

STATE OF MISSISSIPPI HAZARDOUS WASTE MANAGEMENT PERMIT

THIS CERTIFIES THAT

**Rohm and Haas Chemicals LLC
5724 Elder Ferry Road
Moss Point, MS
Jackson County
MSD 008 186 587**

is hereby authorized to conduct post closure care for closed surface impoundments and a closed hazardous waste landfill.

This permit is issued under the authority of the Mississippi Solid Wastes Disposal Law, and particularly Section 17-17-27 thereof, and rules adopted and promulgated thereunder, all of which authorize the Department of Environmental Quality to enforce all applicable requirements, under the Mississippi Hazardous Waste Management Regulations, and associated conditions included therein.

Permit Issued: June 4, 2007

Permit Modified (Class 3 Modification): SEP 27 2013

MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD

AUTHORIZED SIGNATURE

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No.: MSD008186587

Expires: May 31, 2017

MODULE 1 – GENERAL PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

The permittee is authorized to conduct post-closure care at the following closed units: T-Lagoon, V-Lagoons and Hazardous Waste Landfill. The Permittee is authorized to conduct a groundwater detection monitoring program for the closed hazardous waste landfill in accordance with the conditions of the permit. There are other activities ongoing at the site, including, but not limited to investigations, monitoring and remediation of releases of hazardous waste and/or hazardous constituents. These activities are being conducted pursuant to a Consent Decree captioned *United States of America and the State of Mississippi v. Morton International, Inc.*, C.A.No. 1:CV501BrB ("Consent Decree"), entered January 11, 2001, which incorporates the provisions of a RCRA Section 3013 Administrative Order ("3013 Order") issued by U.S. EPA Region 4 and MDEQ to Morton. Therefore, the permit shall defer to the requirements of the Consent Decree in regards to all activities regarding Morton's corrective action obligations. Any storage, treatment, and/or disposal of hazardous waste not authorized in this permit or the Consent Decree is prohibited. Subject to MHWMR 270.4, and the Consent Decree, compliance with this permit constitutes compliance, for purposes of enforcement, with Subtitle C of the Resource Conservation and Recovery Act (RCRA). Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, and invasion of other private rights, or any infringement of state or local law or regulations or preclude compliance with any other Federal, State, and/or local laws and/or regulations governing the treatment and handling of explosives. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Section 3008(a), Section 3008 (h), Section 3013, of Section 7003 of RCRA; Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*, commonly known as CERCLA) or any other law providing for protection of public health or the environment.

I.B. PERMIT ACTIONS

I.B.1 Permit Modification, Revocation and Reissuance, and Termination

This permit may be modified, revoked and reissued, or terminated for cause as specified in MHWMR Part 270.41; 270.42; 270.43; and 270.50(d). The filing of a request for a permit modification, revocation and reissuance or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of and permit conditions.

I.B.2 Permit Renewal

This permit may be renewed as specified in MHWMR 270.30(b) and Permit Condition 1.E.2. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.

I.C. SEVERABILITY

The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

I.D. DEFINITIONS

For purposes of this permit, terms used herein shall have the same meaning as those in MHWMR Parts 124, 260, 264, 268 and 270, unless this permit specifically provides otherwise; where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary or the generally accepted scientific or industrial meaning to the term. "Executive Director" means the Executive Director of MDEQ, or his designed or authorized representative.

I.E. DUTIES AND REQUIREMENTS

I.E.1. Duty to Comply

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance,

other than noncompliance authorized by an emergency permit, constitutes a violation of RCRA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

I.E.2. Duty to Reapply

If the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the Permittee shall submit a complete application for a new permit at least 180 days prior to permit expiration.

I.E.3. Permit Expiration

Pursuant to MHWMR Part 270.50, this permit shall be effective for a fixed term not to exceed ten years. This permit and all conditions herein will remain in effect beyond the permit's expiration date, if the Permittee has submitted a timely, complete application and, through no fault of the Permittee, the Executive Director has not issued a new permit, as set fourth in MHWMR 270.51.

