



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAY 29 2019

REPLY TO THE ATTENTION OF:

Mr. Hoy E. Frakes, Jr.
President
AMG Vanadium LLC
60790 Southgate Road
Cambridge, Ohio 44146

Re: Draft Federal RCRA Permit, AMG Vanadium LLC
Cambridge, Ohio, OHD 042 319 244

Dear Mr. Frakes:

Enclosed is a copy of the draft EPA portion of the Resource Conservation and Recovery Act (RCRA) permit for AMG Vanadium LLC, Cambridge, Ohio.

The draft Federal RCRA permit will be publicly noticed in the Daily Jeffersonian newspaper, and WCMJ 96.7 radio station on or about May 29, 2019. A copy of the draft Federal RCRA permit is available for review at the Guernsey County Public Library, Crossroads Branch, 63500 Byesville Road, Cambridge, OH 43725. The public comment period extends from June 5, 2019 to July 26, 2019.

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:

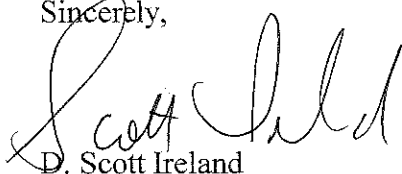
U.S. Environmental Protection Agency, Region 5
Land and Chemicals Branch (LL-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604

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 (C.F.R.) § 124.15. The procedures of permit appeals are found in 40 C.F.R. § 124.19.

If you have any questions, please feel free to contact me at (312) 886-8121, or your staff may contact Jae Lee at (312) 886-3781.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Scott Ireland".

D. Scott Ireland
Chief, Land and Chemicals Branch
Land, Chemicals and Redevelopment Division

Enclosures

cc: Bradley Mitchell, OEPA

DRAFT
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT

Facility Name and Location: AMG Vanadium LLC
60790 Southgate Road
Cambridge, Ohio 43725

Owner: AMG Vanadium LLC
60790 Southgate Road
Cambridge, Ohio 43725

Operator: AMG Vanadium LLC
60790 Southgate Road
Cambridge, Ohio 43725

U.S. EPA Identification Number: OHD 042 319 244

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

Expiration Date: 10 Years from the Effective Date

Authorized Activities:

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

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

Specifically, this permit addresses air emission standards for containers. See 40 C.F.R. Part 264, Subpart CC.

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

The State previously issued a RCRA permit on May 2, 2008. (The effective date and expiration date of that earlier State RCRA permit was May 2, 2008 and May 2, 2018, respectively.)

Permit Approval:

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

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

This permit is based on the assumptions that the information submitted in your RCRA Part A and B Permit Renewal Application dated November 1, 2017 and all other revisions and addendums to that application (hereinafter referred to as the "Application") is accurate and the facility is configured, operated and maintained as specified in the Application and other relevant documents.

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

Opportunity to Appeal:

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

Effective Date:

This permit is effective as of **(30 Days from Issuance Date of the Final Permit)** and will remain in effect until **(10 Years from the Effective Date)**, unless revoked and reissued under 40 C.F.R. § 270.41, terminated under 40 C.F.R. § 270.43, or continued in accordance with 40 C.F.R. § 270.51(a).

By:

Date: _____

Tinka G. Hyde
Division Director
Land, Chemicals and Redevelopment Division
U.S. Environmental Protection Agency

OHD 042 319 244
AMG Vanadium LLC, Cambridge, Ohio

TABLE OF CONTENTS

SECTION I--STANDARD PERMIT CONDITIONS	1
I.A EFFECT OF PERMIT	1
I.B PERMIT ACTIONS	1
I.B.1 Permit Review, Modification, Revocation and Reissuance, and Termination	1
I.B.2 Permit Renewal	2
I.C SEVERABILITY	2
I.D DEFINITIONS	2
I.E DUTIES AND REQUIREMENTS	3
I.E.1 Duty to Comply	3
I.E.2 Duty to Reapply	3
I.E.3 Permit Expiration	3
I.E.4 Need to Halt or Reduce Activity Not a Defense	3
I.E.5 Duty to Mitigate	3
I.E.6 Proper Operation and Maintenance	4
I.E.7 Duty to Provide Information	4
I.E.8 Inspection and Entry	4
I.E.9 Monitoring and Records	5
I.E.10 Reporting Planned Changes	5
I.E.11 Reporting Anticipated Noncompliance	5
I.E.12 Certification of Construction	6
I.E.13 Transfer of Permits	6
I.E.14 Twenty-Four Hour Reporting	6
I.E.15 Other Noncompliance	8
I.E.16 Other Information	8
I.F SIGNATORY REQUIREMENT	9
I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR	9
I.H CONFIDENTIAL INFORMATION	9
I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY	9
I.I.1 Operating Record	10
I.I.2 Notifications	10
I.I.3 Copy of Permit	10
I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE	10
I.K COORDINATION WITH THE CLEAN AIR ACT	11

