



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**SEP-30 2019**

REPLY TO THE ATTENTION OF

Mr. John Staton  
Chief Executive Officer  
300 Cherokee Drive  
Dayton, Ohio 45427

Re: Draft Federal RCRA Permit, Clean Water Environmental, LLC  
Dayton, Ohio, OHD 004 274 031

Dear Mr. Staton:

Enclosed is the draft Federal Resource Conservation and Recovery Act (RCRA) permit for the Clean Water Environmental, LLC, Dayton, Ohio.

The draft Federal RCRA permit will be publicly noticed in "Dayton Daily News" and the "Mix 107.7 WMMX-FM" radio station on or about September 30, 2019. A copy of the draft Federal RCRA permit is available for review at the Madden Hills Public Library, 2542 Germantown Street, Dayton, Ohio 45417. The public comment period extends from October 1, 2019 to November 15, 2019.

During the public comment period, you or any interested party may submit comments to the United States Environmental Protection Agency (EPA) on the draft Federal RCRA permit set forth above. At the close of the comment period, the U.S. 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, Region 5 will issue a final permit decision in accordance with the requirements of 40 Code of Federal Regulation (C.F.R.) § 124.15.

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 black ink, appearing to read "Scott Ireland", written over the printed name.

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:** Clean Water Environmental, LLC  
300 Cherokee Drive  
Dayton, Ohio 45417

**Owner:** Clean Water Environmental, LLC  
300 Cherokee Drive  
Dayton, Ohio 45417

**Operator:** Clean Water Environmental, LLC.  
300 Cherokee Drive  
Dayton, Ohio 45417

**U.S. EPA Identification Number:** OHD 004 274 031

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

**Expiration Date:** 10 Years from the Effective Date

**Authorized Activities:**

The United States Environmental Protection Agency (EPA) hereby issues a Resource Conservation and Recovery Act permit (hereinafter referred to as the "permit") to Clean Water Environmental, LLC (hereinafter referred to as the "Permittee" or addressed in the second person as "you") in connection with your hazardous waste management operations at your facility in Dayton, 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, including monitoring and recordkeeping requirements, for equipment leaks, containers and miscellaneous unit. See 40 C.F.R. Part 264, Subparts BB and 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 August 14, 2008. (The effective and expiration dates of that earlier State RCRA permit were August 14, 2008 and August 14, 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 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 emission standards for equipment leaks, containers and miscellaneous unit (40 C.F.R. Part 264 Subparts BB and CC), EPA Region 5 is issuing the RCRA permit requirements for operations at your facility which fall under these regulations.

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

This permit is based on the assumptions that the information submitted in your RCRA Part A and Part B Permit Applications on February 16, 2018, and all other addendum and 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 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 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 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: \_\_\_\_\_

Edward Nam

Director

Land, Chemicals and Redevelopment Division

**OHD 004 274 031**  
**Clean Water Environmental, LLC**

**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 SUBMISSIONS TO THE DIRECTOR.....	9
I.H    CONFIDENTIAL INFORMATION .....	9
I.I    DOCUMENTS TO BE MAINTAINED AT THE FACILITY .....	10
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 EMISSIONS STANDARDS FOR EQUIPMENT LEAKS	
(40 C.F.R. PART 264 SUBPART BB) .....	11
II.A    EQUIPMENT LEAKS .....	11
II.A.1    Applicable Equipment .....	11
II.A.2    Pumps in Light Liquid Service (40 C.F.R. § 264.1052) .....	11
II.A.3    Delay of Repair (40 C.F.R. § 264.1059) .....	12
II.B    TEST METHOD AND PROCEDURES (40 C.F.R. § 264.1063) .....	13
II.C    RECORDKEEPING AND REPORTING REQUIREMENTS	
(40 C.F.R. §§ 264.1064 and 264.1065) .....	13
SECTION III-- AIR EMISSIONS STANDARDS FOR CONTAINERS AND	
MISCELLANEOUS UNIT (40 C.F.R. PART 264 SUBPART CC) .....	13
III.A    CONTAINER LEVEL 1 STANDARDS .....	14
III.B    CONTAINER LEVEL 2 STANDARDS .....	16
III.C    MISCELLANEOUS UNIT REQUIREMENTS .....	17
III.D    RECORDKEEPING AND REPORTING REQUIREMENTS .....	19



## 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 the Clean Water Environmental, LLC (“facility”) in accordance with this permit and the effective state RCRA permit. The storage and treatment of RCRA hazardous waste must comply with all terms and conditions in this permit. Other aspects of the storage and treatment of RCRA hazardous wastes are subject to the conditions in the state-issued portion of the RCRA permit. Any hazardous waste activity which requires a RCRA permit and is not included either in this permit or the state RCRA permit, is prohibited.

