



## STATEMENT OF BASIS

### PROPOSED FINAL REMEDY, PERMIT TERMINATION, AND RELEASE FROM CORRECTIVE ACTION OBLIGATIONS

**WM LAMPTRACKER, INC.  
415 KAISER INDUSTRIAL DRIVE  
KAISER, MISSOURI  
EPA ID# MOR000504456**

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**Facility Type:** Former Hazardous Waste Storage and Resource Recovery

**Contaminants:** Mercury, Lead, Cadmium

**Media:** Soil

**Proposed Final Remedy:** No Further Action without Institutional or Engineering Controls

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### INTRODUCTION

This Statement of Basis describes the investigation, previous corrective measures and proposed final remedy for the former WM LampTracker, Inc. (WMLT) facility in Kaiser, Missouri. Reasons for recommending the proposed final remedy, permit termination and release from corrective action obligations are also presented. The Missouri Department of Natural Resources (Department) prepared this Statement of Basis as part of the public participation requirements of Code of State Regulations 10 CSR 25-8.124(1), which mirror Code of Federal Regulations 40 CFR 124.7.

This document highlights the information that is presented in more detail in the facility Administrative Record. Among other documents, the Administrative Record includes the following:

- Resource Recovery Decommissioning Plan, dated September 20, 2012.
- Resource Recovery Closure Report, dated November 30, 2012.
- Resource Recovery Closure Acceptance Letter, dated April 11, 2013.
- Closure Plan, dated September 5, 2013.
- Closure Certification Report, dated March 7, 2014.
- Final Department Facility Closure Certification Acceptance Letter, dated July 24, 2014.

- Resource Conservation and Recovery Act (RCRA) Corrective Action Environmental Indicator Evaluations (CA725-Current Human Exposures Under Control and CA750-Migration of Contaminated Groundwater Under Control, dated February 23, 2015).

The Department invites the public to review the Administrative Record for a more complete understanding of the historical environmental issues and corrective action activities completed at the former WMLT facility. The Administrative Record locations are provided at the end of this document.

The Department invites the public to review and offer written comments on the proposed final remedy, permit terminations and release from corrective action obligations from September 24, 2015, to November 9, 2015. A public hearing has not been scheduled; however, anyone can request a public hearing about the proposed final remedy and regulatory release during the 45-day public comment period. The Department will approve a final remedy for the facility only after the public comment period has ended and all public comments have been reviewed and addressed in writing by the Department. The facility will be released from its corrective action obligations only after the approval of the final remedy. Public participation information is provided in detail at the end of this document.

### **FACILITY DESCRIPTION**

The WMLT facility is located at 415 Kaiser Industrial Drive in Kaiser, Missouri. The property is industrial zoned and occupies approximately 3.6 acres. The property lies within the NW 1/4 of the NW 1/4 of Section 9, Township 39N, Range 15W, in Miller County. The geographic coordinates for the facility are 38°08'16.1" North latitude and 92°35'12.6" West longitude. A site location map is included as Figure 1, a site plan map of the facility is included as Figure 2, and site building layout is included as Figure 3.

An auto impoundment and salvage yard borders the facility to the north. Commercial development areas border the facility to the west. Wooded areas border the south and east sides of the property. A municipal sewer pumping station is also located on a publically-owned property adjacent to the facility.

### **FACILITY AND REGULATORY HISTORY**

In 2001, H.T.R., Incorporated (HTR) began operating a commercial florescent lamp recycling facility at this site. HTR's main operations consisted of receiving and recycling intact and broken fluorescent lamps, compact fluorescent bulbs, mercury vapor lamps and other lighting tubes and bulbs. HTR operated under a R2 Resource Recovery Certificate (RR0565), first issued on December 11, 2001, which allowed processing and treatment of the fluorescent lamps to

recover the mercury, glass and scrap metal. When federal regulations regarding fluorescent bulbs changed, classifying them as universal hazardous waste, HTR was required to follow hazardous waste permit requirements for storage of the bulbs.

