

ATTACHMENT 2 OF 7 TO THE TEXAS COMMISSION ON ENVIRONMENTAL  
QUALITY'S PROOF OF CLAIM #1

**PERMIT NO. HW 50206**



**TEXAS WATER COMMISSION**  
Stephen F. Austin State Office Building  
Austin, Texas

PERMIT FOR INDUSTRIAL  
SOLID WASTE MANAGEMENT SITE  
issued under provisions of TEX.  
REV. CIV. STAT. ANN. art. 4477-7

Permit No. HW-50206  
EPA I.D. No. TXD 006451090

This permit supersedes and replaces  
permit No. HW-50206, approved  
May 24, 1988.

Name of Permittee: GNB Incorporated  
7471 South Fifth Street  
P. O. Box 250  
Frisco, Texas 75034

Site Owner: GNB Incorporated  
P. O. Box 64100  
St. Paul, Minnesota 55164

Registered Agent for Service: C. T. Corporation  
1601 Elm Street  
Dallas, Texas 75201

Classification of Site: Hazardous Waste Storage, Off-Site

The permittee is authorized to store waste in accordance with limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules of the Commission and other Orders of the Commission and laws of the State of Texas. Nothing in this permit exempts the permittee from compliance with the applicable rules and regulations of the Texas Air Control Board.

This permit will be valid until cancelled, amended, or revoked by the Commission. Authorization to receive and store waste shall expire midnight May 24, 1998.

All provisions in this permit stem from state authority. Those provisions marked with an asterisk (\*) stem from both state and federal authority.

APPROVED, ISSUED, AND EFFECTIVE this 26th day of September, 1989

ATTEST:

*Brenda W. Foster*

*Billy*

For the Commission

## Table of Contents

### GNB INCORPORATED - FRISCO

#### Provision

- I. Size and Location of Facility
- II. Facilities and Operations Authorized
  - A. Wastes Authorized
  - B. Facility Units and Functions Authorized
- III. Facility Design, Construction and Operation
  - A. General Design, Construction, and Certification Requirements
  - B. General Operational Requirements
  - C. Battery Storage Building Operational Requirements
  - D. General Air Quality Conditions
- IV. Closure
  - A. General Closure Requirements
  - B. Container Storage Area Closure Requirements
  - C. Protected Waste Pile Closure Requirements
- V. Standard Permit Conditions
- VI. Incorporated Regulatory Requirements
- VII. Incorporated Application Materials
  - A. Contingency Plan
  - B. Inspection Schedule
  - C. Closure
- VIII. RCRA Facility Investigation

NAME: GNB, Incorporated

I. Size and Location of Facility:

- A. The industrial solid waste management facility is located at 7471 South Fifth Street in the City of Frisco, Collin County, Texas. The 55.48 acre tract of land is contiguous to the southern boundary of the City of Frisco. The geographical coordinates of the site are North Latitude 33°08'30" and West Longitude 96°49'53" and is located in the Trinity River Basin Segment 0823.
- B. The legal description of the site submitted in the application for Permit No. HW-50206 is hereby made a part of this permit as "Attachment A."

II. Facilities and Operations Authorized:A. Wastes Authorized:

The permittee is authorized to manage hazardous industrial solid wastes listed in the application and described herein, subject to the limitations provided herein. Wastes II.A.2.a., II.A.2.b., and II.A.2.e. through II.A.2.i. may be received from off-site.

Hazardous wastes authorized to be managed under this permit are limited as follows:

1. Hazard Code Group Codes (as prescribed by U. S. Environmental Protection Agency regulations) in effect upon date of permit approval:

<u>    </u> Ignitable (I)	<u>    </u> Acute Hazardous Waste (H)
<u>  x  </u> Toxic (T)	<u>  x  </u> EP Toxic (E)
<u>  x  </u> Corrosive (C)	<u>    </u> Reactive (R)

2. <u>Waste Description</u>	<u>TWC</u> <u>Waste</u> <u>Class</u>	<u>Hazard</u> <u>Code</u>
a. Spent lead-acid batteries	IH	E
b. Raw materials from lead-acid batteries	IH	E
c. Rubber and plastic battery case chips	IH	E
d. Waste battery acid and process waste water	IH	C, E
e. Emissions control dust	IH	T
f. Drosses and slags containing recoverable lead	IH	E
g. Scrap lead and lead parts from other industries	IH, I	E
h. Sump muds (lead oxide)	IH	E
i. Wastewater treatment sludges containing recoverable lead	IH	E

NAME: GNB, Incorporated

[II.B.]

B. Facility Units and Functions Authorized:

The permittee is authorized to operate the following facility units for storage subject to the limitations described below. All waste management activities subject to permitting are to be confined to the authorized facility units listed below:

1. Waste pile, bin areas inside building, capacity for 4,150 tons of wastes, identified as Raw Material Storage Building in revised application dated April 30, 1987, (Unit Registration No. \_\_\_\_ ) for storage of all solid and semi-solid authorized hazardous wastes.
2. Container storage area, capacity 71,500 batteries, identified as Battery Receiving/Storage Building in amendment application dated May 31, 1988, (Unit Registration No. \_\_\_\_ ) for storage of batteries and all authorized and containerized wastes.

C. Authorization to operate this facility is contingent upon maintenance of financial assurance pursuant to Provision IV.A.1. and financial liability requirements pursuant to Provision III.B.11.

D. The facility units and operational methods authorized are limited to those described both herein and by the permit application submittals dated October 21, 1986; April 30, 1987; May 31, 1988; September 13, 1988; and October 11, 1988, and related plans and specifications which are hereby incorporated by reference and made a part of this permit. Prior to constructing or operating any facility unit in a manner which differs from either the related plans and specifications or the limitations of this permit, the permittee is required to:

1. Notify the TWC and submit plans and specifications for the proposed modification; and
2. Receive written authorization of the Executive Director for such modification, if the Executive Director determines that a permit amendment is not required by TWC rules.

E. Any proposed facility modifications, addition of components, or expansion in capacity which has not been addressed by the terms of this permit must be authorized in accordance with TWC amendment rules.

