



# DEPARTMENT OF NATURAL RESOURCES

**MISSOURI HAZARDOUS WASTE MANAGEMENT FACILITY PERMIT  
PART I  
PERMIT NUMBER: MOD000669051**

**PERMITTEE**

Owner and Operator: Safety-Kleen Systems, Incorporated  
5400 Legacy Drive, Cluster II, Bldg. 3  
Plano, TX 75024

**FACILITY LOCATION**

201 LaSalle Street  
Cape Girardeau, MO 63701  
Cape Girardeau County  
North Latitude – 37°12'01"  
West Longitude – 89°34'32"

**FACILITY DESCRIPTION**

Safety-Kleen Systems, Incorporated's Cape Girardeau, Missouri, facility is an accumulation point for spent solvents, paint wastes, lacquer thinner wastes, and waste oil generated by Safety-Kleen customers. The facility also stores other types of wastes on a ten-day transfer basis. Permitted activities include the storage of hazardous waste in containers and tanks. Wastes are ultimately shipped off-site to a Safety-Kleen recycling facility or a contract reclaimer for processing.



**PERMITTED ACTIVITIES**

This Permit allows for the storage of “characteristic” hazardous waste as well as various “F” and “K” listed hazardous wastes as specified in the Part A application. The Permit also contains contingent corrective action provisions to address any release(s) to the environment of hazardous waste or hazardous constituents at the facility that may pose a threat to human health or the environment.

EFFECTIVE DATES OF PERMIT: September 27, 2007 to September 27, 2017

September 27, 2007  
Date

[Original Signed by Doyle Childers]  
\_\_\_\_\_  
Doyle Childers, Director  
DEPARTMENT OF NATURAL RESOURCES

**TABLE OF CONTENTS**

|   | <u>Page</u> |
|---|-------------|
| INTRODUCTION .....  | 5           |
| DEFINITIONS .....   | 9           |
| SCHEDULE OF COMPLIANCE .....  | 11          |
| SUBMITTAL OF REQUIRED INFORMATION .....   | 13          |
| STANDARD PERMIT CONDITION .....   | 14          |
| GENERAL PERMIT CONDITIONS .....   | 15          |
| SPECIAL PERMIT CONDITIONS .....   | 16          |
| I. Storage in Containers [40 CFR Part 264 Subpart I] .....  | 16          |
| II. Storage in Tanks [40 CFR Part 264 Subpart J] .....  | 19          |
| III. Waste Minimization .....   | 27          |
| IV. Seismic Evaluation Requirements [10 CSR 25-7.270(2)(B)4.] .....   | 28          |
| V. Air Emission Standards for Tanks, Surface Impoundments, and<br>Containers [10 CSR 25-7.264(1)] .....                             | 28          |
| VI. 100-Year Floodplain Requirements [40 CFR 264.18(b)] .....   | 28          |
| CORRECTIVE ACTION CONDITIONS .....  | 29          |
| I. Identification of Solid Waste Management Units (SWMUs) and<br>Areas of Concern (AOCs) [40 CFR 264.101] .....                     | 29          |
| II. Notification Requirements for, and Assessment of, Newly-identified<br>SWMU(s) and AOCs .....                                    | 31          |
| III. Notification Requirements for, and Assessment of, Newly-identified<br>Releases From Previously Identified SWMUs and AOCs ..... | 32          |
| IV. Interim/Stabilization Measures .....  | 34          |
| V. RCRA Facility Investigation (RFI) Work Plan .....  | 35          |
| VI. RCRA Facility Investigation (RFI) Report .....  | 36          |
| VII. Corrective Measures Study (CMS) Work Plan .....  | 38          |
| VIII. Corrective Measures Study (CMS) Report .....  | 39          |
| IX. Final Remedy Approval .....   | 40          |
| X. Annual Progress Reports .....  | 41          |
| XI. Supplemental Data .....   | 42          |
| XII. Corrective Action Cost Estimates and Financial Assurance .....   | 42          |

|   |    |
|---|----|
| XIII. Review and Approval Procedures..... | 56 |
| FACILITY SUBMISSION SUMMARY .....         | 58 |
| FIGURE .....                              | 61 |

## INTRODUCTION

After public notice, according to 10 CSR 25-8.124 and 40 CFR Part 124, and review of Safety-Kleen Systems, Incorporated's Resource Conservation and Recovery Act Part B Permit Application, (hereafter referred to as the Application), the Missouri Department of Natural Resources (hereafter referred to as the Department) has determined that the application substantially conforms to the provisions of the Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act and regulations promulgated thereunder by the U.S. Environmental Protection Agency (hereafter referred to as EPA) (codified and to be codified in Title 40 of the Code of Federal Regulations) and the Missouri Hazardous Waste Management Law (and all standards, rules, and regulations adopted under this act), Section 260.350, et seq., RSMo. Following Section 260.375.13, RSMo, and the Solid Waste Disposal Act, the Department hereby approves the application and issues Permit Number MOD000669051 to Safety-Kleen Systems, Incorporated (hereafter referred to as the Permittee) for the operation of the hazardous waste facility as set forth in the application and this Permit. This Permit also addresses corrective action requirements for solid waste management units and the requirements of the Hazardous and Solid Waste Amendments of 1984 (commonly known as HSWA) as administered and enforced by the Department. Applicable regulations are found in 40 CFR Parts 124, 260 through 264, 266, 268, and 270, as specified in this Permit. Part I of this Permit is issued under state authority by the Department. Part II is issued under federal authority by EPA to address regulatory requirements of the HSWA for which the state is not yet authorized. Part I of this Permit shall remain in effect even if Part II is terminated or has expired.

The following will collectively be referred to as the "approved permit application":

- The permit application submitted by the Permittee September 11, 2002, and all revisions dated October 20, 2003, January 26, 2004, April 20, 2005, and November 10, 2005; and
- The habitual violator disclosure statement received July 14, 2006.

The "consolidated permit application" is defined as the "approved permit application," along with all of the additional documents to be submitted under Schedule of Compliance, Item I.A.

Any inaccuracies found in information submitted may be grounds for the termination, revocation and reissuance, or modification of this Permit in accordance with 40 CFR Part 270 Subpart D, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(D), and for potential enforcement action. The Permittee shall inform the Department of any deviation from, or changes in, the information in the application, which would affect the Permittee's ability to comply with the applicable regulations or permit conditions.

When the Department receives any information (such as inspection results, information from the Permittee, or requests from the Permittee), it may decide whether cause exists to modify, revoke and reissue, or terminate a facility's Permit. All such changes to the Permit will be in accordance with 10 CSR 25-7.270(2)(D), 10 CSR 25-8.124, and 40 CFR Part 270 Subpart D, as incorporated by reference in 10 CSR 25-7.270(1).

