

Permit Number HW-076(CA)-2

Ensko Environmental Services of Georgia (EES) (EPA ID No. GAD000222083) & Barrett Properties, L.L.C.– Dalton, GA, are hereinafter referred to as the Permittees.

SECTION I. GENERAL PERMIT CONDITIONS

I.A. Scope and Effect of Permit

1. The Permittees are required to investigate contamination at Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) and perform corrective action to remediate contamination in accordance with the conditions of this Permit. Any hazardous waste treatment, storage, or disposal not authorized in this Permit is prohibited, unless such treatment, storage, or disposal is specifically authorized by the Director. The Permittees must comply with the Georgia Hazardous Waste Management Act and the Georgia Rules for Hazardous Waste Management, Chapter 391-3-11, which Rules include certain portions of the Federal Hazardous Waste Regulations (found at 40 CFR 260-266, 268, 270, 273, 279, and 124). Where a citation to the Federal Regulations is made in this Permit, it refers to the specific regulations adopted by the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources.
2. The issuance of this Permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property, or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.
3. Compliance with this Permit does not constitute a defense to any action brought by the Director under Section 12-8-75, “Powers of the Director in situations involving imminent and substantial endangerment to the environment or to public health,” of the Georgia Hazardous Waste Management Act, as amended.
4. Nothing in this Permit shall be construed to preclude the institution of any legal action under Section 3008 of the Federal Resource Conservation and Recovery Act (RCRA) or under the Georgia Hazardous Waste Management Act, O.C.G.A. Sections 12-8-81 through 12-8-82, as amended.
5. This Permit may be modified, revoked and reissued, or terminated for cause as specified in Rule 391-3-11-.11(7) and 40 CFR 270.41, 270.42, 270.43, and 270.50(d). The filing of a request for a Permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittees, does not stay the applicability of any Permit condition.
6. The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

I.B. Management Requirements

1. Unless otherwise specifically authorized by the Director, or as specified by this Permit, the Permittees may not treat, store, or dispose of hazardous waste on any portion of the facility, or perform corrective action not specifically authorized by this Permit, until the Permittees have submitted to the Director, by certified mail or hand delivery, an application for a Permit modification to do so, and the Director has modified the Permit for that activity.

2. The Permittees shall maintain at a location available for inspection, for the duration of the Permit, the following documents and amendments, revisions, and modifications to these documents:
 - a. Complete copy of this Permit and Permit Application, including all Amendments, Revisions, and Modifications;
 - b. Groundwater sampling and analysis plan; and
 - c. Corrective Action Plan(s).
 - d. All records maintained pursuant to I.B.2 must be kept available for review at a central document repository as identified by the Permittees.
3. All amendments, revisions, and modifications to any plan required by this Permit shall be submitted to the Director for approval and permit modification, as necessary.
4. The Director may require the Permittees to establish and maintain an information repository at any time, based on the factors set forth in 40 CFR 124.33(b). The information repository will be governed by the provisions in 40 CFR 124.33(c) through (f).

I.C. Monitoring and Reporting

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed, and laboratory methods for the analysis of waste and environmental media must be the appropriate method from 40 CFR 261 Appendix I and the most recent edition of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW 846, respectively. Sampling for the analysis of environmental media must be performed in accordance with the most recent edition of *US EPA Region 4 Field Branches Quality System and Technical Procedures*. Other analysis methods and sample collection procedures may be utilized with prior approval.
2. The Permittees shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation; copies of all reports, records, and certifications required by this Permit; and records of all data used to complete the application for this Permit, including the certification required by 40 CFR 264.73(b)(9), for a period of at least three (3) years from the date of the sample, measurement, report, or record or until corrective action is completed, whichever is later. These periods are automatically extended during the course of any unresolved enforcement action regarding this facility and also may be extended at any time at the Director's discretion.
 - a. All records maintained pursuant to I.C.2 must be kept available for review at a central document repository as identified by the Permittees.
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) the analyses were performed;

