at the facility contains an average volatile organic (VO) concentration at the point of waste origination of less than 500 ppmw.

40 C.F.R. § 264.1082(c)(1), in pertinent part, provides:

> (c) A tank, surface impoundment, or container is exempt from standards specified in § 264.1084 through § 264.1087 of this subpart, as applicable, provided that the waste management unit is one of the following:
>
> (1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 ppmw. The average VO concentration must be determined using the procedures specified in § 264.1083(a) of this subpart. The owner or operator must review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

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

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

III.B.1 You are allowed to manage hazardous waste in tanks T-22, T-23, T-24, and T-25 in accordance with the State portion of the RCRA permit. All hazardous waste managed in each of these 4 tanks must contain an average VO concentration at the point of waste origination of less than 500 ppmw. The average VO concentration of a hazardous waste at the point of waste origination must be determined by direct measurement or approved method in accordance with the procedures specified in 40 C.F.R. §§ 264.1083(a) and 265.1084(a)(2) through (a)(4), as specified by 40 C.F.R. § 264.1082(c)(1).

III.B.2 For each hazardous waste placed in these tanks (T-22, T-23, T-24, and T-25), you must review and update, as necessary, at least once every twelve months following the date of the initial determination, that the hazardous waste streams entering the unit have an average VO concentration at the point of waste origination of less than 500 ppmw using the procedures specified in 40 C.F.R. §§ 264.1083(a) and 265.1084(a)(2) through (a)(4), as specified in 40 C.F.R. § 264.1082(c)(1).

You must 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 these 4 tanks (T-22, T-23, T-24, and T-25) to increase to a level that is equal or greater than 500 ppmw. You must also review and update, as necessary, determinations under 40 C.F.R. § 264.1082(c)(1) at least once every twelve months following the date of the determination, as required by 40 C.F.R. § 264.1082(c)(1).

III.B.3 You must comply with all applicable recordkeeping and reporting requirements described in 40 C.F.R. § 264.1089 and § 264.1090 for these 4 tanks (T-22, T-23, T-24, and T-25).

III.B.4 For any proposed changes in your Application, which states that the hazardous waste processed in these 4 tanks (T-22, T-23, T-24, and T-25) contains an average VO concentration at the point of waste origination of less than 500 ppmw, you must inform the EPA Region 5 RCRA program, in writing, about the changes no later than 30 calendar days prior to any such changes. In the event that any of these 4 tanks specified in the Application process the hazardous waste with an average VO concentration at the point of waste origination of greater than 500 ppmw, such tank(s) must be subject to and comply with all applicable requirements specified in Section III.C, below, and you must submit a permit modification request providing for the application of 40 C.F.R. Part 264, Subpart CC to those hazardous waste tank(s).

III.C LEVEL 1 TANK REQUIREMENTS

All hazardous waste tanks specified above, except the 4 tanks (T-22, T-23, T-24, and

T-25), must comply with the Level 1 tank standards of 40 C.F.R. § 264.1084(c) and the following requirements:

III.C.1 The maximum vapor pressure, as determined by 40 C.F.R. § 264.1083(c)(2), must be less than 5.2 kilo-Pascal (kPa) for 6 tanks (T-1, T-2, T-5, T-6, T-9, and T-10). The maximum vapor pressure, as determined by 40 C.F.R. § 264.1083(c)(2), must be less than 76.6 kPa for 3 tanks (T-500, T-300, and Lab Waste Tank). (40 C.F.R. § 264.1084(b)(1)(i)).

III.C.2 The hazardous waste in the tank must not be heated to a temperature that is greater than the temperature at which the maximum organic vapor pressure is determined under Section III.C.1, above. (40 C.F.R. § 264.1084(b)(1)(ii)).

III.C.3 You must not conduct a waste stabilization process, as defined at 40 C.F.R. § 265.1081, in tanks. (40 C.F.R. § 264.1084(b)(1)(iii)).

III.C.4 You must determine the maximum organic vapor pressure for each hazardous waste placed in a tank in accordance with standards specified in Section III.C.1, above. Whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal or greater than the maximum organic vapor pressure limit for the tank design capacity specified in Section III.C.1, above, you must perform a new determination of the maximum organic vapor pressure in the tank in accordance with 40 C.F.R. § 264.1083(c)(2). (40 C.F.R. § 264.1084(c)(1)).

III.C.5 Each tank must be equipped with a fixed roof design complying with the following specifications (40 C.F.R. § 264.1084(c)(2)):

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

(b) The fixed roof must be installed in such a manner such that there are no visible cracks, holes, gaps or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

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

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

III.C.6 Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position except that: 1) opening of closure devices or removal of the fixed roof is allowed for the access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations, 2) opening of closure devices or removal of the fixed roof is allowed to remove accumulated sludge or other residues from the bottom of tank, and 3) opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations to maintain the tank internal pressure in accordance with the tank design specifications as set forth at 40 C.F.R. § 264.1084(c)(3).

III.C.7 You must inspect the tanks, repair defects and maintain records of inspections as specified in 40 C.F.R. § 264.1084(c)(4).

III.C.8 You must control the air emissions from the tanks (T-1, T-2, T-5, T-6, T-9, and T-10), in accordance with 40 C.F.R. § 264.1084(c)(2)(iii)(B) by venting the tanks through closed vent systems to scrubber unit designed and operated to remove the organic vapors vented to them with an efficiency of 95 percent or greater by weight.

III.C.8.a The tanks must be covered by a fixed roof and vented directly through the closed vent system to a control device in accordance with the requirements specified in 40 C.F.R. § 264.1084(g), (j), (k), and (l).

III.C.8.b You must comply with the specification, monitoring, inspection, and repair requirement of the closed-vent system and scrubber unit specified in Section III.C.9, below.

III.C.9 The air emissions from tanks referenced in Section III.C.8, above, must be controlled as required by 40 C.F.R. § 264.1084(g). The emission control must consist of: (1) a closed vent system, including an exhaust fan with a capacity to maintain a negative pressure inside the closed system and (2) a scrubber unit functioning as the control device. The closed vent system and scrubber system must comply with the following requirements:

III.C.9.a The closed vent system must meet the requirements of 40 C.F.R. § 264.1087(b). The closed vent system must route the gases, vapors, and fumes emitted from hazardous waste in the tanks to a scrubber unit that meets the requirements specified in 40 C.F.R. § 264.1087(c).

III.C.9.b The closed vent system must comply with the design and operation requirements of 40 C.F.R. § 264.1033(k).

A closed vent system must meet either of the following design requirements:

(i) each closed vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppm by volume above background as determined by the procedure in 40 C.F.R. § 264.1034(b) and by visual inspections; or

(ii) each closed vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed vent system when the control device is operating.

III.C.9.c The closed vent system must not include any bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, unless equipped with either a flow indicator or a seal or locking device as specified in 40 C.F.R. § 264.1087(b)(3).

III.C.9.d You must inspect and monitor each closed vent system as specified in 40 C.F.R. § 264.1033(l). Each closed vent system that is used to comply with III.C.9.b(i) above must be inspected and monitored in accordance with the requirements of 40 C.F.R. § 264.1033(l)(1). Each closed vent system that is used to comply with III.C.9.b(ii) above must be inspected and monitored in accordance with the requirements of 40 C.F.R. § 264.1033(l)(2). You must comply with the requirements at 40 C.F.R. § 264.1033(l)(3).

III.C.9.e The scrubber unit must have a minimum removal efficiency of 95 percent by weight in accordance with 40 C.F.R. § 264.1087(c)(1)(i). You must demonstrate that the scrubber unit achieves this performance standard as specified in 40 C.F.R. § 264.1087(c)(5). For any disagreement of a demonstration of control device performance using a design analysis, then the results of a performance test performed by the facility in accordance with the requirements of 40 C.F.R. § 264.1087(c)(5)(iii) must be utilized to resolve the disagreement as specified in 40 C.F.R. § 264.1087(c)(6).

III.C.9.f You must comply with the requirements specified in 40 C.F.R. § 264.1087(c)(2)(i). The planned routine maintenance of the scrubber, during which the 95 percent removal efficiency does not meet the specifications in 40 C.F.R. § 264.1087(c)(1)(i), must not exceed 240 hours per year. (40 C.F.R. § 264.1087(c)(2)(i)).

III.C.9.g You must comply with the requirements specified in 40 C.F.R. § 264.1087(c)(2)(ii) through (c)(2)(vi), including requirements concerning the planned routine maintenance, control system device malfunction, record keeping, correction of device system malfunction, venting restrictions, and other operating requirements.

III.C.9.h You must inspect and monitor the air emission control device scrubber unit, in accordance with the procedures and requirements specified in 40 C.F.R. §§ 264.1084(g)(3) and 264.1087(c)(7).

III.C.9.i You must operate a backup scrubber recirculation pump in case the primary pump is inactive. You must also operate backup scrubber blower in case the primary blower is offline.

III.C.10 Closed vent systems and control devices used to comply with this permit must be operated at all times when emissions may be vented to them. (40 C.F.R. § 264.1033(m)).

III.C.11 You must process a Class 2 permit modification if you plan to operate or to modify tanks (T-1, T-2, T-5, T-6, T-9, and T-10) in accordance with 40 C.F.R. § 264.1084(c)(2)(iii)(A) with no closed-vent system connected to a control device. You must also process a Class 2 permit modification if you plan to operate or to modify tanks (T-500, T-300, and Lab Waste Tank) to comply with Level 2 standards.