On November 15, 2006, the Department and U.S. Environmental Protection Agency (EPA) Region 7 issued two hazardous waste permits for the facility, with Dufner Acquisition, L.L.C. listed as the owner and HTR, Incorporated listed as the operator. The Department issued the Missouri Hazardous Waste Management Facility (MHWMF) Part I Permit. EPA issued the Hazardous and Solid Waste Amendments Part II Permit. The facility's resource recovery certificate covered the treatment and processing of fluorescent bulbs, while the permits covered storage of the bulbs. From December 11, 2001, to November 15, 2006, HTR was allowed to process and store bulbs under the terms of the resource recovery certificate and 10 CSR 25-7.265(1), which incorporates 40 CFR Part 265 (interim status) requirements, while the permit application was reviewed for the storage of bulbs.

The facility received universal waste fluorescent lamps as a universal waste destination facility. These lamps were recycled to recover the mercury, glass, and scrap metal. The permits allowed HTR to store fluorescent lamps and mercury containing calcium phosphate powder, a characteristic hazardous waste containing mercury (D009), in containers as part of its receipt and processing of fluorescent lamps. The facility also served as a transfer facility for universal waste batteries and Polychlorinated biphenyl (PCB) containing lamp ballasts.

The resource recovery certificate allowed processing and treatment of the fluorescent lamps to recover the mercury, glass and scrap metal. The Department approved a Class 1 Permit Modification on January 30, 2009, to add WM Universal Waste LampTracker 1, Inc. as an additional owner and to change the operator of the facility from HTR to WM Universal Waste LampTracker 1, Inc. The Department later approved another Class 1 Permit Modification to change the name of the operator on the MHWMF Part I Permit to the current name of WM LampTracker, Inc. Three hazardous waste storage areas were historically operated at this facility: (1) Calcium Phosphate Storage Area, (2) Intact Lamp Storage Area, and (3) Crushed Lamp Storage Area.

The MHWMF Part I Permit also required a RCRA Facility Assessment (RFA) to be completed at the facility to address corrective action for known Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs), as well as providing notification of corrective action for any newly-identified releases of hazardous waste or hazardous constituents to the environment. The RFA was completed by Sunbelt Environmental Services, Inc., on behalf of WMLT, on September 23, 2009. The RFA was never approved by the Department, but all SWMUs and AOCs identified in the RFA were addressed during closure. A description of the SWMUs and AOCs identified in the RFA are as follows:

1. SWMU #1: Two Lamp Processing Machine Areas  
WMLT utilized two Model LSS1 Lamp Recycling System machines in the Processing Room up until closure of the units was initiated on January 6, 2010. The machines were replaced with one more efficient machine shortly thereafter. The lamp processing machine(s) processed fluorescent lamps and other lights containing mercury into recyclable materials and mercury-containing calcium phosphate powder.
2. SWMU #2: PCB and Universal Waste Transfer Area  
This area was located between the off-loading docks and the intact bulb storage area. Both PCB and non-PCB containing ballasts are sealed units and were containerized in steel 55 gallon drums.
3. SWMU #3: Parking Lot Trailer Staging Area  
This area, located in the parking lot adjacent to the warehouse, was used by HTR to stage trailers full of fluorescent lamps before they were offloaded into permitted hazardous waste storage.
4. SWMU #4: Retort Storage and Processing Area  
This area was used for the storage of containerized calcium phosphate powder in preparation for processing in the Retort Machine. The calcium phosphate powder carried the EPA D009 waste number for mercury until fully processed through the Retort Machine.
5. SWMU #5: Warehouse Building Crushed Lamp Storage Area  
This area was used to store lamps which were incidentally broken in transit to the facility. The broken lamps were managed as hazardous wastes.
6. SWMU #6: Warehouse Building Intact Lamp Storage Area  
This area served as the main storage for the universal waste lamps. It occupied a large area inside of Warehouse #1 and was permitted through RCRA to store up to 300,000 universal waste lamps.
7. SWMU #7: Former Mercury Containing Calcium Phosphate Powder Storage Area  
Calcium phosphate powder containing mercury was formerly stored in this area. The area is the same area as the Warehouse Building Crushed Lamp Area described in SWMU #5.
8. AOC #1: Crushed Glass Storage Area  
This area was located outside at the loading dock north of Warehouse #2. Crushed universal waste lamps from the process were transferred to trailers staged at the loading

dock, dumped inside the trailers in bulk, and staged in the covered trailer until they were sent off site to a recycling facility.

