IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION

UNITED STATES OF AMERICA, and PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, Plaintiffs, v. EASTMAN CHEMICAL RESINS, INC., Defendant, and SYNTHOMER JEFFERSON HILLS LLC, Fed. R. Civ. P. 19(a) Defendant.	Civil Action No. 2:23-cv-00867-MJH

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I. BACKGROUND

Plaintiffs United States of America, on behalf of the United States Environmental Protection Agency ("EPA"), and the Pennsylvania Department of Environmental Protection ("PADEP") have filed a Complaint in this action concurrently with this Consent Decree, alleging that Eastman Chemical Resins, Inc. violated the Clean Water Act ("CWA"), 33 U.S.C. §§ 1251 et seq., the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 et seq., the Clean Air Act ("CAA"), 42 U.S.C. §§ 7401 et seq., and the Federal regulations promulgated thereunder, as well as the Pennsylvania Clean Streams Law ("PCSL"), 35 P.S. §§ 691.1 et seq., and the Pennsylvania Solid Waste Management Act ("PSWMA"), Act of July 7, 1980, P.L. 380, as amended, 35 P.S. §§ 6018.101-6018, and the regulations promulgated thereunder.

At all times relevant to the alleged violations in the Complaint filed in this matter, Eastman Chemical Resins, Inc. was the owner and operator of the Jefferson Hills resins facility located at 2200 State Route 837, Jefferson Hills, Allegheny County, Pennsylvania 15025 ("Facility"), where hydrocarbon resins and dispersions are manufactured which are sold to other manufacturing companies who further process the resins to create a variety of products.

The Complaint alleges that Eastman Chemical Resins, Inc. failed to comply with the terms and conditions of the Facility's National Pollutant Discharge Elimination System ("NPDES") Permit, Spill Prevention, Containment and Countermeasure ("SPCC") Plan and Facility Response Plan ("FRP") – all requirements of the CWA and PCSL.

The Complaint further alleges that Eastman Chemical Resins, Inc. violated federally-authorized Pennsylvania hazardous waste regulations implementing Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939g, at the Facility by failing to label containers of hazardous waste as required; failing to keep containers of hazardous waste closed, except when it is necessary to add

or remove waste; failing to maintain a complete contingency plan; failing to meet hazardous waste tank requirements; failing to provide complete job descriptions; and failing to operate the Facility so as to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents.

The Complaint also alleges that Eastman Chemical Resins, Inc. violated Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, by failing to comply with the Facility's Risk Management Plan ("RMP").

On May 29, 2019, Eastman Chemical Resins, Inc. entered into an Administrative Order for Compliance ("AOC") under CAA § 112(r), 42 U.S.C. § 7412(r), with EPA. The AOC provided a timeframe for Eastman Chemical Resins, Inc. to come into compliance with certain RMP obligations at the Facility and correct violations identified in an EPA RMP inspection conducted on May 3, 2019. Eastman Chemical Resins, Inc. has fully completed the RMP requirements of the AOC. The AOC was terminated on September 4, 2019.

On April 28, 2009, Eastman Chemical Resins, Inc. submitted an application to renew the NPDES Permit for the Facility. PADEP received the application on May 1, 2009. The original NPDES Permit was issued on September 29, 2004 with an effective date of November 1, 2004 and an expiration date of October 31, 2009. Since the renewal application was received more than 180 days before the permit expiration date, the terms and conditions of the 2004 NPDES Permit (as amended on October 29, 2009 to add Outfall 026 to the permit) were administratively extended. On March 26, 2022, PADEP published the Draft NPDES Permit for the Facility, starting the 30-Day public comment process. On April 25, 2022, the 30-Day public comment period closed. PADEP received one comment from EPA and no other public comment regarding

the Draft NPDES Permit for the Facility during the public comment period. The Draft NPDES Permit for the Facility is attached as Appendix A.

Until a corrective mechanism is in place to ensure compliance, ongoing non-compliance at the Facility prohibits PADEP from taking further action on the renewal application and draft NPDES Permit. See Appendices B and C. Once entered by the Court, this Consent Decree will serve as the corrective mechanism needed to ensure that compliance with the NPDES Permit is achieved in a timely manner and PADEP, on the condition that there is no material change to currently available information, intends to take all of the required subsequent steps in its permit renewal process pursuant to 25 Pa. Code Ch. 92a, Subchapters E and F, to reissue and renew the NPDES Permit in substantially the same form (and with the same effluent limits) as the Draft NPDES Permit set forth in Appendix A.

On September 13, 2011, Eastman Chemical Resins, Inc. entered into a Consent Order and Agreement ("COA") with PADEP for certain NPDES Permit Effluent Limit Violations and requiring stormwater compliance activities. See Appendix B. The COA will terminate upon the effective date of renewal of the NPDES Permit by PADEP pursuant to Paragraph 22 (below).

Eastman Chemical Resins, Inc. is a wholly owned subsidiary of Eastman Chemical Company (collectively referred to as, "Eastman"). On October 28, 2021, Eastman became a party to a purchase agreement that includes the sale of the Facility, including all assets, to Synthomer Jefferson Hills LLC ("Synthomer"). On March 31, 2022, the Facility asset sale closed. As of April 1, 2022, Synthomer is the owner and operator of the Facility.

On January 28, 2022, Eastman Chemical Resins, Inc. submitted an application to PADEP to transfer the Facility's NPDES Permit from Eastman Chemical Resins, Inc. to Synthomer. On February 28, 2022, PADEP denied the transfer request based upon 25 Pa. Code § 92a.71(b) and

Section 609 of the Clean Streams Law, 35 P.S. § 691, which require a new permittee to be in compliance with the NPDES Permit upon transfer or be subject to a compliance action to remedy any non-compliance. See Appendix B. The transfer request also failed to meet the requirements of 40 C.F.R. § 122.61(b), regarding automatic transfers, as incorporated into 25 Pa. Code § 92a.71. Id. Once entered by the Court, this Consent Decree will serve as the corrective action required by 25 Pa. Code § 92a.71(b) and Section 609 of the Clean Streams Law, and, on the condition that there is no material change to currently available information, PADEP intends to issue and concurrently transfer the attached Draft NPDES Permit (Appendix A) for the Facility to Synthomer in accordance with the pending request and the requirements of 40 C.F.R. § 122.61, as incorporated into 25 Pa. Code § 92a.71.

As the owner and operator of the Facility, Synthomer is a necessary party to ensure future Facility compliance with applicable environmental laws through the implementation of this Consent Decree, including the required injunctive relief measures. Eastman Chemical Resins, Inc. and Synthomer are collectively referred to as "Settling Defendants" in this Consent Decree.

Settling Defendants do not admit any liability to the United States or PADEP arising out of the transactions or occurrences alleged in the Complaint.

The United States, PADEP, and Settling Defendants (the "Parties") recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith and will avoid litigation between the Parties and that this Consent Decree is fair, reasonable, and in the public interest.

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law except as provided in Section II (Jurisdiction and Venue),

and with the consent of the Parties, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

II. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action, pursuant to 28 U.S.C. §§ 1331, 1345, and 1355, and Sections 309(b), 311(b)(7)(E) and 311(n) of the CWA, 33 U.S.C. §§ 1319(b), 1321(b)(7)(E) and 1321(n); Section 3008(a)(1) of RCRA, 42 U.S.C. § 6928(a)(1); and Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and over the Parties. This Court has supplemental jurisdiction over the state law claims alleged in the Complaint pursuant to 28 U.S.C. § 1367(a). Venue lies in this District pursuant to Sections 309(b) and 311(b)(7)(E) of the CWA, 33 U.S.C. §§ 1319(b) and 1321(b)(7)(E); Section 3008(a) of RCRA, 42 U.S.C. § 6928(a)(1); Section113(b) of the CAA, 42 U.S.C. § 7413(b); and 28 U.S.C. §§ 1391(b) and 1395(a) because the violations alleged in the Complaint are alleged to have occurred in, and Settling Defendants conduct business in, this judicial district. For purposes of this Decree, or any action to enforce this Decree, Settling Defendants consent to the Court's jurisdiction over this Decree and any such action and over Settling Defendants and consent to venue in this judicial district.

2. For purposes of this Consent Decree, Settling Defendants agree that the Complaint states claims upon which relief may be granted pursuant to Sections 309(b), 309(d) and 311(b)(7)(E) of the CWA, 33 U.S.C. §§ 1319(b), 1319(d) and 1321(b)(7)(E); Section 3008(a)(1) and (g) of RCRA, 42 U.S.C. § 6928(a)(1) and (g); Section 113(b) of the CAA, 42 U.S.C. § 7413(b); and Sections 601 and 605 of the PCSL, 35 P.S. §§ 691.601 and 691.605.

III. APPLICABILITY

3. The obligations of this Consent Decree apply to and are binding upon the United States and PADEP, and upon Settling Defendants and any successors, assigns, or other entities or persons otherwise bound by law.

4. No transfer of ownership or operation of the Facility, whether in compliance with the procedures of this Paragraph or otherwise, shall relieve Settling Defendants of their obligation to ensure that the terms of this Consent Decree are implemented.

5. At least 30 Days prior to such transfer, Synthomer shall provide a copy of this Consent Decree to the proposed transferee and shall simultaneously provide written notice of the prospective transfer, together with a copy of the proposed written agreement to DOJ, EPA, and PADEP in accordance with Section XIV (Notices) of this Decree. Any attempt to transfer ownership or operation of the Facility without complying with this Paragraph constitutes a violation of this Decree.

6. Settling Defendants shall provide a copy of this Consent Decree to all officers, employees, and agents whose duties might reasonably include compliance with any provision of this Decree, as well as to any contractor retained to perform work required under this Consent Decree. Synthomer shall condition any such contract upon performance of the work in conformity with the terms of this Consent Decree.

7. In any action to enforce this Consent Decree, Settling Defendants shall not raise as a defense the failure by any of its officers, directors, employees, agents, or contractors to take any actions necessary to comply with the provisions of this Consent Decree.

IV. DEFINITIONS

8. Terms used in this Consent Decree that are defined in the CWA, RCRA, CAA, PSWMA, and PCSL (collectively, "Acts"), or in regulations promulgated pursuant to the Acts, have the meanings assigned to them in the Acts or such regulations, unless otherwise provided in this Consent Decree. Whenever the terms set forth below are used in this Consent Decree the following definitions apply:

a. "Clean Air Act" or "CAA" means the Clean Air Act as amended and codified at 42 U.S.C. § 7401 et seq.

b. "Clean Water Act" or "CWA" means the Federal Water Pollution Control Act as amended and codified at 33 U.S.C. §§ 1251-1387.

c. "Complaint" means the complaint filed by the United States and PADEP in this action.

d. "Consent Decree" or "Decree" means this Decree and all appendices attached hereto (listed in Section XXIV (Appendices)).

e. "Date of Lodging" means the date that the United States files a "Notice of Lodging" of this Consent Decree with the Clerk of this Court for the purpose of providing notice and comment to the public in accordance with 28 C.F.R. § 50.7.

f. "Day" means a calendar day unless expressly stated to be a business day. In computing any period of time for a deadline under this Consent Decree, where the last day would fall on a Saturday, Sunday, or federal holiday, the period runs until the close of business of the next business day.

g. "Daily Violation" means (i) any exceedance of a maximum daily or instantaneous maximum discharge effluent limitation, as identified by a DMR Sample, for any

parameters set forth in an NPDES Permit applicable to the Facility, or (ii) any failure to attain a daily discharge effluent limitation for pH, as identified by a DMR Sample set forth in an NPDES Permit applicable to the Facility.

h. "Discharge Monitoring Report Sample" or "DMR Sample" means a sample required to be taken under an NPDES Permit or any sample that is taken in accordance with approved test procedures under 40 C.F.R. Part 136.

i. "DOJ" means the United States Department of Justice and any of its successor departments or agencies.

j. "Draft NPDES Permit" means the draft renewal NPDES permit for the Facility published by PADEP on March 26, 2022 for public comment and attached to this Consent Decree as Appendix A.

k. "Eastman" means Eastman Chemical Resins, Inc. and Eastman Chemical Company.

l. "EPA" means the United States Environmental Protection Agency and any of its successor departments or agencies.

m. "Effective Date" means the definition provided in Section XV (Effective Date).

n. "Effluent Limit Violation" means a Daily Violation or a Monthly Violation.

o. "Environmental Audit Report" or "EA Report" means the report developed by the Environmental Auditor after completion of the Third-Party Environmental Audit pursuant to Paragraphs 29 and 30 of this Consent Decree.

p. "Environmental Auditor" means the independent third-party environmental consultant approved pursuant to Paragraphs 24-28, who is contracted by Synthomer to conduct the Third-Party Environmental Audit pursuant to this Consent Decree.

q. "Facility" means the resins manufacturing facility located at 2200 State Route 837, West Elizabeth, Allegheny County, Pennsylvania 15088.

r. "Monthly Violation" means any exceedance, as determined by a DMR Sample, of an average monthly discharge effluent limitation for any parameters set forth in an NPDES Permit applicable to the Facility.

s. "NPDES Permit" means NPDES Permit No. PA0000507 or any reissued, renewed or otherwise applicable NPDES Permit issued for the Facility.

t. "PADEP" means the Pennsylvania Department of Environmental Protection and any successor departments or agencies of the Commonwealth of Pennsylvania.

u. "Paragraph" means a portion of this Decree identified by an Arabic numeral.

v. "Parties" means the United States, PADEP, and Settling Defendants.

w. "Plaintiffs" means the United States and PADEP.

x. "Resource Conservation and Recovery Act" or "RCRA" means the Solid Waste Disposal Act as amended and codified at 42 U.S.C. §§ 6901-6992k.

y. "Section" means a portion of this Decree identified by a Roman numeral.

z. "Settling Defendants" means Eastman Chemical Resins, Inc., and Synthomer.

aa. "Synthomer" means Synthomer Jefferson Hills LLC.

bb. "Third-Party Environmental Audit" or "Environmental Audit" or "EA" means the EA required by Paragraph 29 (Third-Party Environmental Audit) of this Consent Decree.

cc. "United States" means the United States of America, acting on behalf of EPA.

V. CIVIL PENALTY

9. Within 30 Days after the Effective Date, Eastman Chemical Resins, Inc. shall pay the sum of $2,423,728 as a civil penalty, together with interest accruing from the Effective Date, at the rate specified in 28 U.S.C. § 1961 as of the Date of Lodging, to the United States and to PADEP, as provided below. If any amounts due under this Section V (Civil Penalty) or under Section VIII Paragraph 56 (Late Payment of Civil Penalty) are not paid by the required date, Eastman Chemical Company, as guarantor, shall pay the amounts owed together with any interest accrued as set forth in this Paragraph 9.

10. In accordance with Paragraph 9 (above), $1,211,864 of the civil penalty shall be paid to the United States, and $1,211,864 of the civil penalty shall be paid to PADEP.

11. Eastman shall pay the civil penalty due to the United States by FedWire Electronic Funds Transfer ("EFT") to the DOJ account, in accordance with instructions provided to Eastman after the Effective Date by the Financial Litigation Unit ("FLU") of the United States Attorney's Office for the Western District of Pennsylvania. The payment instructions provided by the FLU will include a Consolidated Debt Collection System ("CDCS") number, which Eastman shall use to identify all payments required to be made in accordance with this Consent Decree. The FLU will provide the payment instructions to:

Edwin Williamson
V.P. Legal Affairs and Asst. Gen. Counsel
Eastman Chemical Company
200 S. Wilcox Drive
Kingsport, TN 37660
Phone: (423) 229-2000
Email: ewilliamson@eastman.com

on behalf of Eastman. Eastman may change the individual to receive payment instructions on its behalf by providing written notice of such change to DOJ and EPA in accordance with Section XIV(Notices).

12. At the time of payment to the United States, Eastman shall send notice that payment has been made: (i) to EPA via email at cinwd_acctsreceivable@epa.gov or via regular mail at EPA Cincinnati Finance Office, 26 W. Martin Luther King Drive, Cincinnati, Ohio 45268; (ii) to DOJ via email in accordance with Section XIV (Notices); and (iii) to EPA via email to the U.S. EPA Regional Hearing Clerk at R3_Hearing_Clerk@epa.gov. Such notice shall state that the payment is for the civil penalty owed pursuant to the Consent Decree in United States v. Eastman Chemical Resins, Inc. et al. and shall reference the civil action number, CDCS Number and DOJ case number 90-5-2-1-09001/1.

13. Eastman shall pay the civil penalty due to PADEP by corporate check or the like made payable to the Commonwealth of Pennsylvania, Clean Water Fund. All checks shall be sent to the Compliance Specialist, Clean Water Program, Department of Environment Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

14. Settling Defendants shall not deduct any penalties paid under this Decree pursuant to this Section or Section VIII (Stipulated Penalties) in calculating its federal or state income tax.

VI. COMPLIANCE REQUIREMENTS

A. General Compliance Requirements

15. Approval of Deliverables. After review of any plan, report or other item that is required to be submitted for review and approval pursuant to this Consent Decree, EPA, after consultation with PADEP, shall in writing: (a) approve the submission; (b) approve the submission upon specified conditions; (c) approve part of the submission and disapprove the remainder, with comments; or (d) disapprove the submission with comments.

16. If the submission is approved pursuant to Paragraph 15(a) (above), Synthomer shall take all actions required by the plan, report, or other document, in accordance with the schedules and requirements of the plan, report, or other document, as approved. If the submission is conditionally approved or approved only in part pursuant to Paragraph 15(b) or (c) (above), Synthomer shall, upon written direction from EPA, after consultation with PADEP, take all actions required by the approved plan, report or other item that EPA, after consultation with PADEP, determines are technically severable from any disapproved portions, subject to Defendants' right to dispute only the specified conditions or the disapproved portions, under Section X (Dispute Resolution).

17. If the submission is disapproved in whole or in part pursuant to Paragraph 15(c) or (d) (above), Synthomer shall, within 45 Days or such other time as Synthomer and EPA agree to in writing, correct all deficiencies and resubmit the plan, report, or other items, or disapproved portion thereof, for approval, in accordance with the preceding Paragraphs. If the resubmission is approved in whole or in part, Synthomer shall proceed in accordance with the preceding Paragraph.

18. If a resubmitted plan, report, or other item or portion thereof is disapproved in whole or in part, EPA, after consultation with PADEP, may again require Synthomer to correct any deficiencies, in accordance with the preceding Paragraphs, or may themselves correct any deficiencies, subject to Synthomer's right to invoke Dispute Resolution and the right of EPA and PADEP to seek stipulated penalties as provided in the preceding Paragraphs.

19. If Synthomer elects to invoke Dispute Resolution as set forth in Paragraphs 16 or 18, Synthomer shall do so by sending a Notice of Dispute to DOJ and EPA, with a copy to PADEP, in accordance with Paragraph 76 within 30 Days (or such other time as the Parties agree to in writing) after receipt of the applicable decision.

20. Any stipulated penalties applicable to the original submission, as provided in Section VIII (Stipulated Penalties), will accrue during the 45-Day period or other specified period, but shall not be payable unless the resubmission is untimely or is disapproved in whole or in part; provided that, if the original submission was so deficient as to constitute a material breach of Synthomer's obligations under this Decree, the stipulated penalties applicable to the original submission shall be due and payable notwithstanding any subsequent resubmission.

21. Permits. Where any compliance obligation under this Section requires Synthomer to obtain a federal, state, or local permit or approval, Synthomer shall submit timely and complete applications and take all other actions necessary to obtain all such permits or approvals. Synthomer may seek relief under the provisions of Section IX (Force Majeure) for any delay in the performance of any such obligation resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if Synthomer has submitted timely and complete applications and has taken all other actions necessary to obtain all such permits or approvals.

22. On March 26, 2022, PADEP published a draft renewal NPDES permit for the Facility. The Draft NPDES Permit for the Facility is attached as Appendix A. PADEP, on the condition that there is no material change to currently available information, intends to issue and concurrently transfer the Draft NPDES Permit (Appendix A) for the Facility to Synthomer. Settling Defendants agree to not appeal the issued renewal NPDES permit as long as the effluent limitations and other conditions in the issued renewal NPDES permit are the same as or less stringent than those effluent limitations and conditions set forth in the Draft NPDES Permit (Appendix A).

23. Consent Decree Deadlines. No later than 10 Days from the Effective Date, Synthomer shall submit to EPA and PADEP for review a list of deadlines included in this Consent Decree. For any deliverable required by the Consent Decree, the list shall indicate whether EPA and/or PADEP approval is required. The list shall be in substantially the same form as Appendix D and shall be submitted in an electronic format (e.g., unlocked spreadsheet or similar format agreed to by EPA and PADEP). Within 10 Days of modification of any deadline under this Consent Decree, Synthomer shall provide an updated list reflecting changes to the future schedule. In the event of conflict between the list generated pursuant to this Paragraph and the Consent Decree, the Consent Decree shall control.

24. Environmental Auditor Requirements. Synthomer shall pay all costs of and cooperate fully with the Environmental Auditor. Synthomer shall provide the Environmental Auditor access to all records, personnel, and parts of the Facility that the Environmental Auditor deems reasonably necessary to effectively perform its duties under the Consent Decree.

25. The Environmental Auditor shall function independently of Synthomer and shall exercise independent judgment to ensure that the objectives of the applicable Consent Decree requirements are met.

26. The Environmental Auditor may not have: (a) any financial stake in the outcome of the inspection, testing, or audit conducted under the terms of this Decree, (b) ownership interest in Synthomer or in the Facility, or (c) any ongoing contractual or financial relationship with Synthomer or any entity related to Synthomer unless expressly disclosed to and approved by EPA, after consultation with PADEP. Synthomer shall notify EPA and PADEP if any contractual relationships or proposed contractual relationships between Synthomer or any entity related to Synthomer and the Environmental Auditor arise during the term of the Consent Decree. Unless expressly disclosed to and approved by EPA, after consultation with PADEP, Synthomer shall not employ, retain, or otherwise be affiliated with the Environmental Auditor or professionals retained by them during their engagement pursuant to this Decree, for a period of at least one year after the date of the termination of the engagement.

27. Environmental Auditor Qualifications. The Environmental Auditor must have adequate staff to perform the relevant requirements. The knowledge, skills, and abilities of the Environmental Auditor and their staff must align with the criteria of the applicable Consent Decree requirements. In addition, the Environmental Auditor must be qualified to conduct an environmental audit and have experience in performing environmental audits, including having a working process knowledge of the Facility's operations or similar operations, and expertise and competence in the applicable regulatory programs under federal and state environmental laws.

28. Environmental Auditor Selection. The following requirements apply to the selection of the Environmental Auditor and at any time Synthomer seeks to replace the Environmental Auditor.

a. Within 180 Days of the Effective Date, Synthomer shall submit to EPA and PADEP a list of at least three qualified candidates for the Environmental Auditor. If Synthomer seeks to replace the Environmental Auditor, then within 30 Days of the decision to replace the Environmental Auditor, Synthomer shall submit to EPA and PADEP a list of at least three qualified candidates for the replacement Environmental Auditor. The lists shall include: (i) name, affiliation, and address of the proposed Environmental Auditor, (ii) information demonstrating how each proposed Environmental Auditor satisfies the applicable requirements in Paragraphs 24 - 27, and (iii) any current or previous work, contractual, or financial relationships with Synthomer or any entity related to Synthomer.

b. EPA, in consultation with PADEP, shall notify Synthomer as to whether it approves any of the Environmental Auditors on the list submitted by Synthomer. If EPA, after consultation with PADEP, does not approve any of the proposed Environmental Auditors on a list, then Synthomer shall submit another list of proposed Environmental Auditors to EPA and PADEP within 30 Days of receipt of EPA's written notice of disapproval.

c. If, after Synthomer has submitted a third list of proposed Environmental Auditors, which must be submitted within 30 Days of receipt of written notice that EPA has not approved any of the Environmental Auditors on Synthomer's second list, and the Parties are unable to agree on Environmental Auditor, the Parties agree to resolve the selection of the Environmental Auditor through the Dispute Resolution process in Section X (Dispute Resolution) of this Consent Decree.

29. Third-Party Environmental Audit. Synthomer shall contract with an Environmental Auditor to conduct a Third-Party Environmental Audit at the Facility to evaluate compliance with all applicable NPDES Permits, SPCC plans, RMP requirements and RCRA hazardous waste identification requirements. Synthomer shall direct the Environmental Auditor to complete the Environmental Audit within 60 Days of EPA's approval of the selection of the Environmental Auditor pursuant to Paragraph 28 and also in accordance with acceptable environmental auditing standards.

30. The Environmental Auditor shall prepare a report detailing the results of the Third-Party Environmental Audit (hereinafter, "EA Report") of the Facility, including, at a minimum: (a) the environmental audit process and protocols followed; (b) the files reviewed; (c) any data or samples obtained; (d) individuals interviewed; and (e) all areas of non-compliance or areas of concern identified. The Environmental Auditor shall provide the EA Report simultaneously to EPA, PADEP, and Synthomer no later than 60 Days after completion of the Environmental Audit.

31. Except for areas of non-compliance that are subject to injunctive relief provided in other sections of this Consent Decree, which Synthomer shall identify in the following submitted written certification, Synthomer shall fully address, correct and certify in writing to EPA and PADEP any non-compliance or areas of concern identified by the EA Report as expeditiously as possible, but in no event later than 90 Days from receipt of the EA Report, unless an extension of time is granted by EPA in writing after consultation with PADEP.

B. Clean Water Act Specific Compliance Requirements

32. Effluent Limit Violation Response. Upon the issuance of the renewal NPDES permit pursuant to Paragraph 22 (above), Synthomer shall implement a response plan for

Effluent Limit Violations, which shall provide for investigation of Effluent Limit Violations and implementation of actions necessary to achieve compliance with the applicable NPDES Permit limitations. This response plan shall apply to all Effluent Limit Violations that are not to be addressed by the Stormwater Compliance Plan and Schedule developed pursuant to Paragraph 34 and shall include, at a minimum, the following for all permitted outfalls:

a. Upon occurrence of an Effluent Limit Violation at the Facility that is not to be addressed by the Stormwater Compliance Plan and Schedule developed pursuant to Paragraph 34, Synthomer shall immediately investigate the cause of the violation and take corrective actions to achieve compliance with the NPDES Permit using such tools as enhanced monitoring of the conditions at the outfall or leading up to the outfall, diagnostic sampling, and/or supplemental collection or treatment of wastewater, as needed. Synthomer shall continue its investigative and corrective actions until compliance is achieved at the outfall.

b. Upon occurrence of the second and any subsequent Effluent Limit Violation of the same parameter at the same outfall within one reporting period of a previous violation that was subject to the requirements of Paragraph 32(a) (above), Synthomer shall consult with an individual with substantial expertise in Clean Water Act compliance and in treatment systems for and control of the relevant parameter, and implement measures recommended by that individual. In addition, Synthomer shall continue enhanced monitoring and diagnostic sampling as appropriate until two consecutive compliant DMR Sample results for that parameter are achieved at the outfall.

33. Facility Specific Work. Within 180 Days of the Effective Date, Synthomer shall complete the work identified in Appendix E (CWA Work List) and submit to EPA and PADEP a

certification that the CWA Work List is complete and a report providing evidence in support of the required certification.

34. Stormwater Compliance Plan and Schedule. Within 270 Days of the Effective Date, Synthomer shall submit to EPA and PADEP, for review and written approval, a detailed report (hereinafter "Stormwater Compliance Plan and Schedule") that includes:

a. a summary of all controls, best management practices, and treatment technologies installed at the Facility for compliance with the CWA and the NPDES Permit;

b. identification of any controls (including collection and conveyance), best management practices, and treatment technologies to be installed at the Facility for compliance with the CWA and the Draft NPDES Permit (Appendix A);

c. identification of and, if found, elimination or permitting of any stormwater discharges not identified under the Draft NPDES Permit (Appendix A);

d. an evaluation of whether the pre-treatment system is capable of adequately treating the stormwater, process wastewater, and groundwater collected at or discharged from the Facility; and

e. a detailed plan and schedule to comply with the effluent limitations in the NPDES Permit at Outfall Nos. 002, 008, 009, 011, 013, 016, 017, 019, 020, 024, 114 and 214. For each listed outfall, the report shall include: 1) a plan and schedule to comply with the effluent limitations in the NPDES Permit that is in effect and applicable at the Facility at the time the report is submitted, which may include, without limitation, the installation of stormwater controls, implementation of best management practices, rerouting of the outfall to discharge to the Monongahela River, and/or collection and treatment of the outfall related discharges; and/or 2) a plan and schedule to conduct aquatic surveys, effluent sampling, and stream sampling, in

order to evaluate the appropriateness of the NPDES Permit effluent limitations for the outfall. To the extent that any outfall listed in this subparagraph is subject to a NPDES Permit requirement to perform any of the activities listed in this subparagraph, Synthomer shall note the same in the report.

35. The Stormwater Compliance Plan and Schedule shall include a timeframe to complete all proposed actions within 730 Days of approval by EPA and PADEP, unless written approval of another timeframe is provided by EPA and PADEP. If the Stormwater Compliance Plan and Schedule includes surveys and sampling proposed to evaluate the appropriateness of NPDES Permit effluent limits for any of the outfalls listed in Paragraph 34.e, then the schedule for the survey and sampling must be completed within 730 Days of approval of the Stormwater Compliance Plan and Schedule.

36. Synthomer shall fully implement the Stormwater Compliance Plan and Schedule upon receipt of written approval by EPA and PADEP.

37. If Synthomer's implementation of the Stormwater Compliance Plan and Schedule includes conducting surveys and/or sampling to evaluate the appropriateness of NPDES Permit effluent limits in accordance with Paragraph 34.e.2, then within 90 Days of completion of all the proposed actions in the approved Stormwater Compliance Plan and Schedule, Synthomer shall submit to PADEP, with a copy to EPA, for PADEP's review and written approval:

a. An application to amend the NPDES Permit to request revision of the NPDES Permit effluent limits for one or more of the outfalls listed in Paragraph 34.e, provided the survey and sampling data collected pursuant to Paragraph 34.e.2 demonstrate discharges from the outfalls listed in Paragraph 34.e collectively

and individually do not have a reasonable potential to cause or contribute to violations of water quality criteria in the receiving stream.

i. If PADEP denies in whole or in part such amendment application request to revise the NPDES Permit effluent limits for one or more of the outfalls listed in Paragraph 34.e on the basis that such requested revision would not comply with the CWA or the PCSL, Synthomer shall not appeal such denial. Within 90 Days of the denial, Synthomer shall submit to PADEP and EPA, for review and written approval, a plan and schedule to comply with the effluent limitations in the NPDES Permit for which the revision request was denied, which may include, without limitation, the installation of stormwater controls, the implementation of best management practices, re-routing of the outfall(s) to discharge to the Monongahela River, and/or collection and/or treatment of the outfall discharge. The plan and schedule shall include a timeframe to complete all proposed actions within 180 Days of PADEP and EPA approval, unless PADEP and EPA approve another timeframe. Synthomer shall implement the plan and schedule upon approval by PADEP and EPA.

ii. If PADEP approves a request to revise the NPDES Permit effluent limits for the outfalls listed in Paragraph 34.e, then Synthomer shall submit a plan to comply with any new NPDES Permit effluent limitations for those outfalls; or,

b. A plan and schedule to comply with any NPDES Permit effluent limitations evaluated under Paragraph 34.e.2 but not subject to a revision request under

Paragraph 37.a. The plan and schedule may include, without limitation, the installation of stormwater controls, implementation of best management practices, rerouting of the outfall(s) to discharge to the Monongahela River, and/or collection and treatment of the outfall related discharges. The plan and schedule shall include a timeframe to complete all proposed actions within 180 Days of PADEP and EPA approval, unless PADEP and EPA approve another timeframe. Synthomer shall implement the plan and schedule within the approved timeframe upon approval by PADEP and EPA.

38. Upon completion of the Stormwater Compliance Plan and Schedule and continuing until the termination of this Consent Decree, if an Effluent Limit Violation occurs at any of the outfalls listed in Paragraph 34.e other than the outfalls included in an amendment request pursuant to Paragraph 37, within 90 Days of the violation, Synthomer shall submit to EPA and PADEP, for review and written approval, a plan and schedule to eliminate the Effluent Limit Violations that includes an evaluation of rerouting the outfall to discharge to the Monongahela River and/or collection and treatment of the discharges from the outfall. The plan and schedule shall include a timeframe to complete all proposed actions within 180 Days of approval unless EPA and PADEP approve another timeframe. Synthomer shall implement the plan and schedule upon approval by EPA and PADEP. If Synthomer has submitted a request to amend the NPDES Permit, pursuant to Paragraph 37 (above), then the outfalls included in that amendment request are removed from the requirements of this Paragraph until PADEP makes a final decision on the submitted amendment request.

39. Groundwater Control Plan and Schedule. Within 270 Days of the Effective Date, Synthomer shall submit to EPA and PADEP, for review and written approval, a detailed report, plan and schedule (hereinafter "Groundwater Control Plan and Schedule") containing:

a. A summary of all investigations and sampling activities regarding soil and ground water contamination conducted at the Facility since February 2019, that have not already been provided to EPA or PADEP, whether by Synthomer or any other party that has owned and/or operated the Facility during that period;

b. A detailed description of all groundwater controls and treatment technologies currently in place at the Facility;

c. All operation and monitoring reports for the last eight quarters, regardless of the entity on whose behalf the reports were prepared, for the Under Creek Interceptor Trench system (UCIT) and the Lower Plant Interceptor Trench system (LPIT), the 20 Battery Area, and the former Jorgy's Pond area at the Facility;

d. An evaluation of the capacity of the systems and areas identified in Paragraph 39.c (above) to control any contaminated groundwater at the Facility from reaching the NPDES outfalls;

e. An SOP for the systems and areas identified in Paragraph 39.c;

f. An evaluation of all permitted stormwater outfalls and associated collection and conveyance systems that have had a detection of ethylbenzene, styrene, toluene, or xylene in the last three (3) years to determine whether contaminated groundwater is infiltrating into, and discharging from these outfalls; and

g. A schedule to install or implement any additional controls needed at the Facility to prevent the unauthorized discharge of contaminated groundwater to stormwater outfalls subject to the requirements of subparagraph 39.f (above).

40. The Groundwater Control Plan and Schedule shall include a timeframe to complete all proposed actions within 730 Days of approval unless another timeframe is approved by EPA and PADEP.