III.D MISCELLANEOUS UNITS REQUIREMENTS

According to your Application, your facility operates 7 types of miscellaneous units which process hazardous waste. These miscellaneous units are: 1) 4 Basket Strainer units, 2) 2 Bag Filter units; 3) 1 Filter Press unit, 4) 4 Primary Cartridge Filter units, 5) 4 Secondary Cartridge Filter units, 6) 5 Bypass Cartridge Filter units, and 7) 1 Thief Pole Rinsing unit. These 7 types of units are considered as "miscellaneous units" defined in 40 C.F.R. Part 264, Subpart X. The miscellaneous units are subject to and must comply with the requirements set forth in 40 C.F.R. Part 264, Subpart CC. (40 C.F.R. § 264.601).

III.D.1 You must operate the 4 Basket Strainer, 2 Bag Filter, 4 Primary Cartridge Filter, 4 Secondary Cartridge Filter, and 5 Bypass Cartridge Filter units in a closed system. While in operation, there must be no openings in these units to emit vapors into the

atmosphere. You must comply with the following specifications:

(a) The closure devices must be designed and constructed to form a continuous barrier over the entire surface area of the unit.

(b) The units must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces.

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

(d) Whenever a hazardous waste is in the unit, all openings must be securely closed to prevent releases of vapors into the atmosphere, except for routine inspections, maintenance, and other approved activities.

(e) You must inspect these miscellaneous units at least once per year, or retest the units to ascertain that the air emissions from these units comply with the design and with the requirements specified in 40 C.F.R. § 264.1084(c)(4).

(f) You are allowed to open these units during the maintenance, cleaning, and/or inspection. You must not operate these units during the maintenance, cleaning, and/or inspection, and when the maintenance, cleaning, and/or inspection is completed, the units' closure devices must be promptly secured in the closed position and the operations must be resumed.

III.D.2 The Thief Pole Rinsing unit includes an open-top container which contains residual of the poles from sampling of the hazardous waste in the tanks. Since the design capacity of the newly constructed Thief Pole unit is less than 0.1 m^3 (26.4 gallons), the control of the organic air emissions from the Thief Pole Rinsing unit is exempted. (40 C.F.R. § 264.1086(b)). For any changes of the capacity of the Thief Pole unit for the storage of the residual hazardous waste from the poles and its rinsing water waste, you must submit an appropriate permit modification to EPA for the potential compliance with air emission standards.

III.D.3 You must operate the Filter Press (FP) to comply with the following specifications:

(a) You must operate FP unit in accordance with requirements

specified in Section III.D.1, above.

(b) You must equip workers manually removing solid cakes from the FP unit with Personal Protection Equipment (PPE), including Self-Contained Breathing Apparatus (SCBA), for their use during this work. Separate Occupational Safety and Health Administration (OSHA) regulations set forth applicable respirator equipment requirements for worker safety.

(c) You must conduct an air purging process (i.e., blow-down process) in the FP unit, before opening the FP unit for each removal activity of the solid cakes, using an air compressor. The purging process must be conducted at least 20 minutes for each blow-down in order to remove potential volatile organic compounds contained in the solid cakes in the FP unit. The blow-down process must utilize an air compressor which has a design capacity of minimum 215 actual cubic feet per minute (ACFM). The purged volatile organic compounds from the solid cakes in the FP must be routed through the closed-vent system and to the scrubber for control in accordance with Section III.C.9. You must record the purging power (such as purging time and compressor capacity) data during each purging process and retain such recorded data at the facility.

(d) You must cover the roll-off box while not receiving the solid cakes from the FP unit. You must inspect the cover material (i.e., tarp) for any holes or any other potential release.

(e) You must install a vapor and gas monitoring device (such as a photoionization detector (PID), a flame ionization detector (FID, or other similar unit) in the FP area to continuously monitor volatile organic compounds in the air emitted from the FP during cake removal activities. You must set the alarm on the monitoring device to the appropriate level to protect worker safety and to record the volatile organic emissions from the FP unit.

III.E RECORDKEEPING AND REPORTING REQUIREMENTS

III.E.1 For tanks and miscellaneous units, you must comply with all applicable recordkeeping and reporting requirements described in 40 C.F.R. §§ 264.1089 and 264.1090.

III.E.2 You must prepare and maintain records for miscellaneous units in the same manner as required for tanks under 40 C.F.R. § 264.1089, including but not limited to

40 C.F.R. §§ 264.1089(a), (b)(1) and (2)(iv). You must prepare and maintain records for the vent system and the scrubber unit in the manner described in 40 C.F.R. § 264.1089, including 40 C.F.R. §§ 264.1089(a), (b)(2)(iv), and (e).

III.E.3 You must comply with all reporting requirements for the scrubber under 40 C.F.R. § 264.1090(c) and (d). Such reports must be sent to EPA (at the address specified in Section I.G, above). You must also report to EPA (at the address specified in Section I.G, above) each occurrence when hazardous waste is managed in tanks or miscellaneous units in noncompliance with the conditions specified in Sections III.C and III.D of this permit, in the manner specified in 40 C.F.R. § 264.1090(b).

RESPONSE TO COMMENTS ON THE FEDERAL DRAFT PERMIT FOR VICKEY ENVIRONMENTAL, INC., VICKERY OHIO, OHD 020 273 819

I. INTRODUCTION

This summary is issued in response to the comments raised during the public comment period for the draft Resource Conservation and Recovery Act (RCRA) permit issued to Vickery Environmental Inc. (draft permit) for the facility at 3956 State Route 412, Vickery, Ohio 43464 (facility). EPA issued the draft permit on October 5, 2018, and the public comment period for the draft permit lasted from October 5, 2018 to November 23, 2018.

II. COMMENT AND EPA'S RESPONSE

Vickery Environmental Inc. (Vickery) submitted the following comments during the public comment period. No other person submitted comments during the public comment period or at the public meeting.

The comments below are quoted from Vickery's written comments.

1. **Comment** on Section I.G, REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR:

   "The facility requests the ability to submit reports, notification or other submittals electronically in addition to the means listed above. Electronic submissions are more timely than mailed submissions and also support paperwork reduction initiatives."

   EPA Response: The regulation currently requires Permittees to submit certain reports and documents to EPA, signed and certified, and sent by certified mail or other means that establish proof of delivery (specifically, permit modification documents (40 C.F.R. § 270.42(a)(i)), compliance documents (40 C.F.R. § 270.30(l)(2)(i)), and appeal related documents (40 C.F.R. § 124.19)). 40 C.F.R. § 270.30(l), which specifies reporting requirements, has not been updated with the flexibility of allowing submissions of the signed and certified documents noted above in an electronic format. However, it is EPA's general practice to allow facilities to submit most of the requested data, documents and/or reports other than those documents noted above to the agency in electronic formats.

   No changes will be made per this comment.

2. **Comment** on Section I.I, DOCUMENTS TO BE MAINTAINED AT THE FACILITY:

"The facility maintains records on-site and uses an off-site secure storage location. The facility requests the ability to also use an off-site secure storage location for the maintenance of records. When needed, records are easily returned to the site from the secure off-site storage location."

EPA Response: As required by 40 C.F.R. §§ 264.13, 264.73, 264.1064, 264.1084, 264.1088, and 264.1089, the facility should keep the operating records and other required documents at the facility. 40 C.F.R. § 264.73(a) specifies an owner or operator must keep a written operating record at his facility. It is important for the facility to keep such records at the facility not only to secure the integrity of the records but also to provide timely access for the announced or unannounced inspections by the compliance agencies.

No changes will be made per this comment.

3. **Comment** on Section I.I.2, Notifications:

"The facility is having a hard time understanding this requirement. The condition requests the facility to maintain LDR notifications from generators until closure despite the fact that the deep-wells at Vickery are LDR exempt. Additionally, 40 CFR Part 268 Subpart C are waste specific prohibitions where the requirements are not applicable if an exemption has been granted. Please provide clarification on what is required or remove condition."

EPA Response: 40 C.F.R. § 268.7 generally requires a generator of hazardous waste to determine if waste has to be treated before it is land disposed and to send a notice on that determination with certain shipments to the receiving treatment, storage or disposal facility. Granting a petition under 40 C.F.R. Part 148 Subpart C to allow injection of prohibited waste, however, does not preclude other permits, licenses approvals or requirements that might govern activities at a Site. See 69 Fed. Reg. 15329, 15388 (Mar. 25, 2004). Generators are not exempted from providing the notices required under 40 C.F.R. § 268.7; and Vickery must still maintain copies of the generator notifications at the Facility as set forth at 40 C.F.R. § 264.73(b)(3).

No changes will be made per this comment.

4. **Comment** on Section II.A, EQUIPMENT LEAKS:

"Condition II.A is a 40 CFR Part 264, Subpart BB requirement. Vickery does not manage hazardous waste with organic concentrations equal to or greater than 10 percent. The facility does not operate units that are required to be regulated by Subpart BB. The facility requests this condition, along with the entire Section II, be removed because it is not applicable."

