



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JAN 20 2012

REPLY TO THE ATTENTION OF:
L-8J

7001 0320 0005 8933 1181

CERTIFIED LETTER

RETURN RECEIPT REQUESTED

Mr. Kevin R. Soucy, Facility Manager
Haverhill Chemicals LLC
1019 Haverhill Ohio Furnace Road
Haverhill, Ohio 45636

Re: Final Federal RCRA Permit, Haverhill Chemicals LLC
Haverhill, Ohio, OHD 005 108 477

Dear Mr. Soucy:

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

The draft federal RCRA permit was publicly noticed in the "Portsmouth Daily Times" newspaper on September 27, 2011 and announced on the "WNXT" radio station on September 28, 2011. A copy of the draft federal RCRA permit is available for review at the Portsmouth Public Library, 1220 Gallia, Portsmouth, Ohio, 45662-4217. The public comment period extended from September 28 to November 12, 2011.

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

Eligibility to appeal the federal permit is discussed further in 40 CFR § 124.19. All original documents are to be signed in blue ink with five copies marked as such. EPA must receive the petition for review in Washington, DC via U.S. Postal Service at the address indicated below within thirty (30) days after service of notice of the final permit decision.

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

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

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

A copy of the petition should also be sent to:

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

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

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

Sincerely,



Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosures

cc: Jeremy Carroll, OEPA

FINAL

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT

Facility Name and Location: **Haverhill Chemicals, LLC**
1019 Haverhill-Ohio Furnace Road
Haverhill, Ohio 45636

Owner: **Haverhill Chemicals, LLC**
1735 Market Street, Suite LL
Philadelphia, PA 19103

Operator: **Haverhill Chemicals, LLC**
1735 Market Street, Suite LL
Philadelphia, PA 19103

EPA Identification Number: **OHD 005 108 477**

Effective Date: **February 15, 2012**

Expiration Date: **December 16, 2021**

Authorized Activities:

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

This permit is issued under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984 (42 U.S.C. § 6901 *et seq.*) collectively referred to as "RCRA" and EPA's regulations promulgated thereunder codified, and to be codified, in Title 40 of the Code of Federal Regulations (40 CFR).

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

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

Permit Approval:

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

EPA has not yet authorized the State of Ohio to administer certain regulations, however, including the air emission standards for equipment leaks (40 CFR Part 264, Subpart BB), the air emission standards for tanks, surface impoundments, and containers (40 CFR Part 264, Subpart CC), and changes to other sections of applicable regulations. Therefore, EPA Region 5 is issuing the RCRA permit requirements for operations at your facility which fall under these regulations.

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

This permit is based on the assumption that 1) the information submitted in your RCRA Part B Permit Application on April 24, 2009, including the Part A Application, and all other modifications to that application (hereinafter referred to as the "Part B Permit Application"), and 2) Subpart BB and CC certification information dated July 27, 2011, is accurate, and the facility is configured, operated and maintained as specified in the Part B Permit Application and other relevant documents.

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

Opportunity to Appeal:

Petitions for review must be submitted within thirty (30) days after the EPA serves notice of the final permit decision. Any person who filed comments on the draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any

condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may file a petition for review only to the extent of the changes from the draft to the final permit decision. The procedures for permit appeals are found in 40 CFR § 124.19.

Effective Date:

This permit is effective as of February 15, 2012, and will remain in effect until December 16, 2021, unless revoked and reissued under 40 CFR § 270.41, terminated under 40 CFR § 270.43, or continued in accordance with 40 CFR § 270.51(a).

By: 

Margaret M. Guerriero
Director
Land and Chemicals Division

Date: January 18, 2012

**OHD 005 108 477
Haverhill Chemicals LLC**

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SECTION I—STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

This permit contains federal permit conditions. You also have a state RCRA permit. You are hereby allowed to manage hazardous waste at this facility in accordance with this permit and the effective State RCRA permit. Under this permit, the storage of RCRA hazardous waste must comply with all terms and conditions in this permit. Other aspects of the storage and treatment of RCRA hazardous wastes are subject to the conditions in the state-issued portion of the RCRA permit. Any hazardous waste activity which requires a RCRA permit, and is not included either in this permit or the state RCRA permit, is prohibited.

