

PERMIT FOR CORRECTIVE ACTION

Permittee: Motiva Enterprises, LLC
500 Dallas Street
Houston, Texas 77002

Site Address: 4550 Wrangle Hill Road
Delaware City, Delaware 19706

State Permit Number: HW31A04

EPA Identification Number: DED002329738

Pursuant to 7 *Del. C.* Chapters 60 and 63, and Delaware's *Regulations Governing Hazardous Waste* (DRGHW), this Permit is issued to Motiva Enterprises, LLC (Permittee) to implement corrective action at the Delaware City Refinery (DCR) in Delaware City, Delaware, at latitude 39° 35' 46" North and longitude 75° 37' 23" West.

The Permittee must comply with all terms and conditions of this Permit. This Permit consists of the conditions contained herein (including those in any attachments) and the applicable regulations contained in DRGHW. Applicable regulations are those which are in effect on the date of issuance of this Permit in accordance with DRGHW §122.32(c). This authorization shall not be used as a reason for non-compliance with any other applicable state or federal regulation.

This Permit is based on information provided to the State of Delaware Department of Natural Resources and Environmental Control (DNREC) by the Permittee.

Any inaccuracies found in this submitted information may be grounds for the modification, revocation and reissuance, or termination of this Permit in accordance with DRGHW §§122.41 and 122.43, and subject to enforcement in accordance with 7 *Del. C.* §§6005 and 6309. The Permittee must inform DNREC of any deviation from or changes in the information in the application which would affect the Permittee's ability to comply with the applicable regulations or Permit conditions.

This Permit is effective as of **April 20, 2021**, and shall remain effective until **April 20, 2031**, unless revoked or reissued under DRGHW §122.41, terminated under DRGHW §122.43, or continued in accordance with DRGHW §122.51(a).

Qazi Salahuddin, Ph.D., CHMM
Environmental Program Administrator
Remediation Section

Date

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ATTACHMENTS

- Attachment 1: Site Map
- Attachment 2: Site SWMU Location Map
- Attachment 3: Phase I RFI Report (URS, 2005)
- Attachment 4: Draft Phase II RFI SWMU Report (URS, 2010)
- Attachment 5: Draft Phase II RFI Groundwater Report (URS, 2010)
- Attachment 6: Phase II RFI Baseline Ecological Risk Assessment (URS, 2010)
- Attachment 7: Draft Phase II RFI Human Health Risk Assessment (URS, 2010)

MODULE I – STANDARD PERMIT CONDITIONS

I. A. EFFECT OF PERMIT

1. This Permit issued pursuant to 7 *Del Code* Chapters 60 and 63, and 7 *Del Admin Code* §1302, Delaware’s *Regulations Governing Hazardous Waste* (DRGHW), provides for the implementation of corrective actions as necessary to protect human health and the environment.

2. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege, nor does it authorize any injury to persons or property, invasion of other private rights, or any infringement of state or local laws or regulations [Delaware’s *Regulations Governing Hazardous Waste* (DRGHW) §§122.30(g) and 122.4(b) and (c)]. Compliance with this Permit during its term generally constitutes compliance, for purposes of enforcement as it relates to RCRA corrective action requirements, with 7 *Del. C.* Chapters 60 and 63, except for those requirements not included in the permit which become effective by statute or which are promulgated under DRGHW §§268 and 122.4(a). Beyond RCRA corrective action, compliance with the terms of this Permit may or may not constitute compliance with 7 *Del. C.* Chapters 60, 63, and 91; §§3008(a), 3008(h), 3013, or 7003 of the Resource Conservation and Recovery Act (RCRA); §§106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 *et. seq.* commonly known as CERCLA); or any other law providing for protection of public health or the environment.

I.B. PERMIT ACTIONS

1. Permit Modification, Revocation and Reissuance, and Termination

This Permit may be modified, revoked and reissued, or terminated for cause, as specified in DRGHW §§ 124.5, 122.30(f), 122.41, 122.42, and 122.43. The filing of a request for a permit modification, revocation and reissuance, termination, or the notification of planned changes or anticipated non-compliance on the part of the Permittee, does not stay the applicability or enforceability of any permit condition (DRGHW §122.30(f)).

2. Permit Renewal

- a. This Permit may be renewed as specified in DRGHW §122.30(b) and Permit Condition I.E.2 (Duty to Reapply).

- b. Any application, and review of any application, for a permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations and laws.

I.C. SEVERABILITY

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.D. DEFINITIONS

For purposes of this Permit, terms used herein shall have the same meaning as those in DRGHW, 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 7 *Del. C.* Chapters 60 and 63, a standard dictionary reference, or the generally accepted scientific or industrial meaning of the term. The following definitions also apply to this Permit:

Area of Concern (AOC) – An area at the facility or an offsite area, which is not at this time known to be a solid waste management unit, where hazardous waste and/or one or more hazardous constituents is present or is suspected to be present as a result of a release from the facility.

Day – A calendar day, the mean solar day beginning at midnight.

DNREC - Delaware’s Department on Natural Resources and Environmental Control

DRGHW – 7 Del Admin Code §1302, Delaware’s *Regulations Governing Hazardous Waste*

Facility – The Delaware City Refinery (DCR) is situated on a 5,050-acre tract of land located approximately one (1) mile north of Delaware City, Delaware. The land north and south of the DCR is mostly farmland, with the exception of several industrial complexes located immediately north and west of the refinery. The eastern property boundary of DCR borders the Delaware River. The manufacturing facilities occupy approximately 1,000 of the 5,050 acres of the property.

Hazardous Constituent – Any constituent identified in Appendix VIII of DRGHW §261 or Appendix IX of DRGHW §264.

Release – Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

Secretary – The Cabinet Secretary of Delaware’s Department on Natural Resources and Environmental Control or his designee or authorized representative.

