



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

April 30, 2020

REPLY TO THE ATTENTION OF:

Mr. Daniel McCabe  
President  
Environmental Enterprises, Inc.  
4650 Spring Grove Ave.  
Cincinnati, Ohio 45232

Re: Draft Federal RCRA Permit, Environmental Enterprises Inc.  
Cincinnati, Ohio, OHD 083 377 010

Dear Mr. McCabe:

Enclosed is a copy of the draft federal portion of the Resource Conservation and Recovery Act Hazardous Waste Permit ("draft Federal RCRA permit") to be issued by U.S. Environmental Protection Agency, Region 5, for Environmental Enterprises, Inc., Cincinnati, Ohio.

The draft federal RCRA permit will be publicly noticed in the Cincinnati Enquirer and WKFS 107.1 FM, on or about April 30, 2020. A copy of the draft federal RCRA permit is available for review at the Public Library of Cincinnati & Hamilton County College Hills Branch, 1400 West North Bend Road, Cincinnati, Ohio 45224. The public comment period extends from April 30, 2020 to June 30, 2020.

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 Regulations (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 contact Jae Lee of my staff at (312) 886-3781.

Sincerely,

**Setnicar, Mary** Digitally signed by Setnicar, Mary  
Date: 2020.04.28 16:05:18  
-05'00'

Mary Setnicar  
Acting 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:** **Environmental Enterprises, Inc.**  
**4650 Spring Grove Avenue**  
**Cincinnati, Ohio 45232**

**Owner:** **Expressway Commerce Co., Inc.**  
**10163 Cincinnati-Dayton Road**  
**Cincinnati, Ohio 45241**

**Operator:** **Environmental Enterprises, Inc.**  
**4650 Spring Grove Avenue**  
**Cincinnati, Ohio 45232**

**U.S. EPA Identification Number:** **OHD 083 377 010**

**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 (EPA), Region 5 hereby issues a Resource Conservation and Recovery Act permit (hereinafter referred to as the “permit”) to Environmental Enterprises, Inc. and Expressway Commerce Co., Inc. (addressed in the second person as “you” or “Permittees”) in connection with the hazardous waste management operations at the Environmental Enterprises, Inc. facility located in Cincinnati, 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 equipment leaks, containers, tanks, and miscellaneous unit. See 40 C.F.R. Part 264, Subparts BB and CC.

According to Environmental Enterprises, Inc.’s RCRA Part B Permit Application, this facility currently does not operate process vents as defined in 40 C.F.R. Part 264, Subpart AA, Air Emission Standards for Process Vents. Therefore, the requirements under Subpart AA are not set forth in this permit.

The RCRA permit consists of both this permit, which contains the effective Federal RCRA permit conditions, and the effective State RCRA permit conditions under an Ohio Hazardous Waste Permit issued by the State of Ohio's RCRA program authorized under 40 C.F.R. Part 271 (hereinafter 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 September 30, 2009. (The effective and expiration dates of that earlier State RCRA permit were September 30, 2009 and September 30, 2019, respectively.) That permit has been administratively continued.

**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 equipment leaks (40 C.F.R. Part 264, Subpart BB) and tanks, containers, and miscellaneous units (40 C.F.R. Part 264, Subpart 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, 270, and applicable provisions of RCRA. You must also comply with the State RCRA permit.

This permit is based on the assumption that: (1) the information submitted in your RCRA Part A and B Permit Renewal Applications dated April 1, 2019, 40 C.F.R. Part 264, Subpart AA, BB, and CC information dated April 5, 2019, and all other revisions and addendums to that application (hereinafter referred to as the "Part B Permit Application") is complete and accurate, and (2) 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 promptly 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 083 377 010  
Environmental Enterprises, Inc.**

