



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

JUN 18 2013

REPLY TO THE ATTENTION OF:

Ms. Venita Vivians
Facility Manager
Nexeo Solutions, LLC
2854 Springboro West
Moraine, Ohio 45439

Re: Draft Federal RCRA Permit, Nexeo Solutions, LLC
Moraine, Ohio, OHD 074 700 311

Dear Ms. Vivians:

Enclosed is the draft federal Resource Conservation and Recovery Act (RCRA) permit for Nexeo Solutions, LLC, Moraine, Ohio.

The draft federal RCRA permit will be publicly noticed in the Dayton Daily News and radio station WHIO (am) on or about June 18, 2013. A copy of the draft federal RCRA permit is available for review at the Dayton Metro Library, Kettering-Moraine Branch, 3496 Far Hills Avenue, Dayton, Ohio 45429. The public comment period extends from June 20 to August 5, 2013. A public hearing has been scheduled for July 23, 2013, 6:00 p.m. at the Gerhardt Civic Center Commons, 3050 Kreitzer Rd., Moraine, OH 45439 (Montgomery County).

During the public comment period, you or any interested party may submit comments to the U. S. Environmental Protection Agency on the draft federal RCRA permit set forth above. At the close of the comment period, EPA will prepare a response to all significant comments. Comments on the draft federal RCRA permit may be submitted to:

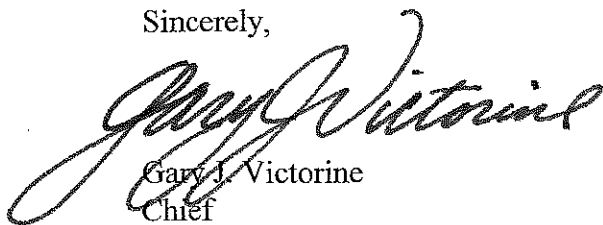
U.S. Environmental Protection Agency, Region 5
RCRA Branch (LR-8J)
77 West Jackson Boulevard
Chicago, Illinois 60604

Attention: Jae B. Lee

Following review of any comments received on the draft federal RCRA permit, EPA will issue a final permit decision in accordance with the requirements of 40 Code of Federal Regulation (CFR) § 124.19.

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

Sincerely,

A handwritten signature in cursive script that reads "Gary J. Victorine". The signature is written in black ink and is positioned above the typed name and title.

Gary J. Victorine
Chief
RCRA Branch

Enclosure

cc: Jeremy Carroll, OEPA

DRAFT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT

Facility Name and Location: Nexeo Solutions, LLC
2854 Springboro West
Moraine, Ohio 45439

Owner: Nexeo Solutions, LLC
P.O. Box 2219
Columbus, Ohio 43216

Operator: Nexeo Solutions, LLC
P.O. Box 2219
Columbus, Ohio 43216

U.S. EPA Identification Number: OHD 074 700 311

Effective Date: 30 Days After Issuance Date of the Final Permit

Expiration Date: 10 Years from the Effective Date

Authorized Activities:

The United States Environmental Protection Agency hereby issues a Resource Conservation and Recovery Act permit (hereinafter referred to as "this permit") to Nexeo Solutions, LLC (hereinafter referred to as "you") in connection with the hazardous waste management operations at Nexeo Solutions, LLC, in Moraine, 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 USC § 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, and the effective state RCRA permit conditions issued by the state of Ohio's RCRA program authorized under 40 CFR Part 271 (hereinafter called the "state RCRA permit").

The state RCRA permit was issued on December 5, 2002. The effective and expiration dates of the state RCRA permit are December 5, 2002 and December 5, 2012, respectively. Any hazardous waste activity which requires a RCRA permit and is not included in the RCRA permit is prohibited

Permit Approval:

On June 28, 1989, the state of Ohio received final authorization according to Section 3006 of RCRA, 42 USC § 6926, and 40 CFR Part 271, to administer the pre-HSWA RCRA hazardous waste program. The state of Ohio 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 regulations, including the air emission standards for containers, 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 conditions contained herein; the documents attached hereto; all documents cross-referenced in these documents; approved submittals (including plans, schedules and other documents); applicable regulations in 40 CFR 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 B Permit Application on June 6, 2012, and all other modifications to that application (hereinafter referred to as the "Part B Permit Application") 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 for 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 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 CFR § 124.19.