Subject to 40 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) are 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. Invalidity 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 10 years from the effective date of the final permit. 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 a 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 is 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 calendar days of the date of submission of the Certification of Construction letter referenced in Section I.E.12 of this permit, 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 the name of the Permittee 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, which 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 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 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, LL-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 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 C.F.R. §§ 264.13, 264.73, 264.1064, 264.1084, 264.1088, and 264.1089.

### **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 the facility 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 at the facility process vents as defined in 40 C.F.R. § 264.1031.

## **SECTION II -- AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS (40 C.F.R. PART 264 SUBPART BB)**

### **II.A EQUIPMENT LEAKS**

#### **II.A.1 Applicable Equipment**

You must comply with all applicable requirements of 40 C.F.R. Part 264, Subpart BB, at 40 C.F.R. § 264.1050 through 40 C.F.R. § 264.1065, regarding air emission standards for equipment leaks. These requirements apply to equipment that contains or contacts hazardous waste with organic concentrations of at least 10 percent by weight. The equipment that is subject to Subpart BB requirements at this facility is considered as "In light liquid service" as defined in 40 C.F.R. § 264.1031, and consists of pumps.

#### **II.A.2 Pumps in Light Liquid Service (40 C.F.R. § 264.1052)**

**II.A.2.a** Each pump in light liquid service must be monitored monthly to detect leaks by the methods specified in 40 C.F.R. § 264.1063(b), except: when each

pump is (1) equipped with dual mechanical seal system satisfying the requirements of 40 C.F.R. 264.1052(d), (2) designated, as described in 40 C.F.R. § 264.1064(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 parts per million (ppm) above background, and meeting the requirements of 40 C.F.R. § 264.1052(e), or (3) equipped with a closed vent system complying with the requirements of 40 C.F.R. § 264.1052(f).

**II.A.2.b** Each pump must be checked by visual inspection each calendar week for seal leaks.

**II.A.2.c** A leak is detected if: (1) an instrument reading of 10,000 ppm or greater is measured, or (2) there is an indication of liquid dripping from the pump seal.

**II.A.2.d** When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in 40 C.F.R. § 264.1059 - Standards: Delay of repair. The first attempt at repair must be made no later than 5 calendar days after each leak is detected.

### **II.A.3 Delay of Repair (40 C.F.R. § 264.1059)**

**II.A.3.a** Delay of repair of equipment for which leaks have been detected will be allowed if: (1) the repair is technically infeasible without a hazardous waste management unit shutdown (in such cases, repair of this equipment must occur before the end of the next hazardous waste management unit shutdown); or (2) the equipment is isolated from the hazardous waste management unit and does not continue to contain or contact hazardous waste with organic concentrations at least 10 percent by weight.

**II.A.3.b** Delay of repair for valves will be allowed if: (1) emissions of purged material resulting from immediate repair are greater than the emissions likely to result from delay of repair; and (2) when repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with 40 C.F.R. § 264.1060.

**II.A.3.c** Delay of repair for pumps will be allowed if: (1) repair requires the use of a dual mechanical seal system that includes a barrier fluid system; and (2) repair is completed as soon as practicable, but not later than six months after the leak was detected.

**II.A.3.d** Delay of repair beyond a hazardous waste management unit shutdown will be allowed for a valve only if the provisions of 40 C.F.R. § 264.1059(e) are met.

**II.B TEST METHODS AND PROCEDURES (40 C.F.R. § 264.1063)**

You must comply with the test methods and procedures of 40 C.F.R. § 264.1063.

**II.C RECORDKEEPING AND REPORTING REQUIREMENTS  
(40 C.F.R. §§ 264.1064 and 264.1065)**

You must comply with the recordkeeping and reporting requirements of 40 C.F.R. §§ 264.1064 and 264.1065.

**SECTION III – AIR EMISSION STANDARDS FOR CONTAINERS  
AND MISCELLANEOUS UNIT (40 C.F.R. PART 264 SUBPART CC)**

Hazardous waste is stored in containers in the permitted containers storage area located in Building E. The maximum capacity of this container storage area is 13,750 gallons. In this container storage area, containers between 0.1 cubic meter ( $\text{m}^3$ ) (26 gallons) and 0.46  $\text{m}^3$  (119 gallons) are staged. These containers include 55-gallon drums. This container storage area also stages container greater than 0.46  $\text{m}^3$ , which includes 250-gallon totes.

