



State of Ohio Environmental Protection Agency

**RE: FINAL PERMIT TO INSTALL CERTIFIED MAIL
TRUMBULL COUNTY**

Street Address:

122 S. Front Street

Lazarus Gov. Center TELE: (614) 644-3020 FAX: (614) 644-2329

Mailing Address:

Lazarus Gov. Center
P.O. Box 1049

Application No: 02-15303

DATE: 2/7/2002

City of Warren, Mahoningside
Fred Harris
391 Mahoning Ave., NW
Warren, OH 44483

Enclosed please find an Ohio EPA Permit to Install which will allow you to install the described source(s) in a manner indicated in the permit. Because this permit contains several conditions and restrictions, I urge you to read it carefully.

The Ohio EPA is urging companies to investigate pollution prevention and energy conservation. Not only will this reduce pollution and energy consumption, but it can also save you money. If you would like to learn ways you can save money while protecting the environment, please contact our Office of Pollution Prevention at (614) 644-3469.

You are hereby notified that this action by the Director is final and may be appealed to the Ohio Environmental Review Appeals Commission pursuant to Chapter 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed within thirty (30) days after the notice of the Directors action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street, Room 300
Columbus, Ohio 43215

Very truly yours,

Thomas G. Rigo, Manager
Field Operations and Permit Section
Division of Air Pollution Control

cc: USEPA

NEDO



**Permit To Install
Terms and Conditions**

**Issue Date: 2/7/2002
Effective Date: 2/7/2002**

FINAL PERMIT TO INSTALL 02-15303

Application Number: 02-15303
APS Premise Number: 0278080769
Permit Fee: **\$600**
Name of Facility: City of Warren, Mahoningside
Person to Contact: Fred Harris
Address: 391 Mahoning Ave., NW
Warren, OH 44483

Location of proposed air contaminant source(s) [emissions unit(s)]:
**650 Summit St, NW
Warren, Ohio**

Description of proposed emissions unit(s):
Roadways, parking areas, storage piles, asbestos disposal operation.

The above named entity is hereby granted a Permit to Install for the above described emissions unit(s) pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described emissions unit(s) of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described emissions unit(s) of pollutants will be granted the necessary permits to operate (air) or NPDES permits as applicable.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Director

Part I - GENERAL TERMS AND CONDITIONS

A. Permit to Install General Terms and Conditions

1. Compliance Requirements

The emissions unit(s) identified in this Permit to Install shall remain in full compliance with all applicable State laws and regulations and the terms and conditions of this permit.

2. Reporting Requirements Related to Monitoring and Recordkeeping Requirements

The permittee shall submit required reports in the following manner:

- a. Reports of any required monitoring and/or recordkeeping information shall be submitted to the appropriate Ohio EPA District Office or local air agency.
- b. Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (a) any deviations (excursions) from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in this permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)

3. Records Retention Requirements

Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.

4. Inspections and Information Requests

The Director of the Ohio EPA, or an authorized representative of the Director, may, subject to the safety requirements of the permittee and without undue delay, enter upon the premises of this source at any reasonable time for purposes of making inspections, conducting tests, examining records or reports pertaining to any emission of air contaminants, and determining compliance with any applicable State air pollution laws and regulations and the terms and conditions of this permit. The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine

whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon verbal or written request, the permittee shall also furnish to the Director of the Ohio EPA, or an authorized representative of the Director, copies of records required to be kept by this permit.

5. Scheduled Maintenance/Malfunction Reporting

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. The malfunction of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio EPA District Office or local air agency in accordance with paragraph (B) of OAC rule 3745-15-06. Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is (are) served by such control system(s).

6. Permit Transfers

Any transferee of this permit shall assume the responsibilities of the prior permit holder. The appropriate Ohio EPA District Office or local air agency must be notified in writing of any transfer of this permit.

7. Air Pollution Nuisance

The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07.