EPA Response: As specifically stated in Section II.A of the permit, EPA acknowledges Vickery's contention that it does not have any equipment which contains or contacts hazardous waste with organic concentrations greater than 10 percent by weight. 40 C.F.R. § 264.1050(b) says that except as provided in 40 C.F.R. § 264.1064(k), Subpart BB applies to equipment that contains or contacts hazardous waste with organic concentrations of at least 10 percent by weight managed in certain units. Vickery must demonstrate that the equipment at the facility that manages hazardous waste does not contain or contact hazardous waste with organic concentrations greater than 10 percent by weight, conduct such demonstration in accordance with test methods and procedures specified on 40 C.F.R. § 264.1063 and update and retain the results of such test at the facility as required by 40 C.F.R. § 264.1064(k). As reflected in the Permit, additional requirements apply when the demonstration is not met.

No changes will be made per this comment.

5. **Comment** on Section II.B, TEST METHOD AND PROCEDURES:

"Condition II.B is a 40 CFR Part 264, Subpart BB requirement. Vickery does not manage hazardous waste with organic concentrations equal to or greater than 10 percent. The facility does not operate units that are required to be regulated by Subpart BB. The facility requests this condition, along with the entire Section II, be removed because it is not applicable."

EPA Response: See the Response for Comment #4.

No changes will be made per this comment.

6. **Comment** on Section II.C, RECORDKEEPING REQUIREMENTS:

"Condition II.C is a 40 CFR Part 264, Subpart BB requirement. Vickery does not manage hazardous waste with organic concentrations equal to or greater than 10 percent. The facility does not operate units that are required to be regulated by Subpart BB. The facility requests this condition, along with the entire Section II, be removed because it is not applicable."

EPA Response: See the Response for Comment #4.

No changes will be made per this comment.

7. **Comment** on the following language in the second paragraph of SECTION III: *The Application states that tanks T-22, T-23, T-24, and T-25 (each 6,000 gallons) contain an average volatile organic (VO) concentration at the point of waste origination of less than 500 parts per million by weight (ppmw).*

"The sentence directly above is redundant because it states the same information contained in Condition III.B. The facility requests the removal of the redundant text."

EPA Response: Section III is intended to provide a more general statement of the status of the tanks which are subject to the 40 C.F.R. Part 264, Subpart CC requirements. To address your comment and make this general statement clearer, the second paragraph in Section III can be modified to: "The Application states that tanks T-22, T-23, T-24, and T-25 (each 6,000 gallons) contain an average volatile organic (VO) concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). All other tanks contain an average VO concentration at the point of waste origination of more than 500 ppmw. The Application indicates there are also containers which store hazardous waste in less-than 90-day areas, which are not covered by this permit."

8. **Comment** on Section III.C, LEVEL 1 TANK REQUIREMENTS:

All hazardous waste tanks specified above, except the 4 tanks (T-22, T-23, T-23, and T-24), must comply with the Level 1 tank standards of 40 C.F.R. § 264.1084(c) and the following requirements.

"T-23 is listed twice. The second T-23 needs revised to T-25. The sentence should read: "...the 4 tanks (T-22, T-23, T-24, and T-25), must..."

EPA Response: EPA concurs with this comment and will modify Section III.C as "All hazardous waste tanks specified above, except the 4 tanks (T-22, T-23, T-24, and T-25), must comply with the Level 1 tank standards of 40 C.F.R. § 264.1084(c) and the following requirements:"

9. **Comment** on III.C.5(a):

"Condition III.C.5 includes additional language not found in 40 CFR 264.1084(c). The additional language is: "Gaskets used for closure devices or piping systems must be of suitable materials compatible with the hazardous wastes and must be in accordance with good engineering practices." The facility requests the removal of the additional language."

EPA Response: The gasket and piping system are important devices associated with the tanks' closure devices. 40 C.F.R. § 264.1084(c)(2)(iv) requires that a tank's fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere. The requirement specified in Condition III.5 is meant to apply this requirement to gaskets in as far as they are incorporated into a closure device and piping system of tanks that contain hazardous waste. If the gasket and/or piping system are not made of suitable materials compatible with hazardous waste, and in

accordance with good engineering practices, then the facility would not be minimizing exposure of the hazardous waste to the atmosphere as required under 40 C.F.R. § 264.1084(c)(2)(iv).

No changes will be made per this comment.

10. **Comment** on the ending of III.C.6: .... *in accordance with the tank design specifications as set for the at 40 C.F.R. § 264.1084(c)(3).*

"the underlined text area appears to be a typo."

EPA Response: EPA concurs with this comment and will modify the underlined language as follows: ". ..... as set forth at 40 C.F.R. § 264.1084(c)(3)."

11. **Comment** on III.C.8: *You must control the air emissions from the tanks (T-1, T-2, T-5, T-6, T-9, and T-10), in accordance with 40 C.F.R. § 264.1084(c)(2)(iii)(B) by venting the tanks through closed vent systems to scrubber unit designed and operated to remove the organic vapors vented to them with an efficiency of 95 percent or greater by weight.*

"Condition III.C.8 is not applicable. Condition III.C.5.c already addresses compliance required by 40 CFR 264.1084(c)(2)(iii) with which the facility is already in compliance with. 40 CFR 264.1084(c)(2)(iii) states: (iii) Each opening in the fixed roof, and any manifold system associated with the fixed roof, shall be either:(VEI emphasis) (A) Equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or (VEI emphasis) (B) Connected by a closed-vent system that is vented to a control device. The control device shall remove or destroy organics in the vent stream and shall be operating whenever hazardous waste is managed in the tank, except as provided for in paragraphs (c)(2)(iii)(B) (1) and (2) of this section.

The facility complies using 40 CFR 264.1084(c)(2)(iii)(A) because the tanks are equipped with closure devices designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device. The openings in the roof are connected to conservation vents as allowed by 40 CFR 264. The condition is not applicable and the facility requests this condition be removed."

EPA Response: Part B Permit Renewal Application, Section D.2.2.5, states that tanks (T-1, T-2, T-5, T-6, T-9, and T-10) "have in their roofs a vent connection, an inert gas supply connection, and a pressure/relief valve. The vents are manifolded in a single line that is included on the above-ground pipe rack and that eventually leads to scrubber described previously." In other words, the tanks are currently configured to comply with

the option set forth at 40 C.F.R. § 264.1084(c)(2)(iii)(B). These tanks are currently operating with a closed-vent system that connects to a control device. As currently configured, the tanks do not comply with 40 C.F.R. § 264.1084(c)(2)(iii)(A) because the tanks are not equipped with closure devices designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device.

The Application says these 6 tanks will comply with Level 1 requirements. As the comment indicates, there are two options to comply with Level 1 requirements, 40 C.F.R. § 264.1084(c)(2)(iii)(A) or (B). The opening in the fixed roof and any manifold associated with it shall either be equipped with a closure device with no visible cracks, holes, gaps, or other open spaces when secured in the closed position or connected by a closed-vent system that is vented to an operating control device.

Tanks (T-1, T-2, T-5, T-6, T-9, and T-10) were designed and installed, and currently operate with a closed-vent system that is vented to a control device. Since these tanks are configured and operating in a such way, they are considered as complying with 40 C.F.R. § 264.1084(c)(2)(iii) only if the control device is operating.

As specified in the preamble to the Subpart CC Organic Air Emission Standards, "The owner or operator of a tank that qualifies for the Level 1 controls may choose to use Level 2 controls. A tank that does not qualify for the Level 1 controls is subject to the Level 2 controls." 61 Fed. Reg. 59932, 59944 (Nov. 25, 1996). The Permittee can select Level 2 tank controls for the Level 1 tanks. However, once Vickery installed tanks with a closed-vent system connected to a control device, these tanks must comply with all of the requirements associated with proper operation of the closed-vent and control device (e.g., Level 2 requirements).

Since the net exhaust of head gas from these tanks (T-1, T-2, T-5, T-6, T-9, and T-10) will only be vented to the atmosphere through the scrubber, as specified in Section D.2.2.5 of the Part B Application, EPA must regulate the closed-vent system and control device (scrubber) to control the vapor emissions from the tanks. Without complying with the requirements of the closed-vent and control device, there is no guarantee that vapors vented from these tanks are properly controlled. Unless the vent connections are sealed off (discussed below), Level 1 tanks that are built with Level 2 controls must comply with the requirements associated with the installed controls. In this case, the subject tanks and the associated closed-vent and control device must comply with 40 C.F.R. § 264.1084(g). The closed-vent and scrubber must also comply with other requirement related to the Level 2 control requirements such as the standard requirements (40 C.F.R. § 264.1087), design and operation requirements (40 C.F.R. § 264.1033(k)), inspection requirements (40 C.F.R. §§ 264.1033(l), 264.1084(g)(3) and 264.1087(c)(7)), performance requirement (40 C.F.R. § 264.1087(c)(1)), maintenance requirements (40 C.F.R. § 264.1087(c)(2)), and other repair and recordkeeping requirements.

40 C.F.R. § 264.1084(c)(2)(iii) clearly states that the facility has two options to comply with each opening in the fixed roof and any manifold system associated with the fixed roof. Vickery has selected second option (40 C.F.R. § 264.1084(c)(2)(iii)(B)) and has been operating under this approach.

Therefore, Vickery must comply with the second option, which is a Level 2 control option and other associated requirements of the Level 2 tank control.

As currently configured, if Vickery does not properly operate the closed-vent system vented to a control device, the tanks would not be in compliance with requirement that its closure devices are secured in the closed position where there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device. However, EPA acknowledges that Vickery has an option of closing the shut-off valve in the closed-vent or dismantling the closed-vent and control device and complying with the first option set forth in 40 C.F.R. § 264.1084(c)(2)(iii)(A).