All permit application information shall be available to the public unless nondisclosure is requested in writing as set forth in Section 260.430, RSMo, and 10 CSR 25-7.270(2)(B)2. The Permit and accompanying material will be available for review by the public at the Department's central office in Jefferson City, Missouri; the EPA, Region VII, office in Kansas City, Kansas; and the Cape Girardeau Public Library, Cape Girardeau, Missouri.

Construction and operation of this hazardous waste facility and corrective action shall be in accordance with the provisions of this Permit, the Missouri Hazardous Waste Management Law (Sections 260.350 to 260.430, RSMo), the rules and regulations promulgated thereunder [Code of State Regulations, Title 10, Division 25 (10 CSR 25)] as effective on the date of this Permit, all the final engineering plans, petitions, specifications, and operating procedures which were submitted to the Department during the permit application review process and which are included in the final version of the permit application, which is hereby approved by the Department, and any other conditions, changes, or additions to the plans, specifications, and procedures as specified in this Permit. The consolidated permit application, which includes engineering plans, specifications and operating procedures, is therefore incorporated into the conditions of this Permit. All conditions specified in this Permit supersede any conflicting information in the consolidated permit application. Where conflicts arise between documents, the latest revision shall be effective.

The Permittee is required to comply with all applicable environmental laws and regulations enforced by the Department. These environmental laws and regulations are administered by the Air Pollution Control Program, the Hazardous Waste Program, the Land Reclamation Program, the Solid Waste Management Program, and the Water Protection Program. Failure to comply with these environmental laws and regulations may, in certain circumstances, result in the suspension or revocation of this Permit and may subject the permit holder to civil and criminal liability.

This Permit for operational, closure, and corrective action activities is issued only to the Permittee named above. This Permit is issued for a period of ten years and expires at midnight on September 27, 2017. This Permit is subject to review and modification by the Department in accordance with Section 260.395.12, RSMo.

The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

All citations to federal regulations throughout this Permit are for the sake of convenient reference. The federal regulations are adopted by reference in 10 CSR 25. In the instances where state regulations are more stringent, the appropriate state reference is given and shall apply.

Any appeals of the issuance or denial of the Permit or specific permit conditions based on state authority shall be filed in accordance with Sections 260.395.11 and 621.250, RSMo. The written petition requesting the appeal must be filed with the Administrative Hearing Commission within 30 days after the Permit is mailed or delivered, whichever is earlier. If the petition is sent by registered mail or certified mail, it will be considered filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be considered filed on the date it is received by the Administrative Hearing Commission.

40 CFR 264.101(a), as incorporated by reference in 10 CSR 25-7.264(1), requires all owners or operators of facilities seeking a Permit for the treatment, storage, or disposal of hazardous waste to institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any solid waste management units regardless of the time at which waste was placed in such unit.

40 CFR 264.101(b), as incorporated by reference in 10 CSR 25-7.264(1), requires that Permits issued under the Hazardous Waste Management Law contain a schedule of compliance for corrective action (where corrective action cannot be completed prior to permit issuance) and assurances of financial responsibility for completing such corrective action.

40 CFR 264.101(c), as incorporated by reference in 10 CSR 25-7.264(1), requires that corrective action be taken by the facility owner or operator beyond the facility property boundary where necessary to protect human health and the environment, unless the owner or operator demonstrates that, despite the owner/operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action.

Further, 40 CFR 264.101(c), as incorporated by reference in 10 CSR 25-7.264(1), stipulates that the owner/operator is not relieved of any responsibility to cleanup a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. In addition, assurances of financial responsibility for completing such corrective action must be provided.

40 CFR 270.32(b)(2), as incorporated by reference in 10 CSR 25-7.270(1), and Section 260.395.12, RSMo, requires that each Permit issued under that section contain terms and conditions as the Department determines necessary to protect human health and the environment.

On July 6, 1999, Missouri received final authorization for revisions to its hazardous waste management program, including the corrective action portion of the HSWA Codification Rule (July 15, 1985, 50 FR 28702) which had been previously adopted by the state. Thus, the corrective action requirements implemented by the state in lieu of EPA are incorporated into Part I of this Permit and are under state authority. Authority for other HSWA requirements for which the state is not authorized is retained by the EPA under Part II of this Permit.

## DEFINITIONS

For purposes of this Permit, terms used herein shall have the same meaning as those in Resource Conservation and Recovery Act (RCRA) and 40 CFR Parts 124, 260, 261, 264, 266, 268, and 270, and 10 CSR 25, unless this Permit specifically provides otherwise. Where terms are not defined in RCRA, the regulations, the Permit, or United States Environmental Protection Agency guidance or publications, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

“Area of Concern (AOC)” means any area where an actual or potential release of hazardous waste or hazardous constituents which is not from a solid waste management unit has occurred or is occurring and is determined by the Department to pose a current or potential threat to human health or the environment. Investigation and/or remediation of areas of concern may be required pursuant to Section 260.395, RSMo, and 40 CFR 270.32(b)(2), as incorporated by reference in 10 CSR 25-7.270(1).

“Director” means the Director of the Missouri Department of Natural Resources.

“Facility” means (1) all contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing hazardous waste (2) all contiguous property under the control of the owner/operator, for the purpose of implementing corrective action under 40 CFR 264.101, as incorporated by reference in 10 CSR 25-7.264(1) and as specified in Corrective Action Condition I. through XIII. of this Permit.

“Hazardous constituent” means any chemical compound listed in 40 CFR Part 261 Appendix VIII. as incorporated in 10 CSR 25-4.261.

“Hazardous waste” means any waste, or combination of wastes as defined by or listed in 10 CSR 25-4, which because of its quantity, concentration, physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or which may pose a threat to the health of humans or other living organisms.

“Release” means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents).

“Solid Waste Management Unit (SWMU)” means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

“Stabilization” means actions to control or abate threats to human health and/or the environment from releases at RCRA facilities and/or to prevent or minimize the further spread of contamination while long-term remedies are pursued.

## SCHEDULE OF COMPLIANCE

- I. Within 60 calendar days after the effective date of this Permit, the Permittee shall:
- A. Submit to the Department two copies of the consolidated permit application as required by 10 CSR 25-7.270(2)(B)7. This consolidated permit application shall include the following:
1. The “approved permit application,” as defined in the Introduction of this Permit; and
  2. All changes made to the application as a result of the public comment period.
  3. TERA, Inc., Report No. 91-256, dated December 9, 1991, regarding anchor assessments on the 16,800 gallon waste solvent tank.
- B. Submit to the Department a certification by the Permittee that the Permittee has read the Permit in its entirety and understands all permit conditions contained herein.
- C. Submit to the Department a check or money order payable to the State of Missouri for any outstanding engineering review costs.
- D. Submit to the Department a check or money order payable to the State of Missouri for \$1000 for each year the Permit is to be in effect beyond the first year. This Permit is effective for ten years. Since the Permittee has submitted a \$1000 deposit with the Resource Conservation and Recovery Act Permit Application, the remaining balance to be submitted by the Permittee is calculated as

$$\text{Remaining balance} = \$9000.00 - \left( \left( \frac{\$1000.00}{365 \cdot \text{days}} \right) \times N_d \right)$$

where  $N_d$  equals the number of days from the date of the permit reissuance to expiration date of the continued Permit (which coincides with the anniversary date of the original permit issuance). An invoice is included with the final Permit. The check shall be directed to the Hazardous Waste Program, Permits Section.