I.E.4. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

I.E.5. Duty to Mitigate

In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

I.E.6. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to

achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate staffing and training, adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

I.E.7. Duty to Provide Information

The Permittee shall furnish to the Executive Director, within a reasonable time, any relevant information which the Executive Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish the Executive Director, upon request, copies of records required to be kept by this permit.

I.E.8. Inspection and Entry

Pursuant to MHWMR 270.30(i), the Permittee shall allow the Executive Director, or an authorized representative, upon the presentation of credentials and other documents, as may be required by law, to:

- I.E.8.a. Enter, at reasonable times, upon the Permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
- I.E.8.b. Have access to and copy, at reasonable times, any records that must be kept under the condition of the permit;
- I.E.8.c. Inspect at reasonable times any facility, equipment (including monitoring and control equipment), practices, operations regulated or required under this permit; and
- I.E.8.d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

I.E.9. Monitoring and Records

The Executive Director may require such testing by the Permittee, and may make such modifications to this permit, deemed necessary to ensure implementation of new regulations or requirements, or to ensure protection of human health and the environment.

I.E.9.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the wastes to be analyzed must be the appropriate method from Appendix I of MHWMR Part 261, the EPA Region IV Environmental Compliance Branch's Standard Operating Procedure and Quality Assurance Manual (SOP) (most recent version), as referenced in Permit Attachment C, or an equivalent method approved by the Executive Director. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, Standard Methods of Wastewater Analysis, or an equivalent method approved by the Executive Director.

I.E.9.b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records, records of all data used to prepare documents required by this permit, copies of all reports and records required by this permit, the certification required by MHWMR 264.73(b)(9), and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, record, certification, or application. These periods may be extended by the Executive Director at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. The Permittee shall also maintain records for all groundwater monitoring wells and associated groundwater surface elevations for the duration of the post-closure care period. All records required by this condition shall be maintained at the facility or other agreed upon location, and will be made available upon request.

I.E.9.c. Records of monitoring information shall specify:

- i. The dates, exact place, and times of sampling or measurements;
- ii. The individuals who performed the sampling or measurements;
- iii. The dates the analyses were performed;
- iv. The individuals who performed the analyses;
- v. The analytical techniques or methods used; including any method detection limits for said technique; and
- vi. The results of such analyses

I.E.10. Reporting Planned Changes

The Permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility.

I.E.11. Anticipated Noncompliance

The Permittee shall give advance notice to the Executive Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

I.E.12. Transfer of Permits

This permit is not transferable to any person, except after notice to the Executive Director. The Executive Director may require modification or revocation and reissuance of the permit pursuant to MHWMR 270.40. Before transferring ownership or operation of the facility, the Permittee shall notify the new owner or operator in writing of the requirements of MHWMR parts 264 and 270 and of this permit.

I.E.13. Twenty-Four Hour Reporting

I.E.13.a. The Permittee shall report to the Executive Director any noncompliance with the permit which may

endanger health or the environment. Any such information shall be reported orally within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. This report shall include the following:

- i. Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.
- ii. Any information of a release or discharge of hazardous waste, or of a fire or explosion from the hazardous waste management facility which could threaten the environment of human health outside the facility.

I.E.13.b. The description of the occurrence and its cause shall include:

- i. Name, address, and telephone number of the owner or operator;
- ii. Name , address, and telephone number of the facility;
- iii. Date, time, and type of incident;
- iv. Name and quantity of materials involved;
- v. The extent of injuries, if any
- vi. An assessment of actual or potential hazard to the environment and human health outside the facility, where this is applicable; and
- vii. Estimated quantity and disposition of recovered material that resulted from the incident.

I.E.13.c. A written submission shall also be provided within five days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and if not, the anticipated time it

is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Director may waive the five-day written notice requirement in favor of a written report within 15 days.