III. Facility Design, Construction, and Operation

A. General Design, Construction, and Certification Requirements:

1. Facility design, construction, and operation must comply with this permit, TWC Rules, and be in accordance with the plans and specifications for design, construction and operation approved

NAME: GNB, Incorporated

[III.A.1.]

herein. All plans and specifications submitted with the permit application on October 21, 1986; April 30, 1987; May 31, 1988; September 13, 1988; and October 11, 1988 are approved, subject to the terms of this permit and any other orders of the Texas Water Commission (TWC).

2. The entire waste management facility shall be designed, constructed, operated, and maintained to prevent inundation of and discharge from the areas surrounding the facility components subject to the following minimum requirements:
  - a. Each receipt, storage, and processing area, including unloading areas, shall be provided with a drainage control system which will collect spills and incident precipitation in such a manner as to:
    - (1) Preclude the release from the system of any collected spills, leaks, or precipitation, except as provided in Provision III.A.2.b. This requirement shall be met by, at a minimum, providing a base and sides which are free of cracks or gaps and are sufficiently impervious to contain leaks, spills, or precipitation until the collected material is removed, and providing curbs or sides designed to withstand a full hydrostatic head;
    - (2) Prevent run-on into the system from non-storage and processing areas;
    - (3) Minimize the amount of rainfall that is collected by the system; and
    - (4) Have sufficient capacity to contain the volume of the largest facility unit or 10% of the total facility unit capacity, whichever is greater. Each battery shall be counted as containing one gallon of liquid.
  - b. Collected spills, leaks, clean-up residues, and rainfall runoff including stormwater from all waste management areas shall be removed within 48 hours after the spillage and/or rainfall event to prevent overflow of the collection system, by the following method(s):
    - (1) Removal to an authorized facility unit;
    - (2) Removal off-site for processing or disposal at an authorized industrial solid waste management facility;
    - (3) Discharge in accordance with a wastewater discharge permit; and/or

NAME: GNB, Incorporated

[III.A.2.b.]

- (4) Discharge to a publicly owned treatment works (POTW) after pre-treatment to a level acceptable to the POTW.

3. All authorized facility components shall be clearly identified as numbered in Provision II.B. At a minimum, storage areas are to have signs indicating "TWC PERMIT UNIT NO. (from Provision II.B.)" (for example, the waste pile shall be labeled "TWC PERMIT UNIT NO. 1".).
4. Permittee shall comply with 40 CFR 264.14, relating to security requirements.

B. General Operational Requirements:

1. Incompatible wastes shall not be commingled in any storage or processing facility component.
2. The permittee shall remove within 48 hours any spilled waste and waste residues and shall take all steps necessary to prevent surface-water contamination as a result of any spills.
3. The permittee shall manage and dispose of all wastes at the site in a manner which minimizes particulate emissions of wastes to the air. At a minimum, all waste subject to wind dispersal shall be covered by a tarp or other similar device during processing or transport.
4. All contaminated water as identified by Provisions III.B.5. shall be managed by the following method(s):
  - a. Treatment on-site in the wastewater treatment system; and/or
  - b. Sent off-site to an authorized industrial solid waste management facility.
5. The permittee shall ensure that any equipment or vehicles which have come in contact with waste in the storage and processing area have been decontaminated prior to their movement into designated uncontaminated areas of the site property. At a minimum, all contaminated equipment shall be externally washed and contaminated vehicles shall have their undercarriages and tires or tracks washed sufficiently to remove waste residues and to prevent contamination of uncontaminated areas. All wash water generated shall be collected and managed in accordance with Provision III.B.4.

NAME: GNB, Incorporated

[III.B.]

6. The annual site activity report required by Provision V.X. shall be submitted to the TWC Central Office and District 4 Office by January 25 of each year for the preceding year's activities. This annual report shall include, at a minimum, the following information:
  - a. All information and records required by 31 Texas Administrative Code (TAC) 335.154;
  - b. A plot plan of the facility showing all landfill cells and all active and closed surface impoundments. The plot plan shall also indicate all ponds, roads, and monitor wells, and appurtenant structures;
  - c. Volume of all wastes stored at the site;
  - d. Volume of liquid withdrawn from any landfill leachate sump;
  - e. Summary of all required ground-water monitoring analyses obtained in the year period;
  - f. Summary of the major areas of construction and expansion of the hazardous waste facilities during the year; and
  - g. Summary of the annual cost estimate adjustments for facility closure.
7. The permittee shall ensure that all waste analyses utilized for waste identification or verification have been performed in accordance with methods specified in the current editions of "Test Methods for Chemical Analysis of Water and Wastes" or "Test Methods for the Evaluation of Solid Waste" (SW-846) or other methods which are officially approved by the EPA. The permittee shall utilize only laboratories which follow a quality control/quality assurance program conforming to the program specified in "Test Methods for the Evaluation of Solid Waste" (SW-846).
8. The permittee shall develop and use inspection forms which include all facility components to be inspected and a list of all items to be inspected for at each component. Any remedial actions taken in response to facility inspections and the date of the remediation shall be included on the inspection forms.
9. The permittee shall ensure that all hazardous waste facility personnel successfully complete a program of classroom instruction and on-the-job training that teaches them to perform their duties in a way which ensures the facility's compliance with this permit. The permittee shall comply with 40 CFR Part 264.16.



NAME: GNB, Incorporated

[III.B.]

10. All tanks, sumps, pumps, fire- and spill-control equipment, decontamination equipment, and all other equipment and structures authorized or required by this permit shall be maintained in good functional condition.
11. The permittee shall secure and maintain liability coverage in compliance with the liability requirements of, and in a form outlined in, 40 CFR Part 264 Subpart H.