Solid Waste Management Unit (SWMU) – Any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

“Qualified Engineer” or “Qualified Geologist” shall mean that the responsible professional geologist or engineer is qualified by training and experience to gather and evaluate the data required by these regulations.

I.E. DUTIES AND REQUIREMENTS

1. Duty to Comply

The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such non-compliance is authorized by a variance issued pursuant to 7 *Del. C.* §6314 or an emergency administrative order under DRGHW §122.61. Any permit non-compliance, except under the terms of an emergency order, and/or a duly authorized variance, constitutes a violation of 7 *Del. C.* Chapters 60 and 63 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [DRGHW § 122.30(a)]

- a. **Duty to Comply with RCRA Air Emission Standards:** The Permittee shall comply with all requirements specified in Section 264 of DRGHW, Subparts AA, BB, and CC, as applicable, including all reporting, air monitoring, and maintenance requirements.

2. Duty to Reapply

If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee, pursuant to §122.10(h) of DRGHW, shall submit a complete application for a new permit at least 180 days prior to the permit expiration.

3. Permit Expiration

Pursuant to §122.50 of DRGHW, this Permit shall be effective for a fixed term not to exceed ten (10) years. Pursuant to §122.51 of DRGHW, as long as DNREC is the permit-issuing authority, this Permit, and all conditions herein, will remain in effect beyond the Permit's expiration date, if the Permittee has submitted a timely complete application and, through no fault of the Permittee, the Secretary has not issued a new permit under §124.15 of DRGHW on or before the expiration date of this Permit. The corrective action obligations contained in this Permit shall continue regardless of whether the facility continues to operate or ceases operation and closes. The Permittee is obligated to complete facility-wide corrective action under the conditions of this Permit regardless of the operational status of the facility. The Permittee must submit an application for a new permit at least 180 days before this permit expires, pursuant to §122.10(h) of DRGHW and Condition I.E.2. of this Permit (Duty to Reapply), unless the Permit has been modified to terminate the corrective-action schedule of compliance and the Permittee has been released from the requirements for financial assurance for corrective action.

4. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee 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.

5. Duty to Mitigate

In the event of non-compliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures to prevent significant adverse impacts to human health and/or the environment. The Permittee's Duty to Mitigate shall include notifying appropriate authorities of such non-compliance in accordance with Conditions I.E.16 (Incident Reporting) and II.H (Emergency Response; Release Reporting) of this Permit.

6. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee 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/quality control (QA/QC) procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the Permit. (DRGHW §270.30(e)).

7. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any Permit condition.

8. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privilege.

9. Duty to Provide Information

The Permittee shall furnish to the Secretary, within a reasonable time, any relevant information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this Permit (DRGHW §§122.30(h) and 264.74(a)).

10. Inspection and Entry

Permittee shall allow the Secretary, or the Secretary's authorized representatives, upon the presentation of credentials and at reasonable times, to enter upon Facility in accordance with 7 Del. C. §§ 6024; 6310, or DRGHW §122.30(i), the:

- a. Enter the Permittee's 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 any records that must be kept under the conditions of this Permit;
- c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- d. Sample or monitor for the purposes of assuring permit compliance, or as otherwise authorized by 7 Del. C. Chapters 60 and 63 and DRGHW, any substances or parameters at any location.

11. Monitoring and Records

Pursuant to §122.30(j) of DRGHW, the Permittee shall comply with the following requirements:

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All sampling and analyses shall be of adequate quality and scientifically valid; of known precision and accuracy; and of acceptable completeness, representativeness, defensibility, and comparability. Laboratory analysis of each sample must be performed using an appropriate method for testing the parameter(s) of interest taking into account the sample matrix. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of DRGHW, §261, or an equivalent method approved by the Secretary. Analytical methods must be the appropriate method as specified in "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846", 3rd edition as updated, or an equivalent method as approved by the Secretary.
- b. The Permittee shall retain records of all monitoring information; including all calibration and maintenance records, all original strip chart or data recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the certification required by DRGHW §264.73(b)(9), and records of all data used to complete the application for this Permit; for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application. These periods may be extended by request of the Secretary at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility, for a period equal to the enforcement-action duration (DRGHW §264.74). The Permittee shall maintain records of all groundwater quality and groundwater surface elevation measurements for the active life of the facility, as well as for the post-closure care period (DRGHW §122.30(j)(2)).
- c. Pursuant to DRGHW §122.30(j)(3), records of monitoring information shall specify:
 - i. The dates, exact places, and times of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical techniques or methods used;
 - vi. The results of such analyses; and
 - vii. The QA/QC associated with all monitoring information.
- d. All applications, reports, or information submitted to the Secretary shall be signed and certified (DRGHW §122.11).
- e. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

12. Compliance Schedules

Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than 14 days following each schedule date (DRGHW §122.30(l)(5)).

13. Reporting Planned Changes

The Permittee shall give notice to the Secretary, as soon as possible, but in no event later than 72 hours prior to implementation of any planned physical alterations or additions to the facility that may impact the SWMUs and/or AOCs.

14. Reporting Anticipated Non-Compliance

- a. The Permittee shall give advance notice to the Secretary of any activity or planned changes in the permitted facility or activity SWMUs and/or AOCs that may result in non-compliance with Permit requirements (DRGHW §122.30(1)(2)). For a new facility, the Permittee may not treat, store, or dispose of hazardous waste except as provided in DRGHW §122.42, until the conditions stipulated in Sections I.E.14.a.i. have been satisfied; and for a facility being modified, the Permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility, except as provided in DRGHW §122.42, until:
 - i. The Permittee has submitted to the Secretary, by certified mail or hand delivery, a letter, signed by the Permittee and a qualified Professional Engineer certifying that the facility has been constructed or modified in compliance with the Permit; and
 - ii. Modifications
 - 1. The Secretary has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the Permit; or
 - 2. Within 15 days of the date of submission of the letter in paragraph (1)(2)(i) of DRGHW §122.30 the Permittee has not received notice from the Secretary of his intent to inspect, prior inspection is waived, and the Permittee may commence treatment, storage, or disposal of hazardous waste.