- d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used, the method of sample preservation, and quality assurance procedures, including method blanks;
 - f. Chain of custody records; and
 - g. The results of such analyses and measurements.
4. Twenty-Four Hour Reporting. The Permittees shall report to the Director or his representative, orally, within twenty-four (24) hours from the time the Permittees become aware of any circumstances resulting from conditions at the facility which may endanger human health or the environment, or any unauthorized releases from the operation of the facility (including periods of non-compliance), including, but not limited to, any release of any hazardous waste, hazardous waste constituent, or hazardous constituent that may cause an endangerment to public or private drinking water supplies; and/or release or discharge of hazardous waste, hazardous waste constituent, or hazardous constituent; and/or a fire or explosion which could threaten human health or the environment outside the facility. The description of the occurrence shall include:
- a. Name, address, and telephone number of the owner or operator;
 - b. Name, address, and telephone number of the facility;
 - c. Date, time, and type of incident;
 - d. Name and quantity of materials involved;
 - e. The extent of injuries, if any;
 - f. An assessment of actual or potential hazards to the environment and human health inside and outside the facility, where this is applicable; and
 - g. Estimated quantity and disposition of recovered material that resulted from the incident.
5. Within fifteen (15) days of becoming aware of any reportable incident as in Permit Condition I.C.4, above, the Permittees shall submit a written report of the incident covering the following:
- a. Description of occurrence as in Permit Condition I.C.4, above;
 - b. Cause of occurrence;
 - c. Period of occurrence, including exact dates and times;
 - d. Time occurrence is expected to continue (if not already corrected); and
 - e. Steps taken or planned to reduce, eliminate, and prevent recurrence.

6. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than fifteen (15) days following each schedule date.
7. Other Non-compliance. The Permittees shall report instances of non-compliance, other than those described in Permit Conditions I.C.4 - C.6, semi-annually on July 15 (covering January 1 - June 30) and January 15 (covering July 1 - December 31). The report shall cover the information requested in Permit Condition I.C.4 for each incident.
8. Manifest Discrepancy Report. If a significant discrepancy in a manifest is discovered, the Permittees must attempt to reconcile the discrepancy. If not resolved within fifteen (15) days, the Permittees must submit a letter report, including a copy of the manifest, to the Director in accordance with 40 CFR 264.72.
9. Unmanifested Waste Report. This report must be submitted to the Director within fifteen (15) days of receipt of unmanifested waste in accordance with 40 CFR 264.76.
10. Biennial Report. A biennial report must be submitted, if applicable, covering the facility activities during odd- numbered calendar years in accordance with 40 CFR 264.75.
11. Monitoring Reports. Monitoring results shall be reported at intervals specified elsewhere in this Permit.
12. Signatory Requirements. All applications, plans, reports, or other information submitted to the Director, shall be signed and certified in accordance with 40 CFR 270.11.

I.D. Responsibilities

1. Right of Entry. The Permittees shall allow the Director of EPD, the Regional Administrator of the United States Environmental Protection Agency (EPA), and/or their authorized representatives, agents, or employees, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter, at reasonable times, upon the Permittees' premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
 - d. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance, or as otherwise authorized by the Georgia Hazardous Waste Management Act, any substances, or parameters at any location.

2. Transfer of Permits. This Permit may be transferred to a new owner or operator only after notice to the Director, and if it is modified or revoked and reissued pursuant to 40 CFR 270.40 or 40 CFR 270.41(b)(2) to identify the new permittees and incorporate such other requirements as may be necessary by the Rules or this Permit. Before transferring ownership or operation of the facility, the Permittees shall notify the new owner or operator, in writing, of the applicable requirements of 40 CFR Parts 264, 268 and 270.
3. Duty to Comply. The Permittees shall comply with all conditions of this Permit, except to the extent and for the duration such non-compliance is authorized by an emergency permit. Any noncompliance with this Permit, other than any noncompliance authorized by an emergency permit, constitutes a violation of the Georgia Hazardous Waste Management Act and is grounds for enforcement action; Permit termination; revocation and reissuance; modification, or for denial of a Permit renewal application.
4. Duty to Reapply. If the Permittees wish to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittees must submit a complete application for a new permit at least one hundred eighty (180) days before this Permit expires. If the Permittees have not met the requirements of Permit Sections II and III, and have not met the environmental protection standards for three (3) consecutive years, within one hundred eighty (180) days before the expiration date of this Permit the Permittees must submit a complete application for reissuance of the Permit. Pursuant to O.C.G.A. Section 50-13-18(b), this permit and all conditions herein will remain in effect beyond the permit expiration date if the Permittees have submitted a timely and complete application for a new permit and, through no fault of the Permittees, the Director has not issued a new permit on or before the expiration date of this permit.
5. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the Permittees in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.
6. Duty to Mitigate. The Permittees shall take all reasonable steps to minimize or correct any adverse impact on human health or the environment resulting from non-compliance with this Permit.
7. Duty to Provide Information. The Permittees shall furnish to the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. The Permittees shall also furnish to the Director, upon request, copies of records required to be kept by this Permit.
8. Anticipated Non-Compliance. The Permittees shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in non-compliance with Permit requirements.
9. Reporting Planned Changes. The Permittees shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility, including any investigative or corrective action activities (including voluntary corrective measures) which would impact any SWMUs, AOCs, and/or regulated units.
10. Obligation for Corrective Action. The Permittees are required to continue this Permit for any period necessary to complete the corrective action requirements of this Permit.