To acknowledge Vickery's option of compliance with 40 C.F.R. § 264.1084(c)(2)(iii)(A), EPA will modify the permit by changing the Condition III.C.11 from "You must process a Class 2 permit modification and obtain approval from the Director if you plan to operate or to modify the tank systems to comply with Level 2 standards." to "You must process a Class 2 permit modification if you plan to operate or to modify tanks (T-1, T-2, T-5, T-6, T-9, and T-10) in accordance with 40 C.F.R. § 264.1084(c)(2)(iii)(A) with no closed-vent system connected to a control device. You must also process a Class 2 permit modification if you plan to operate or to modify tanks (T-500, T-300, and Lab Waste Tank) to comply with Level 2 standards." In accordance with Appendix I to 40 C.F.R. § 270.42, the appropriate class of the permit modification for the tank unit modification is updated as class 2.

12. **Comment** on III.C.8.a: *The tanks must be covered by a fixed roof and vented directly through the closed vent system to a control device in accordance with the requirements specified in 40 C.F.R. § 264.1084(g), (j), (k), and (l).*

"Condition III.C.8.a is not applicable. 40 CFR 264.1084(g), (j), (k), and (l) are control requirements for tanks that are required to use Tank Level 2 controls. VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c) and as outlined in Condition III.C.1 through Condition III.C.7. The requirements specified in 40 C.F.R. § 264.1084(g), (j), (k), and (l) do not apply and the facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

13. **Comment** on III.C.8.b: *You must comply with the specification, monitoring, inspection, and repair requirement of the closed-vent system and scrubber unit specified in Section III.C.9, below.*

"Condition III.C.9 references 40 CFR 264.1084(g). 40 CFR 264.1084(g) is a control requirement for tanks that are required to use Tank Level 2 controls. VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c) and as outlined in Condition III.C.1 through Condition III.C.7. Closed-vent systems are not a requirement for tanks controlling emissions using Tank Level 1 controls that are in compliance with 40 CFR 264.1084(c)(2)(iii)(A). Condition III.C.8.a is not applicable and the facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

14. **Comment** on III.C.9: *The air emissions from tanks referenced in Section III.C.8, above, must be controlled as required by 40 C.F.R. § 264.1084(g). The emission control must consist of: (1) a closed vent system, including an exhaust fan with a capacity to maintain a negative pressure inside the closed system and (2) a scrubber unit functioning as the control device. The closed vent system and scrubber system must comply with the following requirements:*

"40 CFR 264.1084(g) is a control requirement for tanks that are required to use Tank Level 2 controls. VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c) and as outlined in Condition III.C.1 through Condition III.C.7. Since the tanks at VEI are following 40 CFR 264.1084(c), the requirements specified in 40 CFR 264.1084(g) do not apply. Condition III.C.9. and sub-Conditions III.C.9.a through sub-Condition III.C.9.i are not applicable because they are Tank Level 2 requirements. The condition is not applicable and the facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

15. **Comment** on III.C.9.a: *The closed vent system must meet the requirements of 40 C.F.R. § 264.1087(b). The closed vent system must route the gases, vapors, and fumes emitted from hazardous waste in the tanks to a scrubber unit that meets the requirements specified in 40 C.F.R. § 264.1087(c).*

"Condition III.C.9.a. is an extension of Condition III.C.9. VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c) and as outlined in Condition III.C.1 through Condition III.C.7. This control requirement is for tanks that are required to use Tank Level 2 controls. The condition is not applicable, and the facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

16. **Comment** on III.C.9.b: *The closed vent system must comply with the design and operation requirements of 40 C.F.R. § 264.1033(k).*

A closed vent system must meet either of the following design requirements:

(i) each closed vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppm by volume above background as determined by the procedure in 40 C.F.R. § 264.1034(b) and by visual inspections; or

(ii) each closed vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed vent system when the control device is operating.

"Condition III.C.9.b. is an extension of Condition III.C.9. VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c) and as outlined in Condition III.C.1 through Condition III.C.7. This control requirement is for tanks that are required to use Tank Level 2 controls. The condition is not applicable, and the facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

17. **Comment** on III.C.9.c: *The closed vent system must not include any bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, unless equipped with either a flow indicator or a seal or locking device as specified in 40 C.F.R. § 264.1087(b)(3).*

"Condition III.C.9.c. is an extension of Condition III.C.9. VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c) and as outlined in Condition III.C.1 through Condition III.C.7. This control requirement is for tanks that are required to use Tank Level 2 controls. The condition is not applicable, and the facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

18. **Comment** on III.C.9.d: *You must inspect and monitor each closed vent system as specified in 40 C.F.R. § 264.1033(l). Each closed vent system that is used to comply with III.C.9.b(i) above must be inspected and monitored in accordance with the requirements of 40 C.F.R. § 264.1033(l)(1). Each closed vent system that is used to comply with III.C.9.b(ii) above must be inspected and monitored in accordance with the requirements of 40 C.F.R. § 264.1033(l)(2). You must comply with the requirements at 40 C.F.R. § 264.1033(l)(3).*

"Condition III.C.9.d. is an extension of Condition III.C.9. VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c) and as outlined in Condition III.C.1 through Condition III.C.7. This control requirement is for tanks that are required to use Tank Level 2 controls. Additionally, there are no monitoring requirements for tanks using Tank Level 1 controls. The condition is not applicable, and the facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

19. **Comment** on III.C.9.e: *The scrubber unit must have a minimum removal efficiency of 95 percent by weight in accordance with 40 C.F.R. § 264.1087(c)(1)(i). You must demonstrate that the scrubber unit achieves this performance standard as specified in 40 C.F.R. § 264.1087(c)(5). For any disagreement of a demonstration of control device performance using a design analysis, then the results of a performance test performed by the facility in accordance with the requirements of 40 C.F.R. § 264.1087(c)(5)(iii) must be utilized to resolve the disagreement as specified in 40 C.F.R. § 264.1087(c)(6).*

"Condition III.C.9.e. is an extension of Condition III.C.9. VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c) and as outlined in Condition III.C.1 through Condition III.C.7. This control requirement is for tanks that are required to use Tank Level 2 controls. Additionally, there are no performance standards specified for tanks using Tank Level 1 controls in compliance with 40 CFR 264.1084(c)(2)(iii)(A). The condition is not applicable, and the facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

20. **Comment** on III.C.9.f: *You must comply with the requirements specified in 40 C.F.R. § 264.1087(c)(2)(i). The planned routine maintenance of the scrubber, during which the 95 percent removal efficiency does not meet the specifications in 40 C.F.R. § 264.1087(c)(1)(i), must not exceed 240 hours per year. (40 C.F.R. § 264.1087(c)(2)(i))*

"Condition III.C.9.f. is an extension of Condition III.C.9. VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c) and as outlined in Condition III.C.1 through Condition III.C.7. This control requirement is for tanks that are required to use Tank Level 2 controls. The condition is not applicable, and the facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

21. **Comment** on III.C.9.g: *You must comply with the requirements specified in 40 C.F.R. § 264.1087(c)(2)(ii) through (c)(2)(vi), including requirements concerning the planned routine maintenance, control system device malfunction, record keeping, correction of device system malfunction, venting restrictions, and other operating requirements.*

"Condition III.C.9.g. is an extension of Condition III.C.9. VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c) and as outlined in Condition III.C.1 through Condition III.C.7. This control requirement is for tanks that are required to use Tank Level 2 controls. The condition is not applicable, and the facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

22. **Comment** on III.C.9.h: *You must inspect and monitor the air emission control device scrubber unit, in accordance with the procedures and requirements specified in 40 C.F.R. §§ 264.1084(g)(3) and 264.1087(c)(7).*

"Condition III.C.9.h. is an extension of Condition III.C.9. VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c) and as outlined in Condition III.C.1 through Condition III.C.7. This control requirement is for tanks that are required to use Tank Level 2 controls. The condition is not applicable, and the facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

23. **Comment** on III.C.9.i: *You must operate a backup scrubber recirculation pump in case the primary pump is inactive. You must also operate backup scrubber blower in case the primary blower is offline.*

"Condition III.C.9.i. is an extension of Condition III.C.9. VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c) and as outlined in Condition III.C.1 through Condition III.C.7. This control requirement is for tanks that are required to use Tank Level 2 controls. The condition is not applicable, and the facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

24. **Comment** on III.C.10: *Closed vent systems and control devices used to comply with this permit must be operated at all times when emissions may be vented to them. (40 C.F.R. § 264.1033(m))*

"Condition III.C.10 is a continuation of conditions referring back to 40 CFR 264.1084(g); a control requirement for tanks that are required to use Tank Level 2 controls. Closed-vent systems are not a requirement for tanks controlling emissions using Tank Level 1 controls in compliance with 40 CFR 264.1084(c)(2)(iii)(A). The facility controls emissions from tanks that are already equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device in compliance with 40 CFR 264.1084(c)(2)(iii)(A). Making Condition C.10 not applicable. The facility requests this condition be removed."