Effective Date:

This permit is effective as of **(30 Days After Issuance Date of the Final Permit)** and will remain in effect until **(10 Years from the Effective Date)**, 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: _____ Date: _____
Margaret M. Guerriero, Director
Land and Chemicals Division

**OHD 074 700 311
Nexeo Solutions, LLC**

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SECTION I—STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

You are hereby allowed to manage hazardous waste at Nexeo Solutions, LLC (“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

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 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 EPA except under certain conditions as described in 40 CFR § 270.42(a)(2). A class 2 modification requires prior approval by EPA as described in 40 CFR §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 days after submission of the request, unless the Director establishes a later date. (40 CFR § 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 CFR § 270.42(b)(8) has been delegated to the Director of the Land and Chemicals Division of the EPA, Region 5. Thus, for the purposes of this permit, the term Director shall refer to the Division Director of EPA Region 5's Land and Chemicals Division. Procedure for a class 3 modification are specified in 40 CFR § 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, 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 10 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, 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(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

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(l)(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(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 (40 CFR § 270.30(l)(6)): (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)

The state permit allows you to store hazardous wastes in two container storage areas in the Main Warehouse building. The first storage area is on the west wall of the Main Warehouse and is where ignitable and listed wastes are stored. This area is divided into four separate bays, three small and one large, separated from each other 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 12 portable tote containers (550 gallons each) in the large bay and 24 drums (55 gallons each) in each of the smaller bays. The second storage area is on the south side of the Main Warehouse and is 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 50 feet from the facility's property line. This storage area is 687.5 square feet. It is divided into four bays of equal size, each separated from each other 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 32 drums (55 gallons each) in each bay.

The Part B Permit Application dated June 2012 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 m³ (26.4 gallons) and less than or equal to 0.46 m³ (121 gallons), and the containers with a design capacity greater than 0.46 m³ (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 A Level 1 container must satisfy one of the following requirements (40 CFR § 264.1086(c)(1)):

- (a) meet the applicable Department of Transportation (DOT) regulations as specified in 40 CFR § 264.1086(f),
- (b) be equipped with a cover and closure devices with an acceptable tightness and construction materials in accordance with 40 CFR § 264.1086(c)(1)(ii), or
- (c) be an open-top container with organic vapor suppressing barrier to prevent hazardous waste from being exposed to the atmosphere as specified in 40 CFR § 264.1086(c)(1)(iii).

Containers, which do not meet DOT regulation specified in 40 CFR § 264.1086(f), must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity, for as long as the container is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices shall include: Organic vapor permeability, the effects of any contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used. (40 CFR § 264.1086(c)(2))

II.A.2 All covers and closure devices must be in closed position whenever hazardous waste is in a container. Opening of a closure device or cover is allowed if it meets the purpose of and operates as defined in 40 CFR § 264.1086(c)(3)(i) through (v).

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). For the containers with capacity of 0.46 m³ or greater, which do not meet applicable DOT regulations, you must maintain at the facility a copy of the procedure used to determine those containers are not managing hazardous waste in light material service, as specified in 40 CFR § 264.1086(c)(5).

II.B LEVEL 2 CONTAINER REQUIREMENTS

You must manage the containers with a design capacity greater than 0.46 m³ (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).