11. Proper Operation and Maintenance. The Permittees shall at all times properly operate and maintain all facilities and systems of treatment and control (and all related appurtenances) which are installed or used by the Permittees to achieve compliance with the conditions of 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 procedures. This provision requires the operation of backup or auxiliary facilities, or similar systems, when necessary to achieve compliance with the conditions of this Permit.
12. Other Information: When the Permittees become aware that the Permittees failed to submit any relevant facts in the Permit Application or Corrective Action Plan, or submitted incorrect information in a Permit Application, Corrective Action Plan, or in any report to the Director, the Permittees shall promptly submit such facts or information.

I.E. Definitions

For purposes of this Permit, terms used herein shall have the same meaning as those in 40 CFR Parts 124, 260 through 266, 268, 270, 273 and 279, unless this Permit specifically provides otherwise; where terms are not defined in the regulations or the Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

1. Area of Concern (AOC) for purposes of this Permit includes any area having a probable release of a hazardous waste, hazardous waste constituent, or hazardous constituent which is not from a Solid Waste Management Unit (as defined below) and is determined by the Director to pose a current or potential threat to human health or the environment. Such areas of concern may require investigation and remedial action as required under the Georgia Hazardous Waste Management Act, Section 12-8-60, et. seq. and 40 CFR 270.32(b)(2) in order to ensure adequate protection of human health and the environment.
2. Contamination for the purposes of this Permit refers to the presence of any hazardous waste, hazardous waste constituent or hazardous constituent in a concentration which exceeds the naturally-occurring concentration of that waste or constituent in the immediate vicinity of the facility (in areas not affected by the facility).
3. Corrective Action for prior or continuing Releases at the facility (regardless of the time at which the release occurred), for the purposes of this Permit, shall be any measure necessary to protect human health and the environment, as required under the Georgia Hazardous Waste Management Act, Section 12-8-60, et. seq. [40 CFR 264.100 and/or 40 CFR 264.101]. Corrective Action may address releases to air, soils, surface water, sediment, or groundwater, both on the facility and beyond the facility boundary.
4. Director shall mean the Director of the Georgia Environmental Protection Division of the Department of Natural Resources or his/her delegated representative.
5. EPD shall mean the Georgia Environmental Protection Division.

6. Extent of contamination for the purposes of this Permit is defined as the horizontal and vertical area in which the concentrations of hazardous waste, hazardous waste constituents or hazardous constituents in the environmental media being investigated are above estimated quantitation limits, as defined in the most recent version of SW-846, or naturally-occurring concentrations representative of areas not affected by the facility, or other appropriate delineation approved by the Director.
7. Facility for purposes of this Permit includes all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or a combination of them). For the purposes of implementing corrective action under 40 CFR 264.101, a facility includes all contiguous property under the control of the owner or operator seeking a permit under the Georgia Hazardous Waste Management Act.
8. Hazardous Constituents for the purposes of this Permit are those substances listed in 40 CFR 261 Appendix VIII and 264 Appendix IX, “Groundwater Monitoring List,” as revised or superseded.
9. Interim Measures for purposes of this Permit are actions necessary to minimize or prevent the further migration of Contamination or limit actual or potential human and environmental exposure to contamination while long-term Corrective Action remedies are evaluated and, if necessary, implemented.
10. Land Disposal Facility for the purposes of this Permit is a facility that uses a surface impoundment, landfill, land treatment, or waste pile unit to manage or dispose of hazardous waste pursuant to Section 12-8-66 of the Georgia Hazardous Waste Management Act, as amended, and Section 3004 of RCRA, as amended.
11. Landfill for the purposes of this Permit includes any disposal facility or part of a facility where hazardous waste is placed in or on the land and which is not a pile, land treatment facility, surface impoundment, underground injection well, salt dome formation, salt bed formation, underground mine, or cave.
12. Qualified Groundwater Scientist for the purposes of this Permit is a scientist who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by a current State of Georgia registration and completion of accredited university courses, that enable that individual to make sound professional judgments regarding groundwater monitoring and contaminant fate and transport.
13. Remediation Waste for the purposes of this permit includes all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purposes of implementing corrective action requirements under 40 CFR 264.101 and Section 12-8-71(b) of the Georgia Hazardous Waste Management Act. For a given Facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing corrective action required under 40 CFR 264.101(c) for releases beyond the facility boundary.

