



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

[dnr.mo.gov](http://dnr.mo.gov)

May 13, 2015

CERTIFIED MAIL – 7004 1160 0000 8177 7979  
RETURN RECEIPT REQUESTED

Mr. Merrill Nissen  
Aztec Laboratories  
Chemical Recovery Corporation  
6402 Stadium Drive  
Kansas City, MO 64129

RE: Approved Final Remedy  
Chemical Recovery Corporation, Kansas City, Missouri  
EPA ID# MOD000669028

Dear Mr. Nissen:

The Missouri Department of Natural Resources (Department) hereby approves the final remedy of no further correction action with institutional controls at the Chemical Recovery Corporation (CRC) facility. The institutional controls will be in the form of an Environmental Covenant. Our decision is based on Code of State Regulations 10 CSR 25-7.265(1) and 270(1), which incorporates Code of Federal Regulations 40 CFR Part 265 Subpart F and Subpart G and 40 CFR Part 270 Subpart G; all comments received during the public comment period; and all available facility-specific information, including the following items:

1. Consent Decree, dated October 19, 1989, signed by the Department and CRC.
2. Closure certification, signed August 19, 1991, by Edward B. Clemat Jr., P.E., a professional engineer registered in Missouri and Mr. Merrill E. Nissen, President, CRC, indicating that the hazardous waste container storage area (CSA) was closed according to the approved closure plan, including any approved modifications to that plan, submitted according to 10 CSR 25-7.265(1) and 10 CSR 25-7.265(2)(G), which incorporates and modifies 40 CFR 265.112 and 265.118.



Recycled Paper

3. *Final Report for Environmental Priorities Initiative Preliminary Assessment Report at Chemical Recovery Corporation*, dated December 11, 1991, prepared by CDM Federal Programs Corporation, on behalf of the U.S. Environmental Protection Agency.

This report identified seven Solid Waste Management Units (SWMUs) and four Areas of Concern (AOCs). Only AOC 4 – Aztec Laboratories was recommended for more investigation.

4. A letter signed by the Department, dated October 27, 1993, accepting the closure certification for the hazardous waste CSA.
5. A letter signed by the Department, dated December 22, 1993, releasing CRC from financial assurance obligations for closure, according to 40 CFR 265.143(h), incorporated by reference in 10 CSR 25-7.265(1).
6. *Final Resource Conservation and Recovery Act (RCRA) Facility Assessment (RFA) Report Addendum*, dated September 30, 1996, prepared by the Department. This addendum along with the *Environmental Priorities Initiative/Preliminary Assessment Report* constitute the CRC facility's RFA Report. The report identified the ground surrounding and in the immediate vicinity of the building as AOC 5.
7. *Sampling Investigation Report, Chemical Recovery Corporation site, Kansas City, Missouri, Jackson County*, dated February 3, 2003, prepared by the Department.
8. RCRA Corrective Action Environmental Indicator Evaluations, dated September 30, 2013, (RCRAInfo Codes CA750-Migration of Contaminated Groundwater Under Control and CA725-Current Human Exposure Under Control) affirming that migration of contaminated groundwater and current human exposures are under control.

The Department previously determined that CRC closed its hazardous waste CSA according to the approved closure plan and met the requirements of the Missouri Hazardous Waste Management Law and regulations. There are no significant releases from the SWMUs or AOCs to the surface soil, subsurface soil, groundwater, or indoor air at the facility. However, due to the uncertainties inherent in environmental investigations, estimates, and risk management, the decision was made to execute an enforceable Environmental Covenant. The covenant will contain specific activity and use limitations that are needed to prevent unacceptable future exposures to residual contamination at the facility. The Department issued a Statement of Basis in support of the proposed final remedy of no further corrective action with institutional controls. The Department also proposed that the facility be released from regulation as a former interim status hazardous waste treatment, storage, and disposal facility subject to corrective action requirements.

The Department invited the public to review and offer written comments on the proposed final remedy and regulatory release during a 30-day public comment period, which began December 3, 2014, and ended January 2, 2015. We did not receive any requests for a public hearing about the proposed final remedy or regulatory release during the public comment period. The Department reviewed all written comments received during the public comment period. We wrote a summary and response to all comments and explained how each was addressed.

The Department's approved final remedy decision is effective immediately. Release of the facility from regulation will only occur after the Environmental Covenant has been executed/recorded with the Jackson County Recorder of Deeds and CRC has provided proof of such recording to the Department.

The Department conducted additional public notification activities for the approved final remedy decision. We mailed a notification letter to everyone on the facility mailing list and everyone who submitted comments advising of the Department's final decisions. We posted the response to comments on the Department's website at [www.dnr.mo.gov/env/hwp/permits/notices.htm](http://www.dnr.mo.gov/env/hwp/permits/notices.htm). Supporting documents are not available on the Department's website due to their size. We sent a copy of this letter, the letter to the facility mailing list, letter to those who submitted comments, and response to comments to the Kansas City Public Library's Lucile H. Bluford Branch for public viewing. A copy of the response to comments and various letters are included with this letter.

Please be aware that any parties adversely affected or aggrieved by the approved final remedy decision may be entitled to pursue an appeal before the Administrative Hearing Commission by filing a petition by June 12, 2015, according to the procedures outlined in Code of State Regulations 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 Mr. David J. 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.

The next step in the corrective action process is to implement the approved final remedy. The Department signed the final Environmental Covenant for the CRC facility. Included with this letter is the final Environmental Covenant for your signature. Because of the frequent discussions and exchanges of correspondence between CRC and Department staff, we believe all comments and issues expressed by CRC concerning the draft Environmental Covenant have been addressed. If you agree, please sign, date, and notarize the covenant and file it with the Jackson County Recorder of Deeds within 15 calendar days of receiving this letter, in the chain of title for

Mr. Merrill Nissen  
Page 4

the facility property or on some other instrument that is normally examined during title search that will, in perpetuity, notify any potential purchaser of the environmental conditions and activity and use limitations on the property.

The Environmental Covenant requires that within 30 calendar days after recording the approved Environmental Covenant, CRC must submit to the Department, a notarized statement certifying that the approved Environmental Covenant has been recorded. Copies of the recorded pages that show that the approved Environmental Covenant has been recorded must also be included with the notarized statement. While this is what the Environmental Covenant requires, we would appreciate receiving this statement as soon as possible, so we can begin processing our final decisions regarding remedy completion and release of the facility from its corrective action obligations.

CRC will be required to submit a verification report to the Department no later than January 31 of every year. The verification report is used to verify the activity and use limitations for CRC were in place and complied with during the previous calendar year. If you have questions regarding this letter or the enclosed documents, please contact Christine Kump-Mitchell, P.E., of my staff at the Missouri Department of Natural Resources, 7545 South Lindbergh Boulevard, Suite 210, St. Louis, MO 63125-4839, by telephone at (314) 416-2464 or 1-800-361-4827, or by e-mail at christine.kump@dnr.mo.gov. Thank you.

Sincerely,

HAZARDOUS WASTE PROGRAM

[Original signed by David J. Lamb]

David J. Lamb  
Director

DJL:ckm

Enclosures

c: Ms. Christine Jump, Missouri State Coordinator, U.S. EPA Region 7  
Ms. Sara Parker Pauley, Director, Missouri Department of Natural Resources  
Ms. April Roy, Branch Manager, Kansas City Public Library, Lucile H. Bluford Branch  
Mr. Danny Lyskowski, Legal Counsel, Missouri Department of Natural Resources  
Kansas City Regional Office, Missouri Department of Natural Resources