C. Battery Storage Building Operational Requirements

1. Batteries shall be removed from the Battery Storage Building in a pattern which will result in batteries which were placed into the building earlier being removed earlier.
2. As each section of floor is exposed by the removal of batteries, it shall be inspected for standing liquids, cracks, gaps, and evidence that the concrete is no longer impervious. Deficiencies and damage shall be remediated before the floor is again covered by received batteries.
3. The battery storage building shall be inspected no less than weekly.
4. Batteries shall be handled, stored and disposed of in a manner so as to minimize spillage or leakage of acid. Immediately and no later than 24 hours after the detection of a spill or leak, all visible material shall be collected and contained such that air emissions are minimized. Appropriate materials needed for cleanup shall be kept readily available.

D. General Air Quality Conditions

1. This facility shall be operated in accordance with and subject to the Texas Clean Air Act (TCAA) as amended (Article 4477-5, V.A.T.S.) and all applicable Rules, Regulations, and Orders of the Texas Air Control Board (TACB). Said operation is subject to any additional or amended Rules, Regulations, and Orders of the TACB adopted pursuant to the TCAA.
2. All representations with regard to construction plans and operating procedures in the permit application are conditions upon which this permit is issued. The permittee shall not vary from such representations if the change will cause a change in the method of control of emissions, the character of the emission, or will result in an increase in the discharge of any air contaminant, unless he first makes an application to the Texas Water Commission (TWC) to amend the permit and such amendment is

NAME: GNB, Incorporated

[III.D.2.]

approved pursuant to the requirements of TACB Regulation X (31 TAC Chapter 120) and 31 TAC Chapter 335, Subchapter L. The TACB Central Office in Austin shall be notified at the time of such application to the TWC.

3. Modification of an existing facility unit, interruption of construction exceeding 45 days, and completion of construction shall be reported to the appropriate regional office of the TACB not later than ten working days after occurrence of the event.
4. The appropriate regional office of the TACB shall be notified prior to the start-up of a modified facility units authorized by this permit and prior to any required monitoring or sampling in such a manner that a representative of the TACB may be present at the time of the start-up, monitoring, or sampling.
5. Upon request by the Executive Director of the TACB, the permittee shall conduct sufficient sampling or other tests to prove satisfactory equipment performance. All calibration, sampling and testing procedures shall be approved by the Executive Director of the TACB and coordinated with the appropriate regional office representatives of the TACB.
6. If sampling is required, the permittee shall contact the Quality Assurance Division of the TACB prior to sampling to obtain the proper data forms and procedures. The permittee is responsible for providing sampling equipment and conducting sampling operations at his expense.
7. Information and data concerning the date, type and quantity of wastes managed, waste analyses, facility inspections, operating hours, sampling, and monitoring data shall be maintained in the operating record at the plant site and made available at the request of personnel from the TACB, TWC, or any local environmental pollution control program having jurisdiction. Unless otherwise specified in this permit, the operating record shall be retained for at least three years following the date that the information or data is obtained.
8. The facility units covered by this permit shall not be operated unless all required air pollution abatement equipment is maintained in good working order and is operating properly during normal facility operations.
9. Emissions from the facility units shall not cause or contribute to a condition of "air pollution" as defined in Section 1.03 of the TCAA or violation Section 4.01 of the TCAA. If the Executive Director of the TACB determines that such a condition or violation

NAME: GNB, Incorporated

[III.D.9.]

occurs, the permittee shall implement additional abatement measures as necessary to control or prevent the condition or violation.

10. Acceptance of the permit constitutes an acknowledgement and agreement that the permittee will comply with all applicable Rules, Regulations and Orders of the TACB issued in conformity with the TCAA and the conditions precedent to the granting of this permit or any amendment to the permit. Failure to comply with all conditions of this permit or amendment will subject the permittee to the enforcement provisions of the TCAA, Article 4477-5, and the Solid Waste Disposal Act, Article 4477-7, V.A.T.S.
11. Sub-Section III.D. covers only the emissions from the battery storage building.
12. A copy of this permit shall be kept at the plant site and made available at the request of personnel from the TACB, TWC, or any local environmental pollution control program having jurisdiction.
13. The permittee shall maintain the facility units in accordance with the plans and specifications represented in the application for this permit.
14. The permittee shall operate the facility units in compliance with all requirements of the Resource Conservation and Recovery Act and the rules promulgated thereunder as these directly or indirectly relate to air contaminant emissions.
15. The permittee shall operate the facility units in compliance with all rules and regulations of the TACB (except Regulation VI) and with the intent of the Texas Clean Air Act.
16. The permittee shall operate the facility units in compliance with all requirements relating to air quality in 31 TAC Section 335, Subchapter F (relating to Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, and Disposal Facilities), promulgated by the TWC pursuant to the Solid Waste Disposal Act.
17. The permittee shall operate the facility units in compliance with the requirements of any applicable new source performance standard promulgated by the Environmental Protection Agency (EPA) pursuant to authority granted under the Federal Clean Air Act, Paragraph 111, as amended.

NAME: GNB, Incorporated

[III.D.]

18. The permittee shall operate the facility units in compliance with all requirements of any applicable emissions standard for hazardous air pollutants promulgated by the EPA pursuant to authority granted under the Federal Clean Air Act, Paragraph 112, as amended.

IV. Closure

A. General Closure Requirements:

1. The permittee shall provide financial assurance for closure in accordance with the form outlined in 40 CFR 264, Subpart H in an amount not less than \$657,643. Financial assurance shall be secured and maintained in compliance with 31 TAC Section 335.152 and 40 CFR Part 264, Subpart H.
2. The permittee shall submit to the Executive Director upon request such information as may be necessary to determine the adequacy of financial assurance.
  - a. Within 60 days prior to the anniversary date of the financial assurance documents, or within 30 days after the firm's fiscal year for firms using the financial test or corporate guarantee, the facility's closure cost estimates shall be updated for inflation and submitted to the Executive Director. The adjustment shall be made by recalculating costs in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator. The cost estimate for closure shall be based on off-site disposal during closure of all waste and waste residues for all units not required to close as landfills.
  - b. If changes in the closure plan will increase the cost of closure, then the cost estimate shall be revised within 30 days after approval of the plan by the Executive Director. The revised cost shall also be adjusted for inflation as specified in Provision IV.A.2.a.
3. Facility closure shall commence:
  - a. Upon direction of the Texas Water Commission for violation of the permit, TWC Rules, or State Statutes;
  - b. Upon suspension, cancellation, or revocation of the terms and conditions of this permit concerning the authorization to receive, store, process, or dispose of waste materials;
  - c. Upon abandonment of the site;

NAME: GNB, Incorporated

[IV.A.3.]