14. Release for the purposes of this Permit includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous waste, hazardous waste constituents or hazardous constituents.
15. Solid Waste Management Unit (SWMU) for the purposes of this Permit includes, but is not limited to, any landfill, surface impoundment, waste pile, land treatment unit; incinerator; injection well; tank (including storage, treatment, and accumulation tanks); container storage unit; wastewater treatment unit, including all conveyances and appurtenances used in waste management or storm water handling; elementary neutralization unit; transfer station; or recycling unit from which hazardous waste, hazardous waste constituents, or hazardous constituents might migrate, irrespective of whether the units were intended for the management of solid and/or hazardous waste. SWMUs include areas that have been contaminated by routine and systematic releases of hazardous wastes, hazardous constituents, or hazardous waste constituents.
16. Treatment for the purposes of this Permit refers to any method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

SECTION II. SOLID WASTE MANAGEMENT UNITS (SWMUs) AND AREAS OF CONCERN (AOCs)

II.A. Applicability

1. The conditions of this section apply to the Solid Waste Management Units (SWMUs) listed below, as identified during the May 1989 RCRA Facility Assessment (RFA), and any additional SWMUs and/or Areas of Concerns (AOCs) discovered by any other means. The determination of the need for and subsequent implementation of corrective action is required by 40 CFR 264.101(a) and Section 12-8-66 of the Georgia Hazardous Waste Management Act for releases from all SWMUs and AOCs contained within the Facility's property boundary and, as required by Section 12-8-66 of the Georgia Hazardous Waste Management Act and 40 CFR 264.101(c), for releases extending beyond the facility property boundaries.
 - a. SWMU 1: Southeastern Waste Treatment Latex Processing Area.
 - b. SWMU 2: Southeastern Waste Treatment Container Storage Area.

II.B. Notification and Assessment Requirements for Newly Identified SWMUs and AOCs

1. The Permittees shall notify the Director in writing, within fifteen (15) calendar days of discovery, of any additional SWMUs and/or AOCs discovered during the course of groundwater monitoring, on-going field investigations, environmental audits, or any other means. This shall include, but is not limited to, newly discovered releases at previously identified SWMUs or AOCs. Notification shall include, at a minimum, the location of the SWMU and/or AOC and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release, etc.).

2. The Permittees shall prepare a SWMU Assessment Report (SAR) for each additional SWMU or AOC discovered subsequent to issuance of this Permit which is known or suspected to have releases to the environment. The SAR shall be submitted within sixty (60) days of discovery of a new SWMU and/or AOC. The report must also include, at a minimum, the following information for each SWMU and/or AOC:
 - a. Type of unit;
 - b. Location of each unit on a topographic map of appropriate scale, as required by 40 CFR 270.14(b)(19);
 - c. General dimensions, capacities and a structural description of the unit(s) (supply any available plans and/or drawings);
 - d. Function of unit;
 - e. Dates that the unit was operated;
 - f. Description of the wastes that have been managed at or in the unit(s) to the extent available. Include any available data on hazardous constituents in the wastes; and
 - g. Description of any known releases or spills (to include groundwater data, soil analyses, sediment, air, and/or surface water data). If the report is being prepared as a result of a newly discovered release at a previously identified SWMU or AOC, the data may be limited to that pertaining to the newly discovered release, as long as a brief summary of the investigative and remedial actions taken in response to previous releases at the SWMU or AOC is provided, along with the current status in relation to those releases.
3. Based upon the results of the SAR, the Director shall determine the need for further investigations at the SWMUs and/or AOCs covered in the report. If the Director determines that such investigations are needed, the Permittees shall be notified to prepare an RCRA Facility Investigation (RFI) Work Plan, as outlined in Permit Section II.C, for such investigations and to submit an application for a Permit modification pursuant to 40 CFR 270.42 to incorporate the newly-identified SWMU or AOC into the Permit.

II.C. RCRA Facility Investigation (RFI)

1. The Permittees shall complete and submit an RFI Work Plan, not later than ninety (90) days after notification by the Director, for:
 - a. SWMUs identified in II.A.1 for which the Director determines that further investigation is warranted.
 - b. SWMUs or AOCs identified pursuant to Permit Section II.B as requiring investigation.