EPA Response: See the Response of Comment #11. As noted above, Section D.2.2.5 of the Application indicates that these tanks (T-1, T-2, T-5, T-6, T-9, and T-10) " ... have in their roofs a vent connection, an inert gas supply connection, and a pressure/relief valve. The vents are manifolded in a single line that is included on the above-ground pipe rack and that eventually leads to scrubber ..." Even with the closure device is secured in the closed position, the vapors generated from tanks will flow through the vent connection to the control device (scrubber). As noted above, without complying with the requirements of the closed-vent and control device, there is no guarantee that vapors vented from these tanks are properly controlled.

25. **Comment** on III.D: *MISCELLANEOUS UNITS REQUIREMENTS*

According to your Application, your facility operates 7 types of miscellaneous units which process hazardous waste. These miscellaneous units are: 1) 4 Basket Strainer units, 2) 2 Bag Filter units, 3) 1 Filter Press unit, 4) 4 Primary Cartridge Filter units, 5) 4 Secondary Cartridge Filter units, 6) 5 Bypass Cartridge Filter units, and 7) 1 Thief Pole Rinsing unit. These 7 types of units are considered as "miscellaneous units" defined in 40 C.F.R. Part 264, Subpart X. The miscellaneous units are subject to and must comply with the requirements set forth in 40 C.F.R. Part 264, Subpart CC. (40 C.F.R. § 264.601).

III.D.1 You must operate the 4 Basket Strainer, 2 Bag Filter, 4 Primary Cartridge Filter, 4 Secondary Cartridge Filter, and 5 Bypass Cartridge Filter units in a closed system. While in operation, there must be no openings in these units to emit vapors into the atmosphere. You must comply with the following specifications:

(a) The closure devices must be designed and constructed to form a continuous barrier over the entire surface area of the unit.

(b) The units must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces.

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

(d) Whenever a hazardous waste is in the unit, all openings must be securely closed to prevent releases of vapors into the atmosphere, except for routine inspections, maintenance, and other approved activities.

(e) You must inspect these miscellaneous units at least once per year, or retest the units to ascertain that the air emissions from these units comply with the design and with the requirements specified in 40 C.F.R. § 264.1084(c)(4).

(f) You are allowed to open these units during the maintenance, cleaning, and/or inspection. You must not operate these units during the maintenance, cleaning, and/or inspection, and when the maintenance, cleaning, and/or inspection is completed, the units' closure devices must be promptly secured in the closed position and the operations must be resumed.

"The facilities Filter Press Unit should be included in the list of units."

EPA Response: This permit did not include the Filter Press (FP) unit in Section III.D.1 because EPA has determined the FP unit must comply with additional requirements to protect human health and the environment and specifies the requirements for the FP unit separately specified in Section III.D.3. As discussed below, EPA reviewed data Vickery provided and determined that volatile organic compounds can be emitted when employees open the FP unit to remove solid cake by scraping it with a steel rod as described in the Application; and has added conditions to monitor emissions, signal elevated levels, limit worker exposure to vapors, and assess the adequacy of the vapor removal.

No changes will be made per this comment.

26. **Comment** on III.D.2: *The Thief Pole Rinsing unit includes an open-top container which contains residual of the poles from sampling of the hazardous waste in the tanks. You must control organic air emissions from the Thief Pole Rinsing unit. For the storage of the residual hazardous waste from the poles and its rinsing water waste in the top-opened container unit, you must prepare a procedure to control organic air emissions from this unit.*

"The facility will be submitting a Class 1 Permit modification dated 11/30/2018 to Ohio EPA for changes made to the thief pole rinsing unit that holds thief poles used for sampling waste receipts. The new thief pole container has a design capacity less than or equal to 0.1m3 (26.4 gallons), making the new thief pole container exempt from Subpart CC requirements. The new thief pole dimensions are 6" diameter by 97 inches high, making the design capacity of the container 0.045m3 (11.9 gallons). VEI will email a copy of the permit modification to US EPA for proof of the change once the modification has been submitted to Ohio EPA."

EPA Response: EPA concurs with this comment. On December 7, 2018, Ohio Environmental Protection Agency issued an acknowledgement and approval letter for the Class 1 permit modification request submitted by Vickery, dated as November 30, 2018. The permit modification includes a reduction of the open-top container which contains residual of the thief poles from sampling of the hazardous waste in the tanks. The volume of the reduced thief poles container is 12 gallons. In accordance with 40 C.F.R. § 264.1086(b), a container less than 0.1 cubic meter (m^3) (264.4 gallons) is exempted from the requirements of the Air Emission Standards from Container (40 C.F.R. Part 264, Subpart CC). Therefore, Section III.D.2 will be modified to read:

"The Thief Pole Rinsing unit includes an open-top container which contains residual of the poles from sampling of the hazardous waste in the tanks. Since the design capacity of the newly constructed Thief Pole unit is less than 0.1 m^3 (26.4 gallons), the control of the organic air emissions from the Thief Pole Rinsing unit is exempted. (40 C.F.R. § 264.1086(b)). For any changes of the capacity of the Thief Pole unit for the storage of the residual hazardous waste from the poles and its rinsing water waste, you must submit an appropriate permit modification to EPA for the potential compliance with air emission standards."

27. **Comment** on III.D.3(a): *You must operate the Filter press (FP) to comply with the following specifications:*

(a) You must operate FP unit in accordance with requirements specified in Section III.D.1, above.

"the requirements specified in Condition III.D.1 above are Tank Level 1 Controls. The facility agrees that the filter press should operate in accordance with those requirements. The Filter Press (FP) unit should be added to the list of units listed in Condition III.D.1."

EPA Response: Unlike the six types of miscellaneous units described in Section III.D, the FP is opened to remove solid cakes from the unit. While opening the FP to remove cakes from the unit manually, there is concern of the potential vapor emissions from such removal activity, as detailed below. Therefore, there is a need to separate the FP from other miscellaneous units to impose additional requirements on operation, worker protection, and emission controls.

No changes will be made per this comment.

28. **Comment** on III.D.3(b):

(b) You must prepare and equip the necessary Personal Protection Equipment (PPE), including Self-Contained Breathing Apparatus (SCBA), for the workers who station in the FP area, to manually remove the solid cakes from the FP unit, to comply with the appropriate Occupational Safety and Health Administration (OSHA) regulations.

"VEI has performed a review of the applicable RCRA standards and cannot identify any requirement that requires a determination of compliance with 29 CFR regulations. This request is outside the scope and authority of 40 CFR. The facility requests this condition be removed."

EPA Response: Section 3005(c)(3) of RCRA (codified at 40 C.F.R. § 270.32(b)(2)) requires that each hazardous waste facility permit contain the terms and conditions necessary to protect human health and the environment. This provision is commonly referred to as the "omnibus authority" or "omnibus provision." Section 3004(n) of RCRA also requires EPA to develop standards to control air emissions from hazardous waste treatment, storage, and disposal facilities as may be necessary to protect human health and the environment. This requirement echoes the general requirement in section 3004(a) and section 3005(a)(3) to develop standards to control hazardous waste management activities as may be necessary to protect human health and the environment. The Agency has issued a series of regulations to implement the section 3004(n) mandate; these regulations control air emissions from certain tanks, containers, surface impoundments, and miscellaneous units (40 C.F.R. Part 264 and Part 265 Subpart CC standards). The regulations may not capture all aspects of the operation of a unit subject to RCRA, however. Based on the vapor level data from the Facility discussed immediately below, EPA believes it is justified in setting out requirements to mitigate inhalation exposure to vapors from volatile organic compounds (VOCs) such as benzene when workers manually remove solid cakes from the FP unit.

Information provided by Vickery supports this position. Benzene is a hazardous VOC of concern. Reflecting this concern is the fact that the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) have established exposure limits for the occupational health and safety for workers. As published by the Center for Disease Control and Prevention (CDC), OSHA's maximum time-weighted average (TWA) Permissible Exposure Limit (PEL) for benzene is 1 ppm for an 8-hour workday, and the TWA Recommended Exposure Limit (REL) of

the National Institute for Occupational Safety and Health (NIOSH) is 0.1 ppm for an 8-hour workday. Also published by the CDC are short-term exposure limits (STEL) for benzene for any 15-minute period; OSHA's STEL for benzene is 5 ppm, and the NIOSH STEL is 1 ppm. Vickery has indicated that the average duration that the FP is open during manual solid cake cleaning is approximately 43 minutes.

In general, OSHA acts in a regulatory capacity while NIOSH acts in a research capacity. NIOSH's RELs are occupational exposure limits, that, based on its ongoing research, are recommended by NIOSH to OSHA to adopt as a PEL. The REL is a level that NIOSH believes would be protective of workplace safety and employee health over a working lifetime.

On April 30, 2018, Vickery provided photoionization detector (PID) data from a rented PID which purported to measure VOCs in the enclosure room while removing solid cake from the FP on April 18, 2017. The maximum detected concentration of VOCs was recorded at 6 ppm when the FP was opened for cleaning. EPA cannot verify the quality-control prospect of this one-time monitoring data set using a rented PID device and, based on the information provided, cannot determine which compounds constituted the total VOC amount measured by the PID. Considering a realistic worst-case scenario (such as the measured VOC including a more toxic compound such as benzene), the impact to the exposed worker would be severe, since the short-term exposure OSHA PEL limit for benzene is 1 ppm, and the NIOSH REL is 0.1 ppm.