SECTION II-- AIR EMISSION STANDARDS FOR CONTAINERS	11
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SECTION I—STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

This permit contains the federal RCRA permit conditions. You also have a state RCRA permit. You are hereby allowed to manage hazardous waste at AMG Vanadium LLC (“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, treatment, and disposal of RCRA hazardous wastes are subject to the conditions in the state-issued portion of the RCRA permit. Any hazardous waste activity which requires a RCRA permit and is not included either in this permit or the state RCRA permit, is prohibited.

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

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

I.B PERMIT ACTIONS

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

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

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

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

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

I.B.2 Permit Renewal

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

I.C SEVERABILITY

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

I.D DEFINITIONS

The terms used in this permit will have the same meaning as in 40 C.F.R. Parts 124, 260 through 266, 268 and 270, unless this permit specifically provides otherwise. Where neither the regulations nor the permit 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

I.E.1 Duty to Comply

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

I.E.2 Duty to Reapply

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

I.E.3 Permit Expiration

Unless revoked or terminated, this permit and all conditions herein will be effective 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 C.F.R. § 270.10 and §§ 270.13 through 270.29), and, through no fault of your own, the Director has not made a final determination regarding permit reissuance. (40 C.F.R. §§ 270.50 and 270.51).

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

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

I.E.5 Duty to Mitigate

In the event of noncompliance with this permit, you must take all reasonable steps to minimize releases to the environment resulting from the noncompliance and must implement all reasonable measures to prevent significant adverse impacts on human

health or the environment. (40 C.F.R. § 270.30(d)).

I.E.6 Proper Operation and Maintenance

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

I.E.7 Duty to Provide Information

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

I.E.8 Inspection and Entry

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

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

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

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

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

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

I.E.9 Monitoring and Records

I.E.9.a Samples and measurements 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 C.F.R. Part 261, or the methods specified in the Waste Characteristics which is Section C of the 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 C.F.R. § 270.30(j)(1)).

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

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

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

I.E.10 Reporting Planned Changes

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

I.E.11 Reporting Anticipated Noncompliance

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

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

I.E.12 Certification of Construction

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

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

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

I.E.13 Transfer of Permits

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

I.E.14 Twenty-Four Hour Reporting

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

I.E.14.b The report must include the following: (1) Information concerning release of any hazardous waste that may cause an endangerment to public drinking

water supplies; (2) Any Information of a release or discharge of hazardous waste; or (3) Any 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.

(40 C.F.R. § 270.30(l)(6)).

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

- (1) Name, address and telephone number of the person reporting;
- (2) Incident description (noncompliance and/or release or discharge of hazardous waste), including cause, location, extent of injuries, if any, and an assessment of actual or potential hazards to the

environment and human health outside the facility, where applicable;

- (3) Period(s) in which the incident (noncompliance and/or release or discharge of hazardous waste) occurred, including exact dates and times;
- (4) Whether the incident's results continue to threaten human health and the environment, which will depend on whether the noncompliance has been corrected and/or the release or discharge of hazardous waste has been adequately cleaned up; and
- (5) If the noncompliance has not been corrected, the anticipated period for which it is expected to continue and the steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance.

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

I.E.15 Other Noncompliance

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

I.E.16 Other Information

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

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

I.F SIGNATORY REQUIREMENT

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

I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR

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

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

I.H CONFIDENTIAL INFORMATION

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

amendments, revisions, and modifications to them.

I.I.1 Operating Record

You must maintain in the facility's operating record the documents required by this permit, and by the applicable portions of 40 C.F.R. §§ 264.1035, 264.1064, 264.1084, 264.1088, 264.1089 and 40 C.F.R. § 264.73.

I.I.2 Notifications

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

I.I.3 Copy of Permit

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

I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE

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

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

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

dates for submittals required in this permit.

