



Environmental  
Protection Agency

## Division of Materials and Waste Management

### Response to Comments

**Project: Heritage-WTI, Inc. Hazardous Waste Facility Installation and  
Operation Permit**

**Ohio EPA ID #: OHD 980 613 541 / 02-15-0589**

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Ohio EPA held a public comment period beginning on February 9, 2011, regarding Director's Initiated Permit Modification for Corrective Action. This document summarizes the comments and questions received during the public comment period which ended on March 26, 2011. All comments received during the public comment were from Heritage-WTI, Inc.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

Comments on both the Statement of Basis and the Draft Modified Permit were received and are grouped accordingly.

**A. Heritage-WTI Comments on Statement of Basis** – Please note that Ohio EPA does not typically revise the Statement of Basis as part of the standard Corrective Action process. Therefore, Heritage-WTI's (WTI) comments and Ohio EPA's responses are noted below.

#### ***Heritage-WTI Comment A.1:***

***Page 2 of 42, section 1.1, first bullet: The first bullet should limit the Environmental Covenant to restricting the future use of the facility to industrial uses and restrict the use of ground water only for potable uses and other uses if those other uses have not been demonstrated to prevent migration of contaminated ground water to the Ohio River. A blanket restriction for all uses of ground water would prevent future use of contaminated or un-contaminated ground water at the facility for process uses even if those uses would not result in the migration of contaminated ground water to the Ohio River or would result in the capture and treatment of contaminated ground water. Because these applications would not result in an increase in environmental or human health***

**risks associated with the COFRA and could result in the decrease in environmental or human health risks associated with the COFRA, prohibiting these uses through an Environmental Covenant is unnecessary, counterproductive, and unreasonable. Furthermore, in discussions with OEPA, language that allows extraction for non-potable uses was discussed and was received favorably by OEPA. WTI would like to have the option to use ground water for non-potable uses so long as those uses do not result in migration of contaminated ground water associated with the COFRA to the Ohio River.**

Ohio EPA Response A.1: Page 2 of the Statement of Basis is part of the Executive Summary, which included a brief statement about each part of the proposed remedy. The specifics of each part of the remedy were described in more detail starting on page 16. As described on page 16, the restriction for ground water does not prevent the facility from sampling, monitoring, or extracting ground water pursuant to a ground water remedial action, which could result in the decrease in environmental or human health risks associated with the COFRA, as mentioned in the comment.

Ohio EPA believes the ground water use restriction in the Environmental Covenant serves two purposes. One of those purposes, as stated above, is to prevent migration of contaminated ground water from reaching the Ohio River, but also to prevent the expansion of the plume on the facility property itself. Part of the Corrective Action remedy at WTI is to ensure that the ground water contamination is contained and not expanding into currently unaffected portions of the property. A second purpose of the ground water use restriction is to ensure that contaminated ground water is not used in a manner which would pose an unacceptable risk to human health or the environment. However, as Ohio EPA has stated to WTI in the past, if WTI plans to use the ground water onsite, then WTI must provide an adequate demonstration to Ohio EPA for review and approval that includes, at a minimum, where the extraction well would be located, how the ground water would be extracted, how the extracted ground water will be used onsite, any necessary sampling and analytical results of the ground water being extracted, the results of a pump test for the well that would be used to extract ground water, and a demonstration that the ground water plume is not expanding and that there are no unacceptable risks to human health or the environment. If an acceptable demonstration is provided for Ohio EPA review and approval prior to the Environmental Covenant being finalized, then it can be considered when drafting the document. If the demonstration is not completed or is inadequate prior to finalization of the Environmental Covenant, then the Environmental Covenant will restrict all ground water uses except sampling, monitoring or remediation pursuant to a ground water remedial action. The Environmental Covenant can be changed in the future if an adequate demonstration can be provided to Ohio EPA at that time.

**Heritage-WTI Comment A.2:**

**Page 2 of 42, section 1.1, second bullet: The phrase "to the extent practicable" should be added at the end of the second bullet to be consistent with Ohio regulations addressing free product such as Ohio Admin. Code 1301:7-9-13(G)(3). Not restricting the requirement to remove LNAPL to the extent practical is unnecessary, unreasonable, unduly burdensome, and inconsistent with state law.**

Ohio EPA Response A.2: The phrase "to the extent practicable" is one that is used in the Underground Storage Tank program. Ohio EPA expects the removal (skimming) of the

remaining free product floating on the water table (i.e., LNAPL) in the Charter Oil Facility Release Area (COFRA) to be removed until no more than a sheen is present or until LNAPL is no longer detectable using an interface probe.

**Heritage-WTI Comment A.3:**

**Page 2 of 42, section 1.1, fourth bullet: The phrase "that take place in locations and at depths associated with soil impacted by the COFRA" should be added at the end of the fourth bullet. Requiring the development and implementation of a Soil Management Plan for areas of the facility that do not contain or will not encounter soil impacted by the COFRA is unnecessary, unreasonable, unduly burdensome, inconsistent with state law, and beyond the scope of the corrective action requirements.**

Ohio EPA Response A.3: It is Ohio EPA's expectation, as described in Permit Condition E.9(d), that the soil management plan would apply to soil excavation activities only within the restricted portion of the facility. The restricted portion of the facility is that area which includes soil and ground water that have been impacted by the COFRA. If WTI believes that excavation activities within the restricted area, only at certain depths, need to be covered by the soil management plan, then the criteria for making this determination should be included in the Soil Management Plan that will be submitted to Ohio EPA for review and approval.

**Heritage-WTI Comment A.4:**

**Page 5 of 42, section 3.2, first full paragraph on page 5, second sentence: The phrase "collection tank area" located at the end of the sentence should be revised to read "storm water collection tank area" to properly identify this area.**

Ohio EPA Response A.4: While Ohio EPA does not plan on revising the Statement of Basis, the comment is noted and Ohio EPA concurs with the comment.

**Heritage-WTI Comment A.5:**

**Page 7 of 42 section 4.1, first paragraph, third sentence: Because acetone has not been detected in the ground water above the reported detection limits for quite a while, WTI proposes that acetone be deleted from the suite of constituents of concern.**

Ohio EPA Response A.5: At this time, Ohio EPA does not plan on revising the suite of constituents of concern (COC). Data is only available from various wells for various constituents of concern at various times throughout facility investigations in the past. While WTI did monitor ground water at the facility on a semi-annual basis, the ground water wells pertaining to the COFRA, with the exception of WTI-06, were not included in the semi-annual monitoring program and have not been regularly monitored for constituent of concern concentration levels at the facility. As stated in past documents, acetone was reported as one of the solvents that was received by Charter Oil and it was reported in the historical sample of free product collected at the site. Additionally, data from former monitoring wells exhibited elevated concentrations of acetone in the wells. While Ohio EPA acknowledges that acetone was not detected in the ground water wells pertaining to the COFRA in February 2003 and July 2007, Ohio EPA does not feel that this is enough data to warrant its removal from the COC list. However, if in the future,

after additional sample events, WTI would like to request a permit modification to remove acetone from the COC list using current and historical data, then Ohio EPA would review the request and determine if it is appropriate to remove the COC at that time. Please note that the phrase "for quite a while" will need to be more quantitative in any future demonstrations.

