

## SECTION I—STANDARD PERMIT CONDITIONS

### I.A EFFECT OF PERMIT

You are hereby allowed to manage hazardous waste at Ashland Distribution Company (“facility”) in accordance with this permit. Under this permit, the operation of units storing RCRA hazardous waste must comply with all terms and conditions in this permit. Other aspects of the storage of RCRA hazardous wastes in containers are subject to the conditions in the State RCRA permit.

Subject to 40 CFR § 270.4, compliance with the RCRA permit during its term generally constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA.

This permit does not: (1) convey any property rights or any exclusive privilege; (2) authorize any injury to persons or property, or invasion of other private rights; or (3) authorize any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued, or any action brought, under: (1) Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; (2) Sections 104, 106(a), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC §§ 9601 *et seq.* (commonly known as CERCLA); or (3) any other law protecting public health or the environment from any imminent and substantial endangerment to human health, welfare, or the environment. (40 CFR §§ 270.4 and 270.30(g))

### I.B PERMIT ACTIONS

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

The U.S. EPA may review, modify, or revoke and reissue this permit, or terminate it for cause, as specified in 40 CFR §§ 270.41, 270.42, and 270.43. The U.S. EPA may also review and modify this permit, consistent with 40 CFR § 270.41, to include any terms and conditions it determines are necessary to protect human health and the environment under Section 3005(c)(3) of RCRA. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance on your part will not stay the applicability or enforceability of any permit condition. (40 CFR § 270.30(f))

You may request a modification of this permit under the procedures specified in 40 CFR § 270.42. A class 1 modification is generally allowed without prior approval by U.S. EPA except under certain conditions as described in 40 CFR § 270.42(a)(2). A class 2 modification requires prior approval by U. S. EPA as described in 40 CFR §270.42(b). However, you may perform construction associated with a Class 2 permit modification

request beginning 60 days after submission of the request unless the Director establishes a later date under 40 CFR § 270.42(b)(8). Procedures for a class 3 modification are specified in 40 CFR § 270.42(c). 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. (40 CFR §§ 270.42(b)(8) and 270.42(c))

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

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

### **I.C SEVERABILITY**

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

### **I.D DEFINITIONS**

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

### **I.E DUTIES AND REQUIREMENTS**

#### **1.E.1 Duty to Comply**

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

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

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

### **I.E.3 Permit Expiration**

Unless revoked or terminated, this permit and all conditions herein will be effective for approximately 5 years from this permit's effective date. This permit and all conditions herein will remain in effect beyond the permit's expiration date if you have submitted a timely, complete application (40 CFR § 270.10 and §§ 270.13 through 270.29), and, through no fault of your own, the Director has not made a final determination regarding permit reissuance. (40 CFR §§ 270.50 and 270.51)

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

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

### **I.E.5 Duty to Mitigate**

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

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

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

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

You must provide the Director, within a reasonable time, any relevant information that the Director requests to determine whether there is cause to modify, revoke and reissue, or terminate this permit, or to determine permit compliance. You must also provide the Director, upon request, with copies of any records this permit requires. The information you must maintain under this permit is not subject to the Paperwork Reduction Act of 1995, 44 USC §§ 3501 *et seq.* (40 CFR §§ 264.74(a) and 270.30(h))

### **I.E.8 Inspection and Entry**

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

**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, U.S. EPA retains the inspection and access authority which it has under RCRA and other applicable laws. (40 CFR § 270.30(i))

### **I.E.9 Monitoring and Records**

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

600/4-79-020), or an equivalent method, as specified in the referenced Waste Characteristics. (40 CFR § 270.30(j)(1))

**I.E.9.b** You must retain, at the facility, records of all monitoring information as specified in 40 CFR § 264.74.

**I.E.9.c** 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. These periods may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. (40 CFR §§ 270.30(j) and 270.31)

#### **I.E.10 Reporting Planned Changes**

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

#### **I.E.11 Reporting Anticipated Noncompliance**

You must notify the Director, in advance, of any planned changes in the permitted facility or activity that may result in permit noncompliance. Advance notice will not constitute a defense for any noncompliance. (40 CFR § 270.30(1)(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. 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: (40 CFR § 270.30(1)(2))

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

**I.E.12.b** The Director waives the inspection.

### **I.E.13 Transfer of Permits**

This permit is not transferable to any person, except after notice to the Director. Under 40 CFR § 270.40, the Director may require permit modification, or revocation and reissuance to change your name and incorporate other RCRA requirements. Before transferring ownership or operation of the facility during its operating life, you must notify the new owner or operator in writing of the requirements of 40 CFR Parts 264, 266, 268, and 270, and must provide a copy of the RCRA permit to the new owner or operator. (40 CFR §§ 264.12(c), 270.30(1)(3), and 270.40(a))