The Department accepted WMLT's closure report and certification for its Intact Lamp Storage Area, Crushed Lamp Storage Area, and Calcium Phosphate Powder Storage Area on July 24, 2014. WMLT is not subject to post-closure care for the now closed hazardous waste storage areas at the facility by virtue of having "clean closure" for all of the hazardous waste management units. The following is a timeline of important dates in the regulatory history of the former lamp recycling facility located at 415 Kaiser Industrial Drive, Kaiser, Missouri:

- September 25, 2001 – The Department issued HTR EPA ID# MOR00050445.
- August 31, 2001 – The Department received HTR's application for resource recovery certification.
- December 7, 2001 – The Department received HTR's RCRA Part A Permit Application and requested submission of HTR's RCRA Part B Permit Application.
- December 11, 2001 – The Department issued HTR a R2 Resource Recovery Certificate (RR0565) to allow the facility to process and store bulbs under the terms of the certification and the "interim status" portions of the state hazardous waste laws 10 CSR 25-7.265(1), which incorporates 40 CFR Part 265, while the hazardous waste permit application was being processed for the storage areas.
- June 6, 2002 – The Department received HTR's RCRA Part B Permit Application.
- July 16, 2002 – The Department approved a major modification to the resource recovery certificate reflecting the addition of a mercury retort operation to reclaim mercury from the calcium phosphate powder, a D009 hazardous waste.
- November 15, 2006 – The Department issued HTR a MHWMF Part I Permit and EPA issued a Hazardous and Solid Waste Amendments Part II Permit to address regulatory requirements that the State has not yet adopted or been authorized by EPA. The permits were issued to Dufner Acquisition, L.L.C., as the owner, and H.T.R., Incorporated as the operator.
- January 30, 2009 – The Department approved a Class 1 Permit Modification to the MHWMF Part I Permit allowing the addition of a new owner, WM Universal Waste LampTracker 1, Inc. and change in operator to WM Universal Waste LampTracker 1, Inc.
- February 17, 2009 – The EPA approved a Class 1 Modification to the Part II Permit allowing the change in owner and operator to WM Universal Waste LampTracker 1, Inc.
- November 9, 2009 – Sunbelt Environmental Services, Inc. submitted a RCRA Facility Assessment (RFA) Report on behalf of WMLT.

- December 23, 2009 – The Department approved a Class 1 Modification to the MHWMF Part I Permit changing the name of the operator to WM LampTracker, Inc.
- July 21, 2012 – WMLT notified the Department that operations had been discontinued and WMLT was seeking closure of the facility.
- April 11, 2013 – The Department accepted clean closure of the resource recovery units and terminated WMLT’s resource recovery certificate.
- July 24, 2014 – The Department accepted the clean closure report for all permitted hazardous waste storage areas and released WMLT from financial assurance obligations for closure of those areas.
- February 23, 2015 – The Department completed and transmitted to WMLT the RCRA Corrective Action Environmental Indicator Evaluations (RCRAInfo Codes CA725-Current Human Exposures Under Control and CA750-Migration of Contaminated Groundwater Under Control). Both evaluations were coded as “Yes”, affirming that migration of contaminated groundwater and current human exposures were under control. (Note: No groundwater contamination or threat of groundwater contamination was identified.)

## **FACILITY INVESTIGATIONS**

After extensive cleaning of the facility building and decommissioning of process equipment, WMLT conducted confirmation sampling throughout the property according to the approved closure plan. Sampling occurred in September 2013 and December 2013. Media sampled included concrete and sheetrock inside the facility building and soil at various locations outside of the building. All SWMUs and AOCs identified in the permits and RFA were investigated and addressed during closure of the facility, along with the area where a historical trailer fire occurred on the north side of the facility property.

The permitted hazardous waste storage areas (regulated units) sampled for contamination included the Intact Lamp Storage Area, Crushed Lamp Storage Area, and Calcium Phosphate Powder Storage Area. Four concrete samples were taken from the Intact Lamp Storage Area, one concrete sample from the Crushed Lamp Storage Area, and one concrete sample from the Calcium Phosphate Powder Storage Area. The samples were analyzed for metals. All samples results were compared to the residential use criteria from the EPA Region 3 Regional Screening Levels (RSL) tables and were found to be below the RSLs for residential use. Since no residual contamination was found in the permitted areas above residential screening levels that could raise concerns for future use, the Department accepted “clean closure” of these areas and released financial assurance for closure in a letter to WMLT, dated July 24, 2014.

