



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 23 2017

REPLY TO THE ATTENTION OF:

Mr. Joseph Bianco
SHE Manager
INEOS USA LLC
1900 Fort Amanda Road
Lima, Ohio 45802

Re: Draft Federal RCRA Permit, INEOS USA LLC
Lima, Ohio, OHD 042 157 644

Dear Mr. Bianco:

Enclosed is the draft Federal Resource Conservation and Recovery Act (RCRA) permit for INEOS USA LLC (INEOS), Lima, Ohio. This permit is a reissuance of the draft RCRA permit issued on September 29, 2014 by U.S. Environmental Protection Agency to INEOS modified to address the comment submitted by INEOS. The Statement of Basis and Response Summary are included with this letter.

The draft Federal RCRA permit will be publicly noticed in the Lima News newspaper and local radio station on and about September 1, 2017. A copy of the draft Federal RCRA permit is available for review at the Lima Public Library, 650 West Market Street, Lima, Ohio. The public comment period lasts from September 1 to October 15, 2017.

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

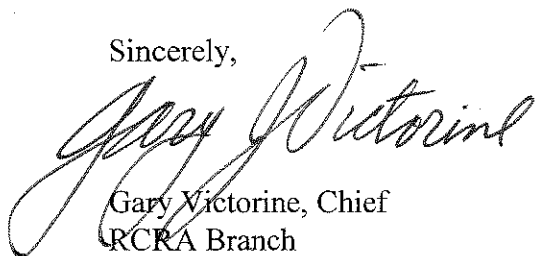
U.S. Environmental Protection Agency, Region 5
RCRA Branch (LR-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604

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 Title 40 of the Code of Federal Regulations (40 CFR) Section 124.15.

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

Sincerely,

A handwritten signature in cursive script, reading "Gary Victorine". The signature is written in dark ink and is positioned above the printed name and title.

Gary Victorine, Chief
RCRA Branch

Enclosures

cc: Bradley Mitchell, OEPA

DRAFT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT

Facility Name and Location: INEOS USA LLC
1900 Fort Amanda Road
Lima, Ohio 45804

Owner: INEOS USA LLC
2600 South Shore Boulevard
League City, Texas 77573

Operator: INEOS USA LLC
2600 South Shore Boulevard
League City, Texas 77573

U.S. EPA Identification Number: OHD 042 157 644

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

Expiration Date: 10 Years from the Effective Date of the Final Permit

Authorized Activities:

The U.S. Environmental Protection Agency hereby issues a Resource Conservation and Recovery Act permit (hereinafter referred to as the "permit") to INEOS USA LLC (hereinafter referred to as the "Permittee" or addressed in the second person as "you") in connection with the hazardous waste management operations at your facility located at 1900 Fort Amanda Road in Lima, Ohio.

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

Specifically, this permit addresses: air emission for equipment leaks at 40 CFR Part 264 Subpart BB; and air emission standards for tanks and containers at 40 CFR Part 264 Subpart CC.

This permit contains the applicable federal RCRA requirements for the facility. The Permittee also has a state RCRA permit which contains requirements issued by the State of Ohio's RCRA program, authorized under 40 CFR Part 271.

The State RCRA permit was issued on July 1, 2015, which had an expiration date of July 1, 2025.

Any hazardous waste activity which requires a RCRA permit and is not included in either this permit or the State RCRA permit is prohibited.

Permit Approval:

On June 30, 1989, the State of Ohio received final authorization according to Section 3006 of RCRA, 42 USC § 6926, and 40 CFR Part 271, to administer the pre-HSWA RCRA hazardous waste program. The State of Ohio also received final authorization to administer certain additional RCRA requirements on several occasions since then.

However, EPA has not yet authorized the State of Ohio to administer certain regulations, including the air emission standards for equipment leaks, tanks and containers, codified at 40 CFR Part 264, Subparts BB and CC. Therefore, 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 CFR Parts 124, 260, 261, 262, 264, 268, 270, and applicable provisions of RCRA.

This permit is based on the assumptions that: (1) the information submitted in your RCRA Part B Permit Application dated June 15, 2012, and all other modifications to that application (hereinafter referred to as the "Part B Permit Application") including the addendum to your Part B Permit Application dated December 13, 2012 is accurate; and (2) that the facility is configured, operated and maintained as specified in the Part B Permit Application and other relevant documents.