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

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

I.K COORDINATION WITH THE CLEAN AIR ACT

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

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

SECTION II –AIR EMISSION STANDARDS FOR CONTAINERS

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

You must inform the EPA Region 5 RCRA program, in writing, about any changes to the statement in the Application or any change in any permitting exemption status no later than 30 days prior to any such changes. In the event that any activity or unit does not meet the conditions and/or requirements for an exemption from permitting, it shall be immediately subject to and you must comply with all requirements that apply to facilities that must obtain a RCRA permit, including but not limited to the applicable requirements of 40 C.F.R. Part 264, Subpart CC. In this event, you must also submit to EPA and the State RCRA program a modification request of the appropriate class providing for revision of the State and federal RCRA Permit to apply the applicable 40 C.F.R. Part 264, requirements.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 29 2019

REPLY TO THE ATTENTION OF:

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

Re: Draft Federal RCRA Permit, AMG Vanadium LLC
Cambridge, Ohio, OHD 042 319 244

Dear Mr. Mitchell:

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 black ink, appearing to read "Susan Mooney".

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

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 29 2019

REPLY TO THE ATTENTION OF:

Reference Desk Librarian
Guernsey County Public Library
Crossroads Branch
63500 Byesville Road
Cambridge, OH 43725

Re: Draft Federal RCRA Permit, AMG Vanadium LLC
Cambridge, Ohio, OHD 042 319 244

Dear Madam or Sir:

The U.S. Environmental Protection Agency intends to issue a final Hazardous Waste Management permit to AMG Vanadium LLC, Cambridge, Ohio. In accordance with the public involvement procedures in Title 40 Code of Federal Regulations Part 124, a permit for the AMG will be publicly noticed in the Daily Jeffersonian newspaper and WCMJ 96.7 radio station on or about May 29, 2019. A copy of the draft Federal RCRA permit is available for review at the Guernsey County Public Library, Crossroads Branch, 63500 Byesville Road, Cambridge, Ohio 43725. The public comment period extends from June 5, 2019 to July 26, 2019.

Please make available for public examination this letter and the enclosed documents for at least seventy-five (75) days under "Reference Materials – AMG Vanadium LLC."

The following items are enclosed.

- Draft Permit
- Fact Sheet
- Public Notice

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Jae B. Lee".

Jae B. Lee
Permit Writer
RCRA C and D Section
Land and Chemicals Branch

Administrative Record Index (Draft RCRA PERMIT)

AMG Vanadium LLC

OHD 042 319 244

<u>Title</u>	<u>Date</u>	<u>Prepared by</u>
1. Variance from Classification as a Waste	November 18, 2008	OEPA
2. Part B Permit Renewal Application	November 2017	AMG
3. Subparts AA, BB, and CC Information	November 2017	AMG
4. EJ Data	October 2017	EPA
5. Email Correspondences	June-August 2018	EPA/AMG
6. Fact Sheet	May 2019	EPA/OEPA
7. Draft RCRA State Permit	May 2019	OEPA
8. Draft RCRA Federal Permit	May 2019	EPA

**** June-July 2018 Email Correspondences:**

- a. June 20, 2018, from AMG to EPA, Subject: AMG Federal Permit Questions
- b. July 11, 2018, from AMG to EPA, Subject: AMG Federal Permit Questions
- c. August 22, 2018, from AMG to EPA, Subject: AMG Federal Permit Questions
- d. August 23, 2018, from AMG to EPA, Subject: AMG Federal Permit Questions

AMG: AMG Vanadium LLC

EJ: Environmental Justice

Subpart AA: Air Emission Standards for Process Vents (40 C.F.R. Part 264, Subpart AA)

Subpart BB: Air Emission Standards for Equipment (40 C.F.R. Part 264, Subpart BB)

Subpart CC: Air Emission Standards for Containers (40 C.F.R. Part 264, Subpart CC)

EPA: United States Environmental Protection Agency

OEPA: Ohio Environmental Protection Agency

RCRA: Resource Conservation and Recovery Act



Draft Hazardous Waste Permit Renewal and Comment Period May 2019

Facility Name: AMG Vanadium, LLC

U.S. EPA I.D.: OHD 042 319 244

Location:

60790 Southgate Rd
Cambridge, Ohio 43725

Facility Owner:

AMG Vanadium, LLC
60790 Southgate Rd
Cambridge, Ohio 43725

Facility Operator:

AMG Vanadium, LLC
60790 Southgate Rd
Cambridge, Ohio 43725

Activity:

Permit renewal for storage of hazardous waste.