15. Transfer of Permits

- a. This Permit is not transferable to any person, except after notice to the Secretary (DRGHW §122.30(1)(3)). The Secretary may require modification, or revocation and reissuance, of this Permit pursuant to DRGHW §122.40 in order to identify the new Permittee and incorporate such other requirements as may be necessary under the appropriate Act.
- b. Before transferring ownership or operation of the Facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of DRGHW §§264 and 122, and this Permit (DRGHW §264.12(c)).

16. Incident Reporting

- a. The Permittee shall comply with Permit Conditions I.E.16.b and I.E.16.c pursuant to DRGHW §§122.30(1)(6) and 264.56.
- b. The Permittee shall report orally to the Secretary, or his designee, and a designated representative of the Delaware City Refinery owner/operator of any non-compliance which may endanger human health or the environment within 24 hours of the time the Permittee becomes aware of the circumstances. The report shall include, at a minimum, the following:
 - i. Information concerning release of any hazardous waste or hazardous constituents that may cause an endangerment to public drinking water supplies;
 - ii. Any information of a release or discharge of hazardous waste, or of a fire or explosion from the hazardous waste management facility which could threaten the environment or human health outside the facility; and
 - iii. The description of the occurrence and its cause shall include:

- 1) Name, address, and telephone number of the owner and/or operator;
- 2) Name, address, and telephone number of the facility;
- 3) Date, time, and type of incident;
- 4) Name and quantity of materials involved;
- 5) The extent of injuries, if any;
- 6) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
- 7) Estimated quantity and disposition of recovered material that resulted from the incident.

c. A written submission shall also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the non-compliance and its cause; the period(s) of non-compliance (including exact dates and times), whether the non-compliance has been corrected, and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance. The Secretary may waive the five (5)-day written notice requirement in favor of a written report within 15 days.

17. Manifest Discrepancy Report

If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved within 15 days, the Permittee must submit a letter report, including a copy of the manifest, to the Secretary (DRGHW §264.72).

18. Unmanifested-Waste Report

This report must be submitted to the Secretary within 15 days of receipt of unmanifested waste (DRGHW §264.76).

19. Other Non-Compliance

The Permittee shall report all instances of other non-compliance, not reported under Permit Condition I.E.14, immediately to DNREC. The reports shall be made within the timeframes and contain the information stipulated in Permit Conditions I.E.16.b and I.E.16.c, and DRGHW §122.30(1)(10).

20. Other Information (Failure to Submit Relevant and/or Accurate Information)

Where the Permittee becomes aware that it failed to submit any relevant and/or correct facts in the permit application, or submitted incorrect information in a permit application or in any report to the Secretary, the Permittee shall notify the Secretary of such failure within seven (7) days of becoming aware of such deficiency or inaccuracy. The Permittee shall submit the correct or additional information to the Secretary within 14 days of becoming aware of the deficiency or inaccuracy (DRGHW §122.30(1)(11)). Failure to submit the information required in this Permit or misrepresentation of any submitted information is grounds for termination of this Permit (DRGHW §122.43).

21. Information Repository

The Secretary may require the Permittee to establish and maintain an information repository at any time based on the factors set forth in DRGHW §124.33(b). The information repository will be governed by the provisions in DRGHW §124.33(c) through (f).

I.F. SIGNATORY REQUIREMENT

All applications or reports submitted to or requested by the Secretary, his designee, or authorized representative shall be signed and certified in accordance with DRGHW §§122.11 and 122.30(k). In addition, certification by a qualified Professional Engineer and/or a qualified geologist or geotechnical engineer shall be provided as required by DRGHW.

I.G. APPROVAL/DISAPPROVAL OF SUBMISSIONS

DNREC will review submitted plans, reports, schedules, and other documents (hereinafter collectively referred to as “submission”) that require DNREC approval. DNREC will notify the Permittee in writing of DNREC’s approval, conditional approval, or disapproval of each submission.

Each submission required by this Permit is, upon approval by the Secretary, incorporated into this Permit. Any non-compliance with such DNREC-approved submissions shall be deemed non-compliant with this Permit. A conditionally approved submission, including any terms of such conditional approval set forth in DNREC’s decision, shall constitute the DNREC-approved submission and shall be incorporated into this Permit.

In the event of DNREC’s conditional approval of a submission, DNREC shall specify, in writing, any deficiencies in the submission and the terms upon which approval of the submission is conditioned. If the Permittee disputes any term upon which approval of the submission is conditioned, the Permittee may initiate Dispute Resolution pursuant to Permit Condition I.I.

In the event DNREC disapproves a submission, the Secretary shall specify the deficiencies in writing. Such disapproval shall not be subject to the Dispute Resolution provision set forth in Permit Condition I.I. Within a reasonable time period, as established by the Secretary and considering the tasks to be performed, the Permittee shall modify the disapproved submission to correct/address the specified deficiencies and submit the revised submission to DNREC for approval. Should the revised submission be disapproved, DNREC will notify the Permittee of the deficiencies in writing and specify a schedule for the Permittee to correct the deficiencies. The Permittee shall again revise the submittal and forward the revised submission to DNREC within the specified schedule. In the event the Permittee disagrees with DNREC’s disapproval of the re-revised submission, the Permittee shall notify DNREC in writing, and the disagreement shall be resolved in accordance with the Dispute Resolution provision in Permit Condition I.I. of this Permit.