You must comply with all applicable requirements of 40 C.F.R. Part 264, Subpart CC, at 40 C.F.R. § 264.1080 through 40 C.F.R. § 264.1090, regarding air emission standards for containers handling hazardous waste. All containers not exempt from 40 C.F.R. Part 264 Subpart CC must be managed using the applicable standards at 40 C.F.R. § 264.1086. The containers permitted in the state permit with design capacity is between 0.1  $\text{m}^3$  and 0.46  $\text{m}^3$  and with a design capacity greater than 0.46  $\text{m}^3$  (121 gallons) that are not in light material service are Level 1 containers and must comply with the standards at 40 C.F.R. § 264.1084(c). The containers permitted in the state permit with design capacity greater than 0.46  $\text{m}^3$  that are in light material service are Level 2 containers and must comply with the standards at 40 C.F.R. § 264.1084(d).

This permit does not address, cover or authorize storage and treatment in tanks because the Part B Application states that all of the tanks located at the site are exempt under 40 C.F.R. § 264.1(g)(6) as part of the wastewater treatment unit of the facility. Wastewater treatment units are subject to regulation under Section 307(b) or 402 of the Clean Water Act, and 40 C.F.R. Part 264 does not apply to units that meet the provisions of 40 C.F.R. § 264.1(g)(6).

The Part B Application also indicates some of the hazardous waste stored in containers at the facility will be managed in a less-than 90-day area as a large quantity generator and will not be in permitted units and that the inventory of the less-than-90-day container area is generally kept to less than 120 55-gallon drums or equivalent.

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 tanks and containers at 40 C.F.R. Part 265 subpart CC) and 40 C.F.R. § 264.1(g)(6) 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.

In the Part B Permit Application, you also indicated that your facility is operating the Airbag Inflator Destruction Line, which includes the shredding unit. The shredding unit is treating the airbag inflators which is classified as characteristically hazardous waste due to ignitability and/or reactivity. The air-bag shredder is permitted by the State as a miscellaneous unit defined in 40 C.F.R. Part 264, Subpart X. The miscellaneous units are subject to and must comply with the requirements set forth in 40 C.F.R. Part 264, Subpart CC. (40 C.F.R. § 264.601).

You must not conduct waste stabilization process, as defined in 40 C.F.R. § 265.1081, in containers and miscellaneous unit which contain hazardous waste.

You must inform the EPA Region 5 RCRA program, in writing, about any changes to the statements 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 subject to and you must comply with all requirements that apply to facilities that must obtain a RCRA permit; and you must 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.

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

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

**III.A.1** A Level 1 container must satisfy one of the following requirements (40 C.F.R. § 264.1086(c)(1)):

- (a) meet the applicable Department of Transportation (DOT) regulations as specified



in 40 C.F.R. § 264.1086(f),

- (b) be equipped with a cover and closure devices as specified in 40 C.F.R. § 264.1086(c)(1)(ii), or
- (c) be an open-top container with an organic vapor suppressing barrier as specified in 40 C.F.R. § 264.1086(c)(1)(iii).

Containers, which do not meet DOT regulation specified in 40 C.F.R. § 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 must 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 C.F.R. § 264.1086(c)(2)).

**III.A.2** Whenever hazardous waste is in a container, you must install all covers and closure devices and secure and maintain each closure device in the closed position as specified in 40 C.F.R. § 264.1086(c)(3). Opening of a closure device or cover is allowed if it meets the purposes and respective requirements specified in 40 C.F.R. § 264.1086(c)(3)(i) through (v). You must also comply with the following requirements:

- (a) At the scrapping area to render the container as RCRA-empty container, you must install a vapor and gas monitoring device (such as a photoionization detector (PID), a flame ionization detector (FID), or other similar unit) to continuously monitor volatile organic compounds in the air emitted from the manual scrapping activities on containers. You must set the alarm on the monitoring device to the appropriate level to protect the worker safety and to minimize the release of such organic compounds to the atmosphere. You must record the volatile organic emissions from the scrapping process.
- (b) You must prepare and equip the necessary Personal Protection Equipment (PPE), including Self-Contained Breathing Apparatus (SCBA), for the workers who conduct manual scrapping activities to render a container as RCRA-empty container, in compliance with the appropriate Occupational Safety and Health Administration (OSHA) regulations.

**III.A.3** You must inspect all containers and their covers and closure devices in accordance with 40 C.F.R. § 264.1086(c)(4)(i) and (ii) and repair defects in accordance with 40 C.F.R. § 264.1086(c)(4)(iii).

**III.A.4** As specified in 40 C.F.R. § 264.1086(c)(5), you must maintain at the facility a copy of the procedure used to determine that containers with a capacity of 0.46 m<sup>3</sup> or greater which do not meet applicable DOT regulations are not managing hazardous waste in light material service.