**Heritage-WTI Comment A.6:**

**Page 11 of 42, section 4.3, first full paragraph on page 11, first sentence: The phrase "a limited portion on the south west side of the" should be added between "truck loading and sampling area, container holding area" and "container processing facility."**

Ohio EPA Response A.6: The limits of the COFRA area, as shown in Figure 5 of the Statement of Basis and determined during the RCRA Facility Investigation, indicate that the COFRA impacted areas include the LNAPL plume, dissolved phase ground water contamination and soil contamination which covers almost all of the container processing facility, not just a limited portion of the south west side.

**Heritage-WTI Comment A.7:**

**Page 13 of 42, section 5.1, first paragraph: Because the following constituents have not been detected above their reporting limits for a while, WTI proposes that they be deleted from the bullets on pages 18 and 19 and from the table of pages 20 and 21: acetone, 2-butanone (MEK), 4-methyl-2-pentanone (MIBK), trans-1,2-dichloroethylene, 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, and di-n-octyl phthalate.**

Ohio EPA Response A.7: At this time, Ohio EPA does not plan on revising the suite of constituents of concern. The basis for including particular constituents in the COC list was described in Ohio EPA's RFI Work Plan Notice of Deficiency issued to WTI in 2007. Data is only available from various wells for various constituents of concern at various times throughout facility investigations in the past. While WTI did monitor ground water at the facility on a semi-annual basis, the ground water wells pertaining to the COFRA, with the exception of WTI-06, were not included in the semi-annual monitoring program and have not been regularly monitored for constituent of concern concentration levels at the facility. The ground water monitoring wells pertaining to the COFRA were only sampled twice for the COCs mentioned above, once in 2003 and once in 2007. If in the future, after additional sampling events, WTI would like to request a permit modification to remove certain constituents from the COC list using current and historical data, then Ohio EPA would review the request and determine if it is appropriate to remove the COC at that time. WTI may also wish to resample the LNAPL free product to further demonstrate which constituents of concern should remain on the list. Please note that the phrase "for a while" will need to be more quantitative in any future demonstrations.

**Heritage-WTI Comment A.8:**

*Page 14 of 42, section 5.1, first full paragraph on page 14, third sentence: Because the depth and location of impacted soils only constitutes a complete pathway for construction workers performing invasive activities in those locations and at those depths, the phrase "in the COFRA at depths at which impacted soils are located" should be added at the end of the sentence to accurately reflect the scope of the completed pathway.*

Ohio EPA Response A.8: Refer to Ohio EPA response A.3.

**Heritage-WTI Comment A.9:**

*Page 14 of 42, section 5.1, second bullet: For the reasons stated in comment A.2 above which are incorporated herein by reference in their entirety, the phrase "to the extent practicable" should be added at the end of the second bullet.*

Ohio EPA Response A.9: Refer to Ohio EPA response A.2.

**Heritage-WTI Comment A.10:**

*Page 14 of 42, section 5.1, third bullet: For the reasons stated in comment A.1 above which are incorporated herein by reference in their entirety, the word "contained" in the third bullet should be deleted and replaced with "prevented from migrating to the Ohio River".*

Ohio EPA Response A.10: Refer to Ohio EPA response A.1.

**Heritage-WTI Comment A.11:**

*Page 16 of 42, section 6.2, Environmental Covenant, second bullet: For the reasons stated in comment A.1 above which are incorporated herein by reference in their entirety, the second bullet should be deleted in its entirety and replaced with the following:*

*"Prohibit the extraction and use of ground water for the entire facility for potable purposes and prohibit the extraction and use of contaminated ground water associated with the COFRA for other uses, such as production uses, if such extraction and use will result in migration of contaminated ground water associated with the COFRA to the Ohio River."*

Ohio EPA Response A.11: Refer to Ohio EPA response A.1.

**Heritage-WTI Comment A.12:**

*Page 16 of 42, section 6.2, Environmental Covenant, last paragraph, second sentence: To be consistent with comment A.11, the phrase "as discussed in bullet 2 above" should be added at the end of the second sentence.*

Ohio EPA Response A.12: Refer to Ohio EPA response A.1.

**Heritage-WTI Comment A.13:**

**Page 17 of 42, section 6.2, Operation and Maintenance Plan for remediation system, partial paragraph at the top of page 17: For the reasons stated in comment A.2 above which are incorporated herein by reference in their entirety, the phrase "to the extent practicable" should be added between "continue to monitor and remove the LNAPL" and "to prevent any migration of contamination to".**

Ohio EPA Response A.13: Refer to Ohio EPA response A.2.

**Heritage-WTI Comment A.14:**

**Page 17 of 42, section 6.2, Operation and Maintenance Plan for remediation system, first full paragraph on page 17, first sentence: To correctly identify the location of the passive skimmers, "PRW-01" should be deleted and replaced with "PRW-02".**

Ohio EPA Response A.14: Ohio EPA acknowledges that the third skimmer alternates between PRW-01 and PRW-02. According to the comment, the skimmer must have been located in PRW-02. However, according to the Charter Oil Monthly Progress Reports submitted by WTI and dated May 4, 2011, the third skimmer is stated as being located in PRW-01.

**Heritage-WTI Comment A.15:**

**Page 17 of 42, section 6.2, Operation and Maintenance Plan for remediation system, first full paragraph on page 17, third sentence: To correctly identify the wells that are monitored but do not currently contain passive skimmers, "PRW-02" should be deleted and replaced with "PRW-01".**

Ohio EPA Response A.15: Ohio EPA is assuming WTI is referring to the fourth sentence based on the comment provided. Ohio EPA acknowledges that the third skimmer alternates between PRW-01 and PRW-02. According to the comment, the skimmer must have been located in PRW-02. However, according to the Charter Oil Monthly Progress Reports submitted by WTI and dated May 4, 2011, the third skimmer is stated as being located in PRW-01.

**Heritage-WTI Comment A.16:**

**Page 18 of 42, section 6.2, Integrated Ground Water Monitoring Plan, second full paragraph: LNAPL should only be considered to be present if something more than a sheen is present.**

Ohio EPA Response A.16: While Ohio EPA does not plan on revising the Statement of Basis, the comment is noted and Ohio EPA concurs with the comment.

**Heritage-WTI Comment A.17:**

*Page 18 of 42, section 6.2, Integrated Ground Water Monitoring Plan, fifth full paragraph, second sentence: Because the intent of the corrective action is to ensure contaminated groundwater does not migrate downgradient from the COFRA, requiring the side and upgradient wells to be monitored as a term in the permit is unnecessary, unduly burdensome, unreasonable, and not related to the intent of the corrective measure. Therefore, the requirement to monitor side and upgradient wells should be deleted. Furthermore, to remove ambiguity in the second sentence regarding the upgradient and side gradient wells to be sampled once every two years in the event the requirement is not deleted and to be consistent with the proposed Part B permit modification, the word "will" should be added between "These wells, which" and "include WTI-01, WTI-02 and WTI-03".*

Ohio EPA Response A.17: WTI must continue monitoring ground water wells WTI-01 and WTI-02 to document the upgradient ground water quality if WTI wants to establish a background ground water remediation standard for inorganic constituents as mentioned in comment B.29. Based on data previously submitted to Ohio EPA, Ohio EPA concurs with the comment to remove WTI-03 from the ground water monitoring program. However, WTI-03 should be maintained to obtain future ground water elevations.

**Heritage-WTI Comment A.18:**

*Pages 18 through 21 of 42, section 6.2, Integrated Ground Water Monitoring Plan: Because the following constituents have not been detected above their reporting limits for a while, WTI proposes that they be deleted from the bullets on pages 18 and 19 and from the table on pages 20 and 21: acetone, 2-butanone (MEK), 4-methyl-2-pentanone (MIBK), trans-1,2-dichloroethylene, 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, and di-n-octyl phthalate.*

Ohio EPA Response A.18: Refer to Ohio EPA response A.7.