I.H. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE SECRETARY

At least two (2) copies of all reports, notifications, or other submissions that are required or allowed by this Permit to be sent or directed to the Secretary, shall be transmitted by hand delivery or Certified Mail, Return Receipt Requested. With prior DNREC approval, such submittals may be transmitted by e-mail, facsimile, or overnight delivery. Each report, notification, or other submission shall reference Permittee’s name, permit number, and facility address. Any deviation from this requirement will result in the suspension of the delivery by e-mail, facsimile, or overnight delivery. Submittals shall be addressed to the following:

Department of Natural Resources and Environmental Control
Division of Waste and Hazardous Substances
Remediation Section
89 Kings Highway
Dover, Delaware 19901
RE: DED001315647

In addition, one (1) copy of each submission shall be sent to the following:

General Operations Branch
(3WC23) EPA Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103
RE: DED001315647
(215) 814-3436

The Permittee shall provide each report, notification, or submission as one paper copy accompanied by one copy on an electronic medium acceptable to both the Permittee and the Department (currently, e.g., CD-ROM). The electronic transmittals shall be provided as a single electronic document such as a Portable Document Format (.pdf) file, or other electronic format acceptable to both the Permittee and the Department.

In addition to all other formats, all monitoring analytical results and measurements shall be provided to DNREC in an electronic format specified by the policy of the Remediation Section RCRA Corrective Action Group (RSRCAG) of DNREC that is in effect at the time of submission. This requirement shall become effective once a policy for electronic submissions has been adopted by the RSRCAG.

I.I. DISPUTE RESOLUTION

Except as otherwise provided in this Permit, in the event the Permittee disagrees, in whole or in part, with DNREC's conditioned approval or disapproval of any submission required by this Permit, the Permittee shall notify DNREC in writing of its objections, and the basis therefore, in accordance with Permit Condition I.H, within 30 days of receipt of DNREC's conditioned approval or disapproval.

Such notice shall set forth the specific matters in dispute, the basis for the Permittee's belief that its position is consistent with the permit requirements, and any supporting documentation.

DNREC and the Permittee shall have an additional 30 days from DNREC's receipt of the notification to meet or confer to resolve any dispute. In the event an agreement is reached, the Permittee shall submit the revised submission and implement the same in accordance with such agreement.

In the event DNREC and the Permittee are not able to reach an agreement within this 30-day period, the Permittee shall have the opportunity to submit written comments regarding DNREC's decision to, and receive a written decision from, the DNREC Secretary or his delegate. DNREC will notify the Permittee in writing of its decision and the Permittee shall comply with the terms and conditions of DNREC's decision. The Permittee does not waive its right to assert any and all available defenses in a proceeding to enforce this Permit, nor does it waive any statutory or regulatory rights it may have, if any, to affirmatively challenge DNREC's decision in the dispute.

I.J. CONFIDENTIAL INFORMATION

In accordance with DRGHW §122.12, the Permittee may claim as confidential any information required to be submitted by this Permit.

I.K. WASTE MINIMIZATION

The Permittee shall certify no less often than annually that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that the Permittee generates to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment. The Permittee shall maintain each such certification of waste

minimization at the facility until closure of such facility DRGHW §264.73(b)(9).

I.L. LAND DISPOSAL RESTRICTIONS

All activities of the Permittee which involve the land disposal of hazardous waste are subject to the provisions of DRGHW §268.

I.M. ANNUAL REPORTS

Pursuant to DRGHW §§262.41 and 264.75, the Permittee shall meet annual reporting requirements, if applicable. In the event the facility reverts to a generator status, the Annual Report shall be submitted by March 1st of each calendar year and shall contain the information required in DRGHW §§262.41 and 264.75.

I.N. HAZARDOUS WASTE CONTINGENCY PLAN

The Permittee shall maintain at the facility, for the duration of this Permit, a Hazardous Waste Contingency Plan to address potential releases from any SWMU and/or AOC. This Hazardous Waste Contingency Plan shall be prepared in accordance with the applicable requirements of §264 of DRGHW and may be referred to in this Permit as the Contingency Plan.

I.O. EMERGENCY PROCEDURES

The Permittee shall comply with all emergency-procedure requirements of DRGHW §264.56. In addition to the notification requirements of DRGHW §264.56, the Permittee shall notify the DNREC Project Officer in accordance with the content and schedule of Permit Condition I.E.16.

I.P. DUTY TO MAINTAIN DOCUMENTATION AT THE FACILITY

Pursuant to DRGHW §264.73, the Permittee shall maintain at the facility, until the closure of the facility and the term of the Permit, all documents required by this Permit and DRGHW.

MODULE II - FACILITY-WIDE CORRECTIVE ACTION

II.A. CORRECTIVE ACTION FOR CONTINUING RELEASES; PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

1. Section 3004(u) of RCRA, 42 U.S.C. §6924(u), and §264.101 of DRGHW provide that all permits issued after November 8, 1984, must require corrective action, as necessary, to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any SWMU, regardless of when waste was placed in the unit.
2. Under §3004(v) of RCRA, 42 U.S.C. §6924(v), 7 *Del. C.* §§6305(a)(3) and 6307(d), and §264.101(c) of DRGHW; DNREC may require that corrective action at a permitted facility be taken beyond the facility boundary, where necessary to protect human health and the environment, unless the owner or operator of the permitted facility concerned demonstrates to the satisfaction of DNREC that, despite the permitted-facility owner's or operator's best efforts, the permitted-facility owner or operator was unable to obtain the necessary permission to undertake such action. The owner or operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied.
3. Section 3005(c)(3) of RCRA, 42 U.S.C. §6925(c)(3), 7 *Del. C.* §§6305(a)(3) and 6307(d), and §122.32(b)(2) of DRGHW provide that each permit shall contain such terms and conditions as DNREC determines necessary to protect human health and the environment. This can include addressing Areas of Concern (AOCs).
4. This Permit requires the Permittee to complete a RCRA Facility Investigation (RFI) for potential or suspected releases of hazardous waste or hazardous constituents at specified SWMUs and AOCs identified at the facility. The RFI is being performed under two phases, a Phase I RFI and a Phase II RFI. The purpose of the Phase I RFI was to assess the presence of potential or suspected releases from SWMUs and AOCs, to ascertain which SWMUs and AOCs warrant further investigation, to prioritize the RFI tasks, and to determine whether interim/stabilization measures are necessary. The purpose of the Phase II RFI is to thoroughly characterize the nature and extent of suspected releases of hazardous waste and hazardous constituents, and their degradation-products, from regulated units, SWMUs, and AOCs at the facility, based upon the findings in the Phase I RFI. The RFI includes the collection of site-specific data and an evaluation of potential impacts to human health and the environment from potential or suspected contamination from the facility. Based on the findings of the Phase II RFI report, Permittee will collect supplemental soil samples to fill in data gaps. The supplemental soil investigation will gather all data necessary for DNREC to determine whether an Interim Remedial Measure (IRM), a Corrective Measures Study (CMS), a limited CMS, or a presumptive remedial approach is required. The Permittee will finalize the Phase II RFI only after all the necessary data have been collected and evaluated. The Permittee will be required to establish remedial action objectives and develop a remedy for any releases from SWMUs and AOCs that threaten human health or the environment beyond an unacceptable risk level.
5. The Permittee may have completed some of the tasks required by this Permit and may have some of the information and data required by this Permit. Previous work may be used to meet the requirements of this Permit. Unless previously approved by DNREC, such previous work must be submitted to and approved by DNREC in accordance with Permit Condition I.G. (Approval/Disapproval of Submissions).
6. The Permittee shall prepare facility-specific scopes of work and reports relating to IRM, RFI, CMS (if required), and any Risk Screening or Risk Assessment in accordance with EPA guidance documents available at EPA's General and Region 3 webpages. The Permittee shall establish specific