I.E.14. Other Noncompliance

Whenever the Permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in any document(s) submitted to the Executive Director, the Permittee shall promptly submit such facts or information.

I.E.15. Obligation for Corrective Action

Requirements for Corrective Action shall be governed by the Consent Decree referenced in Permit Condition I.A.

I.E.16. Other Information

Whenever the Permittee becomes aware that it failed to submit relevant facts in the permit application or in any report to the Executive Director, the Permittee shall promptly submit such facts or information.

I.F. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to the Executive Director shall be signed and certified in accordance with MHWMR 270.11.

I.G REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE EXECUTIVE DIRECTOR

All reports, notifications, or other submissions which are required by this permit to be sent to or given to the Executive Director should be sent by certified mail or given to:

Mississippi Department Of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

I.H. CONFIDENTIAL INFORMATION

In accordance with MHWMR Part 270.12, the Permittee may claim confidential any information required to be submitted by this permit.

MODULE II – GENERAL FACILITY CONDITIONS

II.A. FACILITY DESCRIPTION

This permit is issued to Rohm and Haas Chemicals, LLC. [MSD 008 186 587] as described in the permit application submitted April 1, 2005 and revised on July 24, 2006, and hereinafter referred to as “the application.” The facility history and description is summarized in Permit Attachment A. The permit authorizes the Permittee to conduct post closure activities as described herein.

II.B. DESIGN AND OPERATION OF FACILITY

The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, as required by MHWMR 264.31.

II.C. REQUIRED NOTICES

II.C.1. Hazardous Waste Imports

The Permittee shall not receive hazardous waste from a foreign source.

II.C.2. Hazardous Waste from Off-Site Sources

The Permittee shall not receive hazardous waste from an off-site source.

II.C.3. Transfer of Permit

Before transferring ownership or operation of the facility, the owner or operator must notify the new owner or operator in writing of the requirements of MHWMR Parts 264 and 270.

II.D. SECURITY

The Permittee shall comply with the security provisions of MHWMR Section 264.14(b)(2) and (c).

II.E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall comply with the inspection requirements of MHWMR Section 264.15 and follow the inspection schedule contained in Permit Attachment B.

II.F. GENERAL WASTE ANALYSIS

The Permittee is not required to conduct waste analysis for the closed permitted units.

II.G. SPECIAL CONDITIONS

Where a discrepancy exists between the wording of an item in the application and this permit, the permit requirements take precedence over the application. As of February 15, 2007, the applicant for the Hazardous Waste Management Post-closure Permit was changed from Morton International, Inc. to Rohm and Haas Chemicals, LLC. Both companies are wholly owned subsidiaries of Rohm and Haas Company. Any references to Morton International, Inc. in the permit or the permit attachments should be understood to refer to Rohm and Haas Chemicals, LLC.

II.H. LOCATION STANDARD

The facility is not located in an area described by MHWMR 264.18(a).

II.I. GENERAL POST-CLOSURE REQUIREMENTS

II.I.1. Post-Closure Care Period

The Permittee shall conduct post-closure care for each units for 30 years after the date of the unit's closure. Post-closure care of the units shall be in accordance with MHWMR 264.117 and the Post Closure Plan, Permit Attachment B.

II.I.2. Amendment to Post-Closure Plan

The Permittee shall request a permit modification and amend the post closure plan, whenever necessary, in accordance with MHWMR Section 264.118(d).

II.I.3. Post-Closure Notices

II.I.3.a. No later than 60 days after certification of closure of each hazardous waste disposal unit, the Permittee has submitted records of the type, location, and quantity of hazardous waste disposed within each

cell or disposal unit, in accordance with MHWMR 264.119(a).

II.I.3.b. Within 60 days of certification of closure of the first hazardous waste disposal unit and the last hazardous waste disposal unit, the Permittee has done the following:

- i. Recorded a notation on the deed to the facility property, in accordance with MHWMR 264.119(b)(2).
- ii. Submitted a certification that a notation, in accordance with MHWMR 264.119(b)(2), has been recorded.