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

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

I.B PERMIT ACTIONS

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

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

noncompliance on your part will not delay the applicability or enforceability of any permit condition. (40 CFR § 270.30(f))

You must not perform any construction associated with a Class 3 permit modification request until such modification request is granted and the modification becomes effective. You may perform construction associated with a Class 2 permit modification request beginning sixty (60) days after submission of the request unless the Director establishes a later date. (40 CFR § 270.42(b)(8))

I.B.2 Permit Renewal

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

I.C SEVERABILITY

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

I.D DEFINITIONS

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

I.E DUTIES AND REQUIREMENTS

1.E.1 Duty to Comply

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

I.E.2 Duty to Reapply

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

I.E.3 Permit Expiration

Unless revoked or terminated, this permit and all conditions herein will be effective until December 16, 2021. This permit and all conditions herein will remain in effect beyond the permit's expiration date if you have submitted a timely, complete application (40 CFR § 270.10 and §§ 270.13 through 270.29), and, through no fault of your own, the Director has not made a final determination regarding permit reissuance. (40 CFR §§ 270.50 and 270.51)

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

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

I.E.5 Duty to Mitigate

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

I.E.6 Proper Operation and Maintenance

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

I.E.7 Duty to Provide Information

You must provide the Director, within a reasonable time, any relevant information that the Director requests to determine whether there is cause to modify, revoke and reissue, or terminate this permit, or to determine permit compliance. You must also provide the Director, upon request, with copies of any records this permit requires. The information you must maintain under this permit is not subject to the Paperwork Reduction Act of 1980, 44 USC §§ 3501 *et seq.* (40 CFR §§ 264.74(a) and 270.30(h))

I.E.8 Inspection and Entry

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

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

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

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

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

Notwithstanding any provision of this permit, EPA retains the inspection and access authority which it has under RCRA and other applicable laws.

I.E.9 Monitoring and Records

I.E.9.a Samples and measurements taken for monitoring purposes must be representative of the monitored activity. The methods used to obtain a representative sample of the wastes, contaminated media, treatment residue, or other waste to be analyzed must be the appropriate methods from Appendix I of 40 CFR Part 261, or the methods specified in the State-approved waste analysis plan, or an equivalent method approved by the Director. Laboratory methods must be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods* (SW-846, latest edition), *Methods for Chemical*

Analysis of Water and Wastes (EPA 600/4-79-020), or an equivalent method, as specified in the referenced waste analysis plan. (40 CFR § 270.30(j)(1))

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

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

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

I.E.10 Reporting Planned Changes

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

I.E.11 Reporting Anticipated Noncompliance

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

I.E.12 Certification of Construction

Subject to the requirements of 40 CFR §§ 270.32(b)(2) and 270.42 Appendix I, you must not operate any RCRA air emission control devices completed after the effective date of this permit until you have submitted to the Director, by certified mail or hand-delivery, a letter signed both by your authorized representative and by a registered professional engineer. The letter must state that the portions of the facility covered by this permit (including all air emission control devices required by this permit) have been constructed in compliance with the applicable conditions of this permit. In addition, you must not operate the permitted control devices until either:

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

I.E.12.b The Director waives inspection and you may commence treatment, storage, or disposal of hazardous waste in accordance with 40 CFR § 270.30(l)(2)(ii)(B).

I.E.13 Transfer of Permits

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

I.E.14 Twenty-Four Hour Reporting

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

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

- (1) Name, title and telephone number of the person making the report;
- (2) Name, address and telephone number of the facility;
- (3) Name, address and telephone number of owner or operator;
- (4) Date, time and type of incident;
- (5) Location and cause of incident;
- (6) Identification and quantity of material(s) involved;

- (7) Extent of injuries, if any;
- (8) Assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (9) Description of any emergency action taken to minimize the threat to human health and the environment; and
- (10) Estimated quantity and disposition of recovered material that resulted from the incident.

I.E.14.c In addition to the oral notification required under Conditions I.E.14.a and I.E.14.b of this permit, a written report must also be provided within 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 Conditions I.E.14.a and I.E.14.b of this permit. (40 CFR § 270.30(1)(6))

I.E.15 Other Noncompliance

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

I.E.16 Other Information

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

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

IF 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))

IG REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR

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

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

I.H CONFIDENTIAL INFORMATION

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

I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY

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

I.I.1 Operating Record

You must maintain in the facility's operating record the documents required by this permit, and by the applicable portions of 40 CFR §§ 264.1035, 264.1064, 264.1082, 264.1084, 264.1088, 264.1089 and 40 CFR § 264.73 (as they apply to the equipment used to comply with this permit).

I.I.2 Notifications

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

I.I.3 Copy of Permit

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

LJ ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE

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

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

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

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

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

LK COORDINATION WITH THE CLEAN AIR ACT

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

**SECTION II -- AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS
(40 CFR PART 264, SUBPART BB)**

In accordance with 40 CFR § 264.1064(m), if an equipment is subject to 40 CFR Part 264, Subpart BB and to regulations at 40 CFR Part 60, 61, or 63, you may elect to determine compliance with 40 CFR Part 264, Subpart BB either by documentation pursuant to 40 CFR § 264.1064 of this subpart, or by documentation of compliance with regulations at 40 CFR Part 60, 61, or 63.