41. Synthomer shall implement the Groundwater Control Plan and Schedule upon written approval by EPA and PADEP.

C. RCRA Specific Compliance Requirements

42. Development of Training Program. Within 90 Days of the Effective Date, Synthomer shall develop and submit to EPA for review a training program prepared to satisfy the requirements of 40 C.F.R. § 264.16, that addresses the following hazardous waste management requirements:

a. Marking all containers of hazardous waste with the date upon which each period of accumulation began, and labeling them with the words "Hazardous Waste," in accordance with the requirements of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(2) and (3) (2010) (recently recodified in 40 C.F.R. § 262.17(a)(5)(i)).

b. Conducting daily inspections of the above ground portions of all aboveground tank systems that are storing hazardous waste, including but not limited to Tanks 104-3, 208, 27 and 200-4, and the construction materials of, and the area immediately surrounding, the externally accessible portion of each tank system storing hazardous waste, pursuant to 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.195(c)(1) and

(2). The training materials shall include, at a minimum, the schedule for conducting inspections, designation of responsibility, and the form to be used for recording these inspections.

c. Keeping containers of hazardous waste closed except when adding or removing waste, in accordance with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a).

d. The process and schedule for monitoring and inspecting hazardous waste tanks and all hazardous waste tank ancillary equipment, including valves, pumps, in accordance with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. Part 264 Subpart BB and Subpart CC.

e. Accumulating universal waste no longer than one year from the date that the universal waste was generated, and for demonstrating the length of time that the universal waste has been accumulated, in accordance with 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(a) and (c).

43. Within 30 Days after submission of the training program to EPA, Synthomer shall provide the training program to its employees responsible for hazardous waste management. This training, and any updates to the training program, shall become part of Synthomer's initial employee training and annual refresher training required by 40 C.F.R. § 264.16. Synthomer shall include this training as part of the training provided pursuant to 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(a)(1), and keep records of the training provided in accordance with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.16(d)(4).

44. 20 Battery Dike. Within 30 Days of the Effective Date, Synthomer shall begin performing daily visual inspections of the 20 Battery Dike, including the walls and floor, in

accordance with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.195(c), and complete and maintain inspection logs on site. Completed daily visual inspections logs shall be signed and dated by the person completing the inspection and made available to EPA and PADEP upon request. If a crack or gap in the 20 Battery Dike is observed that results in infiltration of contaminated environmental media into the dike, then Synthomer shall remove the material within 24 hours or in as timely a manner as possible to prevent harm to human health and the environment and Synthomer shall repair the crack or gap within three (3) Days or in as timely a manner as possible.

45. Within 90 Days of the Effective Date, Synthomer shall also complete the following concerning the 20 Battery Dike:

a. Repair the hole on the northwestern wall of the 20 Battery Dike, which was identified in the EPA inspection report for the August 14-16, 2018 Facility inspection (attached as Appendix F), to ensure liquid is unable to enter and accumulate within the dike;

b. Ensure that the floor of the 20 Battery Dike is properly maintained and remains free of debris, spilled and/or leaked waste and accumulated precipitation within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment, as required by 40 C.F.R. § 26.193(c)(4); and

c. Ensure that the 20 Battery Dike secondary containment is free of gaps and cracks, in accordance with 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.193(e)(1)(iii).

46. Within 30 Days after completion of any work or repairs required in Paragraph 44 (above), Synthomer shall submit to EPA and PADEP a report of the work or repairs completed including documentation related to the work or repairs such as purchase orders, invoices, or work

orders related to cleanup and/or repairs, all manifests or shipping documents evidencing proper disposal of waste generated by the Facility from performance of the work or repairs, and photographs evidencing the cleanup and repairs.

47. Within 120 Days of the Effective Date, Synthomer shall certify completion and implementation of the compliance tasks set forth in Paragraphs 42 through 45 (above), and any other work necessary to bring the Facility into compliance with the Pennsylvania Hazardous Waste Management Regulations and RCRA Subtitle C. Synthomer's certification shall be in the form required by Paragraph 51, submitted to EPA and PADEP in accordance with the Section XIV (Notices), and include documentation demonstrating task completion and the means by which Synthomer has returned to compliance with the Pennsylvania Hazardous Waste Management Regulations and RCRA Subtitle C, including but not limited to compliance with 40 C.F.R. Part 264, Subpart J and Subpart BB.

VII. REPORTING REQUIREMENTS

48. Synthomer shall submit the following reports to EPA, DOJ, and PADEP at the addresses set forth in Section XIV (Notices):

a. By July 31st and January 31st of each year after the Effective Date of this Consent Decree, until termination of this Decree pursuant to Section XVIII (Termination), Synthomer shall submit by email to the United States and through Onbase to PADEP, a semi-annual report for the preceding six months that includes:

i. The status of compliance with Section VI requirements, including whether scheduled milestones have been met and the completion date (actual or anticipated) for Paragraphs 29 – 47 requirements. If

a requirement has been completed, the date of completion need only be provided;

ii. Any problems encountered or anticipated which could prevent Synthomer from meeting its obligations under this Consent Decree, together with implemented or proposed solutions;

iii. The status of compliance with any other submittals as specifically required by the Consent Decree; and

iv. A description of any noncompliance with the requirements of the Facility's NPDES Permit and SPCC plan, including an explanation of the likely cause of the noncompliance and the remedial steps taken, or to be taken, to prevent or minimize such noncompliance in the future. If the cause of the violation cannot be fully explained at the time the semi-annual report is due, Synthomer shall so state in the report, investigate further the cause of the violation and provide an update on the results of the investigation and follow-up in the next semi-annual report.

b. The semi-annual report shall also include a description of any non-compliance with the requirements of this Consent Decree and an explanation of the violation's likely cause and of the remedial steps taken, or to be taken, to prevent or minimize such violation.

49. If Synthomer violates, or has reason to believe that they may violate, any requirement of this Consent Decree, Synthomer shall notify DOJ, EPA, and PADEP of such violation and its likely duration, in writing, within 10 Business Days of the Day Synthomer first

became aware of the violation or potential violation, with an explanation of the violation's likely cause and of the remedial steps taken, or to be taken, to prevent or minimize such violation. If the cause of a violation cannot be fully explained at the time the report is due, Synthomer shall so state in the report. Synthomer shall investigate the cause of the violation and shall then submit an amendment to the report, including a full explanation of the cause of the violation, within 30 Days of the Day Synthomer become aware of the cause of the violation. Nothing in this Paragraph or the following Paragraph relieves Synthomer of their obligation to provide the notice required by Section IX (Force Majeure).

50. Whenever any violation of this Consent Decree or of any applicable permits or any other event affecting Synthomer's performance under this Decree may pose an immediate threat to the public health or welfare or the environment, Synthomer shall notify EPA (by telephone and email) and PADEP (by telephone) in accordance with Section XIV (Notices) as soon as possible, but no later than 4 hours after Synthomer first becomes aware of the violation or event. This procedure is in addition to the requirements set forth in the preceding Paragraph.

51. Each report submitted by Synthomer under this Section shall be signed by an official of the submitting party and include the following certification:

> I certify under penalty of perjury that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

52. This certification requirement does not apply to emergency or similar notifications where compliance would be impractical.

53. The reporting requirements of this Consent Decree do not relieve Synthomer of any reporting obligations required by the Acts or implementing regulations, or by any other federal, state, or local law, regulation, permit, or other requirement.

54. Any information provided pursuant to this Consent Decree may be used by the United States and PADEP in any proceeding to enforce the provisions of this Consent Decree and as otherwise permitted by law.

VIII. STIPULATED PENALTIES

55. Settling Defendants shall be liable for stipulated penalties to the United States and PADEP for violations of this Consent Decree as specified below, unless excused under Section IX (Force Majeure). A violation includes failing to perform any obligation required by the terms of this Decree, including any work plan or schedule approved under this Decree, according to all applicable requirements of this Decree and within the specified time schedules established by or approved under this Decree.

56. Late Payment of Civil Penalty. If Eastman fails to pay the civil penalty required to be paid under Section V (Civil Penalty) when due, Eastman shall pay a stipulated penalty of $3,000 per Day for each Day that the payment is late.

57. Non-Compliance with NPDES Permit Effluent Limits. Synthomer shall be responsible for the following stipulated penalties, which shall accrue for each Effluent Limit Violation that occurs at the Facility upon the effective date of the renewal NPDES Permit referenced in Paragraph 22:

Penalty Per Violation	Period of Noncompliance
$3,000 …….…	Per Violation

58. Non-Compliance with Consent Decree. The following stipulated penalties shall accrue per violation per Day for each violation of the requirements identified in Section VI (Compliance Requirements) of this Consent Decree:

Penalty Per Violation Per Day	Period of Noncompliance
$750 ……	1st through 14th Day
$1,250……..	15th through 30th Day
$2,750……..	31st Day and beyond

59. Non-Compliance with Reporting Requirements. Synthomer shall be responsible for the following stipulated penalties, which shall accrue per violation per Day for each violation of Section VII (Reporting Requirements):

Penalty Per Violation Per Day	Period of Noncompliance
$250 ……...……	1st through 14th Day
$500 ……...…	15th through 30th Day
$1,000 ……	31st Day and beyond

60. Non-Compliance with Information Collection and Retention Requirements. The following stipulated penalties shall accrue per violation per Day for each violation of Section XI (Information Collection and Retention) of this Consent Decree:

Penalty Per Violation Per Day	Period of Noncompliance
$250 ……...……	1st through 14th Day
$500 ……...…	15th through 30th Day
$1,000 ……	31st Day and beyond

61. Transfer of Ownership. If Synthomer fails to: (a) provide a copy of this Consent Decree to any proposed transferee; (b) provide written notice to the United States at least 30

Days prior to any transfer of any portion of the Facility; or (c) provide to EPA an executed copy of the written agreement with the transferee as required by Paragraph 5, Synthomer shall pay a stipulated penalty of $5,000 per occurrence.

62. Stipulated penalties under this Section shall begin to accrue on the Day after performance is due or on the Day a violation occurs, whichever is applicable, and shall continue to accrue until performance is satisfactorily completed or until the violation ceases. Stipulated penalties shall accrue simultaneously for separate violations of this Consent Decree.

63. Stipulated penalties shall be paid to the United States and PADEP within 30 Days of a written demand by either Plaintiff to a Settling Defendant. Fifty percent of the total stipulated penalty amount due shall be paid to the United States and fifty percent to the Commonwealth by the Settling Defendant(s) that the written demand for stipulated penalties was issued to. The Plaintiff making a demand for payment of a stipulated penalty shall simultaneously send a copy of the demand to the other Plaintiff.

64. Either Plaintiff may, in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due it under this Consent Decree.

65. Stipulated penalties shall continue to accrue as provided in Paragraph 82, during any Dispute Resolution, but need not be paid until the following:

a. If the dispute is resolved by agreement of the Parties or by a decision of EPA or PADEP that is not appealed to the Court, Settling Defendants subject to the dispute shall pay accrued penalties determined to be owing, together with interest, to the United States or PADEP within 30 Days of the effective date of the agreement or the receipt of EPA's or PADEP's decision or order.

b. If the dispute is appealed to the Court and the United States or PADEP prevails in whole or in part, Settling Defendants subject to the dispute shall pay all accrued penalties determined by the Court to be owing, together with interest, within 60 Days of receiving the Court's decision or order, except as provided in subparagraph c, below.

c. If any Party appeals the District Court's decision, Settling Defendants subject to the dispute shall pay all accrued penalties determined to be owing, together with interest, within 15 Days of receiving the final appellate court decision.

66. Settling Defendants shall pay stipulated penalties owing to the United States in the manner set forth in Paragraph 11 and with the confirmation notices required by Paragraph 12, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violation(s) the penalties are being paid. Stipulated penalties owing to PADEP shall be paid by corporate check or the like made payable to the Commonwealth of Pennsylvania, Clean Water Fund. All checks shall be sent to the Compliance Specialist, Clean Water Program, Department of Environment Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

67. As applicable to each, if a Settling Defendant fails to pay stipulated penalties according to the terms of this Consent Decree, Settling Defendant shall be liable for interest on such penalties, as provided for in 28 U.S.C. § 1961, accruing as of the date payment became due. Nothing in this Paragraph shall be construed to limit the United States or PADEP from seeking any remedy otherwise provided by law for a Settling Defendant's failure to pay any stipulated penalties.

68. The payment of penalties and interest, if any, shall not alter in any way each Settling Defendant's obligation to complete the performance of the requirements of this Consent Decree applicable to that Settling Defendant.

69. Non-Exclusivity of Remedy. Stipulated penalties are not the United States' or PADEP's exclusive remedy for violations of this Consent Decree. Subject to the provisions of Section XII (Effect of Settlement/Reservation of Rights), the United States expressly reserves the right to seek any other relief it deems appropriate for violation of this Decree or applicable law by each Settling Defendant, including but not limited to an action against Settling Defendant(s) for statutory penalties, additional injunctive relief, mitigation or offset measures, and/or contempt. However, the amount of any statutory penalty assessed for a violation of this Consent Decree shall be reduced by an amount equal to the amount of any stipulated penalty assessed and paid pursuant to this Consent Decree.

IX. FORCE MAJEURE

70. "Force majeure," for purposes of this Consent Decree, is defined as any event arising from causes beyond the control of the Settling Defendant(s) claiming the occurrence of a force majeure event, of any entity controlled by that Settling Defendant(s), or of Settling Defendants'(/'s) contractor(s) that delays or prevents the performance of any obligation under this Consent Decree despite Settling Defendants'(/'s) best efforts to fulfill the obligation, including an event covered by Paragraph 21 of this Consent Decree (subject to the requirements in Paragraphs 71-73, below). The requirement that Settling Defendant(s) exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any potential force majeure event (a) as it is occurring and (b) following the potential force majeure, such that the delay and any adverse effects of the

delay are minimized. Force majeure does not include Settling Defendants'(/'s) financial inability to perform any obligation under this Consent Decree.

71. If any event occurs or has occurred that may delay the performance of any obligation under this Consent Decree, whether or not caused by a force majeure event, the applicable Settling Defendant shall provide notice by email as indicated in Section XIV (Notices) to EPA and PADEP within 72 hours of when Settling Defendant(s) first knew that the event might cause a delay. Within seven Days thereafter, Settling Defendant(s) shall provide in writing to EPA and PADEP an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; Settling Defendants'(/'s) rationale for attributing such delay to a force majeure event if it intends to assert such a claim; and a statement as to whether, in the opinion of Settling Defendant(s), such event may cause or contribute to an endangerment to public health, welfare or the environment. Settling Defendant(s) shall include with any notice all available documentation supporting the claim that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude Settling Defendant(s) from asserting any claim of force majeure for that event for the period of time of such failure to comply, and for any additional delay caused by such failure. Settling Defendant(s) shall be deemed to know of any circumstance of which Settling Defendant(s), any entity controlled by Settling Defendant(s), or Settling Defendants'(/'s) contractors knew or should have known.

72. If EPA, after a reasonable opportunity for review and comment by PADEP, agrees that the delay or anticipated delay is attributable to a force majeure event, the time for performance of the obligations under this Consent Decree that are affected by the force majeure

event will be extended by EPA, after a reasonable opportunity for review and comment by PADEP, for such time as is necessary to complete those obligations. An extension of the time for performance of the obligations affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation. EPA will notify the applicable Settling Defendant(s) in writing of the length of the extension, if any, for performance of the obligations affected by the force majeure event.

73. If EPA, after a reasonable opportunity for review and comment by PADEP, does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, EPA will notify the applicable Settling Defendant(s) in writing of its decision.

74. If the applicable Settling Defendant(s) elect to invoke the dispute resolution procedures set forth in Section X (Dispute Resolution), it/they shall do so no later than 15 Days after receipt of EPA's notice identified in the preceding Paragraph. In any such proceeding, the Settling Defendant(s) shall have the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that best efforts were exercised to avoid and mitigate the effects of the delay, and that Settling Defendant(s) complied with the requirements of Paragraphs 70 and 71. If the Settling Defendant(s) carry this burden, the delay at issue shall be deemed not to be a violation by the applicable Settling Defendant(s) of the affected obligation of this Consent Decree identified to EPA and the Court.

X. DISPUTE RESOLUTION

75. Unless otherwise expressly provided for in this Consent Decree, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising

under or with respect to this Consent Decree. A Settling Defendant's failure to seek resolution of a dispute under this Section shall preclude the applicable Settling Defendant from raising any such issue as a defense to an action by the United States to enforce any obligation of the applicable Settling Defendant arising under this Decree.

76. Informal Dispute Resolution. Any dispute subject to Dispute Resolution under this Consent Decree shall first be the subject of informal negotiations. The dispute shall be considered to have arisen when Settling Defendant(s) send DOJ and EPA a written Notice of Dispute, with a copy to PADEP. Such Notice of Dispute shall state clearly the matter in dispute. The period of informal negotiations shall not exceed 30 Days from the date the dispute arises, unless that period is modified by written agreement. If the Parties cannot resolve a dispute by informal negotiations, then the position advanced by the United States, after consultation with PADEP, shall be considered binding unless, within 10 Days after the conclusion of the informal negotiation period, the applicable Settling Defendant(s) invoke formal dispute resolution procedures as set forth below.

77. Formal Dispute Resolution. Settling Defendant(s) shall invoke formal dispute resolution procedures, within the time period provided in the preceding Paragraph, by sending DOJ and EPA, with a copy to PADEP, a written Statement of Position regarding the matter in dispute. The Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting the applicable Settling Defendant's position and any supporting documentation relied upon by the applicable Settling Defendant.

78. The United States, after consultation with PADEP, will send the applicable Settling Defendant its Statement of Position within 45 Days of receipt of Settling Defendants'(/'s) Statement of Position. The United States' Statement of Position shall include,

but need not be limited to, any factual data, analysis, or opinion supporting that position and any supporting documentation relied upon by the United States. The United States' Statement of Position is binding on the applicable Settling Defendant, unless the applicable Settling Defendant files a motion for judicial review of the dispute in accordance with the following Paragraph.

79. Judicial Dispute Resolution. Settling Defendant(s) may seek judicial review of the dispute by filing with the Court and serving on the United States, in accordance with the Section XIV (Notices), a motion requesting judicial resolution of the dispute. The motion must be filed within 10 Days of receipt of the United States' Statement of Position pursuant to the preceding Paragraph. The motion shall contain a written statement of the applicable Settling Defendant's position on the matter in dispute, including any supporting factual data, analysis, opinion, or documentation, and shall set forth the relief requested and any schedule within which the dispute must be resolved for orderly implementation of the Consent Decree.

80. The United States shall respond to the applicable Settling Defendant's motion within the time period allowed by the Local Rules of this Court. The applicable Settling Defendant may file a reply memorandum, to the extent permitted by the Local Rules.

81. Standard of Review.

a. Disputes Concerning Matters Accorded Record Review. Except as otherwise provided in this Consent Decree, in any dispute brought under Paragraph 77 pertaining to the adequacy or appropriateness of plans, procedures to implement plans, schedules or any other items requiring approval by EPA under this Consent Decree; the adequacy of the performance of work undertaken pursuant to this Consent Decree; and all other disputes that are accorded review on the administrative record under applicable principles of administrative law, the applicable Settling Defendant shall have the burden of demonstrating, based on the

administrative record, that the position of the United States is arbitrary and capricious or otherwise not in accordance with law.

b. Other Disputes. Except as otherwise provided in this Consent Decree, in any other dispute brought under Paragraph 77, the applicable Settling Defendant shall bear the burden of demonstrating that its position complies with this Consent Decree and better furthers the objectives of the Consent Decree.

82. The invocation of dispute resolution procedures under this Section shall not, by itself, extend, postpone, or affect in any way any obligation of each Settling Defendant under this Consent Decree, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first Day of noncompliance, but payment shall be stayed pending resolution of the dispute as provided in Paragraph 20. If Settling Defendant(s) does/do not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section VIII (Stipulated Penalties).

XI. INFORMATION COLLECTION AND RETENTION

83. The United States, PADEP, and their representatives, including attorneys, contractors, and consultants, shall have the right of entry into any facility covered by this Consent Decree, at all reasonable times, upon presentation of credentials, to:

a. monitor the progress of activities required under this Consent Decree;

b. verify any data or information submitted to the United States or PADEP in accordance with the terms of this Consent Decree;

c. obtain samples and, upon request, splits of any samples taken by Synthomer or its representatives, contractors, or consultants;

d. obtain documentary evidence, including photographs and similar data; and

e. assess Synthomer's compliance with this Consent Decree.

84. Upon request, Synthomer shall provide EPA and PADEP or their authorized representative splits of any samples taken at the Facility. Upon request, EPA and PADEP shall provide Synthomer splits of any samples taken by EPA or PADEP.

85. Until five years after the termination of this Consent Decree, Settling Defendants shall retain, and shall instruct its/their contractors and agents to preserve, all non-identical copies of all documents, records, or other information (including documents, records, or other information in electronic form) in its or its contractors' or agents' possession or control, or that come into its or its contractors' or agents' possession or control, and that relate in any manner to the applicable Settling Defendant's performance of its obligations under this Consent Decree. This information-retention requirement shall apply regardless of any contrary corporate or institutional policies or procedures. At any time during this information-retention period, upon request by the United States or PADEP, Settling Defendant(s) shall provide copies, electronic copies preferred, of any documents, records, or other information required to be maintained under this Paragraph.

86. At the conclusion of the information-retention period provided in the preceding Paragraph, Settling Defendant(s) shall notify the United States and PADEP at least 90 Days prior to the destruction of any documents, records, or other information subject to the requirements of the preceding Paragraph and, upon request by the United States or PADEP, Settling Defendant(s) shall deliver any such documents, records, or other information to EPA or PADEP. Settling Defendant(s) may assert that certain documents, records, or other information are privileged under the attorney-client privilege or any other privilege recognized by federal law. If Settling Defendant(s) assert such a privilege, they shall provide the following: (a) the title of the

document, record, or information; (b) the date of the document, record, or information; (c) the name and title of each author of the document, record, or information; (d) the name and title of each addressee and recipient; (e) a description of the subject of the document, record, or information; and (f) the privilege asserted by Settling Defendant(s). However, no documents, records, or other information created or generated pursuant to the requirements of this Consent Decree shall be withheld on grounds of privilege.

87. Settling Defendant(s) may also assert that information required to be provided under this Section is protected as Confidential Business Information ("CBI") under 40 C.F.R. Part 2. As to any information that Settling Defendant(s) seek to protect as CBI, Settling Defendant(s) shall follow the procedures set forth in 40 C.F.R. Part 2.

88. This Consent Decree in no way limits or affects any right of entry and inspection, or any right to obtain information, held by the United States or PADEP pursuant to applicable federal or state laws, regulations, or permits; nor does it limit or affect any duty or obligation of Settling Defendant(s) to maintain documents, records, or other information imposed by applicable federal or state laws, regulations, or permits.

XII. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS

89. This Consent Decree resolves the civil claims of the United States and PADEP for the violations alleged in the Complaint filed in this action through the Date of Lodging with the Court.

90. The United States and PADEP reserve all legal and equitable remedies available to enforce the provisions of this Consent Decree. This Consent Decree shall not be construed to limit the rights of the United States or PADEP to obtain penalties or injunctive relief under the Acts or implementing regulations, or under other federal or state laws, regulations, or permit

conditions, except as expressly specified in Paragraph 89. The United States and PADEP further reserve all legal and equitable remedies to address any imminent and substantial endangerment to the public health or welfare or the environment arising at, or posed by, the Facility, whether related to the violations addressed in this Consent Decree or otherwise.

91. In any subsequent administrative or judicial proceeding initiated by the United States or PADEP for injunctive relief, civil penalties, or other appropriate relief relating to the Facility or Settling Defendants'(/'s) violations, Settling Defendant(s) shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the United States or PADEP in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to Paragraph 89.

92. This Consent Decree is not a permit, or a modification of any permit, under any federal, state, or local laws or regulations. As applicable to each, Settling Defendants are responsible for achieving and maintaining complete compliance with all applicable federal, state and local laws, regulations, and permits; and compliance with this Consent Decree shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The United States and PADEP do not, by their consent to the entry of this Consent Decree, warrant or aver in any manner that compliance with any aspect of this Consent Decree will result in compliance with provisions of the CWA, RCRA, CAA, PCSL or with any other provisions of federal, state, or local laws, regulations, or permits.

93. This Consent Decree does not limit or affect the rights of Settling Defendants, as applicable to each, or of the United States or PADEP against any third parties, not party to this

Consent Decree, nor does it limit the rights of third parties, not party to this Consent Decree, against Settling Defendants, except as otherwise provided by law.

94. This Consent Decree shall not be construed to create rights in, or grant any cause of action to, any third party not party to this Consent Decree.

XIII. COSTS

95. The Parties shall bear their own costs of this action, including attorneys' fees, except that the United States and PADEP shall be entitled to collect the costs (including attorneys' fees) incurred in any action necessary to collect any portion of the civil penalty or any stipulated penalties due but not paid by Settling Defendants as applicable to each.

XIV. NOTICES

96. Unless otherwise specified in this Decree, whenever notification, submission, or communications are required by this Consent Decree, they shall be made in writing and sent by mail or email, with a preference for email, addressed as follows:

As to DOJ by email:	eescdcopy.enrd@usdoj.gov Re: DJ# 90-5-2-1-09001/1
As to EPA by email:	R3_ORC_Mailbox@epa.gov R3: 3RC40, United States, et al., v. Eastman Chemical Resins, et al. (Docket No.) and Schadel.chuck@epa.gov
As to EPA by telephone:	215-814-5761
As to PADEP by telephone	412-442-4000
As to PADEP by email:	RA-EPNPDES_SWRO@pa.gov

As to PADEP through OnBase:

https://www.dep.pa.gov/DataandTools/Pages/Application-Form-Upload.aspx

As to Eastman:

Edwin Williamson
V.P. Legal Affairs and Asst. Gen. Counsel
Eastman Chemical Company
200 S. Wilcox Drive
Kingsport, TN 37660
Phone: (423) 229-2000
Email: ewilliamson@eastman.com

As to Synthomer:

Joseph Muska
Head of Legal, Americas
Group Legal & Compliance
Synthomer Jefferson Hills LLC
25435 Harvard Road
Beachwood, OH 44122
Phone: (216) 682-7132
Email: Joseph.Muska@synthomer.com

with a copy to:

Allen A. Kacenjar
Squire Patton Boggs (US) LLP
1000 Key Tower
127 Public Square
Cleveland, OH 44114
Phone: (216) 479-8296
Email: allen.kacenjar@squirepb.com

97. Any Party may, by written notice to the other Parties, change its designated notice recipient or notice address provided above.

98. Notices submitted pursuant to this section shall be deemed submitted upon transmission by email, unless otherwise provided in this Consent Decree or by mutual agreement of the Parties in writing.

XV. EFFECTIVE DATE

99. The Effective Date of this Consent Decree shall be the date upon which this Consent Decree is entered by the Court or a motion to enter the Consent Decree is granted, whichever occurs first, as recorded on the Court's docket.

XVI. RETENTION OF JURISDICTION

100. The Court shall retain jurisdiction over this case until termination of this Consent Decree, for the purpose of resolving disputes arising under this Decree or entering orders modifying this Decree, pursuant to Sections X (Dispute Resolution) and XVII (Modification), or effectuating or enforcing compliance with the terms of this Decree.

XVII. MODIFICATION

101. The terms of this Consent Decree, including any attached appendices, may be modified only by a subsequent written agreement signed by all the Parties. Where the modification constitutes a material change to this Decree, it shall be effective only upon approval by the Court.

102. Any disputes concerning modification of this Decree shall be resolved pursuant to Section X (Dispute Resolution), provided, however, that, instead of the burden of proof provided by Paragraph 74, the Party seeking the modification bears the burden of demonstrating that it is entitled to the requested modification in accordance with Federal Rule of Civil Procedure 60(b).

XVIII. TERMINATION

103. Request for Partial Termination. Eastman may serve upon Plaintiffs a Request for Partial Termination pertaining to Eastman only after: (a) all outstanding payments required under Section V (Civil Penalty) have been made, and (b) all outstanding payments required under Section VIII, Paragraph 56 (Late Payment of Civil Penalty) have been made as required by this

Consent Decree. The Request for Partial Termination must state that Eastman has satisfied the requirements of this paragraph (Request for Partial Termination) and provide all necessary supporting documentation.

104. Request for Consent Decree Termination. Synthomer may serve upon Plaintiffs a Request for Consent Decree Termination pertaining to Synthomer after: (a) Eastman's payment of the civil penalty and any accrued stipulated penalties related to Eastman have been paid, and (b) Synthomer has completed the requirements of Section VI (Compliance Requirements), has thereafter maintained continuous satisfactory compliance with this Consent Decree and the Facility's NPDES Permit for a period of two years, has complied with all other requirements of this Consent Decree, and has paid any accrued stipulated penalties as required by this Consent Decree. The Request for Termination must state that the requirements of this paragraph (Consent Decree Termination) are satisfied and provide all necessary supporting documentation.

105. Following receipt by the United States and PADEP of either Settling Defendant's Request for Termination, the Parties shall confer informally concerning the Request and any disagreement that the Parties may have as to whether the Settling Defendant submitting the Request for Termination has satisfactorily complied with the requirements for termination of this Consent Decree. If the United States, after consultation with PADEP, agrees that the Decree may be terminated in part or in full, the Parties shall submit, for the Court's approval, a joint stipulation for partial or complete termination of the Decree, as applicable.

106. If the United States, after consultation with PADEP, does not agree that the Decree may be terminated in part or in full, the Settling Defendant submitting the Request for Termination may invoke Dispute Resolution under Section X (Dispute Resolution). However,

the Settling Defendant requesting termination shall not seek Dispute Resolution of any dispute regarding termination until 60 Days after service of its Request of Termination.

XIX. PUBLIC PARTICIPATION

107. This Consent Decree shall be lodged with the Court for a period of not less than 30 Days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United States reserves the right to withdraw or withhold its consent if the comments regarding the Consent Decree disclose facts or considerations indicating that the Consent Decree is inappropriate, improper, or inadequate. Settling Defendants consent to entry of this Consent Decree without further notice and agree not to withdraw from or oppose entry of this Consent Decree by the Court or to challenge any provision of the Decree, unless the United States has notified Settling Defendants in writing that it no longer supports entry of the Decree.

XX. SIGNATORIES/SERVICE

108. Each undersigned representative of Settling Defendants, PADEP, and the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice identified on the DOJ signature page below, certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Decree and to execute and legally bind the Party he or she represents to this document.

109. This Consent Decree may be signed in counterparts, and its validity shall not be challenged on that basis. Settling Defendants agree to accept service of process by mail with respect to all matters arising under or relating to this Consent Decree and to waive the formal service requirements set forth in Rules 4 and 5 of the Federal Rules of Civil Procedure and any applicable Local Rules of this Court including, but not limited to, service of a summons.

Eastman need not file an answer to the Complaint in this action unless or until the Court expressly declines to enter this Consent Decree.

XXI. INTEGRATION

110. This Consent Decree, including deliverables that are subsequently approved pursuant to this Decree, constitutes the entire agreement among the Parties regarding the subject matter of the Decree and supersedes all prior representations, agreements and understandings, whether oral or written, concerning the subject matter of the Decree herein.

XXII. FINAL JUDGMENT

111. Upon approval and entry of this Consent Decree by the Court, this Consent Decree shall constitute a final judgment of the Court as to the United States, PADEP, and Settling Defendants. The Court finds that there is no just reason for delay and therefore enters this judgment as a final judgment under Fed. R. Civ. P. 54 and 58.

XXIII. 26 U.S.C. § 162(f)(2)(A)(ii) IDENTIFICATION

112. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii) and 26 C.F.R. § 1.162-21(b)(2), performance of Section III (Applicability), Paragraph 6; Section VI (Compliance Requirements), Paragraphs 15-16, 21, 23 and related Appendix D, 24-31, 32, 33 and related Appendix E, 34-38, and 39-47; Section VII (Reporting Requirements), Paragraphs 48-49 and 51; and Section XI (Information Collection and Retention), Paragraphs 83-86, is restitution, remediation, or required to come into compliance with law.

XXIV. APPENDICES

113. The following Appendices are attached to and part of this Consent Decree:

"Appendix A" is the Draft NPDES Permit.

"Appendix B" is the February 28, 2022 Letter from PADEP to Eastman Chemical Resins, Inc. Denying an Automatic Transfer Request of the Facility's NPDES Permit.

"Appendix C" is the September 13, 2011 Consent Order Agreement between PADEP and Eastman Chemical Resins, Inc.

"Appendix D" is a template for Consent Decree deliverables and deadlines.

"Appendix E" is the CWA Work List.

"Appendix F" is the December 12, 2018 report of the August 14-16, 2018 EPA inspection of the Facility.

Dated and entered this _____ day of _____, 2023.

_____
UNITED STATES DISTRICT JUDGE

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. Eastman Chemical Resins, Inc., et al., subject to the public notice and comment requirements of 28 C.F.R. § 50.7.

FOR THE UNITED STATES OF AMERICA:

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

Date March 23, 2023

/s/Stacy D. Coleman

STACY D. COLEMAN
Senior Counsel
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street
South Terrace, Suite 320
Denver, Colorado 80202
Stacy.Coleman@usdoj.gov
(303) 844-7240

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. Eastman Chemical Resins, Inc., et al., subject to the public notice and comment requirements of 28 C.F.R. § 50.7.

FOR THE UNITED STATES OF AMERICA:
TROY RIVETTI
Acting United States Attorney
District of Pennsylvania

Date May 24, 2023

/s/Paul Skirtich

PAUL SKIRTICH
Assistant United States Attorney
Western District of Pennsylvania
United States Attorney's Office
Joseph F. Weis, Jr. U.S. Courthouse
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
paul.skirtich@usa.doj.gov
412-894-7418

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. Eastman Chemical Resins, Inc., et al., subject to the public notice and comment requirements of 28 C.F.R. § 50.7.

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

Date _____

ADAM ORTIZ Digitally signed by ADAM ORTIZ Date: 2023.04.26 16:47:28 -04'00'

ADAM ORTIZ
Regional Administrator
U.S. Environmental Protection Agency, Region III
Philadelphia, PA 19103-2029

Date _____

CECIL RODRIGUES Digitally signed by CECIL RODRIGUES Date: 2023.03.23 21:06:10 -04'00'

CECIL RODRIGUES
Regional Counsel
U.S. Environmental Protection Agency, Region III
Philadelphia, PA 19103-2029

Date 3/20/23

DOUGLAS FRANKENTHALER Digitally signed by DOUGLAS FRANKENTHALER Date: 2023.03.20 14:05:04 -04'00'

DOUGLAS FRANKENTHALER
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III
Philadelphia, PA 19103-2029

Date 3/20/23

NATALIE KATZ Digitally signed by NATALIE KATZ Date: 2023.03.20 15:13:26 -04'00'

NATALIE L. KATZ
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III
Philadelphia, PA 19103-2029

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. Eastman Chemical Resins, Inc., et al., subject to the public notice and comment requirements of 28 C.F.R. § 50.7.