- II. The Permittee shall submit, for the Department’s approval within 60 days after the effective date of this Permit, an updated closure plan in accordance with 40 CFR

264.112, incorporating by reference in 10 CSR 25-7.264(2)(G) and associated closure cost estimate in accordance with 40 CFR 264.142. The Permittee shall submit within 60 days after the Department's approval of the updated closure plan and cost estimate, an updated financial assurance instrument in accordance with 40 CFR 264.143.

- III. The Permittee shall comply, as necessary, with all contingent corrective action requirements of this Permit as specified in the Corrective Action Conditions section of this Permit.

SUBMITTAL OF REQUIRED INFORMATION

- I. The Permittee shall submit two copies of all reports, documents, or plans/specifications required under the terms of this Permit to:

Chief, Permits Section  
Missouri Department of Natural Resources  
Hazardous Waste Program  
1738 East Elm Street (lower level)  
P.O. Box 176  
Jefferson City, MO 65102-0176

- II. The Permittee shall submit one copy of all reports, documents, or plans/specifications required under the terms of this Permit to:

Chief, RCRA Corrective Action and Permits Branch  
U.S. Environmental Protection Agency, Region VII  
Air and Waste Management Division  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

STANDARD PERMIT CONDITION

- I. The Permittee shall comply with the requirements set forth in the Missouri Hazardous Waste Management Law (and all standards, rules, and regulations adopted under this act), Section 260.350, et seq., RSMo, 40 CFR Part 264 Subpart H, 40 CFR 270.30, 40 CFR 270.40, 40 CFR 270.42, and 40 CFR 270.51, as incorporated and modified in 10 CSR 25-7 and 10 CSR 25-8.

#### GENERAL PERMIT CONDITIONS

I. The Permittee shall comply with the requirements set forth in 40 CFR Part 264 Subpart B, 40 CFR Part 264 Subpart C, 40 CFR Part 264 Subpart D, 40 CFR Part 264 Subpart E, 40 CFR Part 264 Subpart H, 40 CFR Part 268, and 40 CFR Part 270, as incorporated and modified in 10 CSR 25-7, and 10 CSR 25-8.

II. Notification of an Emergency Situation [Chapter 260.505.4, RSMo]

The Permittee shall at the earliest practical moment upon discovery of an emergency involving the hazardous waste under the Permittee's control, notify the Department's emergency response hotline at (573) 634-2436 and the National Response Center at 1-800-424-8802.

**SPECIAL PERMIT CONDITIONS**

The Department has established the following additional permit conditions for the Permittee’s hazardous waste facility.

**I. Storage in Containers [40 CFR Part 264 Subpart I]**

**A. Waste Identification**

The Permittee shall store in containers only the hazardous wastes identified in the Part A Permit Application. All stored wastes are subject to the terms of this Permit.

**B. Waste Quantities**

Containerized wastes are stored in the Container Storage – Warehouse as illustrated in Figure 1. The maximum inventory of wastes that may be stored at any time is 4920 gallons. For inspection purposes, the total volume stored in this unit may be calculated by:

|   |  |
|---|--|
| A | Number of 5 gallon Containers                    |
| B | Number of 16 gallon Containers                   |
| C | Number of 30 gallon Containers                   |
| D | Number of 55 gallon Containers                   |
| E | Number of gallons Stored in Off-Sized Containers |

$$(A \times 5) + (B \times 16) + (C \times 30) + (D \times 55) + E = \text{Total Stored Volume (gallons)}$$

**C. Condition of Containers [40 CFR 264.171]**

1. If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from the container to a container that is in good condition or manage the waste in some other way that complies with the conditions of this Permit, such as over-packing.
2. During the entire on-site storage period, containers storing hazardous wastes shall be labeled and marked in accordance with the applicable,

currently-effective U.S. Department of Transportation regulations regarding hazardous materials, 49 CFR Part 172.

D. Compatibility of Waste with Containers [40 CFR 264.172]

1. The Permittee shall use a container that is made of, or lined with, materials which will not react with and are otherwise compatible with the hazardous waste to be stored so that the ability of the container to contain the waste is not impaired.
2. Only U.S. Department of Transportation approved containers shall be used for storage of hazardous waste on site.

E. Management of Containers [40 CFR 264.173]

1. A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste. A container holding hazardous waste shall not be opened, handled, or stored in a manner that may rupture the container or cause it to leak or spill.
2. The Permittee shall store containers in a manner that ensures physical stability and allows for visual inspection of each container and each container's label, except for visual inspection of containers not containing free liquids where container size prohibits the inspection of center containers when palletized provided the outermost containers are clearly labeled as to the number of containers on the pallet.
3. Class 1 flammable liquids, as defined in the National Fire Protection Association's (NFPA) "Flammable and Combustible Liquids Code" (NFPA 30, as revised 1996) shall not be stacked over five feet in height. Class II combustible liquids, as defined in the NFPA's "Flammable and Combustible Liquids Code" (NFPA 30, as revised 1996) shall not be stacked over ten feet in height.
4. The Permittee shall store containers in a manner that ensures physical stability and allows for visual inspection of each container. All container labels shall be visible from an aisle. All containers shall be accessible from an aisle. A minimum of two feet of aisle space shall be maintained between rows of adjacent containers to allow for inspection of each container. When containers are stored on pallets, a minimum of one-half foot of spacing shall be maintained between the pallets within the row.

F. Inspections [40 CFR 264.174]

At least weekly, the Permittee shall inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

G. Containment [40 CFR 264.175]

The Permittee shall design and operate containment systems for the container storage areas as follows:

1. A base shall underlie the containers, which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.
2. The base shall be sloped or the containment system shall be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation unless the containers are elevated or are otherwise protected from contact with accumulated liquids.
3. The containment system shall have sufficient capacity to contain 10 percent of the volume of all containers or 100 percent of the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination.
4. Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in Special Permit Condition I.G.3. above to contain any run-on which might enter the system.
5. Spilled or leaked waste shall be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

H. Staging [10 CSR 25-7.264(2)(A)3.]

A container holding hazardous waste shall not be staged, stored, or managed in an area not specified in this Permit for a period which exceeds twenty-four (24) hours.