- d. Upon direction of the Texas Water Commission for failure to secure and maintain an adequate bond or other financial assurance as required in Provision IV.A.1.; or
  - e. When necessary to comply with Provision VII.C.
4. The permittee shall submit a written request for a permit amendment to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the time frames of Provision IV.A.5.a.-d. The written request shall include a copy of the amended closure plan for approval by the Executive Director. The permittee shall submit a written request for a permit amendment to authorize a change in the approved closure plan whenever:
- a. Changes in operating plans or facility design affect the approved closure plan;
  - b. There is a change in the expected year of final closure, if applicable;
  - c. In conducting partial or final closure activities, unexpected events require amendment of the approved closure plan; or
  - d. Requested by the Executive Director under the conditions described in Provision IV.A.4.a.-c. above.
5. The permittee shall submit a written request for a permit amendment:
- a. At least 60 days prior to the proposed change in facility design or operation which will affect the approved closure plan;
  - b. No later than 60 days after an unexpected event has occurred which has affected the closure plan;
  - c. No later than 30 days after an unexpected event has occurred, if the unexpected event occurs during the partial or final closure period; or
  - d. Within 60 days of the Executive Director's request pursuant to Provision IV.A.4.d., or within 30 days if the change in facility conditions occurs during partial or final closure;

NAME: GNB, Incorporated

[IV.A.]

6. The permittee shall notify the Executive Director in writing at least 60 days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit, or at least 45 days prior to the date on which he expects to begin final closure of a facility with only processing or storage tanks, container storage, or incinerator units to be closed. A copy of the notice shall be submitted to the Texas Water Commission (TWC) District 4 Office.
7. Within 60 days of completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, and landfill unit, and within 60 days of the completion of final closure, the permittee shall submit to the Executive Director by registered mail, with a copy to the TWC District 4 Office, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification shall be signed by the permittee and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification shall be furnished to the Executive Director upon request until he releases the permittee from the financial assurance requirements for closure under 40 CFR 264.143(i).
8. Closure activities shall be performed in accordance with the closure plan identified in Provision VII.C., except as modified in this permit.

B. Storage Area Closure Requirements

The permittee shall close the storage area according to the following requirements:

1. Any pumps, piping, and any other equipment or structures which have come in contact with waste shall either be decontaminated by removing all waste or shall be disposed of at an authorized facility.
2. All wash water generated during decontamination activities shall be removed to an authorized facility.
3. All hard-surfaced areas within the storage shall be decontaminated and the wash water generated shall be disposed of at an authorized facility.
4. Verification of decontamination shall be performed by analyzing wash water for the waste constituents which have been in contact with the particular item being decontaminated.

NAME: GNB, Incorporated

[IV.]

C. Protected Waste Pile Closure Requirements

The Raw Material Storage Building wherein the waste piles are located shall be closed according to the following requirements:

1. Procedures given in Provisions IV.B.1. through 4. shall be conducted.
2. All areas indicating possible presence of waste shall be decontaminated or removed. These areas shall include contaminated containment system components (liners, etc.), areas of cracks and chips, and any contaminated subsoils. Removal of these materials shall continue until the permittee can demonstrate that none of the materials remaining at any stage of removal are waste or waste residues. This demonstration can be made by obtaining representative sample(s) of and analyzing the material for the waste constituent(s) that would be indicators of the presence of characteristic and listed wastes. The indicators chosen shall at a minimum include those constituents identified in 40 CFR Part 261, Appendix VIII which would reasonably be expected to be present in the waste. Additional indicators may be chosen.
3. If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment, the permittee finds that not all contaminated subsoils (if any) can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills under 40 CFR 264.310.

\*V. Standard Permit Conditions

- A. The permittee has a duty to comply with all conditions of this permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Solid Waste Disposal Act, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application.
- B. In order to continue a permitted activity after the expiration date of the permit, the permittee shall submit a new application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Executive Director. Authorization to continue such activity will terminate upon the effective denial of said application.

NAME: GNB, Incorporated

[V.]

- C. It shall not be a defense for a 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 the permit.
- D. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the conditions of this permit.
- E. 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.
- F. 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 amending, revoking, suspending, or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by this permit.
- G. The permittee shall give notice to the Executive Director prior to physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements.
- H. Written approval from the Executive Director is required before beginning any change in the permitted facility or activity that would result in noncompliance with other permit requirements.
- I. Unless specified otherwise, the permittee shall report any noncompliance which may endanger human health or safety or the environment. Report of such information shall be provided orally within 24 hours from the time the permittee becomes aware of the noncompliance. A written submission of such information shall also be provided within 5 working days of the time the permittee becomes aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety or the environment; the period of noncompliance, including exact dates and times; 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 recurrence of the noncompliance.
- J. Inspection and entry shall be allowed as prescribed in the Texas Water Code, Chapters 26, 27 and 28, and the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §7.



NAME: GNB, Incorporated

[V.]

K. Monitoring and reporting requirements are as follows:

1. Monitoring samples and measurements shall be representative of the monitored activity.
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, for a period of at least three years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the Executive Director.
3. Records of monitoring activities shall include the following:
  - a. date, time and place of sample or measurement;
  - b. identity of the individual who collected the sample or made the measurement;
  - c. date of analysis;
  - d. identity of the individual who performed the analysis;
  - e. the technique or method of analysis; and,
  - f. the results of the analysis or measurement.

L. Any noncompliance other than that specified above, or any required information not submitted or submitted incorrectly, shall be reported to the Executive Director as promptly as possible.

M. This permit may be transferred only according to the provisions of 31 TAC Chapter 305.64 (relating to Transfer of Permits) and 31 TAC Chapter 305.97 (relating to Action on Application for Transfers).

