



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

March 28, 2013

CERTIFIED MAIL – 7009 3410 0001 9352 0792
RETURN RECEIPT REQUESTED

Mr. Bradley T. Meyr
Facility Manager
Lone Star Industries, Incorporated
D.B.A. Buzzi Unicem USA
2524 South Sprigg Street
Cape Girardeau, MO 63703-8024

RE: Class 2 Permit Modification Request Approval
Lone Star Industries, Incorporated, Cape Girardeau, Missouri
EPA ID# MOD981127319

Dear Mr. Meyr:

The Missouri Department of Natural Resources (Department) approves Lone Star Industries, Incorporated's (Lone Star) Class 2 Permit Modification request, dated December 18, 2012, with conditions. This request, which was for building equipment to fluidize hazardous waste in containers in an already permitted container storage area, was originally submitted with Lone Star's October 28, 2011, Class 3 Permit Modification request. Due to the nature and scope of that modification and time constraints realized by the facility, on February 19, 2012, Lone Star requested that certain aspects of the Class 3 Permit Modification be withdrawn for later processing. Those aspects met the classification of a Class 2 Permit Modification and are addressed in this approval. The Department's decision was based on a thorough technical review of the modification request and applicable federal and state laws and regulations. We are approving the Class 2 Permit Modification request with the following modifications and conditions:

1. Under the General Facility Description and the draft Part A amendments, the proposed activity is described as T04, other treatment. Lone Star shall reference this addition as X99, miscellaneous treatment unit, as it is a treatment unit performing the fluidizing.
2. Lone Star indicated that the new equipment to be used to fluidize hazardous waste in containers will be stored in a 90-day generator container when not in use. The area proposed to house this new unit is an existing container storage area, where 1-year storage is acceptable. Lone Star shall properly label this container by the U.S.



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Department of Transportation (DOT) standards and it shall be kept closed when the unit is not being stored within it. The permitted capacity of the existing truck unloading area is 30,000 gallons. Lone Star shall include the capacity of this equipment storage container in this total.

3. Lone Star submitted change requests for the Waste Analysis Plan (WAP) with the proposed Class 2 Permit Modification request. The Department believes these requested changes constitute a Class 3 Permit Modification that was not included in the original October 28, 2011, Class 3 Permit Modification request. Therefore, the requested changes to the WAP do not meet the public participation requirements of Code of Federal Regulations 40 CFR 270.42(b), as incorporated by reference in Code of State Regulations 10 CSR 25-7.270(2)(D). Any change to the WAP is not being approved at this time and is not considered to be part of the current permit modification request. If changes to the WAP are still desired, Lone Star should submit a separate permit modification request with the proposed changes to the WAP.
4. Lone Star submitted updates to the inspection schedule to include the fluidization unit and associated operations. Since this is currently a proposed process and the unit has not yet been constructed, we recognize that process and/or equipment failures may occur. As such, Lone Star shall perform inspections on the unit/equipment before and after each use, and document any repairs or defects before continuing with treatment operations. Lone Star shall also implement hourly inspections of all unit equipment during fluidizing and transfer operations. An updated inspection schedule shall be included with the revised Class 2 modification request resubmittal specified below.
5. Lone Star indicates that the addition of this fluidizing process and equipment will not affect the Closure Plan, Closure Cost Estimate, or Financial Assurance documents. It is counterintuitive that the addition of a new process and equipment would not affect the closure plan, closure cost-estimate, and potentially the amount of financial assurance if this process and equipment is not already addressed in the Closure Plan. Lone Star shall update the Closure Plan, Closure Cost Estimate, and Financial Assurance documents to account for the additional procedures and costs associated with closure of the new miscellaneous treatment unit and ancillary equipment. This update shall be due within 30 days of impletion of all Department-approved trial runs and a final decision by Lone Star that operation of the unit/equipment will continue as part of its ongoing operation.
6. Lone Star indicates, under an update to Section 16, Air Emissions, that revised process flow diagrams and Subpart BB inspection checklists will be provided as a Class 1 Permit Modification within 30 days after startup of the fluidization unit. A modification request is not required for this submittal; however, the submittal of these revised items has been added as a Schedule of Compliance item as noted in the comments within this letter.

7. Lone Star indicates, under an update to Section 16, Air Emissions, that container level 2 (in lieu of level 3) standards apply during the fluidization process, since the treatment is not a waste stabilization process. However, with the addition of the fluidization unit, the trailer no longer meets DOT shipping specifications. Lone Star shall operate the fluidization unit with no detectible emissions as defined by 40 CFR 265.1081 and in compliance with 40 CFR 264.1086(g) during each fluidization operation.
8. Lone Star shall immediately clean up all releases of hazardous waste from the fluidization operation during the insertion, removal, and movement of the fluidization equipment/unit.