I. Special Requirements for Ignitable or Reactive Waste [40 CFR 264.176 and 10 CSR 25-7.264(2)(I)]

The Permittee shall maintain the facility as illustrated in Appendix E. of the approved permit application in such a manner that meets compliance with 10 CSR 7.264(2)(I)(5).

J. Special Requirements for Incompatible Waste [40 CFR 264.177]

1. The Permittee shall not place incompatible wastes or materials in the same container unless such action is in compliance with the requirements of 40 CFR 264.17(b).
2. The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material.
3. The Permittee shall separate by device (i.e., a dike or other physical means) containers of incompatible waste or materials. No incompatible waste or materials may be stored together in the storage areas without providing separation sufficient to prevent the mixing of any spilled materials which may be incompatible.

K. Closure [10 CSR 25-7.264(2)(G)]

At closure, the Permittee shall remove all hazardous waste and hazardous waste residues from the container storage areas and containment systems and close in accordance with the closure plan in the approved permit application for the hazardous waste management facility. If the Permittee is unable to close according to the closure plan, then the Permittee must submit a permit modification to the Department in accordance with 40 CFR 270.42 that addresses any necessary changes to the approved closure plan.

II. Storage in Tanks [40 CFR Part 264 Subpart J]

A. Waste Identification

The Permittee shall store only the hazardous wastes identified in the Part A Permit Application in the identified tank. All stored wastes are subject to the terms of this Permit and shall be managed as hazardous waste.

B. Waste Quantities

This Permit applies to the following storage tank as illustrated in Figure 1, unless as provided elsewhere in this Permit.

**Table I – Existing Tank(s)**

| <b>Tank ID</b>        | <b>Design Capacity</b> | <b>Working Capacity</b> |
|-----------------------|------------------------|-------------------------|
| Waste Mineral Spirits | 16,800 gallons         | 15,960 gallons          |

C. Assessment of Existing Tank System’s Integrity [40 CFR 264.191]

The Permittee’s 16,800 gallon vertical aboveground tank qualifies as an existing tank system. The Permittee has provided a written tank integrity assessment for the existing tanks as required by 40 CFR 264.191(a). The Permittee shall keep the written assessment on file at the facility.

D. Design and Installation of new Tank Systems or Components [40 CFR 264.192]

1. Prior to operating any new tank systems at the facility, the Permittee shall obtain and submit to the Director a written assessment reviewed and certified by an independent, qualified, professional engineer registered in the state of Missouri. This certification shall be in accordance with 40 CFR 270.11(d). This assessment shall include a final design set of certified construction drawings and shall show that the foundation, structural supports, seams, and connections and pressure controls are adequately designed to ensure that the tank systems will not collapse, rupture, or fail. This assessment will be subject to regulatory review and approval process.
2. The Permittee shall ensure that proper handling procedures are adhered to in order to prevent damage to new tank systems during installation. Prior to placing new tank systems in use, an independent, qualified installation inspector or an independent, qualified, professional engineer registered in the state of Missouri, either of whom is trained and experienced in the proper installation of tank systems or components, shall inspect the systems for weld breaks, punctures, scrapes of protective coatings, cracks, corrosion, and other indications of structural damage or other inadequate construction/installation. All deficiencies noted during the inspection shall be remedied before the tank systems are placed in use.

3. The Permittee shall test all new tanks and ancillary equipment for tightness prior to being placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak(s) in the system shall be performed prior to the tank system being placed into use.
4. The Permittee shall ensure that all ancillary equipment is supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.
5. The Permittee shall obtain and keep on file at the facility, written statements by those persons required to certify the design of the tank systems and supervise the installation and repairs of the tank systems in accordance with the requirements of 40 CFR 264.192(b) through (f).

E. Containment and Detection of Releases [40 CFR 264.193]

1. In order to prevent the release of hazardous waste or hazardous constituents into the environment, the Permittee shall provide secondary containment that meets the requirements of 40 CFR 264.193 for all of its tank systems.
2. Secondary containment systems shall be:
  - a. Designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater, or surface water at any time during the use of the tank system; and
  - b. Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.
3. To meet the requirements of 40 CFR 264.193(b), secondary containment systems shall be, at a minimum:
  - a. Constructed of, or lined with, materials that are compatible with the wastes to be placed in the tank systems and shall have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and hydrologic forces), physical contact with the waste to which the materials are exposed, climatic conditions, and the stress of daily operation (including stresses from nearby traffic);

- b. Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system and capable of preventing failure due to settlement, compression, or uplift;
  - c. Provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure, or the presence of any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the Permittee is able to demonstrate to the Department's satisfaction that existing detection technologies or site conditions will not allow detection of a release within 24 hours and that a specified additional amount of time is necessary; and
  - d. Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation shall be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health or the environment, if the Permittee is able to demonstrate to the Department's satisfaction that removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours. If the collected material is a hazardous waste under 40 CFR Part 261, it shall be managed as a hazardous waste. If the collected material is discharged through a point source to waters of the state, it is subject to the requirements of Chapter 644, RSMo, as amended. If the collected material is discharged to a Publicly Owned Treatment Works, it is subject to the requirements of Chapter 644, RSMo, and its implementing regulations. The collected material may only be released into the environment upon written approval from the Water Protection Program. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR Part 302. The Permittee will require an approval from the Water Protection Program prior to discharge.
4. Secondary containment for tanks shall include one or more of the following devices: a liner (external to the hazardous waste storage tank);

a vault; a double-walled tank; or an equivalent device, as approved by the Director. The design, construction, and operation of these devices shall satisfy the requirements of 40 CFR 264.193(e).

5. Ancillary equipment shall be provided with secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of 40 CFR 264.193(b) and (c), except for the following tank system components that are visually inspected for leaks on a daily basis: above ground piping (exclusive of flanges, joints, valves, and other connections), welded flanges, welded joints, and welded connections, sealless or magnetic coupling pumps and sealless valves, and pressurized above ground piping systems with automatic shut-off devices.

F. General Operating Requirements [40 CFR 264.194]

1. The Permittee shall not place hazardous wastes in a tank system if the hazardous wastes would cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.
2. The Permittee shall use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These shall include at a minimum:
  - a. Spill prevention controls such as, but not limited to, check valves and dry disconnect couplings; and
  - b. Overfill prevention controls such as, but not limited to, level sensing devices, high level alarms, automatic feed cutoffs, or a bypass to standby tanks, which limit tank working volumes.

G. Inspections [40 CFR 264.195]

The Permittee shall inspect all tanks and tank systems as specified in this Permit condition and the approved permit application. At a minimum, an independent, qualified, professional engineer registered in the state of Missouri shall test all of the permitted tanks by ultrasonic methods for material thickness and perform a detailed visual inspection. These tests and inspections shall be made at regular intervals not to exceed 12 months between inspections.