Vickery also provided personal industrial hygiene monitoring data collected with sampling pumps located on an employee, which is not location specific, over 8-hour working time period, in 1998-1999. These general monitoring data recorded concentrations of benzene of 0.44 ppm, which, while not exceeding the OSHA PEL of 1 ppm, does exceed the NIOSH REL of 0.1 ppm.

As noted in the "OSWER Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air, US EPA, June 2015", OSHA's PELs are enforceable occupational exposure standards to protect workers from adverse effects of occupational exposure to airborne chemicals. However, this Technical Guide notes that PELs are not intended to protect sensitive workers. Therefore, due to this and other reasons, this Guide states that EPA recommends human health risk assessments to determine risks posed by vapor exposures.

These historical data show support for the need to protect the worker(s) who will be exposed to the organic vapor emissions from the opened FP unit while manually removing solid cakes from the FP by scraping with a steel rod. Specifically, it is necessary to require the facility to prepare and implement a Personal Protection Equipment requirement for the worker(s) who engage in this scraping activity. EPA believes this requirement meets the purpose of the 40 C.F.R. Part 264 Subpart CC Air Emission regulations and is an appropriate application of the omnibus authority to protect human health.

Also, as discussed below, these historical data support the need to install a monitoring device with a set of alarm limits not only to protect human health from harmful levels of vapors but also to assess the adequacy of vapor removal performance (blow-down) of the solid cakes. This monitoring and alarm will help ensure that the health of all workers working around the vicinity of the FP area is protected.

However, in light of Vickery's comment, EPA will modify the permit by changing the Condition III.D.3(b) from "You must prepare and equip the necessary Personal Protection Equipment (PPE), including Self-Contained Breathing Apparatus (SCBA), for the workers who station in the FP area, to manually remove the solid cakes from the FP unit, to comply with the appropriate Occupational Safety and Health Administration (OSHA) regulations." to "You must equip workers manually removing solid cakes from the FP unit with Personal Protection Equipment (PPE), including Self-Contained Breathing Apparatus (SCBA), for their use during this work. Separate Occupational Safety and Health Administration (OSHA) regulations set forth applicable respirator equipment requirements for worker safety."

29. **Comment** on III.D.3(c):

(c) You must conduct an air purging process (i.e., blow-down process) in the FP unit, before opening the FP unit for each removal activity of the solid cakes, using an air compressor. The purging process must be conducted at least 20 minutes for each blow-down in order to remove potential volatile organic compounds contained in the solid cakes in the FP unit. The blow-down process must utilize an air compressor which has a design capacity of minimum 215 actual cubic feet per minute (ACFM). The purged volatile organic compounds from the solid cakes in the FP must be routed through the closed-vent system and to the scrubber for control in accordance with Section III.C.9. You must record the purging power (such as purging time and compressor capacity) data during each purging process and retain such recorded data at the facility.

"This condition is above and beyond the requirement at 40 CFR 264.1084(c) as summarized in Condition III.D.1. Additionally, the Condition at Section III.C.9 references 40 CFR 264.1084(g) which is a control requirement for tanks that are required to use Tank Level 2 controls. Again, VEI's tanks meet the requirements for Tank Level 1 controls as required by 40 CFR 264.1084(c), which is recognized in Condition III.C.1 through Condition III.C.7 and Condition III.D.1. The 20 minute blow down (purging) the site performs and the 215 acfm were provided to US EPA so they had a better understanding of our process. These values are approximate values. There are no performance standards for Tank Level 1 controls nor are there monitoring requirements. The facility requests this condition be removed."

EPA Response: As discussed above, because there is a potential vapor emission issue from the scraping operation of the solid cakes of the FP unit, there is a need to reduce or minimize the vapor emissions. Vickery indicates that the facility is conducting air purging process (blow-down) to remove volatile organic compounds contained in the solid cakes. The blow down process includes a minimum 20-minute operation by compressor with capability of delivering power of 215 actual cubic feet per minute (ACFM). Since Vickery indicates that the compressor engaged in the purging process has a design capacity of 215 ACFM and Vickery operates such blow down activity at a minimum 20 minutes as a normal blow down activity to remove vapors from the cakes, EPA believes that this can be considered as a normal operation that Vickery should engage in for the reduction or minimization of the potential vapor emissions. The requirements specified in Section III.D.3.(c) can be utilized as performance standards for the blow down process.

Vickery indicates that the purged vapors from the FP unit are routed to the Tank # 5, which eventually is routed to the wet scrubber through the closed-vent system. As our response to Comment #11 indicates, above, the tank is required to comply with the closed-vent and control device requirements of 40 C.F.R. §264.1084(c).

No changes will be made per this comment.

30. **Comment** on III.D.3(d):

(d) You must install a vapor and gas monitoring device (such as a photoionization detector (PID), a flame ionization detector (FID, or other similar unit) in the FP area to continuously monitor volatile organic compounds in the air emitted from the FP during cake removal activities. You must set the alarm on the monitoring device to the appropriate level to protect the worker safety and to record the volatile organic emissions from the FP unit.

"VEI has performed a review of the applicable RCRA standards and cannot identify any requirement that requires a determination of compliance with 29 CFR regulations or authority to require such a devise to determine compliance with 29 CFR regulations. VEI did provide US EPA information with respect to industrial hygiene monitoring that demonstrated no OSHA PEL's were exceeded, thus workers are protected.

Additionally, the requirements of 40 CFR Part 264.1084(c)(3)(i)(A) and (B) (Condition III.C.6 in this draft permit) allow the opening of the filter press for performing routine inspection, maintenance, or other activities needed for normal operations and to remove accumulated residue. The removal of the solid cake is an activity designed to remove accumulated residue. The regulations do not require VOC's to be monitored during those periods of time.

Also, there are no performance standards for Tank Level 1 controls nor are there monitoring requirements specified at 40 CFR 264.1084(c) as summarized in Condition III.D.1. The facility requests this condition be removed."

EPA Response: As our response to Comment #28, above, indicates, EPA has responsibility to protect human health, including worker(s) who can be exposed to the organic vapor emissions that take place during the routine manual performance of the scraping activities. In addition to the PPE, the monitoring device in the enclosed room and its alarm capability will operate to protect the worker(s). The monitoring device will also provide the facility an alarm for potential excess vapor emissions from the FP unit. The monitored vapor emission data will provide information for the facility to determine whether the blow-down performance standards imposed by Section III.D.3.(c) would be adequate in removing organic vapors from the solid cakes or if additional vapor removal action is necessary.

Vickery, on April 30, 2018, provided photoionization detector (PID) data from a rented PID which purported to measure VOCs in the enclosure room while removing solid cake from the FP on April 18, 2017. The maximum detected concentration of VOCs was recorded at 6 ppm when the FP was opened for cleaning. EPA cannot verify the quality-control prospect of this one-time monitoring data set using a rented PID device and based on the information provided, cannot determine which compounds constituted the total VOC amount measured by the PID.

Considering a realistic worst-case scenario (such as the measured VOC including a more toxic compound such as benzene), the impact to the exposed worker would be severe since the maximum STEL for benzene is 5 ppm for any 15-minute period. (Vickery indicated that the average duration that the FP is open during solid cake cleaning is approximately 43 minutes.)

Vickery also provided personal industrial hygiene monitoring data collected with sampling pumps located on the employee, which is not location specific, over 8-hour working time period, in 1998-1999. This data shows that, although recorded benzene data (0.44 ppm) did not exceed the Occupational Safety and Health Administration (OSHA) Permissible Exposure Limit (PEL) (1 ppm), it did exceed the National Institute for Occupational Safety and Health (NIOSH) REL (0.1.ppm).

Therefore, it is important to install a monitoring device with a set of alarm limits not only to protect human health from harmful levels of vapors but also to assess the adequacy of vapor removal performance (blow-down) of the filter cakes.

These historical data also show that there is need to generate more monitoring data to make sure that the health of all workers working around the vicinity of the FP area is protected.

No changes will be made per this comment.

31. **Comment** on III.E.1 and 2: *RECORDKEEPING AND REPORTING REQUIREMENTS*

III.E.1 For tanks and miscellaneous units, you must comply with all applicable recordkeeping and reporting requirements described in 40 C.F.R. §§ 264.1089 and 264.1090.

III.E.2 You must prepare and maintain records for miscellaneous units in the same manner as required for tanks under 40 C.F.R. § 264.1089, including but not limited to 40 C.F.R. §§ 264.1089(a), (b)(1) and (2)(iv). You must prepare and maintain records for the vent system and the scrubber unit in the manner described in 40 C.F.R. § 264.1089, including 40 C.F.R. §§ 264.1089(a), (b)(2)(iv), and (e).

"40 CFR 264.1089 (b)(2)(iv) and (e) are record keeping requirements related to tanks controlling emission using Tank Level 2 controls. The applicable recordkeeping requirements are found at 40 CFR 264.1089(b)(1) and (b)(2)(i) for tanks and miscellaneous units controlling emission using Tank Level 1 Controls. These requirements are not applicable. The facility requests this condition be removed."

EPA Response: See the Response of Comment #11.

32. **Comment** on III.E.3: *You must comply with all reporting requirements for the scrubber under 40 C.F.R. § 264.1090(c) and (d). Such reports must be sent to EPA (at the address specified in Section I.G, above). You must also report to EPA (at the address specified in Section I.G, above) each occurrence when hazardous waste is managed in tanks or miscellaneous units in noncompliance with the conditions specified in Sections III.C and III.D of this permit, in the manner specified in 40 C.F.R. § 264.1090(b).*

"The facility complies using 40 CFR 264.1084(c)(2)(iii)(A) because the tanks are equipped with closure devices designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device. The openings in the roof are connected to conservation vents as allowed by 40 CFR 264. The part of this condition requesting compliance with the requirements of 40 CFR 264.1090(c) and (d) do not apply. The facility requests that part of the condition be removed."