Comment Period:

June 5, 2019 – July 26, 2019

Submit Comments to:

Ohio EPA
Chloé Mercier
Division of Environmental Response and Revitalization
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2924
PUBCOMMENT@epa.ohio.gov

U.S. EPA, Region 5
Mr. Jae Lee
Land and Chemicals Branch, LL-17J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
(312) 886-3781
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: to protect human health and the environment from potential hazards of waste disposal, to reduce the amount of waste generated, and to ensure that waste produced are 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 an authorized state, each must demonstrate that the state program is at least equivalent to and consistent with federal laws, provides adequate enforcement authority and provides availability of information similar to the federal program. Since 1989, the State of Ohio has been an authorized state by U.S. EPA for the majority of their 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 AA, BB, and CC) from hazardous waste units. U.S. EPA has drafted a RCRA permit to address organic air emissions from hazardous waste. 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

How can I become more involved?

All persons, including the applicant, may submit written comments relating to this draft action. Written comments or requests for a public meeting may be submitted before the end of the comment period to the address in the box on the front of the page. Ohio EPA and U.S. EPA will hold a public meeting if enough people request such a gathering. The agencies may modify the proposed permit or take other action based on new information or public comments, so your opinion is important.

The comment period begins on June 5, 2019, and ends on July 26, 2019. Copies of the permit application and the draft permit are available for review by the public at the following locations:

Ohio EPA, Southeast District Office
2195 Front Street
Logan, OH 43138
(740) 385-8501

Ohio EPA, Central Office
Division of Environmental Response and Revitalization
Lazarus Government Center
50 West Town St., Suite 700
Columbus, Ohio 43215
(614) 644-2924

U.S. EPA, Region 5
Land and Chemicals Branch, LL-17J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
(312) 886-3781

Copies of the Ohio draft permit and the federal draft permit are available for review by the public at:

Guernsey County Public Library
Crossroads Branch
63500 Byesville Road
Cambridge, OH 43725

The Ohio draft permit is available for review by the public online under the "What's New" tab at:

<http://www.epa.ohio.gov/derr/EnvironmentalResponseandRevitalization>

The entire record for this draft action is available via Ohio EPA's eDocument portal:

<http://edocpub.epa.ohio.gov/publicportal/edoc/home.aspx>

Using the search function, search under the document type of "Permit" and then refine the search using the package number, which is "603".

The federal draft permit is available for review by the public online at:

<https://www.epa.gov/oh/draft-rcra-permit-amg-vanadium-llc>

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.

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

Draft Hazardous Waste Permit Renewal

What does the facility do?

AMG Vanadium LLC (AMG) is a catalyst reclaimer and produces metal products. AMG currently holds a valid permit that authorizes storage of hazardous waste in a containment building. Additionally, AMG operates under a variance which exempts the catalyst received by AMG from classification as a hazardous waste at the facility.

Who can I contact for more information?

For additional information, please contact Emily Deshaies at 740-380-5253 or Jae Lee of the U.S. EPA Regional Office in Chicago, Illinois at (800) 621-8431 ext. 63781.

What would this hazardous waste permit allow the facility to do?

This permit allows AMG to store hazardous waste within containment buildings called Raw Material Storage Buildings. The total area of the storage buildings combined is 37,693 cubic yards and the total annual quantity of waste that can be accepted is 45,000 tons.

What is the regulatory basis to support this permit renewal?

The Director has determined that AMG has 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 May 2, 2008. 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.