and appropriate elements of such scopes and reports to DNREC's satisfaction under Permit Condition I.G. (Approval/ Disapproval of Submissions).

7. Within 90 days following the effective date of this Permit, the Permittee shall submit a Public Participation Plan, developed in accordance with EPA's Guidance document (<https://www.epa.gov/hwpermitting/resource-conservation-and-recovery-act-rcra-public-participation-manual> archived at <https://web.archive.org/web/20191018101850/https://www.epa.gov/hwpermitting/resource-conservation-and-recovery-act-rcra-public-participation-manual>), and to DNREC's satisfaction under Permit Condition I.G. (Approval/Disapproval of Submissions). The Permittee shall implement the approved Public Participation Plan throughout all phases of Corrective Action subject to this Permit.

II.B. INTERIM MEASURES

1. The Permittee may, at any stage of the RFI, if applicable, submit to DNREC, in writing, a proposal to perform corrective action interim measures for the remediation of any release of hazardous waste or hazardous constituents at or from a SWMU or AOC. Any such proposal shall include a schedule for performance of such IRMs. For any releases to soil, groundwater, sediment, and/or surface water, the Permittee must demonstrate in such proposal, to DNREC's satisfaction, that the subsurface conditions and contaminant plume relating to such release have been adequately characterized and that the proposed IRMs will adequately remove, contain, or treat the released hazardous waste or hazardous constituents as necessary to protect human health and the environment. The nature and extent of releases to other media shall likewise be adequately characterized and evaluated by the Permittee in such a proposal. DNREC shall review the proposal and determine whether such a proposal will be considered for approval and whether such IRMs are of such scope that they require implementation of the public notice requirements specified under Permit Condition II.F (Corrective Measures Implementation). DNREC shall notify the Permittee of the approval or disapproval of the IRMs proposal. If DNREC approves the submitted IRM proposal, the Permittee may be allowed to dispense with certain stages of the investigation, as described in DNREC's approval of the IRM proposal. No term or condition of this Permit, except as otherwise provided for by this Permit, shall be affected by such proposal until such time as this Permit has been modified to include such proposal. As appropriate, DNREC or the Permittee may seek modification of this Permit pursuant to 7 Del. C. §6305(a)(3), and §§122.41 and 122.42 of DRGHW.
2. If DNREC determines, on the basis of information submitted by the Permittee pursuant to Permit Condition II.C. (RFI – Phase I), II.D. (RFI – Phase II), II.H. (Emergency Response; Release Reporting), II.J. (SWMU Assessment) or any other information, that corrective action is necessary to protect human health or the environment from a release of hazardous waste or constituents from a SWMU or AOC, the Permittee may be required to implement IRMs.
 - a. Within 90 calendar days of receipt of DNREC's notice to implement corrective action IRMs at specified SWMUs or AOCs, the Permittee shall submit to DNREC an IRM Plan (Plan). The Plan must be approved by DNREC in accordance with Permit Condition I.G. (Approval/Disapproval of Submissions) of this Permit. This Plan shall be developed in accordance with EPA Guidance for IRM available on the EPA's General and/or Region 3 webpages.
 - b. According to a schedule approved by DNREC, the Permittee shall submit to DNREC the plans required by the IRMs Design Program, as described in the EPA Guidance document for Interim Measures available at EPA's General and/or Region 3 webpages. These plans must be approved by DNREC in accordance with Permit Conditions I.G. (Approval/Disapproval of Submissions) of this Permit.

- c. According to the approved schedule, the Permittee shall submit to DNREC for approval all reports that are part of the design and implementation of the IRMs. The IRM Report(s) shall be developed in accordance with EPA Guidance for Interim Measures available at EPA's General and/or Region 3 webpages.
- d. Nothing in this Permit shall preclude the Permittee from performing IRMs at any time either to reduce or to eliminate the risk to human health or the environment, or to prevent or to reduce the spread of contamination. Such measures, (e.g., source removal, capping, groundwater pump and treat) may be performed at any time during the term of this Permit.
- e. Nothing in this Permit shall limit DNREC's authority to undertake or require any person to undertake response action or corrective action under any law, including but not limited to 7 *Del. C.* Chapter 63, as amended. Nothing in this Permit shall relieve the Permittee of any obligation it may have under any federal or state law, including, but not limited to, §103 of CERCLA, to report releases of hazardous waste, hazardous constituents, or hazardous substances to, at, or from the facility.