2. The RFI Work Plan required by Permit Condition II.C.1 shall include, but is not limited to: a schedule for implementation and report submittal; a description of the specific actions necessary to determine the nature and extent of contamination (including releases that extend beyond the facility's property boundary); potential migration pathways for releases (e.g., indoor air, land, surface water, and groundwater); actual or potential receptors; and applicable background concentrations. The Permittees must provide sufficient justification that migration through a potential pathway is not likely if it is not included in the work plan. Such deletions are subject to the approval of the Director.
 - a. As an option, the Permittees may include specific procedures in the RFI Work Plan that will be used to perform a risk assessment as well as the development of proposed risk-based media cleanup standards. The findings of the risk assessment and proposed risk-based media cleanup standards shall be provided in the RFI Report which is required by Permit Condition II.C.4. Risk assessments and risk-based media cleanup standards at RCRA SWMUs must be prepared according to current EPD guidelines.
 - b. Environmental investigations should follow US EPA's "Science and Ecosystem Support Division (SESD) Field Branches Quality System and Technical Procedures", or, if it is superseded, its US EPA successors, unless a specific alternate procedure is approved by the Director. If a specific alternate procedure is approved, the remainder of the above referenced document is not affected.
 - c. Detection Limits for analytical results shall be below the appropriate screening levels for the environmental media being analyzed.
3. Upon approval, by the Director, of the RFI Work Plan(s) required by Permit Condition II.C.1, the Permittees shall conduct the RFI(s) in accordance with the schedule contained therein.
4. RFI Reports
 - a. The Permittees shall complete and submit the RFI Report(s) in accordance with the schedule contained in the RFI Work Plan required by Permit Condition II.C.1. The report(s) shall provide a summary of all activities undertaken during the RFI(s) to implement the approved work plan(s).
 - b. The report(s) shall provide a complete description of the nature and extent of contamination identified during the RFI(s) including sources, migration pathways, actual or potential receptors, and applicable background concentrations.
 - c. The report(s) shall address all releases which extend beyond the facility property boundary, where necessary to protect human health and the environment, unless the Permittees demonstrate to the satisfaction of the Director that, despite the Permittees best efforts, the Permittees were unable to obtain the necessary permission to undertake such investigations. The Permittees are not relieved of all responsibility to investigate a release that has migrated beyond the facility boundary where off-site access is denied.
 - d. The report(s) shall include potentiometric maps, isopleth maps (using standard units of measure for the corresponding media), figures, diagrams, cross-sections, conceptual site model (CSM), as appropriate, to illustrate the findings in a clear concise manner.

- e. If the time required to conduct the RFI(s) is greater than one hundred eighty (180) calendar days, the Permittees may be required to provide the Director with quarterly RFI Progress Reports (90 day intervals) beginning ninety (90) calendar days from the initiation of the RFI(s), as specified in the approved RFI Work Plan(s). The progress report(s) shall, at a minimum, contain the following information:
 - i. A description of the portion of the RFI completed;
 - ii. Summaries of findings;
 - iii. Summaries of any deviations from the approved RFI Work Plan during the reporting period;
 - iv. Summaries of all contacts with local community public interest groups or State government regarding RFI investigations;
 - v. Summaries of any problems or potential problems encountered during the reporting period;
 - vi. Actions taken to rectify problems;
 - vii. Changes in relevant personnel; and
 - viii. Projected work for the next reporting period.
5. The Director shall review the RFI report(s) required by Permit Condition II.C.4, and notify the Permittees in writing of the need for further investigation and/or corrective action as required by Condition II.D, 40 CFR 264.101(a), and 40 CFR 264.101(c), or of a finding of no further action required at that time. The Permittees shall submit subsequent RFI work plans, in compliance with the requirements set forth in Permit Condition II.C.2 above, on the schedule specified by the Director. The Permittees shall also comply with Permit Conditions II.C. 3 and 4 above, with respect to the subsequent investigations.

II.D. Corrective Action Plan (CAP)

1. Upon determination by the Director that corrective action is needed, the Permittees shall submit a corrective action plan in accordance with a schedule to be determined by the Director.
2. The CAP must include a description of the corrective measures to be taken with regard to those releases identified by the RFI Report required by Condition II.C.4 and shall include a schedule of implementation and completion, a cost estimate for completion of corrective action, remedial goals, proof of financial assurance, and, for passive remediation methods, a contingency plan in the event the approved remedial method is not effective.
3. Upon approval of the CAP required by Condition II.D.1 by the Director, the Permittees shall apply for a permit modification pursuant to 40 CFR 270.42(c) to incorporate the plan into the Permit and subsequently implement the corrective action in accordance with the schedule in the approved CAP.