1. The Permittee shall develop and follow a schedule and written procedures for inspecting overfill controls. This schedule shall specify a minimum

frequency of once each week for testing the electronic overfill control system, and this information shall be recorded in the operating record.

2. The Permittee shall inspect at least once each operating day:
  - a. Aboveground portions of the tank systems to detect corrosion or releases of waste;
  - b. Data gathered from monitoring and leak detection equipment to ensure that the tank system is being operated according to its design; and
  - c. The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste.
3. The Permittee shall document these inspections in the operating record of the facility. Any deterioration or malfunction found shall be remedied in accordance with 40 CFR 264.15(c). Also, 40 CFR 302.6 may require the Permittee to notify the National Response Center in the event of a release.

H. Response to Leaks or Spills and Disposition of Leaking or Unfit-for-use Tanks Systems [40 CFR 264.196 and 10 CSR 25-7.264(2)(J)4.]

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, shall be removed from service immediately, and the Permittee shall satisfy the following requirements:

1. The Permittee shall immediately stop the flow of hazardous waste into the tank or secondary containment system and inspect the system to determine the cause of the release;
2. Removal of waste from tank systems or secondary containment systems:
  - a. If the release was from the tank system, the Permittee shall, within 24 hours after detection of the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste into the environment and to allow inspection and repair of the tank system to be performed; and

- b. If the material released was to a secondary containment system, the Permittee shall remove all released materials from the secondary containment system within 24 hours.

3. Containment of Releases to the Environment.

The Permittee shall immediately conduct an inspection of the release and, based upon that inspection, shall:

- a. Prevent further migration of the leak or spill to soils or surface water; and
- b. Remove, and properly dispose of, any contaminated soil and/or surface water. Those tank systems which are intended to be closed without removing the hazardous waste shall meet the requirements of 10 CSR 25-7.264(2)(N)1.A. and 40 CFR Part 264 Subpart N, as incorporated in 10 CSR 25-7.264. If the tank system cannot meet the requirements and contamination exists, the Permittee shall clean up contaminated residues and hazardous constituents to the greatest extent practical during closure.

4. Notification and Reports

- a. Any release to the environment, except a release that is exempted under 40 CFR 264.196(d)(2), shall be reported to the Director within 24 hours of its detection. If the release has been reported pursuant to 40 CFR Part 302, that report will satisfy this requirement.
- b. A leak or spill of hazardous waste is exempted from notification and reporting requirements if it is less than or equal to a quantity of one pound and is immediately contained and cleaned up.
- c. Within 30 days of detection of a release to the environment, the Permittee shall submit a report to the Director which details the likely route of migration of the release, characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate), the results of any monitoring or sampling conducted in connection with the release (if available; when these results are not available within 30 days, these results shall be submitted as soon

as they become available), proximity to downgradient drinking water, surface water, populated areas, and descriptions of response actions taken or planned.

5. The tank system shall be closed in accordance with Special Permit Condition II.K., unless the Permittee satisfies the following requirements:
    - a. If the cause of the release was a spill that has not damaged the integrity of the system, the Permittee may return the system to service as soon as the released waste is removed and repairs, if necessary, are made;
    - b. If the cause of the release was a leak from the primary tank system into the secondary containment system, the system shall be repaired prior to returning the tank system to service; and
    - c. If the source of the release was a leak into the environment from a tank system component without secondary containment, the Permittee shall comply with the provisions of 40 CFR 264.196(e)(4).
  6. The Permittee shall provide certification of major repairs to tank systems from which there has been a leak or spill, or which was unfit for use, in accordance with 40 CFR 264.196(f).
- I. Special Requirements for Ignitable or Reactive Waste [40 CFR 264.198]
1. The Permittee shall not place ignitable or reactive waste in tank systems unless:
    - a. The waste is treated, rendered, or mixed before or immediately after placement in the tank system so that the resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste in 40 CFR Part 261, and the Permittee complies with 40 CFR 264.17(b); or
    - b. The waste is stored in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or
    - c. The tank system is used solely for emergencies.

2. The Permittee shall comply with the requirements for the maintenance of protective distances between tanks storing ignitable or reactive wastes and any public ways, streets, alleys, or any adjoining property that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," (1977 or 1981, incorporated by reference in 40 CFR 260.11).

J. Special Requirements for Incompatible Wastes [40 CFR 264.199]

1. The Permittee shall not place incompatible wastes or materials in the same tank system unless such action is in compliance with the requirements of 40 CFR 264.17(b).
2. The Permittee shall not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material unless the Permittee complies with 40 CFR 264.17(b).

K. Closure and Post-Closure Care [40 CFR 264.197 and 10 CSR 25-7.264(2)(J)5.]

At closure of a tank system, the Permittee shall remove or decontaminate all hazardous waste and hazardous residues from the tank systems, including, but not limited to: contaminated tank system components (liners, etc.), contaminated soils, and contaminated equipment and structures, and shall close in accordance with the Closure Plan in the approved permit application. If the Permittee is unable to close according to the Closure Plan, then the Permittee must submit a permit modification to the Department in accordance with 40 CFR 270.42 that addresses any necessary changes to the approved closure plan. The Closure Plan, closure activities, cost estimates for closure, and financial responsibility for tank systems shall meet all of the requirements specified in 40 CFR Part 264 Subparts G and H, 10 CSR 25-7.264(2)(G) and 10 CSR 25-7.264(2)(H).

III. Waste Minimization

Pursuant to 40 CFR 264.73(b)(9), the facility operating record shall contain a certification by the Permittee, made no less often than annually, that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment.

IV. Seismic Evaluation Requirements [10 CSR 25-7.270(2)(B)4.]

The Permittee has demonstrated compliance with the seismic requirements as certified by a qualified independent professional engineer registered in the state of Missouri. The Permittee shall maintain the seismic evaluation in the operating record.

V. Air Emission Standards for Tanks, Surface Impoundments, and Containers [10 CSR 25-7.264(1)]

- A. The Permittee shall comply with the applicable requirements of 40 CFR Part 264 Subpart BB, as amended December 8, 1997, for all units identified in the approved permit application.
- B. The Permittee shall comply with the applicable requirements of 40 CFR Part 264 Subpart CC, as amended December 8, 1997, for all units identified in Table II.