II.I.3.c. The Permittee shall request and obtain a permit modification prior to the post-closure removal of hazardous wastes, hazardous waste residues, liners or contaminated soils from a permitted unit in accordance with MHWMR 264.119(c), except for those activities authorized in this permit including but not limited to leachate and groundwater recovery, or activities governed by the *Consent Decree*.

II.I.4. Certification of Completion of Post-Closure Care

The Permittee shall certify that post-closure care period was performed in accordance with the specifications in the Post-Closure Plan, Permit Attachment B, as required by MHWMR 264.120.

II.J. COST ESTIMATE FOR FACILITY POST-CLOSURE

II.J.1. The Permittee's most recent post-closure cost estimates, prepared in accordance with MHWMR 264.142, 264.144, 264.280, are specified in Permit Attachment B.

II.J.2. The Permittee must revise the post-closure cost estimate whenever there is a change in the facility's post-closure plan as required by MHWMR Section 264.144(c).

II.J.3. The Permittee must keep at the facility the latest post-closure cost estimate as required by MHWMR Section 264.144(d).

II.K. FINANCIAL ASSURANCE FOR FACILITY POST-CLOSURE

The Permittee shall demonstrate continuous compliance with MHWMR 264.145 by providing documentation of financial assurance, as required by MHWMR Section 264.151 or 264.149, in at least the amount of the cost estimate required by Condition II.J. Changes in financial assurance mechanisms must be approved by the Executive Director pursuant to MHWMR Section 264.145.

II.L. RECORDKEEPING AND REPORTING

In addition to the recordkeeping and reporting requirements specified elsewhere in this permit, the Permittee shall comply with the annual reporting requirements of MHWMR 262.S1, when applicable.

II.M. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall comply with MHWMR 264.148 whenever necessary.

MODULE III – RESERVED

MODULE IV – GROUNDWATER DETECTION MONITORING

IV.A. APPLICABILITY

- IV.A.1. The requirements of this part shall apply to the Hazardous Waste Landfill.
- IV.A.2. The detection monitoring program shall be conducted by the Permittee as outlined herein as required under MHWMR 264.91 and 264.98.
- IV.A.3. As specified in MHWMR 264.95, the point of compliance for the waste management area comprised of the Hazardous Waste Landfill is represented by a vertical surface located at the hydraulically down gradient limit of the waste management area which intercepts five (5) monitoring wells listed in Permit Condition IV.B.1.

IV.B. WELL LOCATION, INSTALLATION AND CONSTRUCTION

The Permittee shall install and maintain a ground-water monitoring system for the closed Hazardous Waste Landfill as specified below:

- IV.B.1. The Permittee shall install and maintain ground water monitoring wells at the locations specified in Permit Attachment C and in conformance with the following list:

MW-32
MW-33
MW-34
MW-134
MW-135

- IV.B.2. The Permittee shall maintain the monitoring wells identified in Permit Condition IV.B.1. in accordance with the detailed plans and specifications presented in Permit Attachment C.
- IV.B.3. All wells deleted from the monitoring program shall be plugged and abandoned in accordance with applicable state regulations. Well plugging and abandonment methods and certification shall be submitted to the Executive Director within thirty (30) days from the date the wells are removed from the monitoring program.

IV.C. INDICATOR PARAMETERS AND MONITORING CONSTITUENTS

- IV.C.1. The Permittee shall monitor groundwater, as described in Permit Condition IV.B., for the following constituents:

Parameter or Constituent

Toluene

Aniline

Phenol

IV.D. SAMPLING AND ANALYSIS PROCEDURES

The Permittee shall use the following techniques and procedures when obtaining and analyzing samples from ground-water monitoring wells described in Permit Condition IV.B.:

- IV.D.1. Samples shall be collected using the techniques described in Appendix B of the approved Phase I Workplan, and the most recent approved version of the facility's "Groundwater Monitoring Plan", originally approved by EPA on April 9, 2001, and as amended.
- IV.D.2. Samples shall be preserved and shipped, in accordance with the techniques described in Appendix B of the approved Phase I Workplan, and the most recent approved version of the facility's "Groundwater Monitoring Plan", originally approved by EPA on April 9, 2001, and as amended.
- IV.D.3. Samples shall be analyzed in accordance with the procedures described in Appendix B of the approved Phase I Workplan, and the most recent approved version of the facility's "Groundwater Monitoring Plan", originally approved by EPA on April 9, 2001, and as amended.
- IV.D.4. Samples shall be tracked and controlled using the chain-of-custody procedures specified in Appendix B of the approved Phase I Workplan, and the most recent approved version of the facility's "Groundwater Monitoring Plan", originally approved by EPA on April 9, 2001, and as amended.

IV.E. ELEVATION OF THE GROUND-WATER SURFACE

- IV.E.1. The Permittee shall determine the elevation of the ground-water surface at each well each time the ground-water is sampled, in accordance with Permit Condition IV.G.2.
- IV.E.2. The Permittee shall determine and record the surveyed elevation of any future monitoring well(s) when installed.

IV.F. STATISTICAL PROCEDURES

When evaluating the monitoring wells in accordance with Permit Condition IV.G., the Permittee shall use the following procedures:

- IV.F.1. The Permittee shall conduct the statistical procedures as presented in Permit Attachment C, "Modifications to the Groundwater Detection Monitoring Program, Closed Hazardous Waste landfill", revised June 26, 2006.

IV.G. MONITORING PROGRAM AND DATA EVALUATION

- IV.G.1. The Permittee shall collect, preserve, and analyze samples pursuant to Permit Condition IV.D.
- IV.G.2. The Permittee shall determine ground-water quality at each monitoring well at the compliance point semi-annually during the post-closure care period.
- IV.G.3. The Permittee shall determine the ground-water flow rate and direction in the uppermost aquifer at least annually.
- IV.G.4. The Permittee shall determine whether there is a statistically significant increase over the background data set for each parameter identified in Permit Condition IV.C.1. each time ground-water quality is determined at the compliance point. In determining whether such an increase has occurred, the Permittee must evaluate the ground-water quality at each monitoring well specified in Permit Condition IV.B.1. in accordance with the statistical procedures specified in Permit Condition IV.F.
- IV.G.5. The Permittee shall perform the evaluations described in Permit Condition IV.G.4. within one hundred and twenty (120) days after completion of sampling.

IV.H. RECORDKEEPING AND REPORTING

- IV.H.1. The Permittee shall maintain records of all monitoring, testing, and analytical data obtained in accordance with Permit Condition IV.G. until completion of post-closure care.
- IV.H.2. The Permittee shall submit the analytical results required by Permit Conditions IV.G.2. and IV.G.3. and the results of the statistical analyses required by Permit Condition IV.G.4., at least annually. The report may be submitted as part of a site-wide groundwater report required under the *Consent Decree*.
- IV.H.3. Reserved.
- IV.H.4. If the Permittee determines, pursuant to Permit Condition IV.G.4, that there is a statistically significant increase above the background data set for the parameters specified in Permit Condition IV.C.1., the Permittee may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In such cases, the Permittee shall:
 - IV.H.4.a. Notify the Executive Director in writing within seven (7) days that the Permittee intends to make a demonstration.
 - IV.H.4.b. Within 90 days, submit a report to the Executive Director which demonstrates that a source other than a regulated unit that caused the increase, or that the increase resulted from error in sampling, analysis or evaluation.
 - IV.H.4.c. Within 90 days, submit to the Executive Director an application for a permit modification to make any appropriate changes to the detection monitoring program at the facility.
 - IV.H.4.d. Continue to monitor in accordance with the detection monitoring program at the facility.

IV.I. ASSURANCE OF COMPLIANCE

Reserved.