The permit renewal information, dated April 24, 2009, states that the facility has received a Title V operating permit from Ohio EPA that includes 40 CFR 63 requirements for equipment leaks. In the subsequent letter dated July 27, 2011, you indicated that you will comply with 40 CFR Part 264, Subpart BB, by documentation of compliance with regulations at 40 CFR Part 63, Subpart H – National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.

Therefore, according to 40 § CFR 264.1064(m), the compliance of the air emission standard requirements for equipment specified in 40 CFR Part 264, Subpart BB can be demonstrated by complying the relevant requirements specified in 40 CFR 63, Subpart H.

The documentation of compliance under regulations at 40 CFR Part 63, Subpart H shall be kept with or made readily available with the facility operating record.

For any changes of the documentation procedure or the compliance status of the equipment with the regulations, you shall inform the EPA, RCRA program, in writing, about the changes.

SECTION III -- AIR EMISSION STANDARDS FOR TANKS (40 CFR PART 264, SUBPART CC)

The certification, dated July 27, 2011, states that hazardous waste tanks permitted under the State RCRA permit are equipped with and operating air emission controls according to 40 CFR Part 60, Subpart Kb –Standards of Performance for Volatile Organic Liquid Storage Vessels Including Petroleum Liquid Storage Vessels.

Therefore, according to 40 CFR § 264.1080(b)(7), the requirements of the air emission standard for tanks specified in 40 CFR § 264.1084 is not applicable to your facility. You shall update the certification annually certifying that all of tanks specified in the Part B application will comply with the applicable 40 CFR Part 60 of Clean Air Act in order to control air emission pollutants from the tanks. The certification shall be retained at the facility and must be provided to the EPA representatives, or their designees, upon request.

For any changes of the certification or the compliance status of the tanks with the Clean Air Act (CAA), you shall inform the EPA, RCRA program, in writing, about the changes.

Administrative Record Index (Final RCRA PERMIT)

Haverhill Chemicals LLC

Haverhill, Ohio

OHD 005 108 477

<u>Title</u>	<u>Date</u>	<u>Prepared by</u>
1. Title V Permit	December 1, 2005	OEPA
2. Part B Renewal Application	April 24, 2009	Haverhill
3. Class 1 Modification Request	April 1, 2011	Haverhill
4. Revised part A Application	April 1, 2011	Haverhill
5. EJ Report	April 2011	EPA
6. Notification of Tank 2003F Inspection	June 15, 2011	Haverhill
7. Class 1a Modification Request	June 16, 2011	Haverhill
8. Response to the OEPA's comment	June 20, 2011	Haverhill
9. Subpart BB and CC certification (e-mail)	July 26, 2011	Haverhill
10. Notification of compliance with CAA	July 27, 2011	Haverhill
11. Revised Subpart CC Information	August 4, 2011	Haverhill
12. Title V permit (e-mail)	August 8, 2011	OEPA
13. Draft Permit	August 2011	EPA
14. Responsive Summary	January 2012	EPA
15. Final Permit	January 2012	EPA

EPA: United States Environmental Protection Agency

OEPA: Ohio Environmental Protection Agency

RCRA: Resource Conservation Recovery Act

EJ: Environmental Justice

Subpart CC: Air Emission Standards for Containers

RESPONSE SUMMARY

RESPONSE TO COMMENTS ON THE DRAFT PERMIT FOR Haverhill Chemicals, LLC Federal RCRA Permit Haverhill, Ohio OHD 005 108 477

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 September 28, to November 12, 2011.

II. COMMENTS, RESPONSES, AND CHANGES

The following comments were submitted by Haverhill Chemicals LLC during public comment period.

1. **Comment: Page i: Effective Date:** Haverhill Chemicals requests that the effective dates and expiration dates of the federal and Ohio portions of the permits coincide, if at all possible.

Response: The effective date of the State's permit is usually as a same date as the permit issuance date. However, the effective date of the federal permit is thirty (30) days after the issuance date of the final permit. Therefore, the effective dates of the two agencies may not be the same. For the expiration dates of the permits, two agencies will coordinate each other to have same expiration dates of the permits.

Change: No Change is made per this comment.

2. **Page i: Opening Paragraphs:** The Ohio EPA public notice indicates there will be one permit with two portions: federal and state. The text in this section of the federal permit suggests both two separate permits and one permit with two portions. How should the federal and state permits be considered, as two individual permits or as one permit with two portions? Haverhill requests clarification and consistency on this issue.