**Table II - Units Subject to Subpart CC Standards**

| <b>Unit Identification</b>    | <b>Unit Type</b>   | <b>Subpart CC Control Option</b> |
|-------------------------------|--------------------|----------------------------------|
| Waste Mineral Spirits Tank    | 16,800 gallon tank | 40 CFR 264.1084                  |
| Container Storage - Warehouse | Container Storage  | 40 CFR 264.1086                  |

VI. 100-Year Floodplain Requirements [40 CFR 264.18(b)]

- A. The Permittee has submitted information, as required in 40 CFR 270.14(b)(iii), which, identifies the facility as not being located in the 100-year floodplain.

## CORRECTIVE ACTION CONDITIONS

### I. Identification of Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) [40 CFR 264.101]

An Environmental Priorities Initiative Preliminary Assessment (EPI-PA) was completed by the U.S. Environmental Protection Agency (EPA) with a submitted report dated October 17, 1991. No actual or potential releases from active SWMUs identified during the EPI-PA were documented. Nor was any information submitted in the approved permit application or elsewhere which identified new SWMUs or AOCs requiring further action. Figure 1 details the SWMU locations identified in the EPI-PA.

#### A. Return and Fill Station - SWMU #1

The solvent return and fill station is used to collect fresh and spent solvents that are accumulated in the aboveground storage tanks in SWMU #2. Wastes managed in this unit are described in Special Permit Condition II.A. of this Permit.

#### B. Aboveground Solvent Storage Tanks - SWMU #2

This SWMU consists of a 16,800-gallon tank containing spent mineral spirits. The spent solvents are accumulated in the tank via the return and fill station and aboveground piping. Wastes managed in the spent mineral spirits tank are described in Special Permit Condition II.A. of this Permit. An adjacent aboveground tank is placed within the secondary containment structure and contains product. There is a low probability of a release from this SWMU with the design and continued maintenance of the secondary containment.

#### C. Warehouse Drum Storage Area - SWMU #3

This SWMU is placed in the center of the warehouse area and has a monolithically poured concrete floor with secondary containment provided by two concrete trenches and concrete curbing encompassing the storage area. Wastes managed in this unit are described in Special Permit Condition I.A. of this Permit. There is a low probability of a release from this SWMU with the design and continued maintenance of the secondary containment.

D. Former Underground Storage Tanks - SWMU #4

This SWMU consists of a former underground storage area which had two 12,000 gallon and one 1000 gallon underground storage tanks that were used for storage of clean and spent mineral spirits. The unit was closed on November 4, 1994. A Land Use Restriction Notice and Plat Survey was put in place on August 25, 1994.

E. 20,000 Gallon Aboveground Waste Oil Tank – SWMU #5

This waste oil tank resides in the same secondary containment structure as SWMU #6. Waste oil is typically collected from automotive service stations and shipped off for recycling. Use began in 1991.

F. Former Waste Antifreeze Tank - SWMU #6

Historically, this 20,000-gallon tank was permitted to manage antifreeze, but was clean closed, and the use of the tank was converted to the same capacity of the waste oil tank in SWMU #5. The secondary containment structure that surrounds both SWMU's 5 and 6 had a combined capacity of 32,841 gallons at the time of the EPI-PA.

G. Temporary Aboveground Waste Oil Tank - SWMU #7

This SWMU previously had a temporary waste oil tank that was removed on April 29, 1991.

H. Loading Area Storm Drain

This was designated an AOC due to a potential release during loading/unloading of containerized solvents. As a result of the findings in the EPI/PA, a Resource Conservation and Recovery Act Facility Sampling investigation was conducted on June 29, 1994. According to records, a determination was made on March 28, 1997, by EPA in consultation with the Department of no further corrective action required for this area was made from the Department as a resultant of these findings.

II. Notification Requirements for, and Assessment of, Newly-identified SWMU(s) and AOCs

- A. The Permittee shall notify the Department and the EPA in writing of any SWMU(s) or AOC(s) identified subsequent to the issuance of this Permit no later than 15 days after discovery.
- B. The Department may require a SWMU/AOC Assessment Work Plan for conducting an investigation of any existing or newly-identified SWMU(s) or AOC(s). Within 30 days after receipt of the Department's request for a SWMU/AOC Assessment Work Plan, the Permittee shall submit a SWMU/AOC Assessment Work Plan which shall include a discussion of past waste management practices at the unit, as well as a sampling and analysis program for groundwater, land surface and subsurface strata, surface water and/or air, as necessary to determine whether a release of hazardous waste, including hazardous constituents, from such unit(s) has occurred, or is occurring. The sampling and analysis program shall be capable of yielding representative samples and must include monitoring parameters sufficient to assess the release of hazardous waste and/or hazardous constituents from the newly-identified SWMU(s)/AOC(s) to the environment. The SWMU/AOC Assessment Work Plan shall specify any data to be collected to provide for a complete SWMU/AOC Assessment Report, as specified below, and shall contain a schedule for implementation of the work plan which is predicated on the date of Departmental approval of the plan.
- C. The SWMU/AOC Assessment Work Plan will be reviewed by the Department in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIII. The Permittee shall complete implementation in accordance with the schedule contained in the approved plan.
- D. The Permittee shall submit a SWMU/AOC Assessment Report to the Department and the EPA according to the schedule specified in the approved SWMU/AOC Assessment Work Plan. The SWMU/AOC Assessment Report shall present and discuss the information obtained from implementation of the approved SWMU/AOC Assessment Work Plan. At a minimum, the SWMU/AOC Assessment Report shall provide the following information for each newly-identified SWMU/AOC:
  - 1. The location of the newly-identified SWMU/AOC in relation to other SWMUs/AOCs;
  - 2. The type and function of the unit;

3. The general dimensions, capacities, and structural description of the unit;
  4. The period during which the unit was operated;
  5. The physical and chemical properties of all wastes that have been or are being managed at the SWMU/AOC, to the extent available;
  6. The results of any sampling and analysis conducted;
  7. Past and present operating practices;
  8. Previous uses of the area occupied by the SWMU/AOC;
  9. Amounts of waste handled; and
  10. Drainage areas and/or drainage patterns near the SWMU(s)/AOC(s).
- E. The Department will review the SWMU/AOC Assessment Report in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIII. Based on the findings of this report, the Department will determine the need for further investigations, including stabilization or a Resource Conservation and Recovery Act Facility Investigation (RFI), at specific unit(s) identified in the SWMU/AOC Assessment Report.
- F. If the Department determines that additional investigations are needed, the Department may require the Permittee to prepare and submit for approval a work plan for such investigations. The Department will review this work plan for additional investigations in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIII. The Permittee shall complete implementation in accordance with the schedule contained in the approved plan.
- III. Notification Requirements for, and Assessment of, Newly-identified Releases From Previously Identified SWMUs and AOCs
- A. The Permittee shall notify the Department and the EPA, in writing, no later than 15 days after discovery, or after discovery should have been made of any newly-identified release(s) of hazardous waste, including hazardous constituents from previously identified SWMUs and/or AOCs, discovered during the course of groundwater monitoring, field investigation, environmental auditing, or other activities undertaken after issuance of this Permit.