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

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

**III.B.1** You must receive and handle a container complying with one of the following requirements as specified in 40 C.F.R. § 264.1086(d)(1):

**III.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 C.F.R. § 264.1086(f);

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

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

**III.B.2** You must 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 C.F.R. § 264.1086(d)(2).

**III.B.2.a** When transferring hazardous waste into or out of a container, you must conduct such transferring activity by opening only the bung portion of the container. You must not open the entire top portion of a container to transfer hazardous waste into or out of a container at any time. During the transferring process, you must install a vapor and gas monitoring device (such as a photoionization detector (PID), a flame ionization detector (FID), or other similar unit) to continuously monitor volatile organic compounds in the air

emitted from the transferring process from the container. You must set the alarm on the monitoring device to the appropriate level to protect the worker safety and to minimize the release of such organic compounds to the atmosphere. You must record the volatile organic emissions from the scrapping process.

**III.B.2.b** At the scrapping area to render the container as RCRA-empty container, you must install a vapor and gas monitoring device (such as a photoionization detector (PID), a flame ionization detector (FID), or other similar unit) to continuously monitor volatile organic compounds in the air emitted from the manual scrapping activities on containers. You must set the alarm on the monitoring device to the appropriate level to protect the worker safety and to minimize the release of such organic compounds to the atmosphere. You must record the volatile organic emissions from the scrapping process.

**III.B.2.c** You must prepare and equip the necessary Personal Protection Equipment (PPE), including Self-Contained Breathing Apparatus (SCBA), for the workers who conduct manual scrapping activities to render a container as RCRA-empty container, in compliance with the appropriate Occupational Safety and Health Administration (OSHA) regulations.

**III.B.3** For any treatment activity in containers that is not prohibited, you must comply with the requirements specified in Section III.B.2.

**III.B.4** Whenever a hazardous waste is in a container using level 2 controls, you must install all covers and closure devices for the container and as specified in 40 C.F.R. § 264.1086(d)(3), except as specified at 40 C.F.R. § 264.1086(d)(3)(i) through (v).

**III.B.5** You must inspect all containers and their covers and closure devices in accordance with 40 C.F.R. § 264.1086(d)(4)(i) and (ii). When a defect is detected for a container, cover, or closure devices, you must repair the defect in accordance with 40 C.F.R. § 264.1086(d)(4)(iii).

### **III.C MISCELLANEOUS UNIT REQUIREMENTS**

The Permittee's Part B Permit Application indicates that the hazardous waste processed in the air bag shredding unit, which is classified as a miscellaneous unit, contains an average volatile organic (VO) concentration at the point of origination of less than 500 parts per million by weight (ppmw). Since air-bag shredding unit can be considered as a tank-like miscellaneous unit, it is appropriate to apply the requirements of 40 C.F.R. Part 264, Subpart CC to that unit.

40 C.F.R. § 264.1082(c)(1), in pertinent part, provides:

(c) A tank, surface impoundment, or container is exempt from standards specified in § 264.1084 through § 264.1087 of this subpart, as applicable, provided that the waste management unit is one of the following:

- (1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration shall be determined using the procedures specified in § 264.1083(a) of this subpart. The owner or operator must review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

Among other requirements, 40 C.F.R. § 264.1083(a) specifies procedures for determining the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under 40 C.F.R. § 264.1082, including the procedures at 40 C.F.R. § 265.1084(a)(2) through (a)(4); discusses the timing of the initial determination; and requires an owner and operator to perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in 40 C.F.R. § 264.1082.

For the unit to be exempt from the requirements of 40 C.F.R. §§ 264.1084 through 264.1087, you must meet all the requirements specified at 40 C.F.R. § 264.1082(c)(1) for that unit, including but not limited to making timely determinations, following the procedures specified at § 264.1083(a), and having an average VO concentration for hazardous waste at the point of waste origination below 500 ppmw.

**III.C.1** You are allowed to manage hazardous waste in the miscellaneous unit in accordance with the state portion of the RCRA permit. All hazardous waste managed in the air-bag shredding unit must contain an average VO concentration at the point of waste origination of less than 500 ppmw. The average VO concentration of a hazardous waste at the point of waste origination must be determined by direct measurement or approved method in accordance with the procedures specified in 40 C.F.R. §§ 264.1083(a) and 265.1084(a)(2) through (a)(4), as specified by 40 C.F.R. § 264.1082(c)(1).

**III.C.2** For each hazardous waste placed in the miscellaneous unit, you must review and update, as necessary, at least once every twelve months following the date of the initial determination that the hazardous waste streams entering the unit have an average VO

concentration at the point of waste origination of less than 500 ppmw using the procedures specified in 40 C.F.R. §§ 264.1083(a) and 265.1084(a)(2) through (a)(4), as specified in 40 C.F.R. § 264.1082(c)(1).