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:

Date 3/20/2023

JIM MILLER
Regional Director
Southwest Regional Office
Pa Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222-4745

MELANIE B. SEIGEL
Assistant Regional Counsel
Office of Chief Counsel
Pa Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222-4745

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. Eastman Chemical Resins, Inc., et al., subject to the public notice and comment requirements of 28 C.F.R. § 50.7.

FOR SETTLING DEFENDANT EASTMAN CHEMICAL RESINS, INC.:

Date March 13, 2023

David A. Woodmansee
Vice President and Secretary
Eastman Chemical Resins, Inc.
200 South Wilcox Drive
Kingsport, TN 37660

THE UNDERSIGNED GUARANTOR PARTY enters into this Consent Decree in the matter of United States v. Eastman Chemical Resins, Inc., et al., subject to the public notice and comment requirements of 28 C.F.R. § 50.7.

FOR GUARANTOR EASTMAN CHEMICAL COMPANY:

Date March 13, 2023

David A. Woodmansee
Vice President, Assistant General Counsel and Assistant Secretary
Eastman Chemical Company
200 South Wilcox Drive
Kingsport, TN 37660

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. Eastman Chemical Resins, Inc., et al., subject to the public notice and comment requirements of 28 C.F.R. § 50.7.

FOR SETTLING DEFENDANT SYNTHOMER JEFFERSON HILLS LLC:

Date MARCH 15 2023.

Toby Heppenstall
President, Synthomer Jefferson Hills LLC
25435 Harvard Road
Beachwood, Ohio 44122

APPENDIX A

3800-PM-BCW0011 Rev. 8/2021
Permit

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE REQUIREMENTS FOR INDUSTRIAL WASTEWATER FACILITIES

NPDES PERMIT NO: PA0000507

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

Synthomer Jefferson Hills, LLC
PO Box 545
West Elizabeth, PA 15088-0545

is authorized to discharge from a facility known as the **Jefferson Plant**, located in **Jefferson Hills Borough, Allegheny County**, to **the Monongahela River (WWF) and Unnamed Tributary to the Monongahela River (WWF)** in Watershed(s) **19-C** in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C hereof.

THIS PERMIT SHALL BECOME EFFECTIVE ON _____

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON _____

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.

2. Failure to comply with the terms, conditions or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. (40 CFR 122.41(a))

3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. (40 CFR 122.41(b), 122.21(d)(2))

   In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports (DMRs), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. (25 Pa. Code §§ 92a.7 (b), (c))

4. This NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of this permit.

DATE PERMIT ISSUED _____ **ISSUED BY** _____

Christopher Kriley, P.E.
Environmental Program Manager
Southwest Regional Office

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. A. For Outfall 001 , **Latitude** 40° 15' 58" , **Longitude** -79° 54' 04" , **River Mile Index** 23.52 , **Stream Code** 37185

Receiving Waters: Monongahela River (WWF)

Type of Effluent: Non-contact cooling water (cooling tower blowdown); boiler blowdown; ion exchange wastewater (regeneration and rinse water); condensate; and stormwater from the boiler house roof

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX	1/week	Measured
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	1/week	Grab
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX	2/month	Grab
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110	1/week	I-S
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0	2/month	Grab
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0	2/month	Grab
Fluoride, Total	XXX	XXX	XXX	Report	Report	XXX	2/month	Grab
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX	2/month	Grab
Phenolics, Total	XXX	XXX	XXX	0.016 Avg Qrtly	0.032	XXX	2/quarter	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 001

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. B. For Outfall 002 , **Latitude** 40° 15' 57" , **Longitude** -79° 54' 05" , **River Mile Index** 23.55 , **Stream Code** 37185

Receiving Waters: Monongahela River (WWF)

Type of Effluent: Storm water runoff from the Tech Center, Emulsion Unit, Water White Poly, and North Pilot Plant Area; groundwater; and general lower plant surface runoff

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Styrene	XXX	XXX	XXX	XXX	XXX	0.016	1/quarter	Grab

Outfall 002, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2)	Required
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum	Measurement Frequency	Sample Type
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	0.033	1/quarter	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 002

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. C. For Outfall 004 , **Latitude** 40° 15' 51" , **Longitude** -79° 54' 17" , **River Mile Index** 23.76 , **Stream Code** 37185

Receiving Waters: Monongahela River (WWF)

Type of Effluent: C-5 Fire Pond #2 and storm water runoff from the area between the C-5 process area and Finished Goods Warehouse (C-5 Reclaim Storage, Pastillator roof, hot oil heater and east process area road runoff)

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outfall 004

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. D. For Outfall 005 , **Latitude** 40° 15' 49" , **Longitude** -79° 54' 20" , **River Mile Index** 23.81 , **Stream Code** 37185

Receiving Waters: Monongahela River (WWF)

Type of Effluent: Storm water runoff from the Finished Products lot and adjacent rail siding surface runoff

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 005

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. E. For Outfall 006 , **Latitude** 40° 15' 48" , **Longitude** -79° 54' 21" , **River Mile Index** 23.84 , **Stream Code** 37185

Receiving Waters: Monongahela River (WWF)

Type of Effluent: Storm water runoff from the Finished Products Warehouse roof

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/6 months	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 006

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. F. **For Outfall** 107 , **Latitude** 40° 15' 48" , **Longitude** -79° 54' 21" , **River Mile Index** 23.87 , **Stream Code** 37185

Receiving Waters: Monongahela River (WWF)

Type of Effluent: Storm water runoff from the Finished Products parking lot and nitrogen plant areas

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/6 months	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 107

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. G. For Outfall 007 , **Latitude** 40° 15' 47.4" , **Longitude** -79° 54' 19.0" , **River Mile Index** 23.88 , **Stream Code** 37185

Receiving Waters: Monongahela River (WWF)

Type of Effluent: Storm water runoff from the Finished Products parking lot and nitrogen plant areas

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/6 months	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 007

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. H. For Outfall 008 , **Latitude** 40° 15' 59" , **Longitude** -79° 54' 02" , **River Mile Index** 22.95 , **Stream Code** 37185

Receiving Waters: Monongahela River (WWF)

Type of Effluent: Storm water runoff from the northern lower plant and portions of RiverLift Industries

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Outfall 008, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2)	Required
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum	Measurement Frequency	Sample Type
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	0.033	1/quarter	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 008

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. I. For Outfall 009 , **Latitude** 40° 15' 56" , **Longitude** -79° 54' 11" , **River Mile Index** 0.032 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary to the Monongahela River (WWF)

Type of Effluent: Storm water runoff from the pilot plant area and the southern portion of the lower plant (north of the unnamed tributary)

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Outfall 009, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2)	Required
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum	Measurement Frequency	Sample Type
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Acetone	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Cumene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Styrene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Toluene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 009

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. J. For Outfall 110 , **Latitude** 40° 15' 56" , **Longitude** -79° 54' 12" , **River Mile Index** 0.039 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary to the Monongahela River (WWF)

Type of Effluent: Storm water runoff from the northern portion of the lower plant (south of the unnamed tributary) bordered to the east by the Monongahela River

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/6 months	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outfall 110

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. K. For Outfall 010 , **Latitude** 40° 15' 56" , **Longitude** -79° 54' 11" , **River Mile Index** 0.031 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary to the Monongahela River (WWF)

Type of Effluent: Storm water runoff from the diked containment area for Tank 510

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/6 months	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 010

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. L. For Outfall 011 , **Latitude** 40° 15' 56" , **Longitude** -79° 54' 13" , **River Mile Index** 0.056 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary of the Monongahela River (WWF)

Type of Effluent: Storm water runoff from the pretreatment plant, C-5 cooling tower, MP Poly areas, and BF3 shed

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Outfall 011, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Acetone	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Cumene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Styrene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Toluene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	0.033	1/quarter	Grab
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 011

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. M. For Outfall 012 , **Latitude** 40° 15' 55" , **Longitude** -79° 54' 17" , **River Mile Index** 0.15 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary of the Monongahela River (WWF)

Type of Effluent: Emergency fire water

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 012

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. N. **For Outfall** 013 , **Latitude** 40° 15' 55" , **Longitude** -79° 54' 19" , **River Mile Index** 0.18 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary of the Monongahela River (WWF)

Type of Effluent: Storm water runoff from the C-5 High Bay and low hazard rail siding areas and condensate

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Outfall 013, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Acetone	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Cumene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Styrene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Toluene	XXX	XXX	XXX	XXX	XXX	0.033	1/quarter	Grab
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 013

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. O. **For Outfall** 114 , **Latitude** 40° 15' 56" , **Longitude** -79° 54' 20" , **River Mile Index** 0.22 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary of the Monongahela River (WWF)

Type of Effluent: Runoff from the flaker roof and V-8 road and upper plant areas; storm water runoff from roofs at the upper plant north of the V-8 facilities and south of Madison Avenue; and runoff collected in a ditch along the railroad at the upper plant

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Oil and Grease	XXX	XXX	XXX	XXX	XXX	15.0	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Outfall 114, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Acetone	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Cumene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Styrene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Toluene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	0.033	1/quarter	Grab
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 114

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. P. For Outfall 214 , **Latitude** 40° 15' 56" , **Longitude** -79° 54' 20" , **River Mile Index** 0.22 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary of the Monongahela River (WWF)

Type of Effluent: Storm water runoff from the LTC area – upper plant drainage and maintenance roof drains to a ditch along the railroad at the upper plant

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Oil and Grease	XXX	XXX	XXX	XXX	XXX	15.0	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Outfall 214, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Acetone	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Cumene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Styrene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Toluene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 214

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. Q. For Outfall 016 , **Latitude** 40° 15' 58" , **Longitude** -79° 54' 21" , **River Mile Index** 0.27 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary of the Monongahela River (WWF)

Type of Effluent: Storm water runoff from diked containment areas for Tank Nos. 50, 51, 150, adjacent roads, parking, and storage; and runoff from S.R. 837 and residences north of the 837 Tank Farm

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Outfall 016, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Acetone	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Cumene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Styrene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Toluene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 016

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. R. For Outfall 017 , **Latitude** 40° 15' 56" , **Longitude** -79° 54' 25" , **River Mile Index** 0.28 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary of the Monongahela River (WWF)

Type of Effluent: Storm water runoff from the west Thermal Poly and road runoff areas, and diked storage tank containment areas

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Outfall 017, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2)	Required
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum	Measurement Frequency	Sample Type
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Acetone	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Cumene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Styrene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Toluene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 017

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. S. **For Outfall** 019 , **Latitude** 40° 15' 58" , **Longitude** -79° 54' 26" , **River Mile Index** 0.35 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary of the Monongahela River (WWF)

Type of Effluent: Storm water runoff from the diked containment area for Tank No. 151 and the adjacent road at the 837 Tank Farm

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Outfall 019, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2)	Required
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum	Measurement Frequency	Sample Type
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Acetone	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Cumene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Styrene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Toluene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 019

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. T. For Outfall 020 , **Latitude** 40° 15' 57" , **Longitude** -79° 54' 26" , **River Mile Index** 0.31 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary of the Monongahela River (WWF)

Type of Effluent: Storm water runoff from the diked containment areas for Tank Nos. 52, 53, 54, and 55 and the storage building roof at the 837 Tank Farm

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Outfall 020, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Acetone	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Cumene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Styrene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Toluene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 020

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. U. For Outfall 021 , **Latitude** 40° 15' 55" , **Longitude** -79° 54' 28" , **River Mile Index** 0.31 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary of the Monongahela River (WWF)

Type of Effluent: Storm water runoff from the 837 Tank Farm parking area (and run-on from the upland off-site area)

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/6 months	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 021

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. V. For Outfall 022 , **Latitude** 40° 15' 54" , **Longitude** -79° 54' 09" , **River Mile Index** 22.94 , **Stream Code** 37185

Receiving Waters: Monongahela River (WWF)

Type of Effluent: Storm water runoff from the main office and parking area

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/6 months	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 022

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. W. For Outfall 024 , **Latitude** 40° 15' 54" , **Longitude** -79° 54' 27" , **River Mile Index** 0.32 , **Stream Code** 39551

Receiving Waters: Unnamed Tributary of the Monongahela River (WWF)

Type of Effluent: Storm water runoff from the Hydrogenation roof drains, nickel catalyst storage building roof drains, change house roof drains; and S.R. 837 runoff

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/quarter	Estimate
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Oil and Grease	XXX	XXX	XXX	XXX	XXX	15.0	1/6 months	Grab
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75	1/quarter	Grab
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Outfall 024, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2)	Required
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum	Measurement Frequency	Sample Type
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab
Acetone	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Cumene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Styrene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Toluene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 024

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. X. For Internal Monitoring Point 101

Receiving Waters: Unnamed Tributary of the Monongahela River (WWF) and Monongahela River (WWF)

Type of Effluent: Hydrostatic test water (3)

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **Permit Expiration Date**.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations (3)						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (GPM)	Report	XXX	XXX	XXX	XXX	XXX	1/discharge	Measured
Total Flow (Total Volume, Mgal)	Report Total Mo	XXX	XXX	XXX	XXX	XXX	1/month	Calculation
Duration of Discharge (hours)	XXX	XXX	XXX	Report	XXX	XXX	1/discharge	Measured
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	2/discharge	Grab
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX	2/discharge	Grab
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.05	2/discharge	Grab
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0	1/discharge	Grab
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0	1/discharge	Grab
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0	1/discharge	Grab
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report	1/discharge	Grab
Benzene	XXX	XXX	XXX	XXX	XXX	0.0025	1/discharge	Grab
BTEX, Total	XXX	XXX	XXX	XXX	XXX	0.25	1/discharge	Grab
Toluene	XXX	XXX	XXX	XXX	XXX	Report	1/discharge	Grab

Internal Monitoring Point 101 , Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations (3)						Monitoring Requirements	
	Mass Units (lbs/day) (1)		Concentrations (mg/L)				Minimum (2) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	0.033	1/discharge	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Internal Monitoring Point 101

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS (Continued)

Additional Requirements

The permittee may not discharge:

1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa Code § 92a.41(c))

2. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline, or that exceed 15 mg/l as a daily average or 30 mg/l at any time (or lesser amounts if specified in this permit). (25 Pa. Code § 92a.47(a)(7), § 95.2(2))

3. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa Code § 93.6(a))

4. Foam or substances that produce an observed change in the color, taste, odor or turbidity of the receiving water, unless those conditions are otherwise controlled through effluent limitations or other requirements in this permit. For the purpose of determining compliance with this condition, DEP will compare conditions in the receiving water upstream of the discharge to conditions in the receiving water approximately 100 feet downstream of the discharge to determine if there is an observable change in the receiving water. (25 Pa Code § 92a.41(c))

Footnotes

(1) When sampling to determine compliance with mass effluent limitations, the discharge flow at the time of sampling must be measured and recorded.

(2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.

(3) Hydrostatic test water discharges:

- The permittee shall collect samples at the point of discharge prior to mixing with other regulated wastewaters or prior to the discharge entering the receiving waters. For measurement frequencies of 1/discharge, the permittee shall collect samples within the first 30 minutes of commencing a discharge. For measurement frequencies of 2/discharge, the permittee shall collect one sample at the start of a discharge and one sample at the end of a discharge.

- The permittee shall report the average monthly flow, in gallons per minute (GPM), for all discharges occurring during the month. The permittee shall measure the flow and the duration of the discharge (in hours) for each discharge and shall report this information to DEP as specified in Part A.III of this permit. The permittee shall report the total volume discharged each month, in gallons.

- The permittee shall comply with the effluent limitations and monitoring requirements for Total Residual Chlorine (TRC) only when a public water supply or other source of chlorinated water is used in hydrostatic testing.

- Refer to Condition VI in Part C of this permit for additional requirements for hydrostatic test water discharges.

Supplemental Information

The effluent limitations for Outfall 001 were determined using an effluent discharge rate of 0.0226 MGD.

II. DEFINITIONS

At Outfall (XXX) means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line (XXX), or where otherwise specified.

Average refers to the use of an arithmetic mean, unless otherwise specified in this permit. (40 CFR 122.41(l)(4)(iii))

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollutant loading to surface waters of the Commonwealth. The term also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term includes activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities. (25 Pa. Code § 92a.2)

Bypass means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR 122.41(m)(1)(i))

Calendar Week is defined as the seven consecutive days from Sunday through Saturday, unless the permittee has been given permission by DEP to provide weekly data as Monday through Friday based on showing excellent performance of the facility and a history of compliance. In cases when the week falls in two separate months, the month with the most days in that week shall be the month for reporting.

Clean Water Act means the Federal Water Pollution Control Act, as amended. (33 U.S.C.A. §§ 1251 to 1387).

Chemical Additive means a chemical product (including products of disassociation and degradation, collectively "products") introduced into a waste stream that is used for cleaning, disinfecting, or maintenance and which may be detected in effluent discharged to waters of the Commonwealth. The term generally excludes chemicals used for neutralization of waste streams, the production of goods, and treatment of wastewater.

Composite Sample (for all except GC/MS volatile organic analysis) means a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters (mL) each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite. (EPA Form 2C)

Composite Sample (for GC/MS volatile organic analysis) consists of at least four aliquots or grab samples collected during the sampling event (not necessarily flow proportioned). A separate analysis should be performed for each sample and the results should be averaged.

Daily Average Temperature means the average of all temperature measurements made, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. (25 Pa. Code § 92a.2, 40 CFR 122.2)

Daily Maximum Discharge Limitation means the highest allowable "daily discharge."

Discharge Monitoring Report (DMR) means the DEP or EPA supplied form(s) for the reporting of self-monitoring results by the permittee. (25 Pa. Code § 92a.2, 40 CFR 122.2)

Estimated Flow means any method of liquid volume measurement based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

Geometric Mean means the average of a set of n sample results given by the nth root of their product.

Grab Sample means an individual sample of at least 100 mL collected at a randomly selected time over a period not to exceed 15 minutes. (EPA Form 2C)

Hazardous Substance means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act. (40 CFR 122.2)

Hauled-In Wastes means any waste that is introduced into a treatment facility through any method other than a direct connection to the wastewater collection system. The term includes wastes transported to and disposed of within the treatment facility or other entry points within the collection system.

Immersion Stabilization (i-s) means a calibrated device is immersed in the wastewater until the reading is stabilized.

Instantaneous Maximum Effluent Limitation means the highest allowable discharge of a concentration or mass of a substance at any one time as measured by a grab sample. (25 Pa. Code § 92a.2)

Measured Flow means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

Monthly Average Discharge Limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. (25 Pa. Code § 92a.2)

Municipal Waste means garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. (25 Pa. Code § 271.1)

Non-contact Cooling Water means water used to reduce temperature which does not come in direct contact with any raw material, intermediate product, waste product (other than heat), or finished product.

Residual Waste means garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act. The term does not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law. (25 Pa Code § 287.1)

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR 122.41(m)(1)(ii))

Stormwater means the runoff from precipitation, snow melt runoff, and surface runoff and drainage. (25 Pa. Code § 92a.2)

Stormwater Associated With Industrial Activity means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant, and as defined at 40 CFR 122.26(b)(14) (i) - (ix) & (xi) and 25 Pa. Code § 92a.2.

Total Dissolved Solids means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136.

Toxic Pollutant means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring. (25 Pa. Code § 92a.2)

III. SELF-MONITORING, REPORTING AND RECORDKEEPING

A. Representative Sampling

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity (40 CFR 122.41(j)(1)). Representative sampling includes the collection of samples, where possible, during periods of adverse weather, changes in treatment plant performance and changes in treatment plant loading. If possible, effluent samples must be collected where the effluent is well mixed near the center of the discharge conveyance and at the approximate mid-depth point, where the turbulence is at a maximum and the settlement of solids is minimized. (40 CFR 122.48, 25 Pa. Code § 92a.61)

2. Records Retention (40 CFR 122.41(j)(2))

   Except for records of monitoring information required by this permit related to the permittee's sludge use and disposal activities which shall be retained for a period of at least 5 years, all records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for 3 years from the date of the sample measurement, report or application, unless a longer retention period is required by the permit. The 3-year period shall be extended as requested by DEP or the EPA Regional Administrator.

3. Recording of Results (40 CFR 122.41(j)(3))

   For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

   a. The exact place, date and time of sampling or measurements.
   b. The person(s) who performed the sampling or measurements.
   c. The date(s) the analyses were performed.
   d. The person(s) who performed the analyses.
   e. The analytical techniques or methods used; and the associated detection level.
   f. The results of such analyses.

4. Test Procedures

   a. Facilities that test or analyze environmental samples used to demonstrate compliance with this permit shall be in compliance with laboratory accreditation requirements of Act 90 of 2002 (27 Pa. C.S. §§ 4101-4113) and 25 Pa. Code Chapter 252, relating to environmental laboratory accreditation.

   b. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be those approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, unless the method is specified in this permit or has been otherwise approved in writing by DEP. (40 CFR 122.41(j)(4), 122.44(i)(1)(iv))

   c. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be sufficiently sensitive. A method is sufficiently sensitive when 1) the method minimum level is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or 2) the method has the lowest minimum level of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, for the measured pollutant or pollutant parameter; or 3) the method is specified in this permit or has been otherwise approved in writing by DEP for the measured pollutant or pollutant parameter. Permittees have the option of providing matrix or sample-specific minimum levels rather than the published levels. (40 CFR 122.44(i)(1)(iv))

5. Quality/Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

a. The permittee, or its designated laboratory, shall participate in the periodic scheduled quality assurance inspections conducted by DEP and EPA. (40 CFR 122.41(e), 122.41(i)(3))

b. The permittee, or its designated laboratory, shall develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit, in accordance with 40 CFR Part 136. (40 CFR 122.41(j)(4))

B. Reporting of Monitoring Results

1. The permittee shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.44, 92a.61(i) and 40 CFR §§ 122.41(e), 122.44(i)(1))

2. The permittee shall use DEP's electronic Discharge Monitoring Report (eDMR) system to report the results of compliance monitoring under this permit (see www.dep.pa.gov/edmr). Permittees that are not using the eDMR system as of the effective date of this permit shall submit the necessary registration and trading partner agreement forms to DEP's Bureau of Clean Water (BCW) within 30 days of the effective date of this permit and begin using the eDMR system when notified by DEP BCW to do so. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(g) and 40 CFR § 122.41(l)(4))

3. Submission of a physical (paper) copy of a Discharge Monitoring Report (DMR) is acceptable under the following circumstances:

   a. For a permittee that is not yet using the eDMR system, the permittee shall submit a physical copy of a DMR to the DEP regional office that issued the permit during the interim period between the submission of registration and trading partner agreement forms to DEP and DEP's notification to begin using the eDMR system.

   b. For any permittee, as a contingency a physical DMR may be mailed to the DEP regional office that issued the permit if there are technological malfunction(s) that prevent the successful submission of a DMR through the eDMR system. In such situations, the permittee shall submit the DMR through the eDMR system within 5 days following remedy of the malfunction(s).

4. DMRs must be completed in accordance with DEP's published DMR instructions (3800-FM-BCW0463). DMRs must be received by DEP no later than 28 days following the end of the monitoring period. DMRs are based on calendar reporting periods and must be received by DEP in accordance with the following schedule:

   - Monthly DMRs must be received within 28 days following the end of each calendar month.
   - Quarterly DMRs must be received within 28 days following the end of each calendar quarter, i.e., January 28, April 28, July 28, and October 28.
   - Semiannual DMRs must be received within 28 days following the end of each calendar semiannual period, i.e., January 28 and July 28.
   - Annual DMRs must be received by January 28, unless Part C of this permit requires otherwise.

5. The permittee shall complete all Supplemental Reporting forms (Supplemental DMRs) attached to this permit, or an approved equivalent, and submit the signed, completed forms as attachments to the DMR, through DEP's eDMR system. DEP's Supplemental Laboratory Accreditation Form (3800-FM-BCW0189) must be completed and submitted to DEP with the first DMR following issuance of this permit, and anytime thereafter when changes to laboratories or methods occur. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(g) and 40 CFR § 122.41(l)(4))

6. The completed DMR Form shall be signed and certified by either of the following applicable persons, as defined in 25 Pa. Code § 92a.22:

- For a corporation - by a principal executive officer of at least the level of vice president, or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the NPDES form originates.
- For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
- For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.

If signed by a person other than the above and for co-permittees, written notification of delegation of DMR signatory authority must be submitted to DEP in advance of or along with the relevant DMR form. (40 CFR § 122.22(b))

7. If the permittee monitors any pollutant at monitoring points as designated by this permit, using analytical methods described in Part A III.A.4. herein, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR. (40 CFR 122.41(l)(4)(ii))

C. Reporting Requirements

1. Planned Changes to Physical Facilities – The permittee shall give notice to DEP as soon as possible but no later than 30 days prior to planned physical alterations or additions to the permitted facility. A permit under 25 Pa. Code Chapter 91 may be required for these situations prior to implementing the planned changes. A permit application, or other written submission to DEP, can be used to satisfy the notification requirements of this section.

   Notice is required when:

   a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b). (40 CFR 122.41(l)(1)(i))

   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in this permit. (40 CFR 122.41(l)(1)(ii))

   c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 CFR 122.41(l)(1)(iii))

   d. The planned change may result in noncompliance with permit requirements. (40 CFR 122.41(l)(2))

2. Planned Changes to Waste Stream – Under the authority of 25 Pa. Code § 92a.24(a), the permittee shall provide notice to DEP as soon as possible but no later than 45 days prior to any planned changes in the volume or pollutant concentration of its influent waste stream, as specified in paragraphs 2.a. and 2.b., below. Notice shall be provided on the “Planned Changes to Waste Stream” Supplemental Report (3800-FM-BCW0482), available on DEP’s website. The permittee shall provide information on the quality and quantity of waste introduced into the facility, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility. The Report shall be sent via Certified Mail or other means to confirm DEP’s receipt of the notification. DEP will determine if the submission of a new application and receipt of a new or amended permit is required.

   a. Introduction of New Pollutants (25 Pa. Code § 92a.24(a))

      New pollutants are defined as parameters that meet all of the following criteria:

      (i) Were not detected in the facilities’ influent waste stream as reported in the permit application; and

(ii) Have not been approved to be included in the permittee's influent waste stream by DEP in writing.

The permittee shall provide notification of the introduction of new pollutants in accordance with paragraph 2 above. The permittee may not authorize the introduction of new pollutants until the permittee receives DEP's written approval.

b. Increased Loading of Approved Pollutants (25 Pa. Code § 92a.24(a))

Approved pollutants are defined as parameters that meet one or more of the following criteria:

(i) Were detected in the facilities' influent waste stream as reported in the permittee's permit application; or

(ii) Have been approved to be included in the permittee's influent waste stream by DEP in writing; or

(iii) Have an effluent limitation or monitoring requirement in this permit.

The permittee shall provide notification of the introduction of increased influent loading (lbs/day) of approved pollutants in accordance with paragraph 2 above when (1) the cumulative increase in influent loading (lbs/day) exceeds 20% of the maximum loading reported in the permit application, or a loading previously approved by DEP, or (2) may cause an exceedance in the effluent of Effluent Limitation Guidelines (ELGs) or limitations in Part A of this permit, or (3) may cause interference or pass through at the facility (as defined at 40 CFR 403.3), or (4) may cause exceedances of the applicable water quality standards in the receiving stream. Unless specified otherwise in this permit, if DEP does not respond to the notification within 30 days of its receipt, the permittee may proceed with the increase in loading. The acceptance of increased loading of approved pollutants may not result in an exceedance of ELGs or effluent limitations and may not cause exceedances of the applicable water quality standards in the receiving stream.

3. Reporting Requirements for Hauled-In Wastes

a. Receipt of Residual Waste

(i) The permittee shall document the receipt of all hauled-in residual wastes (including but not limited to wastewater from oil and gas wells, food processing waste, and landfill leachate), as defined at 25 Pa. Code § 287.1, that are received for processing at the treatment facility. The permittee shall report hauled-in residual wastes on a monthly basis to DEP on the "Hauled In Residual Wastes" Supplemental Report (3800-FM-BCW0450) as an attachment to the DMR. If no residual wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report. The information used to develop the Report shall be retained by the permittee for five years from the date of receipt and must be made available to DEP or EPA upon request.

(1) The dates that residual wastes were received.

(2) The volume (gallons) of wastes received.

(3) The license plate number of the vehicle transporting the waste to the treatment facility.

(4) The permit number(s) of the well(s) where residual wastes were generated, if applicable.

(5) The name and address of the generator of the residual wastes.

(6) The type of wastewater.

The transporter of residual waste must maintain these and other records as part of the daily operational record (25 Pa. Code § 299.219). If the transporter is unable to provide this information or the permittee has not otherwise received the information from the generator, the residual wastes shall not be accepted by the permittee until such time as the permittee receives such information from the transporter or generator.

(ii) The following conditions apply to the characterization of residual wastes received by the permittee:

(1) If the generator is required to complete a chemical analysis of residual wastes in accordance with 25 Pa. Code § 287.51, the permittee must receive and maintain on file a chemical analysis of the residual wastes it receives. The chemical analysis must conform to the Bureau of Waste Management's Form 26R except as noted in paragraph (2), below. Each load of residual waste received must be covered by a chemical analysis if the generator is required to complete it.

(2) For wastewater generated from hydraulic fracturing operations ("frac wastewater") within the first 30 production days of a well site, the chemical analysis may be a general frac wastewater characterization approved by DEP. Thereafter, the chemical analysis must be waste-specific and be reported on the Form 26R.

b. Receipt of Municipal Waste

(i) The permittee shall document the receipt of all hauled-in municipal wastes (including but not limited to septage and liquid sewage sludge), as defined at 25 Pa. Code § 271.1, that are received for processing at the treatment facility. The permittee shall report hauled-in municipal wastes on a monthly basis to DEP on the "Hauled In Municipal Wastes" Supplemental Report (3800-FM-BCW0437) as an attachment to the DMR. If no municipal wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report:

(1) The dates that municipal wastes were received.

(2) The volume (gallons) of wastes received.

(3) The BOD_5 concentration (mg/l) and load (lbs) for the wastes received.

(4) The location(s) where wastes were disposed of within the treatment facility.

(ii) Sampling and analysis of hauled-in municipal wastes must be completed to characterize the organic strength of the wastes, unless composite sampling of influent wastewater is performed at a location downstream of the point of entry for the wastes.

4. Unanticipated Noncompliance or Potential Pollution Reporting

a. Immediate Reporting - The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b).

(i) If, because of an accident, other activity or incident a toxic substance or another substance which would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to the Department is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution.

(ii) If reasonably possible to do so, the permittee shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.

(iii) The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.

b. The permittee shall report any noncompliance which may endanger health or the environment in accordance with the requirements of 40 CFR 122.41(l)(6). These requirements include the following obligations:

(i) 24 Hour Reporting - The permittee shall orally report any noncompliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which must be reported within 24 hours under this paragraph:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(2) Any upset which exceeds any effluent limitation in the permit; and

(3) Violation of the maximum daily discharge limitation for any of the pollutants listed in the permit as being subject to the 24-hour reporting requirement. (40 CFR 122.44(g))

(ii) Written Report - A written submission shall also be provided within 5 days of the time the permittee becomes aware of any noncompliance which may endanger health or the environment. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(iii) Waiver of Written Report - DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger health or the environment. Unless such a waiver is expressly granted by DEP, the permittee shall submit a written report in accordance with this paragraph. (40 CFR 122.41(l)(6)(iii))

5. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph C.4 of this section or specific requirements of compliance schedules, at the time DMRs are submitted, on the Non-Compliance Reporting Form (3800-FM-BCW0440). The reports shall contain the information listed in paragraph C.4.b.(ii) of this section. (40 CFR 122.41(l)(7))

D. Specific Toxic Pollutant Notification Levels (for Manufacturing, Commercial, Mining, and Silvicultural Direct Dischargers) - The permittee shall notify DEP as soon as it knows or has reason to believe the following: (40 CFR 122.42(a))

1. That any activity has occurred, or will occur, which would result in the discharge of any toxic pollutant which is not limited in this permit, if that discharge on a routine or frequent basis will exceed the highest of the following "notification levels": (40 CFR 122.42(a)(1))

a. One hundred micrograms per liter.

b. Two hundred micrograms per liter for acrolein and acrylonitrile.

c. Five hundred micrograms per liter for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol.

d. One milligram per liter for antimony.

e. Five times the maximum concentration value reported for that pollutant in this permit application.

f. Any other notification level established by DEP.

2. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels": (40 CFR 122.42(a)(2))

a. Five hundred micrograms per liter.

b. One milligram per liter for antimony.

c. Ten times the maximum concentration value reported for that pollutant in the permit application.

d. Any other notification level established by DEP.

E. Annual Fee (25 Pa. Code § 92a.62)

Permittees shall pay an annual fee in accordance with 25 Pa. Code § 92a.62. As of the effective date of this permit, the facility covered by the permit is classified in the **Major IW Facility <250 MGD** fee category, which has an annual fee of **$7,500.**

Invoices for annual fees will be mailed to permittees approximately three months prior to the due date. In the event that an invoice is not received, the permittee is nonetheless responsible for payment. Permittees may contact the DEP at 717-787-6744 with questions related to annual fees. The fee identified above is subject to change if DEP publishes changes to 25 Pa. Code § 92a.62.

Payment for annual fees shall be remitted to DEP at the address below or through DEP's electronic payment system (www.depgreenport.state.pa.us/NPDESpay) by the due date specified on the invoice. Checks, if used for payment, should be made payable to the Commonwealth of Pennsylvania.

PA Department of Environmental Protection
Bureau of Clean Water
Re: Chapter 92a Annual Fee
P.O. Box 8466
Harrisburg, PA 17105-8466

PART B

I. MANAGEMENT REQUIREMENTS

A. Compliance

1. The permittee shall comply with all conditions of this permit. If a compliance schedule has been established in this permit, the permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit. (40 CFR 122.41(a)(1))

2. The permittee shall submit reports of compliance or noncompliance, or progress reports as applicable, for any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline. (25 Pa. Code § 92a.51(c), 40 CFR 122.47(a)(4))

B. Permit Modification, Termination, or Revocation and Reissuance

1. This permit may be modified, terminated, or revoked and reissued during its term in accordance with 25 Pa. Code § 92a.72 and 40 CFR 122.41(f).