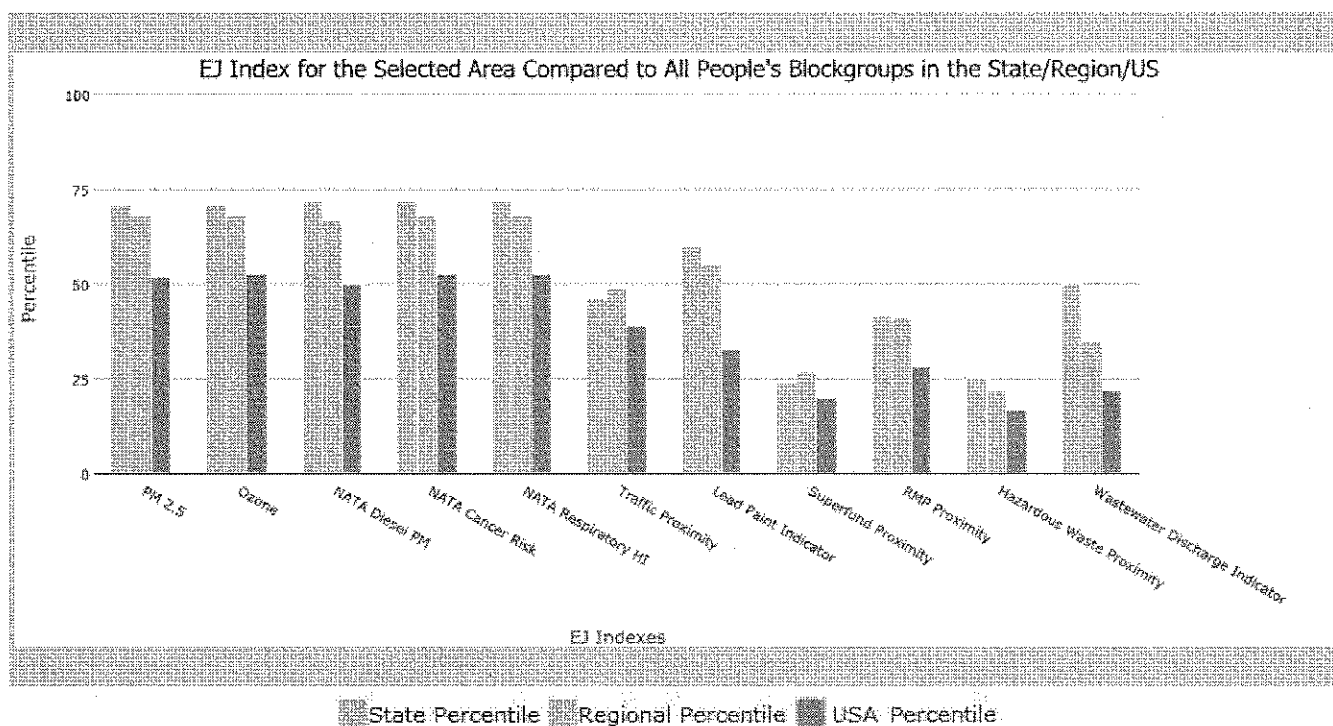
1 mile Ring Centered at 39.983825,-81.573214, OHIO, EPA Region 5

Approximate Population: 353

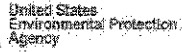
Input Area (sq. miles): 3.14

AMG

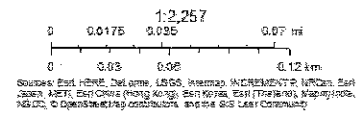
Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	71	68	52
EJ Index for Ozone	71	68	53
EJ Index for NATA* Diesel PM	72	67	50
EJ Index for NATA* Air Toxics Cancer Risk	72	68	53
EJ Index for NATA* Respiratory Hazard Index	72	68	53
EJ Index for Traffic Proximity and Volume	46	49	39
EJ Index for Lead Paint Indicator	60	55	33
EJ Index for Superfund Proximity	24	27	20
EJ Index for RMP Proximity	42	41	28
EJ Index for Hazardous Waste Proximity	25	22	17
EJ Index for Wastewater Discharge Indicator	50	35	22



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



AMG



2/3

EJSCREEN Report (Version 2017)



1 mile Ring Centered at 39.983825, -81.573214, OHIO, EPA Region 5

Approximate Population: 353

Input Area (sq. miles): 3.14

AMG

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	10.2	10.7	16	10.1	47	9.14	76
Ozone (ppb)	39.9	37.6	98	37.6	89	38.4	74
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.591	0.997	26	0.932	<50th	0.938	<50th
NATA* Cancer Risk (lifetime risk per million)	34	37	40	34	50-60th	40	<50th
NATA* Respiratory Hazard Index	1.3	1.8	28	1.7	<50th	1.8	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	62	170	56	370	47	590	43
Lead Paint Indicator (% Pre-1960 Housing)	0.43	0.42	58	0.39	60	0.29	71
Superfund Proximity (site count/km distance)	0.41	0.095	96	0.13	94	0.13	93
RMP Proximity (facility count/km distance)	1.1	0.7	79	0.81	76	0.73	80
Hazardous Waste Proximity (facility count/km distance)	0.39	0.097	96	0.091	96	0.093	96
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.0012	17	46	4.2	58	30	69
Demographic Indicators							
Demographic Index	32%	27%	71	29%	68	36%	52
Minority Population	2%	20%	16	25%	11	38%	5
Low Income Population	61%	34%	86	33%	88	34%	86
Linguistically Isolated Population	0%	1%	67	2%	58	5%	44
Population With Less Than High School Education	21%	11%	86	11%	86	13%	77
Population Under 5 years of age	6%	6%	56	6%	54	6%	52
Population over 64 years of age	13%	15%	43	14%	48	14%	52

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

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

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