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

Opportunity to Appeal:

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

Effective Date:

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

By: _____ Date: _____
Brigid Lowery
Acting Division Director
Land and Chemicals Division

OHD 042 157 644

INEOS USA LLC

TABLE OF CONTENTS

SECTION I--STANDARD PERMIT CONDITIONS	1
I.A EFFECT OF PERMIT	1
I.B PERMIT ACTIONS	1
I.C SEVERABILITY	2
I.D DEFINITIONS	2
I.E DUTIES AND REQUIREMENTS	2
I.E.1 Duty to Comply	2
I.E.2 Permit Expiration	2
I.E.3 Duty to Reapply	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	3
I.E.7 Duty to Provide Information	3
I.E.8 Inspection and Entry	4
I.E.9 Monitoring and Records	4
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	5
I.E.14 Twenty-Four Hour Reporting	6
I.E.15 Other Noncompliance	7
I.E.16 Other Information	8
I.F SIGNATORY REQUIREMENT	8
I.G REPORTS, NOTIFICATIONS AND SUBMISSIONS TO THE DIRECTOR.....	8
I.H CONFIDENTIAL INFORMATION	9
I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY	9
I.I.1 Operating Record	9
I.I.2 Permit on Site.....	9
I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE	9
I.K COORDINATION WITH THE CLEAN AIR ACT	11
SECTION II-- AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS (40 CFR PART 264 SUBPART BB)	11
SECTION III-- AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS (40 CFR PART 264 SUBPART CC)	12
III.A RECORDKEEPING AND REPORTING REQUIREMENTS	13

SECTION I—STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

This permit contains the applicable federal permit conditions for the facility. The Permittee also has a state RCRA permit. You are hereby allowed to manage hazardous waste at the facility in accordance with this permit. Under this permit, the storage and treatment of RCRA hazardous waste must comply with all terms and conditions in this permit. Other aspects of the storage and treatment of RCRA hazardous wastes are subject to the conditions in the state-issued 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 CFR § 270.4, compliance with the RCRA permit during its term generally 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 CFR Part 268 restricting the placement of hazardous waste in or on the land; (3) are promulgated under 40 CFR Part 264 regarding leak detection systems; or (4) are promulgated under 40 CFR Part 264 Subpart AA, BB or CC limiting air emissions. (40 CFR § 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 USC §§ 9601 *et seq.* (commonly known as CERCLA); or (3) any other law protecting public health or the environment from any imminent and substantial endangerment to human health, welfare, or the environment. (40 CFR §§ 270.4 and 270.30(g))

I.B PERMIT ACTIONS

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

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

reissuance, or termination, or a notification of planned changes or anticipated noncompliance on your part will not stay the applicability or enforceability of any permit condition. (40 CFR § 270.30(f))

You may request a modification of this permit under the procedures specified in 40 CFR § 270.42. A class 1 modification is generally allowed without prior approval by EPA except under certain conditions as described in 40 CFR § 270.42(a)(2). A class 2 modification requires prior approval by EPA as described in 40 CFR § 270.42(b).

You must not perform any construction associated with a Class 3 permit modification request until such modification request is granted and the modification becomes effective. You may perform construction associated with a Class 2 permit modification request beginning 60 days after submission of the request, unless the Director establishes a later date. (40 CFR § 270.42(b)(8)) Pursuant to Chapter 8-6 of the Region 5 Delegation Manual, the authority assigned to the Regional Administrator as Director under 40 CFR § 270.42(b)(8) has been delegated to the Director of the Land and Chemicals Division of the EPA, Region 5. Thus, for the purposes of this permit, the term Director shall refer to the Division Director of EPA Region 5's Land and Chemicals Division. Procedures for a class 3 modification are specified in 40 CFR § 270.42(c).

I.B.2 Permit Renewal

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

I.C SEVERABILITY

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

I.D DEFINITIONS

The terms used in this permit will have the same meaning as in 40 CFR Parts 124, 260 through 266, 268 and 270, unless this permit specifically provides otherwise. Where neither the regulations nor the permit define a term, the term's definition will be the standard dictionary definition or its generally accepted scientific or industrial meaning.

I.E DUTIES AND REQUIREMENTS

1.E.1 Duty to Comply

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

1.E.2 Duty to Reapply

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

1.E.3 Permit Expiration

Unless revoked or terminated, this permit and all conditions herein will be effective for 10 years from this permit's effective date. This permit and all conditions herein will remain in effect beyond the permit's expiration date if you have submitted a timely, complete application (40 CFR § 270.10 and §§ 270.13 through 270.29), and, through no fault of your own, the Director has not made a final determination regarding permit reissuance. (40 CFR §§ 270.50 and 270.51)

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

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

1.E.5 Duty to Mitigate

In the event of noncompliance with this permit, you must take all reasonable steps to minimize releases to the environment resulting from the noncompliance and must implement all reasonable measures to prevent significant adverse impacts on human health or the environment. (40 CFR § 270.30(d))