II.C. RCRA FACILITY INVESTIGATION – RFI - PHASE I

Phase I of the RFI was completed with the submittal of the RFI Phase I Report, submitted by URS in 2005 and approved in 2005.

II.D. RCRA FACILITY INVESTIGATION – RFI - PHASE II

1. Phase II RFI

A Phase II RFI SWMU Report, Phase II RFI Groundwater Report, Baseline Ecological Risk Assessment (BERA) Report, and Human Health Risk Assessment (HHRA) Report were all submitted by URS in 2010. A response to DNREC's comments for the Phase II RFI Groundwater Report was submitted on May 2, 2011, which was responded to by DNREC on February 22, 2012. Permittee in turn responded to this on July 25, 2012. On March 1, 2012, a response to DNREC's preliminary comments on the HHRA and the SWMU report, and an addendum to the HHRA, were submitted to DNREC. DNREC provided comments on the HHRA Addendum on October 4, 2012. A final approval of the BERA was issued on January 11, 2013.

2. Phase II RFI Reporting Requirements

- a. The Permittee shall submit a comprehensive Phase II RFI Report to DNREC upon completion of the data collection, and receipt of DNREC's approval of the Phase II RFI Groundwater Report, the Phase II SWMU Report, the HHRA, and the BERA. The Phase II RFI Report shall first summarize the salient findings of the Phase I Report, then discuss the results, data analysis, and summary of all investigations performed pursuant to the Phase II RFI Plan. The report shall consist of the RFI Groundwater and SWMU components of the RFI and evaluate these combined data sets. The comprehensive Phase II RFI Report shall also update the ecological and human health risk assessments. The objectives of the Phase II RFI Report are to document that the investigation and data are sufficient in quality (e.g., QA/QC procedures have been followed) and scope (quantity) to adequately characterize the nature and extent of contamination, potential threat to human health and the environment, and to support the CMS, as required. The Phase II RFI Report shall conform to the applicable RFI requirements of EPA guidance for RFIs, available at EPA's General and/or Region 3 webpages.

The Phase II RFI Report shall include a discussion of the need for, and feasibility of, implementing IRMs immediately (see Permit Condition II.B., IRMs).

- b. The Permittee shall fulfill the requirements of the approved Phase II RFI Plan and submit copies of the Phase II RFI Report to DNREC. The Permittee shall participate in quarterly (i.e., once every three [3] months) progress meetings, to begin three (3) months after the effective date of this Permit. The quarterly meetings shall include, at a minimum, the following: a summary of activities completed within the reporting period; a discussion of any deviations from the approved Plan; the identification, status, and schedule of remaining tasks and activities; and any other specifications included by DNREC or the Permittee.
- c. The Permittee may submit for DNREC's approval a request for an alternate progress-reporting schedule. The request shall be submitted in writing and provide a justification for the alternate schedule. The alternate progress-reporting schedule may be approved by DNREC without requiring a permit modification to Permit Condition II.D.2.b.

II.E. CORRECTIVE MEASURES STUDY

1. If DNREC determines, on the basis of the RFI or any other information, that corrective measures for releases of hazardous waste or hazardous constituents are necessary to protect human health or the environment, DNREC will notify the Permittee of such determination, and the reasons therefore, in writing. The Permittee shall submit to DNREC for approval a CMS Plan within 90 days of receipt of notification of such determination. Copies of the CMS Plan shall also be submitted to EPA Region 3. The CMS Plan shall include a schedule for expeditious performance of the study. The plan shall fulfill the requirements for CMS as found at <https://www.epa.gov/hwcorrectiveactionsites/corrective-action-resources-specific-epas-region-3> current version archived at <https://web.archive.org/web/20200309174858/https://www.epa.gov/hwcorrectiveactionsites/corrective-action-resources-specific-epas-region-3> and must be approved by the Department, in accordance with permit conditions I.G (Approval/Disapproval of Submissions) of this Permit.
2. Within 90 days of receipt of DNREC's written approval of the CMS Plan, the Permittee shall begin implementation of the approved CMS Plan. In accordance with the terms and schedules in the approved CMS Plan, the Permittee shall submit for DNREC's approval, a CMS Report that recommends a Corrective Measure(s) in accordance with the requirements set forth at <https://www.epa.gov/hwcorrectiveactionsites/corrective-action-resources-specific-epas-region-3> current version archived at <https://web.archive.org/web/20200309174858/https://www.epa.gov/hwcorrectiveactionsites/corrective-action-resources-specific-epas-region-3>. Copies of the CMS Report shall also be submitted to the Department and EPA Region 3.

II.F. CORRECTIVE MEASURES IMPLEMENTATION

1. Corrective Measures Remedy Selection

DNREC will make the reports and information submitted by the Permittee during the RFI, Technical Memoranda, the CMS (if required), other relevant information, a description of DNREC's proposed corrective measure(s), and DNREC's justification for proposing selection of such corrective

measure(s) (the Statement of Basis) available to the public for review and comment for at least 45 calendar days.

Following the public review and comment period, DNREC will notify Permittee of the corrective measure(s) selected by DNREC in a RCRA Final Decision and Response to Comments (FDRTC). If the corrective measure(s) selected by DNREC after consideration of public comments differs significantly from the corrective measure(s) recommended in the Statement of Basis, DNREC will explain in the FDRTC the basis for such difference.