- B. The Department may require a Newly Identified Release Work Plan for conducting an investigation of the newly-identified release(s). Within 30 days after receipt of notice that the Department requires a Newly Identified Release Work Plan, the Permittee shall submit a Newly Identified Release Work Plan which shall include a discussion of the waste/chemical management practices related to the release; a sampling and analysis program for groundwater, land surface and subsurface strata, surface water or air, as necessary to determine whether the release poses a threat to human health or the environment, and a proposed schedule for implementation and completion of the Newly Identified Release Work Plan. The sampling and analysis program shall be capable of yielding representative samples and must include monitoring parameters sufficient to assess the release of hazardous waste and/or hazardous constituents to the environment. The Newly Identified Release Work Plan shall identify any data to be collected to provide for a complete Newly Identified Release Report, as specified below and shall contain a schedule for implementation of the work plan which is predicated on the date of Departmental approval of the plan.
- C. The Department will review the Newly Identified Release Work Plan in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIII. The Permittee shall initiate and complete implementation of the plan and in accordance with the schedule contained in the approved plan.
- D. The Permittee shall submit a Newly Identified Release Report to the Department and the EPA according to the schedule specified in the approved Newly Identified Release Work Plan. The Newly Identified Release Report shall present and discuss the information obtained during implementation of the approved Newly Identified Release Work Plan. At a minimum, the report shall provide the following information for each newly-identified release:
1. The location of the newly-identified release in relation to other SWMU(s);
  2. The general dimensions of the release;
  3. The period during which the release is suspected to have occurred;
  4. The physical and chemical properties of all wastes that have been determined to comprise the release;
  5. The results of any sampling and analysis conducted;

6. Past and present operating practices near and at the location of the release;
  7. Previous uses of the area(s) occupied near and at the location of the release;
  8. Amounts of waste handled near and at the location of the release; and
  9. Drainage areas and/or drainage patterns near and at the location of the release.
- E. The Department will review the Newly Identified Release Report in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIII. Based on the findings of the report and any other available information, the Department will determine the need for further investigation, including stabilization, an RFI, and/or a corrective measures study.

IV. Interim/Stabilization Measures

- A. If the Permittee becomes aware of a situation that may require interim/stabilization measures to protect human health or the environment, the Permittee shall notify the Department and the EPA within twenty-four (24) hours of the time the Permittee becomes aware or should have become aware of the situation.
- B. If during the course of any activity initiated under this Permit, the Permittee or the Department determines that a release or potential release of hazardous waste, including hazardous constituents, poses a threat to human health or the environment, the Department may require interim/stabilization measures to slow or stop the further spread of contamination until final corrective action measures can be implemented. The Department will determine the specific action(s) that must be taken to implement interim/stabilization measures, including potential permit modifications and the schedule for implementing the interim/stabilization requirements and will inform the Permittee of decisions regarding the action(s) in writing. This requirement shall not preclude the Permittee from responding to an emergency situation without direction of the Department.
- C. If, at any time, the Permittee determines or should have known that the interim/stabilization measures program is not effectively limiting or stopping the further spread of contamination, the Permittee shall notify the Department in writing no later than ten (10) days after such a determination is made. The Department may require that the interim/stabilization measures program be

revised to make it effective in limiting or stopping the spread of contamination; or that final corrective action measures are required to remediate the contaminated media.

- D. In cases where releases present minimal exposure concerns and/or the remedial solution is straightforward, the Permittee may propose interim/stabilization measures for review and approval by the Department. These interim/stabilization measures shall be consistent with and may supplement and/or satisfy the requirements for a final remedy(s) in specific areas.

V. RCRA Facility Investigation (RFI) Work Plan

- A. If the Department determines that additional investigations are needed, the Department may require the Permittee to prepare and submit for approval an RFI Work Plan. The Permittee shall submit an RFI Work Plan to the Department and the EPA within sixty (60) days of the notification of the requirement to prepare an RFI Work Plan. The RFI Work Plan shall be designed to investigate releases of hazardous waste, including hazardous constituents, to all appropriate media of concern including soil, sediment, bedrock, groundwater, surface water, and/or air. In order to substantiate future corrective action decisions, the RFI Work Plan shall contain provisions which are sufficient to meet the following objectives and shall contain a schedule for implementation of the work plan which is predicated on the date of Departmental approval of the plan:
1. Full characterization of the nature, vertical and horizontal extent, and rate of migration of releases of hazardous waste and/or hazardous constituents from SWMUs and AOCs, or groups of SWMUs at the facility and the actual or potential receptors of such releases; and
  2. Collection of any other pertinent data that may be utilized to substantiate future corrective action decisions.
- B. The RFI Work Plan shall be appropriate for site-specific conditions and shall be consistent with and address all applicable investigation elements described in the most recent version (currently May 1989) of the EPA guidance document entitled, RCRA Facility Investigation Guidance; USEPA 530/SW-89-031. At a minimum, the RFI Work Plan shall detail all proposed activities and procedures to be conducted at the facility, a description of current conditions, the schedule for implementing and completing such investigations, and for submission of reports

(including the final RFI Report), the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the RFI.

- C. The RFI Work Plan shall include a Quality Assurance Project Plan. The Quality Assurance Project Plan shall present the policies, organization, objectives, functional activities, and specific quality assurance and quality control activities designed to achieve the data quality goals of the RFI. It shall include the RFI objectives, sampling procedures, analytical methods, field and laboratory quality control samples, chain-of-custody procedures and data review, validation and reporting procedures.
- D. The Permittee shall prepare and maintain a Health and Safety Plan during the project that assures the RFI activities are conducted in a manner that is protective of human health and the environment.
- E. Due to the complexity of defining the extent of contamination, the Permittee may be required to use a phased approach that requires the submittal of supplemental RFI Work Plans.
- F. The Department will review the RFI Work Plan(s) in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIII. The Permittee shall complete implementation in accordance with the schedules contained in the approved plan(s).