2. 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 noncompliance, does not stay any permit condition. (40 CFR 122.41(f))

3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (40 CFR 122.41(a)(1))

C. Duty to Provide Information

1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. (40 CFR 122.41(h))

2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit. (40 CFR 122.41(h))

3. Other Information - Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to DEP, it shall promptly submit the correct and complete facts or information. (40 CFR 122.41(l)(8))

D. 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) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit. (40 CFR 122.41(e))

E. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR 122.41(d))

F. Bypassing

1. Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions in paragraphs two, three and four of this section. (40 CFR 122.41(m)(2))

2. Other Bypassing - In all other situations, bypassing is prohibited and DEP may take enforcement action against the permittee for bypass unless:

   a. A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage." (40 CFR 122.41(m)(4)(i)(A))

   b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance. (40 CFR 122.41(m)(4)(i)(B))

   c. The permittee submitted the necessary notice required in F.4.a. and b. below. (40 CFR 122.41(m)(4)(i)(C))

3. DEP may approve an anticipated bypass, after considering its adverse effects, if DEP determines that it will meet the conditions listed in F.2. above. (40 CFR 122.41(m)(4)(ii))

4. Notice

   a. Anticipated Bypass – If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the bypass. (40 CFR 122.41(m)(3)(i))

   b. Unanticipated Bypass – The permittee shall submit oral notice of any other unanticipated bypass within 24 hours, regardless of whether the bypass may endanger health or the environment or whether the bypass exceeds effluent limitations. The notice shall be in accordance with Part A III.C.4.b.

G. Termination of Permit Coverage (25 Pa. Code § 92a.74 and 40 CFR 122.64)

1. Notice of Termination (NOT) – If the permittee plans to cease operations or will otherwise no longer require coverage under this permit, the permittee shall submit DEP's NPDES Notice of Termination (NOT) for Permits Issued Under Chapter 92a (3800-BCW-0410), signed in accordance with Part A III.B.6 of this permit, at least 30 days prior to cessation of operations or the date by which coverage is no longer required.

2. Where the permittee plans to cease operations, NOTs must be accompanied with an operation closure plan that identifies how tankage and equipment will be decommissioned and how pollutants will be managed, as applicable.

3. The permittee shall submit the NOT to the DEP regional office with jurisdiction over the county in which the facility is located.

II. PENALTIES AND LIABILITY

A. Violations of Permit Conditions

Any person violating Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative and/or criminal penalties as set forth in 40 CFR 122.41(a)(2).

Any person or municipality, who violates any provision of this permit; any rule, regulation or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

B. Falsifying Information

Any person who does any of the following:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or

- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or noncompliance)

Shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 18 Pa.C.S.A § 4904 and 40 CFR 122.41(j)(5) and (k)(2).

C. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

D. 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. (40 CFR 122.41(c))

III. OTHER RESPONSIBILITIES

A. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, and Title 25 Pa. Code Chapter 92a and 40 CFR 122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

1. To enter upon 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; (40 CFR 122.41(i)(1))

2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; (40 CFR 122.41(i)(2))

3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and (40 CFR 122.41(i)(3))

4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. (40 CFR 122.41(i)(4))

B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph 2 of this section, a permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (40 CFR 122.61(a))

2. Automatic transfers. As an alternative to transfers under paragraph 1 of this section, any NPDES permit may be automatically transferred to a new permittee if:

   a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b. of this section; (40 CFR 122.61(b)(1))

   b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; (40 CFR 122.61(b)(2))

   c. DEP does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue this permit, the transfer is effective on the date specified in the agreement mentioned in paragraph 2.b. of this section; and (40 CFR 122.61(b)(3))

   d. The new permittee is in compliance with existing DEP issued permits, regulations, orders and schedules of compliance, or has demonstrated that any noncompliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations. (25 Pa. Code § 92a.71)

3. In the event DEP does not approve transfer of this permit, the new owner or operator must submit a new permit application.

C. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege. (40 CFR 122.41(g))

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit. (40 CFR 122.41(b))

E. Other Laws

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

PART C

I. OTHER REQUIREMENTS

A. The approval herein given is specifically made contingent upon the permittee acquiring all necessary property rights by easement or otherwise, providing for the satisfactory construction, operation, maintenance or replacement of all structures associated with the herein approved discharge in, along, or across private property, with full rights of ingress, egress and regress.

B. Collected screenings, slurries, sludges, and other solids shall be handled, recycled and/or disposed of in compliance with the Solid Waste Management Act (35 P.S. §§ 6018.101 – 6018.1003), 25 Pa. Code Chapters 287, 288, 289, 291, 295, 297, and 299 (relating to requirements for landfilling, impoundments, land application, composting, processing, and storage of residual waste), Chapters 261a, 262a, 263a, and 270a (related to identification of hazardous waste, requirements for generators and transporters, and hazardous waste, requirements for generators and transporters, and hazardous waste permit programs), federal regulation 40 CFR Part 257, The Clean Streams Law, and the Federal Clean Water Act and its amendments. Screenings collected at intake structures shall be collected and managed and not be returned to the receiving waters.

The permittee is responsible to obtain or assure that contracted agents have all necessary permits and approvals for the handling, storage, transport and disposal of solid waste materials generated as a result of wastewater treatment.

C. The terms and conditions of Water Quality Management (WQM) permits that may have been issued to the permittee relating to discharge requirements are superseded by this NPDES permit unless otherwise stated herein.

D. If the applicable standard or effluent guideline limitation relating to the application for Best Available Technology (BAT) Economically Achievable or to Best Conventional Technology (BCT) is developed by DEP or EPA for this type of industry, and if such standard or limitation is more stringent than the corresponding limitations of this permit (or if it controls pollutants not covered by this permit), DEP may modify or revoke and reissue the permit to conform with that standard or limitation.

E. Temperature

This discharge shall not cause a change in the stream temperature of more than 2°F during any one hour.

F. There shall be no net addition of pollutants to non-contact cooling water over intake values except for heat and water conditioning additives for which complete information was submitted in the application or is required to be submitted as a condition of this permit.

G. Cooling tower blowdown discharges shall contain no detectable amounts of the 126 Priority Pollutants listed in 40 CFR Part 423, Appendix A, that are contained in chemicals added for cooling tower maintenance, except for Total Chromium and Total Zinc. When requested by DEP, the permittee shall conduct monitoring or submit engineering calculations to demonstrate compliance with 40 CFR 423.13(d)(1).

H. There shall be no point source discharges of Polychlorinated Biphenyls (PCBs) or Chlordane to the Monongahela River.

II. CHEMICAL ADDITIVES

A. Approved Chemical Additives List

1. The permittee is authorized to use chemical additives that are published on DEP's Approved Chemical Additives List (Approved List) (see www.dep.pa.gov/chemicaladditives) subject to paragraphs A.2 and A.3, below.

2. The permittee may not discharge a chemical additive at a concentration that is greater than the water quality-based effluent limitation (WQBEL) for the chemical additive or, if applicable, a technology-based effluent limitation. If effluent limitations are not specified in Part A of this permit for the chemical additive, the permittee is responsible for determining the WQBEL and ensuring the WQBEL is not exceeded by restricting usage to an amount that will not cause an excursion above in-stream water quality standards.

3. If the permittee decides to use a chemical additive that is on DEP's Approved List and the use would either (1) constitute an increase in the usage rate specified in the NPDES permit application or previous notification to DEP or (2) constitute a new use, not identified in the NPDES permit application or otherwise no previous notification occurred, the permittee shall complete and submit the "Chemical Additives Notification Form" (3800-FM-BCW0487) to the DEP regional office that issued the permit. The permittee may proceed to use the chemical additive as reported on the Form upon receipt by the DEP regional office.

B. New Chemical Additives, Not on Approved Chemical Additives List

1. In the event the permittee wishes to use a chemical additive that is not listed on DEP's Approved List, the permittee shall submit the "New Chemical Additives Request Form" (3800-FM-BCW0486) to DEP's Central Office, Bureau of Clean Water (BCW), NPDES Permitting Division, Rachel Carson State Office Building, PO Box 8774, Harrisburg, PA 17105-8774, prior to use. A copy shall be submitted to the DEP regional office that issued the permit. The form must be completed in whole in order for BCW to approve the chemical additive, and a Material Safety Data Sheet (MSDS) that meets the minimum requirements of 29 CFR 1910.1200(g) must be attached.

2. Following placement of the chemical additive on the Approved List, the permittee may submit the Chemical Additive Notification Form in accordance with paragraph A.3, above, to notify DEP of the intent to use the approved chemical additive. The permittee may proceed with usage when the new chemical has been identified on DEP's Approved List and following DEP's receipt of the Chemical Additives Notification Form.

3. The permittee shall restrict usage of chemical additives to the maximum usage rates determined and reported to DEP on Chemical Additives Notification Forms.

C. Chemical Additives Usage Reporting Requirements

The "Chemical Additives Usage Form" (3800-FM-BCW0439) shall be used to report the usage of chemical additives and shall be submitted as an attachment to the Discharge Monitoring Report (DMR) at the time the DMR is submitted.

D. DEP may amend this permit to include WQBELs or otherwise control usage rates of chemical additives if there is evidence that usage is adversely affecting receiving waters, producing Whole Effluent Toxicity test failures, or is causing excursions of in-stream water quality standards.

III. REQUIREMENTS APPLICABLE TO STORMWATER OUTFALLS

A. The permittee is authorized to discharge non-polluting stormwater from its site, alone or in combination with other wastewaters, through the following outfalls:

Outfall No.	Area Drained (ft^2)	Latitude	Longitude	Description
001	4,750	40° 15' 58"	-79° 54' 4"	Boiler house roof
002	303,668	40° 15' 57"	-79° 54' 5"	Tech Center, Emulsion Unit, Water White Poly, North Pilot Plant, and general Lower Plant areas
004	100,705	40° 15' 51"	-79° 54' 17"	Areas between the C-5 process area and Finished Good Warehouse (C-5 Reclaim Storage, Pastillator roof, hot oil heater and east process area road runoff)
005	122,727	40° 15' 49"	-79° 54' 20"	Finished Products lot and adjacent rail siding surface runoff

Outfall No.	Area Drained (ft²)	Latitude	Longitude	Description
006	72,032	40° 15' 48"	-79° 54' 21"	Finished Products Warehouse roof
107	107,707	40° 15' 48"	-79° 54' 21"	Finished Products parking lot and nitrogen plant areas
007		40° 15' 47.4"	-79° 54' 19.0"	
008	56,102	40° 15' 59"	-79° 54' 2"	Northern lower plant and portions of RiverLift Industries
009	30,303	40° 15' 56"	-79° 54' 11"	Pilot plant area and the southern portion of the lower plant (north of the unnamed tributary)
110	67,614	40° 15' 56"	-79° 54' 12"	Northern portion lower plant (south of the unnamed tributary) bordered to the east by the Monongahela River
010	3,325	40° 15' 56"	-79° 54' 11"	Tank 510 diked containment area
011	82,517	40° 15' 56"	-79° 54' 13"	Pretreatment plant, C-5 cooling tower, MP Poly areas, and BF3 shed
013	15,890	40° 15' 55"	-79° 54' 19"	C-5 High Bay and low hazard rail siding areas
114	216,370	40° 15' 56"	-79° 54' 20"	Flaker roof and V-8 area and upper plant areas north of the V-8 facilities and south of Madison Avenue
214		40° 15' 56"	-79° 54' 20"	LTC area – upper plant drainage and maintenance roof drains to a ditch along the railroad at the upper plant
016	295,084	40° 15' 58"	-79° 54' 21"	Diked containment areas for Tank Nos. 50, 51, 150, adjacent roads, parking, and storage; and runoff from S.R. 837 and residences north of the 837 Tank Farm
017	82,568	40° 15' 56"	-79° 54' 25"	West Thermal Poly and road runoff areas, and diked storage tank containment areas
019	72,505	40° 15' 58"	-79° 54' 26"	Diked containment area for Tank No. 151 and the adjacent road at the 837 Tank Farm
020	66,257	40° 15' 57"	-79° 54' 26"	Diked containment areas for Tank Nos. 52, 53, 54, and 55 and the storage building roof at the 837 Tank Farm
021	180,362	40° 15' 55"	-79° 54' 28"	837 Tank Farm parking area (and run-on from the upland off-site area)
022	79,246	40° 15' 54"	-79° 54' 9"	Main office and parking area
024	2,200	40° 15' 54"	-79° 54' 27"	Hydrogenation roof drains, nickel catalyst storage building roof drains, change house roof drains; and S.R. 837 runoff

Monitoring requirements and effluent limitations for these outfalls are specified in Part A of this permit, if applicable.

B. Stormwater Annual Report.

The permittee shall submit a complete Annual Report to the DEP office that issued the permit by May 1 each year using DEP's Annual Report template, attached to this permit. The Annual Report shall address activities under the permit for the previous calendar year. The permittee shall submit the Annual Report electronically if notified by DEP in writing. If the permittee discharges to a municipal separate storm sewer system (MS4), a copy of the Annual Report shall be submitted to the operator of the MS4.

C. Best Management Practices (BMPs).

The permittee shall implement and, as necessary, maintain the following BMPs to remain in compliance with this permit.

1. Pollution Prevention and Exposure Minimization.

The permittee shall minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to

rain, snow, snowmelt, and runoff in order to minimize pollutant discharges by either locating industrial materials and activities inside or protecting them with storm resistant coverings wherever feasible. The permittee shall implement and maintain the following measures, at a minimum:

a. Use grading, berming or curbing to prevent runoff of polluted stormwater and divert run-on away from areas that contain polluted stormwater

b. Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge to surface waters

c. Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants to surface waters

d. Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents to prevent the release of pollutants to the environment.

e. Use spill/overflow protection equipment.

f. Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray.

g. Drain fluids from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks.

h. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids, ensure that discharges have a control (e.g., secondary containment, treatment). This General Permit does not authorize dry weather discharges from dumpsters or roll off boxes.

i. Minimize contamination of stormwater runoff from fueling areas by implementing the following BMPs where determined to be feasible: cover fueling areas; install oil/water separators or oil and grease traps in fueling area storm drains; use berms to prevent run-on to and runoff from fueling areas; use spill/overflow protection and cleanup equipment; use dry cleanup methods; and/or treat and/or recycle collected stormwater runoff.

j. Train employees routinely (no less than annually) on pollution prevention practices as contained in the PPC Plan.

2. Good Housekeeping.

The permittee shall perform good housekeeping measures in order to minimize pollutant discharges including the routine implementation of the following measures, at a minimum:

a. Implement a routine cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust or debris may accumulate to minimize the discharge of pollutants in stormwater. The cleaning and maintenance program must encompass, as appropriate, areas where material loading and unloading, storage, handling and processing occur.

b. Store materials in appropriate containers.

c. Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.

d. Eliminate floor drain connections to storm sewers.

e. Use drip pans, drain boards, and drying racks to direct drips back into a fluid holding tank for reuse. Drain fluids from all equipment and parts prior to disposal. Promptly transfer used fluids to the proper container; do not leave full drip pans or other open containers around the shop. Empty and clean drip pans and containers.

f. Label and track the recycling of waste material (e.g., used oil, spent solvents, batteries).

g. Prohibit the practice of hosing down an area where the practice would result in the discharge of pollutants to a municipal or other storm water collection system that conveys pollutants off-site without proper treatment.

3. Erosion and Sediment Controls.

a. The permittee shall minimize erosion and pollutant discharges by stabilizing exposed soils and placing flow velocity dissipation devices at discharge locations to minimize channel and stream bank erosion and scour in the immediate vicinity of stormwater outfalls.

b. The permittee shall conduct all earth disturbance activities and, when applicable, shall maintain all post-construction stormwater management (PCSM) BMPs in accordance with 25 Pa. Code Chapter 102.

c. The permittee may not utilize polymers or other chemicals to treat stormwater unless written permission is obtained from DEP.

4. Spill Prevention and Responses.

The permittee shall minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop a PPC Plan for effective responses to such releases. The permittee shall conduct the following spill prevention and response measures, at a minimum:

a. Maintain an organized inventory of materials on-site. Plainly label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur.

b. Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas.

c. Develop and implement employee and contractor training on the procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. The permittee shall conduct periodic training, no less than annually, and document the training on the Annual Report specified in paragraph B of this section.

d. Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made.

e. Notify appropriate facility personnel when a leak, spill, or other release occurs.

f. To the extent possible, eliminate or reduce the number and amount of hazardous materials and waste by substituting non-hazardous or less hazardous materials of equal function, as determined by the permittee.

g. Clean up leaks, drips, and other spills without using large amounts of water or liquid cleaners. Use absorbents for dry cleanup whenever possible.

When a leak, spill or other release occurs during a 24-hour period that contains a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under 40 CFR Parts 110, 117 or 302, the permittee shall, in addition to the notification requirements contained in Part A III.C.4 of this permit, notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Parts 110, 117, and 302 as soon as the permittee becomes aware of the discharge.

5. Sector- and Site-Specific BMPs.

   a. The permittee shall implement the BMPs in the applicable Appendix to the NPDES PAG-03 General Permit for Discharges of Stormwater Associated with Industrial Activities that is currently in effect.

D. Routine Inspections.

1. The permittee shall visually inspect the following areas and BMPs on a semiannual basis (calendar periods), at a minimum:

   a. Areas where industrial materials or activities are exposed to stormwater.

   b. Areas identified in the PPC Plan as potential pollutant sources.

   c. Areas where spills or leaks have occurred in the past three years.

   d. Stormwater outfalls and locations where authorized non-stormwater discharges may commingle.

   e. Physical BMPs used to comply with this permit.

   At least once each calendar year, the routine inspection must be conducted during a period when a stormwater discharge is occurring.

2. The permittee shall evaluate and document the following conditions, at a minimum, in the Annual Report required by paragraph B of this section through required inspections:

   k. Raw materials, products or wastes that may have or could come into contact with stormwater.

   l. Leaks or spills from equipment, drums, tanks and other containers.

   m. Off-site tracking of industrial or waste materials, or sediment where vehicles enter or exit the site.

   n. Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas.

   o. Control measures or BMPs needing replacement, maintenance or repair.

   p. The presence of authorized non-stormwater discharges that were not identified in the permit application and non-stormwater discharges not authorized by this permit.

E. Preparedness, Prevention and Contingency (PPC) Plan

1. The permittee shall develop and implement a PPC Plan in accordance with 25 Pa. Code § 91.34 following the guidance contained in DEP's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" (DEP ID 400-2200-001), its NPDES-specific addendum and the minimum requirements below.

   a. The PPC Plan must identify all potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the facility.

   b. The PPC Plan must describe preventative measures and BMPs that will be implemented to reduce or eliminate pollutants from coming into contact with stormwater resulting from routine site activities and spills.

   c. The PPC Plan must address actions that will be taken in response to on-site spills or other pollution incidents.

   d. The PPC Plan must identify areas which, due to topography or other factors, have a high potential for soil erosion, and identify measures to limit erosion. Where necessary, erosion and sediment

control measures must be developed and implemented in accordance with 25 Pa. Code Chapter 102 and DEP's "Erosion and Sediment Pollution Control Manual" (DEP ID 363-2134-008).

e. The PPC Plan must address security measures to prevent accidental or intentional entry which could result in an unintentional discharge of pollutants.

f. The PPC Plan must include a plan for training employees and contractors on pollution prevention, BMPs, and emergency response measures. This training must be conducted in accordance with paragraph C.4.c of this section.

g. If the facility is subject to SARA Title III, Section 313, the PPC Plan must identify releases of "Water Priority Chemicals" within the previous three years. Water Priority Chemicals are those identified in EPA's "Guidance for the Determination of Appropriate Methods for the Detection of Section 313 Water Priority Chemicals" (EPA 833-B-94-001, April 1994). The Plan must include an evaluation of all activities that may result in the stormwater discharge of Water Priority Chemicals.

h. Spill Prevention Control and Countermeasure (SPCC) plans may be used to meet the requirements of this section if the minimum requirements are addressed.

2. The permittee shall review and if necessary update the PPC Plan on an annual basis, at a minimum, and when one or more of the following occur:

a. Applicable DEP or federal regulations are revised, or this permit is revised.

b. The PPC Plan fails in an emergency.

c. The facility's design, industrial process, operation, maintenance, or other circumstances change in a manner that materially increases the potential for fires, explosions or releases of toxic or hazardous constituents; or which changes the response necessary in an emergency.

d. The list of emergency coordinators or equipment changes.

e. When notified in writing by DEP.

The permittee shall maintain all PPC Plan updates on-site, make the updates available to DEP upon request, and document the updates in Annual Reports.

F. Stormwater Monitoring Requirements.

1. The permittee shall conduct monitoring of its stormwater discharges at the representative outfalls identified in Part A of this permit, if applicable. The permittee shall document stormwater sampling event information and no exposure conditions for each calendar year on the Annual Report required by paragraph B of this section.

2. The permittee shall, upon written notice from DEP, install inlets, pipes, and/or other structures or devices that are considered necessary in order to conduct representative stormwater sampling, in accordance with a schedule provided by DEP.

3. The permittee shall collect all samples from discharges resulting from a storm event that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The 72-hour storm interval is waived when the preceding storm did not yield a measurable discharge, or if the permittee is able to document that a less than 72-hour interval is representative for local storm events during the sample period.

4. The permittee shall collect all grab samples within the first 30 minutes of a discharge, unless the permittee determines that this is not possible, in which case grab samples must be collected as soon as possible after the first 30 minutes of a discharge. The permittee shall explain why samples could not be

collected within the first 30 minutes of any discharge on the Annual Report required by paragraph B of this section.

5. The permittee shall collect stormwater samples at times when commingling with non-stormwater discharges is not occurring or at locations prior to the commingling of non-stormwater discharges, unless Part A of this permit recognizes commingling of stormwater and non-stormwater discharges.

6. Beginning one year after the Permit Effective Date, within 14 days of reporting an exceedance of any benchmark, as set forth in the table below, at any permitted outfall, the permittee shall submit to PADEP, for its review and written approval, a plan and schedule ("Storm Water Benchmark Exceedance Response Plan") to install stormwater controls, best management practices, and treatment technologies sufficient to bring the discharge concentrations below the respective benchmark, unless the exceedance of the benchmark was the result of inadequate operation and maintenance. The Storm Water Benchmark Exceedance Response Plan schedule shall include a timeframe to complete all proposed actions within 90 days of approval unless another timeframe is approved by PADEP.

Parameter	Benchmark Value (mg/L)
Chemical Oxygen Demand (COD)	120
Total Suspended Solids	100
Aluminum, Total	2.0
Zinc, Total	0.5
Nitrate-Nitrite as N	2.1

IV. BIOLOGICAL SURVEYS OF THE UNNAMED TRIBUTARY

The permittee shall conduct biological surveys of the Unnamed Tributary to the Monongahela River (Stream Code 39551) in the second and fourth years of the permit term. The permittee shall submit a Sampling Plan to DEP within 180 days of the Permit Effective Date. The Sampling Plan shall describe the sampling and evaluation protocols that will be implemented to carry out the biological surveys. The Sampling Plan shall be developed by the permittee to be consistent with DEP's "Water Quality Monitoring Protocols for Streams and Rivers" (Office of Water Programs, Bureau of Clean Water, 2018). DEP shall review and approve the Sampling Plan or a revised Sampling Plan.

The permittee shall implement the approved Sampling Plan and submit the results of each biological survey and a narrative description of the findings and any conclusions to DEP according to the following schedule:

Year 2 Biological Survey: results submitted within 30 days of the third anniversary of the Permit Effective Date
Year 4 Biological Survey: results submitted with the NPDES permit renewal application

V. SAMPLING AND ANALYSES OF THE UNNAMED TRIBUTARY

The permittee shall sample and analyze the Unnamed Tributary to the Monongahela River (Stream Code 39551) for the following parameters:

- Stream Flow (cfs)
- Stream Depth (ft)
- Temperature (°C)
- Conductivity (µmhos/cm)
- pH (S.U.)
- Dissolved Oxygen
- Hardness, Total (as $CaCO_3$)
- Total Suspended Solids
- Total Dissolved Solids
- Nitrate-Nitrite as N
- Aluminum, Total
- Zinc, Total
- Acetone
- Ethylbenzene
- Isopropylbenzene (Cumene)
- n-Propylbenzene
- Sec-Butylbenzene
- Tert-Butylbenzene
- 1,2,4-Trimethylbenzene
- Naphthalene
- Styrene
- t-Butyl Alcohol
- Toluene
- Xylenes, Total

Samples shall be collected 2/quarter at each of the following locations:

Sampling Point	Latitude	Longitude	Description
No. 1	40° 16' 0.72"	-79° 54' 26.50"	In the unnamed tributary, immediately downstream of State Street, as the unnamed tributary flows onto the 837 Tank Farm site
No. 2	40° 15' 58.05"	-79° 54' 23.20"	In the unnamed tributary, between Tanks 53 and 55, downstream of the bridge that carries 837 Tank Farm Road over the unnamed tributary
No. 3	40° 15' 55.35"	-79° 54' 15.52"	In the unnamed tributary, at the first accessible point downstream of culverted section of the tributary under the railroad tracks
No. 4	40° 15' 56.5"	-79° 54' 8.55"	In the unnamed tributary, immediately downstream of the bridge that carries Second Street over the unnamed tributary

Of the two quarterly samples required, one sample shall be a dry weather sample and, as weather conditions allow, one sample shall be a wet weather sample with one or more of the storm water outfalls to the Unnamed Tributary actively contributing to stream flow at the time of wet weather sampling.

The permittee shall report analytical results on a quarterly basis to DEP on the “Surface Water Monitoring Data Report” Supplemental Report (3800-FM-BCW0461) as an attachment to the DMR. Separate reports shall be provided for dry and wet weather analyses. The Sample Location Description on the form shall include the Sampling Point number from the table above and whether the sample was a dry or wet weather sample.

VI. HYDROSTATIC TEST WATER DISCHARGES

A. The permittee shall not discharge in a manner that causes erosion of stream banks or scouring of stream beds. The permittee shall properly direct the discharge of all water discharged so that it does not cause nuisance conditions and does not pool or pond prior to reaching surface waters. Hydrostatic test water discharges to waters of the Commonwealth shall not be discharged to the Unnamed Tributary to the Monongahela River (Stream Code 39551) unless no other reasonable discharge or disposal options exist.

B. The permittee shall implement erosion and sedimentation control practices at the discharge point in accordance with 25 Pa. Code Chapter 102 (relating to Erosion and Sediment Control) and DEP’s Erosion and Sedimentation Pollution Control Manual (DEP ID: 363-2134-008).

C. Wherever possible, the permittee shall not use water that has not been chlorinated for hydrostatic testing. If no alternatives to chlorinated water exist, the permittee shall retain the water in the tank or pipeline for at least 24 hours prior to discharge and shall sample the water prior to discharge to confirm that the Total Residual Chlorine limits in Part A of this permit will be achieved.

D. If the permittee withdraws water from a stream to conduct its hydrostatic testing, the permittee shall not withdraw a volume of water that exceeds 25 percent of the volume of the stream at the time of withdrawal. The permittee shall not discharge a volume of test water that increases the volume of the receiving stream by more than 25 percent downstream regardless of the source of the test water. The permittee shall not dewater the stream to the extent that downstream users, including aquatic life, are impacted during pipe filling operations. The permittee shall prevent the impingement and entrainment of fish when withdrawing water from surface waters.

E. The permittee shall limit the volume to be discharged to the lowest possible rate to minimize any potential impact on aquatic life and to reduce the potential for erosion. In addition, the permittee shall avoid withdrawals and discharges during critical stream conditions such as low flow, trout stocking season, spawning seasons, recreational seasons, etc.

F. The permittee shall clean all tanks and pipelines prior to hydrostatic testing and discharge. The permittee shall collect wastewaters and solids from the cleaning process and shall transport them to an authorized disposal facility.

G. The permittee shall not discharge hydrostatic test water and cleaning wastewaters into a combined sewer system or a separate sanitary sewer.

APPENDIX B

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

February 28, 2022

VIA ELECTRONIC MAIL (VerleV.Heyer@eastman.com)

Mr. Verle Heyer
Eastman Chemicals Resins, Inc.
PO Box 545
2200 State Route 837
West Elizabeth, PA 15088-0545

Re: Transfer Application – Industrial Waste
Jefferson Plant
NPDES Permit No. PA0000507
Jefferson Hills Borough, Allegheny County

Dear Mr. Heyer:

The Department received your January 28, 2022 application to transfer NPDES Permit PA0000507 (NPDES Permit) from Eastman Chemical Resins, Inc. (Eastman) to Synthomer Jefferson Hills LLC (Synthomer) which authorizes discharges of industrial waste water from the Jefferson Plant at 2200 State Route 837, Jefferson Hills, PA (Facility) (Transfer Application).

Please be advised that Synthomer is not eligible for an NPDES Permit under 25 Pa. Code § 92a.71(b) of the Regulations. That section of the regulations requires a new permittee to be in compliance with the NPDES Permit upon transfer or be subject to a compliance action to remedy any non-compliance. In this instance, however, Eastman is not in compliance with its NPDES Permit and no corrective mechanism is in place to ensure compliance is achieved in a timely manner. Accordingly, an attempt to transfer the NPDES permit without addressing current and anticipated non-compliance would be contrary to the requirements of Section 92a.71(b), and Section 609 of the Clean Streams Law, 35 P.S. § 691.609.

Also, please be advised that the NPDES Permit is not eligible for an automatic transfer under Section 122.61 of the Federal Regulations, 40 C.F.R § 122.61, as incorporated into Department regulations by Section 92a.71, 25 Pa. Code § 92a.71, for the following reasons:

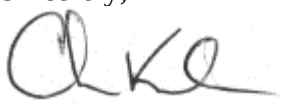
- The Transfer Application failed to include a written agreement between Eastman and Synthomer containing a specific date for transfer of permit responsibility, coverage, and liability between them as required by Section 122.61(b)(2) of the Federal Regulations, 40 C.F.R. §122.61(b)(2).

- The Department hereby provides you notice that it intends to modify or revoke and reissue the NPDES Permit. Receipt of this notice makes the NPDES Permit ineligible for an automatic transfer under Section 122.61(b)(3) of the Regulations, 25 Pa. Code Section 122.61(b)(3).

This letter is to provide notice that the NPDES Permit is not eligible for automatic transfer. Please note, this is not a final decision on whether the Department will ultimately transfer the permit. A decision on whether to transfer the permit, when the permit is eligible for transfer, has not yet been made.

If you have any questions, please contact Ryan Decker at 412.442.4144 or rydecker@pa.gov, or have your attorney contact our counsel, Melanie Seigel.

Sincerely,



Christopher Kriley, P.E.
Program Manager
Clean Water Program

cc: Stacia A. Christman – Eastman Chemical Resins, Inc. (schristman@eastman.com)
Robert Nagucki – Synthomer (robert.nagucki@synthomer.com)
Erik Lange – Squire Patton Boggs LLP (erik.lange@squirepb.com)
Regional file (OnBase)

APPENDIX C

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of:

Eastman Chemical Resins, Inc.	: EHB Docket No. 2009-155-R
Jefferson Hills Borough	:
Allegheny County	:

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 13th day of ~~August~~ September 2011, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (hereinafter "Department") and Eastman Chemical Resins, Inc. (hereinafter "Eastman").

I. **Background**

A. The Department is the agency with the duty and authority to administer and enforce the Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1 - 691.1001 ("Clean Streams Law"); Section 1917-A of the Administrative Code, the Act of April 9, 1929, P.L. 177, *as amended* ("Administrative Code"), 71 P.S. § 510-17A; and the regulations promulgated thereunder ("Regulations").

B. Eastman is a foreign corporation authorized to do business in Pennsylvania with a local address of State Highway 837, West Elizabeth, PA 15088-0567. Eastman operates a manufacturing facility at this location engaged in the production of chemical resins ("Facility").

C. On September 29, 2004, the Department issued an NPDES Permit No. PA0000507 to Eastman authorizing the discharge of industrial wastes including, but not limited to, non-contact cooling water and storm water into surface waters of the Commonwealth from Outfall 001 and storm water and groundwater from Outfalls 002, 004 - 017, 019, 020 and 021 – 025 ("2004 NPDES Permit").

D. The 2004 NPDES Permit imposes effluent limitations and monitoring requirements on the discharges from the Facility. More specifically, the 2004 NPDES Permit imposes monitor and report requirements for the first three years of the 2004 NPDES Permit and effluent limitations for the remaining two years of the 2004 NPDES Permit for specific Outfalls. The effluent limitations for these Outfalls became effective on November 1, 2007.

E. The 2004 NPDES Permit includes a compliance schedule and Part C condition that addresses storm water runoff. The compliance schedule and Part C condition require Eastman to address pollutants in its storm water discharges such that the discharge of contaminated storm water at the storm water only outfalls would meet the final effluent limitations in the 2004 NPDES Permit by November 2007.

F. The 2004 NPDES Permit expired on October 31, 2009. Prior to expiration, Eastman timely filed an NPDES Permit renewal application in April 2009. The 2004 NPDES Permit has been administratively extended.

G. Discharge monitoring reports ("DMRs") submitted by Eastman from January 2008 through July 2011 show that Eastman failed to comply with certain effluent limitations contained in the 2004 NPDES Permit. A list of the effluent violations is attached hereto and incorporated by reference as Appendix A.

H. As required by the compliance schedule referenced in Paragraph E above, Eastman submitted to the Department a Storm Water Pollution Prevention Plan ("SWPPP") in September 2005. The SWPPP includes a general description of each outfall area, the current control structures in place at the time of the SWPPP, information regarding the discharge quality, and recommendations to reduce constituents in the discharges in order to meet the final effluent limitations contained in the 2004 NPDES Permit.

I. As evidenced by its DMRs, the best management practices implemented by Eastman, as described in the SWPPP, have not been sufficient in reducing polluting substances in the storm water discharges to the level of the 2004 NPDES Permit final effluent limitations.

J. Eastman's failure to comply with the effluent limitations contained in the 2004 NPDES Permit, as described in Paragraph G, above, constitutes violations of the 2004 NPDES Permit and Section 301 of the Clean Streams Law, 35 P.S. § 691.301; constitutes statutory nuisances under Section 3 and Section 307 (c) of the Clean Streams Law, 35 P.S. §§ 691.3 and 691.307 (c); constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. §691.611; and subjects Eastman to civil penalty liability under Section 605 of the Clean Streams Law, 35 P.S. §691.605.

K. On July 2, 2009, Eastman submitted a revised NPDES Storm Water Outfall Filter Evaluation and Work Plan to evaluate the effectiveness of filter media installed at certain storm water outfalls and to evaluate the contribution of pollutants to the storm water discharges from roof drains ("Storm Water Filter Evaluation Work Plan"). The Storm Water Filter Evaluation Work Plan is attached hereto and incorporated by reference as Appendix B. Eastman has installed all of the filters described in the Storm Water Filter Evaluation Work Plan.

L. On October 29, 2009, the Department issued an amendment ("A1") to NPDES Permit No. PA0000507 to Eastman authorizing the discharge of treated process water, groundwater, storm water, and non-contact cooling water into waters of the Commonwealth from Outfall 026 ("2009 NPDES Permit Amendment").

M. On December 1, 2009, Eastman appealed to the Pennsylvania Environmental Hearing Board various terms and conditions, including but not limited to, effluent limitations for total dissolved solids and sulfates at Outfall 026, contained in the 2009 NPDES Permit

Amendment. The appealed terms and conditions are unrelated to the storm water issues described in Paragraphs C through K, above. The appeal is docketed at EHB Docket No. 2009-155-R ("Appeal").