**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 .....5

    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 .....8

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 .....9

    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 ..... 10

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 Open-Ended Valves or Lines (40 C.F.R. § 264.1056) .....12
  - II.A.4 Delay of Repair (40 C.F.R. § 264.1059) .....12
  - II.A.5 Closed-Vent Systems and Control Devices (40 C.F.R. § 264.1060).....13
- 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 EMISSION STANDARDS FOR CONTAINERS, TANKS, AND  
MISCELLANEOUS UNITS (40 C.F.R. PART 264, SUBPART CC) .....13

- III.A MAXIMUM VOLATILE ORGANIC CONCENTRATION FOR TANKS T#1,  
T#2, T#3, AND T#4.....14
- III.B LEVEL 1 CONTAINER REQUIREMENTS .....16
- III.C LEVEL 2 CONTAINER REQUIREMENTS .....17
- III.D MISCELLANEOUS UNIT (40 C.F.R. PART 264, SUBPART X).....19
- III.E RECORDKEEPING AND REPORTING REQUIREMENTS .....23

## 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 Environmental Enterprises, Inc. (“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 waste 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, 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 calendar 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 calendar 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 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 waste 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 section (Section C of the Part B Permit Application), or an equivalent method approved by the Director. Laboratory methods must be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods* (SW-846, latest edition), *Methods for Chemical Analysis of Water and Wastes* (EPA 600/4-79-020), or an equivalent method, as specified in the referenced Waste Characteristics. (40 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(1)(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(1)(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 and approval of 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 endanger public drinking water supplies; (2) Information of a release or discharge of hazardous waste; or (3) Information of a fire or explosion from the hazardous waste management facility, 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 Part B Permit Application or other submittal, or submitted incorrect information in the Part B Permit Application or other submittal, you must promptly notify the Director of any incorrect information or previously omitted information, submit the correct facts or information, and explain in writing the circumstances of the incomplete or inaccurate submittal. (40 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 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 waste 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 process vents at the facility 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 (hereinafter, applicable equipment) that: (i) is listed in 40 C.F.R. § 261.1031; and (ii) that contains or contacts hazardous waste with organic concentrations of at least 10 percent by weight that is managed in one of the units described in 40 C.F.R. § 264.1050(b).

The equipment that is subject to Subpart BB requirements at this facility is considered “In light liquid service” as defined in 40 C.F.R. § 264.1031, and consists of pumps, open-ended valves or lines, and/or closed vent system and control devices. This permit does not allow you to use any other applicable equipment.

**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: any pump that 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 capable of capturing and transporting any leakage from the seal or seals to a control device that complies 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 five (5) calendar days after each leak is detected.

**II.A.2.e** You specified in the Part B Permit Application that two (2) pumps at the facility which are used to transfer hazardous waste with organic concentrations of at least 10 percent by weight are excluded from the requirement at 40 C.F.R. §§ 264.1052 to 264.1060 because they are in use less than 300 hours per calendar year, in accordance with 40 C.F.R. § 264.1050(f). In order to be excluded from those requirements under 40 C.F.R. § 264.1050(f), you must: (1) record the identification of such pumps, either by list or location (area or group), in a log; and (2) record the use of such pumps in hours daily in a log. (40 C.F.R. §§ 264.1050(f) and 264.1064(g)). The recorded log must be kept in the facility's operating record. At the end of each calendar year, you must determine the total amount of operating hours in that calendar year of each of two pumps which are used to transfer hazardous waste with organic concentrations of at least 10 percent by weight. The operating record must be available at the facility at all times for review by EPA, the state, local agencies, or their duly authorized representatives.

### **II.A.3 Open-ended Valves or Lines (40 C.F.R. § 264.1056)**

**II.A.3.a** Each open-ended valve or line must be equipped with a: (1) cap, (2) blind flange, (3) plug, or (4) second valve, which must seal the open end at all times except during operations requiring hazardous waste stream flow through the open-ended valve or line.

**II.A.3.b** Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the hazardous waste stream end is closed before the second valve is closed.

**II.A.3.c** When a double block and bleed system is used, the bleed valve or line may remain open during operations that require venting the line between the block valves but must seal the open end at all other times.