8. Termination of Permit to Install

This Permit to Install shall terminate within eighteen months of the effective date of the Permit to Install if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification. This deadline may be extended by up to 12 months if application is made to the Director within a reasonable time before the termination date and the party shows good cause for any such extension.

9. Construction of New Sources(s)

The proposed emissions unit(s) shall be constructed in strict accordance with the plans and application submitted for this permit to the Director of the Ohio Environmental Protection Agency. There may be no deviation from the approved plans without the express, written approval of the Agency. Any deviations from the approved plans or the above conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources cannot meet the requirements of this permit or cannot meet applicable standards.

If the construction of the proposed emissions unit(s) has already begun or has been completed prior to the date the Director of the Environmental Protection Agency approves the permit application and plans, the approval does not constitute expressed or implied assurance that the proposed facility has been constructed in accordance with the approved plans. The action of beginning and/or completing construction prior to obtaining the Director's approval constitutes a violation of OAC rule 3745-31-02. Furthermore, issuance of the Permit to Install does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. Approval of the plans in any case is not to be construed as an approval of the facility as constructed and/or completed. Moreover, issuance of the Permit to Install is not to be construed as a waiver of any rights that the Ohio Environmental Protection Agency (or other persons) may have against the applicant for starting construction prior to the effective date of the permit. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed facilities cannot meet the requirements of this permit or cannot meet applicable standards.

10. Public Disclosure

The facility is hereby notified that this permit, and all agency records concerning the operation of this permitted source, are subject to public disclosure in accordance with OAC rule 3745-49-03.

11. Applicability

This Permit to Install is applicable only to the emissions unit(s) identified in the Permit to Install. Separate application must be made to the Director for the installation or modification of any other emissions unit(s).

12. Best Available Technology

As specified in OAC Rule 3745-31-05, all new sources must employ Best Available Technology (BAT). Compliance with the terms and conditions of this permit will fulfill this requirement.

13. Source Operation and Operating Permit Requirements After Completion of Construction

This facility is permitted to operate each source described by this Permit to Install for a period of up to one year from the date the source commenced operation. This permission to operate is granted only if the facility complies with all requirements contained in this permit and all applicable air pollution laws, regulations, and policies. Pursuant to OAC Chapter 3745-35, the permittee shall submit a complete operating permit application within thirty (30) days after commencing operation of the emissions unit(s) covered by this permit.

14. Construction Compliance Certification

City of Warren, Mahoningside
PTI Application: 02-15303
Issued: 2/7/2002

Facility ID: 0278080769

The applicant shall provide Ohio EPA with a written certification (see enclosed form) that the facility has been constructed in accordance with the Permit to Install application and the terms and conditions of the Permit to Install. The certification shall be provided to Ohio EPA upon completion of construction but prior to startup of the source.

15. Fees

The permittee shall pay fees to the Director of the Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78. The permittee shall pay all applicable Permit to Install fees within 30 days after the issuance of this Permit to Install.

B. Permit to Install Summary of Allowable Emissions

The following information summarizes the total allowable emissions, by pollutant, based on the individual allowable emissions of each air contaminant source identified in this permit.

**SUMMARY (for informational purposes only)
TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS**

<u>Pollutant</u>	<u>Tons Per Year</u>
PE	0.00

PART II - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S)

A. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

<u>Operations, Property, and/or Equipment</u>	<u>Applicable Rules/Requirements</u>	<u>Applicable Emissions Limitations/Control Measures</u>
F001 - Roadways and Parking Areas (utilized for moving loose, on-site ACM (asbestos contaminated materials)).	OAC rule 3745-31-05 (A)(3)	No (zero) visible emissions from all roadways or parking areas. 0.0 Tons per year allowable PM emissions. Best available control measures that are sufficient to eliminate visible emissions of fugitive dust (see Sections A.2.b through A.2.e). The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-07 and -08.
	OAC rule 3745-17-08	The visible particulate emissions limitation specified by this rule is less stringent than the emissions limitation established pursuant to OAC rule 3745-31-05(A)(3).
	OAC rule 3745-17-07	The visible particulate emissions limitation specified by this rule is less stringent than the emissions limitation established pursuant to OAC rule 3745-31-05(A)(3).