After full and complete negotiation of all matters set forth in this Consent Order and Agreement and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by Eastman as follows:

1. Authority. This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to Sections 5, 316, 402 and 610 of the Clean Streams Law, 35 P.S. §§ 691.5, 691.316, 691.402 and 691.610; and Section 1917-A of the Administrative Code, 71 P.S. § 510-17.

2. Findings.

a. Eastman agrees that the findings in Paragraphs A through M, above, are true and correct and, in any matter or proceeding involving Eastman and the Department, Eastman shall not challenge the accuracy or validity of these findings.

b. The parties do not authorize any other persons to use the information or findings in this Consent Order and Agreement in any matter or proceeding.

3. Diligent Prosecution. This Consent Order and Agreement represents the Department's exercise of its enforcement and prosecutorial discretion related to the matters described herein, including Eastman's compliance with the 2004 NPDES Permit and the 2009 NPDES Permit Amendment as well as Eastman's future compliance with the terms and conditions of this Consent Order and Agreement, pursuant to the Department's authority under

the federal Clean Water Act, the Pennsylvania Clean Streams Law, and the rules and regulations promulgated thereunder.

Corrective Actions Related To Stormwater.

4. Eastman shall implement the Storm Water Filter Evaluation Work Plan according to the following schedule:

a. Commencing upon the execution of this Consent Order and Agreement and continuing for a period of one year, Eastman shall conduct monthly testing of the influent and effluent of the installed filter units at Outfalls 004, 005, 008, 011, 013, 017, 020, and 23 for flow, aluminum, nitrate-nitrite, toluene, xylene, styrene, total suspended solids, and zinc if the 2004 NPDES Permit identifies an effluent limit for that parameter at the Outfall.

b. Commencing upon the execution of this Consent Order and Agreement and continuing for a period of one year, Eastman shall conduct monthly testing of roof drain discharge from the C-5 and Hydro roof for flow, total suspended solids, and zinc.

c. The storm water sampling required by Paragraphs 4.a. and 4.b. above shall be conducted in accordance with Part C, Condition 6.E. of the 2004 NPDES Permit provided however that the results of all testing shall be provided to the Department with the quarterly reports described in Paragraph 8 herein. These reports will contain information available at the time of submission to the Department.

d. Based upon the data collected, Eastman may submit a written request to the Department to modify the Storm Water Filter Evaluation Work Plan during implementation. The Department, in its sole discretion, shall approve or disapprove the requested modification and such approval shall not be unreasonably withheld. If the Departments fails to approve the

requested modification in writing within sixty (60) days from submission, the requested modification is disapproved.

5. Within thirty (30) days of completion of the one-year testing period described in the Storm Water Filter Evaluation Work Plan, Eastman shall submit a written report to the Department for its review and approval containing the findings of the Storm Water Filter Evaluation Work Plan ("Storm Water Filter Evaluation Work Plan Report"). The Storm Water Filter Evaluation Work Plan Report shall describe all in-place controls and the effectiveness of each in achieving compliance with effluent limitations, any proposed source controls and end-of-pipe treatment technologies to be employed, an evaluation of the C-5 and Hydro roof water as a source of contaminants in storm water, and a plan and schedule to achieve compliance at all outfalls not consistently meeting the effluent limitations contained in the 2004 NPDES Permit that may include evaluation of changes to those effluent limitations. After submission and review of the Storm Water Filter Evaluation Work Plan Report, if requested by Eastman, the Department agrees to review Eastman's proposal as contained in the Report and, as appropriate, may revise Paragraph 7 herein to reduce or eliminate the stipulated penalties described therein. The Department will base its evaluation on all of the data and information presented to it at that time. Nothing in this Consent Order and Agreement shall preclude establishment of different effluent limitations in any renewed NPDES Permit or Permit Amendment.

2009 NPDES Permit Amendment.

6. a. By executing this Consent Order and Agreement, the Department agrees not to enforce the effluent limitations for Total Dissolved Solids ("TDS") and sulfates which are set forth in the 2009 NPDES Permit Amendment, therefore effectively staying the limitations during the period that the 2009 NPDES Permit Amendment remains in effect. Eastman shall

"monitor and report" for TDS and sulfates at the frequency reflected in the 2009 NPDES Permit Amendment during the period that the 2009 NPDES Permit Amendment remains in effect.

b. If Eastman has consistently reported "non-detect" results in the effluent from the waste water treatment plant for any of the parameters that were subject to the Appeal for a period of at least one-year, then the Department agrees to consider, in accordance with applicable federal regulation, lengthening the monitoring frequencies for those parameters at that time.

c. Should the Department determine that the monitoring frequencies referenced in the preceding paragraph may be lengthened in compliance with applicable law and regulation, then the Department will either: (1) agree not to enforce the monitoring frequencies currently reflected in the 2009 NPDES Permit Amendment, or (2) amend this Consent Order and Agreement to include appropriate monitoring frequencies for those parameters.

7. The Parties agree that all other provisions of the 2004 NPDES Permit and 2009 NPDES Permit Amendment, which were subject to the Appeal and which are not addressed herein, shall remain as set forth in the 2004 NPDES Permit and 2009 NPDES Permit Amendment.

8. Progress Reports. Eastman shall submit quarterly progress reports to the Department documenting its efforts to comply with its obligations of this Consent Order and Agreement ("Progress Report"). The Progress Reports shall be submitted to the Department by the twenty-eighth day of January, April, July, and October and sent to the attention of Compliance Specialist, Water Management, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. The Progress Reports shall include, but are not limited to:

a. A description of any additional actions that have been taken toward achieving compliance with this Consent Order and Agreement, the 2004 NPDES Permit or the 2009 NPDES Permit Amendment;

b. The results of testing required pursuant to this Consent Order and Agreement;

c. A description of problems or delays encountered or anticipated regarding performance of the activities required by this Consent Order and Agreement.

9. Civil Penalty Settlement. Eastman shall pay a civil penalty of ninety-five thousand dollars ($95,000) in settlement of the Department's claim for civil penalties for the violations described in Paragraph J above, through July 2011. The civil penalty shall be paid within fourteen (14) days of receipt of an executed copy of this Consent Order and Agreement. Payment shall be made by corporate check or the like made payable to the "Commonwealth of Pennsylvania, Clean Water Fund" and sent to the attention of Compliance Specialist, Water Management, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

10. Stipulated Penalties.

a. Eastman shall pay a civil penalty for each exceedance of an effluent limitation set forth in the 2004 NPDES Permit for limitations that are addressed in the Storm Water Filter Evaluation Work Plan as described in Paragraph 4.a. herein in the amount of TWO HUNDRED AND FIFTY DOLLARS ($250) for each violation of an instantaneous maximum or minimum limitation beginning with the month following execution of this Consent Order and Agreement and continuing during the term of this Consent Order and Agreement.

b. In the event Eastman fails to comply in a timely manner with any term or provision of this Consent Order and Agreement, Eastman shall be in violation of this Consent Order and Agreement and, in addition to other applicable remedies, shall pay a civil penalty of TWO HUNDRED FIFTY DOLLARS ($250) PER DAY for each violation.

c. Stipulated civil penalty payments shall be payable monthly on or before the twenty-eighth day of each succeeding month. All payments shall be made by corporate check or the like made payable to the "Commonwealth of Pennsylvania, Clean Water Fund" and sent to the attention of Compliance Specialist, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh 15222-4745.

d. Any payment under this paragraph shall neither waive Eastman's duty to meet its obligations under this Consent Order and Agreement nor preclude the Department from commencing an action to compel Eastman's compliance with the terms and conditions of this Consent Order and Agreement. The payment resolves only Eastman's liability for civil penalties, arising from the violation of this Consent Order and Agreement for which the payment is made.

e. Stipulated civil penalties shall be due automatically and without notice.

11. Withdrawal of Appeal. Promptly following execution of this Consent Order and Agreement and any applicable public notice period, provided no objection is received by the Department, Eastman shall withdraw the Appeal from the Pennsylvania Environmental Hearing Board without prejudice.

12. Additional Remedies.

a. In the event Eastman fails to comply with any provision of this Consent Order and Agreement, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action to

enforce this Consent Order and Agreement. The payment of a stipulated penalty, however, shall preclude any further assessment of civil penalties for the violations for which the stipulated civil penalty is paid.

b. The remedies provided by this paragraph are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy.

13. Reservation of Rights. The Department reserves the right to require additional measures to achieve compliance with applicable law. Eastman reserves the right to challenge any action that the Department may take to require those measures.

14. Liability of Operator. Eastman shall be liable for any violations of the Consent Order and Agreement, including those caused by, contributed to, or allowed by its officers, agents, employees, or contractors. Eastman also shall be liable for any violation of this Consent Order and Agreement caused by, contributed to, or allowed by its successors and assigns.

15. Transfer of Site.

a. The duties and obligations under this Consent Order and Agreement shall not be modified, diminished, terminated or otherwise altered by the transfer of any legal or equitable interest in the Facility or any part thereof.

b. If Eastman intends to transfer any legal or equitable interest in the Facility that is affected by this Consent Order and Agreement, Eastman shall serve a copy of this Consent Order and Agreement upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Southwest Regional Office of the Department, in writing, of such intent.

16. Correspondence with Department. All correspondence with the Department concerning this Consent Order and Agreement shall be addressed to:

Compliance Specialist
Water Management
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222-4745.
Phone: 412-442-4000 Fax: 412-442-4194

17. Correspondence with Eastman. All correspondence with Eastman concerning this Consent Order and Agreement shall be addressed to:

Janice Kane
Eastman Chemical Company
State Highway 837
P.O. Box 567
West Elizabeth, PA 15088-0567
Phone: 412-384- 2520 Ext. 2243 Fax: 412-384-7311

Eastman shall notify the Department whenever there is a change in the contact person's name, title, or address. Service of any notice or any legal process for any purpose under this Consent Order and Agreement, including its enforcement, may be made by mailing a copy by first class mail to the above addresses.

18. Force Majeure.

a. In the event that Eastman is prevented from complying in a timely manner with any time limit imposed in this Consent Order and Agreement solely because of a strike, fire, flood, act of God, or other circumstances beyond Eastman's control and which Eastman, by the exercise of all reasonable diligence, is unable to prevent, then Eastman may petition the Department for an extension of time. An increase in the cost of performing the obligations set forth in this Consent Order and Agreement shall not constitute circumstances beyond Eastman's

control. Eastman's economic inability to comply with any of the obligations of this Consent Order and Agreement shall not be grounds for any extension of time.

b. Eastman shall only be entitled to the benefits of this paragraph if it notifies the Department within five (5) working days by telephone and within ten (10) working days in writing of the date it becomes aware or reasonably should have become aware of the event impeding performance. The written submission shall include all necessary documentation, as well as a notarized affidavit from an authorized individual specifying the reasons for the delay, the expected duration of the delay, and the efforts that have been made and are being made by Eastman to mitigate the effects of the event and to minimize the length of the delay. The initial written submission may be supplemented within 10 working days of its submission. Eastman's failure to comply with the requirements of this paragraph specifically and in a timely fashion shall render this paragraph null and of no effect as to the particular incident involved.

c. The Department will decide whether to grant all or part of the extension requested on the basis of all documentation submitted by Eastman and other information available to the Department. In any subsequent litigation, the operator shall have the burden of proving that the Department's refusal to grant the requested extension was an abuse of discretion based upon the information then available to it.

19. Severability. The paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

20. Entire Agreement. This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior

drafts shall be relevant or admissible for purposes of determining the meaning or extent of any provisions herein in any litigation or any other proceeding.

21. Attorney Fees. The parties shall bear their respective attorney fees, expenses and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.

22. Modifications. No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by the parties hereto.

23. Titles. A title used at the beginning of any paragraph of this Consent Order and Agreement may be used to aid in the construction of that paragraph, but shall not be treated as controlling.

24. Decisions under Consent Order. Any decision which the Department makes under the provisions of this Consent Order and Agreement, including a notice that stipulated civil penalties are due, is intended to be neither a final action under 25 Pa. Code §1021.2, nor an Adjudication under 2 Pa. C.S. §101. Any objection that Eastman may have to the decision will be preserved until the Department enforces this Consent Order and Agreement.

25. Termination of Obligations. This Consent Order and Agreement shall terminate upon the effective date of renewal of the 2004 NPDES Permit.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of Eastman certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of Eastman; that Eastman consents to the entry of this Consent Order and Agreement as a final ORDER of the

Department; and that Eastman hereby knowingly waives its rights to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by Eastman's attorney certifies only that the agreement has been signed after consulting with counsel.

FOR EASTMAN CHEMICAL RESINS, INC.:

Name: RONALD D LERARIO
President or Vice President

Name: Micheline Johnson, Secretary
Secretary or Treasurer

Name: Steven Addlestone
Attorney for Eastman Chemical Resins, Inc.

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:

Samuel C. Harper
Regional Manager
Water Management
Southwest Region

James A. Meade
Assistant Counsel

APPENDIX A
Effluent Violation Summary

APPENDIX B

NPDES Storm Water Outfall Filter Evaluation and Work Plan

APPENDIX A

Effluent Violation Summary

Date	Outfall	Parameter	Reported Value (mg/L)	Permit limit (mg/L)
1/1/08 - 3/31/08	002	Zinc	0.25	0.117
		Aluminum	1.24	0.75
	004	Zinc	0.12	0.117
		Aluminum	2.07	0.75
	005	Zinc	0.12	0.117
		Aluminum	3.05	0.75
	008	Zinc	0.12	0.117
	009	Aluminum	0.93	0.75
	011	Aluminum	3.77	0.75
		Zinc	0.12	0.117
		Xylene	2.12	0.033
	013	Aluminum	7.22	0.75
		Zinc	0.47	0.117
	014B	Zinc	0.17	0.117
	016	Aluminum	3.58	0.75
	017	Aluminum	1.39	0.75
	019	Aluminum	2.84	0.75
	020	Aluminum	26.4	0.75
		Nitrate/Nitrite	1.72	0.68

		Zinc	0.22	0.117
	023A	Aluminum	1.93	0.75
		Nitrate/Nitrite	2.64	0.68
		Toluene	0.531	0.033
		Zinc	0.16	0.117
4/1/08 - 6/30/08	004	Zinc	0.14	0.117
	005	Zinc	0.15	0.117
		Aluminum	0.85	0.75
	008	Xylene	0.115	0.033
	013	Zinc	1.21	0.117
	020	Nitrate/Nitrite	1.1	0.68
	024	Nitrate/Nitrite	1.46	0.68
	023A	Nitrate/Nitrite	3.58	0.68
		Toluene	1.77	0.033
7/1/08 - 9/30/08	011	Nitrate/Nitrite	1.3	0.68
	013	Zinc	0.27	0.117
	020	Nitrate/Nitrite	1.25	0.68
		Aluminum	4.28	0.75
	024	Nitrate/Nitrite	1.22	0.68
	023A	Nitrate/Nitrite	5.93	0.68
10/1/08 - 12/31/08	002	Zinc	0.63	0.117
		Aluminum	2.65	0.75
		Xylene	0.046	0.033
	004	Zinc	0.34	0.117
		Aluminum	0.92	0.75

	005	Aluminum	1.04	0.75
	008	Aluminum	0.87	0.75
	011	Nitrate/Nitrite	1.04	0.68
		Zinc	0.38	0.117
		Aluminum	3.01	0.75
	013	Zinc	0.81	0.117
	015	Nitrate/Nitrite	2.52	0.68
	017	Aluminum	1.13	0.75
	019	Aluminum	7.13	0.75
	020	Aluminum	2.53	0.75
	024	Zinc	0.7	0.117
		Aluminum	1.18	0.75
	014B	Zinc	0.97	0.117
	023A	Nitrate/Nitrite	3.98	0.68
		Aluminum	2.21	0.75
1/1/09 - 3/31/09	002	Zinc	0.6	0.117
		Aluminum	2.43	0.75
	004	Zinc	0.19	0.117
	005	Aluminum	1.38	0.75
	008	Aluminum	1.8	0.75
		Xylene	1.23	0.033
	011	Nitrate/Nitrite	1.66	0.68
		Aluminum	1.09	0.75
	013	Zinc	0.88	0.117
	015	Nitrate/Nitrite	4.31	0.68

		Zinc	0.14	0.117
		Aluminum	2.23	0.75
	017	Aluminum	4.11	0.75
	020	Nitrate/Nitrite	4.21	0.68
		Aluminum	2.87	0.75
	024	Zinc	1.57	0.117
		Aluminum	3.32	0.75
	014B	Zinc	0.92	0.117
	023A	Nitrate/Nitrite	2.14	0.68
		Zinc	0.21	0.117
		Aluminum	3.7	0.75
		Toluene	0.083	0.033
	023B	Nitrate/Nitrite	4.34	0.68
		Zinc	0.28	0.117
		Aluminum	10.1	0.75
4/1/09-6/30/09	002	Xylene	0.035	0.033
	004	Zinc	0.147	0.117
	005	Zinc	0.118	0.117
		Aluminum	1.48	0.75
	008	Aluminum	2	0.75
		Xylene	0.227	0.033
	011	Nitrate/Nitrite	1.2	0.68
	013	Zinc	0.876	0.117
	015	Aluminum	2.23	0.75
	017	Aluminum	2.81	0.75

	020	Nitrate/Nitrite	1.3	0.68
		Aluminum	1.71	0.75
	024	Nitrate/Nitrite	1.1	0.68
		Zinc	0.842	0.117
	14B	Aluminum	0.76	0.75
	023	Nitrate/Nitrite	1.7	0.68
7/1/09 – 9/30/09	004	Zinc	0.23	0.117
	008	Aluminum	1.57	0.75
	011	Nitrate/Nitrite	0.82	0.68
		Zinc	0.15	0.117
		Aluminum	1.18	0.75
	013	Zinc	0.74	0.117
	015	Nitrate/Nitrite	1.34	0.68
		Zinc	0.28	0.117
		Aluminum	8.08	0.75
	016	Zinc	0.12	0.117
		Aluminum	16	0.75
	017	Aluminum	7.54	0.75
	019	Aluminum	0.77	0.75
	020	Nitrate/Nitrite	1.37	0.68
	024	Zinc	0.36	0.117
		Aluminum	1.46	0.75
	14B	Zinc	0.53	0.117
		Aluminum	0.77	0.75
	023	Nitrate/Nitrite	0.9	0.68

		Aluminum	2.2	0.75
10/1/09 – 12/31/09	005	Aluminum	1.01	0.75
	008	Aluminum	1.47	0.75
	011	Nitrate/Nitrite	0.8	0.68
		Aluminum	0.98	0.75
	013	Zinc	0.52	0.117
	14B	Zinc	0.97	0.117
		Aluminum	2.61	0.75
	017	Aluminum	1.07	0.75
	019	Aluminum	1.92	0.75
	020	Nitrate/Nitrite	2.33	0.68
	024			
		Zinc	0.16	0.117
	023A	Nitrate/Nitrite	2.49	0.68
		Toluene	0.072	0.033
1/1/10 – 3/31/10	002	Zinc	0.23	0.117
		Xylene	0.048	0.033
	004	Zinc	0.16	0.117
		Aluminum	2.1	0.75
	005	Zinc	0.22	0.117
		Aluminum	4.53	0.75
	008	Aluminum	1.78	0.75
		Xylene	0.06	0.033
	009	Zinc	0.12	0.117
		Aluminum	1.37	0.75

	013	Zinc	0.51	0.117
	017	Aluminum	6.83	0.75
	020	Aluminum	1.08	0.75
	024	Zinc	1.06	0.117
		Aluminum	5.55	0.75
	214	Zinc	0.18	0.117
		Aluminum	4	0.75
	023A	Nitrate/Nitrite	1.33	0.68
		Toluene	0.095	0.033
4/1/10 – 6/30/10	002	Aluminum	0.86	0.75
		Xylene	0.035	0.033
		Zinc	0.18	0.117
	004	Aluminum	52.1	0.75
		Zinc	1.41	0.117
	005	Aluminum	1.69	0.75
		Zinc	0.16	0.117
	008	Aluminum	1.44	0.75
	009	Aluminum	0.81	0.75
	011	Nitrate/Nitrite	1.21	0.68
	013	Aluminum	1.4	0.75
		Zinc	1.06	0.117
	014C (014)			
		Zinc	0.45	0.117
	017	Aluminum	2.84	0.75
	019	Aluminum	2.38	0.75

	020	Nitrate/Nitrite	1.3	0.68
	023A (123)	Aluminum	0.88	0.75
		Nitrate/Nitrite	1.47	0.68
		Toluene	0.088	0.033
	023B (023)	Aluminum	2.31	0.75
		Nitrate/Nitrite	2.31	0.68
	024	Aluminum	1.5	0.75
		Zinc	0.34	0.117
7/1/10 – 9/30/10	002	Aluminum	1.45	0.75
		Styrene	2.86	0.016
		Xylene	0.055	0.033
		Zinc	0.29	0.117
	004	Aluminum	8.05	0.75
		Zinc	0.16	0.117
	005	Aluminum	1.03	0.75
	008	Aluminum	0.98	0.75
	009	Aluminum	4.9	0.75
	011	Aluminum	2.9	0.75
		Zinc	0.55	0.117
	013	Aluminum	1.64	0.75
		Zinc	0.77	0.117
	014B (214)	Zinc	0.64	0.117
	016	Aluminum	1.61	0.75
	017	Aluminum	2.61	0.75

	019	Aluminum	8.04	0.75
	020	Aluminum	2.8	0.75
		Nitrate/Nitrite	3.97	0.68
	023A	Toluene	0.25	0.033
	(123)	Zinc	0.12	0.117
	023B	Aluminum	4.32	0.75
	(023)	Nitrate/Nitrite	2.71	0.68
		Zinc	0.13	0.117
	024	Aluminum	1.92	0.75
		Zinc	0.29	0.117
10/1/10 –	002	Zinc	0.19	0.117
12/31/10	004	Aluminum	0.792	0.75
		Zinc	0.14	0.117
	005	Aluminum	3.79	0.75
		Zinc	0.13	0.117
	008	Aluminum	1.06	0.75
		Xylene	0.166	0.033
	011	Aluminum	2.07	0.75
		Nitrate/Nitrite	0.71	0.68
		Zinc	0.19	0.117
	013	Zinc	0.52	0.117
	014B	Aluminum	1.32	0.75
	(214)	Zinc	0.48	0.117
	017	Aluminum	21.3	0.75
	020	Nitrate/Nitrite	1.63	0.68

	023A (123)	Aluminum	3.44	0.75
		Nitrate/Nitrite	1.56	0.68
		Zinc	0.13	0.117
	023B (023)	Nitrate/Nitrite	0.84	0.68
		Toluene	0.159	0.033
	024	Aluminum	8.77	0.75
		Zinc	0.62	0.117
1/1/11 – 3/31/11	002	Aluminum	1.49	0.75
		Styrene	0.045	0.016
		Xylene	0.069	0.033
		Zinc	0.23	0.117
	004	Aluminum	0.866	0.75
	005	Aluminum	5.37	0.75
		Zinc	0.16	0.117
	008	Aluminum	1.25	0.75
		Xylene	0.053	0.033
	011	Aluminum	1.48	0.75
	013	Aluminum	1.54	0.75
		Zinc	0.37	0.117
	014B (214)	Aluminum	2.46	0.75
		Zinc	0.76	0.117
	016	Aluminum	0.916	0.75
	017	Aluminum	2.38	0.75
	020	Aluminum	1.45	0.75
		Nitrate/Nitrite	1.32	0.68

	023A (123)	Nitrate/Nitrite	1.02	0.68
		Toluene	0.0363	0.033
	023B (023)	Aluminum	1.11	0.75
		Nitrate/Nitrite	0.72	0.68
		Toluene	3.31	0.033
	024	Aluminum	0.956	0.75
		Zinc	0.47	0.117
4/1/11 – 6/30/11	002	Aluminum	1.59	0.75
		Zinc	0.21	0.117
	008	Aluminum	1.31	0.75
	011	Aluminum	2.26	0.75
	017	Aluminum	0.817	0.75
	020	Aluminum	1.41	0.75
	023A (123)	Nitrate/Nitrite	1.4	0.68
		Toluene	0.349	0.033
	023B (023)	Nitrate/Nitrite	2.1	0.68
		Toluene	2.42	0.033

NPDES STORMWATER OUTFALL FILTER EVALUATION AND WORKPLAN EASTMAN CHEMICAL RESINS, INC. NPDES PERMIT NUMBER PA0000507

EASTMAN CHEMICAL RESINS, INC.
WEST ELIZABETH, PA

April 6, 2009
(revised August 10, 2011)

APPENDIX

NPDES STORMWATER OUTFALL FILTER EVALUATION AND WORKPLAN EASTMAN CHEMICAL RESINS, INC. NPDES PERMIT NUMBER PA0000507

1 INTRODUCTION

Eastman Chemical Resins, Inc. (Eastman) has been asked by the Pennsylvania Department of Environmental Protection (PADEP) to draft a work plan and performance study for a select number of the stormwater outfalls at the Jefferson Site located in West Elizabeth, Pennsylvania. Eastman's storm water and industrial discharges are permitted by the NPDES Permit Number PA0000507 issued September 29, 2004.

Since the 4th quarter 2008, Eastman has exceeded permit limitations on some outfalls for aluminum, zinc and other parameters. Eastman currently has installed filtering media on eight of its outfalls (Outfalls 013, 020, 023, 004, 005, 008, 011 and 017) in an attempt to prevent permit exceedances. Outfall selection was determined based on historical performance and location in the facility.

This work plan includes a description of the installed filtering media, proposed testing summary, proposed analytical methods and summary, and a reporting and performance study summary.

2 FILTER MEDIA SUMMARY

The filtering media currently installed is the TRITON Model #TR36RD filter assembly produced by Revel Environmental Manufacturing (REM) Inc. Eastman selected this filtering media because it meets Best Available Technology (BAT) for use in Stormwater Best Management Practices (BMP). Design diagrams of the TRITON filter are contained in Appendix A.

As storm water enters the catch basin, the unit's large trough area captures sedimentation and debris. The flow is then directed through several stages of filtration consisting of Bioflex media (REM's particulate prescreen material), expanded perlite, activated carbon, and C.I.Agent (CIAgent Solution's hydrocarbon filtration material) prior to the water being discharged to the outlet.

During periods of heavy flow, which exceed the filter flow-through capacity, the filter allows the excess to flow over the inside edge of the filter tract and spill into the center of the catch basin. Appendix B contains flow charts provided by REM, which include a bypass flow chart and flow matrix information. The charts indicate that for Eastman's filter media 664 gallons/minute flow is the maximum flow at which the filters can remove contaminants, and

9,526 gallons/minute is the maximum flow rate the filtering media can handle before it overflows.

Eastman will institute the following Best Management Practices for the Filtering Media:

- Filters will be inspected on a quarterly basis or after major storm events that could disrupt operation of the filtering media.
- Filters will be inspected for sedimentation build-up in the outer trough area.
    - If build-up is noted, Eastman will clean out the sedimentation.
- Filtering media will be replaced twice per year as per the manufacturer's recommendations.

With the above Best Management Practices Eastman does not anticipate to ever bypass the filtering media.

3 TESTING SUMMARY

In addition to the regular quarterly storm water testing and monthly Outfall 001 testing required by Eastman's NPDES Permit, the following will be performed for one year:

- Monthly testing on the inlet and outlet of each installed and operating filter unit
    - Monthly testing will be dependent on there being a significant rain event.
    - Inlet samples will be taken prior to the storm water flowing into the first filtering unit.
    - Outfall samples will be taken at the discharge of the storm water following both filters.
    - Testing will be performed for Aluminum, Nitrate-Nitrite, Toluene, Xylene, Styrene, Zinc, and Total Suspended Solids (TSS) if the 2004 NPDES Permit identifies an effluent limit for that parameter at the Outfall.
    - Flow measurement will be taken during the sampling.
        - Flow rates will be determined utilizing a liter container and determining how many seconds it takes to fill the liter container
        - This liter/second will be converted to a gallon per minute value
    - Temperature, pH and color observations will also be performed for each sample.

- Monthly testing of roof drains from the C-5 roof and Hydro roof
    - Monthly testing will be dependent on there being a significant rain event.
    - Testing will be performed for Zinc and TSS.
    - Un-filtered samples will be taken at the roofs prior to discharging to the Outfalls.
    - Flow measurement will be taken during the sampling.
        - Flow rates will be determined utilizing a liter container and determining how many seconds it takes to fill the liter container
        - This liter/second will be converted to a gallon per minute value

- Temperature, pH, and color observations will also be performed for each sample.

4 ANALYTICAL METHODS AND SUMMARY

Monthly analytical work for aluminum, zinc and TSS will be performed in-house using a HACH Spectrophotometer Model number DR 2800. Regular quarterly analytical work will continue to be sent to a 3rd party laboratory.

The following is a brief description of the calibration procedures analytical methods that will be utilized and levels of detection:

- Calibration Procedures
  - An analysis of DI water will be utilized as a blank prior to each storm water analysis on the HACH instrument
  - Blanks will be prepared in the manner as samples
  - Three known standards will be run on the HACH instrument as a calibration check
    - Calibration will be performed on a monthly basis unless no drift is determined after three monthly calibrations. In that event, calibrations will be performed quarterly
    - Calibrations will be performed for each aluminum, zinc and TSS

- Aluminum Procedure
  - Will utilize Aluminon Method 8012 for the detection range of 0.008 to 0.800 mg/L
    - Method adapted from *Standard Methods for Examination of Water and Wastewater*
    - If analysis is out of range, dilution factor will be used for determination

- Zinc Procedure
  - Will utilize Zincon Method 8009 for the detection range of 0.01 to 3.00 mg/L
    - Method Adapted from *Standard Methods for the Examination of Water and Wastewater*
    - USEPA approved wastewater analyses as quantified in the Federal Register, 45(105) 36166 (May 29, 1980)
    - If analysis is out of range, dilution factor will be used for determination

- Total Suspended Solids (TSS) Procedure
  - Will utilize Photometric Method 8006 for the detection range of 5 to 750 mg/L
    - Method was adapted from *Sewage and Industrial Wastes,* 31, 1159 (1959)

Analytical methods that will be utilized for the aluminum, zinc and TSS analyses are contained in Appendix C. In the event that analyses consistently fall outside of the detection range Eastman will change test methods, if available, to those more appropriate to the detection level.

5 RECORDKEEPING AND REPORTING SUMMARY

Eastman will maintain the following records for submittal to the PADEP on a quarterly basis and for one year.

- Reporting will begin upon agreement and signing of the Consent Order and Agreement
- Reports will be due on the 28th day of each quarter (January 28, April 28, July 28, October 28)
- Results will be recorded in a spreadsheet for each filter or roof drain tested
- Filter efficiencies will be calculated for each event
- Graphs of results will performed on an on-going basis
- Correlations will be developed, if appropriate, for
    - TSS and aluminum or zinc
    - Flow and aluminum, zinc or TSS

At the conclusion of the one year timeframe, Eastman will review the data for effectiveness of the filtering media. If it is determined that the filtering media is ineffective, Eastman will work with PADEP to effectuate a solution in accordance with the provisions of Paragraph 5 of the Consent Order and Agreement.

6 CONCLUSION

Eastman Chemical Resins, Inc. (Eastman) has prepared this draft a work plan and performance study for a select number of the storm water outfalls for review and approval of the PADEP. Eastman's storm water and industrial discharges are permitted by the NPDES Permit Number PA0000507 issued September 29, 2004.

This 1-year plan outlines the testing, analytical analyses, recordkeeping and reporting that will occur for the filtering media currently installed on eight of its outfalls (Outfalls 004, 005, 008, 011, 013, 017, 020 and 023).

GOVERNOR'S OFFICE OF GENERAL COUNSEL

September 13, 2011

Southwest Regional Counsel

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Stacia A. Christman, Esq.
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Steven I. Addlestone, Esquire
Legal Department
Eastman Chemical Company
P.O. Box 511
Kingsport, TN 37662-5075

Re: *Eastman Chemical Resins, Inc. v. Commonwealth of Pennsylvania, Department of Environmental Protection*
EHB Docket No. 2009-155-R

Dear Stacia and Steve:

Enclosed is a copy of the fully executed Consent Order and Agreement for the above-referenced matter. Thank you for your courtesy and cooperation in amicably resolving this matter. If you have any questions or concerns, please call.

Sincerely,

James A. Meade
Assistant Counsel

Enclosure

c: Kevin Halloran (w/enc.)
Kareen Milcic (w/enc.)

APPENDIX D

CONSENT DECREE DEADLINES

United States, et al. v. EastmanChemical Resins, Inc., et al.

CD Paragraph	Deliverable	Deadline	Due Date [To Be Completed by Defendant upon Triggering Event]
Deadlines for [DESRIBE PHASE OF WORK]			
X	Defendant to choose and secure approval of EMS Consultant.	Pre-entry	
X	Defendant to XXX	X Days of Effective Date	
X	Defendant to XXX	X Days of Effective Date / or X Days of EPA Approval	
[DESCRIBE PHASE OF WORK]			
X			

APPENDIX E

Appendix E – Facility CWA Work List

Issue Identified	Required Actions to be Taken by Synthomer	Actions Taken by Synthomer	Date Required Actions Completed by Synthomer
From the NPDES Inspection Report of Eastman dated March, 2018, (APPENDIX J.1), The Rosins Tank Area has residue on the piping and it is not contained. This area drains to Outfall 002 (inspection report photos 1MAG0215 – 0218 and 1MAG0222 – 0224). CS Process Poly Oil Depentanizer Column has industrial material on the ground, outside of the perimeter curb (inspection report photos lMAG0248 and 0249).	Remove all industrial material that has been leaked or spilled at the Rosins Tank Area; the Water White Unit next to the Reclaim Storage; and the C-5 Process - Resin Kettles outside Tank 8.		
From the NPDES Inspection Report of Eastman dated August, 2018 (APPENDIX J.2), The concrete floor jeopardizes the integrity of the secondary containment for Tank 4 battery (inspection report photo IMAG0331);	Seal the cracks in the concrete floor of the secondary containment area for Tank 4.		