### **II.A.4 Delay of Repair (40 C.F.R. § 264.1059)**

**II.A.4.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.4.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.4.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 6 months after the leak was detected.

**II.A.4.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.A.5 Closed-Vent Systems and Control Devices (40 C.F.R. § 264.1060)**

Closed-vent systems and control devices that are subject to the provisions of 40 C.F.R. Part 264, Subpart BB (40 C.F.R. §§ 264.1050 through 264.1065) must comply with the provisions of 40 C.F.R. §§ 264.1033 and 264.1060.

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

You must comply with the test methods and procedures requirements specified in 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, TANKS, AND MISCELLANEOUS UNIT (40 C.F.R. PART 264, SUBPART CC)**

You are permitted by the state RCRA permit to store hazardous waste in four (4) tanks (T #1, T #2, T #3, and T #4) which are located at the main building. The total capacity of these tanks is 12,550 gallons (T #1: 4,000 gallons, T #2: 1,500 gallons, T #3: 6,500 gallons, and T #4: 550 gallons). Each of these four tanks contain aqueous metal bearing hazardous waste. Your Part B Permit Application states that all hazardous waste entering these tanks has an average volatile organic (VO) concentration of less than 500 parts per million by weight (ppmw) at the point of waste origination. Section III.A below discusses the conditions and requirements for an exemption under 40 C.F.R. § 264.1082(c)(1), from the standards specified at 40 C.F.R §§ 264.1084 through 264.1087, for tanks for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 ppmw.

Hazardous waste is also stored in containers in the permitted thirty-two (32) container storage areas located at the annex and main buildings. These storage areas can store Level 1 and/or Level 2 containers. The combined maximum capacity of these container storage areas is 144,330 gallons. In drum storage area #14, which is one of thirty-two (32) containers storage areas, solvent pumping (i.e., transfer waste from tote and Level 1 Lab Pack Room containers to the tank-truck) and waste disperse processing (mixing the waste in the container through the drum dispenser) activities are being conducted.

Level 1 containers are also opened in the Lab Pack Room, which has its own closed vent system and a control device (carbon adsorption system) to transfer the contents into another Level 1 container for blending. The Lab Pack Room is not considered one of the 32 permitted container storage areas and thus is not included in calculating the facility's maximum capacity.

The facility also treats hazardous waste using a miscellaneous unit as defined in 40 C.F.R. Part 264, Subpart X.

You must comply with all applicable requirements of 40 C.F.R. § 264.1080 through 40 C.F.R. § 264.1090, regarding air emission standards for containers and tanks, including those applied to miscellaneous units under 40 C.F.R. § 264.601. All tanks not exempt from 40 C.F.R. §§ 264.1084 through 264.1087 in accordance with the provisions of 40 C.F.R. § 264.1082(c)(1) must be managed using the applicable standards at 40 C.F.R. § 264.1084.

You must not conduct waste stabilization processes, as defined in 40 C.F.R. § 265.1081, on any hazardous waste in containers and/or miscellaneous units that are subject to the requirements of Sections III.B, III.C and/or III.D of this permit, or in tanks that do not meet the requirements of Section III.A below.

For purpose of this permit, all containers that contain hazardous waste processed at this facility are considered to be "in light material service" as defined in 40 C.F.R. § 265.1081.

### **III.A MAXIMUM VOLATILE ORGANIC CONCENTRATION FOR TANKS T#1, T#2, T#3, AND T#4**

The Permittee's Part B Permit Application states that the hazardous waste stored in tanks T#1, T#2, T#3, and T#4 at the facility contains an average volatile organic (VO) concentration at the point of waste origination of less than 500 ppmw.

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 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 a 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.A.1** You are allowed to manage hazardous waste in tanks T#1, T#2, T#3, and T#4 in accordance with the state portion of the RCRA permit. All hazardous waste managed in each of these 4 tanks 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.A.2** For any hazardous waste to be transferred from container or tank truck into the tanks (T#1, T#2, T#3, and T#4), the waste in container or tank truck shall contain an average VO concentration less than 500 ppmw at the point of waste origination.