N. All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 31 TAC Chapter 305.128 (relating to Signatories to Reports).

O. This permit may be amended, suspended and reissued, or revoked for cause. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

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

NAME: GNB, Incorporated

[V.]

- Q. Monitoring results shall be provided at the intervals specified elsewhere in this permit.
- R. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- S. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
- T. The permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency order issued by the Commission.
- U. For a new facility, the permittee shall not commence storage, processing, or disposal of solid waste; and for a facility being modified, the permittee shall not process, store, or dispose of solid waste in the modified portion of the facility until:

1. The permittee has notified the local TWC District Office and submitted to the Executive Director by certified mail or hand delivery a letter signed by the permittee and a Texas Registered Professional Engineer certifying that the facility has been constructed or modified in compliance with the permit. Required certification shall be in the following form:

This is to certify that the construction of the following facility components authorized or required by TWC Permit No. HW-50206 has been completed, and that construction of said facilities has been performed in accordance with and in compliance with the design and construction specifications of Permit No. HW-50206:

(Description of facility components with reference to applicable permit provisions), and

2. The Executive Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or if within 15 days of submission of the letter required by Provision V.U.1., the permittee has not received notice from the Executive Director of an intent to inspect, prior inspection is waived and the permittee may commence, processing, storage, or disposal of solid waste.

NAME: GNB, Incorporated

[V.]

- V. The following shall be included as information which must be reported orally within 24 hours pursuant to Provision V.I.:
1. Information concerning release of any solid waste that may cause an endangerment to public drinking water supplies.
  2. Any information of a release or discharge of solid waste, or of a fire or explosion from a facility, which could threaten the environment or human health or safety outside the facility. The description of the occurrence and its cause shall include:
    - a. name, address, and telephone number of the owner or operator;
    - b. name, address, and telephone number of the facility;
    - c. date, time, and type of incident;
    - d. name and quantity of material(s) involved;
    - e. the extent of injuries, if any;
    - f. an assessment of actual or potential hazards to the environment and human health or safety outside the facility, where this is applicable; and
    - g. estimated quantity and disposition of recovered material that resulted from the incident.
- W. The Executive Director may waive the five-day written notice requirement as specified in Provision V.I. in favor of a written report submitted to the Commission within 15 days of the time the permittee becomes aware of the noncompliance or condition.
- X. An annual report must be submitted covering facility activities during the previous calendar year.
- Y. Emissions from facility units must not cause or contribute to a condition of "air pollution" as defined in Chapter 1.03 of the Texas Clean Air Act or violate Section 4.01 of the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5. If the Executive Director of the Texas Air Control Board determines that such a condition or violation occurs, the permittee shall implement additional abatement measures as necessary to control or prevent the condition or violation.

NAME: GNB, Incorporated

[V.]

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

AA. The permittee shall notify the Executive Director of any release of hazardous waste or constituents that may have occurred from any solid waste management unit at the facility regardless of when the release occurred or may have occurred, and regardless of when waste was placed in any unit. Release of hazardous waste or constituents from any solid waste management unit regardless of when waste was placed in that unit or when the release occurred, will constitute grounds for: (1) a major permit amendment pursuant to §4(e)(8), Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, as necessary to incorporate into the permit appropriate corrective action; (2) the adoption by the Commission of a ground-water compliance plan; or (3) other action deemed necessary by the Commission. Pursuant to such permit amendment, ground-water compliance plan, or other order or action, the permittee shall then take timely corrective action for such releases.

BB. Waste Minimization

The permittee shall certify annually by October 1 for the previous year ending August 31, that the permittee:

1. has a program in place to reduce the volume and toxicity of all hazardous waste which are generated by the permittee's facility operation to the degree determined to be economically practicable; and
2. that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment. The waste minimization certification is to be included in the operating records.

CC. This permit shall be subjected to review by the Executive Director five (5) years from the date of permit issuance or reissuance and shall be modified as necessary to assure that the facility units continue to comply with currently applicable requirements of the Solid Waste Disposal Act (SWDA) and the rules and regulations of the Commission. The permittee shall submit any information as may be reasonably required by the Executive Director to ascertain whether the facility units continue to comply with currently applicable requirements of the SWDA and the rules and regulations of the Commission.

DD. The permittee shall comply with 40 CFR 266.23(b).

NAME: GNB, Incorporated

[V.]

EE. The permittee shall comply with the land disposal restrictions as found in 40 CFR 268 (Federal Register November 7, 1986, June 4, 1987, July 8, 1987, and any subsequent applicable promulgations).

FF. The permittee is required to meet all performance standards in this permit, regardless of whether the permit also contains a specific design or other requirement relating to the performance standard.

VI. Incorporated Regulatory Requirements

A. The following Texas Water Commission rules are hereby made provisions and conditions of this permit. Issuance of this permit with incorporated rules in no way exempts the permittee from compliance with any other applicable state statute and/or Commission Rule.

1. 31 Texas Administrative Code (TAC) Section 335, Subchapter A;
2. 31 TAC Section 335, Subchapter B;
3. 31 TAC Section 335.152;
4. 31 TAC Sections 335.153 - 335.155;
5. 31 TAC Sections 335.156-335.167;
6. 31 TAC Sections 335.170;
7. 31 TAC Sections 335.175-335.176; and
8. 31 TAC Section 335.177-335.179.

B. To the extent applicable to the activities authorized by this permit, the following provisions of 40 Code of Federal Regulations Part 264, adopted by reference by 31 TAC Section 335.152, are hereby made provisions and conditions of this permit;

1. Subpart B -- General Facility Standards;
2. Subpart C -- Preparedness and Prevention;
3. Subpart D -- Contingency Plan and Emergency Procedures;
4. Subpart E -- Manifest System, Recordkeeping, and Reporting;
5. Subpart G -- Closure and Post-closure;
6. Subpart H -- Financial Requirements;

NAME: GNB, Incorporated

[VI.B.]