**Heritage-WTI Comment A.19:**

*Page 20, section 6.2, Integrated Ground Water Monitoring Plan: Two constituents (o-dichlorobenzene and p-dichlorobenzene) have a remediation goal/clean-up standard listed in the proposed Part B permit modification and are listed as TBD in the Statement of Basis. Which is correct?*

Ohio EPA Response A.19: The two constituents noted above (o-dichlorobenzene and p-dichlorobenzene) do have maximum contaminant levels that should have been listed in both the Statement of Basis and the proposed Part B permit modification. The remediation goal/clean-up standards as stated in the Part B permit modification are correct and will remain.

**Heritage-WTI Comment A.20:**

**Page 21, section 6.2, Integrated Ground Water Monitoring Plan: In previous discussions with OEPA, use of US EPA drinking water equivalent level (DWEL) health advisories as a GWRS was also considered. WTI requests the option to use DWEL health advisories as a GWRS.**

Ohio EPA Response A.20: Ohio EPA does not believe that the DWELs are appropriate GWRS for the facility. The DWELs assume all exposure from a constituent of concern is from the noncancer effects of drinking the water. However, the constituents of concern at the facility also pose risks due to cancer effects. The Part B permit modification does allow the use of risk-based GWRS, provided they are acceptable to Ohio EPA.

**Heritage-WTI Comment A.21:**

**Page 21 of 42, section 6.2, Soil Management Plan, first sentence: Because the depth and location of impacted soils only constitutes a complete pathway for construction workers performing invasive activities in the COFRA area itself and at depths at which impacted soils associated with the COFRA exist, the phrase "within the restricted portion of the property" should be deleted and replaced with "within the COFRA at depths at which impacted soils are located" to accurately reflect the area and depth at which the completed pathway can exist. Requiring the Soil Management Plan to address other areas or depths at which impacted soil associated with the COFRA do not exist is unnecessary, unreasonable, unduly burdensome, and beyond the corrective action requirements.**

Ohio EPA Response A.21: Refer to Ohio EPA response A.3.

**Heritage-WTI Comment A.22:**

**Page 21 of 42, section 6.2, Operations and Maintenance Plan for surface cover, first sentence: To more accurately describe the area subject to this plan, the phrase "use restricted area" at the end of the first sentence should be deleted and replaced with "area bounded by the in-the-plume wells".**

Ohio EPA Response A.22: Ohio EPA does not agree with the suggested change. The use restricted area includes areas of the facility where the remaining light non-aqueous phase liquid (LNAPL) occurs, but it also includes areas of the facility where ground water contains dissolved phase contaminants of concern and also where the soil contains contaminants of concern. The COFRA restricted area is larger than just the area bounded by the in-the-plume wells, as shown by the area designated in Figure 5 in the Statement of Basis.

**Heritage-WTI Comment A.23:**

**Page 21 of 42, Soil Management Plan and Operations and Maintenance Plan: In previous discussions with OEPA, rather than the Soil Management Plan and Operation and Maintenance Plan for the surface cover being separate documents, one document (an OMP that addresses both soil management and the surface cover) was considered. OEPA recognized that WTI has a good concrete management program that is conducted under its RCRA permit. WTI would like to continue utilizing its RCRA concrete management program and not create a new program.**

Ohio EPA Response A.23: Ohio EPA is amenable to combining the Soil Management Plan and the Operation and Maintenance Plan for the surface cover as long as all the necessary information is included in the plan. Ohio EPA is also amenable to WTI using an existing RCRA concrete management program as long as all the necessary components for the RCRA Corrective Action proposed remedy are included or will be included through revisions to the existing program. The current RCRA concrete management program will still need to be submitted to Ohio EPA for review and approval to verify that the program contains the necessary Corrective Action components (e.g., plans for maintaining the surfaces other than concrete, such as the vegetative covers).

**Heritage-WTI Comment A.24:**

**Page 22 of 42, section 6.2, Alternate Remedy Plan, first sentence and parenthetical in the second sentence: For the reasons stated in comment A.2 above which are incorporated herein by reference in their entirety, the phrase "to the extent practicable" should be added to the end of the first sentence and at the end of the parenthetical in the second sentence.**

Ohio EPA Response A.24: Refer to Ohio EPA response A.2.

**Heritage-WTI Comment A.25:**

**General Comment: The permit should allow for the termination of the use of passive skimmers once free product has been removed to the extent practical.**

Ohio EPA Response A.25: Ohio EPA is amenable to WTI removing the skimmers after the LNAPL has not been detected in the well based on criteria to be determined in the Operations and Maintenance Plan for the remediation system. However, LNAPL checks using an interface probe will need to continue to ensure that LNAPL does not reoccur due to seasonal fluctuations or any other fluctuations of the water table. The criteria for determining the frequency of the LNAPL checks should also be included in the Operations and Maintenance Plan for the remediation system.

**Heritage-WTI Comment A.26:**

**General Comment: To ensure the ground water monitoring plan, soil management plan, operations and maintenance plan, alternate remedy plan, and indoor air monitoring plan are guided by risk-based principals, WTI believes the permit should explicitly state that risk-based principals and risk-based**

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***cleanup/monitoring levels may be included as part of any of the plans, monitoring requirements, and cleanup goals associated with the corrective action permit conditions.***

Ohio EPA Response A.26: Ohio EPA concurs that risk-based principles and risk-based cleanup/monitoring levels may be included as part of any of the plans, monitoring requirements, and cleanup goals associated with the corrective action permit conditions.

**B. Heritage-WTI Comments on Draft Modified Hazardous Waste Permit**

***Heritage-WTI Comment B.1:***

***Page 58 of 117, bullet at bottom of page: Comment A.1 is incorporated herein by reference in its entirety.***

Ohio EPA Response B.1: Refer to Ohio EPA response A.1. Page 58 of 117, bullet at the bottom of the page has not been revised. The specifics of the environmental covenant are discussed in more detail on page 64 of 117 in Permit Condition E.9(a).

***Heritage-WTI Comment B.2:***

***Page 58a of 117, first bullet at the top of the page: For the reasons stated in comment A.2 which are incorporated herein in their entirety, the phrase "to the extent practicable" should be added at the end of this bullet.***

Ohio EPA Response B.2: Refer to Ohio EPA response A.2. Page 58a of 117, first bullet at the top of the page, last sentence has been revised to state "The Permittee will develop and implement an Operations and Maintenance Plan for the operation, maintenance, monitoring and removal of the remaining free product floating on the water table (i.e., LNAPL) in the Charter Oil Facility Release Area (COFRA), until no more than a sheen is present or until LNAPL is no longer detectable using an interface probe."

***Heritage-WTI Comment B.3:***

***Page 58a of 117, third bullet from the top of the page: For the reasons stated in comment A.3 which are incorporated herein in their entirety, the phrase "that take place in locations and at depths associated with soil impacted by the COFRA" should be added at the end of this bullet.***

Ohio EPA Response B.3: Refer to Ohio EPA response A.3. Page 58a of 117, third bullet from the top of the page has not been revised. The permit language is written such that the Soil Management Plan may include criteria for determining which locations and depths located onsite within the restricted COFRA area will require worker health and safety protection during soil excavation activities.