**III.A.3** For each hazardous waste placed in these tanks (T#1, T#2, T#3, and T#4), 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 these 4 tanks (T#1, T#2, T#3, and T#4) 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.A.4** You must comply with all applicable recordkeeping and reporting requirements described in 40 C.F.R. § 264.1089 and § 264.1090 for these 4 tanks (T#1, T#2, T#3, and T#4).

**III.A.5** For any proposed changes in your Part B Permit Application, which states that the hazardous waste processed in these four (4) tanks (T#1, T#2, T#3, and T#4) 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 occurring. In the event that any of these four tanks specified in the Part B Permit Application process hazardous waste with an average VO concentration at the point of waste origination of 500 ppmw or greater, such tank(s) will be subject to and must comply with all applicable requirements specified in 40 C.F.R. § 264.1084, and you must submit a permit modification request providing for the application of 40 C.F.R. Part 264, Subpart CC to those hazardous waste tank(s).

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

You must manage containers that contain hazardous waste and that have 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) with Container Level 1 standards as described at 40 C.F.R. § 264.1086(c). When managing hazardous waste in Level 1 containers, you must comply with the following requirements:

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

- (a) meet the applicable U.S. 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 organic vapor suppressing barrier to prevent hazardous waste from being exposed to the atmosphere 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 suitable for the physical and chemical characteristics of hazardous waste in containers, for maintaining container integrity and minimizing exposure of hazardous waste to the atmosphere throughout the life of the container, and for the environments under which the containers are placed in the storage facility. Any chemical used for vapor suppression must not generate heat and/or fumes and must be compatible with the hazardous waste in the container. Vapor suppression chemicals must maintain an acceptable and stable barrier between the barrier and the hazardous waste, thus preventing the release of volatile organics into the environment. The barrier must not chemically react to the hazardous waste. (40 C.F.R. § 264.1086(c)(2))

**III.B.2** All covers and closure devices must be in the closed position whenever hazardous waste is in a container. 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).

**III.B.3** In transferring the waste from a Level 1 container to another Level 1 container in the Lab Pack Room, you must comply with the requirements specified in Condition III.B.2, above, or the requirements for Level 2 Containers as specified in Sections III.C and III.D.3, below.

**III.B.4** 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.B.5** For any container with a capacity of 0.46 cubic meters (m<sup>3</sup>) or greater that you are managing under the Level 1 container standards in the Condition III.B and that does not meet the requirements in Condition III.B.1.(a), above, you must maintain at the facility a copy of the procedure that you used to determine that the container is not managing hazardous waste "In light material service", as defined in 40 C.F.R. § 265.1081. (40 C.F.R. § 264.1086(c)(5)).

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

You must manage containers that contain hazardous waste and that have a design capacity greater than 0.46 m<sup>3</sup> (121 gallons) 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.C.1** As specified in 40 C.F.R. § 264.1086(d)(1), a Level 2 container must be:

**III.C.1.a** A container that meets the applicable U.S. DOT regulations on packaging hazardous materials for transportation as specified in 40 C.F.R. § 264.1086(f); or

**III.C.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.C.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.C.2** You must transfer hazardous waste into or out of a container and/or mix the hazardous waste in the 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.C.2.a** When transferring hazardous waste into or out of a container, including a tote from the Shredder#1 enclosure room, 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 transferring process.