7. Subpart I -- Use and Management of Containers; and
8. Subpart L -- Waste Piles

VII. Incorporated Application Materials

The permittee shall maintain the following documents at the facility and make them readily available to regulatory authorities for inspection.

A. Contingency Plan

The permittee shall follow the contingency plan developed in accordance with 40 CFR Part 264 Subpart D, submitted October 21, 1986, and revised April 30, 1987 which is hereby approved subject to the terms of this permit and any other orders of the Texas Water Commission. The contingency plan is hereby incorporated into this permit by reference as if set out fully herein. Any and all revisions to the plan shall become provisions and conditions of this permit upon the date of approval by the Commission.

B. Inspection Schedule

The permittee shall follow the inspection schedule developed in accordance with 40 CFR Part 264.15, submitted October 21, 1986, and revised April 30, 1987, and March 31, 1988 which is hereby approved subject to the terms of this permit and any other orders of the Texas Water Commission. The inspection schedule is hereby incorporated into this permit by reference as if set out fully herein. Any and all revisions to the plan shall become provisions and conditions of this permit upon the date of approval by the Commission.

C. Closure

Facility closure shall be completed in accordance with 40 CFR Part 264 Subpart G and the closure plan submitted October 21, 1986, and revised April 30, 1987, and March 31, 1988 which is hereby approved subject to the terms of this permit and any other orders of the Texas Water Commission. The closure plan hereby incorporated into this permit by reference as if set out fully herein. Any and all revisions to the plan shall become provisions and conditions of this permit upon the date of approval by the Commission.

\*VIII. RCRA Facility Investigation

The permittee shall conduct a facility investigation in order to determine whether hazardous constituents listed in 40 CFR Part 261, Appendix VIII have been released into the environment from the following waste management units:

NAME: GNB, Incorporated

[VIII.]

1. Battery Storage Area (01)
  2. Raw Material Storage Area (02)
  3. Slag Landfill (04)
  4. North Disposal Area (05)
  5. South Disposal Area (06)
  6. Stewart Creek (09)
  7. Old Drum Storage Area (10)
  8. Stewart Creek Sediment Dredging Waste Pile
  9. Product Waste Pile (07)
- A. As part of the facility investigation for the units identified in Provisions VIII.1.8., the permittee shall submit for approval and/or modification three copies of a workplan to the Executive Director of the TWC and one copy to the Director, Hazardous Waste Management Division, EPA Region VI, within 90 days from the issuance date of this permit, which will include but is not limited to the following items:
1. A plan view drawing of the facility at a scale of 1 inch equal to not more than 200 feet which clearly shows:
    - a. the location, areal extent and depth of landfills;
    - b. the locations, areal extent and depth of Stewart Creek;
    - c. the location (former) of the drum storage area;
    - d. all structures adjacent or nearby the above solid waste management units such as concrete pads, gullies and roadways; and
    - e. the drawing date, its orientation and scale.
  2. Procedures for investigating the landfills and waste pile identified in Provision VIII.3., 4., 5. and 8. which at a minimum include:
    - a. methods of locating landfill and waste pile boundaries;
    - b. an evaluation of the current condition of the landfill cap and cover with observations concerning any cracking or erosion, a description of cap materials, depth and compaction, and a description of the cover.
    - c. a hydrogeological evaluation of each landfill site involving the following:

NAME: GNB, Incorporated

[VIII.A.2.c.]

- (1) Performance of a hydrogeologic assessment of the area to identify the uppermost aquifer beneath the unit. A soil boring program must be developed by the applicant to determine the strata encountered, saturated intervals and direction of ground-water flow. The workplan must specify the spacing, depth and locations of boreholes. Sample from borings must be taken continuously from the surface to a depth of 20 feet and then at 5-foot intervals thereafter at least until ground water is reached. Samples shall be described as to color, soil type according to the Unified Soil Classification System, other visual characteristics such as structure, texture, mineral composition, moisture content, etc., and any visual or olfactory evidence of contamination. Sample description shall be performed by a qualified geologist or geotechnical engineer. Samples submitted for chemical analysis must be collected every 5 feet from the surface to the bottom of the borings and be analyzed in accordance with the United States Environmental Protection Agency publication SW-846, Test Methods for Evaluating Solid Waste, 3rd Ed., (USEPA SW-846) lead and cadmium.
- (2) Plans for installation of a ground-water monitoring system, based upon the results of the soil boring program consisting of a minimum of one background well located hydraulically upgradient of the unit, removed a sufficient distance so as not to be affected by the unit, and at least three wells located on the downgradient perimeter of the unit. The boreholes developed for Provision VIII.A.(c)(1) may be converted to monitor wells if they are appropriately drilled and located. The plan should include procedures for determining the ground-water gradient. More than three downgradient perimeter wells may be required to effectively sample the uppermost aquifer for hazardous constituents and additional background wells are recommended in order to provide an adequate sample population for determining if background values have been exceeded. Procedures for installation of monitor wells which include detailed completion methods shall be submitted in the workplan. The upper 20 feet of the upper flow zone of the uppermost aquifer must be sampled by wells. No monitor well screen length shall exceed 20 feet. Well construction and sampling materials shall be selected to avoid sample analysis interference. Monitor wells shall be logged during installation according to



NAME: GNB, Incorporated

[VIII.A.2.c.(2)]

procedures outlined in Provision VIII.A.2.c.(1) above. If existing wells are utilized as part of the ground-water monitoring system, the permittee shall provide sufficient boring data or conduct additional soil borings to provide the information required in Provision VIII.A.2.c.(1);