**Heritage-WTI Comment B.4:**

**Page 58a of 117, fourth bullet from the top of the page: For the reasons stated in comment A.22 which are incorporated by reference herein in their entirety, the words "restricted area" should be deleted and replaced with "area bounded by the in-the-plume wells."**

Ohio EPA Response B.4: Refer to Ohio EPA response A.22. Page 58a of 117, fourth bullet from the top of the page has not been revised.

**Heritage-WTI Comment B.5:**

**Page 58a of 117, last bullet: For the reasons stated in comment A.22 which are incorporated herein in their entirety, the words "restricted area" should be deleted and replaced with "area bounded by the in-the-plume wells."**

Ohio EPA Response B.5: Refer to Ohio EPA response A.22. Page 58a of 117, last bullet has not been revised.

**Heritage-WTI Comment B.6:**

**Page 59a of 117, E.5(a)(ii): Because all of OEPA's comments on the RFI work plan may not need to be incorporated in a revised work plan but may be resolved through the submission of additional information addressing OEPA's comments, WTI proposes that the word "incorporates" in the last line of E.5(a)(ii) be deleted and replaced with "addresses".**

Ohio EPA Response B.6: Ohio EPA concurs with WTI's suggested language. Page 59a of 117, Permit Condition E.5(a)(ii) has been revised to remove "incorporates" and replace it with "addresses."

**Heritage-WTI Comment B.7:**

**Page 60 of 117, E.5(c)(ii): Because all of OEPA's comments on the RFI final report may not need to be incorporated in a revised final report but may be resolved through the submission of additional information addressing OEPA's comments, WTI proposes that the word "incorporates" in the last line of E.5(c)(ii) be deleted and replaced with "addresses".**

Ohio EPA Response B.7: Ohio EPA concurs with WTI's suggested language. Page 60 of 117, Permit Condition E.5(c)(ii) has been revised to remove "incorporates" and replace it with "addresses."

**Heritage-WTI Comment B.8:**

**Page 62 of 117, E.8(a)(ii):** Because all of OEPA's comments on the CMS work plan may not need to be incorporated in a revised work plan but may be resolved through the submission of additional information addressing OEPA's comments, WTI proposes that the word "incorporates" in the last line of E.8(a)(ii) be deleted and replaced with "addresses".

Ohio EPA Response B.8: Ohio EPA concurs with WTI's suggested language. Page 62 of 117, Permit Condition E.8(a)(ii) has been revised to remove "incorporates" and replace it with "addresses."

**Heritage-WTI Comment B.9:**

**Page 63 of 117, E.8(c)(ii):** Because all of OEPA's comments on the CMS final report may not need to be incorporated in a revised final report but may be resolved through the submission of additional information addressing OEPA's comments, WTI proposes that the word "incorporates" in the last line of E.8(c)(ii) be deleted and replaced with "addresses".

Ohio EPA Response B.9: Ohio EPA concurs with WTI's suggested language. Page 63 of 117, Permit Condition E.8(c)(ii) has been revised to remove "incorporates" and replace it with "addresses."

**Heritage-WTI Comment B.10:**

**Page 64, E.9(a)(i):** The requirement to "initiate" the Environmental Covenant within 60 days of issuance is unclear. Please clarify what constitutes "initiate".

Ohio EPA Response B.10: Ohio EPA recognizes that development of an Environmental Covenant requires a dialogue and negotiation of language amenable to all parties that defines, for example, areas of the facility requiring restrictions and specific definition of the restrictions. Although it is anticipated that finalization of the Environmental Covenant may take a year or more, Ohio EPA believes that the discussion of issues and language should commence within 60 days of the Part B permit modification being finalized. Page 64 of 117, Permit Condition E.9(a)(i) has not been revised.

**Heritage-WTI Comment B.11:**

**Page 64 of 117, E.9(a)(i):** For the reasons stated in comment A.1 which are incorporated herein in their entirety, the third sentence in E.9(a)(i) should be deleted in its entirety and replaced with the following:

**"The Environmental Covenant will also prohibit the extraction and use of ground water for the entire facility for potable purposes and prohibit the extraction and use of contaminated ground water associated with the COFRA for other uses, such as production uses, if such extraction and use will result in migration of contaminated ground water associated with the COFRA to the Ohio River."**

Ohio EPA Response B.11: Refer to Ohio EPA response A.1.

The current language as proposed by Ohio EPA is based on the fact that ground water moves across the facility and does not remain in one location. As Ohio EPA has stated to WTI in the past, if WTI plans to use the ground water onsite, then WTI must provide an adequate demonstration to Ohio EPA for review and approval that includes, at a minimum, where the extraction well would be located, how the ground water would be extracted, how the extracted ground water will be used onsite, any necessary sampling and analytical results of the ground water being extracted, the results of a pump test for the well that would be used to extract ground water, and a demonstration that the ground water plume is not expanding and that there are no unacceptable risks to human health or the environment. If an acceptable demonstration is provided for Ohio EPA review and approval prior to the Environmental Covenant being finalized then it can be considered when drafting the document. If the demonstration is not completed prior to finalization of the Environmental Covenant, then the Environmental Covenant will restrict all ground water uses except sampling, monitoring or remediation pursuant to a ground water remedial action. The Environmental Covenant can be changed in the future if an adequate demonstration can be provided to Ohio EPA at that time.

At this time, talks between WTI and Ohio EPA have been initiated regarding the use of onsite ground water as process water at the facility. A workplan is to be developed by WTI and submitted to Ohio EPA for review and approval. Therefore, Page 64 of 117, Permit Condition E.9(a)(i), third sentence has been revised to state "The Environmental Covenant will also prohibit the extraction of ground water for the entire facility for any purpose other than sampling, monitoring or remediation pursuant to a ground water remedial action. If an acceptable onsite ground water use demonstration, conducted in accordance with Permit Condition E.9(a)(iii), is submitted by the Permittee and approved by Ohio EPA, then this use will be reflected when developing the Environmental Covenant."

Permit Condition E.9(a)(iii) has been added to state "Use of onsite ground water. If the Permittee intends to use onsite ground water for uses other than sampling, monitoring, or remediation pursuant to a ground water remedial action, then the Permittee must notify Ohio EPA and demonstrate that the alternative use does not pose an unacceptable risk to human health or the environment. This demonstration must include, at a minimum, where the extraction well will be located, how the ground water would be extracted, how the extracted ground water will be used onsite, any necessary sampling and analytical results of the ground water being extracted, the results of a pump test for the well that would be used to extract ground water and a demonstration that the ground water plume is not expanding and that there are no unacceptable risks to human health or the environment. This demonstration must be reviewed and the intended use must receive prior approval by Ohio EPA. All uses must adhere to restrictions and requirements in the Environmental Covenant."

**Heritage-WTI Comment B.12:**

**Page 64b of 117, E.9(b)(ii):** Because all of OEPA's comments on the OMP may not need to be incorporated in a revised OMP but may be resolved through the submission of additional information addressing OEPA's comments, WTI proposes that the word "incorporates" in the last line of E.9(b)(ii) be deleted and replaced with "addresses".

Ohio EPA Response B.12: Ohio EPA concurs with WTI's suggested language. Permit Condition E.9(b)(ii) has been revised to remove "incorporates" and replace it with "addresses."

**Heritage-WTI Comment B.13:**

**Page 64b of 117, E.9(c)(ii):** Because all of OEPA's comments on the IGWMP may not need to be incorporated in a revised IGWMP but may be resolved through the submission of additional information addressing OEPA's comments, WTI proposes that the word "incorporates" in the last line of E.9(c)(ii) be deleted and replaced with "addresses".