**III.C.2.b** For any transfer of liquid, semi-liquid, and/or viscous non-pumpable hazardous waste from containers (i.e., tote from the Shredder #1 enclosure room), you must capture the vapors generated from such transfer activities through a large vent pipe placed as close as possible to the transfer area to be routed to the vapor control device. You must also capture the vapors generated from the drum dispenser, which is used to mix semi-solid waste sufficiently to make them pumpable, through a large vent pipe placed as close as possible to the transfer area to be routed to the vapor control device. For the large vent pipe placed over the top opening of the tote and the drum dispenser during the hazardous waste transfer and/or mixing, you must conduct a smoke test, a velocity test, or any other relevant test to demonstrate that all of the generated vapors from the transfer and/or mixing activities are captured by the

large vent pipe. Such test must be conducted annually, and the results of the test must be retained at the site to be available at the facility at all times for review by EPA, the state, local agencies, or their duly authorized representatives. You must comply with the requirements specified in Conditions III.D.3, below, for the closed vent system and carbon adsorption system.

**III.C.3** Whenever a hazardous waste is in a container using Level 2 controls, you must: (1) install all covers and closure devices for the container; and (2) secure and maintain each closure device in the closed position except during filling and removal operations as specified in 40 C.F.R. § 264.1086(d)(3). Opening of a closure device or cover is allowed if it meets the purposes and operates as provided in 40 C.F.R. § 264.1086(d)(3)(i) through (v).

**III.C.4** You must inspect the 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 the container, cover, or closure devices, you must repair the defect in accordance with 40 C.F.R. § 264.1086(d)(4)(iii).

### **III.D MISCELLANEOUS UNIT (40 C.F.R. PART 264, SUBPART X)**

The Permittee's Part B Permit Application indicates that the hazardous waste is processed in Shredder #1, which is classified as a miscellaneous unit (Subpart X unit). Since Shredder #1 can be considered a tank-like miscellaneous unit, it is appropriate to apply the requirements of 40 C.F.R. Part 264, Subpart CC to that unit.

The following components of Shredder #1 are regulated under this section: (1) the Shredder's bottom container, which collects liquid hazardous waste; (2) the conveyor, and; (3) the compactor.

You must control air pollutant emissions from the Subpart X units located in the main building to comply with 40 C.F.R. § 264.601. The emission control must consist of: (1) an enclosure housing the Shredder #1 unit and its attached doors and windows, (2) a closed vent system, including an exhaust fan with a capacity to maintain a negative pressure inside the enclosure and ductwork connecting the enclosure to a control device, and (3) a carbon adsorption system functioning as the control device.

**III.D.1** The design and operation of Shredder #1 must comply with the following requirements:

**III.D.1 a** Shredder #1 must be designed, operated and maintained in accordance with the operational specifications described in the Part B Permit Application. The gases, vapors, and fumes emitted from hazardous waste in the enclosure room must be vented by the closed vent system to the carbon adsorption system to be treated.

**III.D.1.b** During the shredding process, the compactor located inside of Shredder #1 must also be operated in order to render the shredded and compacted materials from Shredder #1 as RCRA-empty waste.

**III.D.2** The Shredder #1 enclosure consists of a room (enclosure room) with four walls, a ceiling, a floor, a door opening, an opening with a conveyer belt for loading Shredder #1, a garage door, and an opening through which shredded and compacted waste from Shredder #1 can be ejected from the enclosure room. The enclosure room must comply with the following requirements:

**III.D.2.a** You must design and operate the enclosure room in accordance with the criteria for a permanent total enclosure as specified in “Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure” under 40 C.F.R. § 52.741 (Procedure T). You must perform the verification procedure for the enclosure room as specified in Section 5.0 of such Procedure T annually. Before you conduct the annual Procedure T test, you must notify the EPA including a brief description and date of the test, monitoring equipment to be used, calibration and design specification of the monitoring devices, and other related information. (40 C.F.R. § 264.1084((i)(1)).

**III.D.2.b** All access doors, windows or other openings whose areas are not included in determining the total area of natural draft openings (NDOs) under paragraphs 4.1 (with reference to paragraph 3.3) and/or 5.2 of Procedure T must be kept closed during routine operation of the process. Routine operation of the process includes those times when hazardous waste is present in the enclosure room, when gases, vapors, or fumes from hazardous waste are present in the enclosure room, and/or when Shredder #1 is in operation. The doors may be open during an emergency or malfunction, but only as long as necessary to allow authorized personnel to enter and exit the enclosure room to safely address the emergency or malfunction.