You must perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste managed in the miscellaneous to increase to a level that is equal or greater than 500 ppmw. You must also review and update, as necessary, determinations under 40 C.F.R. § 264.1082(c)(1) at least once every twelve months following the date of the determination, as required by 40 C.F.R. § 264.1082(c)(1).

**III.C.3** For any proposed changes in the Part B Permit Application, which states that the hazardous waste processed in the miscellaneous unit contains an average VO concentration at the point of waste origination of less than 500 ppmw, you must inform the EPA Region 5 RCRA program, in writing, about the changes no later than 30 calendar days prior to any such changes. In the event that the miscellaneous unit specified in the Application does not meet the requirements for an exemption of 40 C.F.R. § 264.1082(c)(1), such unit must be subject to and comply with all applicable requirements specified in 40 C.F.R. § 264.1084 through § 264.1087, and you must submit a permit modification request providing for the application of 40 C.F.R. Part 264, Subpart CC to the miscellaneous unit.

#### **III.D RECORDKEEPING AND REPORTING REQUIREMENTS**

You must comply with all applicable recordkeeping and reporting requirements described in 40 C.F.R. § 264.1089 and § 264.1090.



**Administrative Record Index (Draft RCRA PERMIT)**

Clean Water Environmental, LLC

Dayton, Ohio, OHD 004 274 031

<u>Title</u>	<u>Date</u>	<u>Prepared by</u>
1. OSWER Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor sources to Indoor Air <a href="https://www.epa.gov/sites/production/files/2015-09/documents/oswer-vapor-intrusion-technical-guide-final.pdf">https://www.epa.gov/sites/production/files/2015-09/documents/oswer-vapor-intrusion-technical-guide-final.pdf</a>	June 2015	EPA
2. Subpart AA, BB, and CC Information	January 15, 2018	CWE
3. Automotive Air Bag Inflators Information	January 28, 2018	CWE
4. Part B Permit Renewal Application	February 16, 2018	CWE
4a Class 1A Modification	April 30, 2018	CWE
4b Revised Part A Application	April 30, 2018	CWE
4c Regulatory Status of Automotive Airbag Inflators and Fully Assembled Airbag Modules	July 19, 2018	EPA
5. Class 3 Mod/ Ownership Transfer	July 12, 2018	OEPA
6. EJ Analysis	August 2018	EPA
7. Email correspondences	February 2018 - September 2019	EPA/OEPA/CWE
8. Revised Part A Application	August 13, 2018	CWE
9. Class 3 Mod Application for Air Bag Shredder	April 2019	CWE
10. Addendum to Part B Application	April 29, 2019	CWE
11. Draft State RCRA Permit	September 2019	OEPA
12. Fact Sheet	September 2019	OEPA/EPA
13. Draft Federal RCRA permit	September 2019	EPA

**\*\* February 2018 – September 2019 Email Correspondences:**

- a. February 23, 2018, from CWE to EPA, Subject: Clean Water Environmental - Part B Permit Renewal Application
- b. February 23, 2018, from EPA to CWE, Subject: RE: Clean Water Environmental – Part B Permit Renewal Application
- c. June 26, 2018, from EPA to CWE, Subject: Clean Water Site Visit follow up questions
- d. July 23, 2018, from CWE to EPA, Subject: Clean Water Site Visit follow up questions
- e. July 24, 2018, from EPA to CWE, Subject: Clean Water Site Visit follow up questions
- f. August 14, 2018, from CWE to EPA, Subject: Clean Water Visit follow up questions
- g. April 18, 2019, from OEPA to EPA, Subject: RE: clean water status
- h. April 19, 2019, from EPA to CWE, Subject: RE: Clean Water shredder
- i. April 22, 2019, from CWE to EPA, Subject: Clean Water shredder (Attachments 1/28/18)

- j. April 22, 2019, from EPA to CWE, Subject: RE: Clean Water shredder
- k. July 2, 2019, from EPA to CWE, Subject: Clean Water follow up questions after site visit
- l. July 17, 2019, from CWE to EPA, Subject: Clean Water follow up questions after site visit
- m. August 21, 2019, from EPA to CWE, Subject: Clean Water vapor emission data question
- n. August 29, 2019, from CWE to EPA, Subject: Clean Water vapor emission data question
- o. September 4, 2019, from EPA to CWE, Subject: Clean Water vapor emission data question
- p. September 13, 2019, from CWE to EPA, Subject: Clean Water vapor emission data question