I.E.6 Proper Operation and Maintenance

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

I.E.7 Duty to Provide Information

You must provide the Director, within a reasonable time, any relevant information that the Director requests to determine whether there is cause to modify, revoke and reissue, or terminate this permit, or to determine permit compliance. You must also provide the Director, upon request, with copies of any records this permit requires. The information you must maintain under this permit is not subject to the Paperwork Reduction Act of 1995, 44 USC §§ 3501 *et seq.* (40 CFR §§ 264.74(a) and 270.30(h))

I.E.8 Inspection and Entry

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

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

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

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

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

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

I.E.9 Monitoring and Records

I.E.9.a Samples and measurements taken for monitoring purposes must be representative of the monitored activity. The methods used to obtain a representative sample of the feed streams, treatment residues, or other hazardous wastes to be analyzed must be the appropriate methods from Appendix I of 40 CFR Part 261, or the methods specified in the Waste Analysis Plan which is Section C of the Part B Permit Application, or an equivalent method approved by the Director. Laboratory methods must be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods* (SW-846, latest edition), *Methods for Chemical Analysis of Water and Wastes* (EPA 600/4-79-020), or an equivalent method, as specified in the referenced Waste Characteristics. (40 CFR § 270.30(j)(1))

I.E.9.b You must retain, at the facility, records of all monitoring information as specified in 40 CFR § 264.74.

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

I.E.10 Reporting Planned Changes

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

I.E.11 Reporting Anticipated Noncompliance

You must notify the Director, in advance, of any planned changes in the permitted facility or activity that may result in permit noncompliance. Advance notice will not constitute a defense for any noncompliance. (40 CFR § 270.30(l)(2))

I.E.12 Certification of Construction

Subject to the requirements of 40 CFR § 270.32(b)(2) and § 270.42 of Appendix I, you must not operate any RCRA air emission control devices completed after the effective date of this permit until you have submitted to the Director, by certified mail or hand-delivery, a letter signed both by your authorized representative and by a registered professional engineer. That letter must state that the portions of the facility covered by this permit have been constructed in compliance with the applicable conditions of this permit. In addition, you must not operate the permitted control devices until either (40 CFR § 270.30(l)(2)):

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

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

I.E.13 Transfer of Permits

This permit is not transferable to any person, except after notice to the Director. You must inform the Director and obtain prior approval from the Director before transferring ownership or operational control of the facility (40 CFR § 270.42, Appendix I). Under 40 CFR § 270.40, the Director may require permit modification, or revocation and reissuance to change your name and incorporate other RCRA requirements. Before transferring ownership or operation of the facility during its operating life, you must notify the Director and obtain prior approval and notify the new owner or operator in writing of the requirements of 40 CFR Parts 264, 266, 268, and 270, and must provide a copy of the RCRA permit to the new owner or operator. (40 CFR §§ 264.12(c), 270.30(l)(3), and 270.40(a))

I.E.14 Twenty-Four Hour Reporting

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

I.E.14.b The report must include the following information (40 CFR § 270.30(l)(6)): (1) release of any hazardous waste that may endanger public drinking water supplies; (2) a release or discharge of hazardous waste; or (3) fire

or explosion from the hazardous waste management facility that could threaten the environment or human health outside the facility. You must include the following information:

- (1) Name, title and telephone number of the person making the report;
- (2) Name, address and telephone number of the facility owner or operator;
- (3) Facility name, address and telephone number;
- (4) Date, time and type of incident;
- (5) Location and cause of incident;
- (6) Identification and quantity of material(s) involved;
- (7) Extent of injuries, if any;
- (8) Assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (9) Description of any emergency action taken to minimize the threat to human health and the environment; and
- (10) Estimated quantity and disposition of recovered material that resulted from the incident.

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

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

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

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

I.E.15 Other Noncompliance

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

I.E.16 Other Information

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

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

I.F SIGNATORY REQUIREMENT

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

I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR

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

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

I.H CONFIDENTIAL INFORMATION

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

I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY

You must maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and all amendments, revisions, and modifications to them.

I.I.1 Operating Record

You must maintain in the facility's operating record the documents required by this permit, and by the applicable portions of 40 CFR §§ 266.102, 264.13, and 264.73 (as they apply to the equipment used to comply with this permit).

I.I.2 Notifications

If you receive hazardous waste(s) from off-site generator(s), you must maintain notifications from generators accompanying initial incoming shipment of wastes subject to 40 CFR Part 268 Subpart C that specify treatment standards, as required by 40 CFR §§ 264.73, 268.7, and this permit.