**III.D.2.c** Each time you perform the verification procedure in Section 5 of Procedure T, you must prepare written documentation accurately recording all results of the procedure. All such documentation must be maintained as part of the facility’s operating record for at least 3 years.

**III.D.2.d** During the shredding 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 shredding process in the enclosure where the Shredder #1 is located. 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.

**III.D.3** The closed vent system and carbon adsorption system must comply with the following requirements:

**III.D.3.a** The closed vent system must route the gases, vapors, and fumes emitted from hazardous waste in the enclosure room to the carbon adsorption system.

**III.D.3.b** The closed vent system and carbon adsorption system (used as a control device) must comply with the requirements as stipulated in 40 C.F.R. § 264.1087. The closed vent system must meet the requirements of 40 C.F.R. § 264.1033(k)(2).

**III.D.3.c** The closed vent system and carbon adsorption system must be operated and negative pressure must be maintained within the enclosure room at all times when Shredder #1 is in operation, when hazardous waste is present in the enclosure room, when Shredder #1 is being loaded, when shredding waste is being ejected from the enclosure room, or when vapor from hazardous waste is present in the enclosure room. You must continue to operate the exhaust fan and closed vent system after waste is no longer present in the enclosure room and after Shredder #1 has been turned off until all vapors in the enclosure room have been vented into the vent duct and to the control device. You must determine the necessary waiting time based on the exhaust fan capacity, volume of the enclosure room including vent duct, and other pertinent data of the vapor. Such determination and end results of any calculation must be documented in writing and retained at the facility.

**III.D.3.d** The carbon adsorption system must have a minimum removal efficiency of 95% by weight in accordance with 40 C.F.R. § 264.1087(c)(1)(i). You must demonstrate that the carbon adsorption system achieves this performance standard as specified in 40 C.F.R. § 264.1087(c)(5) and (c)(6).

**III.D.3.e** The concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system must be accurately monitored with one of the following frequencies: (a) daily, or (b) an interval that is no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of 40 C.F.R. § 264.1035(b)(4)(iii)(G), whichever is longer. The carbon adsorption system must be monitored by a photoionization detector or other suitable instrument that can detect carbon breakthrough. You must calibrate, inspect and maintain the monitoring device as necessary to assure proper function and in accordance with the manufacturer's specifications. You must replace the existing carbon in the control device with fresh carbon immediately when carbon breakthrough is indicated. (40 C.F.R. §§ 264.1087(c)(3)(i) and 264.1033(h)(1)).

You must maintain a carbon adsorption maintenance log at the site. Such maintenance log must include, but must not be limited to, (i) a description of the method of monitoring the concentration level of organic compounds in the exhaust vent stream; (ii) a description of the method of determining carbon breakthrough; (iii) results of the daily monitoring activities; (iv) description of the monitoring device and procedures, along with the manufacturers specifications; (v) results of calibration, inspection, and maintenance of the monitoring detector; (vi) written documentation of each determination that carbon breakthrough had been achieved and the data on which such determination relied; (vii) the date of each carbon bed replacement, the amount of carbon removed and the amount of carbon added; (viii) for each time carbon is removed from the carbon adsorption system, an adequate description of the method of disposal and/or regeneration of the spent carbons; and (ix) any other inspection and maintenance records. The log must be maintained as part of the facility's operating record.

**III.D.3.f** All carbon that is removed from the carbon adsorption system after use must be managed in accordance with the requirements of 40 C.F.R. §§ 264.1087(c)(3)(ii) and 264.1033(n). You must prepare and maintain records sufficient to demonstrate that the requirements of this provision are satisfied as part of the facility's operating record.

**III.D.3.g** The closed vent system must not include any bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, unless equipped with either a flow indicator or a seal or locking device specified in 40 C.F.R. § 264.1087(b)(3).