EPA Response: See the Response of Comment #11.

** The following minor changes to the permit were also made:

1. Changes necessary to identify that the permit has been finalized.
2. Names of EPA's RCRA Branch and Division were updated.
3. U.S. EPA was changed to EPA.
4. Other minor typographical corrections and page number updates were made.

Administrative Record Index *(FINAL RCRA PERMIT)*
Vickery Environmental, Inc., OHD 020 273 819

Title	Date	Prepared by
1. Final RCRA State Permit	March 2012	OEPA
2. Part B Permit Renewal Application	September 12, 2014	Vickery
3. Additional Subparts AA, BB and CC	May 22, 2015	Vickery
4. OSWER Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor sources to Indoor Air	June 2015	EPA
https://www.epa.gov/sites/production/files/2015-09/documents/oswer-vapor-intrusion-technical-guide-final.pdf		
5. Environmental Justice Data	October 2015	EPA
6. Email correspondences EPA/Vickery	July 2016-April 2019	
7. Fact Sheet of Draft RCRA Permit	October 2018	EPA
8. Draft RCRA Federal Permit	October 2018	EPA
9. Vickery's comments for draft RCRA permit	November 21, 2018	Vickery
10. The National Institute for Occupational Safety and Health (NIOSH) for Benzene	November 29, 2018	CDC
https://www.cdc.gov/niosh/npg/npgd0049.html		
11. Permit Modification Request	November 30, 2018	Vickery
12. Acknowledgement of the Permit Modification	December 7, 2018	OEPA
13. Response Summary	September 2019	EPA
14. Final RCRA Federal Permit	September 2019	EPA

** July 2016-April 2019 Email Correspondences:

a. July 27, 2016, from EPA to Vickery, Subject: Vickery draft RCRA permit ECP
b. September 6, 2016, from EPA to Vickery, Subject: Vickery RCRA permit
c. September 27, 2016, from Vickery to EPA, Subject: Emission Control Plan
d. November 29, 2016, from EPA to Vickery, Subject: Emission Control Plan Vickery
e. December 28, 2016, from Vickery to EPA, Subject: Emission Control Plan Vickery
f. March 10, 2017, from Vickery to EPA, Subject: Emission Control Plan Vickery
g. March 17, 2017, from EPA to Vickery, Subject: Vickery FP Subpart CC Compliance
h. April 25, 2017, from Vickery to EPA, Subject: Vickery FP Subpart CC Compliance
i. May 25, 2017, from Vickery to EPA, Subject: Vickery FP Unit Exemption
j. June 13, 2017, from Vickery to EPA, Subject: Vickery FP Unit Exemption
k. June 14, 2017, from EPA to Vickery, Subject: Vickery FP Unit Exemption
l. June 29, 2017, from Vickery to EPA, Subject: Vickery FP Unit Exemption
m. July 7, 2017, from EPA to Vickery, Subject: Vickery FP Unit Exemption
n. July 12, 2017, from Vickery to EPA, Subject: Vickery FP Unit Exemption
o. April 30, 2018, from Vickery to EPA, Subject: Vickery additional information request
p. February 14, 2019, from EPA to Vickery, Subject: Vickery Permit

q. February 18, 2019, from Vickery to EPA, Subject: Vickery Permit
r. April 2, 2019, from EPA to Vickery, Subject: Vickery Permit
s. April 5, 2019, from Vickery to EPA, Subject: Vickery Permit
t. April 12, 2019, from Vickery to EPA, Subject: Vickery Permit (P&ID for Tanks T1and T2)

Subpart AA: Air Emission Standards for Process Vents (40 C.F.R. Part 264, Subpart AA)
Subpart BB: Air Emission Standards for Equipment (40 C.F.R. Part 264, Subpart BB)
Subpart CC: Air Emission Standards for Containers (40 C.F.R. Part 264, Subpart CC)
CDC: Center for Disease Control and Prevention
EPA: United States Environmental Protection Agency
EJ: Environmental Justice
OEPA: Ohio Environmental Protection Agency
RCRA: Resource Conservation and Recovery
ECP: Emission Control Plan
FP: Filter Press
Vickery: Vickery Environmental Inc.
P&ID: piping and instrumentation diagram
OSHA: Occupational Safety and Health Administration
NIOSH: National Institute for Occupational Safety and Health
PEL: permissible exposure limit
REL: recommended exposure limit

EPA
United States
Environmental Protection
Agency

EPA Proposes to OK Permit For Vickery

Vickery Environmental, Inc.

Vickery, Ohio October 2018

U.S. Environmental Protection Agency Region 5 is proposing to issue a hazardous waste management permit to Vickery Environmental Inc. but will review public comments before making a final decision. The permit would set air emission standards for equipment leaks, tanks and other miscellaneous units at the Vickery site.[1] EPA is acting on the hazardous waste permit application under its responsibilities set out in the federal Resource Conservation and Recovery Act (RCRA).

Background

Vickery operates hazardous waste storage, treatment, and disposal facility located at 3956 State Route 412, Vickery, Ohio. The facility receives aqueous hazardous waste for treatment and storage in a series of treatment and disposal tanks. These wastes are filtered, blended, disposed of through deep well injection wells.

State permit

On March 5, 2012, Ohio Environmental Protection Agency issued the state-portion of the RCRA permit. That portion contains rules for tank storage and treatment, corrective actions, post closure care, ground minoring, and other miscellaneous-unit management. The Ohio permit expires on March 5, 2022, and the federal permit would be set to expire in October 2028.

Tentative decision

EPA has concluded the company has fulfilled all requirements and proposes to issue a RCRA permit to Vickery. Currently, the State of Ohio is not authorized by U.S. EPA to issue a permit for organic air emissions (40 CFR Part 264, Subparts BB and CC) from hazardous waste units. Therefore, U.S. EPA has drafted a RCRA permit to address organic air emissions from hazardous waste units at Vickery.

After the close of the public comment period, U.S. EPA will review all comments received and decide whether to issue the permit. The final decision will include notification to those who submitted written comments during the official comment period. U.S. EPA will also prepare and send to all responders a document answering significant comments. Within 30 days of a final decision, any person who submitted written comments or made a statement at the hearing if one is held may petition U.S. EPA's Environmental Appeals Board to review the decision.

Comments welcomed

Comments on the Vickery proposed permit action can be submitted to EPA Environmental Engineer Jae Lee at the address below no later than November 23, 2018. You may also request EPA hold a public hearing about this permit. At a hearing you would have an opportunity to submit oral and written comments, ask questions, make statements and discuss any concerns about the permit with EPA staff.

Here is Jae's contact information:

Jae Lee
EPA Region 5, Land and Chemicals Division (LR-17J)
77 W. Jackson Blvd.
Chicago, Illinois 60604-3590
Voice: 312-886-3781
E-mail: lee.jae@epa.gov

Region 5 toll-free:
800-621-8431, Ext 6-3781
8:30 a.m. - 4:30 p.m., weekdays

For more information

The draft permit and this fact sheet may also be viewed online: https://www.epa.gov/oh/vickery-environmental-inc

(See box back page for locations of the administrative record, which can be reviewed by the public.)

[1] *EPA is proposing to issue the Vickery permit under the authority of the federal Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments of 1984 and subject to public notice and comment under the provisions of 40 Code of Federal Regulations (CFR) Section 124.10. See http://www.epa.gov/lawsregs/index.html to read RCRA and 40 CFR.*

EPA Tentatively Approves Vickery Permit

Vickery, Ohio

Comment Period: Until November 23, 2018
(details front page)

Review the documents

The administrative record consists of the permit application and other relevant materials that EPA used to make a decision in this case. The file is available for public review at the following locations:

Clyde Public Library
222 West Buckeye Street
Clyde, Ohio 43410
(419) 547-7174

EPA Region 5 Offices
RCRA Branch
77 W. Jackson Blvd.
Chicago
Call Jae Lee at 312- 886-3781, or toll-free 800-621-8431, Ext. 6-3781, for an appointment.