I.I.3 Copy of Permit

You must keep a copy of this permit on site, and you must update it as necessary to incorporate any official permit modifications.

I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE

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

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

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

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

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

LK COORDINATION WITH THE CLEAN AIR ACT

You must comply fully with the requirements contained in this permit. To demonstrate compliance with Subparts BB and CC of RCRA under this federal RCRA permit, you must document and certify compliance with all applicable CAA requirements and regulations. This permit does not affect your responsibility to comply with the CAA or other applicable federal state or local laws. Compliance with this permit will not be a defense to any CAA permitting or enforcement action.

SECTION II -- AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS (40 CFR PART 264 SUBPART BB)

The Permittee's Part B Permit Application states that you are operating equipment subject to 40 CFR Part 264, Subpart BB. Such equipment includes pumps, valves, pressure relief valves, flanges, and open end connectors.

The air emission standards for equipment leaks, 40 CFR Part 264 Subpart BB (Subpart BB), at 40 CFR § 264.1064(m) provides:

The owner or operator of a facility with equipment that is subject to this subpart and to regulations at 40 CFR part 60, part 61, or part 63 may elect to determine compliance with this subpart either by documentation pursuant to § 264.1064 of this subpart, or by documentation of compliance with the regulations at 40 CFR part 60, part 61, or part 63 pursuant to the relevant provisions of the regulations at 40 [CFR] part 60, part 61, or part 63. The documentation of compliance under the regulations at 40 CFR part 60, part 61, or part 63 shall be kept with or made readily available with the facility operating record.

The Permittee submitted an addendum to its RCRA Part B Application by letter dated December 13, 2012 ("Addendum"). The Addendum provides that in accordance with 40 CFR § 264.1064(m), the Permittee has elected to determine compliance with Subpart BB by documenting compliance with 40 CFR Part 63, Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks. The Addendum further states that the documentation of compliance under 40 CFR Part 63, Subpart H is kept in on-site hard copy and electronic files that are a part of the facility operating records.

For purposes of this permit, EPA considers the written statement from a responsible company official contained in the Addendum as your election to determine compliance with Subpart BB by documenting compliance with 40 CFR Part 63, Subpart H (Subpart BB Determination of Compliance). As set forth at 40 CFR § 264.1064(m), the documentation of compliance with the regulations at 40 CFR Part 63, Subpart H must be kept with or made readily available with the facility operating record.

For any proposed changes of the Subpart BB Determination of Compliance, you must submit a Class 1 permit modification request providing for the application of 40 CFR Part 264, Subpart BB to such hazardous waste equipment.

**SECTION III – AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS
AND MISCELLANEOUS UNITS
(40 CFR PART 264 SUBPART CC)**

The Permittee's Part B Permit Application states that there are 7 tanks which store hazardous waste with a total capacity of 1,949,500 gallons. There are an additional 7 tanks with the ability to treat 2,924,300 gallons of waste per day. These treatment tanks have a storage capacity of 178,540 gallons. The Part B Permit Application states that all of these tanks have fixed roofs. Tanks T01-13 and T01-8 receive hazardous waste with less than 500 parts per million (ppm) volatile organic (VO) concentration at the point of waste origination and therefore are not subject to Subpart CC. Two of the fixed roof tanks, S02-4 and S02-5, have internal floating roofs as air emission controls. All of these tanks, except S02-4, S02-5, T01-8, and T01-13, vent their emissions to the control devices (such as absorber off-gas incinerator or flare) to control VO emissions. These tanks are determined to comply with Level 1 or Level 2 tank requirements.

There is also one container storage area with a capability of 27,500 gallons. The containers in the container storage area are determined to comply with Level 1 container requirements.

There is a deepwell filter press which treats the waste streams. The filter press is permitted by the State as a miscellaneous unit. The solids from the filter press are placed into a roll-off box (6,875 gallons) stored in the deep-well building below the filter press. The roll-off box is determined to comply with Level 1 container requirements.

You must not conduct a waste stabilization process, as defined at 40 CFR § 265.1081, in containers and tanks.

The air emission standards for tanks and containers, 40 CFR Part 264, Subpart CC (Subpart CC) at 40 CFR § 264.1080(b)(7) provides:

(b) The requirements of this subpart do not apply to the following waste management units at the facility: ... (7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63. For the purpose of complying with this paragraph, a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of § 264.1084(i), except as provided in § 264.1082(c)(5).

The Permittee's Part B Permit Application and Addendum contains a written statement from a responsible company official that, pursuant to 40 CFR § 264.1080(b)(7), the requirements of RCRA Subpart CC do not apply to the waste management containers and tanks, including the filter press, at the facility as they are equipped with air emission controls operated in accordance with the requirements of 40 CFR Part 63, Subpart G, the National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Press Vents, Storage Vessels, Transfer Operations and Wastewater ("HON"). The Addendum further states that the compliance operation of the air emission controls is documented and certified under the Clean Air Act Title V operating permit program.