**III.D.3.h** The vent system must have an exhaust fan with a sufficient capacity to maintain a negative pressure inside enclosure room. You must determine an appropriate minimum fan capacity determined from a written design analysis or from a performance test. You must maintain the appropriate minimum fan capacity while Shredder #1 is in operation. In addition, you must maintain as part of the facility's operating records either the written design analysis of the fan, or a written performance test plan and all test results.

**III.D.3.i** You must inspect, monitor, and maintain the closed vent system in accordance with 40 C.F.R. §§ 264.1087(b)(4), 1033(l), and 1087(c)(7). You must inspect, monitor, and maintain the carbon adsorption system in accordance with the requirements in 40 C.F.R. §§ 264.1084(b)(4) and 1087(c)(7). You must develop and implement a written plan and schedule to perform the inspections and monitoring required by this paragraph. You must incorporate this plan and schedule into any inspection plan required by the state RCRA permit. (40 C.F.R. § 264.1088).

**III.D.4** You must repair each defect detected during an inspection performed in accordance with Condition III.D.3.i, according to requirements specified in 40 C.F.R. § 264.1084(k) and 40 C.F.R. § 264.1087(c)(7).

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

**III.E.1** You must prepare and maintain records for Shredder #1 and the bottom container in the same manner as required for tanks under 40 C.F.R. § 264.1089, including but not limited to 40 C.F.R. § 264.1089(a), (b)(1) and (2)(iv). You must prepare and maintain records for the enclosure room (functioning as an enclosure as described in 40 C.F.R. § 264.1084(i)), the closed vent system, and the carbon adsorption system described in this Section III in the manner described in 40 C.F.R. § 264.1089, including 40 C.F.R. § 264.1089(a), (b)(2)(iv), and (e).

**III.E.2** You must comply with all reporting requirements for the carbon adsorption system under 40 C.F.R. § 264.1090(c) and (d). Such reports must be sent to the EPA (at the address specified in Condition I.G). You must also report to the EPA (at the address specified in Condition I.G) each occurrence when hazardous waste is managed in Shredder #1 or in the enclosure room in noncompliance with the conditions specified in Section III.D of this permit, in the manner specified in 40 C.F.R. § 264.1090(b).



## Draft Hazardous Waste Permit Renewal and Comment Period

April 2020

**Facility Name:**

Environmental Enterprises, Inc.

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

OHD083377010

**Location:**

4650 Spring Grove Ave, Cincinnati, Ohio 45232

**Facility Owner:**

Expressway Commerce Company, Inc.  
10163 Cincinnati-Dayton Road  
Cincinnati, Ohio, 45241

**Facility Operator:**

Environmental Enterprises, Inc.  
4650 Spring Grove Ave  
Cincinnati, Ohio, 45232

**Activity:**

Storage of hazardous waste in containers and tanks, treatment of hazardous waste in tanks, containers and miscellaneous units. Corrective Action

**Comment Period:**

[April 30, 2020 – June 30, 2020]

**Submit Comments to:**

Ohio EPA  
[PUBCOMMENT@epa.ohio.gov](mailto: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  
[lee.jae@epa.gov](mailto: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 storage units. U.S. EPA has drafted a RCRA permit to address organic air emissions from hazardous waste



## Draft Hazardous Waste Permit Renewal

storage units. U.S. EPA's draft permit and the State of Ohio's draft permit have been issued concurrently and both share the same comment period.

### 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 electronically to: [PUBCOMMENT@epa.ohio.gov](mailto:PUBCOMMENT@epa.ohio.gov). 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 **April 30, 2020**, and ends on **June 30, 2020**. Copies of the modified permit application pages and the draft permit are available for review by the public online on the Ohio EPA's website, 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 facility's RCRA ID number (Secondary ID) which is OHD083377010 and Permit Purpose which is "Renewal". Select from the list of documents, the document dated April 2, 2019.