II.E. Interim Measures (IM)

1. Requirement for Interim Measures

The Permittees shall conduct IM for SWMUs and/or AOCs either upon notification by the Director that IMs are necessary or if the Permittees wish to implement IM at a SWMU and/or AOC in order to stabilize a release.

2. IM Work Plan

- a. If the Permittees are notified by the Director that IM are necessary, an IM Work Plan shall be submitted within forty-five (45) days of such notification. However, if additional time is required, the Permittees may petition the Director for up to an additional forty-five (45) days to submit the IM Work Plan. If the Permittees choose to conduct IM prior to notification by the Director, the Permittees shall submit a work plan for that activity. IM may be conducted concurrently with investigations required under the terms of this Permit.
- b. An IM Work Plan submitted pursuant to Permit Condition II.E.2.a above shall be consistent with and, if required by the Director, integrated into any long-term corrective action at the facility. The IM Work Plan shall include: the IM objectives, procedures for implementation (including any designs, plans, or specifications), schedules for implementation and completion, and schedules for submittal of progress reports.
- c. The IM Work Plan must be approved by the Director, in writing, prior to implementation.

3. IM Implementation

- a. The Permittees shall implement the IM in accordance with the schedule contained in the approved IM Work Plan.
- b. The Permittees shall give notice to the Director, for approval, as soon as possible prior to any planned changes, reductions or additions to the IM Work Plan.
- c. If corrective action required by 40 CFR 264.101 and/or Permit Section II.D is achieved through IM, the Permittees shall apply for a permit modification pursuant to 40 CFR 270.42(c) to incorporate the IM into the Permit as the final corrective action.

4. IM Reports

- a. Within forty-five (45) days of completion of IM, the Permittees shall complete and submit to the Director an IM Report. However, if additional time is required, the Permittees may petition the Director for up to an additional forty-five (45) days to submit the IM Report. The report shall provide, but is not limited to, the following information:
 - i. A description of IM implemented;
 - ii. A summary of all data or other information obtained during implementation of IM;
 - iii. A summary of the effectiveness of the IM in achieving the objective of containing, removing, and/or treating contamination resulting from a release from a SWMU and/or AOC in order to protect human health and the environment;
 - iv. A summary of all problems encountered during the IM implementation and the solutions to those problems; and
 - v. Copies of all relevant laboratory/monitoring data.

- b. If the time required for completion of IM is greater than one year, the Permittees shall provide the Director with progress reports at intervals specified in the approved IM Work Plan. The progress reports shall contain the following information at a minimum:
 - i. A description of the portion of IM completed;
 - ii. Summaries of any deviations from the IM Work Plan during the reporting period;
 - iii. Summaries of any problems or potential problems encountered during the reporting period and the solutions to those problems;
 - iv. Projected work for the next reporting period; and
 - v. Copies of laboratory/monitoring data.

II.F. Reporting, Recordkeeping and Response

1. The Permittees shall have all reports which involve installation of groundwater monitoring wells or systems and/or interpretation of data gathered from those wells or systems prepared and certified by a Qualified Groundwater Scientist.
2. The Permittees shall ensure that all plans, reports, notifications, and other submissions to the Director shall be signed and certified in accordance with 40 CFR 270.11.
3. All work plans and schedules required to be submitted pursuant to this Permit Section shall be subject to approval by the Director prior to implementation. Upon approval, the Permittees shall implement all work plans and schedules as written, or as specified by the Director.
4. In the event of the Director's disapproval (in whole or in part) of any document required by this Permit Section, EPD shall either confer with Permittees in regards to any concerns with said document or provide the Permittees with a written notice of deficiency setting forth EPD's specific concerns.
5. All work plans and reports shall be submitted in accordance with the approved schedule. Extensions of the due date for submittals may be granted by the Director based upon the Permittees' demonstration that sufficient justification for the extension exists.
6. All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and any other supporting information gathered and generated during activities undertaken pursuant to this Permit Section shall be maintained at a location available for inspection during the term of this Permit, including any reissued permits.
7. All plans and schedules required by this Permit Section are, upon approval by the Director, incorporated into this Section by reference and become an enforceable part of this Permit. Any non-compliance with such approved plans and schedules shall be termed non-compliance with this Permit.
8. If the Director or the Permittees at any time determine that any reports or activities conducted pursuant to any plan required by this Permit Section no longer satisfies the requirements of 40 CFR 264.101, this Permit, or the intent of that plan or report for prior or continuing releases, the Permittees must submit an amended plan to the Director within sixty (60) days of such determination.