For purposes of this permit, EPA considers the information in the Part B Permit Application and Addendum as a certification by the Permittee that the hazardous waste management units subject to Subpart CC are equipped with and operating air emission controls in accordance with 40 CFR Part 63 Subpart G (Subpart CC Certification). Therefore, in accordance with 40 CFR § 264.1080(b)(7), the air emission control requirements of Subpart CC are not applicable to the hazardous waste management tanks, containers and filter press at the facility. Rather, the tanks, containers, and filter press described in the Permittee's Part B Permit Application are subject to the CAA and must be equipped with and operating air pollution controls in accordance with the requirements of 40 CFR Part 63, Subpart G at all times hazardous waste is managed in the units.

Within twelve months of the effective date of this permit and annually thereafter, you shall update the Subpart CC Certification that all of the tanks, containers, and filter press subject to Subpart CC are equipped with and operating air emission controls in accordance with 40 CFR Part 63, Subpart G. The Subpart CC Certification must be retained at the facility and be provided to EPA and State representatives, or their designees, upon request. As set forth at 40 CFR § 264.1089(a) and (j), you must maintain in the operating record both: 1) a certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of the applicable Clean Air Act regulation codified under 40 CFR Part 60, Part 61, or Part 63; and 2) identification of the specific requirements codified under 40 CFR Part 60, Part 61, or Part 63 with which the waste management unit is in compliance. You shall inform the EPA and the State RCRA program, in writing, about any local, State, or federal findings or notice of alleged noncompliance with CAA requirements at the subject tanks, containers, and filter press at least 30 days after your receipt of such notice of noncompliance.

If you anticipate changing the installed air emission control equipment, including any changes to the use or operation of such equipment, from that described in your Subpart CC Certification or for any changes in your certification or the compliance status of the tanks, containers, and filter press with 40 CFR Part 63, Subpart G, you shall inform the EPA Region 5 RCRA program, in writing, about the changes no later than 30 days prior to any such changes. In the event that any of the tanks, containers, and/or filter press specified in the Part B Permit Application and Addendum are no longer equipped with and operating air emission controls because 40 CFR Part 63, Subpart G no longer requires, on an on-going basis, operation of such equipment to achieve and maintain compliance with the CAA (e.g., because of emission averaging, bubbling, or due to a threshold determination, etc.) such tanks, containers, and/or filter press shall be subject to and comply with all applicable requirements of 40 CFR Part 264, Subpart CC, and you must submit a Class II permit modification request providing for the formal revision of this permit to apply 40 CFR Part 264, Subpart CC to those hazardous waste tanks, containers, and/or filter press.

RESPONSE SUMMARY

RESPONSE TO COMMENTS ON THE FEDERAL DRAFT PERMIT FOR INEOS USA LLC

Lima, Ohio EPA ID# OHD 042 157 644

I. INTRODUCTION

This summary is issued in response to the comments raised during the public comment period for the draft Resource Conservation and Recovery Act (RCRA) permit issued to INEOS USA LLC (draft permit) for the facility at 1900 Fort Amanda Road, Lima, Ohio (facility). EPA issued the draft permit on September 29, 2014, and the public comment period for the draft permit lasted from September 29, 2014 to November 26, 2014. Additionally, a public meeting was conducted jointly by the U.S. Environmental Protection Agency and Ohio Environmental Protection Agency on November 20, 2014, at 6:00 p.m. at Lima City Council Chambers, 50 Town Square, Lima, Ohio 45801.

II. COMMENT AND EPA'S RESPONSE

Comment: INEOS USA LLC (INEOS) commented that the roll-off box associated with the filter press is "controlled as required by 40 CFR 63 Subpart G, 'HON,' so it is not subject to 40 CFR Part 264 Subpart CC" (RCRA Subpart CC). INEOS disagreed with the draft permit's finding that the waste material in the roll-off box is "in light material service" as defined at 40 C.F.R. § 264.1081 and therefore subject to Level 2 container requirements.

INEOS stated that it operates and maintains the roll-off box in accordance with the HON at 40 C.F.R. § 63.135(b), which requires containers that receive Group 1 wastewater residuals to operate and maintain a cover to control potential emissions, except when adding waste materials from the filter press.

INEOS further commented that Section III of the draft permit should be revised to exempt the roll-off box from the requirements of RCRA Subpart CC, and Section IV of the draft permit, which requires INEOS to develop and submit an Exposure Minimization Plan for the roll-off box, should be deleted.