Release of industrial material occurred due to the presence of a sheen on the liquid in Tank 4 battery (inspection report photos IMAG0334 and 0335).			
From the NPDES Inspection Report of Eastman dated August, 2018 (APPENDIX J.2),: Industrial material released inside the containment pad outside Tanks 26 and 27. Apparent cracks in the concrete surface inside the containment area jeopardize containment integrity (inspection report photos IMAG0293 through 298.	Remove all industrial material that has been leaked or spilled in the Tanks 26 and 27 area and repair the cracks in floor of the secondary containment.		
From the NPDES Inspection Report of Eastman dated August, 2018 (APPENDIX J.2), Industrial material seen emanating from apparatus located adjacent to RK-6 Tank and outside of the secondary containment (inspection report photo IMAG0282);	Remove all industrial material that has been leaked or spilled in the RK-6 Tank area. Enhance secondary containment to encompass apparatus shown in inspection report photo IMAG0282.		
From the NPDES Inspection	Remove all industrial		

Report of Eastman dated August, 2018 (APPENDIX J.2), Industrial material at the Drumming area and the WW LTC area on Plant Road 2 migrated past the containment area since a portion of the contoured surface appears to be flush with the surrounding curbing. (inspection report photos IMAG0275 through 0279).	material that has been leaked or spilled in the Drumming area and the WW LTC area.		
Eastman provided inspection reports in response to Question 30 of the EPA's IRL. The inspection reports provided by Eastman indicate on-going maintenance deficiencies and are presented in SPCC Inspections and are summarized as follows: Daily Inspection reports of the "Boiler House Area" provided by Eastman in response to the IRL identified alkalinity leaking from the Boiler House Area on 02-05-2017; 03-19-2017; 03-26-2017; 04-09-2017; 04-16-2017; 04-23-2017; 09-24-2017 (Refer to APPENDIX I.2 – BOILER	Remove all industrial material that has been leaked or spilled and repair the alkalinity leak at the Boiler House Area.		

HOUSE AREA).			
From the NPDES Inspection Report of Eastman dated August, 2018 (APPENDIX J.2), Industrial material on the ground at the Funda Cake transfer station in the C-5 area (inspection report photos IMAG0288 through IMAG0290); Industrial material on the ground at the Funda Cake storage bins and the Funda Cake transfer station in the MP Poly area (inspection report photos IMAG0307 and 0309);	Remove all industrial material that has been leaked or spilled at the MP Poly, Funda Cake transfer station areas.		
From the NPDES Inspection Report of Eastman dated August, 2018 (APPENDIX J.2), Industrial material on the outside of walls, on the ground and on pipes in the Emulsion Unit area (inspection report photos IMAG0311 through 0315, 0317 through 0319, and 0324).	Remove all industrial material that has been leaked or spilled in the Emulsion Unit area.		

APPENDIX F

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DEC 12 2018

BY ELECTRONIC MAIL AND OVERNIGHT MAIL

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RE: Jefferson Site Facility, 2200 State Route 837, West Elizabeth, Pennsylvania

Ms. Christman and Mr. Mullner,

Enclosed is the multimedia inspection report which is an aggregate of the observations and reports by the RCRA, CWA, SPCC, CAA and multimedia staff and inspectors that conducted the August 14-16, 2018 EPA inspection of the aforementioned facility.

Please feel free to contact Charles Schadel, programmatic team lead regarding this report at (215) 814-5761 or schadel.chuck@epa.gov with any questions. Legal questions should be directed to Douglas Frankenthaler, Assistant Regional Counsel at (215) 814 2472 or frankenthaler.douglas@epa.gov.

Very truly yours,

Samantha Phillips Beers, Esq.
Director, Office of Enforcement, Compliance and Environmental Justice

Enclosures

Cc: Kevin Halloran, PADEP, SW Region Assistant Regional Director

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
MULTI-MEDIA
COMPLIANCE INSPECTION REPORT
Main Narrative for
Eastman Chemical Resins, Inc.
2200 PA State Route 837
West Elizabeth, PA 15088

Inspection Dates: August 14-16, 2018

EPA Lead Inspector Chuck Schadel 12/12/18
Chuck Schadel Date

Director, OECEJ Paul H. Arnold 12/12/18
Samantha Phillips Beers Date

Participants of the inspection include, but are not limited to:

Name	Title/Affiliation	Telephone
EPA/State/County personnel:		
Chuck Schadel	Inspector/Enforcement Officer – U.S. EPA Region III National Pollutant Discharge Elimination System Enforcement Branch (NPDES)	(215) 814-5761
Arlin Galarza-Hernandez	Inspector/SPCC-FRP Coordinator – U.S. EPA Region III Oil & Prevention Branch (Oil) Spill Prevention, Control and Countermeasures Plan	(215) 814-3223
Eric Greenwood	Inspector/Enforcement Officer – U.S. EPA Region III Resource Conservation and Recovery Act Waste Branch (RCRA)	(215)-814-2057
Paul Arnold	Inspector/Environmental Engineer – U.S. EPA Region III Air Enforcement and Compliance Assistance Branch (Air)	(215) 814 -2194
Justin Young	Sampling Team Lead/Physical Scientist – U.S. EPA Region III Office of Enforcement, Compliance and Environmental Justice (OECEJ)	(410) 305 - 3029
Gabrielle Buda	Sampling Team/ Life Scientist– U.S. EPA Region III (OECEJ)	(215) 814 -2135
Keila Pagan-Incle	Sampling Team/ Physical Scientist – U.S. EPA Region III (OECEJ)	(215) 814 -2926
Kevin Halloran	Assistant Regional Director - PADEP Southwest Region	(412) 442-4156
Mathew Cwiklik	Solid Waste Specialist - PADEP Southwest Region	(412) 442-4173
Gary Fischman	Inspector - Allegheny County Health Department	(412) 578-8141

Facility Representatives:		
Fred Mullner, P.E	HSES Manager – Eastman Chemical Resins, Inc.	412-384-2520 x2209
Steven Blaine	Environmental Coordinator – Eastman Chemical Resins, Inc.	412-384-2520 x2201
Janice Kane	Senior Environmental Coordinator – Eastman Chemical Resins, Inc.	412-384-2520 x2243
Stacia Christman	Senior Counsel – Eastman Chemical Resins, Inc.	423-229-4067

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Introduction

On August 14th, 15th, and 16th, 2018, the United States Environmental Protection Agency, Region III (EPA), conducted an unannounced inspection of Eastman Chemical Resins, Inc. (Eastman or ECR), Jefferson Facility (Facility) located in West Elizabeth, PA. This multimedia inspection report is an aggregate of the observations and reports by the NPDES, RCRA, Air, SPCC and OECEJ multimedia staff and inspectors present during the August 14-16, 2018 inspection. The individual reports are available upon request.

Eastman manufactures hydrocarbon resins and dispersions which are used primarily in hot melt adhesives, rubber and plastic compounding, coatings, sealants, and plastic modification from raw materials including but not limited to piperylene, isobutylene, styrene and alpha-methyl styrene. The resins are sold to other manufacturing companies, which further process the resins to create a variety of other products.

Statutes and Sampling Covered in the Inspection:

Screening Sampling & Analysis
Clean Air Act (CAA)
Resource Conservation and Recovery Act, Subsection C (RCRA)
Clean Water Act (CWA)
National Pollutant Discharge Elimination System (NPDES), Industrial Stormwater
Spill Prevention, Control and Countermeasures Plan (SPCC) and Facility Response Plan (FRP).

Facility Regulatory Status:

NPDES Permits

NPDES Permit No:	PA0000507 / APPENDIX – A (NPDES PERMIT)
NPDES Permit Effective Date:	September 29, 2004
NPDES Permit Expiration Date:	October 31, 2009 (Administratively Extended). Eastman's NPDES permit application was under review by PADEP at the time of inspection.

AIR Permits

AIR Permit Numbers & Permit Effective Dates:	APPENDIX – B (AIR PERMITS) 0058-I017, issued- 7/22/10 0058-I011c - issue 8/19/04, amended 6/27/17 0058-I008b - issue- 11/14/01, amended 5/3/17 0058-I018, issue- 5/9/11 0058-I021, issued-12/09/16
Permit Information:	NOTE: [The Facility has applied for a Title V air permit and is currently operating under a Judicial Consent Decree, stemming from a 2011 Clean Air Act civil penalty settlement agreement.]

SPCC - Program Information

FRS#/ OIL DATABASE ID:	R3-PA-01008
TOTAL FACILITY CAPACITY:	4.1 million gallons
ACTIVITY ID NO:	SPCC-PA-2018-00026

RCRA - Program Information

Eastman reports as a Large Quantity Generator (LQG) pursuant to the RCRA-C regulations and does not have a RCRA Part B permit.

Weather and Precipitation:

Day one of the inspection had rainfall with a high of 77 degrees Fahrenheit. Days two and three of the inspection were partly sunny but overcast at times, with a high temperature of 83 and 81 degrees °F, respectively. Precipitation on day three occurred outside of the hours of inspection. National Oceanic and Atmospheric Administration (NOAA) National Climatic Data Center precipitation data (Pittsburgh Allegheny Co Airport) for the week of the inspection are provided in the table below.

Station Name		Precipitation Amount (inches)[1]		Date	Precipitation Amount (inches)[2]
Pittsburgh, PA	8/13/2018	0.40	Pittsburgh, PA	8/16/2018	0.49
Pittsburgh, PA	8/14/2018	0.68	Pittsburgh, PA	8/17/2018	0.33
Pittsburgh, PA	8/15/2018	0.00			

Background of the Facility

Based on information provided by Eastman Chemical Resins, Inc. (Eastman), the following is a description of the facility's operations and characteristics of Eastman's - Jefferson Facility (Facility). This Facility is one of forty global manufacturing facilities operated by Eastman, a publicly traded (NYSE: EMN) specialty chemicals manufacturer, headquartered in Kingsport, TN.

This Facility is located at 2200 PA Route 837 in West Elizabeth, Pennsylvania. The Facility manufactures hydrocarbon resins, intermediates, and co-products from various petroleum streams and chemical monomers. The Jefferson plant has been in operation since about 1953, but Eastman took ownership, from Hercules, in 2001.

The Facility consists of numerous manufacturing, storage and office buildings on approximately 56 acres of land, surrounded by a chain-link fence with controlled gated entrances, manned by 24-hour security personnel. The facility is bordered on the southwest, northwest, and northeast by paved roadway, bisected by PA Route 837, and bounded by the Monongahela River to the southeast. A rail line bisects the facility, running from the southwest to northeast corner. The property has three main regions: The Upper and Lower Plants, which are divided by railroad tracks, and the Tank Farm, which is separated from the other two areas to the northwest by State Route 837. The Tank Farm, comprised of eight feedstock tanks ranging in volume from 500,000 to 1.5 million gallons, is surrounded by its own chain link fence, and is accessible via a Transportation Worker Identification Credential (TWIC) card-operated gate. The Lower Plant is bounded by the Monongahela River, while the western edge of the Upper Plant's portion of the property is bounded by State Route 837.

[1] Source: NOAA National Climatic Data Center (http://www.ncdc.noaa.gov/).
[2] Source: NOAA National Climatic Data Center (http://www.ncdc.noaa.gov/).

Currently, there are approximately 250 full-time employees, as well as Clean Harbors contractors. Production occurs in five separate units and this Facility operates two onsite laboratories, one for Research and Development (R&D) and one for Quality Control (QC). The property also contains Sanyo Chemical & Resins, Inc. (Sanyo), a separate adhesive ink manufacturing company, with its own RCRA ID No. (PAR000502864).

Although independent of Eastman, Sanyo contracts Eastman employees to run production, as well as Mr. Blaine, who manages their hazardous waste handling activities. Mr. Blaine's Environmental Coordinator responsibilities include waste, water, and the Facility's above-ground storage tank (AST) program.

The manufacturing processes at ECR are organized as a group of product-specific operating units, which function relatively independent of each other. These five groups are C5, Water White, MP Poly, Emulsion, and Hydro, and are described below.

C5 Unit – manufactures C5 Resins, or aliphatic hydrocarbon resins, which are used in the production of pressure sensitive adhesives tapes and labels, hot melt adhesives for nonwoven product assembly, modified wax compounds, hot melt road marking compounds, rubber compounding, and paint and coatings applications. The raw materials, piperylene, isobutylene, alpha methyl styrene (AMS), styrene, or toluene, are combined with a catalyst (aluminum chloride) and mixed in a reactor. The mixture is then sent to a tank, called a "soaker", for a formula-dependent, predetermined curing period. At the conclusion of the curing period, the material is sent to a neutralizer, where ammonia is added. From the neutralizer, the material is then filtered through a press, which generates what the Facility has determined to be a non-hazardous residual waste that is placed in a 20-yard roll-off container. The remaining product solution is then processed further to recover resins and separate toluene from heavy oils. The toluene is returned to process, and the heavy oils (J-Sol 5) are collected in Tanks 501 and 502 before they are sold to oil refiners. Some of the molten resin product is steam-heated in storage tanks until packaged for shipping, while some is sent to a pastillator unit. The pastillator generates resin droplets that, after curing, form pellet-like pieces, which are then packaged in sacks as a finished product. Emissions from the pastillator are controlled by a baghouse for particulate matter (PM) emissions and a fume filter demister for volatile organic compound (VOC) emissions.

Water White – raw material and solvents (styrene, AMS) are combined, then sent to a tank where a catalyst (boron trifluoride, or BF_3) is added. This material is then neutralized using lime and filtered through a press. The residual filter cake waste is deposited into roll-off dumpsters and sent offsite as non-hazardous waste. The remaining product material is transferred to a storage tank until it is sent to the hydro unit (Hydro) or the limited thermal contact unit (LTC) for completion. These latter processes utilize different catalysts for the formation of two different products, with the LTC product considered a refinement of the Water White and Hydro processes' output. LTC removes the heavy oils from the product in a single-stage flash separator and combines them with the J-Sol heavy oils.

Hydro – the hydro unit receives material from the Water White process, introduces a nickel catalyst, then adds hydrogen to form a hydrogenated pure monomer resin product.

MP Poly – the MP Poly unit process is similar to that of Water White, including using the same catalysts, with the difference being that MP Poly produced material only goes to the LTC finishing process, not Hydro.

Emulsion – this polymerization process takes resins, or rosins, and inverts them from an oil-based to a water-based material through the use of surfactants and a high sheer mixer. The end result is a water-based resin liquid.

The Facility has five natural gas fired boilers. Four are rated at 18.6 MMBtu (two installed in both 2012 and 2013) and one is rated at 38 MMBtu (installed in 1985). The boilers are subject to 40 CFR Part 63, Subpart DDDDD (5D). The Facility submitted initial notifications and all have had initial and annual tune-ups.

According to a Facility representative, there is an active Leak Detection and Repair (LDAR) program in place, which is administered in accordance with the national emission standards for hazardous air pollutants (NESHAP) for the miscellaneous organic chemical (MON) manufacturing industry. Until June of 2018, the LDAR program was managed by Ms. Iliana Kratochvil, one of the Facility's Environmental Coordinators, but after her resignation, the responsibility has been assumed by Ms. Kane, until a replacement for Ms. Kratochvil is hired. The LDAR monitoring is performed by a contractor, BLOC Environmental Solutions.

Information provided by Eastman indicates that the only water involved in the process that discharges to the Monongahela River is in the form of boiler blowdown or non-contact cooling water. According to an Eastman representative, contact process water is sent to the Eastman Chemical Wastewater Pretreatment System (Pretreatment Plant). Stormwater on the site drains to either an NPDES Outfall or is routed to the Pretreatment Plant. Water treated at the Pretreatment Plant is sent to the West Elizabeth Sanitary Authority treatment works.

According to Eastman representatives, there are currently a total of 23 outfalls. There are 16 outfalls that discharge industrial stormwater and/or wastewater from the plant. A list of Outfall descriptions is included in the 'Outfall Table" (APPENDIX - C). An unnamed tributary (UNT) which is considered Waters of the U.S./Commonwealth, enters the site in the northwest of the facility, between the Tank 151/Outfall 019 area and Outfall 020. The "Upper Plant" (between State Highway 837 and the railroad tracks) surface drainage flows to the UNT. A "goose neck" baffle was installed in the railroad culvert at Jorgy's Pond in order to retain floating material at that point. The UNT continues through the plant east of the railroad tracks before it enters the Monongahela River.

Inspection Introduction

The EPA inspectors, with the exception of Mr. Arnold, arrived at the visitor entrance of the Facility at 9:40 AM with the inspectors from PADEP, and were greeted by the Facility's front office staff. The EPA inspectors presented their credentials to the Facility receptionist, and requested to speak with Mr. Steven Blaine, Eastman's Environmental Coordinator responsible for hazardous waste management, and other available Environmental Managers. The team was shown to a conference room and presented their credentials to Mr. Blaine, Ms. Janice Kane, P.E., Eastman's Environmental Coordinator responsible for Air regulations, and Mr. Fred Mullner, P.E., the Facility's HSES Manager. Mr. Schadel, as the inspection coordinator, initiated and facilitated the in-brief, with each program discussing the purpose and scope of their inspection.

Mr. Schadel of EPA explained to Eastman staff that NPDES and RCRA efforts would be focused on specific areas of the facility in order to gain additional information to augment the August 2017 RCRA inspection and the March 2018 NPDES inspection. The specific areas included, but were not limited to: the area behind the "Drum Storage" building on Plant Road 2; the C-5 area including the "Funda Cake transfer location"; the drainage area for Outfall 004; Battery 20 Dike; Tank 27; Tank 265; the emulsion area; Jorgy's pond; V8 Fire pond; and the Sanyo area.

During the RCRA portion of the brief, Mr. Blaine stated that in September of 2017, immediately following the August 30-31, 2017 RCRA Compliance Evaluation Inspection (CEI), the Facility removed Tank 265 from service.

Mr. Schadel explained that a sampling team, led by Mr. Justin Young, would conduct sampling at an estimated eight locations throughout the Facility. Mr. Schadel explained that the other members of the Sampling Team were Gabrielle Buda and Keila Pagan-Incle, and would arrive Wednesday or possibly later in the day on Tuesday. Mr. Schadel also explained that Mr. Young would perform reconnaissance for sampling while accompanying Mr. Greenwood and Mr. Schadel through the Facility on Tuesday. NOTE: [Table 1 of the Combined Project Plan was drafted in the pre-planning phase for the multimedia inspection in conjunction with input from the Regional laboratory. Based on reconnaissance of the Facility during the first day of the multimedia inspection, changes were made to the scope of sampling work. Therefore, Table 1 no longer reflects exactly on the sample numbers, description of sample type and media, containers, preservatives and analytical methods].

Mr. Schadel explained that Ms. Arlin Galarza-Hernandez and Mr. Paul Arnold (Mr. Arnold arrived at approximately 2:00 PM on August 14, 2018) planned to review records during Tuesday and Wednesday while the rest of the team toured the facility. Mr. Arnold was joined by Mr. Gary Fischman, of the Allegheny County Health Department (ACHD). Mr. Arnold informed the Eastman representatives that EPA intended to conduct an on-site Clean Air Act (CAA) compliance evaluation to determine the Facility's compliance status with local, state and federal air compliance regulations. Kevin Halloran and Mathew Cwiklik from PADEP accompanied Mr. Schadel on the tour through on Tuesday. In this report Mr. Arnold and Ms. Galarza-Hernandez are referred to as the "Records Team" and Mr. Schadel, Mr. Greenwood, and Mr. Young are referred to as the "Facility Team."

A closing discussion with Ms. Stacia Christman, Mr. Fred Mullner, Ms. Janice Kane, and Mr. Stephen Blaine, Mr. Doug Frankenthaler, Counsel for EPA (via telephone) and the EPA inspection team was held at the conclusion of the inspection each day. The EPA inspection team discussed preliminary observations and inspection photographs. The inspection team also informed Eastman representatives that information which they claim as Confidential Business Information (CBI) would be labeled as CBI and managed in accordance with EPA's CBI Policy.

Screening Sampling & Analysis
OASQA Project Number CT8510

Sampling Team Lead: Justin Young

Executive Summary:

On 15 August 2018, the U.S. EPA Region III, Office of Enforcement, Compliance, and Environmental Justice (OECEJ) provided scientific field sampling support to a compliance inspection conducted by enforcement officers of the Water Protection Division (WPD) and Land and Chemicals Division (LCD) at Eastman Chemicals and Resins Inc. (Facility). The purpose of the sampling was to screen the Facility's stormwater drainage network to include onsite ponds.

OECEJ wrote a Combined Project Plan (ATTACHMENT – 1.a and 1.b) which included sampling & analysis, quality assurance, and health & safety) which was reviewed and accepted by both OECEJ's Quality Assurance team, WPD and LCD. OECEJ mobilized three OECEJ's staff members (Sampling Team) on 14 August 2018. The OECEJ Sampling Team met with the multi-media inspection team on the morning of 14 August 2018 and proceeded to the Facility. OECEJ Sampling Team participated in a walk-through of the Facility. After consultation with the WPD and LCD enforcement officers, OECEJ Sampling Team began investigatory sampling of the following locations on 15 August 2018:

Table 1

Sample number	Location	Date / Time	Media	Quantity
1	Old Route 837 (Unnamed Tributary) *	15AUG18 / 0937	Stream water	x1 8 oz. jar (Metals)
2	Jorge's Pond Inflow	15AUG18 / 1036	Sediment	x3 8 oz. jar (Metals, VOC, SVOC)
3	Jorge's Pond Outflow	15AUG18 / 1043	Sediment	x3 8 oz. jar (Metals, VOC, SVOC)
4	V8 Fire Pond inflow (north)	15AUG18 / 1143	Sediment	x3 8 oz. jar (Metals, VOC, SVOC)
5	V8 Fire Pond middle (west)	15AUG18 / 1159	Sediment	x3 8 oz. jar (Metals, VOC, SVOC)
6	V8 Fire Pond outflow (south)	15AUG18 / 1217	Sediment	x3 8 oz. jar (Metals, VOC, SVOC)
7	V8 Fire Pond middle (east)	15AUG18 / 1303	Sediment	x3 8 oz. jar (Metals, VOC, SVOC)

8	Outfall 004 Pond inflow (north)	15AUG18 / 1543	Sediment	x3 8 oz. jar (Metals, VOC, SVOC)
9	Outfall 004 Pond outflow (south)	15AUG18 / 1555	Sediment	x3 8 oz. jar (Metals, VOC, SVOC)
10	Outfall 13	15AUG18 / 1725	Sediment	x3 8 oz. jar (Metals, VOC, SVOC)

** Sample 1 was only sampled for total metals.*

Samples were transported by Justin Young, member of the OECEJ Sampling Team via government vehicle (GSA vehicle), to the EPA Region III laboratory at Fort Meade, Maryland on 16 August 2018. Custody was relinquished to EPA's Office of Analytical Services & Quality Assurance (OASQA) on 16 August 2018. OASQA then conducted multiple analysis on the water and sediment samples to include SW 6010B (ICP), SW8270D, SW5030/8260. Table 2, 3, and 4 below provides a summary of the RCRA total metals results (Mercury was not run as part of the total metals analysis), volatile organics, and semi volatile organics respectively. Concentrations that were not detected above the method reporting limit are indicated with U in tables. For complete detailed laboratory analytical results refer to ATTACHMENTS – 1.c and 1.d.

Table 2: Summary of metals results in ug/L

Sample	Lead (Pb)	Arsenic (As)	Barium (Ba)	Chromium (Cr)	Cadmium (Cd)	Silver (Ag)	Selenium (Se)
1	U	U	U	17.0	U	U	U
2	U	U	199	78.6	0.5	U	U
3	54.4	U	153	62	1.2	U	U
4	568	U	3720	737	36.9	U	U
5	403	U	2870	475	U	U	U
6	U	U	U	209	U	U	U
7	U	U	1850	252	U	U	U
8	30.5	U	115	43.2	1.4	U	U
9	39.3	U	143	47.8	2.1	U	U
10	28.7	U	162	80	0.5	U	U

Table 3: Summary of VOC results in ug/kg

Sample	Sec-Butylbenzene	Tert-Butylbenzene	n-Butylbenzene	Ethylbenzene	Isopropyl benzene
2	U	U	U	U	U
3	34600	11200	23000	66300	68200
4	U	U	U	1540	78600
5	U	U	U	302	13400
6	U	U	U	885	37200
7	U	U	U	4470	676000
8	U	U	U	U	U
9	U	U	U	U	U
10	U	U	U	U	U

Sample	Styrene	Naphthalene	n-propyl benzene	1,2,4 - Trimethylbenzene	1,3,5 - Trimethylbenzene	o-xylene
2	U	U	U	U	U	U
3	U	58200	192000	620000	341000	15000
4	1390	U	U	U	U	U
5	2160	U	U	U	U	U
6	2940	U	U	U	U	U
7	8370	U	U	U	U	U
8	U	U	U	U	U	U
9	U	U	U	U	U	U
10	U	U	U	U	U	U

Table 4: Summary of SVOC results in ug/kg

Sample	Acetophenone	Bis(2-ethylhexyl)phthalate	Benzo(a)anthracene
2		1640	1400
3	267000	U	U
4	5390	U	U
5	667	U	U
6	1110	U	U
7	3410	U	U
8	U	8190	U
9	U	U	U
10	U	U	864

Sample	Benzo(a)pyrene	Benzo(b)fluoranthene	Benzo(k)fluoranthene
2	1480	1550	1500
3	U	U	U
4	U	U	U
5	U	U	U
6	U	U	U
7	U	U	U
8	U	U	U
9	U	U	U
10	797	1240	1170

Sample	Benzo(ghi)perylene	Chrysene	Fluoranthene
2	U	1760	2010
3	U	U	U
4	U	U	U
5	U	U	U
6	U	U	U
7	U	U	U
8	U	U	U
9	U	U	U
10	341	1030	1450

Sample	Indeno(1,2,3-cd)pyrene	Naphthalene	Phenanthrene
2	U	2030	2080
3	U	410000	U
4	U	U	U
5	U	U	U
6	U	U	U
7	U	U	U
8	U	U	U
9	U	U	U
10	464	U	356

Sample	Pyrene	2-Methylnaphthalene	Fluorene
2	2260	U	U
3	U	U	U
4	U	468	U
5	U	U	U
6	U	U	176
7	U	U	U
8	U	U	U
9	U	U	U
10	1570	U	U

Health and Safety:

OECEJ Sampling Team conducted a safety briefing before beginning sampling activities. All members of the inspection team were briefed on the Health and Safety Plan. Personal protective equipment consisted of a modified Level D, with steel-toed boots, protective eye glasses, and nitrile gloves. Samplers discarded gloves after each sample was collected and donned new gloves.

Sampling Techniques:

OECEJ Sampling Team followed the sampling techniques described in the Combined Project Plan. Samples were collected directly or used an expandable sampling pole connected to an 8 oz. pre-cleaned glass jar. As part of the sampling event, the OECEJ Sampling Team took photographs of the sample locations. These photographs are attached at the end of this report.

Field QC measures Field Blanks:
Field blanks were collected to ensure no artificial field or lab contamination.

Temperature blank:

Per OASQA sample submission guidelines, a temperature blank of deionized water was included with the sample cooler.

Sample handling and Chain of Custody:

After collecting each sample, jars were promptly closed. The jars were tagged, custody sealed, photographed, and placed in plastic bags and then placed in a cooler with ice. The samples were kept at or below 6°C, per OASQA sample submission guidelines. The samples remained in the physical possession of an Justin Young until transported to EPA Region III laboratory.

Split Samples:

The Facility representatives requested split samples. The Facility did not have sample bottles available to them at the start of the sampling event, so the OECEJ Sampling Team provided the Facility with the same precleaned sample bottles used to collect the EPA samples. The Facility provided their own sample bottles for split sample starting with sample #4.

Receipt for Samples:

OECEJ scientists provided a Receipt for Samples, number EC 1802, to Facility representative Mr. Frederick Mullner upon completion of the sampling.

Analysis:

SW 6010B (ICP) except mercury
SW8270D Semi-volatiles
SW5030/8260 Volatile organic compounds

Photo 1: Unnamed Tributary sample #1 location

Photo 2: Overview of Sample #1 bottles

Photo 3: Sample #2 location

Photo 4: Sample #2 bottles

Photo 5: Sample #3 location

Photo 6: Sample #3 bottles

Photo 7: Sample #4 location

Photo 8: Sample #4 bottles

Photo 9: Sample #5 location

Photo 10: Sample #5 bottles

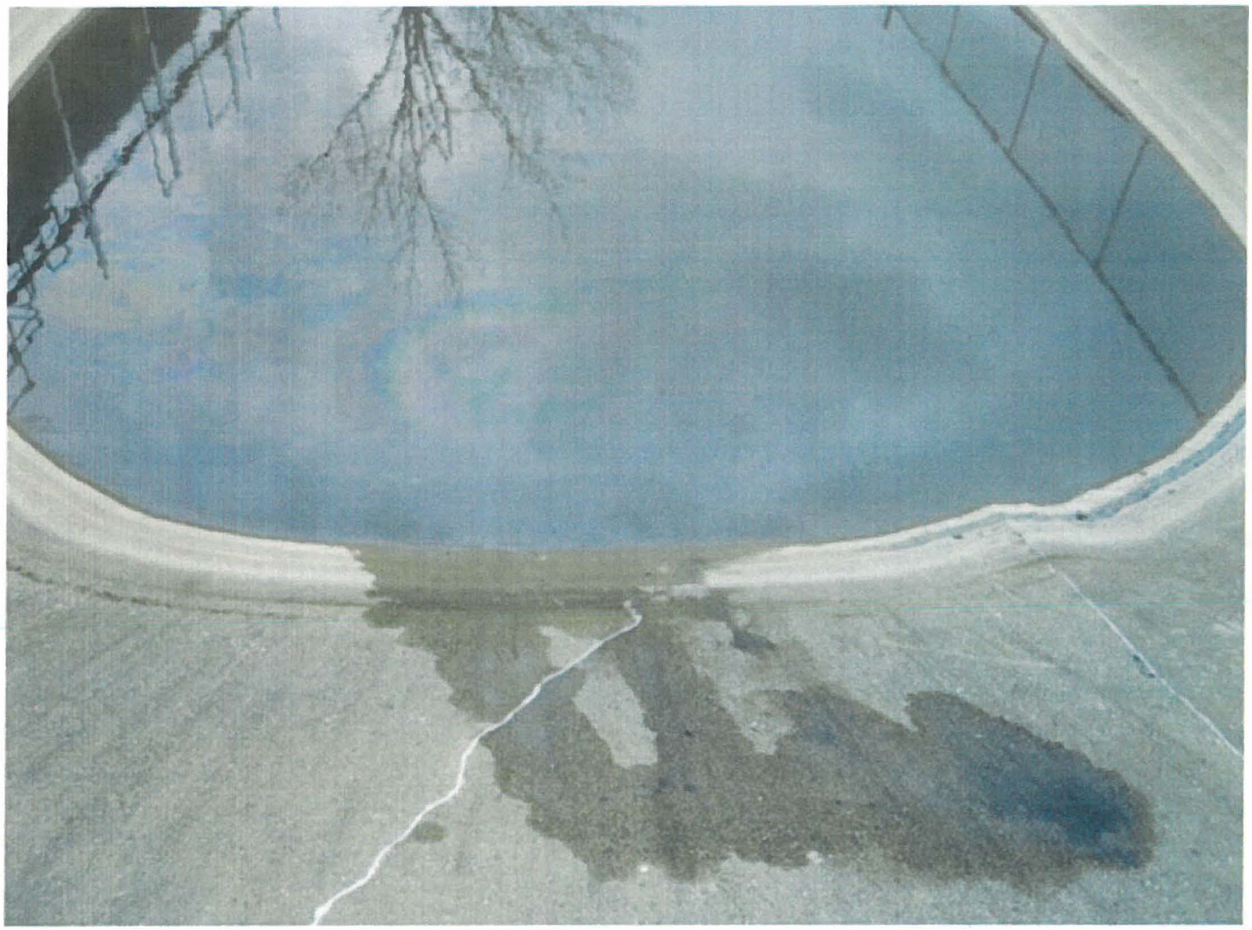

Photo 11: Sample #6 location

Photo 12: Sample #6 bottles

Photo 13: Sample #7 location and bottles

Photo 14: Sample #8 location and bottles

Photo 15: Sample #9 location and bottles

Photo 16: Sample #10 location

Photo 17: Sample #10 bottles

INSPECTION OBSERVATIONS

Clean Air Act Inspection – Paul Arnold

Mr. Arnold (Air program inspector) arrived at the Eastman Chemical Resins, Incorporated Facility at approximately 2:00 PM on August 14, 2018. EPA met with the Eastman representatives, and Mr. Gary Fischman, of the Allegheny County Health Department (ACHD), to discuss the parameters of the inspection. Mr. Arnold informed the Eastman representatives that EPA intended to conduct an on-site Clean Air Act (CAA) compliance evaluation to determine the Facility's compliance status with local, state and federal air compliance regulations. The CAA compliance evaluation was conducted in coordination with EPA's multi-media compliance evaluation. Eastman has eight process areas, however this inspection focused on the Facility's C-5 Process Area (C-5) air emission sources. EPA indicated that the inspection would involve an opening meeting, a C-5 area walkthrough and a review of any documents provided to EPA during the inspection. EPA informed the Eastman representatives that any information that Eastman claimed as Confidential Business Information (CBI) would be labeled as CBI and would be managed in accordance with EPA's CBI Policy. Eastman did make a CBI claim on all the C-5 process information disclosed, or material collected, during the inspection. At the time of the onsite inspection, Eastman was operating the C-5 air emission sources under ACHD Installation Permits, 0058-I021; 0058-I017; 0058-I018; 0058-I008b and 0058-I011c (APPENDIX – B). At the time of the inspection, the Facility was classified as a major source of air emissions, but ACHD had not issued a Title V Operating Permit.

The Eastman representatives provided EPA a brief history of the Facility as well as a general C-5 process overview. The plant has been in operation since about 1953, but Eastman took ownership, from Hercules, in 2001. The Facility operates 24 hours a day, 365 days a year, with three shifts per day. Eastman is privately owned and employs about 250 people. Eastman representatives stated that the Facility is currently operating at, or near, 100% capacity.

On August 14, 2018, Chuck Schadel, of EPA, identified a WW Poly Truck unloading rack hose that was leaking liquid. At about 3:30 PM, on August 14, 2018, Paul Arnold witnessed and verified the same leaking hose. Eastman officials identified the leaking liquid as styrene from Tank 72. A repair order was created immediately and the leak was repaired before the end of the day. A copy of the work order was provided to EPA (ATTACHMENT - 2). After the walkthrough, EPA returned to the Eastman conference room to review operation records and the activities of the first day. EPA departed the facility about 6:00 PM, but returned the following day, on August 15, 2018 at 8:00 AM to resume the inspection.

On August 15, 2018, after an opening meeting and a detailed discussion about the C-5 process, EPA and ACHD commenced a walkthrough of Process Area C-5. Janice Kane, of Eastman, accompanied EPA and ACHD during the walkthrough. Emissions from the $AlCl_3$ silo are controlled by a wet scrubber. The scrubber has lower operation permit limits of 77 gallons per minute and a pH lower limit of 5.0. The scrubber was observed operating at 89 gallons per minute and a pH of 10.0. VOC and HAP emissions from the reactor tank, soaker tank, filter process and distillation column are all controlled by a thermal oxidizer. The thermal oxidizer has operation permits limits of at least 1,400 ° F and a throughput limit of less than 500 standard cubic feet per minute (scfm). The oxidizer was observed operating at 1,545 ° F and 65 scfm.