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

<https://www.epa.gov/oh/draft-federal-rcra-permit-environmental-enterprises-inc>

A copy of the state and federal draft permit will be available for review by the public at:

Public Library of Cincinnati & Hamilton County  
College Hills Branch  
1400 West North Bend Road  
Cincinnati, Ohio 45224

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.

### What does the facility do?

Environmental Enterprises, Inc. is a Permitted Hazardous waste storage and treatment facility, located in Cincinnati, Ohio. No permanent disposal takes place on site. All waste that comes into the facility is either treated or repackaged and sent off-site to a final disposal or recycling destination.



# Draft Hazardous Waste Permit Renewal

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

Environmental Enterprises, Inc. (EEI) is authorized to store up to 144,330 gallons of hazardous waste at any given time in the permitted container storage areas located in the main building and the annex storage and staging areas. EEI is also authorized to store up to 6,000 gallons of treated waste in a tank located outside the Main Building prior to shipment off-site for further treatment or disposal.

EEI is permitted to treat hazardous waste in containers, tanks and a miscellaneous unit (shredder). Total treatment capacity of the facility is no more than 40,000 tons per year.

The facility is authorized to consolidate and repackage incoming waste prior to being sent for offsite disposal. The facility is also authorized to treat certain wastes in permit specified manners, including:

Acid/caustic neutralization and deactivation; flammable liquid fuels blending; oxidizer treatment by chemical reduction; reactive solids treatment via chemical oxidation reaction; cyanide and sulfide waste treatment via chemical oxidation; laboratory chemical packaging, treatment and disposal; metal sludge treatment via precipitation and fixation; and shredding capabilities of pharmaceuticals and other off-specification wastes.

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

The Director has determined that Environmental Enterprises, Inc. 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 September 30, 2009. The Director has considered the application, inspection reports, a report regarding the facility's compliance with the present permit, and the rules adopted

under ORC Section 3734. The Director has found that the Part B permit application meets the Director's performance standards and that the facility has a history of compliance with this chapter, rules adopted under it, the existing permit, and orders entered into, which demonstrates reliability, expertise, and competency to subsequently operate the facility under this chapter, the rules, and the permit.

## Who can I contact for more information?

For additional information, please contact Jeff Smith with Ohio EPA's Southwest District Office at (937) 285-6070 or Jae Lee with U.S. EPA's Regional Office in Chicago, Illinois at (800) 621-8431 ext. 63781.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

April 30, 2020

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, Environmental Enterprises, Inc.  
Cincinnati, Ohio, OHD 083 377 010

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,

Mooney,  
Susan

Digitally signed by  
Mooney, Susan  
Date: 2020.04.29  
09:22:29 -05'00'

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

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

April 30, 2020

REPLY TO THE ATTENTION OF:

Reference Desk Librarian  
Public Library of Cincinnati & Hamilton County  
College Hills Branch  
1400 West North Bend Road  
Cincinnati, Ohio 45224

Re: Draft Federal RCRA Permit, Environmental Enterprises, Inc.  
Cincinnati, Ohio, OHD 083 377 010

Dear Madam or Sir:

The U.S. Environmental Protection Agency intends to issue a final Hazardous Waste Management permit to Environmental Enterprises, Inc., Cincinnati, Ohio. In accordance with the public involvement procedures in 40 Code of Federal Regulations Part 124, the draft federal RCRA permit will be publicly noticed in the Cincinnati Enquirer and WKFS 107.1 FM, on or about April 30, 2020. A copy of the draft federal RCRA permit is available for review at the Public Library of Cincinnati & Hamilton County College Hills Branch, 1400 West North Bend Road, Cincinnati, Ohio 45224. The public comment period extends from April 30, 2020 to June 30, 2020.

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

- Draft Permit
- Fact Sheet

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

Sincerely,

**JAE LEE** Digitally signed by JAE LEE  
Date: 2020.04.28 15:38:17  
-05'00'

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