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

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

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

- (1) Name, title and telephone number of the person making the report;
- (2) Name, address and telephone number of the facility owner or operator;
- (3) Facility name, address and telephone number;
- (4) Date, time and type of incident;
- (5) Location and cause of incident;
- (6) Identification and quantity of material(s) involved;
- (7) Extent of injuries, if any;
- (8) Assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (9) Description of any emergency action taken to minimize the threat

to human health and the environment; and

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

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

- (1) Name, address and telephone number of the person reporting;
- (2) Incident description (noncompliance and/or release or discharge of hazardous waste), including cause, location, extent of injuries, if any, and an assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (3) Period(s) in which the incident (noncompliance and/or release or discharge of hazardous waste) occurred, including exact dates and times;
- (4) Whether the incident's results continue to threaten human health and the environment, which will depend on whether the noncompliance has been corrected and/or the release or discharge of hazardous waste has been adequately cleaned up; and
- (5) If the noncompliance has not been corrected, the anticipated period for which it is expected to continue and the steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance.

The Director may waive the requirement that written notice be provided within 5 calendar days; however, you will then be required to submit a written report within 15 calendar days of the day on which you must provide oral notice, in accordance with Sections I.E.14.a and I.E.14.b of this permit. (40 CFR §§ 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 CFR § 270.30(l)(10))

**I.E.16 Other Information**

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

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

**I.F SIGNATORY REQUIREMENT**

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

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

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

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

**I.H CONFIDENTIAL INFORMATION**

In accordance with 40 CFR 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 CFR Part 2. (40 CFR § 270.12)

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

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

### **I.I.1 Operating Record**

You must maintain in the facility’s operating record the documents required by this permit, and by the applicable portions of 40 CFR §§ 266.102, 264.13, and 264.73 (as they apply to the equipment used to comply with this permit).

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

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

### **I.I.3 Copy of Permit**

You must keep a copy of this permit on site, 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 CFR 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 all applicable Clean Air Act (CAA) and RCRA permit limits. Where two or more operating limitations apply, the most stringent operating limitations take precedence.

### **SECTION II – AIR EMISSION STANDARDS FOR CONTAINERS (40 CFR PART 264 SUBPART CC)**

You are permitted by the State portion of the permit to store hazardous wastes in two container storage areas located in the Main Warehouse building. The first storage area is located on the west wall of the Main Warehouse where ignitable and listed wastes are stored. The area is separated into four separate bays, three small and one large, separated and surrounded by a four inch curb. The storage area is 916.5 square feet. The maximum volume of waste stored in this area is 10,560 gallons. This is based on a maximum of twelve (12) portable tote containers (i.e. 550 gallons each) in the large bay and twenty-four (24) drums (i.e. 55 gallons each) in each of the smaller bays. The second storage area is located on the south side of the Main Warehouse where non-ignitable and non-reactive wastes are stored. Only non-ignitable waste streams are permitted in this area because this storage area is less than fifty (50) feet from Ashland's property line. This storage area is 687.5 square feet. It is separated into four bays of equal size each segregated and surrounded by a four inch curb. The maximum volume of waste stored in this area is 7,040 gallons. This is based on a maximum of thirty-two (32) drums (i.e. 55 gallons each) in each bay.

The document titled as "Subpart CC Air Emission Standards" submitted by you on March 30, 2007, states that you are not pursuing any exemptions specified in the Subpart CC regulations (40 CFR §

264.1082(c)). Therefore, you must control air pollutant emissions from each container of hazardous waste described above, in accordance with the requirements of 40 CFR § 264.1086 (c) and (d), Level 1 and Level 2 requirements. You must not conduct any waste stabilization processes, as defined in 40 CFR § 265.1081, in containers.

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

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

**II.A.1** All Level 1 container must meet the applicable U.S. Department of Transportation (DOT) regulations as specified in 40 CFR § 264.1086(f).

**II.A.2** All covers and closure devices must be in closed position whenever hazardous waste is in a container.

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

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

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

**II.B.1** You shall receive and handle a container complying with one of the following requirements as specified in 40 CFR § 264.1086(d)(1):

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

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

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

**II.B.2** You shall transfer hazardous waste into or out of a container in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, as specified in 40 CFR § 264.1086(d)(2).

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

**II.B.4** You shall inspect the containers and their covers and closure devices in accordance with 40 CFR § 264.1086(d)(4)(i) and (ii). When a defect is detected for the container, cover, or closure devices, you shall repair the defect in accordance with 40 CFR § 264.1086(d)(4)(iii).

## **II.C RECORD KEEPING AND REPORTING REQUIREMENTS**

You must comply with the record keeping and reporting requirements in 40 CFR §§ 264.1089 and 264.1090.