The Department understands that detailed designs and/or specifications do not exist for the proposed fluidization unit. This unit, process descriptions, and further requirements, will be designed and built in the field at the facility. With the approval of this permit modification, Lone Star shall be authorized to fabricate the necessary equipment and all ancillary equipment for the fluidization unit and conduct up to ten trial runs, one trial run being the equivalent of 4 hours. Additional trial runs may be granted by the Department upon the Permittee's request; however, Lone Star shall not use the newly-constructed fluidization unit beyond the approved trial runs until the following events occur:

1. The Permittee shall submit to the Department, by certified mail or hand delivery, a letter signed by the Permittee and a professional engineer registered in Missouri stating the following:
 - a) The unit has been constructed in a manner that promotes safe operation, and
 - b) Lone Star is requesting authorization to operate in accordance with 40 CFR 270.30(1)(2), as incorporated in 10 CSR 25-7.270(2)(C)1.B.
2. The Permittee shall resubmit a revised Class 2 Permit Modification request to address the conditions/modifications included in this letter.
3. The Permittee shall submit as-built design drawings and specifications for the fluidization unit. These drawings and specifications shall be certified by a professional engineer registered in Missouri.
4. The Permittee shall submit a revised process flow diagram for the fluidization unit and an updated Subpart BB inspection form listing all additional equipment tag numbers, along with inspection forms, to fulfill the requirements of Comment 6 above.

5. The Permittee shall submit for Department approval, a revised closure plan and closure cost estimate for the fluidization unit once all trial runs have been completed and within 30 days of a final decision by Lone Star that operation of the unit/equipment will continue as part of its ongoing operations.
6. Upon the Department's approval of the revised closure cost estimate required in #5 above, the Permittee shall submit to the Department, updated financial assurance documents accounting for the approved additional costs associated with closing the fluidization unit.
7. The Department has inspected, or formally waived inspection of the newly-constructed fluidization unit and grants Lone Star authorization to operate the unit in an ongoing fashion.

If, upon completion of the trial runs, the proposed fluidization unit and process prove to be ineffective or inefficient, the Permittee may submit a request to the Department to withdraw this Class 2 Permit Modification and decommission the unit/equipment utilized during the trial runs.

The public participation activities required for the Class 2 Permit Modification, as described in Code of Federal Regulations 40 CFR 270.42(b), as incorporated by reference in Code of State Regulations 10 CSR 25-7.270(2)(D), were met when Lone Star conducted the public participation activities for the original Class 3 Permit Modification. The 60-day public comment period began October 31, 2011, and ended December 31, 2011. Lone Star held a public meeting about the Class 3 Permit Modification request on November 30, 2011. The Department did receive comments on the Class 3 Permit Modification request, but none of the comments were related to the proposed fluidizing in containers operation that is the subject of this modification. The Department mailed a notification letter to everyone on the facility mailing list, the appropriate units of state and local government, and to anyone who submitted written comments, as required in 40 CFR 270.42(f)(1), incorporated by reference in 10 CSR 25-7.270(2)(D). The various letters are enclosed with this letter.

The approved Class 2 Permit Modifications are effective immediately. Please be aware that any parties adversely affected or aggrieved by the Department's decision to approve the Class 2 Permit Modifications may be entitled to pursue an appeal before the Administrative Hearing Commission, according to 40 CFR 270.42(f)(2), incorporated by reference in 10 CSR 25-7.270(2)(D). The petition must be filed with the Administrative Hearing Commission by April 29, 2013, according to the procedures outlined in 10 CSR 25-2.020 and Missouri Revised Statutes, Sections 260.395.11 and 621.250, RSMo. If the petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any other method, it will be deemed filed on the date it is received by the Administrative Hearing Commission. Appeals must be sent to the Administrative Hearing Commission, Truman State Office Building, Room 640, 301 West High Street, P.O. Box 1557, Jefferson City, MO 65102, or by fax to (573) 751-5018. The Department also asks that a copy of the petition be provided to

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Mr. David Lamb, Director, Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, or by fax to (573) 751-7869.

If you have questions regarding this letter or the enclosed documents, please contact Mr. Nathan Kraus, of my staff at the Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, by telephone at (573) 751-3553 or 1-800-361-4827, or by e-mail at nathan.kraus@dnr.mo.gov. Thank you.

Sincerely,

HAZARDOUS WASTE PROGRAM

[Original signed by David J. Lamb]

David J. Lamb
Director

DJL:nkm

Enclosures

c: Senator Roy Blunt, U.S. Senate
Senator Claire McCaskill, U.S. Senate
District 08, U.S. House of Representatives
Senator Wayne Wallingford, Missouri Senate
Representative Kathy Swan, Missouri House of Representatives
Mayor Harry Rediger, City of Cape Girardeau
Presiding Commissioner Clint Tracy, Cape Girardeau County
Ken Herstowski, P.E., Project Manager, U.S. EPA Region 7
Southeast Regional Office, Missouri Department of Natural Resources