2. Corrective Measures Implementation

- a. Upon issuance of the FDRTC, said FDRTC shall be incorporated into and become enforceable under this Permit.
- b. Within 90 days of issuance of the FDRTC, the Permittee shall submit a Corrective Measures Implementation (CMI) Work Plan, including a schedule, for DNREC's approval in accordance with EPA guidance, available at EPA's General and/or Region 3 webpages. After approval of the CMI Work Plan, the Permittee shall submit the Corrective Measure Design Reports to DNREC in accordance with the EPA Guidance, available at EPA's General and/or EPA Region 3 webpages (at <https://www.epa.gov/hwcorrectiveactionsites/corrective-action-resources-specific-epas-region-3-current-version-archived> at <https://web.archive.org/web/20200309174858/https://www.epa.gov/hwcorrectiveactionsites/corrective-action-resources-specific-epas-region-3>).
- c. The Corrective Measures Final Design Report shall be submitted to DNREC as a Class 3 Permit modification request in accordance with the requirements of §122.42 of DRGHW. Upon completion of the public notice and public meeting requirements and upon DNREC's approval of the Corrective Measures Final Design Report, the Permittee shall develop and implement construction in accordance with procedures, specifications, and schedules in the approved Corrective Measures Design Final Report and CMI Work Plan in accordance with EPA Guidance, available at EPA's General and/or Region 3 webpages (see above).
- d. Upon approval of the Corrective Measures Final Design Report, CMI Progress Reports shall be provided to DNREC on a quarterly and annual basis, as described and in accordance with EPA Guidance, available at EPA's General and/or Region 3 webpages (see above).
- e. Upon completion of construction and an initial period of performance monitoring of the corrective measure(s), the Permittee shall prepare and submit copies to DNREC of the final CMI Report, which delineates the implemented corrective measures, design, operation and maintenance, and performance of the constructed system(s) that complies with the relevant EPA Guidance, available at EPA's General and/or Region 3 webpages (see above). Final "as-built" plans and specifications of the corrective measures systems shall be certified by a qualified Professional Engineer and shall be submitted to DNREC with the final CMI Report.

II.G. EVALUATION OF THE SELECTED REMEDY

1. Commencing one (1) year from the submittal date of the final CMI Report, the Permittee shall submit annual progress reports on the remedy performance. Commencing five (5) years from the submittal date of the final CMI Report, the Permittee shall submit 5-Year Assessment Reports. These reports shall be in accordance with EPA Guidance, available at EPA's General and/or Region 3 webpages. An Annual Progress Report shall not be required for any year in which the Permittee is required to submit

a Corrective Measures 5-Year Assessment Report.

2. If, at any point, DNREC determines that the selected remedy does not or will not comply with the media clean-up requirements, DNREC may require the Permittee to perform additional studies and/or perform modifications to the existing Corrective Action remedy. If necessary, DNREC or the Permittee may seek modification of this Permit pursuant to 7 Del. C. §6305(a)(3), and §§122.41 and 122.42 of DRGHW to implement modifications to the existing Corrective Measures Remedy.

II.H. EMERGENCY RESPONSE; RELEASE REPORTING

1. Emergencies

If, at any time during the term of this Permit, the Permittee discovers that a release of hazardous waste or hazardous constituents at or from the facility is presenting or may present an imminent and substantial endangerment to human health or the environment, and such release is not subject to the Contingency Plan and its emergency procedures as defined in the RCRA Permit issued by DNREC, the Permittee shall:

- a. Notify the DNREC project officer, DNREC emergency response, and a designated representative of the Delaware City Refinery owner/operator as soon as practicable of the source, nature, extent, location, and amount of such release, the endangerment posed by such release, and the actions taken and/or to be taken, to the extent known, to address such release. Such notification shall be confirmed in writing within three (3) business days of discovery of such release.
- b. Unless otherwise directed by DNREC, immediately take such actions as are necessary and appropriate to address such release.

2. Releases

The Permittee shall notify DNREC, and a designated representative of the Delaware City Refinery owner/operator, in writing, of the nature, source, quantity, extent, and location of a release of hazardous waste or hazardous constituents at or from the facility, and any response action(s), within seven (7) business days of discovery of such release which:

- a. Is not being addressed by corrective measures at the time of such discovery;
 - b. Is not being addressed pursuant to permit conditions II.B., Interim Measures, or II.H.1, Emergencies;
 - c. Is not being addressed under the Contingency Plan and its emergency procedures; and
 - d. Is not subject to reporting under the “Reporting of a Discharge of a Pollutant or an Air Contaminant” program at 7 DE Admin. Code §1203 because the release is determined to be at or below the Delaware Reportable Quantity (DRQ) for such hazardous waste or hazardous constituent.
3. Based on the information submitted in Permit Condition II.H.2 (Releases), DNREC may require the SWMU to be included in an ongoing RFI or may require IRMs (see Permit Condition II.B.).
 4. Nothing in this Permit shall limit DNREC’s authority to undertake or require any person to undertake response action(s) or corrective action(s) under any law including, but not limited to, 7 Del. C. Chapter 63; §§104 and/or 106 of CERCLA; 42 U.S.C. §§6973, 9604, and/or 9606; and §7003 of

RCRA. Nothing in this Permit shall relieve the Permittee of any obligation it may have under any law, including, but not limited to, §103 of CERCLA, to report releases of hazardous waste, hazardous constituents, or hazardous substances to, at, or from the facility.

II.I. GUIDANCE DOCUMENTS

In addition to the guidance documents specified elsewhere in this permit or attachments, the following websites provide links to all relevant guidance documents:

1. EPA's corrective action website: <https://www.epa.gov/hwcorrectiveactionsites> currently archived at <https://web.archive.org/web/20200309174637/https://www.epa.gov/hwcorrectiveactionsites>