Other SWMUs located at the facility and identified in the permits and RFA were also investigated for contamination related to day-to-day operations at the facility, including HTR operations at the facility. Other SWMUs outside the permitted areas included the Lamp Processing Machine Areas, PCB and Universal Waste Transfer Area, and the Parking Lot Trailer Staging Area. Three concrete samples were taken in the Lamp Processing Machine Area and one concrete sample was taken from the PCB Storage Area\Universal Waste Transfer Area. The samples were analyzed for metals. The PCB Storage Area\Universal Waste Transfer Area sample was also analyzed for total PCBs. The analytical results for all samples were below the residential use screening criteria from the EPA Region 3 RSL tables. The Parking Lot Trailer Storage Area was used by HTR for the staging trailers of fluorescent bulbs before unloading at the docking area. The use of this area was discontinued and taken out of the MHWMF Part I Permit in a Class 1 Modification, dated July 5, 2007.

One AOC was identified in the permits and further investigated as part of the facility closure activities. Four soil samples were taken at the processed Crushed Glass Loading Dock from the uppermost 6 inches of the soil and analyzed for metals. All soil sample results were below the residential use criteria from the EPA Region 3 RSL tables; however, three of the soil samples exceeded the potential leaching to groundwater screening level for mercury, the most conservative screening level for mercury in EPA's Region 3 RSLs. It should be noted that the residual mercury contamination found in the uppermost soil in this area was over twenty times lower than the RSL criterion for residential use.

In order to determine if any residual mercury might leach through the soil and into the groundwater, additional soil samples were taken from 2 to 5 feet below ground surface at the locations where the previous surface samples exceeded the leaching to groundwater criterion. All the sample results from these deeper depth samples were below the leaching to groundwater criterion for mercury. These additional sampling results indicated that the minimal residual mercury contamination was limited to the uppermost level of soils and was not a potential leaching threat to groundwater.

On June 18, 2008, two tractor trailer units holding materials to be unloaded and processed for recycling by HTR at the facility were damaged by fire. The fires led to the release of mercury to the surrounding areas. HTR excavated/removed, characterized and appropriately disposed of nearly 60 tons of surface soil off-site as a special waste. Various materials damaged by the fire were also removed by HTR and shipped to Mercury Waste Solutions in Union Grove, Wisconsin for disposal. After the impacted soil was removed, fourteen soil samples were collected to ensure no contamination remained. All these samples were analyzed for metals and three of the samples were also analyzed for PCBs. All soil sample results were reported to be below analytical method detection limits.

Regarding the past events of HTR's trailer fire, and at the request of the Department, WMLT collected four additional surface soil samples were collected in this area as part of closure of the facility. The samples were analyzed for metals and Semi-Volatile Organic Compounds. All soil sample results were below the residential use criteria from the EPA Region 3 RSL tables; however, two of the soil sample results exceeded the potential leaching to groundwater criterion for mercury, similar to the samples taken at the Crushed Glass Loading Area. It should also be noted that the residual mercury contamination found in the uppermost soil in this area was over thirty times lower than the RSL criterion for residential use.

Also at the request of the Department, WMLT collected deeper soils samples from these two locations where the results exceeded the potential leaching to groundwater criterion during the closure sampling activities at depths ranging from 2 to 5 feet below ground surface following the same procedure as used in the Crushed Glass Loading Dock. These sample results from these deeper samples were below the leaching to groundwater criterion for mercury indicating that the minimal residual contamination was limited to the uppermost level of soil and was not a potential leaching threat to groundwater.

Other investigatory activities included taking and analyzing soil samples around the facility property, concrete samples at various unregulated areas, and samples of sheetrock within the facility building. The sample results for these materials were below the residential use criteria in the EPA Region 3 RSL tables and thus pose no threat to human health or the environment based on unrestricted use of the property. Several soil samples contained levels of lead above EPA's Region 3 RSL criterion for potential leaching to groundwater, but were well below the screening level for residential use. Background soil samples (i.e., soil samples taken in areas unaffected by operations at the facility) were also taken for lead to verify the lead levels in soil. These background samples also showed the presence of lead at or above the EPA's Region 3 RSL criterion for potential leaching to groundwater and as such do not appear attributable to releases related to operations at the facility. Further investigation of lead levels in the soil were not pursued as they appear to be representative of naturally occurring levels in the area.