Ohio EPA Response B.13: Ohio EPA concurs with WTI's suggested language. Permit Condition E.9(c)(ii) has been revised to remove "incorporates" and replace it with "addresses."

**Heritage-WTI Comment B.14:**

**Page 64b of 117, E.9(d)(i):** For the reasons stated in comment A.3 which are incorporated herein by reference in their entirety, the phrase "within the restricted portion of the facility" at the end of the second sentence should be deleted and replaced with "that take place in locations and at depths associated with soil impacted by the COFRA".

Ohio EPA Response B.14: Ohio EPA believes that these two phrases "within the restricted portion of the facility" and "that take place in locations and at depths associated with soil impacted by the COFRA" are referring to the same area. Also refer to Ohio EPA response A.3.

Permit Condition E.9(d)(i) has not been revised. The permit language is written such that the Soil Management Plan may include criteria for determining which locations and depths located onsite within the restricted COFRA area will require worker health and safety protection during soil excavation activities.

**Heritage-WTI Comment B.15:**

**Page 64c of 117, E.9(d)(ii):** Because all of OEPA's comments on the SMP may not need to be incorporated in a revised SMP but may be resolved through the submission of additional information addressing OEPA's comments, WTI proposes that the word "incorporates" in the last line of E.9(d)(ii) be deleted and replaced with "addresses".

Ohio EPA Response B.15: Ohio EPA concurs with WTI's suggested language. Permit Condition E.9(d)(ii) has been revised to remove "incorporates" and replace it with "addresses."

**Heritage-WTI Comment B.16:**

**Page 64c of 117, E.9(e)(i): To more accurately describe the area subject to this plan, the phrase "use restricted area" in the third and fourth lines should be deleted and replaced with "area bounded by the in-the-plume wells".**

Ohio EPA Response B.16: Refer to Ohio EPA response A.22. Ohio EPA does not concur with this comment. Permit Condition E.9(e)(i) has not been revised.

**Heritage-WTI Comment B.17:**

**Page 64c of 117, E.9(e)(ii): Because all of OEPA's comments on the OMP may not need to be incorporated in a revised OMP but may be resolved through the submission of additional information addressing OEPA's comments, WTI proposes that the word "incorporates" in the last line of E.9(e)(ii) be deleted and replaced with "addresses".**

Ohio EPA Response B.17: Ohio EPA concurs with WTI's suggested language. Permit Condition E.9(e)(ii) has been revised to remove "incorporates" and replace it with "addresses."

**Heritage-WTI Comment B.18:**

**Page 64b and 64c of 117, E.9(d) and (e): In previous discussions with OEPA, rather than the Soil Management Plan and Operation and Maintenance Plan for the surface cover being separate documents, one document (an OMP that addresses both soil management and the surface cover) was considered. OEPA recognized that WTI has a good concrete management program that is conducted under its RCRA permit. WTI would like to continue utilizing its RCRA concrete management program and not create a new program.**

Ohio EPA Response B.18: Refer to Ohio EPA response A.23. Permit Conditions E.9(d) and (e) have not been revised. The permit language is written such that one plan which contains the required information may be submitted.

**Heritage-WTI Comment B.19:**

**Page 64c of 117, E.9(f)(i): For the reasons stated in comment A.2 which are incorporated herein by reference in their entirety, the phrase "to the extent practicable" should be added to the end of the first sentence and at the end of the parenthetical in the second sentence in E.9(f)(i).**

Ohio EPA Response B.19: Refer to Ohio EPA response to A.2. Permit Condition E.9(f)(i) has been revised to state "The Permittee must prepare and submit an Alternate Remedy Plan should the skimmer LNAPL remediation system fail to prevent the contaminated ground water plume from expanding or fail to effectively remove the LNAPL until no more than a sheen is present or until LNAPL is no longer detectable

using an interface probe. If it is determined that the existing LNAPL remediation skimmer system is not performing adequately (i.e., the skimmers are no longer successfully removing the LNAPL present at the facility until no more than a sheen is present or until LNAPL is no longer detectable using an interface probe), then Ohio EPA may request the Permittee to submit an Alternate Remedy Plan which evaluates and proposes an alternate LNAPL collection method and remediation system."

**Heritage-WTI Comment B.20:**

**Page 64d of 117, E.9(f)(ii):** *Because all of OEPA's comments on the Alternate Remedy Plan may not need to be incorporated in a revised plan but may be resolved through the submission of additional information addressing OEPA's comments, WTI proposes that the word "incorporates" in the last line of E.9(f)(ii) be deleted and replaced with "addresses".*

Ohio EPA Response B.20: Ohio EPA concurs with WTI's suggested language. Permit Condition E.9(f)(ii) has been revised to remove "incorporates" and replace it with "addresses."

**Heritage-WTI Comment B.21:**

**Page 64d of 117, E.9(g)(i):** *To more accurately describe the area subject to this plan, the phrase "use restricted area" in the second and third lines should be deleted and replaced with "area bounded by the in-the-plume well".*

Ohio EPA Response B.21: Refer to Ohio EPA response A.22. Ohio EPA does not concur with this comment. Permit Condition E.9(g)(i) has not been revised.

**Heritage-WTI Comment B.22:**

**Page 64d of 117, E.9(g)(ii):** *Because all of OEPA's comments on the indoor air monitoring plan may not need to be incorporated in a revised plan but may be resolved through the submission of additional information addressing OEPA's comments, WTI proposes that the word "incorporates" in the last line of E.9(g)(ii) be deleted and replaced with "addresses".*

Ohio EPA Response B.22: Ohio EPA concurs with WTI's suggested language. Permit Condition E.9(g)(ii) has been revised to remove "incorporates" and replace it with "addresses."

**Heritage-WTI Comment B.23:**

**Page 95l of 117, second full paragraph, second sentence:** *To clarify regarding whether a well contains LNAPL, the phrase "which is considered to be more than a sheen in the well" should be added at the end of the second sentence.*

Ohio EPA Response B.23: Refer to Ohio EPA response A.16. Ohio EPA concurs with this comment. Page 95l of 117, second full paragraph, second sentence has been revised to state "Wells located within the ground water contamination area ("in-the-plume wells") will be sampled every two year unless LNAPL exists within the well which is considered to be more than a sheen in the well."

**Heritage-WTI Comment B.24:**

**Page 95l of 117, second to last paragraph on page, second sentence: Because the intent of the corrective action is to ensure contaminated ground water does not migrate downgradient from the COFRA, requiring the side and upgradient wells to be monitored as a term in the permit is unnecessary, unduly burdensome, unreasonable, and not related to the intent of the corrective measure. Therefore, the requirement to monitor side and upgradient wells should be deleted. Furthermore, to remove ambiguity in the second sentence regarding the upgradient and side gradient wells to be sampled once every two years in the event the requirement is not deleted and to be consistent with the proposed Part B permit modification, the word "will" should be added between "These wells, which" and "include WTI-01, WTI-02, and WTI-03".**

Ohio EPA Response B.24: Refer to Ohio EPA response A.17. Page 95l of 117, second to last paragraph on page, second sentence, has been revised to state "These wells, which will include WTI-01 and WTI-02, will be sampled every two years. WTI-03, the sidegradient well, will be maintained as part of the IGWMP in order to obtain ground water elevations from the well to be used in developing the shallow contour ground water maps."

