



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

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MISSOURI DEPARTMENT OF NATURAL RESOURCES EMERGENCY PERMIT FOR MANAGEMENT OF HAZARDOUS WASTE

PERMITTEE

Owner: St. John Levee and Drainage District of Missouri
(F. S. Hunter, President)
P.O. Box 40
565 Virginia Avenue
New Madrid, MO 63869

Operator: U.S. Army Corps of Engineers - Memphis District
(ATTN:CEMVM-OD-E)
167 North Main Street B-202
Memphis, TN 38103-1894

Permittee Contact: Jon D. Wilson, P.E.
Environmental Engineer, Environmental Compliance Coord. (ECC)
U.S. Army Corps of Engineers - Memphis District, Readiness Branch
Jon.D.Wilson@usace.army.mil

FACILITY LOCATION

USACE Birds Point Inflow/Outflow #2
Approx. ~3.5 miles SW of State Highway P intersection with Co Rd 404
[Levee Sta. 89/37+00 or Latitude 36.584254/Longitude -89.489625]
New Madrid, MO 63869
New Madrid County
EPA ID# MOR000539965



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INTRODUCTION

The Missouri Department of Natural Resources (hereafter referred to as the Department) hereby issues an emergency permit to the U.S. Army Corps of Engineers - Memphis District for treatment of hazardous waste. This emergency permit is issued under the authority of the Missouri Hazardous Waste Management Law, Sections 260.350 to 260.434, RSMo, and all regulations promulgated thereunder. Applicable regulations are found in Code of Federal Regulations 40 CFR 270.61, incorporated by reference in Code of State Regulations 10 CSR 25-7.270(2)(F).

References:

1. Letter dated November 22, 2011, from Vernie L. Reichling, Colonel, District Commander, U.S. Army Corps of Engineers - Memphis District to Richard Nussbaum, P.E., R.G., Missouri Department of Natural Resources, RE: Submittal of Permit Application
2. E-mail with attachments dated November 10, 2011, 2:42 PM, from Jon D. Wilson, P.E., U.S. Army Corps of Engineers to Dave Walker, Missouri Department of Natural Resources, RE: BPNM DBA105P Removal.
3. E-mail with attachments dated November 30, 2011, 9:31 AM, from Jon D. Wilson, P.E., U.S. Army Corps of Engineers to Dave Walker, Missouri Department of Natural Resources, RE: BPNM DBA105P Removal.

EVENT DESCRIPTION

This emergency permit authorizes treatment of about 30,150 pounds of previously treated waste blasting agent. The previously treated waste blasting agent is a solid waste and exhibits the hazardous waste characteristic codes of D001, ignitability; and D003, reactivity. The previously treated waste blasting agent requires further treatment to render it less hazardous and safer to transport. After further treatment under this Emergency Permit, the waste blasting agent will exhibit the hazardous waste code of D003 and will be shipped to a properly authorized facility for disposal.

PERMIT CONDITIONS

The permit conditions listed below are to be followed to the extent possible during the life of this emergency permit:

1. This emergency permit authorizes additional treatment of D001 and D003 previously treated, waste blasting agent to further desensitize it prior to shipment. The Permittee has

determined the previously treated waste blasting agent warrants management as a hazardous waste as defined by the criteria of 40 CFR 261.23(a)(3) [D003], as well as 40 CFR 261.21(a)(2) [flammable solid].

2. The previously treated waste blasting agent (waste agent) is contained in 12 tote containers. Each tote container has a capacity of about 275 gallons. The Permittee has classified the waste agent contained in each tote container. The Permittee shall perform treatment on each tote container according to its classification, as described in the Standard Operating Procedure (SOP) submitted as an attachment to Reference 1 above. This treatment is based on the Permittee's knowledge and recommendations from Essential Environmental Services. If further verification is available by laboratory testing using appropriate test methods, the Permittee shall provide that information to the Department as soon as it is available. The Permittee shall provide laboratory testing results to the Department.
3. The Permittee shall record on a drawing the locations of each Processing Area or Areas, storage areas, and all areas where tote containers containing waste agent were located before, during, and after treatment. The location information provided shall be sufficiently detailed to enable location of these areas after completion of all operations at the site. This drawing shall be submitted to the Department on completion of treatment operations at the site.
4. The Permittee shall locate all containers with waste agent at least 50 feet from the facility property line.
5. The Permittee shall ensure containers storing hazardous wastes are marked in accordance with the applicable, currently effective U.S. Department of Transportation regulations regarding hazardous materials, 49 CFR Part 172, during the entire on-site storage period. [10 CSR 25-7.264(2)(I)2.]
6. The Permittee shall manage all tote containers with hazardous waste in accordance with 40 CFR 264.176.
7. The Permittee shall ensure all tote containers holding hazardous waste are provided with secondary containment during storage and treatment. Secondary containment shall be provided with a volume equal to 10 percent of the volume of the containers, or with a volume equal to the capacity of the largest container, whichever is greater.
8. The Permittee shall designate a site Emergency Coordinator with the responsibilities and authority as described under 40 CFR 264.55 and 264.56. This shall be provided to the Department prior to operation of this Emergency Permit.

9. The Permittee shall limit access to the area within which waste agent management activities are set up and operating. Access shall be limited to those personnel that require access and who have been properly trained and equipped.

If an area within which treatment and/or storage operations are being performed is not surrounded by a property fence, the Permittee shall erect and maintain a warning ribbon around the treatment operations to discourage and minimize entry to these areas by unauthorized personnel.