CWE: Clean Water Environmental, LLC

EPA: United States Environmental Protection Agency

OEPA: Ohio Environmental Protection Agency

RCRA: Resource Conservation Recovery Act

EJ: Environmental Justice

Subparts AA, BB, and CC: Air Emission Standards for Process

Vent, Equipment, Tanks, and Containers (40 C.F.R. Part 264, Subparts AA, BB, and CC)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 30 2019

REPLY TO THE ATTENTION OF

Reference Desk Librarian  
Madden Hills Public Library  
2542 Germantown Street  
Dayton, Ohio 45417

Re: Draft Federal RCRA Permit, Clean Water Environmental, LLC  
Dayton, Ohio, OHD 004 274 031

Dear Madam or Sir:

The United States Environmental Protection Agency (EPA), intends to issue a draft Hazardous Waste Management permit to the Clean Water Environmental, LLC), Dayton, 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 "Dayton Daily News" and the "Mix 107.7 WMMX-FM" radio station on or about September 30, 2019. The public comment period extends from October 1, 2019 to November 15, 2019.

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

- Draft Permit
- Fact Sheet
- Cover Letter

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jae B. Lee", is written over the typed name.

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





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 30 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, Clean Water Environmental, LLC  
Dayton, Ohio, OHD 004 274 031

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 cursive script, reading "Susan Mooney", is written over the typed name.

Susan Mooney, Chief  
RCRA C and D Section  
Land, Chemicals and Redevelopment Division

Enclosures





## Draft Hazardous Waste Permit Renewal/Modification and Comment Period

September 2019

**Facility Name:**

Clean Water Environmental LLC

**U.S. EPA I.D.:**

OHD 004 274 031

**Location:**

300 Cherokee Drive, Dayton, Ohio 45417

**Facility Owner:**

Clean Water Environmental LLC  
300 Cherokee Drive  
Dayton, Ohio 45417

**Facility Operator:**

Clean Water Environmental LLC  
300 Cherokee Drive  
Dayton, Ohio 45417

**Activity:**

Permit renewal for storage of hazardous waste in containers and corrective action, and a Class 3 permit modification to allow Clean Water to store and treat in shredder units automotive restraint system components, air bags, seat belts, pretensioners, inflators, and modules at this facility.

**Comment Period:**

[October 1, 2019 – November 15, 2019]

**Submit Comments to:**

Ohio EPA  
Halee Smith  
DERR  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
(614) 644-2924  
PUBLICCOMMENT@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

# Draft Hazardous Waste Permit Renewal and Class 3 Modification

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permit have been issued concurrently and both share the same comment period.

## 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 will hold a public meeting if enough people request such a gathering. The agency 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 October 1, 2019 and ends on November 15, 2019. Copies 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 E. Fifth Street  
Dayton, Ohio 45402  
(937) 285-6357

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

A copy of the draft permit is available for review by the public at:

Madden Hills Public Library  
2542 Germantown Street  
Dayton, Ohio 45417  
(937) 268-6501

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/edochome.aspx>

Using the search function, search under the document type of "Permit" and then refine the search using the package numbers 641 and 748.

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

<https://www.epa.gov/hwpermitting/clean-water-environmental-llc-permit-documents>

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, Ohio 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. Ohio 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 Ohio EPA's Environmental Review Appeals Commission Board or U.S. EPA's

# Draft Hazardous Waste Permit Renewal and Class 3 Modification

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Environmental Appeals Board to review the decision.

## **What does the facility do?**

Currently, the facility has a hazardous waste permit for storage only. The facility also conducts waste water treatment, used oil recycling, and non-hazardous waste solidification.

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

This permit allows Clean Water Environmental, LLC to store 13,750 gallons of hazardous waste in containers at any given time in the permitted container area located in Building E.

This Class 3 Modification will allow Clean Water Environmental LLC to store and treat automotive restraint system components classified as hazardous waste (D001 and D003), including air bags, seat belt pretensioners, inflators, and modules.

## **What is the regulatory basis to support this permit renewal?**

When applying for a Class 3 permit modification, an applicant is required by Ohio Administrative Code (OAC) Rule 3745-50-51(D) to submit the relevant informational requirements of OAC Rule 3745-50-43 (Part A application contents) and OAC Rule 3745-50-44 (Part B application contents). Clean Water Environmental LLC submitted the Class 3 modification application with the relevant required information on May 3, 2018. Ohio EPA has reviewed the application and had determined that the proposal complies with Ohio EPA rules. Accordingly, Ohio EPA is issuing a draft action indicating the Director's intention with respect to the issuance of a modified permit to Clean Water Environmental LLC.

The Director has determined that Clean Water Environmental, LLC 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 August 14, 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.