Page 95l of 117, fifth paragraph has been revised to state that "Additionally, Heritage-WTI will also sample wells that are upgradient of the ground water contamination. These wells, which will include WTI-01 and WTI-02, will be sampled every two years. WTI-03, the sidegradient well, will be maintained as part of the IGWMP in order to obtain ground water elevations from the well to be used in developing the shallow contour ground water maps."

Page 95m of 117, first full paragraph, last sentence has been revised to state "...while the upgradient wells will be used to monitor any possible constituents flowing onto the Permittee's facility. WTI-03, a sidegradient well, will be maintained and included in the list of wells from which to obtain ground water elevations."

Page 95p of 117, Permit Condition Z.2(b), third sentence has been revised to state "The Permittee must monitor the wells listed in Permit Condition Z.3(b), with the exception of well WTI-03, for the constituents..."

Page 95r of 117, Permit Condition Z.3(b) has been revised to state the purpose of sidegradient monitoring well WTI-03 to be "Record ground water elevations".

Page 95u of 117, Permit Condition Z.6, first sentence has been revised to state "Data on each hazardous constituent specified in Permit Condition Z.2(a) will be collected from all wells listed in Permit Condition Z.3(b), with the exception of well WTI-03." Permit Condition Z.6 has also been revised to remove reference to monitoring well WTI-03 being sampled every two years.

Page 95v of 117, Permit Condition Z.7, first sentence has been revised to state "...or the Permittee may use the following statistical procedures in evaluating ground water monitoring results for each hazardous constituent in Permit Condition Z.2(a) in each well in Permit Condition Z.3(b), except WTI-03, to identify statistically significant evidence..."

Page 95bb of 117, Permit Condition Z.9(a)(iv), second paragraph has been revised to state "The Permittee shall compare the concentration of each hazardous constituent measured at each well specified in Permit Condition Z.3(b), except well WTI-03, with its cleanup standard..."

Page 95cc of 117, Permit Condition Z.9(c) has been revised to state "Following any ground water sampling event, the Permittee must compare the analytical results from the in-the-plume wells, point-of-action wells, wells farther-downgradient from the point-of-action wells, and upgradient wells to the GWRS..."

Page 95dd of 117, Permit Condition Z.9(c)(iii) has been revised to state "When the GWRS have a confirmed exceedance at the upgradient wells listed..."

Page 95dd of 117, Permit Condition Z.9(c)(iii)(b) has been revised to state "The Permittee may make a demonstration that the ground water upgradient of the facility property may be..."

**Heritage-WTI Comment B.25:**

**Pages 95l and 95m of 117: Because the following constituents have not been detected above their reporting limits for a while, WTI proposes that they be deleted from the bullets on pages 95l and 95m: acetone, 2-butanone (MEK), 4-methyl-2-pentanone (MIBK), trans-1,2-dichloroethylene, 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, and di-n-octyl phthalate.**

Ohio EPA Response B.25: Refer to Ohio EPA response A.7. Ohio EPA does not concur with this comment. Pages 95l and 95m of 117 have not been revised.

**Heritage-WTI Comment B.26:**

**Page 95n and 95o of 117, Z.2(a): Because the following constituents have not been detected above their reporting limits for a while, WTI proposes that they be deleted from the table on pages 95n and 95o: acetone, 2-butanone (MEK), 4-methyl-2-pentanone (MIBK), trans-1,2-dichloroethylene, 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, and di-n-octyl phthalate.**

Ohio EPA Response B.26: Refer to Ohio EPA response A.7. Ohio EPA does not concur with this comment. Pages 95n and 95o of 117 have not been revised.

**Heritage-WTI Comment B.27:**

**Page 95o of 117, Z.2(a): Two constituents (o-dichlorobenzene and p-dichlorobenzene) have a remediation goal/clean-up standard listed in the draft Permit Modification and are listed as TBD in the Statement of Basis. Which is correct?**

Ohio EPA Response B.27: Refer to Ohio EPA response A.19. Page 95o of 117, Permit Condition Z.2(a) contains the correct remediation goal/cleanup standard and has not been revised.

**Heritage-WTI Comment B.28:**

**Page 95o of 117, Z.2(a): In previous discussions with OEPA, use of US EPA drinking water equivalent level (DWEL) health advisories as a GWRS was also considered. WTI requests the option to use DWEL health advisories as a GWRS.**

Ohio EPA Response B.28: Refer to Ohio EPA response A.20. Ohio EPA does not concur with this comment. Page 95o of 117, Permit Condition Z.2(a) has not been revised.

**Heritage-WTI Comment B.29:**

**Page 95o of 117, Z.2(a): The GWRS requirements in Condition Z.2(a) should allow for use of background levels for inorganic constituents.**

Ohio EPA Response B.29: Ohio EPA concurs that correctly established background levels that are reviewed and approved by Ohio EPA could be used as GWRSs for inorganic constituents. Page 95o has been revised to state that "Within one year of the permit approval, the Permittee will provide to Ohio EPA for approval, background, maximum contaminant levels (MCLs) and/or risk-based GWRS for all compounds. The risk-based GWRS must be for unrestricted potable use and must take the additive effects of the compounds into consideration."

**Heritage-WTI Comment B.30:**

**Page 95p of 117, Z.2(b): Condition Z.2(b) refers to "property boundary" and Condition Z.2(c) refers to "facility boundary" and "facility property boundary". For consistency, the term "property boundary" could also be used in Condition Z.2(c).**

Ohio EPA Response B.30: Ohio EPA concurs with WTI's suggested language. Permit Condition Z.2(c) has been revised to remove "facility boundary" and "facility property boundary" and replace them with "property boundary."

**Heritage-WTI Comment B.31:**

**Page 95p of 117, Z.2(c): To be consistent with Z.1(c), the last sentence in Z.2(c) should be revised by adding the phrase "pursuant to the requirements in Z.1(c)" at the end of the sentence.**

Ohio EPA Response B.31: Ohio EPA concurs with WTI's suggested language. The last sentence in Permit Condition Z.2(c) has been revised to add the phrase "pursuant to the requirements in Permit Condition Z.1(c)" at the end of the sentence.

**Heritage-WTI Comment B.32:**

**Page 95s of 117, Z.4(e): Condition Z.4(e) requires that each well "at the facility" must be checked for immiscible layers using an interface probe prior to purging. Because of the wells (and piezometers) at the facility that are not in the sampling program, it would be clearer to state that each well "to be sampled" must be**

**checked for immiscible layers using an interface probe prior to purging. In addition, this requirement should be limited to the wells identified in the IGWMP.**

Ohio EPA Response B.32: Ohio EPA concurs that not every well and piezometer at the facility must be checked for the presence of immiscible layers. However, Ohio EPA does believe each well that is part of the IGWMP should be checked for the presence of immiscible layers while the ground water level measurements are being taken in accordance with Permit Condition Z.4(d). Therefore, Permit Condition Z.4(e) has been revised to state "Each well that is identified in Permit Condition Z.3(b) must be checked for the presence of immiscible layers using an interface probe as described in the IGWMP to be submitted by the Permittee and approved by Ohio EPA."

**Heritage-WTI Comment B.33:**

**Page 95t of 117, Z.5: Condition Z.5 requires depth to groundwater measurement at all available wells and piezometers. Currently, a limited set of wells is used to prepare groundwater contours. Rather than a permit requirement to check all locations, Condition Z.5 could refer to wells identified in the IGWMP.**

Ohio EPA Response B.33: Ohio EPA concurs that the depth to groundwater measurements should be collected at each well identified in the IGWMP. Therefore, the first sentence of Permit Condition Z.5 has been revised to state "The Permittee must determine the ground water surface elevation at each well identified in the table in Permit Condition Z.3(b) each time ground water is sampled using the methods in the IGWMP to be submitted by the Permittee and approved by Ohio EPA."