IV.J. SPECIAL REQUIREMENTS IF SIGNIFICANT INCREASES OCCUR IN
VALUES FOR CONSTITUENTS

If the Permittee has determined a statistically significant increase over the background data set for any of the parameters and/or constituents identified in permit conditions IV.C.1., in accordance with statistical procedures specified in Permit Conditions IV.F., the Permittee must:

- IV.J.1. Notify the Executive Director in writing, within seven (7) days. The notification must indicate what parameters or constituents have shown statistically significant increases.
- IV.J.2. Immediately sample the ground-water in all wells identified in Condition IV.B.1 and determine the concentration of all constituents identified in Appendix IX of MHWMR 261.
- IV.J.3. Establish background values for each Appendix IX constituent found in the ground-water.
- IV.J.4. The detection monitoring requirements of this permit shall become inactive upon confirmation of a statistically significant increase of any parameter and completion of Permit Condition IV.J.3., and groundwater monitoring activities shall be governed by the provisions of the Consent Decree referenced in Permit Condition I.A.

IV.K. REQUEST FOR PERMIT MODIFICATIONS

If the Permittee or the Executive Director determines the detection monitoring program no longer satisfies the requirements of the regulations, the Permittee must, within 90 days of the determination, submit an application for a permit modification to make any appropriate changes to the program which will satisfy the regulations.

**MODULE V – CORRECTIVE ACTION/COMPLIANCE MONITORING
PROGRAM**

Corrective Action and corrective action/compliance groundwater monitoring shall be governed by the requirements of the *Consent Decree* referenced in Permit Condition I.A.

MODULE VI – POST CLOSURE CARE

VI.A. APPLICABILITY

The Permittee shall provide post-closure care for T-lagoon, V-lagoons and the Hazardous Waste Landfill, subject to the terms and conditions of this permit.

VI.B. POST-CLOSURE CARE PERIOD

The Permittee shall conduct Post-Closure care for each unit identified in Permit Condition VI.A. above beginning on the date of closure and continuing for 30 years after that date, except that the 30-year post-closure care period may be shortened upon application and demonstration approved by MDEQ that the facility is secure, or may be extended by MDEQ if the Executive Director finds this is necessary to protect human health and the environment.

VI.C. POST-CLOSURE PROCEDURES AND USE OF PROPERTY

- VI.C.1. The Permittee shall maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of MHWMR Part 264 Subpart F during the post closure period for the hazardous waste landfill. All other groundwater monitoring activities at the facility during post-closure shall be governed by the requirements of the Consent Decree referenced in permit Condition I.A.
- VI.C.2. In the event that there is a confirmed release to the groundwater from the hazardous waste landfill requiring that corrective action be implemented, the groundwater monitoring and corrective action activities shall be in accordance with the Consent Decree referenced in permit Condition I.A.
- VI.C.3. The Permittee shall comply with the post-closure requirements for the hazardous waste landfill, the T-Lagoon and V-Lagoons as follows:
 - VI.C.3.a. Maintain the integrity and effectiveness of the final cover, including making repairs to the cap, as necessary, to correct the effects of settling, subsidence, erosion and other events;
 - VI.C.3.b. Prevent run-on and run-off from eroding or otherwise damaging the final cover.

- VI.C.3.c. For the hazardous waste landfill, the permittee shall continue to operate the leachate collection and removal system until leachate is no longer detected through visual observation of the leachate sumps.
- VI.C.3.d. For the hazardous waste landfill, the Permittee shall maintain and monitor the leak detection system in accordance with MHWMR 264.301(c) (3)(iv), 264.301(c)(4), 264.303(c), and comply with all other applicable leak detection requirements of MHWMR Part 264, and the approved Post-Closure Plan, Permit Attachment B.
- VI.C.3.e. For the hazardous waste landfill, the Permittee shall protect and maintain the surveyed benchmarks used in complying with the surveying and recordkeeping requirements of MHWMR 264.309.
- VI.C.3.f. For the hazardous waste landfill, if it is determined that a leak in the primary liner is indicated, the Permittee shall take remedial action as described in the Post Closure Plan, Permit Attachment B.
- VI.C.4. The Permittee shall comply with all security requirements, as specified in Permit Attachment B.
- VI.C.5. The Permittee shall not allow any use of the units identified in Condition VI.A., which will disturb the integrity of the final cover, or the function of the facility's monitoring system during the post-closure care period.
- VI.C.6. The Permittee shall implement the Post-Closure Plan, Permit Attachment B. All post-closure care activities must be conducted in accordance with the provisions of the Post-Closure Plan and this permit.

