

RESPONSE SUMMARY

**RESPONSE TO COMMENTS ON THE DRAFT PERMIT FOR
Vertellus Agriculture & Nutrition Specialties LLC
Federal RCRA Permit
Indianapolis, Indiana
IND 000 807 107**

I. INTRODUCTION

This summary is issued in response to all of the significant comments raised during the public comment period.

The public comment period for the draft permit extended from August 25, 2006 to October 10, 2006.

II. COMMENTS, RESPONSES, AND CHANGES

Vertellus Agriculture & Nutrition Specialties LLC submitted the following comments:

1. General Comment: The name of the Tibbs Avenue facility in Indianapolis, Indiana is officially “Vertellus Agriculture & Nutrition Specialties LLC”. It is suggested that this be modified in the following locations in the Permit:

- Title pages in the Facility Name and Location, Owner, and Operator sections;
- Title pages in the first paragraph (3 locations);
- Top of the table of contents;
- The first sentence of Condition I.A, Effect of Permit; and
- Any other locations in the Permit.

A revised Part A Permit Application is included with this document that contains the correct facility name and is signed by the new Plant Manager.

Response: The U.S. EPA will accept this comment and will modify the draft permit accordingly.

Change: All of the facility names in the permit identified as “Vertellus Specialties Inc.” will be changed into “Vertellus Agriculture & Nutrition Specialties LLC”.

2. Condition I.A, Third Paragraph: Condition I.A contains a reference to RCRA Section 3008(h), which pertains to Interim Status Corrective Action Orders. The Vertellus boilers are permitted units and there are no units at the

facility operating under interim status. RCRA Section 3004(u) may be the intended reference, which pertains to Continuing Releases at Permitted Facilities.

Response: U.S. EPA is not removing the reference to 3008(h) in this section of the permit. In the future, newly identified hazardous waste may have interim status at the Facility, which would be subject to Section 3008(h) of RCRA.

Change: No Change is made per this comment.

3. Conditions I.E.9.d and I.I: Pursuant to the Burden Reduction Rule published by the U.S. EPA on April 4, 2006 (71 FR 16864), the record retention period for certain records required by 40 CFR 264.73 and 266.102 are no longer required to be maintained until closure of the facility, unless otherwise noted. The second sentence of Condition I.E.9.d includes the phrase “until closure of the facility” for certain specified data. Condition I.E.9.d should be modified as follows to address the regulatory changes related to the Burden Reduction Rule:
“~~Except as provided in 40 CFR 264.73 and 266.102(e)(10),~~ All operating records, monitoring data, and waste analysis data produced to comply with ~~the~~ Section III of this permit shall be retained at the facility until closure of the facility.” [Emphasis added to indicate changes.]

In addition, Condition I.I. should be revised to read as follows:
“As specified in Conditions I.I.1, I.I.2, and I.I.3, ~~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.” [Emphasis added to indicate changes.]

Furthermore, a reference to 40 CFR 264.73 and 266.102(e)(10) should be included at the end of Condition I.E.9.d. Please note that Condition III.D.3.a already includes a reference to 40 CFR 266.102(e)(10).

To further clarify the record retention requirements, it is recommended that the following table be added to the permit:

Table of Operating Record Requirements

Description	Retention Period	Regulation
Description and Quantity of Hazardous Waste Received	Facility Closure	264.73(b)(1)
Location and Quantity of Each Hazardous Waste Onsite	Facility Closure	264.73(b)(2)
Waste Analysis Records	Three Years	264.73(b)(3)
Contingency Plan Reports and Details	Three Years	264.73(b)(4)
Inspection Records and Results	Three Years	264.73(b)(5)

Monitoring, Testing, or Analytical Data	Facility Closure	264.73(b)(6)
Generator Notifications for Off-Site Facilities	Three Years	264.73(b)(7)
Closure Cost Estimates	Facility Closure	264.73(b)(8)
Waste Minimization Certification	Three Years	264.73(b)(9)
Land Disposal Records	Facility Closure	264.73(b)(10)
LDR Notices for Off-Site Treatment Facilities	Three Years	264.73(b)(11)
LDR Notices for On-Site Treatment Facilities	Three Years	264.73(b)(12)
LDR Notices for Off-Site Land Disposal Facilities	Three Years	264.73(b)(13)
LDR Notices for Off-Site Storage Facilities	Three Years	264.73(b)(15)
LDR Notices for On-Site Storage Facilities	Three Years	264.73(b)(16)
Certifications of Major Tank Repairs	Facility Closure	264.73(b)(19)
BIF Operating, Monitoring, and Inspection Records	Five Years	266.102(e)(10)

Response: Except for the table, the U.S. EPA will accept this comment and will modify the draft permit accordingly. U.S. EPA is not including a table in the permit because U.S. EPA’s inclusion of the references to 40 CFR 264.73(b) and 266.102(e)(10) in the permit addresses Vertellus concerns. The table includes redundant and somewhat over simplified information. U.S. EPA notes that the Federal Register notice (71 FR 1682) has a table similar to the Vertellus table that provides a synopsis of the regulatory changes in record retention time. Vertellus is free to use its table or the Federal Register notice table if such a table is useful for its operations.

Change: Section I.E.9.d: “.All operating records, monitoring data, and waste analysis data produced to comply with the Section III of this permit shall be retained at the facility until closure of the facility. 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)” will be changed to “. Except as provided in 40 CFR 264.73 and 266.102(e)(10), all operating records, monitoring data, and waste analysis data produced to comply with Section III of this permit shall be retained at the facility until closure of the facility. 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 §§ 264.73, 266.102(e)(10), 270.30(j), and 270.31)”

Section I.I: “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.” will be changed to “As specified in Conditions I.I.1, I.I.2, and I.I.3, you must maintain at

the facility the following documents and all amendments, revisions, and modifications to them.”

4. Condition II.K.2, Second Sentence: Condition II.K.2 should be modified to be consistent with the referenced requirements in 40 CFR 264.76 by changing “You must not receive...” to “You must not accept...” There is a significant difference between receiving and accepting an unmanifested hazardous waste that necessitates this modification.

Response: The U.S. EPA will accept this comment and will modify the draft permit accordingly.

Change: Condition II.K.2, second line: “You must not receive any unmanifested” will be changed to “You must not accept any unmanifested”