**Heritage-WTI Comment B.34:**

**Pages 95t and 95u of 117, Z.6: Background levels of inorganic constituents may be considered in establishing the GWRS. The effect, if any, the background data requirements in Condition Z.6 may have on that consideration is unclear, including whether another permit modification would be necessary. This item should be clarified.**

Ohio EPA Response B.34: Ohio EPA concurs that background levels of inorganic constituents may be considered in establishing the GWRS. Once the background data are established, those background based GWRS will be incorporated into Permit Condition Z.2(a) with the rest of the newly established GWRS. If in the future, the background based GWRS must be changed, then the Permittee will need to request a permit modification to revise the GWRS. Pages 95u and 95v of 117, Permit Condition Z.6 have not been revised.

**Heritage-WTI Comment B.35:**

**Page 95u of 117, Z.7: The last word in the first line of Z.7, "hazaroud", should be deleted and replaced with "hazardous" and the third word in the second line, "Permi", should be deleted and replace with "Permit".**

Ohio EPA Response B.35: Ohio EPA concurs with WTI's suggested language revision. Permit Condition Z.7 has been revised to change "hazaroud" to "hazardous" and "Permi" to "Permit."

**Heritage-WTI Comment B.36:**

**Pages 95x and 95y of 117, Z.8(b), (c), and (d). Because of the requirement to submit and have approved the IGWMP, Z.8(b), (c), and (d) should be revised to clarify that the deadlines contained therein are not applicable until after the IGWMP is approved by OEPA. Furthermore, reporting requirements in Conditions Z.8(b) and Z.8(c) are not efficient, with a Final Data Report and Evaluation required within 90 days after each monitoring event and a separate Annual Report due by March 1<sup>st</sup> each year. Therefore, two reports will be required annually, including every other year when only 4 wells are sampled. These requirements should be limited to requiring only one report per year.**

Ohio EPA Response B.36: This comment requested that the reporting requirements included in Permit Conditions Z.8(b), (c), and (d) for the newly combined Integrated Ground Water Monitoring Program (IGWMP) not be applicable until after the IGWMP plan has been approved by Ohio EPA. Ohio EPA concurs with this portion of the comment. Due to the timing of the permit modification journalization, Ohio EPA does not anticipate the April, May or June sampling required by the IGWMP to begin in 2011, but Ohio EPA does expect the IGWMP to be submitted, reviewed, and approved by Ohio EPA ready for implementation by the Permittee before the April, May or June 2012 sampling event. Therefore, Pages 95y and 95z of 117, Permit Conditions Z.8(b), (c), and (d) have not been revised due to this portion of the comment.

WTI also stated that the reporting requirements in Permit Condition Z.8(b) and (c) are not efficient. The Permittee is required by Permit Condition Z.8(b) to submit a Final Data Report and Evaluation for each sampling and analysis event (to be conducted in April, May, or June of each year) after completion of the sampling event. The information in this report is necessary to document the quality of the ground water at the facility based on the sampling event and to determine if additional actions are necessary based on the ground water data presented in the report. These results are used to ensure that the ground water contamination is contained and not causing an unacceptable risk to human health or the environment. The Permittee is required by Permit Condition Z.8(c) to submit a Supplementary Annual Ground Water Monitoring Report to the Director of Ohio EPA to document the site's ground water monitoring activities during the previous calendar year. The Supplementary Annual Ground Water Report must be submitted by March 1<sup>st</sup> of each year, in accordance with Ohio Administrative Code (OAC) rules 3745-50-58 and 3745-54-75. OAC rule 3745-54-75 states that the reporting form and instructions supplied by the Director shall be used for the annual report.

Ohio EPA concurs that the Final Data Report and Evaluation may be combined with the Supplementary Annual Ground Water Report to only submit one report per year. While the Combined Report would not be due until March 1<sup>st</sup>, the Permittee is encouraged to submit the Combined Report as soon as technically feasible once it is determined that no further ground water sampling will be conducted during that year. Therefore Permit Conditions Z.8(b), (c), and (d) have been revised to combine Permit Conditions Z.8(b) and (c) into Permit Condition Z.8(b) and Permit Condition Z.8(d) has been renumbered to be Permit Condition Z.8(c). Permit Condition Z.8(b) has been revised as follows:

#### Z.8(b) Sampling and Annual Reporting

The Permittee must submit a Final Data Report and Evaluation for each sampling and analysis event, conducted in the spring (April, May, or June) of each year. The Report must contain, at a minimum, the information listed in Permit Condition Z.8(a). The Report must be submitted to Ohio EPA, Northeast District Office and entered into the operating record. The Permittee must maintain all documentation from the laboratories regarding analysis of ground water samples. Ohio EPA may require submittal of a copy of the full quality assurance/quality control (QA/QC) report for a particular event if circumstances warrant; but, in general, this will not be required.

The Permittee must submit an annual report to the Director by March 1<sup>st</sup> or the first business day thereafter if March 1<sup>st</sup> falls on a weekend or holiday. The annual reports must reference the titles and dates of any sampling reports required by the permit or any updates to those reports, but generally do not need to include duplicates of hard copies previously submitted.

The annual reports must include, at a minimum, the analytical results required by Permit Conditions Z.6 and Z.9, the ground water elevation data required by Permit Conditions Z.5 and Z.8(a)(xii) and (xiii), and the results of any statistical analyses required by Permit Conditions Z.7 and Z.9. In addition, a copy on disk of all ground water and blank data must be submitted electronically in the format for the Supplementary Annual Ground Water Monitoring Report supplied by the Director, a paper copy of well-specific information (location (latitude and longitude), depth, construction, etc.) for any new/replacement wells, and any other information specified in the instructions for the annual report not addressed in this Permit Condition must be submitted as required by OAC Rule 3745-54-75.

These two reports may be combined into one report to be submitted as soon as technically feasible after the sampling event or by March 1<sup>st</sup> of the following year at the latest. However, it is important to note that Permit Condition Z.9(c) must be followed when determining if the GWRSs have a confirmed exceedance."

#### ***Heritage-WTI Comment B.37:***

***Page 95z of 117, Z.9(a)(iv): Condition Z.9(a)(iv) references a requirement to collect Ohio River samples. WTI does not believe this would provide any relevant information. There are many industries along the Ohio River that have discharges to the river. Sampling should be restricted to the ground water wells identified in the draft Part B permit modification.***

Ohio EPA Response B.37: Ohio EPA concurs with this comment regarding the requirement to collect Ohio River samples. However, the need to sample offsite wells may be deemed appropriate. The first sentence of the third paragraph of Permit Condition Z.9(a)(iv) has been revised to state "Wells beyond the property boundary shall be sampled where necessary to protect human health and the environment, unless the

Permittee demonstrates to the Agency that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such action."