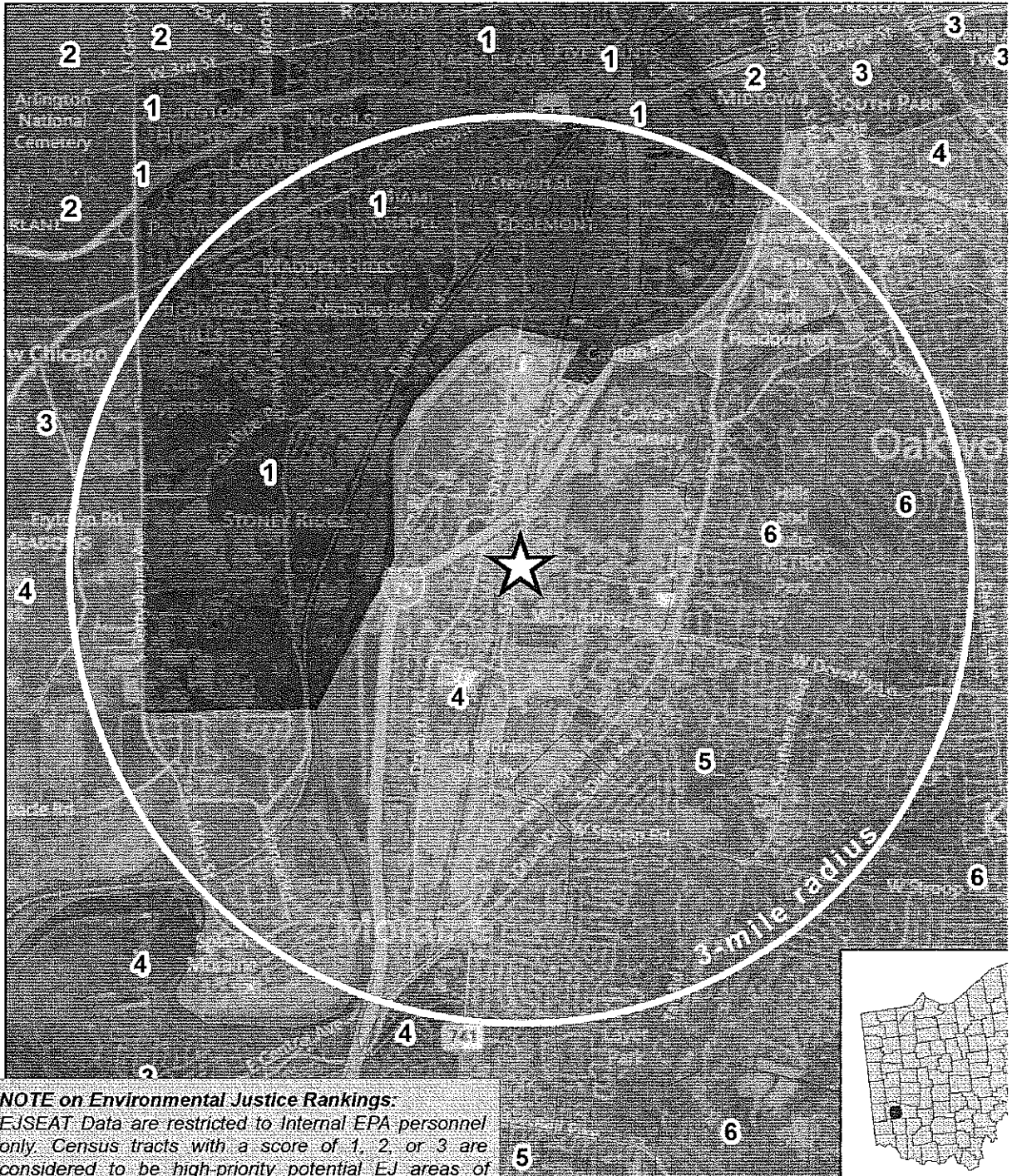
II.C RECORD KEEPING AND REPORTING REQUIREMENTS

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

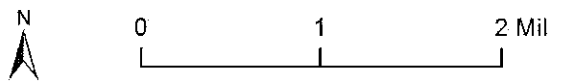
Ashland Distribution Company

2854 Springboro Pike, Dayton, OH 45439

RCRA ID #OHD074700311

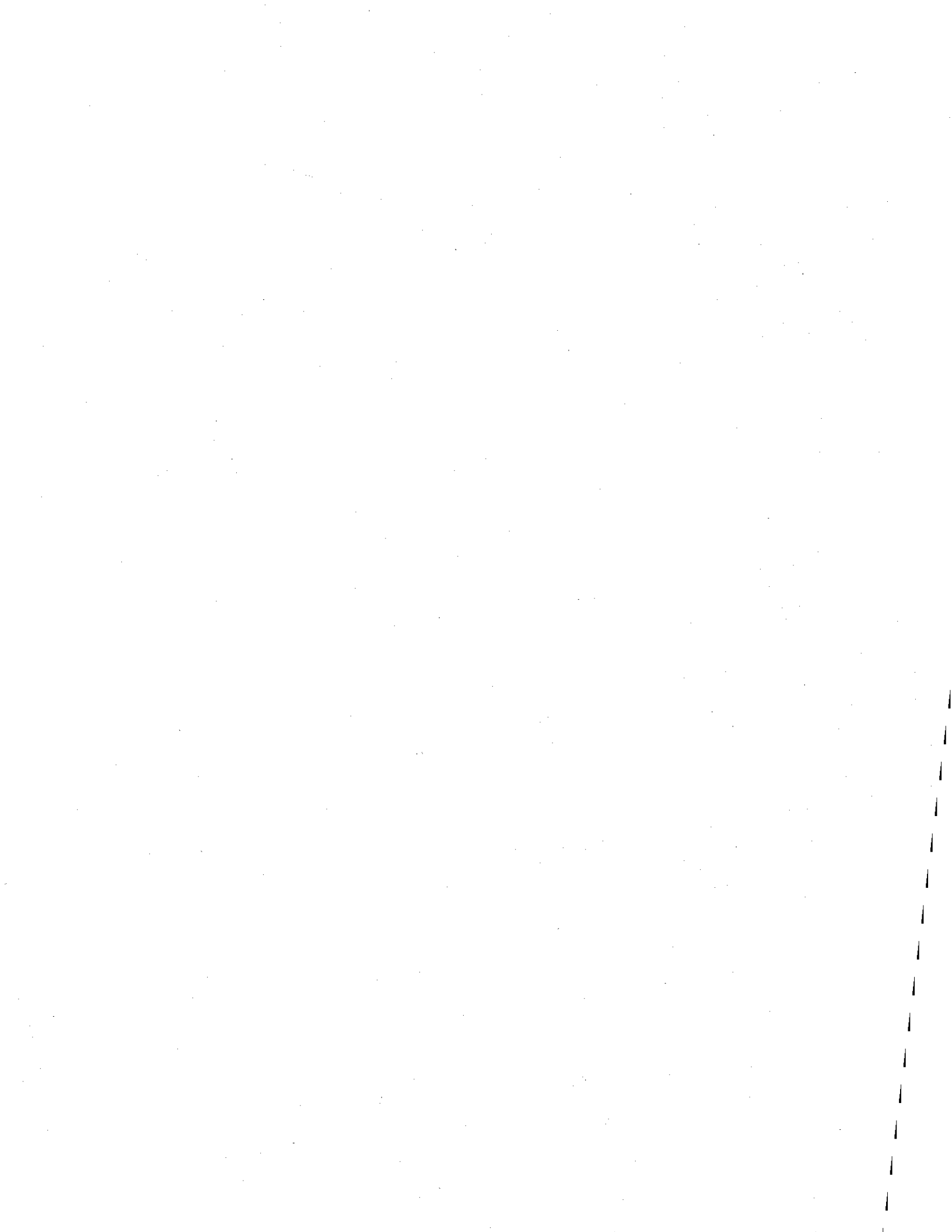


NOTE on Environmental Justice Rankings:
EJSEAT Data are restricted to Internal EPA personnel only. Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern according to US EPA Region 5. For more information on the 18 indicators used to calculate the EJ Rankings, see <http://www.epa-otis.gov/otis/ej>.



EJ Rank by Census Tract

U.S. EPA EJSEAT report



Administrative Record Index (Draft RCRA PERMIT)

Nexeo Solutions, LLC

Moraine, Ohio

OHD 074 700 311

<u>Title</u>	<u>Date</u>	<u>Prepared by</u>
1. State RCRA Permit	December 5, 2002	OEPA
4. EJ Analysis	January 2013	EPA
5. Part B Permit Renewal Application	June 6, 2012	Nexeo
6. Revised part B (Attachment D-4)	April 2013	Nexeo
7. Draft RCRA permit	June 2013	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 Tanks and Containers