10. The Permittee shall post signs on each side of Processing Area or Areas. The signs shall read "Danger - Unauthorized Personnel Keep Out" and be legible from a distance of at least 25 feet and visible from any approach.
11. If an alternative treatment standard under 40 CFR 268.45 is determined to be necessary to adequately treat any waste agent contaminated debris, the Permittee shall notify the Department that an alternative treatment standard is necessary. The Permittee shall not use an alternative treatment standard without the Department's approval.
12. The Permittee shall ensure that during decontamination activities for any equipment all fluids are contained, properly characterized, and appropriately disposed.
13. The Permittee shall comply with all applicable U.S. Department of Transportation rules and regulations for all shipments of the waste agent from this site, whether it has received treatment or not.
14. The Permittee shall conduct routine inspections of the site. Inspections shall be recorded and any response action taken noted on an inspection form.
 - a. Daily inspections shall include: 1) that the integrity of the plastic sheeting or other secondary containment is not compromised in the various areas where containment is provided, 2) that containers holding hazardous waste are closed and sealed at the end of the day and when treatment is not being performed and that the tote containers are not leaking, and 3) that materials stored in accumulation areas within the Processing Area or Areas, are covered with plastic to prevent entry of rainwater. All rainwater must be characterized, transported, and disposed of properly.
 - b. Weekly inspections shall include the integrity of the security fence and presence of warning signs.
15. The Permittee shall perform an inspection of the site area for site closure purposes. After completion of treatment of all waste agent, and decontamination of all equipment and

materials used in the recovery operations, the Permittee shall perform a sitewide inspection. The Permittee may perform this inspection requirement incrementally, on smaller portions of the site as individual activities are completed, only so that the Permittee, after completion of treatment, decontamination and demobilization activities, can verify that all portions of the site area have been inspected for closure purposes. The inspection shall focus on all areas where the waste agent was collected, treated or stored, including, Processing Area or Areas, described in the permit application and other locations on site where storage and treatment operations took place. The inspection shall be for the purpose of finding contaminated soil and water locations. Where visible contamination of soil and/or water is observed, all visibly contaminated water, contaminated soil and other soil within a 1-foot radius of the visible contamination will be manually removed and placed in approved hazardous waste containers. The location will be marked with a tall wooden stake at its center to permit relocation and mapping. Containers will be closed, sealed, and moved to a containment area at the Processing Area. If the Processing Area is unavailable for storing or staging containers, the Permittee shall designate a location, with containment, where the hazardous waste containers shall be staged and managed as described in the SOP of the application.

16. The Permittee shall submit a report of the closure activities within 60 calendar days of completion of decontamination activities, inspection performed for closure, and removal of all hazardous waste and hazardous waste residues. All waste shipment manifests, results of inspections and responses taken, if any, a description of the treatment activities, particularly regarding releases, spills, injuries, etc., and all materials used at the site in managing the waste agent shall be included in the report. The report shall also include color photographs showing the treatment processes being performed and the area after completion of treatment activities and cleanup. The report should include color photographs showing the Processing Area prior to beginning treatment operations. The owner or operator and professional engineer registered in Missouri shall sign the report, making the certification under 40 CFR 270.11(d), as incorporated under 10 CSR 25-7.270(1) and (2). This report shall be submitted to the Permits Section Chief, at the Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176.
17. The Permittee shall include the closure report required by the previous Emergency Permit, effective June 30, 2011, with the closure report required by this Emergency Permit for this location. The closure reports should have the supporting documentation required by the respective permits and be clearly separated in the submittal.
18. The Permittee shall submit a quarterly Generator's Hazardous Waste Summary Report as required by 10 CSR 25-5.262(2)(D) and a quarterly Facility Summary Report as required by 10 CSR 25-7.264(2)(E)3. The forms are located on the Department's website at

<http://dnr.mo.gov/env/hwp/downloads/hwfacgen-reports.htm>. A copy of this report shall also be submitted to the Permits Section Chief, at the Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176.

19. The Permittee shall take measures to ensure health and safety at the site and shall comply with the Standard Operation Procedures (Enclosure 2), the Accident Prevention Plan (Enclosure 2d), and the Site Safety and Health Plan (Enclosure 2e) of Reference 1.
20. The Permittee shall comply with Occupational Safety and Health Administration (OSHA) regulations for worker protection, as applicable.
21. The Permittee shall comply with requirements of 40 CFR Part 268, Land Disposal Restrictions, as incorporated in 10 CSR 25-7.268(1) and (2).
22. The Permittee may ship hazardous waste in totes to the USACE Birds Point Inflow Crevasse location (EPA ID# MOR000539973) if the site is expected to be flooded, or if vehicular access to the site is expected to be prohibited due to floodwaters. If the hazardous wastes in totes are moved, the Permittee will notify the Permits Section Chief, at the Missouri Department of Natural Resources, Hazardous Waste Program, within 24 hours of shipment of the first tote. Complete details of the circumstances surrounding the shipment of the totes must be included in the closure report.

This emergency permit is effective for 90 calendar days from the date of issuance. This emergency permit may be terminated by the Department Director or his/her designee at any time without process if he/she determines that termination is appropriate to protect human health and the environment.

EFFECTIVE DATES OF PERMIT: December 1, 2011 to February 29, 2012

December 1, 2011
Date

[Original signed by Leanne Tippett Mosby for]

Sara Parker Pauley, Director
DEPARTMENT OF NATURAL RESOURCES