

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
DRAFT PERMIT  
FOR CORRECTIVE ACTION**

Permittee: Nexeo Solutions, LLC  
Permit Number: PAD000797548  
Facility: 150 West 4<sup>th</sup> Avenue, Freedom, PA

I. INTRODUCTION

The United States Environmental Protection Agency (EPA) under the authority of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. § 6901 et seq., and regulations promulgated thereunder and set forth at 40 C.F.R. Parts 260-271, has prepared this draft Permit for Corrective Action for the facility owned by Nexeo Solutions, LLC (Permittee or Nexeo) located at 150 West 4<sup>th</sup> Avenue, Freedom, PA 15042 (Facility or Property).

Concurrently with this draft Corrective Action Permit, EPA is soliciting comments on a Statement of Basis (SB) that proposes the remedy included in this draft permit. EPA will make a final decision on the proposed remedy and the draft permit after considering any information submitted during the forty-five (45) day public comment period. EPA will finalize the remedy in a Final Decision and Response to Comments (FDRTC). If no comments are received on the draft permit during the public comment period, the Final Corrective Action Permit will be signed and will become effective upon signature. Otherwise, the final permit will become effective thirty (30) days after service of notice of the final decision or upon conclusion of any appeals filed.

II. DRAFT PERMIT:

**EPA proposes that the following provisions be included in a Final RCRA Corrective Action Permit for the Facility:**

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Section 3004(u) of RCRA, 42 U.S.C. § 6924(u), requires corrective action for all releases of hazardous waste or constituents from any solid waste management unit (SWMU) for all permitted treatment, storage, or disposal facilities, regardless of the time the waste was placed in the unit. EPA has authorized the Commonwealth of Pennsylvania (the Commonwealth) to operate a state hazardous waste program in lieu of the federal program, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). However, the Commonwealth has not received authorization for the Corrective Action Program. EPA is, therefore, issuing this permit (hereafter EPA Permit) so that the Permittee can satisfy its Corrective Action requirements at the Facility.

The complete RCRA permit for purposes of Section 3005(c) of RCRA, 42 U.S.C. §6925(c), consists of two portions: this EPA Permit and the Permit For Hazardous Waste Storage issued by the Pennsylvania Department of Environmental Protection (PADEP) on May 14, 2004 (PADEP Permit). This EPA Permit addresses the provisions of HSWA and will be enforced by EPA. The PADEP Permit addresses the provisions of The Pennsylvania Code, Title 25, for which the Commonwealth of Pennsylvania (Commonwealth) has received authorization under Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), to carry out such program in lieu of the federal hazardous waste management program under RCRA. The PADEP Permit will be enforced by PADEP, but EPA may also exercise its enforcement discretion if and when appropriate. **To satisfy the Permittee's RCRA Section 3004(u) Corrective Action obligations at the Facility, this EPA Permit provides for the implementation of all the provisions of the PADEP Permit.**

This Permit is based on information provided to EPA by the Permittee and PADEP. Section 3005(c)(3) of RCRA provides EPA the authority to review and amend the EPA Permit at any time. Any inaccuracies found in the information submitted by the Permittee may be grounds for the modification or revocation and reissuance or termination of this permit (see 40 C.F.R. §§ 270.41, 270.42 and 270.43). The Permittee must inform EPA of any deviation from or changes in the submitted information which would affect the Permittee's ability to comply with the applicable statutes, regulations or permit conditions.

The Permittee must comply with all terms and conditions set forth in this permit, including the attachments hereto. Additionally, the Permittee shall comply with all applicable federal regulations, including 40 C.F.R. Parts 260 through 264, Part 266, Part 268, Part 270, Part 273 and Part 124. Nothing in this Permit shall limit EPA's authority to undertake, or require any person to undertake, response action or corrective action under any law, including, but not limited to, Section 104 or 106 of CERCLA, 42 U.S.C. §§ 9604 and 9606, and Section 7003 of RCRA, 42 U.S.C. § 6973. Nor shall any permit condition relieve the Permittee of any obligations under any law, including, but not limited to, Section 103 of CERCLA, 42 U.S.C. § 9603 to report releases of hazardous wastes, constituents, or substances to, at, or from the Facility.

### SPECIFIC FACILITY CONDITIONS

#### A. CORRECTIVE ACTION REMEDY IMPLEMENTATION

1. Based on the SB and the Administrative Record, the final remedy for the Facility was developed and is described in the Final Decision and Response to Comments (FDRTC), **Attachment A**. The requirements of this EPA Permit provide for the operation and maintenance of the remedy described in the FDRTC.
2. The goal of the remedy for Facility-wide corrective action is to ensure the overall protection of human health and the environment. The final remedy for the Facility consists of compliance with an Environmental Covenant (Covenant) that restricts land use and provides for the continued maintenance of the roof and concrete floor of Warehouse 3 to prevent contaminant migration.

The details of the Facility-wide corrective action are itemized below and detailed in the Environmental Covenant included as **Attachment B**. The Permittee, and each subsequent owner of the Facility, and its tenants, agents, employees and other persons under its control is subject to the following activity and use limitations:

- a. the Property shall only be used for non-residential purposes;
- b. withdrawal of groundwater for any reason is prohibited;
- c. the Warehouse #3 building, roof and concrete floor overlaying the former UST area shall be maintained;
- d. if excavation of the former UST or B-5 monitoring well area is to occur, an appropriate Health and Safety Plan (HSP) and Soil Management Plan (SMP) shall be developed. A copy of the HSP and SMP shall be submitted to the Department at least thirty (30) days prior to excavation work; and
- e. no building within 100 feet of the monitoring well B-5 shall be used as an occupied structure as taken within the context of the PADEP Land Recycling Program Technical Guidance Manual- Section IV.A.4. Vapor Intrusion into Buildings from Groundwater and Soil under the Act 2 Statewide Health Standard (habitable building, office, etc.) that would create a complete exposure pathway for vapor intrusion.

B. ACCESS FOR CORRECTIVE ACTION OVERSIGHT

The EPA and its authorized representatives shall have access to the Facility at all reasonable times for the purpose of monitoring compliance with the provisions of this Permit.

E. EFFECTIVE DATE

This EPA Permit is effective as of \_\_\_\_\_, and shall remain in effect through \_\_\_\_\_, unless revoked and reissued (per 40 C.F.R. § 270.41), terminated (in accordance with 40 C.F.R. § 270.43), or continued (in accordance with 40 C.F.R. § 270.51(a)).

F. SIGNATURE

\_\_\_\_\_  
John A. Armstead, Director  
Land and Chemicals Division  
U.S. Environmental Protection Agency, Region III

Date: \_\_\_\_\_

The following Attachments are incorporated, in their entirety, by reference into this Permit. These incorporated attachments contain enforceable conditions of this Permit.

Attachment A: Final Decision and Response to Comments (Reserved)  
Attachment B: Environmental Covenant