The pastillator baghouse and fume filter demister were both observed operating at 9.8 inches and 13.2 inches of water pressure drop, respectively. The baghouse and fume filter demister have no pressure drop operating permit limits.

Records Review

EPA reviewed the Facility's operation records for, the $AlCl_3$ scrubber; the thermal oxidizer; the baghouse; and the fume filter demister – from January 2014 through March 2018 for all control devices previously mentioned. EPA also reviewed the resin production's rolling 12-month average and the rolling 12-month average for hours of operation – from January 2014 through March 2018.

The following tables contain Eastman's reported production and air emissions.

Production Levels (pounds)				
	2017	**2016**	**2015**	**2014**
Resins	681,162,617	607,779,905	589,505,864	656,982,849
NOx	38.4	34.8	32.6	40.9
SOx	0.15	0.14	0.15	0.18
VOC	129.4	125.5	117.6	106.3
PM	10.1	9.8	7.0	9.0
HAPs	29.0	26.8	29.6	20.9

RCRA Inspection – Eric Greenwood

Hazardous and Non-Hazardous Waste Generation: See Section 3 of the August 30-31, 2017 CEI report (APPENDIX - D).

Hazardous Waste Accumulation
During the physical tour of the Facility, the EPA inspectors observed Tank 208, a 25,000-gallon capacity tank utilized by Eastman for the accumulation of hazardous waste. For additional information regarding the Facility's hazardous waste accumulation, see Section 4 of the August 30-31, 2017 CEI report (APPENDIX - D).

Inspection Observations – Day 1, August 14, 2018
The tour of the Facility began at 11:10 AM with the inspectors being accompanied by Mr. Blaine. The focus of observational inspection for Day 1 was the RCRA program. Photographs taken by Mr. Greenwood during the inspection are included in this report. The tour resulted in the following observations:

V8 Fire Pond and Jorgy's Pond
The inspectors first drove to the 837 Tank Farm, across Route 837 from the main portion of the Facility, in order for Mr. Schadel to observe an unnamed tributary of interest to the NPDES program. We then proceeded back to the main portion of the Upper Plant, and parked the vehicles near the Hydro Unit. The Hydro Unit makes a hydrogenated, pure monomer resin product from the material it receives from the Water White Unit. After observing some storm water sumps along the railroad tracks to the southeast of the Hydro Unit, we walked toward the (2) retention ponds of interest – V8 Fire Pond (aka Thermal Poly Fire Pond), and Jorgy's Pond. As we passed along the southeastern edge of the outside of the 160 Battery Containment, Mr. Greenwood observed a dark, shiny area on the ground outside the containment area, southeast of Tank 161. (Photo #1). The stones on the ground in an area approximately 2 feet in diameter were affixed to each other by the material, which had apparently leaked from the overhead piping (Photo #4). The same material had also leaked onto the concrete berm wall of the 160 Battery Containment wall and onto the ground at the wall's base (Photos #2 and #3). We did not observe the material actively dripping from the piping. Mr. Blaine stated that the substance was product from the C5 unit. When the inspectors were returning to the vehicles near the Hydro Unit, an Eastman employee was collecting up the spilled material in a 5-gallon plastic container using a shovel. Mr. Blaine informed us that the collected spill material and coated rocks, etc., were considered non-hazardous, and would be shipped offsite as such. An SDS for the product, (#EAN984404. E3082702 - Piccotac™ 8595 Hydrocarbon Resin), can be viewed under APPENDIX – E.1 (SDS: ECR Product Piccotac™ 8595 Hydrocarbon Resin). During a walk-through of the Facility for the SPCC program's portion of the inspection on August 15, 2018, a new spill of the same material was observed in the same location as observed on the previous day (Photo #25).

The inspectors moved to the V8 Fire Pond (Photo #5). The approximately 65ft x 35ft oval-shaped, manmade pond, consists of a concrete liner with roughly a 6" high freeboard around its top edge. The pond is surrounded by a chain link fence that is topped with barbed wire and is accessible via a padlocked gate. We observed a liquid entering the pond from a standpipe at its northern edge (Photo #6 and Photo #7). Mr. Blaine informed us that the liquid was storm water from along the railroad tracks. The inspectors did not enter the enclosed area on Day 1, as sampling of the pond's contents was to be conducted on Day 2 (August 15, 2018), by the OECEJ Sampling Team.

We proceeded to Jorgy's Pond, approximately 100 feet to the northeast of the V8 Fire Pond, to observe its contents and accessibility for sampling.

LTC Units

We then moved on to the Limited Thermal Contact (LTC) unit area. The LTC units provide a refinement process of the Hydro and Water White units' products by removing heavy oils from the materials in a single-stage flash separator. The inspectors observed spilled material on the concrete floor of the LTC-1 drumming station. The spilled material had a dry absorptive substance on top (Photo #8 and Photo #9). Across from the drumming station, to the southwest, was the Filter Pot Drain Drum Area, where waste resin that is flushed from the production lines between material runs is collected in 55-gallon containers (Photo #10, Photo #11, and Photo #12). This material is in a molten form when exiting the pipes, and is allowed to dry and harden in the open containers. Once the waste has hardened, the containers are staged in an area approximately 50 feet from the collection area, next to the Lario Building, until it is removed from the site as non-hazardous waste. Spent process filters were also observed in the containers with the scrap resin material (Photo #11 and Photo #12). Mr. Mullner explained that the molten scrap resin material has only trace amounts of volatile organic compounds (VOC) before hardening. An SDS for the product (#P3343601 – Plastolyn™ 290LV Hydrocarbon Resin) from which, Mr. Mullner stated, the hardening scrap we observed was generated, can be viewed under APPENDIX E.2 – (SDS: ECR Product Plastolyn™ 290L V Hydrocarbon Resin).

C5 Unit

After breaking at 1:00pm, the inspectors resumed the tour at 3:00pm at Outfall 004, which lies on the Facility's southwest edge, along the Monongahela River, for observation and sampling plans. Next, we moved to the C5 Unit, about 100 yards to the north of Outfall 004. At the C5 Unit we observed a green-tinted liquid leaking from a valve and flowing into a sump (Photo #13). A few feet southwest of that liquid, we saw a brown and white liquid, from an unknown point of origin within the unit, flowing into the same sump (Photo #14). Mr. Blain stated that the liquids in these sumps go to the main API (American Petroleum Institute) oil-water separator, then to the onsite WWTP.

Battery 20 Dike

From the C5 Unit, we proceeded northeast, along 2nd Street, to the Battery 20 Dike, which provides secondary containment for several tanks, including Tank 27, a tank managed by Eastman as a hazardous waste accumulation tank. Tank 27 has a 15,000-gallon capacity and receives alumina dryer draining waste from the MP Poly and Water White processes. This hazardous waste is shipped offsite via tank truck under manifest. Outside the dike, at the filling station on its southeastern wall, we observed a leak on the concrete pad, at the connection of a stainless steel braided hose and a valve (Photo #15 and Photo #16). The inspectors were informed that the leaking liquid was styrene, originating from a tank inside the dike. Facility personnel responded to the call for repair immediately.

As Mr. Greenwood ascended the stairway that leads to the inside of the Battery 20 Dike, a strong chemical smell was noticed, and the metal stairs were covered in a tacky residue. From the top of the staircase, we could see that the floor, piping and ancillary equipment were covered in a sheen that looked like liquid (Photo #17 and Photo #18). The stairs descending into the dike were also covered in tacky residue. The material on the floor, etc., was observed to be a thick, tacky, semi-liquid material, from which a strong chemical smell was emanating.

The residue on the floor was approximately 1/8" to 1/4" in thickness and was spread throughout most of the dike. Mr. Blaine informed us that this material is removed by Clean Harbors using pressure washers and vacuum tank truck, then shipped offsite via a hazardous waste manifest with the hazardous waste codes F003, F005, and D001 (ignitable). Mr. Greenwood also observed a clear liquid flowing through an opening in the dike's western wall, approximately 3 to 4 feet up from the floor. No stains were observed on the wall.

To the southwest of Tank 27, we observed Tank 34 (Photo #19), a 169,000-gallon capacity tank that, according to Mr. Blaine, is used for storing excess industrial wastewater. Mr. Blaine stated that the tank is employed when the Waste Water Treatment Plant (WWTP) is running at capacity and cannot accept any wastewater. When the WWTP becomes available again, the water in Tank 34 is pumped over. The tank was labeled as "Industrial Waste Water", and "JSOL-78 Hydrocarbon Mixture", with an HMIS placard describing the Flammability warning as Level 3, and the Health warning as Level 2.

WWTP Area

The inspectors continued in a westerly direction from Tank 34, toward Tank 265. The inspectors observed that Tank 265 was labeled as "Out of Service", and its manway cover was removed (Photo #20). Adjacent to Tank 265, approximately 40 feet to its northeast, the inspectors noticed Tank 208, which was labeled with the words "hazardous waste" (Photo #21 and Photo #22). An annotated aerial photo of the tank locations can be viewed under APPENDIX- E.3 (Aerial Photo of Tank 27, Tank 208, and Tank 265 Locations). Eastman had not informed the inspectors about Tank 208. When asked about Tank 208, Mr. Blaine stated that Eastman began using it as a hazardous waste tank in December of 2017. The "Out-of-Service Inspection For Change of Service Analysis Report of Findings" report, submitted by CSD Engineers on October 19, 2017, can be viewed under APPENDIX – E.4 (Engineer Inspection and Certification for Tank 208, Dated October 19, 2018). Tags "MPP HAZ HB-0004", "MPP HAZ HB-0005", and "MPP HAZ HB-0006" were seen on ancillary equipment (valves) for Tank 208 (Photo #23 and Photo #24). Tank 208 has a capacity of 25,000 gallons, is included in the Facility's LDAR program, and according to Mr. Blaine, receives waste from the Battery 20 Dike via vacuum tank truck. This concluded the observational portion of the inspection for Day 1.

Inspection Observations – Day 2, August 15, 2018

While Mr. Schadel and the EPA OECEJ sampling team were collecting samples, Mr. Greenwood accompanied Ms. Galarza-Hernandez for the SPCC program's portion of the inspection. The EPA inspectors were joined by Mr. Blaine (Eastman), and by Guy Curran and Sharon Carr, from the PADEP Southwest Region's UST/Water Quality program. The tour resulted in the following observations:

837 Tank Farm/Hydro Area/C5 Area/Battery 20 Dike

We began at 10:10am, at the 837 Tank Farm, then proceeded back to the Hydro Unit area. As we walked toward the V8 Fire Pond, we observed a newly formed area of leaked material on the ground, in the same location (behind the 160 Battery containment), as the previous day (Photo #25). After observing both the V8 Fire Pond and Jorgy's Pond, we moved to the C5 Finishing Area, which contains the 500 Battery of tanks. At the 500 Battery, we observed a 55-gallon container labeled as "hazardous waste" and "C5 Spent Filters & Poly'd Oil", with a start accumulation date of 8/12/18 (Photo #26 and Photo #27). The container also had a HAZMAT label denoting the contents as a class 3 flammable liquid, which is a liquid with a flash point of not more than 60.5°C (141°F), or any material in a liquid phase with a flash point at or above 37.8°C (100°F) that is intentionally heated and offered for transportation or transported at or above its flash point in bulk packaging.

Next, we proceeded to the Battery 20 Dike, where we observed that the material we saw on the floor of the dike the previous day, had not yet been removed. We then moved on to the Emulsion Unit, where Ms. Galarza-Hernandez concluded her physical inspection for the day.

Inspection Observations – Day 3, August 16, 2018

Mr. Greenwood accompanied Ms. Galarza-Hernandez and Mr. Schadel, along with Eastman's Mr. Blaine, to inspect the Emulsion Unit and the Sanyo facility. The tour resulted in the following observations:

Emulsion Unit and Sanyo Facility

We began the tour at 9:30am at the Emulsion Unit, then moved to the Sanyo plant, or SCRI, which lies at the far northeastern corner of the property. Sanyo Chemical & Resins LLC (Sanyo), is a U.S. subsidiary of the publicly-traded Japanese company, Sanyo Chemical Industries, Ltd. Eastman employees perform the manufacturing for this plant, as well as manage the hazardous waste. Mr. Blaine signs the hazardous waste manifests for Sanyo, and submits the biennial reports as well, under Sanyo's RCRA ID No. PAR000502864. We observed a contracted worker from Clean Harbors using a power washer to clean the floor of the Sanyo Dike. With the spray, the worker was moving the water and anything else on the floor, in a northwestern direction, toward the sumps in the dike floor, along its western wall. The floor of the dike along its western edge, had a milky-white liquid accumulating above the metal grate on top, and the same liquid was flowing out of one sump and into another one located in the same area (Photo #28 and #29). The entire sump, with the exception of an area at its eastern side, held a liquid that was green in color. At the eastern side, numerous cracks were observed in the floor of the dike.

We then proceeded approximately 75 feet to the northwest, where, near the loading dock area of the SCRI Aclube building, we saw a 55-gallon container with a funnel attached to the large bung hole, atop a secondary containment platform bin (Photo #30). A hazardous waste label was affixed to the container but could not be observed without rotating the container away from the wall. The Sanyo hazardous waste label indicated that contents were "Aclube Condensate", with the hazardous waste codes D001 and U162 (Photo #31). The container was not marked with an accumulation start date. The Assistant Area Supervisor, Ms. Courtney Greco, joined the inspectors and explained that the container is managed as a satellite accumulation area (SAA). Mr. Greenwood informed Ms. Greco and Mr. Blaine that although the container may be at or near the point of generation (a pipe above the container allows for the waste to move from inside the building, to the container outside against the wall manually), it did not appear to be under the control of the operator. Ms. Greco had new hazardous waste and HAZMAT labels affixed to the container which were visible and facing away from the wall. After Mr. Greenwood inquired about the U162 hazardous waste code, Mr. Blaine told the inspectors that this code was on the labels in error, and should not be there, as the only waste code applicable is D001.

The inspectors then entered the Sanyo SCRI Aclube building (Building 3000), where we observed a 55-gallon container with a large covered funnel attached to its large bung hole (Photo #32). The container was labeled as a HAZMAT class 3 flammable liquid, a hazardous waste, with the description "Aclube Condensate" and hazardous waste codes D001 and U162. The container was marked with a start accumulation date of 8/15/18. As with the container observed outside the building (Photo #30 and Photo #31), Mr. Blaine stated that this container was erroneously marked with the U162 hazardous waste code, and should only be marked with the D001 hazardous waste code.

Mr. Blaine told the inspectors that he asked Ms. Greco to place new hazardous waste labels on these containers and that all future containers of this waste material should not include the U162 hazardous waste code. Mr. Blaine advised us that the aclube portion of the Sanyo plant was in shutdown and the other portion of the plant was temporarily out of service.

This concluded the physical tour portion of the inspection.

Record Review
Record reviews were conducted on the afternoons of August 15th and August 16th.

Tank Inspection Records
Mr. Greenwood requested the daily inspection logs for Tank 265 and Tank 208. Inspection Logs for Tank 27 were reviewed during August 2017 CEI. Tank 208's inspection records were reviewed from the time it began receiving hazardous waste in December 2017 to August 2018. Water White Poly (WWP) operators are responsible for the daily inspections of hazardous waste tanks 208, 200-4, and 27, the latter of which includes inspecting the Battery 20 dike. The information gathered during the inspection is to be manually entered into a database, which the Facility maintains as a record. Printed copies of selected logs between March 26, 2018 and May 12, 2018 can be viewed under APPENDIX - E.5 (Water White Poly Operator Inspection Logs). Tables 1 through 4 below, list the dates and comments made on recurring observations made in these areas, from the selected logs.

Table 1: AREA (WWP) - PI TAG DESCRIPTION (Questions 1 and 4 on Log Sheet)		
Are all dikes and containments FREE from water?/Are all areas FREE of any evidence of a puddle?		
Y/N	Date	Comments
Y	03/26/2018	No comments
Y	03/27/2018	No comments
Y	03/28/2018	No comments
N	03/29/2018	Oily waster in 20, 70, 200 dikes
N	03/30/2018	Oily waster in 20, 70, 200 dikes
N	03/31/2018	Rain water and oily water in dikes 20, 70, and 200
N	04/01/2018	20, 70, and 200 dikes have oily water in them
N	04/02/2018	Oily water in dike
N	04/03/2018	Rain water in 70 dike wall seeping water nw 20 dike
N	04/04/2018	20 dike seeping water nw wall 70 dike half full of water
N	04/05/2018	Nw wall 20 battery dike seeping water
N	04/06/2018	Nw wall 20 battery dike wall seeping water
N	04/07/2018	Nw wall 20 battery dike seeping water
N	04/08/2018	There is water laying in 20 batt./200batt./70 battery dike
Y	04/09/2018	No comments
N	04/10/2018	There is water in dikes.
N	04/11/2018	There is water in dikes.
N	04/12/2018	There is water in the dikes.

Y	04/15/2018	No comments
N	04/16/2018	Water in all dikes
N	04/17/2018	All dikes have water
N	04/18/2018	20 battery west wall seeps water
N	04/19/2018	Oily water in dikes
N	04/20/2018	Oily water in dikes
N	04/21/2018	20 battery nw wall seeps water
N	04/22/2018	Dikes and containments are not free of Water.
N	04/23/2018	Nw wall 20 battery seeping water
N	04/24/2018	Nw wall 20 battery water seeping steam leak
N	04/25/2018	20 battery west wall seeping
N	04/26/2018	20 battery nwest wall seeping water and material/steam leak 204 battery west wall and steam leak/water only
N	04/27/2018	20 battery nwest wall seeping water and material/steam leak 204 battery west wall and steam leak/water only
N	04/28/2018	20 battery nwest wall seeping water and material/steam leak 204 battery west wall and steam leak/water only
N	04/29/2018	There is water in the dikes
N	04/30/2018	There is water in the dikes
Y	05/01/2018	No comments
N	05/02/2018	There is evidence of water in the dikes.
N	05/03/2018	There is water in the dikes.
N	05/09/2018	20 battery dike steam leak, west wall seeps material and water, T-204 steam leak west of T-78 steam leak
N	05/10/2018	20 battery west wall seeping and a steam leak 204 battery steam leak, also steam leak behind T-78
N	05/11/2018	Wall seeping and steam leak T204 leak west of T78 steam leak west of T78 steam leak
N	05/12/2018	Dikes are not free of water.

Table 2: AREA (WWP) - PI TAG DESCRIPTION (Question 2 on Log Sheet)		
Are all tanks, pipes, pumps and valves FREE of leaks?		
Y/N	Date	Comments
N	04/10/2018	Clay slurry pump or line has a leak
N	04/11/2018	Slurry pump or line has a leak
N	04/12/2018	The slurry pump or valve is leaking
N	04/22/2018	Slurry pump or line was leaking. Not sure if it was repaired.
N	04/30/2018	There are signs of leaks
N	05/02/2018	There is evidence of leaks.
N	05/03/2018	There is evidence of leaks.

N	05/12/2018	They are not free of leaks.
The dates between the above listed in this table did not indicate leaks, nor provided comments.		

Table 3: AREA (WWP) - PI TAG DESCRIPTION (Question 6 on Log Sheet)		
Is all piping FREE from cracks (no leaks and no drips)?		
Y/N	Date	Comments
N	04/10/2018	Drain pipe thru West Wall of 20 Battery leaks.
N	05/12/2018	There is a crack in the trench piping on the first floor. Work order is in.
The dates between the above listed in this table did not indicate leaks, nor provided comments.		

Table 4: AREA (WWP) - PI TAG DESCRIPTION (Question 15 on Log Sheet)		
Is the level indicator at Pump 5012-2 located in the northwest corner of the tank 20 battery dike below 20?		
Y/N	Date	Comments
N	04/11/2018	No. It is not below 20.
N	04/12/2018	The level indicator is above 20
N	04/18/2018	No
N	04/21/2018	No
N	04/22/2018	There (sic) level is above 20
N	04/23/2018	No
N	04/24/2018	No
N	04/25/2018	No
N	05/12/2018	The level is above 20. Pumping out manual. Not working in auto.
The dates between the above listed in this table did not indicate levels above 20, nor provided comments.		

Records for the daily inspection of Tank 265 were also requested by Mr. Greenwood. According to Mr. Blaine and Ms. Christman, the Facility's inspection logs, LDAR monitoring, and engineer certification records may no longer be available for Tank 265 since it was no longer in service. In an email from Eastman dated August 23, 2018, the Facility provided documentation which included inspection log sheets similar in format to the ones for the WWP unit, but without listing specific tanks or ancillary equipment. The inspection logs provided were for the dates July 31, 2017 through August 27, 2017, and can be viewed under APPENDIX – E.6 (Wastewater Treatment Plant Inspection Logs-7/31/2017 to 08/27/2017.

LDAR Program and Monitoring

Eastman manages their LDAR program under NESHAP for the miscellaneous organic chemical (MON) manufacturing industry, with the exception of Tank 208, which is managed under the RCRA Subpart BB regulations. During the inspection, Mr. Jeff Mach, Eastman Chemical Company LDAR Coordinator, in Longview, TX, was present via conference call in order to provide assistance to Ms. Kane with Eastman's LDAR information and records. Mr. Mach supplied component data and monitoring records for Tank 208, Tank 27, Tank 200-4, and 104-3 in spreadsheet form. Ms. Kane stated that if the third party contracted monitoring company, Bloc Environmental, detects a leak, not only is it recorded in the Leakdas database, but she is to be notified immediately. Eastman is provided with reports on the monitoring semiannually.

Drawing number JPA-5121-9T-024-09, Piping and Instrumentation Diagram Tanks – 200 Battery C5 Waste Water Tank T-265, dated 08/25/2015 (APPENDIX – E.7 (Tank 265 Drawing Number JPA-5121-9T-024-09)), which was provided with the documents in the August 23, 2018 email from the Facility, shows the designated numbers identifying some of Tank 265's ancillary equipment and connections. A spreadsheet (APPENDIX – E.8 (List of LDAR Equipment Tags for Tank 265)) provided by Eastman in the same email, lists the tag numbers and description of Tank 265's ancillary equipment, and also states that the equipment is considered non-regulated. Another drawing of Tank 265 provided in the email, stemming from Hercules' ownership of the plant, contains on Line 6 - Product Stored: Hydrocarbon Solvent (APPENDIX - E.9 (Hercules-Era Drawings of Tank 265)).

Engineer Certifications for Tanks

Upon request, Mr. Blaine provided copies of in-service inspection reports with certifications for Tank 200-4 – Alumina Dryer Drainings Storage Tank No. 1; Tank 104-3 – Alumina Dryer Drainings Storage Tank No. 2; and Tank 27 – Alumina Dryer Drainings Tank No. 27 (all listed under APPENDIX - E.10 (CDS Engineer Inspection Reports and Certifications dated October 23, 2014)). These inspections were conducted on July 25, 2011 by Carnegie Strategic Design Engineers (CSD) of Pittsburgh, PA, and the certifications signed on October 23, 2014.

The inspection report and certification for Tank 208 (APPENDIX – E.4) were conducted as an out-of-service inspection for a change of service analysis. This inspection was conducted September 27, 2017, and the certification provided on October 19, 2017, by CSD. Engineer inspections and certifications for Tank 265 could not be located by ECR during or subsequent to this inspection.

Closing

Closing meetings were conducted at the conclusion of each day, with the inspectors conveying areas of concern and observations made during the inspection and record review for that day. The closing meeting at the conclusion of the day on August 17th, the inspectors provided a cumulative review, as well as a reconciliation of photographs taken by the EPA inspectors and documents provided by the Eastman. The following is a list of some observations and areas of concern regarding the RCRA hazardous waste inspection that were discussed:

- Material observed on the ground behind the 160 Battery dike wall on the morning of August 15th, after the material had been removed at least once, on the morning of August 14th.
- Scrap resin that was allowed to cure in open containers at the LTC Unit.
- Material observed on the floor of the Battery 20 dike. The source of, and Eastman's management of, this material.

- Eastman's inability to locate and provide copies of the records for Tank 265, including daily inspection logs, LDAR identification and monitoring records, and engineer inspection and certification records.
- 55-gallon container of hazardous waste being managed as a Satellite Accumulation Area outside at the Sanyo plant (container managed by Eastman).

Subsequent Correspondence
On August 23, 2018, Eastman submitted correspondence, in the form of an emailed letter: "1st Post-Multimedia Inspection Response to August 14-16, 2018 U.S. Environmental Protection Agency, Region III Facility Inspection" (APPENDIX – E.11).

All documents submitted in this email, that are not listed as separate attachments in the body of this report, including photographs demonstrating that the Facility had the Battery 20 dike cleaned post-inspection, can be found under. APPENDIX- E.12 (Documents from August 23, 2018 email: a) Photos of the Battery 20 Dike, Post-Cleaning; and b) Documents for Battery 20 Dike Cleaning, Dated August 6-8, 2018.

Photographic Log
Eastman Chemical Resins, Inc. – Jefferson Site - PAD000606285
RCRA C Inspection 08/14/2018 – 08/16/2018

Photograph #	Description	Page
Photograph #1	Stones adhering together, covered in material that leaked from overhead piping, outside the 160 Battery containment, specifically, behind tank 161. Area approximately 2 feet in diameter.	3
Photograph #2	Spilled material on external berm wall of the 160 Battery containment.	4
Photograph #3	Close-up of the spilled material from Photo #2.	5
Photograph #4	Overhead piping from which the leaked material in Photos #1, #2, and #3 originated.	6
Photograph #5	V8 Fire Pond (aka Thermal Poly Fire Pond).	6
Photograph #6	Close-up of pipe discharging into pond from Photo #5.	7
Photograph #7	Close-up of pipe discharging into pond from Photo #5.	7
Photograph #8	Drumming Station at the LTC-1 Unit, with spilled material on the floor, migrating out of the building.	8

Photograph #9	Close-up of spilled material from Photo #7. Spilled material migrating out of the building, onto the facility road.	9
Photograph #10	Unlabeled, open 55-gallon "scrap resin" collection container, in the Filter Pot Drain Drum Area. Container is connected to a ground wire.	9
Photograph #11	(3) open 55-gallon scrap resin containers in the Filter Pot Drain Drum Area. Container in foreground with waste filters. Container back left labeled "Filter Pot Drain", and marked with a start date (SD) of 7-4-18.	10
Photograph #12	Close-up of contents of container in foreground of Photo #11.	10
Photograph #13	Liquid material escaping from a valved pipe end and into the sump, at the C5 Unit.	11
Photograph #14	Liquid material migrating into the same sump in Photo #13, from an unidentified source within the C5 Unit.	12
Photograph #15	Lower Water White Truck Pad, external east side of Battery 20 Dike, liquid actively leaking from a stainless steel braided hose connected to a pipe.	13
Photograph #16	Close-up of actively leaking liquid from Photo #15.	14
Photograph #17	Base of Tank 26 (foreground, right) and Tank 27 (background, right) and floor of Battery 20 Dike with approximately 1/8" to 1/4" thick, sticky, semi-liquid material throughout.	14
Photograph #18	Closer view of the semi-liquid material from Photo #17, at the base of Tank 27.	15
Photograph #19	Close-up of markings on Tank 34, located south of, and adjacent to, the Battery 20 Dike. Tank 34 labeled as "Industrial Wastewater".	15
Photograph #20	Tank 265, labeled with "Out of Service".	16
Photograph #21	Tank 208, labeled as "Hazardous Waste". Directly adjacent to Tank 265, to the northeast, approximately 40 feet away.	17
Photograph #22	Closer view of Tank 208 labeling.	18
Photograph #23	Metal tag "MPP Haz HB-0005" on valve attached to Tank 208. Equipment identification, as part of the Facility's LDAR program.	18
Photograph #24	Metal tag "MPP Haz HB-0006" on valve associated with Tank 208. Equipment identification, as part of the Facility's LDAR program.	19
Photograph #25	Stones covered in material that leaked from overhead piping, outside the 160 Battery containment, specifically, behind tank 161. Same location as Photo #1. Photo #25 taken on the morning or 08/15/2018 (Day 2 of inspection).	19

Photograph #26	(1) closed 55-gallon container labeled as hazardous waste "C5 Spent Filters and Poly'd (sic) Oil", and start date 8/12/18, at the 500 Battery containment.	20
Photograph #27	Close-up of the labeling on the container from Photo #26.	21
Photograph #28	Sump within the Sanyo Dike, along its western wall, overflowing with a milky-white liquid. Liquid was flowing into the lower sump (at right).	21
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Photograph #31	Close-up of labels on container from Photo #30.	24
Photograph #32	Closed 55-gallon container inside Sanyo Building #3000 (Aclube Unit), labeled as hazardous waste "Aclube Condensate", "D001, U162". Start date 8/15/18. Facility manages container as a Satellite Accumulation Area.	24

Photo #1: Stones adhering together, covered in material that leaked from overhead piping, outside the 160 Battery containment, specifically, behind tank 161. Area approximately 2 feet in diameter.

Photo #2: Spilled material on external berm wall of the 160 Battery containment.

Photo #3: Close-up of the spilled material from Photo #2.

Photo #4: Overhead piping from which the leaked material in Photos #1, #2, and #3 originated.

Photo #5: V8 Fire Pond (aka Thermal Poly Fire Pond).

Photo #6: Close-up of pipe discharging into pond from Photo #5.

Photo #7: Close-up of pipe discharging into pond from Photo #5.

Photo #8: Drumming Station at the LTC-1 Unit, with spilled material on the floor, migrating out of the building.

Photo #9: Close-up of spilled material from Photo #7. Spilled material migrating out of the building, onto the facility road.

Photo #10: Unlabeled, open 55-gallon "scrap resin" collection container, in the Filter Pot Drain Drum Area. Container is connected to a ground wire.

Photo #11: (3) open 55-gallon scrap resin containers in the Filter Pot Drain Drum Area. Container in foreground with waste filters. Container back left labeled "Filter Pot Drain", and marked with a start date (SD) of 7-4-18.

Photo #12: Close-up of contents of container in foreground of Photo #11.

Photo #13: Liquid material escaping from a valved pipe end and into the sump, at the C5 Unit.

Photo #14: Liquid material migrating into the same sump in Photo #13, from an unidentified source within the C5 Unit.

Photo #15: Lower Water White Truck Pad, external east side of Battery 20 Dike, liquid actively leaking from a stainless steel braided hose connected to a pipe.

Photo #16: Close-up of actively leaking liquid from Photo #15.

Photo #17: Base of Tank 26 (foreground, right) and Tank 27 (background, right) and floor of Battery 20 Dike with approximately 1/8" to 1/4" thick, sticky, semi-liquid material throughout.

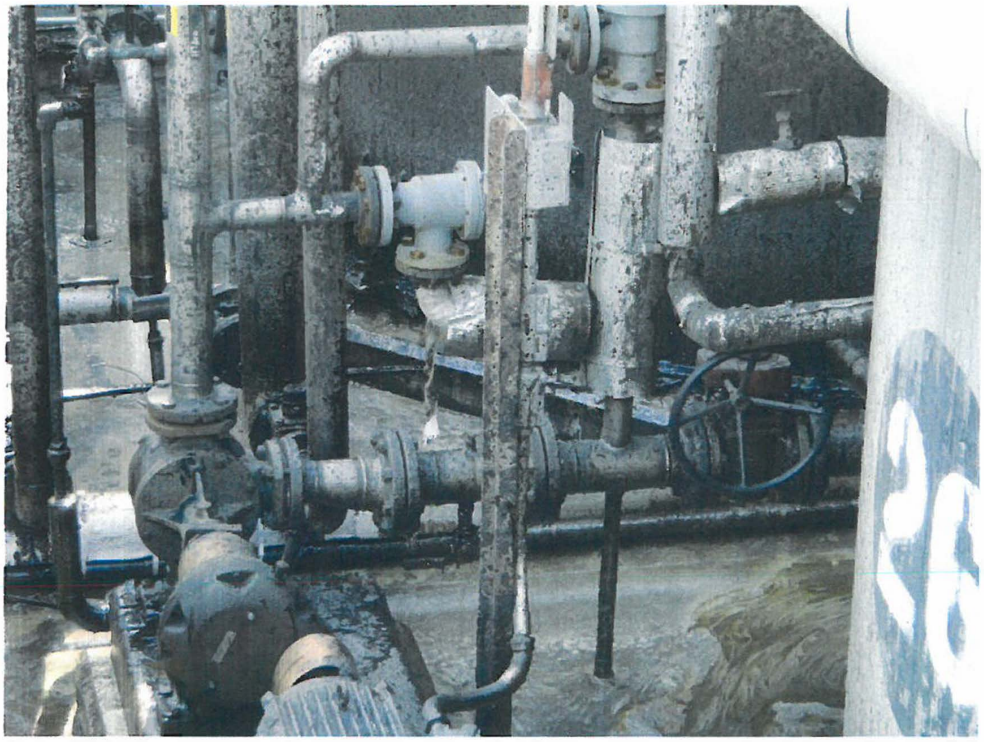

Photo #18: Closer view of the semi-liquid material from Photo #17, at the base of Tank 27

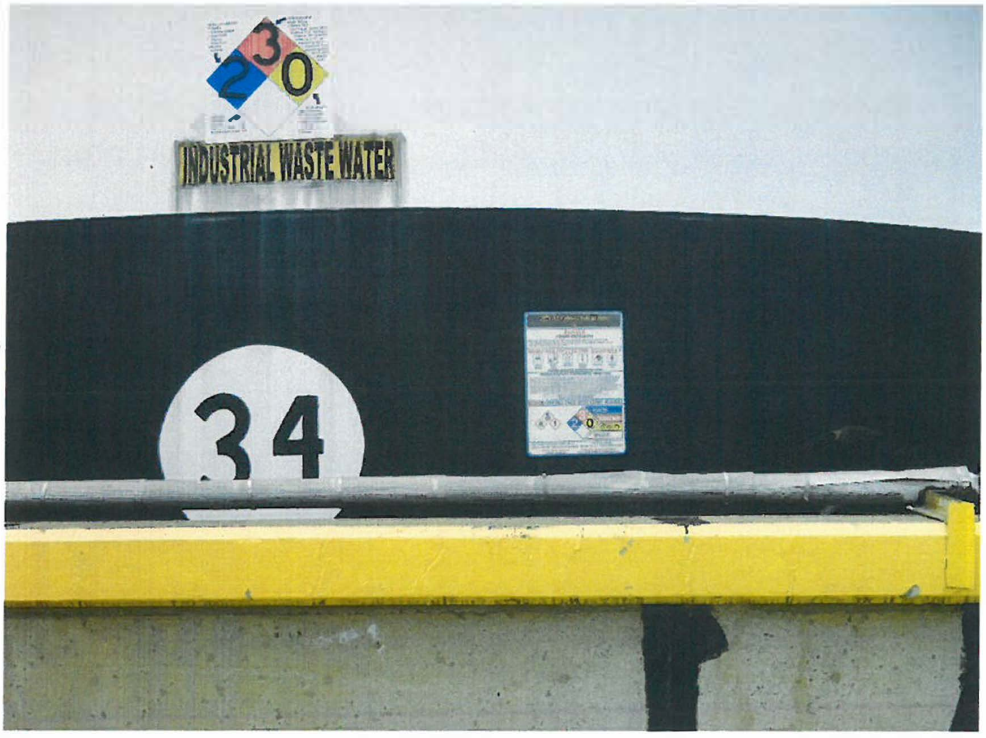

Photo #19: Close-up of markings on Tank 34, located south of, and adjacent to , the Battery 20 Dike. Tank 34 labeled as "Industrial Wastewater".