EPA Response:

RCRA Subpart CC applies to certain hazardous waste tanks and containers. To avoid duplication with the Clean Air Act (CAA), the air emission control requirements of Subpart CC do not apply to:

a hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 C.F.R. Parts 60, 61 or 63.

40 C.F.R. § 264.1080(b)(7). Based on review of the applicable CAA regulations and information submitted by INEOS, EPA agrees that the roll-off box is exempt from complying with the air emission control requirements of RCRA Subpart CC under 40 C.F.R. § 264.1080(b)(7), for the reasons explained below.

INEOS operates, among other things, a filter press that vents emissions to a control device. The filter press is in an enclosed room containing two exhaust fans that vent to the atmosphere. The filter press receives hazardous waste, filters out solid waste materials known as “filter cakes,” and then sends the filter cakes through a hopper to a container identified in INEOS’ Part B permit application as the “roll-off box” stored below the filter press. The roll-off box is 30 cubic meters (m³) in size. In the Part B permit application and in the comment described above, INEOS stated that it maintains a cover over the roll-off box at all times except when filter cakes are added from the filter press. Air emissions generated during the transfer of filter cakes to the roll-off box are vented through the exhaust fans to the atmosphere.

EPA determined in the draft permit that, under 40 C.F.R. § 264.1080(b)(7), the air emission control requirements of RCRA Subpart CC generally did not apply to hazardous waste management containers and tanks at the facility, including the filter press, because those units are equipped with air emission controls operated in accordance with the requirements of the National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater (HON) at 40 C.F.R. Part 63, Subpart G. However, based on the permit record, EPA found that the roll-off box contained hazardous waste that is “in light material service” as defined at 40 C.F.R. § 265.1081, and was therefore subject to Level 2 container requirements at 40 C.F.R. §§ 264.1086(b)(1)(iii) and 264.1086(d). *See* Sections III and IV of the draft permit.

After considering the information INEOS provided during the public comment period, EPA requested additional information from INEOS to determine whether the roll-off box is equipped with and operating air emission controls in accordance with the HON. Specifically, EPA requested information to determine whether: the filter cake is a Group 1 residual removed from a Group 1 wastewater stream under the HON at 40 C.F.R. § 63.135(b); INEOS was in compliance with the inspection and recordkeeping requirements for the roll-off box under the HON at 40 C.F.R. § 63.135(b)(1), (e) and (f); and the roll-off box is “in light material service” as defined in RCRA Subpart CC at 40 C.F.R. § 265.1081. EPA’s requests and INEOS’s responses have been added to the record for this matter.

EPA carefully considered the information submitted by INEOS during the comment period, as well as in response to EPA’s requests, and determined that the roll-off box is equipped with and operating air emission controls in accordance with the HON at 40 C.F.R. § 63.135(b). INEOS provided information showing that the roll-off box is a container that receives, manages, or treats a Group 1 residual removed from a Group 1 wastewater stream (i.e., filter cakes), and INEOS is required to maintain a cover over the roll-off box in a closed position at all times except when filter cakes are being added from the filter press.¹ INEOS also provided the inspection records for the roll-off box required by the HON at 40 C.F.R. § 63.135(b)(1), (e) and (f).

¹ Based on the additional information submitted by INEOS, the roll-off box is not “in light material service” and, under RCRA Subpart CC, would be considered to be a Level 1 container subject to 40 C.F.R. § 264.1086(c), which

Therefore, the roll-off box is “equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation” within the meaning of 40 C.F.R. § 264.1080(b)(7), and is exempt from the air emission control requirements of RCRA Subpart CC.

Based on the above, EPA has prepared a new draft permit, appropriately modified, pursuant to 40 C.F.R. § 124.14(b). EPA modified the draft permit by removing Section IV, which required a compliance schedule for the roll-off box under RCRA Subpart CC, and the provisions in Section III that refer to the roll-off box as subject to RCRA Subpart CC. EPA also modified the draft permit by including updated language and requirements regarding the company’s election to comply with Clean Air Act regulations under RCRA Subparts BB and CC at 40 C.F.R. §§ 264.1064(m) and 264.1080(b)(7), including the requirement to notify EPA regarding any noncompliance with CAA requirements at subject tanks and containers and adding all applicable recordkeeping requirements for tanks and containers under 40 C.F.R. § 264.1089(j).

The new draft permit will be reissued in accordance with 40 C.F.R. § 124.6, including a 45-day public comment period. A public hearing will be held if there are requests for such a hearing during the public comment period.

provides for a similar level of emission control as the HON (i.e., the container must be closed at all times except when filling occurs).