SECTION III. CORRECTIVE ACTION FOR GROUNDWATER REMEDIATION AT THE SOUTHEASTERN WASTE TREATMENT LATEX PROCESSING AND CONTAINER STORAGE AREAS

III.A. Applicability

The conditions of this Section apply to corrective action of contaminated groundwater as applicable at the Solid Waste Management Units (SWMUs) listed below, as described in the Focused Groundwater Corrective Action Plan (FCAP) dated August 2021, or as amended:

- a. SWMU 1: Southeastern Waste Treatment Latex Processing Area.
- b. SWMU 2: Southeastern Waste Treatment Container Storage Area.

III.B. Corrective Action Program

1. The Permittees shall implement the Corrective Action program for the SWMUs identified in Permit Section III.A as required under 40 CFR 264.101.
2. The Permittees shall conduct, for the duration of the Compliance Period, Corrective Action as described in the FCAP, to perform monitored natural attenuation for contaminated groundwater at the facility that exceeds the Groundwater Protection Standard (GWPS) specified in Permit Condition III.D, as required under Section 12-8-66 of the Georgia Hazardous Waste Management Act, as amended, and Permit Condition III.B.1.
3. The Permittees shall maintain all elements of the FCAP and shall adhere to the schedules approved therein.
4. The Permittees shall dispose of all contaminated environmental media and any waste generated as a result of the corrective action operations in accordance with the procedures described in the FCAP, and all applicable federal, state, and local laws.

III.C. Groundwater Monitoring System

1. The Permittees shall maintain, well-marked and in good working order, all groundwater monitoring wells contained in Table 2 of the FCAP. All groundwater monitoring wells shall be maintained as follows:
 - a. A measuring point shall be clearly marked on the inner protective casing;
 - b. Wells shall be locked to prevent unauthorized entry; and
 - c. A continuous pour, intact concrete surface seal and well apron shall be centered around the borehole. The surface seal and all other components of the well shall be maintained in a manner to prevent ponding within the well vault. There shall be no erosion under the pad.

2. The Permittees shall inspect all wells each time that they are sampled to determine if the wells are accessible, are clearly labeled with their ID, and are in good working order as required by Permit Condition III.C.1. All inspections should be documented and should include descriptions of any problems found and the remedial actions taken to correct problems.
3. *Sentinel wells.* A sentinel well is a well which is screened within the same interval of the aquifer as the contaminant plume, is located downgradient, side-gradient, or upgradient of the plume, contains no contaminants, is used to determine the maximum horizontal and vertical extent of the plume, and is placed to intercept potential migration of the contaminant plume.
4. *Performance Monitoring.* The Permittees shall perform sampling pursuant to the requirements specified in Section 2.5.2 of the FCAP, for the duration of the Compliance Period at the monitoring wells listed in Permit Condition III.C.1, except as provided in Permit Condition III.C.5. The purpose of this “performance” monitoring is to determine if the corrective action system is effectively treating all contamination, meeting performance goals, and reducing contaminant concentrations to the GWPS.
5. With the exception of sentinel wells described in Permit Condition III.C.3, the Permittees may Petition the Director, and if approved, may cease sampling any monitoring well if sampling results from that well indicate that the concentrations of hazardous constituents have not exceeded the GWPS specified in Permit Condition III.D for a period of three (3) consecutive years.
6. If the Permittees believe that a sample result from a well is anomalous, the Permittees may resample the well(s). The Permittees must submit to the Director written notification of his or her plan to resample the well(s) within thirty (30) days of the discovery of an anomalous result. The written notification shall include an explanation for the belief that the sampling results were anomalous and the date upon which the resampling will take place.
7. The groundwater monitoring program shall include a determination of groundwater surface elevation at all monitoring wells identified in Permit Condition III.C.1 each time the groundwater is sampled.
8. Groundwater samples obtained from monitoring wells identified in Permit Condition III.C.1 shall be analyzed using the analytical parameters, laboratory methods and sampling frequency specified in Section 2.5.2 of the FCAP.
9. The data collected pursuant to Permit Section III.C shall be reported to EPD using the reporting format and submittal timeframe provided in the Sampling and Analysis Plan contained in Appendix B of the FCAP for the duration of the Compliance Period.