Photo #20: Tank 265, labeled with "Out of Service".

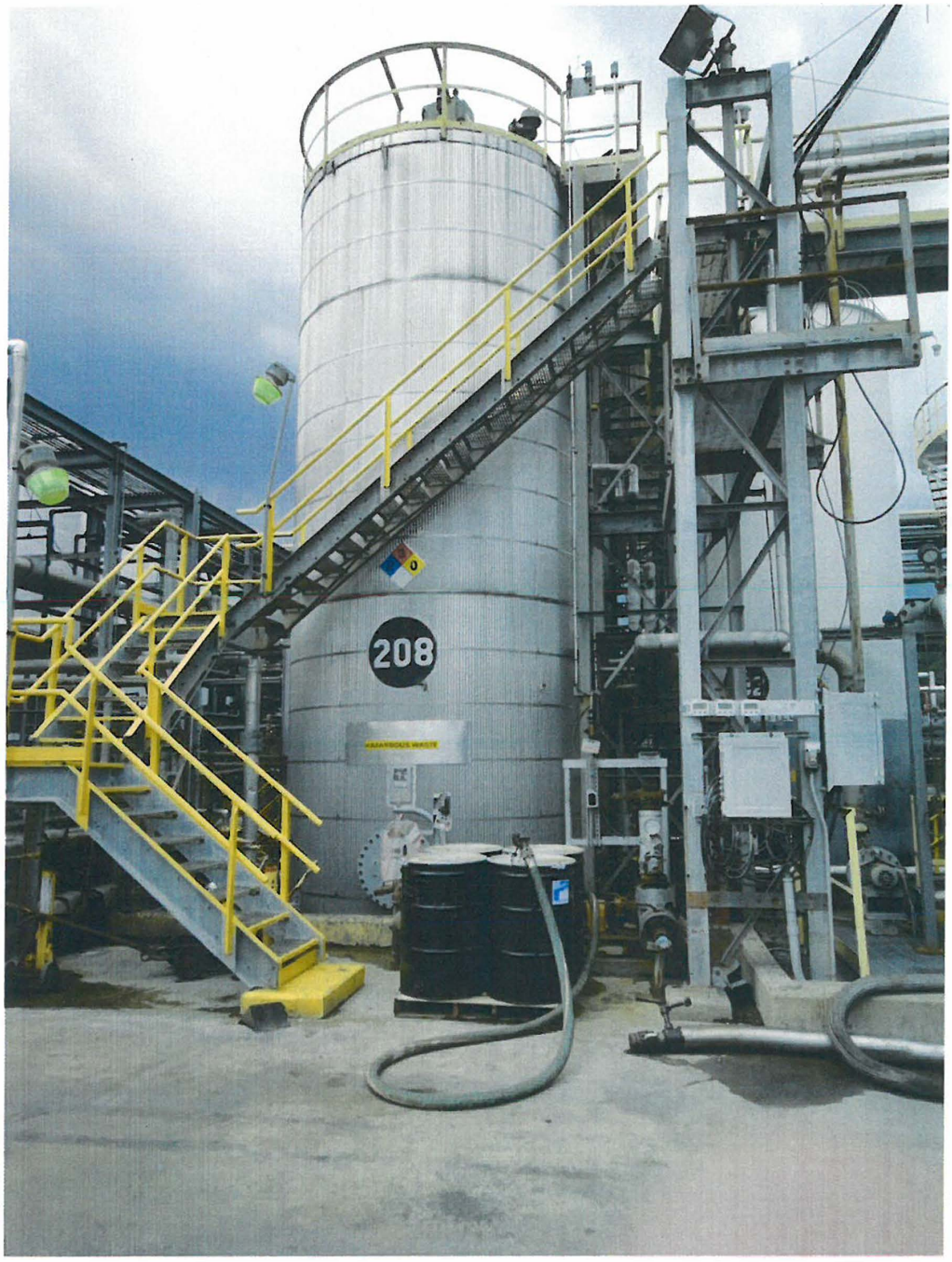

Photo #21: Tank 208, labeled as "Hazardous Waste". Directly adjacent to Tank 265, to the northeast, approximately 40 feet away.

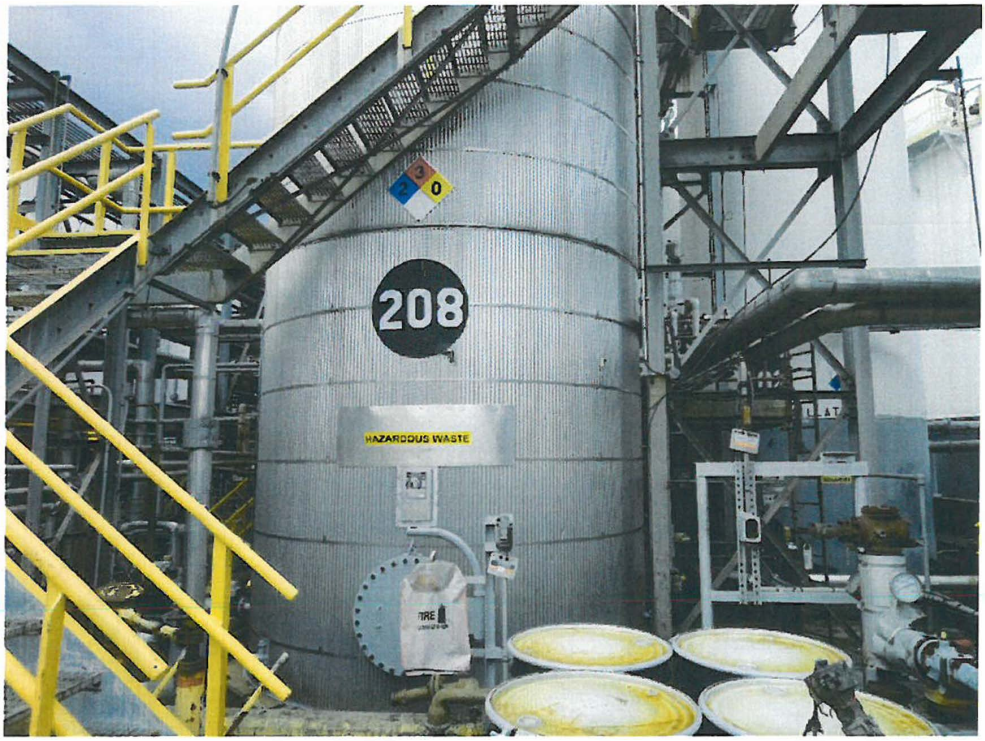

Photo #22: Closer view of Tank 208 labeling

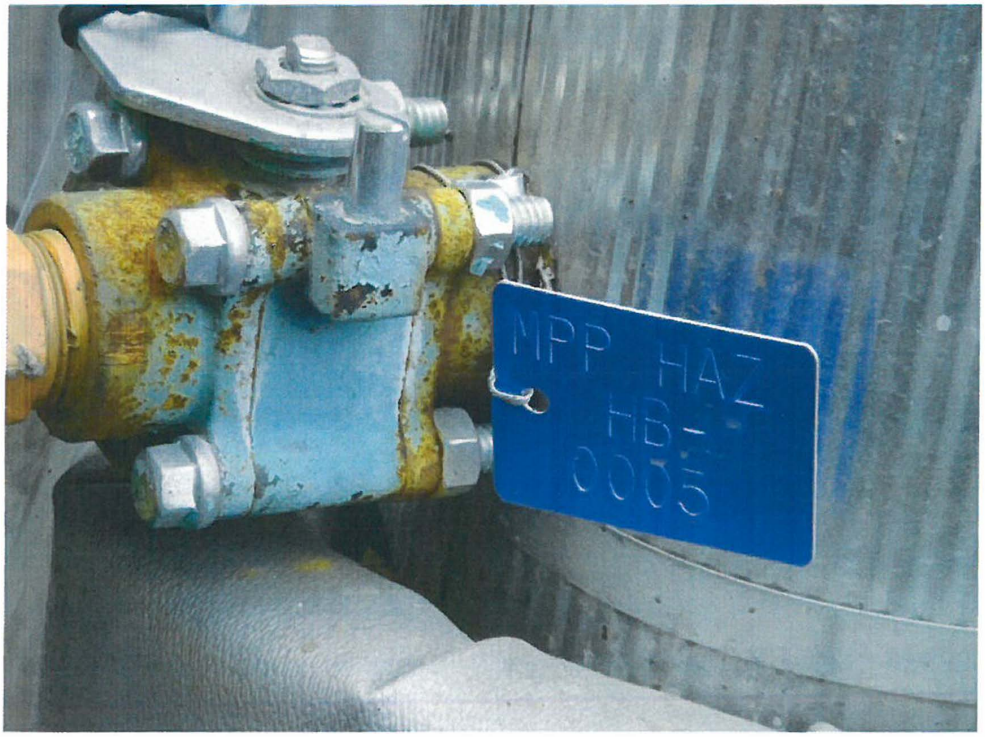

Photo #23: Metal tag "MPP Haz HB-0005" on valve attached to Tank 208. Equipment identification, as part of the Facility's LDAR program.

Photo #24: Metal tag "MPP Haz HB-0006" on valve associated with Tank 208. Equipment identification, as part of the Facility's LDAR program.

Photo #25: Stones covered in material that leaked from overhead piping, outside the 160 Battery containment, specifically, behind tank 161. Same location as Photo #1. Photo #25 taken on the morning or 08/15/2018 (Day 2 of inspection).

Photo #26: (1) closed 55-gallon container labeled as hazardous waste "C5 Spent Filters and Poly'd (sic) Oil", and start date 8/12/18, at the 500 Battery containment.

Photo #27: Close-up of the labeling on the container from Photo #26.

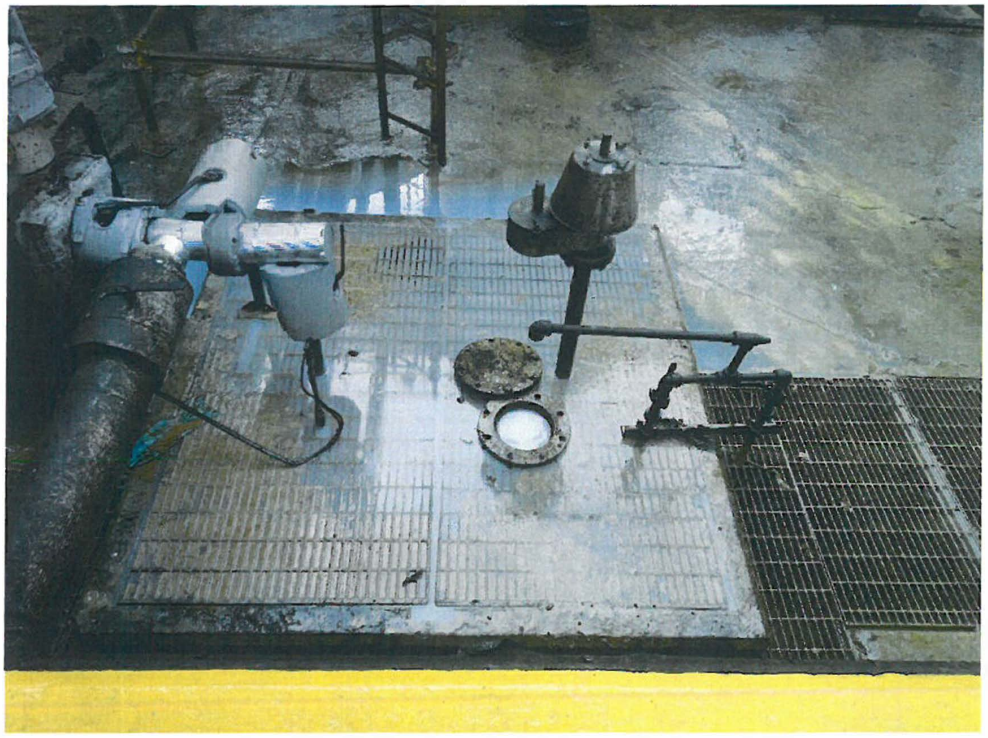

Photo #28: Sump within the Sanyo Dike, along its western wall, overflowing with a milky-white liquid. Liquid was flowing into the lower sump (at right).

Photo #29: Overview of area from Photo #29. Sump from Photo #29 is in the foreground, just beyond the yellow wall.

Photo #30: Closed 55-gallon container outside Sanyo Building #3000 (Aclube Unit), labeled as hazardous waste "Aclube Condensate", "D001, U162". Not dated. Label was not visible, facing wall. Facility manages container as a Satellite Accumulation Area.

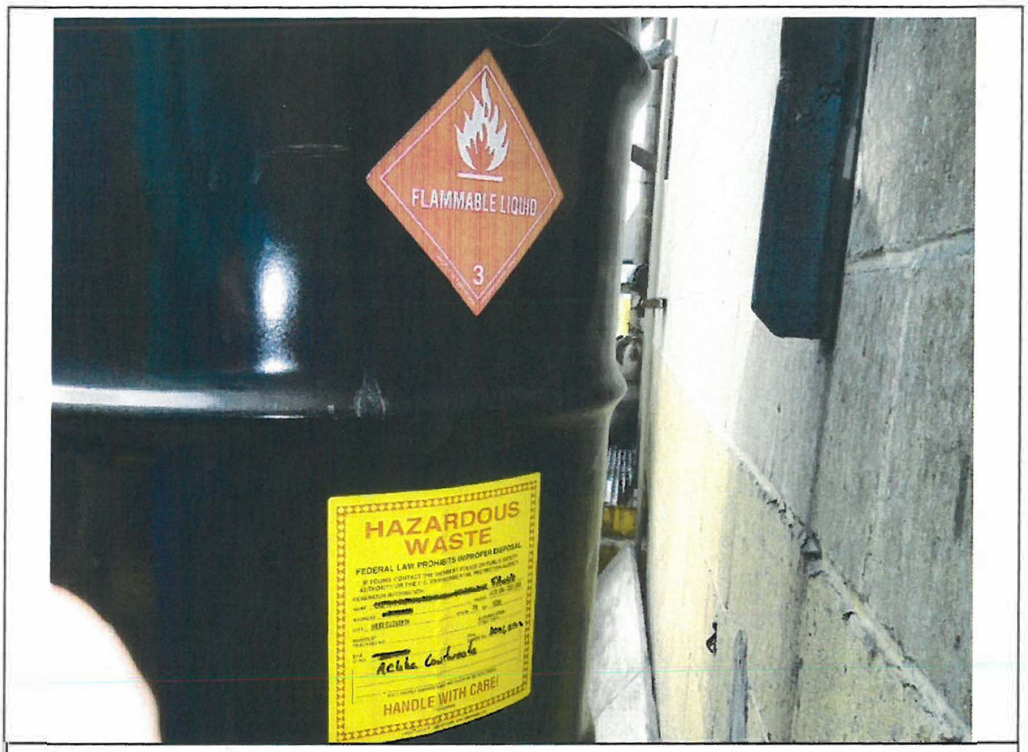

Photo #31: Close-up of labels on container from Photo #30.

Photo #32: Closed 55-gallon container inside Sanyo Building #3000 (Aclube Unit), labeled as hazardous waste "Aclube Condensate", "D001, U162". Start date 8/15/18. Facility manages container as a Satellite Accumulation Area.

Clean Water - SPCC Inspection – Arlin Galarza-Hernandez

Summary of facility representative interview: Steve Blaine provided an overview of the spill prevention measures being implemented at Eastman Chemical Resins, Inc. (Eastman). The following was discussed during the interview: secondary containment, loading racks, oil-filled equipment, inspection procedures, training program, drainage procedures for diked/undiked areas and integrity testing program. As Eastman is a Facility Response Plan (FRP) facility, the designated Qualified Individual (QI) Frederick Mullner was interviewed to assess his level of awareness on QI responsibilities. The QI was knowledgeable of the following responsibilities: (1) activation internal alarms and hazard communication systems; (2) notification procedures for response personnel; (3) identification of releases; (4) notification procedures to appropriate Federal, State, and local authorities; (5) assessment of interaction of substances with water and/or other substances stored at the facility and notify on-scene response personnel of assessment; (6) assessment of possible hazards to human health and the environment; (7) Assessment and implementation of removal actions; (8) Coordination of rescue and response actions; (9) Initiation of cleanup activities and; (10) direction of cleanup activities.

The following records were requested for on-site review:

- Monthly inspections 2015-2018 for tanks 2, 4, 35, 66, 78, 204, 301, 501, 26, 90, 92, 100, 761, 1002, R-1-A, Boiler House Emergency Generator, Aclube Emergency Generator and Electrical Equipment XMFR 4525, 4520, 4526, 8520 and 4578.
- Integrity Testing records for tanks 2, 4, 35, 66, 78, 204, 301, 501, 26, 90, 92, 100, 761, 1002 and R-1-A
- Dike Surface Water Transfer Logs, October 2017 to present
- SPCC Annual Training 2015-2017
- Response Equipment Inspection Records 2016-2018
- Drill/Exercise records per PREP Guidelines 2016-2018

Summary of field inspection: As a result of the inspection, SPCC and FRP Field Inspection And Plan Review Checklists (ATTACHMENT – 3 (SPCC/FRP CHECKLISTS)) were completed.

The site tour started at the 837 Tank Farm. Tank #151 contains Petroleum Distillates and has a capacity of 1.5 million gallons and Tank #50 is a JRAF-5 tank with a capacity of 525,000 gallons. Secondary containment was observed in good condition. Dike drainage procedures were explained by Mr. Blaine, as rainwater was being actively discharged at the time of the inspection.

We proceeded to the Poly Oil Tanks (Tanks #100-106) in the Hydro Unit area. Each tank has a capacity of 6,000 gallons except for Tank #106 which has a capacity of 10,000 gallons. A response equipment shed was observed in this area. Additional locations for response equipment are in the Hazwoper Building, Emergency Response Trailer – Engine 388, Lerario Building, V-8 Area, Maintenance Building, Warehouse and Barge Dock Area. Response equipment is accessible, operational and inspected on a quarterly basis. Approximately 1,000 feet of hard boom was observed outside the Barge Dock Area. This facility-owned equipment is required to be deployed twice a year and such exercises documented. Eastman has a current contract with Weavertown Environmental Group for emergency response.

The Jorgy's and Fire Ponds were visually inspected. Jorgy's Pond is part of the unnamed tributary that runs through the Eastman facility. This pond is located at the rail tracks and as described in the SPCC Plan, it retains floating material and 3,000 gallons of oil. The SPCC Plan also states that the Fire Pond was constructed to prevent the discharge of oil and fire to the unnamed tributary during the operation of the Thermal Poly Unit.

Transformer XFMR 4526 was also inspected. It contains 849 gallons of oil and means of secondary containment were not provided.

The 500 Tank Battery Dike has the following SPCC regulated tanks: #505 (8,000 gallons Petroleum Distillates); #506 (8,000 gallons JSOL-5); and #511 (15,000 gallons Petroleum Process Oil). On July 3, 2018, Eastman had a reportable spill from this area. The main C5 Oil/Water Separator was overwhelmed after heavy rain events and due to a defective pump, the separator drained directly into the adjacent truck pad and 500 Tank Battery Dike. The dikes became full and oil was discharged over the curbed containment area, flowed over the ground and into the unnamed tributary. During the inspection, EPA observed sorbent booms and oil absorbent bags deployed at the low points of the truck pad and 500 Tank Battery Dike to supplement containment (*See photos P8150081, and P810086-87*). The containment system failed to contain the poly oil spill. Also, in this area, EPA observed a 55-gallon Poly Oil Drum in the 500 Tank Battery area that was not positioned to prevent a discharge and containment was not adequately provided (*See photos P8150075-78*). Across from this drum and next to the sparkle filter area, there was a storm drain that discharges to outfall 023.

We proceeded to the Second Street Pond and observed sorbent and hard boom deployed at the pond. The Second Street Pond is formed by a concrete weir equipped with a retention baffle at the unnamed tributary. As described in the SPCC Plan, it is designed to retain 4,000 gallons of oil prior to its discharge into the Monongahela River.

The 20 Tank Battery Dike has three Petroleum Distillates tanks (#26, #28 and #29), each with a capacity of 15,000 gallons. Evidence of releases and overfills were observed at this dike area (*See photo P8150094).* The floor was covered with oily material (*See photos P8150093 and P8150095*). The most recent In-service API 653 inspection report for tank 26 dated 11/22/11, recommended to clean the dike floor and to re-seal cracks in the floor and walls. With all the material covering the dike floor, it was not possible to assess if cracks were currently present or not.

Transformer XFMR 4520 was also inspected. It contains 277 gallons of oil and secondary containment was not provided. This transformer is located across from a storm drain that discharges to outfall 002.

Tank R-1-A is a 17,500 gallons Crude Tall Oil tank. At the time of the inspection EPA observed a significant amount of water in dike area (*See photos P8150100-101*). There had been major rain events in the area, but from all the dike areas inspected, the dike for Tank R-1-A was the only one in that condition.

Next, we proceeded to the Aclube Building, owned by Sanyo Chemical and Resins (Sanyo). This area is included in Eastman's SPCC Plan and daily rounds for visual inspections. The following SPCC regulated tanks are located at Sanyo: T-1002 (12,000 gallons Mineral Oil), T-1003 (12,000 gallons Aclube) and Tank #4 (86,500 gallons Petroleum Distillates). At the time of the inspection, Sanyo's dike was being power washed. Facility representative indicated that any contaminated water/rainwater is pumped to the onsite Waste Water Treatment Plant (WWTP).

Summary of closing conference: The purpose of inspection, which is to evaluate compliance with the Oil Pollution Prevention Regulations, was briefly restated. The following areas of concern and observations were discussed:

- Review of visual inspection records. EPA noticed that observations documented on checklists (i.e. oil on dike floors, pipe leaking, pump not working), had no corresponding follow up actions. EPA suggested to include language in the SPCC plan or inspection form to document actions taken and demonstrate conclusion.
- Discussed that 55-gallon drums are regulated containers subject to SPCC requirements including visual inspections. Facility representative indicated that drums are part of their inspection program.
- Discussed the Drill/Exercise requirements and that unannounced exercises are not being implemented. Also discussed that facility-owned boom must be deployed twice a year and such exercises documented.
- Discussed the condition of the 20 battery and Crude Tall Oil dikes.
- Discussed loading/unloading rack, regulated electrical equipment and integrity testing plan requirements. Facility representative was reminded that any identified potential deficiencies or areas of concern were not a final determination of compliance. Also, that EPA will provide subsequent written correspondence describing any potential deficiencies identified during the inspection and plan review. Notices for the SPCC/FRP inspection were provided to the facility representative in addition to a documents receipt form. Inspector kept copies for her records.

Clean Water Act- NPDES Inspection – Chuck Schadel

The NPDES inspection includes observations made during the physical inspection, review of documents including Eastman's response (APPENDIX - F) to the May 25, 2017 CWA Section 308 Information Request Letter.

OBSERVATION - 1 (Operation & Maintenance/Material Management):
Permit Requirements pertaining to Observation 1, include, but are not limited to:

Part B, 1. MANAGEMENT REQUIREMENTS

d. Facilities Operation

The permittee shall at all times maintain in good working order and properly operate and maintain all facilities and systems which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to effective performance based on designed facility removals, adequate funding, effective management, adequate operator staffing and training, and adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems which are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit.

The permittee shall develop, install, and maintain Best Management Practices to control or abate the discharge of pollutants when the practices are reasonably necessary to achieve the effluent limitations and standards in this permit or to carry out the purposes and intent of the Clean Water Act, or when required to do so by the Department.

Part C, 6. A – Prohibition of Non-Stormwater Discharges

1. Except as provided in A.2, all discharges to storm water outfalls listed in Part A of this permit shall be composed entirely of uncontaminated storm water.

Part C, 6. B – Spills

This permit does not authorize the discharge of any polluting substances resulting from an on-site spill. Such spills shall be controlled through proper implementation of a PPC Plan....

Part C, 6. C. This permit does not authorize any discharge (storm water or non-storm water) containing any pollutant that may cause or contribute to an impact on aquatic life or pose a substantial hazard to human health or the environment due to its quantity or concentration.

Part C, 6. D. – Preparedness, Prevention and Contingency Plans

1. Development of Plan

Operators of facilities shall have developed a Preparedness, Prevention and Contingency (PPC) Plan in accordance with 25 Pa. Code § 91.34 and Document 400-2200-001, "Guidelines for the Development and Implementation of Environmental Emergency Response Plans". The PPC Plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges from the facility. In addition, the PPC Plan shall describe the BMPs that are to be used to reduce the pollutants in storm water discharges at the facility ensuring compliance with the terms and conditions of this permit.

2. Non-Storm Water Discharges
   a. The PPC Plan shall contain a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing methods used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the storm water discharge does not have access to an outfall, manhole, or other point of access to the ultimate conduit that receives the discharge. In such cases, the source identification section of the PPC Plan shall indicate why the certification was not feasible. A discharger that is unable to provide the certification must notify the Department within 180 days of the effective date of this permit.

   b. Except for flows from firefighting activities, sources of non-storm water listed in A.2. (authorized non-storm water discharges) that are combined with storm water discharges must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

3. Special Requirements for SARA Title III, Section 313 Facilities
   a. Facilities subject to SARA Title III, Section 313 shall include in the PPC Plan a description of releases to land or water of Section 313 water priority chemicals that have occurred within the last three years. Each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations, outdoor storage activities, outdoor manufacturing or processing activities, significant dust or particulate generating process, and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants.

   b. Engineering Certification. No storm water PPC Plan for facilities subject to SARA Title III, Section 313 requirements for chemicals that are classified as "Section 313 water priority chemicals" shall be effective unless it has been reviewed by a Registered Professional Engineer and certified to by such Professional Engineer. A Registered Professional Engineer shall recertify the PPC Plan every year thereafter. This certification may be combined with the required annual evaluation in D.4. By means of these certifications, the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the storm water PPC Plan has been prepared in accordance with good engineering practices. Such certification shall in no way relieve the owner or operator of a facility covered by the PPC Plan of the duty to prepare and fully implement such Plan.

PART C, 10. Storm Water Pollution Prevention Plan (SWPPP) Outfalls 002, 004, 005, 008, 009, 011-017, 019, 020, 023a & b, 024 and 025

Within one year from the permit issuance date, the permittee shall submit a Storm Water Pollution Prevention Plan (SWPPP) for the above Outfalls. The SWPPP shall identify Best Management Practices (BMPs), housekeeping procedures, and control structures installed of implemented to reduce the amounts of pollutants in storm water runoff Outfalls and from the above. The plan shall also describe all measures that were implemented to meet the discharge goals (below) and/or eliminating or reducing the pollutants in this discharge.

SWPPP Section 4.3

4.3 Specific Best Management Practices

Specific BMPs are designed to supplement the baseline BMPs. The specific BMPs listed in Table 3 and discussed in this section will be implemented throughout the Eastman Jefferson Site where applicable.

4.3.1 Containment Diking or Curbing

By minimizing the potential for exposure of stormwater with pollutants, facilities can eliminate or minimize the contamination of stormwater discharges from their industrial activity. Containment of potential releases (spills and leaks) is a primary method for minimizing exposure to pollutants. The Eastman Jefferson Site will continue to utilize diking and curbing as a BMP for containment of impacted stormwater from process areas. Containment dikes include earth berms or concrete retaining walls designed to hold releases from tanks or similar structures. The dikes also allow for proper management of accumulated precipitation within the diked areas.

Similar to dikes although generally smaller in scale, curbs are barriers that surround an area of concern. Concrete and asphalt are common materials used for curbing. Curbs are often used where internal sumps or drains are present to transfer accumulated fluids for conservative management through the wastewater treatment system.

4.3.2 Dike Draining Procedure

Implementation of the BMP for containment diking or curbing will result in accumulations of stormwater within the containment area. Eastman has developed detailed draining procedures to ensure the safe and proper transfer of accumulated fluids from the diked areas. Accumulated fluids from containment areas are typically transferred to the wastewater treatment plant. Currently, only the 837 Tank Farm Area, the 600-battery dike, the isobutylene tank dike, ammonium hydroxide pad and the block tank acid tote concrete pad may be drained to stormwater outfalls. Water that meets the established criteria may be released as uncontaminated stormwater. Water that does not meet the criteria, due to contact with residual within the containment area or other factors, is transferred for management through the process wastewater treatment facilities or shipped off-site for proper disposal. The detailed procedures established by Eastman for the draining of diked areas are provided with the SPCC Plan for the facility.

4.3.3 Cover or Enclosure of Potential Sources

Covers or enclosures are used to prevent precipitation from contacting potential pollutants. Covers can be temporary or permanent, and include plastic sheeting, tarps or roofs. Enclosures involve buildings or other permanent structures. Eastman will maintain implementation of a BMP for potential pollutant sources that involves storage within enclosures to the extent practical, and the use of covers for outdoor storage when necessary. Material storage, particularly for liquids, may require management in conjunction with the BMP for containment diking and curbing.

Information Recorded for Observation 1

Documentation that relates to Observation 1

A Spill Prevention Control and Countermeasure (SPCC) Plan was submitted to EPA in response to the EPA's 308 Letter (which requested Eastman's PPC Plan). The SPCC Plan is located in Appendix - F, Attachment Q28 (SPCC Plan).

A Storm Water Pollution Prevention Plan (SWPPP) was submitted by Eastman to EPA in response to the EPA's 308 Letter. The SWPPP is located in Eastman's response to the EPA's 308 Information Request Letter 308 (308 Letter), under APPENDIX - F, Attachment Q29 (SWPPP).

Visual Observations that relate to Observation 1

After the EPA inspection team provided an overview of the inspection plans, the Facility Team began the physical inspection of the Facility. The following are notes associated with the photographs (ATTACHMENT - 4) taken of observations made while inspecting the Facility. Locations identified in the observations are taken from the map provided by Eastman's response to the 308 Letter, contained in APPENDIX – F, Attachment Q18-3, Process Diagrams, SPCC Figures, Figure 6 (the Figure 6 Map).

On August 14, 2018, during our inspection and sampling reconnaissance, the Facility Team first observed the unnamed tributary (UNT) at the Facility property line (IMAG0260).

The Facility Team then observed the area between the Hydro Unit and the railroad tracks (IMAG0263 and IMAG0264). The Facility Team also observed the area between the 160 Tank Battery/Hydro Truck Pad and the railroad tracks. (No photos available). Sampling had been proposed in these areas, but due to a lack of "ponding", sampling was not conducted.

The Facility Team then observed the V8 Firepond and the immediate vicinity around the pond (IMAG0265 - IMAG0267).

Next, the Facility Team observed Jorgy's Pond (IMAG0269 and IMAG0270). Subsequently, the Facility Team viewed the area outside the drumming station, located on Plant Road 2, and other locations along Plant Road 2. Information pertaining to secondary containment is discussed in the photos.

After lunch, the Facility Team resumed the inspection and sampling reconnaissance at Outfall 004 Pond and adjacent areas (IMAG0284 through IMAG0287). The Facility Team also viewed material management practices at the Funda Cake transfer station in the C-5 area (IMAG0288 through IMAG0291). Gabrielle Buda and Keila Pagan-Incle joined the Facility Team after lunch.

Next, the Facility Team viewed the containment pad outside Tank Battery 20, inside Tank Battery 20 and the stormwater trench inlet along Madison Avenue, that receives runoff from the area. The Figure 6 Map from Eastman's 308 Response (Appendix – F) does not show the storm water trench drain located slightly below the intersection of Dove Alley and Madison Avenue.

At this time during the inspection, the Facility Team identified a leak at a hose flange (IMAG0292 through IMAG0298, and IMAG0304). Eastman officials identified the leaking liquid as styrene from Tank 72. A repair order was created immediately and the styrene leak was confirmed repaired before the end of the day. Mr. Schadel called Mr. Arnold (Mr. Arnold was reviewing records at the office) and asked that he view the styrene leak. Mr. Arnold did so and included an observation in his report for the Eastman Chemical Resins – Jefferson Site, 8/14-15/2018 for the Clean Air Act. A copy can be obtained from Mr. Arnold.

The Facility Team ended the day viewing material management practices at the Funda Cake storage bins and the Funda Cake transfer station in the MP Poly area (IMAG0306 through IMAG310).

The entire EPA Team departed at 5:05 PM. Paul Arnold of the Air Program returned to Philadelphia, PA. Kevin Halloran and Mathew Cwiklik returned to PADEP's regional office.

August 15, 2018

The remaining EPA Team arrived at 8:30 AM. Mr. Schadel. Mr. Young, Ms. Buda and Ms. Pagan-Incle commenced preparation and conducted sampling at several locations throughout the Facility. For more details refer to page 8 if this document and Attachment 1 a through d. Simultaneously, Mr. Greenwood, and Ms. Galarza-Hernandez reviewed records and viewed sections of the Facility.

The entire EPA Team ended the day at 6:25 PM. Justin Young returned Ft. Meade, MD. Gabrielle Buda and Keila Pagan-Incle returned to Philadelphia, PA.

August 16, 2018

Mr. Schadel, Mr. Greenwood and Ms. Galarza-Hernandez arrived at the Facility at 8:30 AM. The EPA Team resumed viewing material management practices at the Facility at the Emulsion Unit (IMAG0311 through IMAG0315, IMAG0317 through IMAG0319 and IMAG0324). We were accompanied by Mr. Blaine. Next, the carbon beds at the Sanyo Aclube were viewed IMAG0326 through IMAG0328). Xylene and N-Dodecyl drum storage was also viewed in the Sanyo Aclube area. Last, the secondary containment for Tank 4 was viewed (IMAG0331 through IMAG0335).

The EPA Team departed at approximately 2:45 PM.

Additional Interest:

Information regarding design configuration and specifications of Jorgy's Pond, the V8 Firepond, and "Outfall 004 pond" would prove useful for understanding the integrity, capacity and function of these structures.