

State of Vermont
Department of Environmental Conservation
Waste Management & Prevention Division
1 National Life Drive – Davis 1
Montpelier, VT 05620-3704
(802) 828-1138
steve.simoes@state.vt.us

April 30, 2015

Ms. Candice Callahan, Environmental Compliance Program Manager
International Business Machines Corporation
1000 River Road
Essex Junction, VT 05452

Re: Class 1 Permit Modifications Requiring Prior Approval – Transfer of Ownership & Removal of RCRA Corrective Action Components
IBM Essex Junction, VT (EPA ID No. VTD002084705)

Dear Ms. Callahan:

As stated in my February 3, 2015, letter to you, the Waste Management & Prevention Division approved the two Class 1 hazardous waste facility permit modifications requested by IBM on January 14, 2015, as follows:

1. IBM's request to modify its permit to transfer ownership of IBM's hazardous waste facility and the facility permit to GLOBALFOUNDRIES U.S. 2 LLC (hereinafter "GLOBALFOUNDRIES") on or about the anticipated date of May 1, 2015, (recently revised to July 1, 2015) is approved.
2. IBM's request to modify its permit to remove RCRA corrective action components as specified in its January 14, 2015, letter is approved only with respect to those corrective action components that address historic contamination at the facility (EPA ID No. VTD002084705). Components of the permit specifying general corrective action requirements (e.g., Conditions 11.17, 11.18 and 11.20) shall remain in the permit.

By this letter, I wish to further clarify how these approved modifications will affect the permit upon transfer of facility ownership. Specifically:

- References to "IBM" shall be read to mean "GLOBALFOUNDRIES;"
- References to IBM's EPA ID number (i.e., VTD002084705) shall be read to mean the new EPA ID number issued to GLOBALFOUNDRIES, VTR000524868;
- Paragraph (h) of permit condition 4.9 shall read as follows:

The closure plan, ~~the~~ and initial closure ~~and corrective action~~ cost estimates; and all subsequent closure ~~and corrective action~~ cost estimates prepared under Conditions 9.2; and 9.3; ~~11.26 and 11.27;~~ and a copy of the current corrective action cost estimation methodology approved by the Secretary as required under Condition 11.27.



- Permit condition 4.17 shall read as follows:

IBM shall submit to the Director, upon request, the results of all sampling and/or tests or other data generated pursuant to Part 11 (Corrective Action) ~~and Section 13 (Corrective Action Program)~~ of this permit.

- Permit condition 10.3 shall read as follows:

IBM shall establish financial assurance for closure as required by 40 CFR 264.143. ~~IBM shall also establish financial assurance for corrective action.~~ Financial assurance shall be in at least the total amount required by Conditions 9.2, and 9.3, ~~11.26 and 11.27~~ of this permit.

- The permit findings and conditions pertaining to corrective actions for historic site contamination *not included in the permit upon transfer* to GLOBALFOUNDRIES include:

- Findings 5, 7, and 8
- Permit conditions 11.1 through 11.16, 11.19, and 11.21 through 11.27.

And such findings and conditions, as they relate to historic site contamination, shall not apply to IBM, who will be conducting the corrective action of the historic site contamination pursuant to an Administrative Order.

- A copy of the GLOBALFOUNDRIES Part A application shall replace the IBM Part A application currently included as “Section 1” of the permit.
- If closure of the N Butyl Acetate #2 waste tank and ancillary equipment is completed prior to transfer of the permit, the permit shall be read to not include references to that tank; if the closure is not completed prior to transfer of the permit, GLOBALFOUNDRIES must submit a standard Class 1 modification when closure of the tank and ancillary equipment is completed (i.e., tank references are included in the facility description and closure plan sections of the permit).

Please contact Steve Simoes of my staff at (802) 522-0386 if you have any questions regarding this matter.

Sincerely,



Charles Schwer, Director
Waste Management & Prevention Division