III.D. Groundwater Protection Standard (GWPS)

The GWPS shall consist of the following limits as established below:

Hazardous Constituent	Groundwater Protection Standard (ug/L*)
1,1-Dichloroethane	27.5
1,1-Dichloroethene	7
1,1,1-Trichloroethane	200
Chloroethane	20,900
Trichloroethene	5
Vinyl Chloride	2
Chloroform	80
**Bis(2-chloro-1-methylethyl)Ether	714
Ethylbenzene	700
2-Butanone	5,570
Phenol	5,770
Toluene	1,000

* ug/L = micrograms per liter.

**Bis(2-chloro-1-methylethyl)Ether is used as a surrogate compound for Bis(2-chloroisopropyl)Ether Georgia Maximum Contaminant Level (Chapter 391-3-5, January 2005).

III.E. Effectiveness of Corrective Action

1. The Permittees shall document the effectiveness of the corrective action required in this Section and as described in the FCAP, and shall submit this information in all annual monitoring reports pursuant to the reporting requirements specified in the Sampling and Analysis Plan contained in Appendix B of the FCAP. Documentation of corrective action shall include, but is not limited to the following:
 - a. An evaluation of the data and the corrective action program in accordance with the FCAP, including a discussion of any changes in environmental conditions (i.e., geochemical, hydrogeologic, microbial, or other changes), the detection of any toxic or mobile transformation products, the effectiveness of land use controls, whether the plume is expanding or is stable, and any recommendations and/or conclusions.
 - b. Tabulation of all data collected during the corrective action program;
 - c. Graphical representation of all data collected during the corrective action program, including trend graphs and maps of sample locations with isoconcentration lines showing the extent of contamination;
 - d. Groundwater elevation tables and maps depicting groundwater flow each time water level data is collected; and

- e. Reports and discussions of anomalies, problems, and anticipated problems with the data, and any deviations or modifications to the FCAP.

III.F. Compliance Period

The compliance period shall be defined as beginning on the effective date of this Permit and continuing until the concentrations of hazardous constituents in the groundwater have not exceeded the GWPS for a period of three (3) consecutive years. Anomalous sampling results, as provided for in Permit Condition III.C.6, shall not be counted as a sampling event.

III.G. Reporting, Recordkeeping and Response

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The procedures used to obtain a representative sample of the groundwater must be those procedures in the most recent edition of U.S. Environmental Protection Agency Region 4's *Field Branches Quality System and Technical Procedures*, or an equivalent procedure approved by the director. Laboratory Methods must be those specified in the most recent edition of *Test Methods for Evaluating Solid Waste Physical/Chemical Methods SW-846*.
2. The Permittees shall have all reports, which involve installation of groundwater monitoring wells or systems and/or interpretation of data gathered from those wells or systems, prepared and certified by a Qualified Groundwater Scientist.
3. The Permittees shall ensure that all plans, reports, notifications, and other submissions to the Director required in this Section are signed and certified in accordance with 40 CFR 270.11, which is incorporated into the Georgia Rules for Hazardous Waste Management by reference.
4. The results of all plans and reports shall be submitted in accordance with the approved schedule. Extensions of the due date for submittals may be granted by the Director based on the Permittees' demonstration that sufficient justification for the extension exists.
5. The Permittees shall enter all monitoring, testing and analytical data obtained pursuant to the conditions of this Section in the operating record, as required by 40 CFR 264.73(b)(6).
6. All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and any other supporting information gathered and generated during activities undertaken pursuant to this Section shall be maintained at the facility during the term of this Permit, including any reissued permits.
7. All plans and schedules required by the conditions of this Section are, upon approval by the Director, incorporated into this Section by reference and become an enforceable part of this Permit. Any non-compliance with such approved plans and schedules shall be termed non-compliance with this Permit.

III.H. Permit Modification

1. If the Director or the Permittees at any time determine that the corrective action program no longer satisfies the requirements of 40 CFR 264.101 or this Section for releases of hazardous waste, hazardous waste constituents, or hazardous constituents, the Permittees must submit an application requesting a Permit modification, within ninety (90) days of such determination to make any appropriate changes in the program.
2. If the Director determines that further actions beyond those provided in this Section or changes to that which is stated herein are warranted, the Permittees shall submit a modification to the Permit according to the modification procedures under 40 CFR 270.42, which is incorporated into the Georgia Rules for Hazardous Waste Management by reference.

III.I. Financial Assurance for Corrective Action

The Permittees shall provide cost estimates and assurance of financial responsibility for corrective action which addresses both on-site and off-site contamination at such time the corrective action is approved pursuant to 40 CFR 264.101. Such financial assurance must conform to 40 CFR Part 264 Subpart H.