## **Who can I contact for more information?**

For additional information on the state portion of this draft issuance, please contact Cathy Altman at (937) 285-6093. For the federal portion of this draft issuance, please contact Jae Lee of the U.S. EPA Regional Office in Chicago, Illinois at (800) 621-8431 ext. 63781.







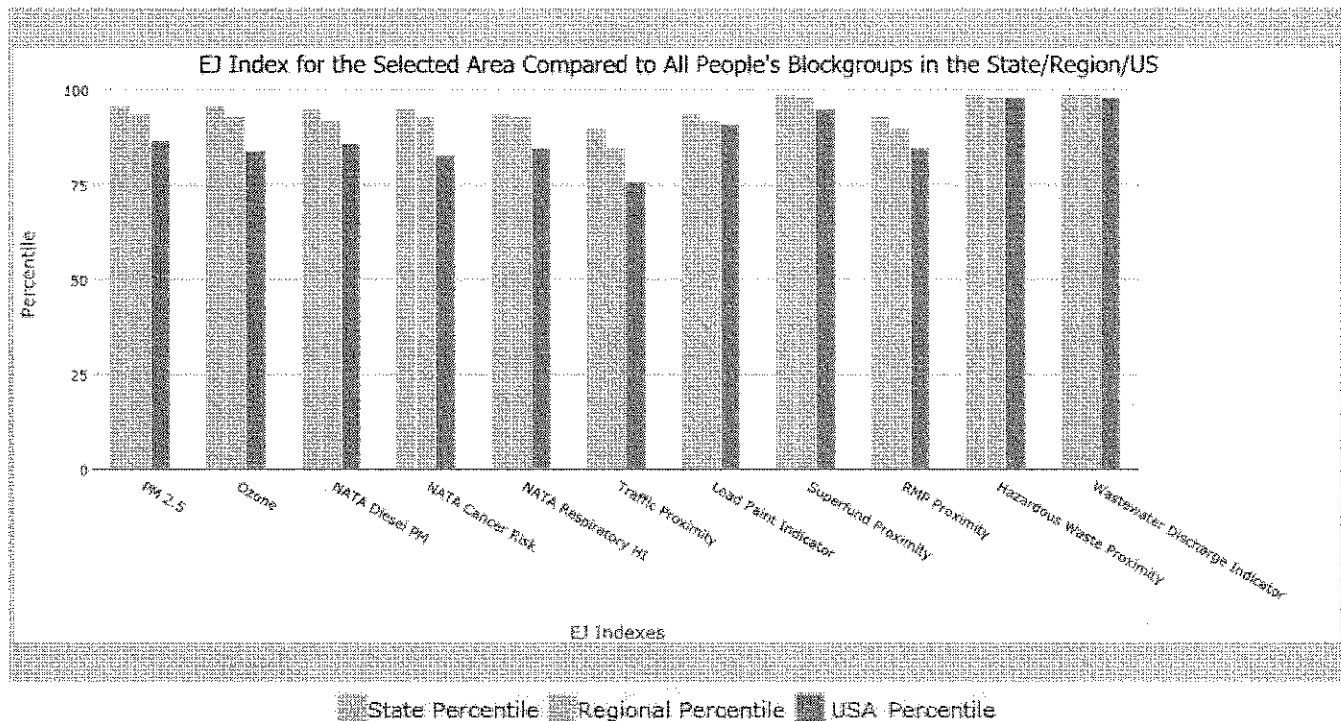
3 mile Ring Centered at 39.741580,-84.293288, OHIO, EPA Region 5

Approximate Population: 24,565

Input Area (sq. miles): 28.27

Clean Water

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
<b>EJ Indexes</b>			
EJ Index for PM2.5	96	94	87
EJ Index for Ozone	96	93	84
EJ Index for NATA* Diesel PM	95	92	86
EJ Index for NATA* Air Toxics Cancer Risk	95	93	83
EJ Index for NATA* Respiratory Hazard Index	94	93	85
EJ Index for Traffic Proximity and Volume	90	85	76
EJ Index for Lead Paint Indicator	94	92	91
EJ Index for Superfund Proximity	99	98	95
EJ Index for RMP Proximity	93	90	85
EJ Index for Hazardous Waste Proximity	99	98	98
EJ Index for Wastewater Discharge Indicator	99	99	98



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.