2. Additional Terms and Conditions

- 2.a All paved and unpaved roadways and parking areas, including heavy equipment traffic in and around the piles and landfill are covered by this permit and subject to the above-mentioned requirements.
- 2.b The permittee shall employ best available control measures on all paved and unpaved roadways and parking areas for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's permit application, the permittee has committed to treat the roadways and parking areas by water at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.
- 2.c The needed frequencies of implementation of the control measures shall be determined by the permittee's inspections pursuant to the monitoring section of this permit. Implementation of the control measures shall not be necessary for a roadway or parking area that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Implementation of any control measure may be suspended if unsafe or hazardous driving conditions would be created by its use.
- 2.d The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth and/or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment or erosion by water or other means.
- 2.e Implementation of the above-mentioned control measures in accordance with the terms and conditions of this permit is appropriate and sufficient to satisfy the best available technology requirements of OAC rule 3745-31-05.

B. Operational Restrictions

- 1. No personally owned vehicles shall travel further into the facility than the established support zone as outlined in the facility specific terms and conditions.
- 2. Any equipment removed from the site shall first be decontaminated.
- 3. There shall be no open-bodied vehicles transporting materials out of the site. Open-bodied vehicles entering the site to drop off clean cover material that is likely to become airborne shall have such materials covered at all times, if the control measure is necessary for the materials being

transported.

4. Used oil as defined by OAC rule 3745-279-01 (A)(12) shall not be used as a dust suppressant.

C. Monitoring and/or Recordkeeping Requirements

1. Except as otherwise provided in this section, the permittee shall perform inspections of the roadways and parking areas on a daily basis.
2. The purpose of the inspections is to determine the need for implementing the above-mentioned control measures. The inspections shall be performed during representative, normal traffic conditions. No inspection shall be necessary for a roadway or parking area that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Any required inspection that is not performed due to any of the above-identified events shall be performed as soon as such event(s) has (have) ended, except if the next required inspection is within one week.
3. The permittee shall maintain records of the following information:
 - a. the date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;
 - b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;
 - c. the dates the control measures were implemented; and
 - d. on a calendar quarter basis, the total number of days the control measures were implemented and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

The information required in 3.d. shall be kept separately for (i) the paved roadways and parking areas and (ii) the unpaved roadways and parking areas, and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

D. Reporting Requirements

1. The permittee shall submit deviation reports that identify any of the following occurrences:
 - a. each day during which an inspection was not performed by the required frequency, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation; and
 - b. each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.
2. The deviation reports shall be submitted in accordance with the reporting requirements of the

General Terms and Conditions of this permit.

E. Testing Requirements

1. Compliance with the zero visible emission limitation for the landfill surfaces shall be determined in accordance with Test Method 9 as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources") and the use of visible emission monitors.

F. Miscellaneous Requirements

None

Applicable Emissions
Limitations/Control
Measures

0.0 Tons per year allowable PM emissions.

Best available control measures that are sufficient to eliminate visible emissions of fugitive dust from the active face of the pile (see Sections A.2.a through A.2.f).

Best available control measures that are sufficient to eliminate visible emissions of fugitive dust from the active face of the pile (see Sections A.2.g and A.2.h).

Cover to eliminate fugitive dust from the inactive face of the pile (see Section A.2.i).

The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-07 and -08, 40 CFR part 61, subpart M and OAC chapter 3745-20.

The visible particulate emissions limitation specified by this rule is less stringent than the emissions limitation established pursuant to OAC rule 3745-31-05(A)(3).

The visible particulate emissions limitation specified by this rule is less stringent than the emissions limitation established pursuant to 40 CFR 61, subpart M.

No (zero) visible emissions from all piles.

The visible particulate emissions limitation specified by this rule is less stringent than the emissions limitation established pursuant to 40 CFR 61, subpart M.