VI.D. INSPECTIONS

The Permittee shall inspect the components, structures, and equipment at the site in accordance with the Inspection Schedule in the Post-Closure Plan, Permit Attachment B.

VI.E. NOTICES AND CERTIFICATION

- VI.E.1. If the Permittee or any subsequent owner or operator of the land upon which the hazardous waste disposal unit is located, wishes to remove hazardous wastes and hazardous waste residues; or contaminated soils from one of the units identified in Permit condition VI.A, then the Permittee shall request a modification to this post-closure permit in accordance with the applicable requirements in MHWMR Parts 124 and 270, except for those activities authorized in this permit including but not limited to leachate and groundwater recovery, or activities governed by the Consent Decree. The Permittee or any subsequent owner or operator of the land shall demonstrate that the removal of hazardous wastes will satisfy the criteria of MHWMR 264.117(c).
- VI.E.2. No later than sixty (60) days after completion of the established post-closure care period for each disposal unit, the Permittee shall submit to the Executive Director, by registered mail, a certification that the post-closure care for the hazardous waste disposal unit was performed in accordance with the specifications in the approved Post-Closure Plan. The certification must be signed by the Permittee and an independent, professional engineer registered in the State of Mississippi. Documentation supporting the independent, professional engineer's certification must be furnished to the Executive Director upon request until the Executive Director releases the Permittee from the financial assurance requirements for post-closure care under MHWMR 264.145(1).

VI.F. FINANCIAL ASSURANCE

- VI.F.1. The Permittee shall maintain financial assurance during the post-closure period and comply with all applicable requirements of MHWMR 264, Subpart H.
- VI.F.2. The Permittee shall demonstrate to the Executive Director that the value of the financial assurance mechanism exceeds the remaining cost of post-closure care, in order for the Executive Director to approve a release of funds.
- VI.F.3. The Permittee shall submit itemized bills to the Executive Director when requesting reimbursement for post-closure care.

VI.G. POST-CLOSURE PERMIT MODIFICATIONS

The Permittee must request a permit modification to authorize a change in the approved Post-Closure Plan. This request must be made in accordance with applicable requirements of MHWMR Parts 124 and 270, and must include a

copy of the proposed amended Post-Closure Plan for approval by the Executive Director. The Permittee shall request a permit modification whenever changes in operating plans or facility design affect the approved Post-Closure Plan. The Permittee must submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the Post-Closure Plan.

MODULE VII – LAND DISPOSAL RESTRICTIONS

VII.A. GENERAL RESTRICTIONS

MHWMR 268 identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances which an otherwise prohibited waste may continue to be placed on or in a land treatment, storage or disposal unit. The Permittee shall maintain compliance with the requirements of MHWMR 268. Where the Permittee has applied for an extension, waiver or variance under MHWMR 268, the Permittee shall comply with all restrictions on land disposal under this Module once the effective date for the waste has been reached pending final approval of such application.

VII.B. LAND DISPOSAL PROHIBITIONS AND TREATMENT STANDARDS

- VII.B.1. A restricted waste identified in MHWMR Part 268, Subpart C may not be placed in a land disposal unit without further treatment unless the requirements of MHWMR 268, Subparts C and/or D are met.
- VII.B.2. The storage of hazardous wastes restricted from land disposal under MHWMR 268 is prohibited unless the requirements of MHWMR 268, Subpart E are met.