Statement of Basis

On September 29, 2014, the U.S. Environmental Protection Agency issued a draft Resource Conservation and Recovery Act (RCRA) permit (draft permit) to INEOS USA LLC (INEOS) for the facility at 1900 Fort Amanda Road, Lima, Ohio. INEOS manufactures chemicals at the facility, including acrylonitrile, acetonitrile, hydrogen cyanide, acrylonitrile catalyst, and a resin product.

The federal portion of the draft RCRA permit was issued jointly with Ohio Environmental Protection Agency (OEPA). The state portion of the permit includes storage and treatment requirements for containers, tanks, and a miscellaneous unit, and other corrective action related requirements. OEPA issued a final permit to INEOS on July 1, 2015.

The federal portion of the draft RCRA permit includes air emission standards for equipment leaks (40 CFR Part 264, Subpart BB) and for tanks and containers (40 CFR Part 264, Subpart CC). To meet the air emission control requirements of 40 CFR Part 264, Subparts BB and CC, the permit requires INEOS to certify and document compliance with applicable Clean Air Act (CAA) regulations under 40 CFR Part 63 consistent with 40 CFR §§ 264.1064(m) and 264.1080(b)(7).

However, the draft permit required one container to comply with the applicable requirements of 40 CFR Part 264, Subpart CC. *See* Sections III and IV of the draft permit. After considering the information INEOS provided during the public comment period and in response to requests from EPA, EPA determined that the container is equipped with and operating air emission controls in accordance with CAA regulations at 40 C.F.R. Part 63, Subpart G.

Based on the above, EPA has prepared a new draft permit, appropriately modified, pursuant to 40 C.F.R. § 124.14(b). EPA modified the draft permit by removing Section IV, which required a compliance schedule for the container under RCRA Subpart CC, and the provisions in Section III that refer to the container as subject to RCRA Subpart CC. EPA also modified the draft permit by including updated language and requirements regarding the company's election to comply with Clean Air Act regulations under RCRA Subparts BB and CC at 40 C.F.R.

§§ 264.1064(m) and 264.1080(b)(7), including the requirement to notify EPA regarding any noncompliance with CAA requirements at subject tanks and containers and adding all applicable recordkeeping requirements for tanks and containers under 40 C.F.R. § 264.1089(j).

EPA Proposes to OK Permit For INEOS

INEOS USA LLC

Lima, Ohio

September 2017

Comments welcomed

Comments on the INEOS proposed permit action can be submitted to EPA Environmental Engineer Jae Lee at the address below no later than October 15, 2017. **You may also request EPA hold a public hearing about this permit. At a hearing you would have an opportunity to submit oral and written comments, ask questions, make statements and discuss any concerns about the permit with EPA staff.** Here is Jae's contact information:

Jae Lee

EPA Region 5, Land and Chemicals
Division (LR-8J)
77 W. Jackson Blvd.
Chicago, Illinois 60604-3590
Voice: 312-886-3781
E-mail: lee.jae@epa.gov

Region 5 toll-free:
800-621-8431, 9:30 a.m. – 5:30
p.m., weekdays

For more information

The draft permit and this fact sheet may also be viewed online:
<https://www3.epa.gov/region5/waste/permits/actions.htm>

(See box back page for locations of the administrative record, which can be reviewed by the public.)

U.S. Environmental Protection Agency Region 5 is proposing to issue a hazardous waste management permit to INEOS USA LLC but will review public comments before making a final decision. The permit would set air emission standards for equipment leaks, tanks and containers at the INEOS site.¹ EPA is acting on the hazardous waste permit application under its responsibilities set out in the federal Resource Conservation and Recovery Act (RCRA).

Background

INEOS USA LLC owns and operates an industrial chemical manufacturing plant in Lima Ohio. INEOS USA LLC manufactures acrylonitrile, acetonitrile, hydrogen cyanide, acrylonitrile catalyst, and a resin product at the plant.

State permit

On July 1, 2015, Ohio Environmental Protection Agency issued the state-portion of the RCRA permit. That portion contains rules for tank and container storage and treatment, corrective actions, post closure care, ground minoring, and other miscellaneous-unit management. The Ohio permit expires on July 1, 2025, and the federal permit would be set to expire at the same time.

Tentative decision

EPA proposes to issue a RCRA permit to INEOS. Currently, the State of Ohio is not authorized by U.S. EPA to issue a permit for requirements related to air emissions from hazardous waste units under 40 CFR Part 264, Subparts BB and CC. Therefore, U.S. EPA has drafted a RCRA permit to address air emissions from hazardous waste units at INEOS.

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.