Response: Each agency's permit stands as its own permit. Each agency can implement and enforce its permit based on its own relevant regulations. In that sense, it can be regarded as two separate permits. However, these two permits can complement each other to make a complete permit, since each agency has its own authority to regulate a certain portion of the RCRA regulations. In that sense, each agency's permit can be considered as a portion of the entire RCRA permit. Therefore, we are using terms of "a portion of the permit" and

“two permits” concurrently.

Change: No Change is made per this comment.

3. **Page 1 of 11: I.A Effect of Permit:** The opening paragraph implies there will be two separate permits. In this section of the federal permit, the Ohio portion of the permit is mentioned. However, there is not an analogous mention to federal authorization in the similar section of the Ohio permit. Will there be one permit with two portions or two separate permits? Haverhill requests clarification and consistency on this issue.

Response: See the response of Comment #2.

Change: No Change is made per this comment.

4. **Page 4 of 11: I.E.8:** The Ohio permit requires the agency to keep records, copies, or photographs confidential if Haverhill requests. Please add parallel language here. Also, please add text that Haverhill is allowed to obtain a split sample of any sample collected by an agency representative.

Response: Section I.H. of the permit specifies procedures pertaining confidential business information (CBI). If you claim any records, copies, or photographs as CBI in accordance with the procedure set forth in the section I.H., then EPA will comply with the relevant CBI regulations for such documents. Since EPA is regulating air emission standards of the equipment, tanks, and containers of the facility, EPA is no plan to sample any hazardous waste from the facility.

Change: No Change is made per this comment.

5. **Pages 10 and 11 of 11: Section II:** This section indicates compliance with RCRA Subpart BB can be accomplished either by complying with RCRA Subpart BB or by complying with “equivalent” CAA regulations. The 1st paragraph on page 11 of 11 indicates Haverhill will comply with the CAA regulations. At some point in the future, Haverhill may want the flexibility to comply with the Subpart BB requirements. It isn’t clear in the draft text that Haverhill could elect to do that in the future. It is implied in the 1st paragraph in the section (on page 10 of 11) but after reading page 11 of 11, it seems less clear.

Response: If you elect in the future to comply with 40 CFR Part 264, Subpart BB by documentation pursuant to 40 CFR 264.1064, then you should inform EPA and follow a proper permit modification procedure. EPA can insert the following paragraph in the section II of the permit. “For any changes of the documentation procedure or the compliance status of the equipment with the

regulations, you shall inform the EPA, RCRA program, in writing, about the changes.”

Change: The following paragraph will be inserted in the fifth paragraph of Section II, Page 11 of 11. “For any changes of the documentation procedure or the compliance status of the equipment with the regulations, you shall inform the EPA, RCRA program, in writing, about the changes.”

6. Page 11 of 11: Section II 1st paragraph

The following text is unclear: Therefore, according to 40 § CFR 264.1064(m), the requirements of the air emission standard for equipment specified in 40 CFR Part 264, Subpart BB can be complied by complying the relevant requirements specified in 40 CFR 63, Subpart H.

What is meant by the phrase beginning “Subpart BB can be complied by complying the...”

We suggest the phrase be replaced with “...compliance with Subpart BB can be demonstrated by complying with the relevant...”

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

Change: Section II, Second Paragraph, Page 11 of 11: The following paragraph of “Therefore, according to 40 § CFR 264.1064(m), the requirements of the air emission standard for equipment specified in 40 CFR Part 264, Subpart BB can be complied by complying the relevant requirements specified in 40 CFR 63, Subpart H. “ will be changed to “ Therefore, according to 40 § CFR 264.1064(m), the compliance of the air emission standard requirements for equipment specified in 40 CFR Part 264, Subpart BB can be demonstrated by complying the relevant requirements specified in 40 CFR 63, Subpart H.”

7. Ownership Transfer: Other Change:

On August 31, 2011, Sunoco Inc., R&M (Sunoco) submitted a class 1A permit modification request to the Ohio Environmental Protection Agency for a transfer of the ownership from Sunoco to Haverhill Chemicals LLC (Haverhill). Subsequently, Haverhill submitted a revised Part A application and financial assurance documentation. On October 3, 2011, OEPA issued an approval letter of the ownership transfer modification request. On October 31, 2011, a Bill of Sale and Assignment and Assumption Agreement was entered between Sunoco and Haverhill.

Therefore, the owner and operator’s names specified in the draft permit will be changed to reflect the new owner and operator names.