2. Additional Terms and Conditions

- 2.a** All material piles are covered by this permit and are subject to the requirements of OAC rule 3745-31-05.
- 2.b** The permittee shall employ best available control measures on all load-out operations associated with the storage piles for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's permit application, the permittee has committed to minimize dump height in the cell and to process material with an inherently high moisture content to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.
- 2.c** The above-mentioned control measure(s) shall be employed for each load-out operation of each storage pile if the permittee determines, as a result of the inspection conducted pursuant to the monitoring section of this permit, that the control measure(s) are necessary to ensure compliance with the above-mentioned applicable requirements. Any required implementation of the control measure(s) shall continue during any such operation until further observation confirms that use of the measure(s) is unnecessary.
- 2.d** The permittee shall employ best available control measures for wind erosion from the surfaces of all storage piles for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's permit application, the permittee has committed to watering the active face of the pile to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.
- 2.e** The above-mentioned control measure(s) shall be employed for wind erosion from each pile if the permittee determines, as a result of the inspection conducted pursuant to the monitoring section of this permit, that the control measure(s) are necessary to ensure compliance with the above-mentioned applicable requirements. Implementation of the control measure(s) shall not be necessary for a storage pile that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements.
- 2.f** Implementation of the above-mentioned control measures in accordance with the terms and conditions of this permit is appropriate and sufficient to satisfy the requirements of OAC rule 3745-31-05.
- 2.g** The permittee shall employ best available control measures on all material handling operations associated with the operation for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's permit application, the permittee has committed to process material with an inherently high moisture content to ensure compliance. Nothing in this paragraph shall prohibit the

permittee from employing other control measures to ensure compliance.

- 2.h** The above-mentioned control measure(s) shall be employed for each material handling operation if the permittee determines, as a result of the inspection conducted pursuant to the monitoring section of this permit, that the control measure(s) are necessary to ensure compliance with the above-mentioned applicable requirements. Any required implementation of the control measure(s) shall continue during any such operation until further observation confirms that use of the measure(s) is unnecessary.
- 2.i** The permittee shall use a sprinkler system as needed to adequately wet storage piles. The removal contractor has described the sprinklers as those similar to football field watering towers. Other control measures that are more restrictive than adequate moisture may be used as listed in 40 CFR part 61, section 154.

B. Operational Restrictions

1. Equipment used for the movement of the piles into the landfill cell shall remain within the exclusion zone at all times. One allowable exception shall be the decontamination and removal of equipment from the facility.
2. Clean fill shall be stored/piled in the contamination reduction zone. Truck loading of clean fill shall be accomplished with the truck and backhoe completely parked in the exclusion zone. The backhoe will reach out to the clean pile with the hoe to collect fill, and load the truck as such. All other requirements of these terms and conditions are applicable to the clean fill pile.

C. Monitoring and/or Recordkeeping Requirements

1. Except as otherwise provided in this section, the permittee shall perform inspections of each load-out operation at each storage pile daily.
2. Except as otherwise provided in this section, the permittee shall perform inspections of the wind erosion from pile surfaces associated with each storage pile daily.
3. The inspections identified in C.1 and C.2 shall include inspections of the pile covers as discussed in A.2.h.
4. The purpose of the inspections is to determine the need for implementing the control measures specified in this permit for load-out of a storage pile, and wind erosion from the surface of a storage pile. The inspections shall be performed during representative, normal storage pile

operating conditions.

5. The permittee shall maintain records of the following information:
 - a. the date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;
 - b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;
 - c. The date of each inspection where it is determined that the cover over the unworked surfaces of the piles was compromised (*eg.*, tarp blown off in high wind, etc.), and the corrective measures taken to remedy the situation.
 - d. the dates the control measures were implemented; and
 - e. on a calendar quarter basis, the total number of days the control measures were implemented and, for wind erosion from pile surfaces, the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measure(s).