This permit is a reissuance of the draft RCRA permit issued on September 29, 2014 by U.S. EPA with amendment based on the comment submitted during public comment period.

¹ EPA is proposing to issue the INEOS permit under the authority of the federal Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments of 1984 and subject to public notice and comment under the provisions of 40 Code of Federal Regulations (CFR) Section 124.10. See <http://www.epa.gov/lawsregs/index.html> to read RCRA and 40 CFR.

EPA Tentatively Approves INEOS Permit LIMA, Ohio

**Comment Period: Until October 15,
2017
(details front page)**

Review the documents

The administrative record consists of the permit application and other relevant materials that EPA used to make a decision in this case. The file is available for public review at the following locations:

Lima Public Library
650 West Market Street
Lima, Ohio 45801
(419) 228-5113

EPA Region 5 Offices

RCRA Branch
77 W. Jackson Blvd.
Chicago

Call Jae Lee at 312- 886-3781, or toll-free 800-621-8431, Ext. 6-3781, for an appointment.

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INEOS USA LLC: Tentative Permit Approval

United States
Environmental Protection
Agency
Region 5
Office of Public Affairs (P-19J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590



Administrative Record Index *(Draft RCRA Permit)*

INEOS USA LLC

Lima, Ohio

OHD 042 157 644

<u>Title</u>	<u>Date</u>	<u>Prepared by</u>
1. Part A Permit Application	June 15, 2012	INEOS
2. Part B Permit Application	June 15, 2012	INEOS
3. CAA Title V Operating Permit	August 31, 2012	OEPA
4. RCRA Subparts BB and CC	December 13, 2012	INEOS
5. EJ Analysis	January 2014	U.S. EPA
6. Fact Sheet	September 2014	OEPA and U.S. EPA
7. State Draft RCRA Permit	September 2014	OEPA
8. Federal Draft RCRA Permit	September 2014	U.S. EPA
9. E-mail correspondences	2012-2014	INEOS and U.S. EPA
10. State Final RCRA Permit	July 1, 2015	OEPA
11. Draft Permit Review Comment	November 20, 2015	INEOS
12. Analytical Data-Filter Cake	March 30, 2016	INEOS
13. Analytical Data-Waste Water	August 3, 2016	INEOS
14. Average Waste Water Flow Data	August 15, 2016	INEOS
15. E-mail correspondences	2014-2017	INEOS and U.S. EPA
16. Statement of Basis	September 2017	U.S. EPA
17. Response Summary	September 2017	U.S. EPA
18. Fact Sheet/Federal Permit Reissuance	September 2017	U.S. EPA
19. Public Notice	September 2017	U.S. EPA
20. Draft Federal RCRA permit Reissuance	September 2017	U.S. EPA

U.S. EPA: United States Environmental Protection Agency

OEPA: Ohio Environmental Protection Agency

RCRA: Resource Conservation Recovery Act

CAA: Clean Air Act

EJ: Environmental Justice

Subpart BB: Air Emission Standards for Equipment

Subpart CC: Air Emission Standards for Tanks and Containers

INEOS: INEOS USA LLC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 23 2017

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
INEOS USA LLC, Lima, Ohio
OHD 042 157 644

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. This permit is a reissuance of the draft RCRA permit issued on September 29, 2014 by U.S. Environmental Protection Agency to INEOS with amendment based on the comment submitted by INEOS. The Statement of Basis is included with this letter.

If you have any questions, please contact Jae Lee of my staff at (312) 886-3781.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary S. Setnicar".

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

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 23 2017

REPLY TO THE ATTENTION OF:

Reference Desk Librarian

Lima Public Library
650 West Market Street
Lima, Ohio 45801

Re: Draft Federal RCRA Permit
INEOS USA LLC, Lima, Ohio
OHD 042 157 644

Dear Madam or Sir:

The U. S. Environmental Protection Agency intends to issue a draft hazardous waste management permit to INEOS USA LLC (INEOS), Lima, Ohio. This permit is a reissuance of the draft RCRA permit issued on September 29, 2014 by U.S. Environmental Protection Agency to INEOS with amendment based on the comment submitted by INEOS. The Statement of Basis is included with this letter.

In accordance with the public involvement procedures in Title 40 Code of Federal Regulations (40 CFR) Part 124, the draft Federal RCRA permit will be publicly noticed in the Lima News newspaper and local radio station on and about September 1, 2017. A copy of the draft Federal RCRA permit is available for review at the Lima Public Library, 650 West Market Street, Lima, Ohio. The public comment period lasts from September 1 to October 15, 2017.

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

- Draft Permit
- Fact Sheet
- Public Notice

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

Sincerely,

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

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