**Heritage-WTI Comment B.38:**

**Page 95aa of 117, Z.9(c): Condition Z.9(c) addresses comparison of ground water analytical results to the GWRS. Potential exceedances for inorganic constituents are not specifically addressed. In previous discussions with OEPA, it was proposed to routinely analyze for the total (unfiltered) concentration for inorganic constituents. If the results indicated a GWRS exceedance, then a sample would be field-filtered for dissolved concentration during the next monitoring event. WTI believes this provision should be revised accordingly.**

Ohio EPA Response B.38: Ohio EPA is amenable to the Permittee collecting and analyzing ground water samples for the total (unfiltered) and dissolved (field filtered) concentrations for inorganic constituents. However, this sampling and analysis protocol should be included in the IGWMP to be submitted by the Permittee and reviewed and approved by Ohio EPA. For example, if the Permittee determines that a total (unfiltered) concentration of an inorganic constituent has exceeded the GWRS, then the Permittee may resample the well(s) in question for the field filtered concentration of the inorganic constituent(s) in question within 30 days of this finding. If the field filtered concentration is below the GWRS, then it is determined that a confirmed exceedance of the GWRS has not occurred. If the field filtered concentration is above the GWRS, then it is determined that a confirmed exceedance of the GWRS has occurred.

It is important to note that if the Permittee chooses to collect background samples to be used to determine if an exceedance of the GWRS has occurred in a downgradient ground water well, then the comparison must be conducted using samples with the same sampling and analysis methods. For example, if the background samples are collected and analyzed for total (unfiltered) concentrations of inorganic constituents, then the downgradient ground water well samples should also be collected and analyzed for total (unfiltered) concentrations of inorganic constituents. If the Permittee chooses to also collect field filtered ground water samples from the downgradient wells, then to conduct an appropriate background comparison, the Permittee must also collect field filtered ground water samples from the upgradient ground water wells. The Permittee may also choose to collect unfiltered and field filtered ground water samples at the downgradient wells at the same time and even if the total inorganic constituent concentrations are above the background and MCLs and the field filtered ground water samples have concentrations above the field filtered background concentration, but the field filtered ground water samples are below the MCLs, then a confirmed exceedance has not occurred.

It is also important to note that if the Permittee determines an exceedance of the GWRS has occurred then the Permittee has the option to resample the same well for the same constituent to determine if the exceedance was a confirmed exceedance. Therefore, the following Permit Conditions have been revised to allow the Permittee to first determine if the exceedance is a true exceedance by replacing "exceedance" with "confirmed exceedance".

Page 95cc of 117, Permit Condition Z.9(c) has been revised to state "...to the GWRS to determine if a confirmed exceedance occurred."

Page 95cc of 117, Permit Condition Z.9(c)(i) has been revised to state "When the GWRS have a confirmed exceedance at the..."

Page 95cc of 117, Permit Condition Z.9(c)(ii) has been revised to state "When the GWRS have a confirmed exceedance at the..."

Page 95dd of 117, Permit Condition Z.9(c)(iii) has been revised to state "When the GWRS have a confirmed exceedance at the..."

Page 95dd of 117, Permit Condition Z.9(c)(iv) has been revised to state "The Permittee may demonstrate that a source other than the facility caused a confirmed exceedance of the GWRS..."

Page 95ee of 117, Permit Condition Z.9(e)(i) has been revised to state "If, based on the results of the Permittee's ground water monitoring program, the GWRS detailed in Permit Condition Z.2(a) have not had a confirmed exceedance, with the exception of in-the-plume wells..."

**Heritage-WTI Comment B.39:**

**Page 95dd of 117, Z.9(d): Condition Z.9(d) states that the 90-day requirement for submittal of a permit modification application is not relieved if an "other source demonstration" or confirmation sampling and analyses to potentially clarify an anomalous result are being conducted. This requirement could be onerous if a permit modification application were to become necessary.**

Ohio EPA Response B.39: Ohio EPA assumes that this comment is referring to Permit Condition Z.9(c)(iv)(d) and not Z.9(d). In accordance with Permit Condition Z.9(c)(iv)(d), the Permittee has 90 days from determining that a confirmed exceedance of the GWRS has occurred to make an "other source demonstration" in addition to or in lieu of submitting a permit modification. The Permittee is not relieved of the 90-day requirement for submitting a permit modification to ensure that if a corrective action program is necessary, it can be implemented in a timely manner. Therefore Page 95ee of 117, Permit Condition Z.9(c)(iv)(d) has not been revised.

**Heritage-WTI Comment B.40:**

**Page 95dd of 117, Z.9(e)(iii): A demonstration that contamination has been reduced below the GWRS and is protective of human health and the environment should allow WTI to either reduce or eliminate ground water monitoring requirements. Therefore, the words "or eliminated" should be added in the first line between "may be reduced" and "in the".**

Ohio EPA Response B.40: Ohio EPA concurs with the suggested language. Permit Condition Z.9(e)(iii) has been revised to state "The ground water monitoring requirements may be reduced or eliminated in the event that the Permittee can successfully demonstrate with Ohio EPA approval that the level of contamination has been reduced to below the GWRS and is protective of human health and the environment."

**Heritage-WTI Comment B.41:**

**General Comment:** *Although discussed with OEPA, the draft Part B permit modification does not include a provision to eliminate analytical parameters from the monitoring program if not detected or at consistently low levels. With such a provision, references to monitoring for the constituents listed in Z.2(a) should be revised.*

Ohio EPA Response B.41: While there is no specific provision included in the draft Part B permit modification to eliminate analytical parameters from the monitoring program, the option does still remain. In order to eliminate analytical parameters from the monitoring program, the Permittee would need to submit a permit modification request to Ohio EPA for review and approval which includes a demonstration indicating why it is no longer necessary to monitor the ground water for that particular constituent. No permit language has been revised in response to this comment.

**Heritage-WTI Comment B.42:**

**General Comment:** *The permit should allow for the termination of the use of passive skimmers once free product has been removed to the extent practical.*

Ohio EPA Response B.42: Refer to Ohio EPA response A.25. The Operations and Maintenance Plan for the LNAPL remediation system, to be submitted to Ohio EPA for review and approval, may be prepared to include criteria for demonstrating when it is appropriate to allow for termination of the use of the passive skimmers. No permit language has been revised due to this comment.

**Heritage-WTI Comment B.43:**

**General Comment:** *To ensure the ground water monitoring plan, soil management plan, operations and maintenance plan, alternate remedy plan, and indoor air monitoring plan are guided by risk-based principals, WTI believes the permit should explicitly state that risk-based principals and risk-based cleanup/monitoring levels may be included as part of any of the plans, monitoring requirements, and cleanup goals associated with the corrective action permit conditions.*

Ohio EPA Response B.43: Refer to Ohio EPA's response A.26. No permit language has been revised due to this comment.

**Other Changes to Permit Conditions**

1. In the time period between the draft permit modification issuance and the permit modification finalization, the Ohio EPA underwent an Agency reorganization. The cleanup portion of the Division of Hazardous Waste Management has been transitioned to the Division of Environmental Response and Revitalization. Therefore, Permit Condition B.42, second sentence has been revised to state "Ground water monitoring, including sampling and analysis, will be conducted as specified in Module Z and submitted to the Ohio EPA, Division of Environmental Response and Revitalization, for review."

2. Page 64a, the top of the page, a "(iii)" was mistakenly placed in front of the word "activities". However, the sentence is a continuation from page 64 and should not have been designated as a new section. Therefore, page 64a has been revised to remove the "(iii)" at the top of the page.
3. Permit Condition E.9(f)(iii), second sentence incorrectly references the "SMP" instead of the Alternate Remedy Plan. Therefore, Permit Condition E.9(f)(iii), second sentence has been revised to state "The Alternate Remedy Plan, as approved..."

**End of Response to Comments**