The information required in 5.d. shall be kept separately for (i) the load-in operations, (ii) the load-out operations, and (iii) the pile surfaces (wind erosion), and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

6. The permittee shall maintain records of any equipment removed or brought onto the site. This record shall be explicit enough for any investigator to readily determine what equipment is onsite, as well as any decontamination efforts employed for equipment that has been removed.
7. While the above requirements are written specifically for the load-out of the storage piles, the same terms shall be applied to any clean fill brought onto the site during the remediation/closure phase of the project. In addition to the above terms, the drop height shall be minimized to prevent fugitive emissions.

D. Reporting Requirements

1. The permittee shall submit deviation reports that identify any of the following occurrences:
 - a. each day during which an inspection was not performed by the required frequency, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation; and
 - b. each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.
2. The deviation reports shall be submitted in accordance with the reporting requirements of the General Terms and Conditions of this permit.

E. Testing Requirements

1. Compliance with the zero visible emission limitation for the landfill surfaces shall be determined in accordance with Test Method 9 as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources") and the use of visible emission monitors.

F. Miscellaneous Requirements

None

PART II - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S)

A. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

<u>Operations, Property, and/or Equipment</u>	<u>Applicable Rules/Requirements</u>	40 CFR, Part 61 Subpart M
F003 - Onsite disposal of ACM (asbestos) contaminated soil storage piles.	OAC rule 3745-31-05 (A)(3)	
	OAC rule 3745-17-08	
	OAC rule 3745-17-07(B)(1)	
	OAC rule 3745-20-07	

City of
PTI A
Issued: 2/7/2002

Emissions Unit ID: F003

Applicable Emissions
Limitations/Control
Measures

0.0 Tons per year allowable
PM emissions.

Best available control
measures that are sufficient
to eliminate visible emissions
of fugitive dust. (See
sections A.I.2.a through
A.I.2.f).

The requirements of this rule
also include compliance with
the requirements of OAC
rules 3745-17-07 and -08,
40 CFR part 61, subpart M
and OAC chapter 3745-20.

The emission limitation
specified by this rule is less
stringent than the emission
limitation established
pursuant to OAC rule
3745-31-05 (A)(3).

The emission limitation
specified by this rule is less
stringent than the emission
limitation established
pursuant to 40 CFR, Part 61
Subpart M.

The emission limitation
specified by this rule is less
stringent than the emission
limitation established
pursuant to OAC rule

3745-31-05 (A)(3).

No (zero) visible emissions from
any landfill operation.

2. Additional Terms and Conditions

- 2.a** The landfill areas that are covered by this permit and subject to the requirements of OAC 3745-31-05 are any landfill areas on-site.
- 2.b** The permittee shall employ best available control measures on all landfill operations associated with the load-in of waste for the purposes of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's permit application, the permittee has committed to maintaining low dump heights, adequate moisture, and good operating practices to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.
- 2.c** The above-mentioned control measures shall be employed for each landfill cell if the permittee determines, as a result of the inspection conducted pursuant to the monitoring section of this permit, that the control measures are necessary to ensure compliance with the above-mentioned applicable requirements. Any required implementation of the control measures shall continue during any such operation until further observation confirms that use of the measures is unnecessary.
- 2.d** The above-mentioned control measures shall be employed for wind erosion from the landfill if the permittee determines, as a result of the inspection conducted pursuant to the monitoring section of this permit, that the control measure(s) are necessary to ensure compliance with the above-mentioned applicable requirements. Implementation of the control measure(s) shall not be necessary for the landfill cell that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements.
- 2.e** Implementation of the above-mentioned control measures in accordance with the terms and conditions of this permit is appropriate and sufficient to satisfy the requirements of OAC rule 3745-31-05.
- 2.f** The permittee shall continue to maintain a cover over the inactive area of asbestos-containing waste material by instituting one of the following:
- i. place at least six inches of compacted nonasbestos-containing material, and grow and maintain a cover of vegetation on the area adequate to prevent exposure of the asbestos containing waste material.
 - ii. place at least two feet of compacted nonasbestos-containing material, and maintain the cover to prevent exposure of the asbestos containing waste material.