### **SUMMARY OF FACILITY RISKS**

Any residual contamination at the facility potentially attributable to facility operations was determined to be below EPA's residential RSLs. Therefore, there are no known unacceptable risks to human health or the environment posed by residual low level contamination that may be present at the facility. Based on the sampling and analysis results for various media that were sampled as part of the closure of the regulated hazardous waste management units and SWMUs/AOCs, the facility property appears suitable for unrestricted future use.

### **PROPOSED FINAL REMEDY**

The Department is proposing that no further corrective action is needed at the former lamp recycling facility, located at 415 Kaiser Industrial Drive in Kaiser, Missouri, as the proposed final remedy. No Institutional Controls have been established on the property and no Engineering Controls have been constructed at the former WMLT facility.

### **REGULATORY DISPOSITION OF FACILITY**

Unless there are objections or issues raised during the public review and comment period, the Department and EPA propose to release the facility from further corrective obligations and terminate WMLT's hazardous waste permits. The permits governed the corrective action activities at the former lamp recycling facility. Because the Department and EPA have determined that no further remedial work is necessary at the former WMLT facility, the permits are also no longer necessary. If the proposed final remedy is approved, WMLT would be released from further regulation as a hazardous waste treatment, storage, and disposal facility subject to the corrective action and permitting requirements of the Missouri Hazardous Waste Management Law and regulations and federal Hazardous and Solid Waste Amendments.

### **PUBLIC PARTICIPATION**

The Department and EPA invite the public to review and offer written comments on the proposed final remedy and permit terminations from September 24, 2015, to November 9, 2015. During the 45-day public comment period, anyone can request a public hearing about the proposed final remedy and permit terminations. To request a public hearing, please submit a written request to either the Department or EPA contacts at the addresses below. The hearing request must state what issues are to be brought up during the hearing.

Comments on the proposed final remedy and permit terminations are more effective if they point out legal or technical issues or provide information that is not in the record. Please send written comments to either:

William Fanska, P.E.  
Missouri Department of Natural Resources  
Hazardous Waste Program  
P.O. Box 176  
Jefferson City, MO 65102-0176  
E-mail: bill.fanska@dnr.mo.gov

Christine Jump, L.G.  
U.S. Environmental Protection Agency, Region 7  
Waste Remediation and Permitting Branch  
11201 Renner Blvd.  
Lenexa, KS 66101  
E-mail: jump.chris@epa.gov

At the end of the public comment period, the Department and EPA will review all written comments and any comments given at the public hearing, if one was held. The Department and

EPA will prepare a written summary and response to all comments and explain how each comment was addressed. The Summary and Response will be entered into the Administrative Record for the former WMLT facility. The Department and EPA will approve a final remedy for the facility only after the public comment period has ended, all comments have been reviewed, and written responses have been prepared to address the comments. The Department, in coordination with EPA, may modify the proposed final remedy or select another final remedy based on new information or technical or legal issues brought up by the comments received during the public comment period.

### **MORE INFORMATION**

The public can view and copy the Administrative Record, which includes all correspondence and reports relevant to the final remedy selection and proposed permit terminations, at the following locations:

Camden County Library District\*  
Osage Beach Library  
1064 Guttridge Lane  
Osage Beach, Missouri  
Phone: (573) 348-3282  
\*During normal business hours.

Missouri Department of Natural Resources\*  
1730 E. Elm St. (lower level)  
Jefferson City, Missouri  
Phone: (573) 526-5026  
\*File reviews must be made through a  
sunshine request. Please visit  
[www.dnr.mo.gov/sunshinerequests.htm](http://www.dnr.mo.gov/sunshinerequests.htm).

For more information about the proposed final remedy and MHWMF Part I Permit termination, please contact Mr. Fanska by telephone at (573) 751-3553 or 1-800-361-4827. Hearing- and speech-impaired individuals may reach Mr. Fanska through Relay Missouri at 1-800-735-2966. For more information about the proposed Part II Permit termination, please contact Ms. Jump by telephone at (913) 551-7141 or 1-800-223-0425.