II.J. SOLID WASTE MANAGEMENT UNIT ASSESSMENT

1. The Permittee shall notify DNREC, in writing, of any newly identified SWMU at the facility, no later than 30 days after the date of discovery. The notification shall include, but not be limited to, the following information:
 - a. A description of the SWMU's type, function, dates of operation, location (including a map), design criteria, dimensions, materials of construction, capacity, ancillary systems (e.g., piping), release controls, alterations made to the unit, engineering drawings, and all closure and post-closure information available, particularly whether wastes were left in place.
 - b. A description of the compositions and quantities of solid wastes processed by the units with emphasis on hazardous wastes and hazardous constituents.
 - c. A description of any release (or suspected release) of hazardous waste or hazardous constituents originating from the unit. Include information on the date of release, type of hazardous waste or hazardous constituents, quantity released, nature of the release, extent of release migration, and cause of release (e.g., overflow, broken pipe, tank leak, etc.). Also, provide any available data that quantifies the nature and extent of environmental contamination, including the results of soil and/or groundwater sampling and analysis efforts. Likewise, the facility must submit any existing monitoring information that indicates releases of hazardous waste or hazardous constituents has not occurred or is not occurring. The Permittee may refer to information regarding releases previously submitted to DNREC under Permit Condition II.H. (Emergency Response; Release Reporting) and II.B (Interim Measures).
 - d. A discussion of the need for and feasibility of implementing interim measures immediately, see Permit Condition II.B. (Interim Measures).
2. Upon receipt of the notification of any newly identified SWMU, DNREC will determine the need for corrective action at such SWMU. If corrective action is necessary to protect human health or the environment considering site-specific risk and other site-specific factors, DNREC will determine whether an RFI will be performed, the need for and scope of any IRMs, and the necessity to modify the Permit to include such requirements pursuant to DRGHW §122.41.
3. Within the time specified in the approved RFI Plan, the Permittee shall submit an RFI Report.
4. In lieu of a separate RFI, the Permittee may propose either to incorporate any newly identified SWMU into an ongoing RFI or to submit a proposal to implement corrective measures at such newly identified SWMU in accordance with the provisions of Permit Condition II.A. (Corrective Action

for Continuing Releases; Protection of Human Health and the Environment). Any such proposal shall be submitted to DNREC at the time of notification of the discovery of the SWMUs.

II.K. FINANCIAL ASSURANCE

1. Initial Cost Estimate

Assurances of financial responsibility for facility closure to include corrective action must be provided in accordance with the conditions herein. Within 90 days after the effective date of this Permit, the Permittee shall submit to DNREC for approval detailed written estimates, in current dollars, of the cost of hiring a third party to perform the approved work (Cost Estimate) under Module II of this Permit. The Cost Estimate must account for the costs of all foreseeable work, including, but not limited to, all investigations and reports, construction work, monitoring, and other long-term maintenance care, etc. All Cost Estimates shall be consistent with the requirements of DRGHW §§264.101(b), 264.142 and 264.144. References in these regulations to closure and post-closure shall mean the work required pursuant to Module II of this Permit. Additional guidance documents can be found at EPA Interim Guidance on Financial Responsibility for Facilities Subject to RCRA Corrective

Action: <https://www.epa.gov/sites/production/files/documents/interim-fin-assur-cor-act.pdf> archived

at: <https://web.archive.org/web/20200512180442/https://www.epa.gov/sites/production/files/documents/interim-fin-assur-cor-act.pdf> which references the following:

<http://archive.epa.gov/epawaste/hazard/web/pdf/96-9707.pdf> archived at:

<https://web.archive.org/web/20170528012038/https://archive.epa.gov/epawaste/hazard/web/pdf/96-9707.pdf>

2. Cost Estimate Updates

The Permittee shall annually adjust the Cost Estimate for inflation and for changes in the scope of the approved work until the work required by this Permit is completed. Within 30 days after the close of the Permittee's fiscal year, Permittee shall submit an updated annual Cost Estimate to DNREC for review. If the financial test or corporate guarantee is used as the financial assurance instrument, the Permittee must send an updated Cost Estimate to DNREC within 90 days after the close of each succeeding fiscal year in accordance with DRGHW §264.145(f)(5).

3. Financial Assurance Demonstration

Within 30 calendar days of approval of the initial Cost Estimate for financial assurance (see Permit Condition II.K.1.), and annually thereafter, the Permittee shall establish financial assurance for the benefit of DNREC in accordance with DRGHW §§264.101 and 264.143 for completing the approved work required under this Module. Within 30 calendar days of approval of any revised cost estimate (see Permit Condition II.K.2.), the Permittee shall demonstrate to DNREC financial assurance for the updated cost estimates.

II.L. RECORDKEEPING

Upon completion of closure of any SWMU/AOC, the Permittee shall maintain, in the facility operating record, documentation of the closure measures taken.

II.M. ACCESS FOR CORRECTIVE ACTION OVERSIGHT

DNREC 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. The Permittee shall use its best efforts to obtain access to property beyond the boundaries of the facility at which corrective action is required by this Permit [see §3004(v) of RCRA, 42 U.S.C. §6924(v), and §264.101(c) of DRGHW] for itself and any contractor of the Permittee for the purpose of taking corrective action required by this Permit and for DNREC and its authorized representatives for the purposes described in this paragraph.

II.N. COMPLETION OF REMEDY

Within ten (10) days of receipt of notification from DNREC of acceptance of the final CMI Report documenting that the remedy is complete, the Permittee shall submit a written certification to DNREC via registered mail stating that the remedy has been completed in accordance with the requirements of this Permit. The certification must be signed by the Permittee and by a -qualified Professional Engineer.

II.O. EXTENSION OF DEADLINES

Extensions of the due date for any submittal under this Permit may be granted by DNREC, without a permit modification, based on the Permittee's demonstration that sufficient justification for the extension exists. Unless exigent circumstances are determined by DNREC to exist, all requests for an extension shall be submitted in writing no less than two (2) weeks before the applicable deadline, and no extension shall be effective until DNREC approves the request in writing.

List of Attachments

Attachment 1: Site Map

Attachment 2: Site SWMU Location Map

Attachment 3: Phase I RFI Report (URS, 2005)

Attachment 4: Draft Phase II RFI SWMU Report (URS, 2010)

Attachment 5: Draft Phase II RFI Groundwater Report (URS, 2010)

Attachment 6: Phase II RFI Baseline Ecological Risk Assessment (URS, 2010)

Attachment 7: Draft Phase II RFI Human Health Risk Assessment (URS, 2010)