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City of Warren, Mahoningside

PTI Application: 02-15303

Issued

Facility ID: 0278080769

Emissions Unit ID: F003

B. Operational Restrictions

1. There shall be no open burning, in violation of OAC Chapter 3745-19, at this facility.
2. The facility shall comply with the requirements of 40 CFR part 61, subpart 154 and OAC rule 3745-20-06 (Standard for active waste disposal sites). The facility shall submit a proposal 30 days prior to beginning remediation activities outlining operations of the active disposal site with respect to meeting the requirements of the above stated rules.
3. The facility shall comply with the requirements of 40 CFR part 61, subpart 151 and OAC rule 3745-20-07 (Standard for inactive asbestos waste disposal sites). The facility shall submit a proposal 30 days prior to the beginning of remediation activities outlining operations of the active disposal site with respect to meeting the requirements of the above stated rules.

C. Monitoring and/or Recordkeeping Requirements

1. The permittee shall perform inspections of each load-in operation at each landfill cell daily.
2. The permittee shall perform inspections of the wind erosion from landfill cell surfaces of active cells daily and closed cells weekly.
3. No inspection shall be necessary for wind erosion from the surface of a landfill cell when the cell is covered with snow and/or ice and for any landfill cell activity if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Any required inspection that is not performed due to any of the above-mentioned events shall be performed as soon as such event(s) has (have) ended, except if the next required inspection is within one week.
4. The purpose of the inspections is to determine the need for implementing the control measures specified in this permit for load-in of a landfill cell, and wind erosion from the surface of a landfill cell. The inspections shall be performed during representative, normal landfill operating conditions.
5. The permittee shall maintain records of the following information:
 - a. The date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;
 - b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;

- c. the dates the control measures were implemented; and
- d. on a calendar quarter basis, the total number of days the control measures were implemented and, for wind erosion from landfill surfaces, the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measure(s).

The information required in 5.d shall be kept separately for (i) the load-in operation, and (ii) the landfill surfaces (wind erosion), and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

6. The permittee shall record, each day, if operations occurred at the facility.

D. Reporting Requirements

1. The permittee shall submit deviation reports that identify any of the following occurrences:
 - a. each day during which an inspection was not performed by the required frequency, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation; and
 - b. each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.
2. The deviation reports shall be submitted in accordance with the reporting requirements of the General Terms and Conditions of this permit.

E. Testing Requirements

1. Compliance with the zero visible emission limitation for the landfill surfaces shall be determined in accordance with Test Method 9 as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources") and the use of visible emission monitors.

F. Miscellaneous Requirements

1. For the purpose of containing asbestos contamination to the extent possible, the facility shall establish a support, contamination reduction, and exclusion zone. Each zone shall be clearly delineated such that all personnel and visitors may clearly recognize where each zone begins and

- ends. The function of each zone shall be as follows:
- a. Support zone - employee parking of personally owned vehicles, visitor check-in, etc.
 - b. Contamination Reduction Zone - where all decontamination of personnel and equipment shall take place, etc.
 - c. Exclusion zone - the area within which heavy equipment may be freely operated in the process of removing materials from the piles and transferring it into the active cell, etc.
2. The permittee shall take necessary precautions to ensure any runoff from water used to keep the area adequately wet is contained and appropriately disposed.
 3. The permittee shall comply with the Operations Plan for the Placement of ACM Material into the Former Mahoningside Powerplant document prepared by the permittee's consultant. The final version of this plan shall be a version that is mutually acceptable to the permittee, Ohio EPA, and the Mahoning-Trumbull Air Pollution Control Agency.
 4. Pursuant to the authority in OAC rule 3745-77-07(C)(2) or ORC section 3704.03(L), any representative of the Director may, upon presentation of proper identification, enter at any reasonable time upon any portion of the property where this landfill is located, including any improvements thereon, to make inspections, take samples, conduct tests and examine records or reports pertaining to any emissions of air contaminants and any monitoring equipment, emissions control equipment or methods. No operator or agent of this landfill shall act in any manner to refuse, hinder, or thwart this legal right of entry.
 5. Within 60 days of a site becoming inactive and after the effective day of this subpart, record, in accordance with State law, a notation on the deed to the facility and on any other instrument that would normally be examined during a title search; this notation will in perpetuity notify any potential purchaser of the property that:
 - a. the land has been used for the disposal of asbestos-containing waste material;
 - b. the survey plot and record of the location and quantity of asbestos-containing waste disposed of within the disposal site required in Sec. 61.154(f) have been filed with the Administrator (a copy shall be sent to Ohio EPA Northeast District Office); and
 - c. the entire premises is subject to 40 CFR, subpart M.
 6. The deed restriction shall be recorded in the same manner as the deed for the property.
 7. The deed restriction shall be a permanent part of the property description, and must remain within the deed with any and all property transfers.