Draft Hazardous Waste Permit Renewal Factsheet

Facility Name: Nexeo Solutions, LLC and Ashland, Inc

U.S. EPA I.D.: OHD 074 700 311

Location:

2854 Springboro West
Moraine, Ohio 45439

Facility Owner:

Nexeo Solutions, LLC
2854 Springboro West
Moraine, Ohio 45439

Facility Operators:

Nexeo Solutions, LLC
2854 Springboro West
Moraine, Ohio 45439

Ashland, Inc
EH&S Department
5200 Blazer Parkway, DS-4
Dublin, Ohio 43017

Activity:

Permit renewal for storage of ignitable, corrosive and toxic hazardous wastes in containers in the Main Warehouse Building and Corrective Action

Comment Period:

June 20, 2013 – August 5, 2013

Submit Comments to:

Ohio EPA
Brian Dearth
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2621
dmwmcomments@epa.state.oh.us

U.S. EPA, Region 5
Mr. Jae Lee
RCRA Branch (LR-8J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
1-800-621-8431 ext. 63781
Lee.Jae@epa.gov

What is the History of the Hazardous Waste Program?

The Resource Conservation and Recovery Act (RCRA), an amendment to the Solid Waste Disposal Act, was passed in 1976. The main reason for the amendment was to address the growing volume of municipal and industrial solid waste generated across the United States. A few goals established by RCRA include the protection of human health and the environment from potential hazards of waste disposal, to reduce the amount of waste generated and to ensure that waste produced is managed in an environmentally sound manner.

When RCRA was written, U.S. Congress' intent was for the states to assume primary responsibility for implementing the hazardous waste regulations with oversight from the United States Environmental Protection Agency (U.S. EPA). U.S. EPA must approve each state as an authorized state. To become authorized, each state must demonstrate that the state programs are at least equivalent to and consistent with federal laws, provide adequate enforcement authority and provide availability of information similar to the federal program. Since 1989, the State of Ohio has been authorized by U.S. EPA to implement the majority of the hazardous waste program.

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 storage units. U.S. EPA has drafted a RCRA permit to address organic air emissions from hazardous waste storage units. U.S. EPA's draft permit and the State of Ohio's draft permit have been issued concurrently and both share the same comment period.

Draft Hazardous Waste Permit Renewal Factsheet

How Can I Become More Involved?

A public meeting has been scheduled. The public meeting will be held on Tuesday July 23, 2013 at 6:00 PM at Gerhardt Civic Center Commons, 3050 Kreitzer Rd., Moraine, OH 45439 to receive public comments. Oral comments will be received during the public meeting. All persons, including the applicant, may submit written comments relating to this draft action. Written comments may be submitted before the end of the comment period to the address in the box on page 1.

The comment period begins on Thursday June 20, 2013, and ends on Monday August 5, 2013. A copy of the permit application and the draft permit are available for review by the public at the following locations:

Ohio EPA, Southwest District Office
401 East 5th Street
Dayton, Ohio 45402-2911
(937) 285-6357

Ohio EPA, Central Office
Division of Materials and Waste Management
Lazarus Government Center
50 West Town St., Suite 700
Columbus, Ohio 43215
(614) 644-2621

Copies of the draft permits are available for review by the public at the following locations:

The Ohio draft permit is available for review by the public online under the "Stakeholder Input" tab at:
<http://www.epa.ohio.gov/dmwm>

The federal draft permit is available for review by the public online at:
<http://www.epa.gov/region5/waste/permits/actions.htm>

Dayton Metro Library
Kettering-Moraine Branch
3496 Far Hills Avenue
Dayton, Ohio 45429
(937) 496-8938

Within sixty (60) days of the close of the public comment period, Ohio EPA will, without prior hearing, issue the permit (or deny the request) in accordance with Chapter 3734 of the Ohio Revised Code (ORC). If Ohio EPA approves the application, taking into account public comments, a renewal permit will be issued with terms and conditions as are necessary to ensure compliance with hazardous waste rules.

What Does the Facility Do?

Nexeo Solutions, LLC ("Nexeo") is located just south of the city limits of Dayton, in the city of Moraine, Montgomery County, Ohio. This facility is permitted to store containerized hazardous waste.