- (3) Well development methods. Methods of well development shall be described to ensure that any fluids introduced by drilling are removed and samples are not influenced by drilling activities;
- (4) Exact procedures for sampling and analysis of soil and water samples. The workplan shall include provisions for sample collection, sample preservation and shipment, analytical procedures, and chain of custody control. A statistical method must be submitted that will be used to compare downgradient monitor wells to background values to determine if a statistically significant increase over background has occurred. The plan shall include a schedule for collecting samples from monitor wells during 4 sampling events spaced at 2-month intervals and analyzed in accordance with USEPA SW-846 for lead and cadmium.
- (5) A preliminary ground-water report to be submitted as part of the workplan. This preliminary report shall contain, at a minimum, the following information regarding the ground-water investigation:
  - (a) a site map which depicts the locations of all existing and proposed borings and monitor wells and lines of proposed geologic cross-sections;
  - (b) plans and time frames for submission of the hydrogeologic information required under Provision VIII.A.2.c.(6) below; and
  - (c) well construction diagram;
- (6) Submission of a Final Ground-Water Report. Four copies of Final Ground-Water Report shall be submitted with the Facility Investigation report required by Provision VIII.D. which contains at a minimum:
  - (a) contours of the ground-water surface based on measurements in piezometers and monitor wells, and inferred direction of ground-water flow;

NAME: GNB, Incorporated

[VIII.A.2.c.(6)]

- (b) geologic cross-sections depicting the near-surface stratigraphy;
- (c) logs of all soil borings and monitor wells; and
- (d) results of analyses.

3. Procedures for investigating Stewart Creek identified in Provision VIII.6. which include the following:

- a. visual inspection of the creek bank for evidence of overtopping and erosion;
- b. evaluation of run-on, run-off patterns affecting the creek; and
- c. a hydrological evaluation of the site as described in Provision VIII.A.2.c. for the landfill sites.

4. Procedure for inspecting the soil in and/or around the units identified in Provision VIII.1., 2., 7., and 9. which at a minimum, includes:

- a. a soil boring program which shall include
  - (1) a boring location map showing the potentially contaminated area, and proposed boring locations.
  - (2) a soil sampling plan that includes procedures for sampling and analysis of soil at each boring location point. The workplan shall include provisions for sample collection, sample preservation and shipment, analytical procedures and chain of custody control.
  - (3) samples shall be analyzed for lead and cadmium.
  - (4) a determination of the presence or absence of contamination at each point. The soil boring program shall provide that the permittee shall analyze samples obtained at each point for all indicator parameters. The soil boring program should include provisions for obtaining discrete soil samples from the 0-6 inch, 6-12 inch, and 12-18 inch depths. Characteristic parameters shall be judged by the characteristically hazardous level. The level of the indicator parameter shall be compared to the background level for that parameter using the procedure submitted under Provision VIII.A.4.b. below. If a characteristic parameter exceeds the characteristically

NAME: GNB, Incorporated

[VIII.A.4.a.(4)]

hazardous level, then the permittee shall conduct additional soil borings to delineate the extent of contamination as provided in Provision VIII.A.4.a.(5).

- (5) a method of locating with precision the horizontal and vertical extent of the presence of contamination detected at sample points. For each analysis of a soil sample that indicates the presence of contamination, the permittee shall provide plans for:
  - (a) obtaining and analyzing additional soils samples and comparing the analytical results to background to delineate the areal extent of contamination. The plan should provide for taking additional samples until the area extent of contamination is determined. The delineation plan should specify procedures and distances for locating additional sample points to delineate the horizontal extent of contamination, and
  - (b) delineating the vertical extent of contamination. If any indicator parameters at the 0-18 inch depth statistically exceed background levels or characteristic levels, as appropriate, then the permittee shall obtain and analyze additional samples at successive 12-inch intervals until sample analyses do not indicate any indicator parameter values are statistically in excess of background, or characteristic level.
- b. a procedure for the examination of all samples for the presence of indicator parameters above background levels according to an approved statistical procedure. This shall include:
  - (1) a statistical procedure that will be used to determine if a statistically significant increase over background samples obtained in the soil boring program. The statistical procedure shall include a description of the statistical method used and substantiate that it will provide reasonable confidence that the presence of contamination in the soil will be detected.
  - (2) a plan for obtaining background soil samples. The plan shall include provisions for obtaining soil samples from areas which are unaffected by solid waste management and manufacturing activities. A minimum of 4 background sample locations shall be selected and a

NAME: CNB, Incorporated

[VIII.A.4.b.(2)]

minimum of 4 samples taken at successive 6-inch depths from each sample location. Each individual sample shall be analyzed for all indicator parameters. The results of these analyses shall constitute background levels for use in the statistical comparison required under Provision VIII.A.4.a.(4) and (5).

5. A time schedule including milestones for conducting the RCRA facility investigation activities, not to exceed twelve months in duration.
  6. A sample plan including sample locations, sampling methods, sampling equipment, sample handling procedures, analytical procedures, detection limits for each procedure, and sample quality assurance and quality control.
  7. A safety plan describing the known hazards and risks, identifying levels of protective clothing to be worn, describing decontamination procedures and identifying any special requirement or training needs.
- B. The permittee shall immediately implement the modified, approved work plan upon receipt of written approval.
- C. The permittee shall notify the TWC District 4 Office at least 10 days prior to any sampling activity in order to afford District personnel the opportunity to observe sampling procedures and split samples.
- D. The permittee shall submit three copies of a RCRA Facility Investigation report to the Executive Director, and one copy to the Director, Hazardous Waste Management Division, EPA Region VI, within 60 days after the completion of the Facility Investigation. This report shall contain the results of all inspections, observations, evaluations and sampling events conducted as a part of the Facility Investigation along with all maps, drawings and cross-sections.
- E. If it is determined by the Commission that there has been a release to the environment of hazardous constituents listed in 40 CFR Part 261, Appendix VIII, the permittee shall apply to the Executive Director of the TWC for an amendment to this permit in order to initiate a further investigation and/or corrective action.