8. All actions required to be taken pursuant to this permit shall be undertaken in accordance with the requirements of all applicable federal, state, and local laws and regulations, including but not limited to, all applicable permits for activities required by this permit.
9. The following language has been reviewed and approved for use as appropriate in the deed:

The Grantor, _____, hereby provides public notice about [description of property] ("the Premises") as follows:

- a. The Premises has been used as an active asbestos waste disposal site, and the use of an active asbestos waste disposal site as such is restricted under OAC 3745-20-06, OAC 3745-20-08, 40 CFR 61.154, and OAC 3745-27-13. Pursuant to OAC 3745-20-01(A)(17), the active asbestos waste disposal site will become an inactive waste disposal site when no additional asbestos-containing waste material has been deposited for one year and where the surface is not disturbed by vehicular traffic. Once the active asbestos waste disposal site becomes an inactive waste disposal site, its use will be restricted by OAC 3745-20-07, and 40 CFR 61.151. Once the solid waste piles are disposed of in the active cell, the premises will be restricted by OAC 3745-27-13. Pursuant to 40 CFR 61.151(e), within 60 days of the active asbestos waste disposal site becoming inactive, the Grantor shall record, in accordance with State law, a notation on the deed to the facility property and on any other instrument that would normally be examined during a title search; this notation will in perpetuity notify any potential purchaser of the property that: 1) the land has been used for the disposal of solid waste in the form of asbestos-containing material; 2) the survey plot and record of the location and quantity of asbestos-containing waste disposed of within the disposal site required in 40 CFR 61.154(f) have been filed with the Administrator and Ohio EPA district office; and 3) the site is subject to 40 CFR part 61 subpart M.
- b. The Premises may be used for any other lawful uses or purposes that are not inconsistent with this Deed Notice. Pursuant to OAC 3745-20-07(D), once the active asbestos waste disposal site becomes inactive, the owner or operator of the Premises shall notify the Director in writing prior to disturbing or removing any asbestos-containing waste material. The notice shall contain the reason for disturbing the waste, the procedures to be used to control emissions, the duration of the operation and the location of the final disposal site. Additionally, under 40 CFR 61.151(d), the Director must be notified at least 45 days, in accordance with this rule, prior to any excavating that would disturb the asbestos containing material.
- c. Under OAC 3745-27-13, prior authorization from the Director is required to fill, grade, excavate, build, drill, or mine on land where a solid waste disposal facility was operated.

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Emissions Unit ID: F003

10. The facility shall not receive any outside waste. Only waste currently on facility grounds shall be deposited into the cell. This permit is for the closure operations scheduled to occur at the facility.
11. Pursuant to ORC Section 3734.02(G), the permittee is exempted from the requirements of OAC Chapter 3745-27. This exemption is subject to the following condition:
 - a. The permittee shall comply with OAC 3745-27-13 and the requirement to obtain authorization from the Director prior to filling grading, excavating, building, drilling, or mining on land where the solid waste facility was operated.
 - b. All actions required to be taken pursuant to this permit shall be undertaken in accordance with the requirements of all applicable federal, state, and local laws and regulations.