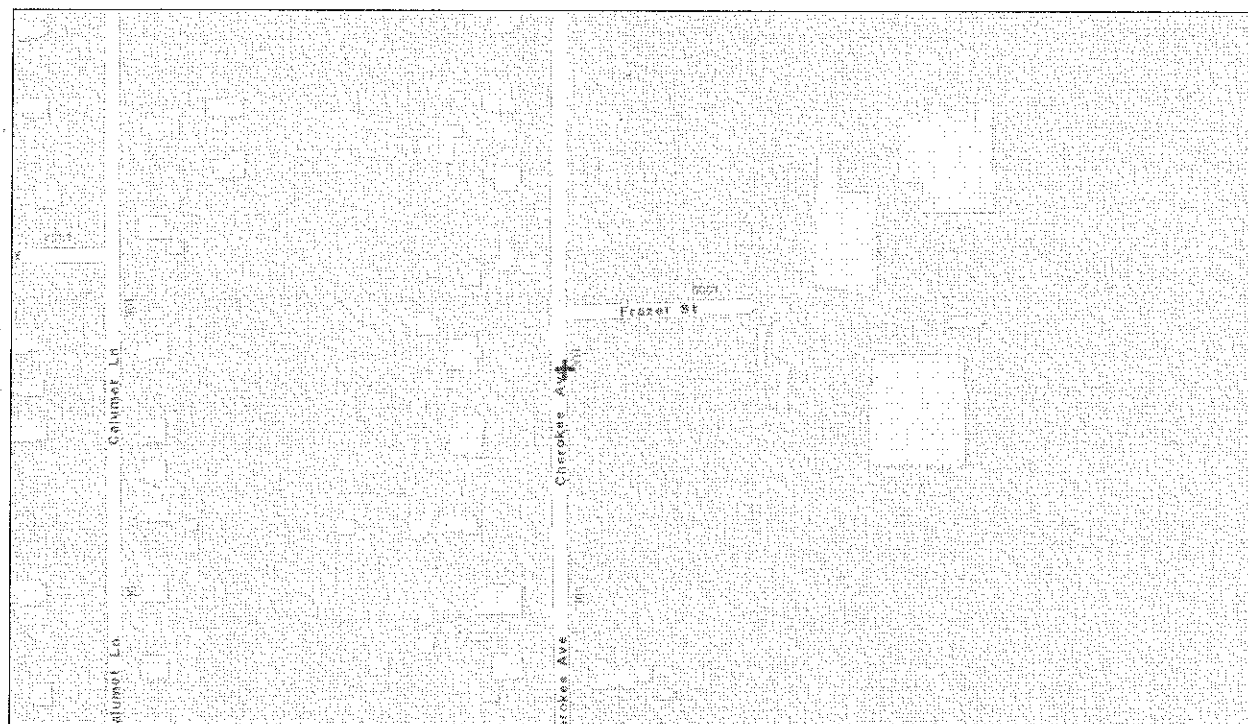


3 mile Ring Centered at 39.741580,-84.293288, OHIO, EPA Region 5

**Approximate Population: 24,565**

**Input Area (sq. miles): 28.27**

## Clean Water



October 20, 2017

Digitized Point

Source: *U.S. Census Bureau, 1980, Statistical Abstract, U.S. Census Bureau, Washington, D.C.*

Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	1

## EJSCREEN Report (Version 2017)



3 mile Ring Centered at 39.741580, -84.293288, OHIO, EPA Region 5

Approximate Population: 24,565

Input Area (sq. miles): 28.27

### Clean Water

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
<b>Environmental Indicators</b>							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$ )	11.3	10.7	88	10.1	87	9.14	92
Ozone (ppb)	38.7	37.6	64	37.6	66	38.4	60
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	1.24	0.997	71	0.932	70-80th	0.938	70-80th
NATA* Cancer Risk (lifetime risk per million)	40	37	68	34	80-90th	40	50-60th
NATA* Respiratory Hazard Index	2.1	1.8	68	1.7	70-80th	1.8	70-80th
Traffic Proximity and Volume (daily traffic count/distance to road)	68	170	58	370	48	590	45
Lead Paint Indicator (% Pre-1960 Housing)	0.52	0.42	66	0.39	68	0.29	77
Superfund Proximity (site count/km distance)	0.29	0.095	94	0.13	91	0.13	91
RMP Proximity (facility count/km distance)	0.76	0.7	71	0.81	66	0.73	70
Hazardous Waste Proximity (facility count/km distance)	0.54	0.097	97	0.091	98	0.093	98
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	1.9	17	97	4.2	98	30	96
<b>Demographic Indicators</b>							
Demographic Index	73%	27%	95	29%	93	36%	90
Minority Population	79%	20%	94	25%	91	38%	84
Low Income Population	66%	34%	90	33%	91	34%	90
Linguistically Isolated Population	0%	1%	67	2%	58	5%	44
Population With Less Than High School Education	21%	11%	87	11%	87	13%	78
Population Under 5 years of age	6%	6%	52	6%	50	6%	48
Population over 64 years of age	17%	15%	62	14%	66	14%	69

\* 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](http://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.