VICKERY ENVIRONMENTAL INC.: Tentative Permit Approval

United States
Environmental Protection
Agency
Region 5
Office of Public Affairs (P-19J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590

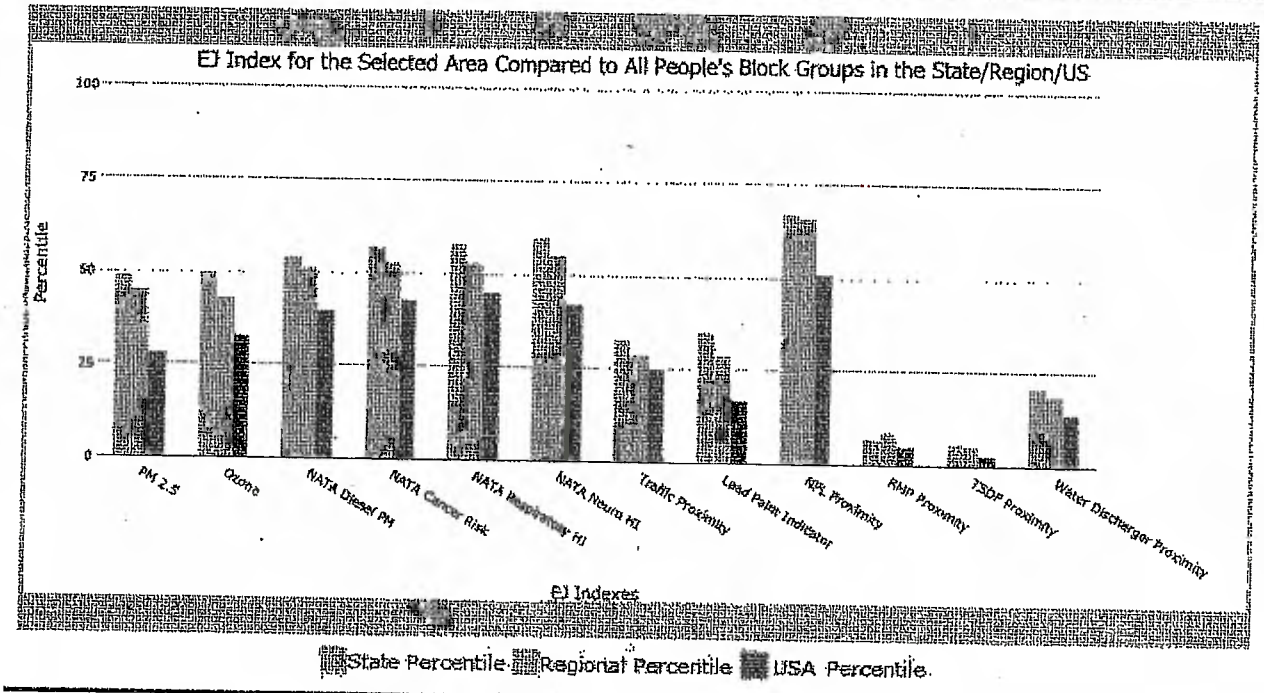
EJSCREEN Report

for 5 mile Ring Centered at 41.368649,-82.979234, OHIO, EPA Region 5

Approximate Population: 9241

Vickery Environmental

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	49	45	28
EJ Index for Ozone	50	43	33
EJ Index for NATA Diesel PM	54	51	40
EJ Index for NATA Air Toxics Cancer Risk	57	53	43
EJ Index for NATA Respiratory Hazard Index	58	53	45
EJ Index for NATA Neurological Hazard Index	60	55	42
EJ Index for Traffic Proximity and Volume	33	29	25
EJ Index for Lead Paint Indicator	35	29	17
EJ Index for Proximity to NPL sites	67	66	51
EJ Index for Proximity to RMP sites	7	9	5
EJ Index for Proximity to TSDFs	6	5	3
EJ Index for Proximity to Major Direct Dischargers	21	19	14



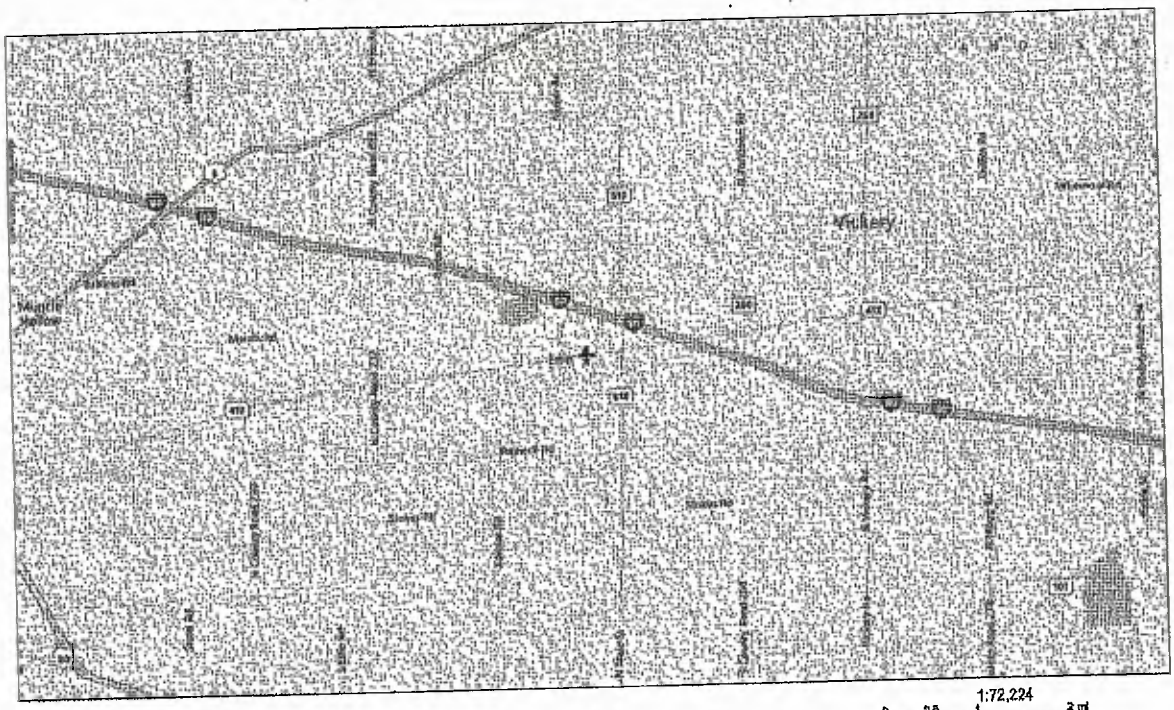
This report shows environmental, demographic, and EJ indicator values. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

EJSCREEN Report

for 5 mile Ring Centered at 41.368649,-82.979234, OHIO, EPA Region 5

Approximate Population: 9241

Vickery Environmental



November 19, 2014

Digitized Point

United States Environmental Protection Agency

EJSCREEN Report

for 5 mile Ring Centered at 41.368649,-82.979234, OHIO, EPA Region 5

Approximate Population: 9241

Vickery Environmental

Selected Variables	Raw Data	State Avg.	%ile in State	EPA Region Av.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in µg/m³)	13.5	13.6	37	13.3	51	10.7	89
Ozone (ppb)	48.3	49.7	29	45	79	46.3	60
NATA Diesel PM (µg/m³)*	0.195	0.609	23	0.712	<50th	0.824	<50th
NATA Cancer Risk (lifetime risk per million)*	27	41	9	42	<50th	49	<50th
NATA Respiratory Hazard Index*	0.7	1.4	14	1.5	<50th	2.3	<50th
NATA Neurological Hazard Index*	0.031	0.079	11	0.067	<50th	0.063	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	36	74	54	69	58	110	50
Lead Paint Indicator (% Pre-1960 Housing)	0.4	0.41	54	0.39	56	0.3	68
NPL Proximity (site count/km distance)	0.0091	0.069	6	0.085	3	0.096	6
RMP Proximity (facility count/km distance)	0.84	0.7	91	0.83	89	0.31	91
TSDF Proximity (facility count/km distance)	0.14	0.056	93	0.051	93	0.054	92
Water Discharger Proximity (facility count/km distance)	0.41	0.23	85	0.23	85	0.25	85
Demographic Indicators							
Demographic Index	18%	26%	44	28%	42	35%	28
Minority Population	7%	19%	45	24%	36	36%	20
Low Income Population	29%	34%	48	32%	52	34%	48
Linguistically Isolated Population	1%	1%	69	3%	60	5%	46
Population With Less Than High School Education	9%	12%	44	12%	47	15%	41
Population Under 5 years of age	6%	6%	54	6%	52	7%	50
Population over 64 years of age	12%	14%	41	13%	46	13%	50

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: http://www.epa.gov/ttn/atw/natamain/index.html.

For additional information, see: www.epa.gov/environmentaljustice

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

SEP 0 6 2019

REPLY TO THE ATTENTION OF:

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

Re: Final Federal RCRA Permit, Vickery Environmental, Inc.
Vickery, Ohio, OHD 020 273 819

Dear Mr. Mitchell:

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

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

Sincerely,

Susan Mooney, Chief
RCRA C and D Section
Land and Chemicals Branch

Enclosure

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

SEP 06 2019

REPLY TO THE ATTENTION OF:

Ms. Beth Leibengood
Reference Desk Librarian
Clyde Public Library
222 West Buckeye Street
Clyde, Ohio 43410

Re: Final Federal Resource Conservation Recovery Act (RCRA) Permit,
Vickery Environmental, Inc., Oregon, Ohio, OHD 020 273 819

Dear Ms. Beth Leibengood:

The U.S. Environmental Protection Agency intends to issue a draft hazardous waste-management permit to Vickery Environmental, Inc. (Vickery), of Vickery, Ohio. In accordance with the public involvement procedures in Title 40 Code of Federal Regulations Part 124, EPA noticed a public notice in the newspaper *Fremont News Messenger*, Fremont, Ohio, and on the *Coast Country WMJK FM-100.9 radio station* on or about October 5, 2018. A copy of the draft federal RCRA permit was available for review at the Clyde Public Library, 222 West Buckeye Street, Clyde, Ohio 43410. The public comment period extended from October 5, 2018 to November 23, 2018.

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

- Final Permit Package
- Response Summary

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

Sincerely,

Joe B. Lee
Permit Writer
Land, Chemicals and Redevelopment Division