Attachments

- A - Legal Description
- B - Site Plan

LEGAL DESCRIPTION OF SITE

Commencing at the intersection of the center line of main tract of Grantor as the same is now located and constructed with the South line of said L. H. McNeil Survey;

THENCE NORTH 26 deg. 46 min. 50 sec. East measured along said center line of tract a distance of 894.02 feet;

THENCE SOUTH 63 deg. 13 min. 10 sec. East, at right angles to said center line of a main tract, a distance of 50.0 feet to a point in a fence on Grantor's right-of-way line for a point of beginning;

THENCE NORTH 26 deg. 46 min. 50 sec. East, with the East right-of-way line of said Grantor's track, 1039.47 feet to a rail and fence corner;

THENCE SOUTH 44 deg. 52 min. 10 sec. East with a fence along the South line of the Jackie Neal Newman and Ollie Dear Newman property a distance of 701.5 feet to an iron pin in concrete for a corner;

THENCE NORTH 82 deg. 05 min. 6 sec. East continuing along said Newman's South line a distance of 805.76 feet to a crosstie for a corner;

THENCE SOUTH 1 deg. 40 min. 56 sec. West, along said Newman's West property line a distance of 193.00 feet to an iron pin in concrete for a corner;

THENCE SOUTH 85 deg. 19 min. 04 sec. East, along said Newman's South property line a distance of 808.54 feet to an iron pin in concrete for a corner on the West side of a County Road 60 feet wide an extension of Fifth Street in the City of Frisco, Texas;

THENCE SOUTH with the West line of said County Road, a distance of 1273.13 feet to a point for a corner;

THENCE NORTH 84 deg. 50 min. 50 sec. West, along the North line of Charles Carter property, a distance of 1079.32 feet to a fence post for a corner;

THENCE NORTH 11 deg. 29 min. 23 sec. West, along the East line of the Yarbrough property, a distance of 640.16 feet to a fence post for a corner;

THENCE NORTH 82 deg. 36 min. 05 sec. West, a distance of 1455.23 feet to the point of beginning; and,

CONTAINING 55.45 acres more or less, together with the right of ingress and egress over said land for the purposes for which the above mentioned rights are granted. The easement hereby granted shall not exceed 40 feet in width, the center line thereof to be located across said land as follows:

All those certain tracts or parcels of land situated in Collin County, Texas, being described in two tracts as follows, to-wit:

**TRACT ONE:** All that certain tract or parcel of land out of the W.B. Watkins Survey, A-1004, and the L.R. McNeil Survey, A-618, situated in Collin County, Texas, and being a portion of the tract described as Tract 1, and 2nd Tract in a deed of record in Vol. 333, Page 487, and the tract described in Vol. 361, Page 337, of the Deed Records of Collin County, Texas:

**BEGINNING** at a point in the center of a public road, said point being by deed call North 78° West 460 varas from the Southeast corner of the said Watkins Survey and the Northeast corner of the said L.R. McNeil Survey:

**THENCE** South 10° 43' West 280.0 feet and North 81° 54' West 25.2 feet to an iron pin in the Westerly R.O.W. fence of a County Road, said point being the Point of Beginning of the herein described tract:

**THENCE** South 10° 25' West 631.0 feet along said fence line to an iron pin for corner:

**THENCE** South 2° 25' East 610.0 feet along said fence line to an iron pin for corner:

**THENCE** South 0° 38' East 239.3 feet to an iron pin at fence corner for the Southeast corner of the herein described tract:

**THENCE** South 89° 20' West 895.6 feet along a fence line to an iron pin set in concrete at fence corner:

**THENCE** North 0° 25' West 193.7 feet to a railroad rail set at fence corner:

**THENCE** South 79° 46' West 807.6 feet along a fence to a metal fence post in concrete in the Northeastly R.O.W. fence of the S.L.S.F. & T.R.R. R.O.W.:

**THENCE** North 47° 14' West along said R.O.W. fence 435.1 feet to a metal fence post:

**THENCE** with the Easterly line of the S.L.S.F. & T.R.R. R.O.W. fence, the following courses and distances:

North 30° 23' West 81.8 feet:

North 22° 14' West 81.4 feet:

North 16° 17' West 76.4 feet:

North 4° 24' West 105.3 feet:

North 3° 50' East 41.2 feet:

North 16° 36' East 36.1 feet to a point in the Easterly R.O.W. line of the S.L.S.F. & T.R.R. main line:

**THENCE** with said R.O.W. fence, the following courses and distances:

North 24° 20' East 516.6 feet:

South 75° 01' East 50.1 feet:

North 24° 22' East 946.1 feet to an iron pin at fence corner:

**THENCE** South 79° 52' East 194.5 feet to an iron pin at fence corner:

**THENCE** North 12° 47' East 362.9 feet to an iron pin at fence corner in the occupied South line of Ash Street:

**THENCE** with a fence and the occupied South line of Ash Street South 78° 25' East 1010.7 feet to an iron pin at fence corner:

**THENCE** South 11° 16' West 145.7 feet with a fence line to an iron pin at fence corner:

**THENCE** South 76° 58' East 98.4 feet with a fence line to an iron pin at fence corner:

**THENCE** South 11° 46' West 194.2 feet with a fence line to an iron pin at fence corner:

**THENCE** South 76° 40' East 12.3 feet along a fence line to an iron pin under same:

**THENCE** South 5° 32' West 309.7 feet to an iron pin for corner:

**THENCE** South 81° 54' East 271.9 feet to the Place of Beginning and containing 88.44 acres of land.

**TRACT TWO:** All that certain tract or parcel of land out of the W.B. Watkins Survey, A-1004, Collin County, Texas, and being a portion of the tract described as Tract 1 in deed recorded in Vol. 333, Page 487, Deed Records of Collin County, Texas, and being described by metes and bounds as follows:

**BEGINNING** at a point on the East line of the R.O.W. of the S.L.S.F. & T.R.R. R.O.W. and where the South line of Ash Street crosses same, said point being an iron pipe:

**THENCE** South 78° 25' East along the South line of said Ash Street 90.2 feet to an iron pin, said point being North 78° 25' West 40.0 feet from the most Northerly corner of the above described Tract 1:

**THENCE** South 12° 47' East 110.0 feet to an iron pin for corner:

**THENCE** North 77° 13' West 107.7 feet to an iron pin for corner in the Easterly R.O.W. line of said Railroad:

**THENCE** North 21° 59' East 109.5 feet along the chord of a curve to the 1c+ and the said R.O.W. line to the Place