The Nexeo facility provides its customers with a service for the removal and proper disposition of their hazardous wastes. In order to provide this service, Nexeo has entered into contractual agreements with several commercial solid and hazardous waste management firms. Nexeo picks up and transports customers' containerized wastes to a pre-approved waste management site. To facilitate this process, customer wastes are analyzed (tested) and often temporarily stored at the Moraine facility until a truckload shipment is accumulated, then waste is shipped off to other permitted hazardous waste treatment, storage, and disposal facilities. No hazardous waste disposal occurs at the Nexeo facility. The maximum amount of hazardous waste that can be stored at the facility at any time is 17,600 gallons (10,560 gallons maximum at the west side of the main warehouse and 7,040 gallons maximum at the south side of the main warehouse). This is equivalent to 320 (55-gallon) drums.

Draft Hazardous Waste Permit Renewal Factsheet

What Would this Hazardous Waste Permit Allow the Facility to Do?

This permit would allow Nexeo to continue storage of ignitable, corrosive, and toxic characteristic and listed hazardous wastes in two container storage areas within the Main Warehouse building. This permit does not allow Nexeo to accept or store reactive (D003) and acutely toxic (P wastes).

This permit would also allow Ashland, Inc. to conduct corrective action at the facility and would also allow Ashland, Inc. to be the "Operator for Corrective Action" for site conditions pre-April 1, 2011.

What is the Regulatory Basis to Support this Permit Renewal?

The Director has determined that Nexeo Solutions, LLC and Ashland, Inc. have submitted an application for renewal one hundred eighty (180) days prior to the expiration date of its present permit which was issued by Ohio EPA on December 5, 2002. The Director has considered the application, inspection reports, a report regarding the facility's compliance with the present permit, and the rules adopted under ORC Section 3734. The Director has found that the Part B permit application meets the Director's performance standards and that the facility has a history of compliance with this chapter, rules adopted under it, the existing permit, and orders entered into, which demonstrates reliability, expertise, and competency to subsequently operate the facility under this chapter, the rules, and the permit.

Who Can I Contact for More Information?

For additional information, please contact Jeff Smith of Ohio EPA, Southwest District Office, DMWM at (937) 285-6070 or Jae Lee of the U.S. EPA Region 5 Office in Chicago, Illinois at (312) 886-3781.



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

JUN 18 2013

Reference Desk Librarian
Dayton Metro Library
Kettering-Moraine Branch,
3496 Far Hills Avenue
Dayton, Ohio 45429

REPLY TO THE ATTENTION OF:

Re: Draft Federal RCRA Permit, Nexeo Solutions, LLC
Moraine, Ohio, OHD 074 700 31

Dear Madam or Sir:

The U.S. Environmental Protection Agency intends to issue a draft Hazardous Waste Management permit to Nexeo Solutions, LLC, Moraine, Ohio.

In accordance with the public involvement procedures in Title 40 Code of Federal Regulations Part 124, the draft federal RCRA permit will be publicly noticed in the Dayton Daily News and radio station WHIO (am) on or about June 18, 2013. A copy of the draft federal RCRA permit is available for review at the Dayton Metro Library, Kettering-Moraine Branch, 3496 Far Hills Avenue, Dayton, Ohio 45429. The public comment period extends from June 20 to August 5, 2013. A public hearing has been scheduled for July 23, 2013, 6:00 p.m. at the Gerhardt Civic Center Commons, 3050 Kreitzer Rd., Moraine, OH 45439 (Montgomery County).

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

- Draft Permit
- Fact Sheet
- Public Notice

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

Sincerely,

Jae B. Lee, Permit Writer
RCRA Branch
Land and Chemicals Division



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

JUN 18 2013

REPLY TO THE ATTENTION OF:

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

Re: Draft Federal RCRA Permit, Nexeo Solutions, LLC
Moraine, Ohio, OHD 074 700 311

Dear Mr. Carroll:

Enclosed please find a copy of the draft 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,

A handwritten signature in cursive script, appearing to read "Mary S. Setnicar".

Mary S. Setnicar, Chief
RCRA/TSCA Programs Section
Land and Chemicals Division

Enclosure