VI. RCRA Facility Investigation (RFI) Report

- A. The Permittee shall submit a RFI Report to the Department and the EPA according to the schedule contained in the approved RFI Work Plan set forth in Corrective Action Condition V. The RFI Report shall present all information gathered under the approved RFI Work Plan along with a brief facility description and map showing the property boundary and all SWMUs/AOCs. The RFI Report must contain adequate information to support further corrective action decisions at the facility. Information contained in the RFI Report shall be presented in a format that is consistent with Section 5 of the most recent version (currently May 1989) of the EPA Publication entitled, RCRA Facility Investigation Guidance; EPA 530/SW-89-031.
- B. The RFI Report shall provide an interpretation of the RFI information gathered, supported with documentation, to enable the Department to determine whether Interim/Stabilization measures and/or a CMS may be necessary. The RFI Report

shall describe the procedures, methods, and results of all investigations of SWMUs/AOCs and associated releases, including, but not limited to, the following, as appropriate:

1. Characterization of the nature, concentration(s), horizontal and vertical extent, and direction/rate of movement of releases from SWMUs/AOCs at the facility;
2. Characterization of the environmental setting of the facility, including:
  - a. Hydrogeological conditions;
  - b. Climatological conditions;
  - c. Soil and bedrock characteristics;
  - d. Surface water and sediment quality; and
  - e. Air quality and meteorological conditions.
3. Characterization of SWMUs/AOCs from which releases have been or may be occurring, including unit and waste characteristics;
4. Descriptions of human and environmental receptors and associated risks to the receptors which are, may have been, or, based on site-specific circumstances, could be exposed to release(s) from SWMUs/AOCs;
5. Assessment of potential risks to the human and environmental receptors exposed to release(s) from SWMUs/AOCs;
6. Extrapolations of future contaminant movement including description of contaminant fate and transport mechanisms, and pathways for human and environmental exposure;
7. Laboratory, bench-scale, pilot-scale and/or appropriate tests or studies to determine the feasibility or effectiveness of treatment technologies, or other technologies that may be appropriate in implementing remedies at the facility;
8. Statistical analyses to aid in the interpretation of data;
9. Results of any interim/stabilization measures previously implemented; and

10. Evaluation of data quality which may affect the nature and scope of a CMS as well as the evaluation of corrective measures alternatives thereunder (e.g., identification of any potential bias in the RFI data, and documentation of its precision, accuracy, representativeness, completeness, comparability, validation, etc.).
- C. The Department will review the RFI Report in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIII. After review of the RFI Report, if the Department determines that the objectives of the RFI have not been met, the Department may require additional investigation. Upon approval of the RFI Report by the Department, the Department shall advise the Permittee as to the next step in the corrective action process that may include submittal of a CMS Work Plan pursuant to Corrective Action Condition VII.

VII. Corrective Measures Study (CMS) Work Plan

- A. If the Department determines that there has been a release of hazardous waste and/or hazardous constituents from a SWMU and/or AOC that may present a threat to human health or the environment, the Department may require a CMS and will notify the Permittee in writing of this decision. This notice will identify the hazardous constituent(s) of concern and may specify remedial alternatives to be evaluated by the Permittee during the CMS.
- B. The Department may require the Permittee to evaluate, as part of the CMS, one or more specific potential remedies. These remedies may include a specific technology or combination of technologies that, in the Department's judgment, may be capable of achieving standards for protection of human health and the environment.
- C. The Permittee shall submit a CMS Work Plan to the Department and the EPA within forty-five (45) days of notification of the requirement to conduct a CMS. The CMS Work Plan shall be consistent with guidance contained in the EPA document entitled RCRA Corrective Action Plan (Final), May 1994, OSWER Directive 9902.3-2A. At a minimum, the CMS Work Plan shall provide the following information and shall contain a schedule for implementation of the work plan which is predicated on the date of Departmental approval of the plan:
  1. A description of the general approach to investigating and evaluating potential remedies;

2. A definition of the specific objectives of the study;
  3. A description of the remedies which will be studied;
  4. A description of those potential remedies that were preliminarily considered, but were dropped from further consideration including the rationale for elimination;
  5. The specific plans for evaluating remedies to ensure compliance with remedy standards;
  6. The schedules for conducting the study and submitting a CMS Report;
  7. The proposed format for the presentation of information; and
  8. Laboratory, bench-scale, pilot-scale and/or appropriate tests or studies to determine the feasibility or effectiveness of treatment technologies, or other technologies that may be appropriate in implementing remedies at the facility.
- D. The Department will review any CMS Work Plan required by this Permit in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIII. The Permittee shall complete implementation of the plan in accordance with the schedule contained in the approved plan.

VIII. Corrective Measures Study (CMS) Report

- A. The Permittee shall submit a CMS Report to the Department and the EPA according to the schedule contained in the approved CMS Work Plan. The CMS Report shall present all information gathered under the approved CMS Work Plan and shall be consistent with guidance contained in the EPA document entitled RCRA Corrective Action Plan (Final), May 1994, OSWER Directive 9902.3-2A.

The CMS Report shall summarize the results of the investigations for each remedy studied and of any bench-scale or pilot tests conducted. The CMS Report shall include, but not be limited to, the following information:

1. Evaluation of performance, reliability, ease of implementation, and potential impacts of each remedy studied, including safety impacts, cross media impacts, and control of exposure to any residual contamination;

2. Assessment of the effectiveness of each remedy in achieving adequate control of sources and cleanup of the hazardous waste or hazardous constituents released from the SWMU(s)/AOC(s);
  3. Assessment of the time required to begin and complete each remedy;
  4. Estimation of the costs of implementing each remedy;
  5. Recommendation of remedy and rationale for selection; and
  6. Assessment of institutional requirements, such as state or local permit requirements, or other environmental or public health requirements which may substantially affect implementation of the remedy.
- B. The CMS Final Report shall contain adequate information to support the Department in the remedy approval decision-making process.
- C. The Department will review the CMS Final Report in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIII. Upon approval thereof by the Department, the Department will approve a final remedy as specified in Corrective Action Condition IX.

IX. Final Remedy Approval

Following the approval of the CMS Final Report or equivalent, the Department will prepare a Statement of Basis summarizing the corrective measures alternatives that were evaluated by the Permittee, including justification for the proposed final remedy selected by the Department.

A permit modification will be initiated pursuant to 40 CFR 270.41 or 270.42(c) following preparation of the Statement of Basis by the Department as applicable, to implement the final remedy.

Upon completion of the public participation activities associated with the permit modification to implement the proposed final remedy, the Department will approve a final remedy that will: 1) be protective of human health and the environment; 2) control and/or eliminate the source(s) of contaminants so as to reduce or eliminate, to the maximum extent practicable, further contaminant releases, exposures or migration that might pose a threat to human health and the environment; and 3) meet all applicable federal, state, and local laws and regulations.

X. Annual Progress Reports

- A. Should “active” corrective action become necessary pursuant to the corrective action conditions of this Permit, the Permittee shall submit to the Department and the EPA signed Annual Progress Reports summarizing all permitted corrective action activities undertaken during each calendar year. Each Annual Progress Report shall be due to the Department by March 1 of each calendar year for the preceding calendar year.

The Annual Progress Reports shall continue to be submitted until such time as the Permittee’s corrective action activities (including any long-term operation, maintenance and monitoring activities) are complete. The Annual Progress Reports shall include the following information for the time period being reported:

1. A description of the work completed;
  2. Summaries of all findings, including summaries of laboratory data;
  3. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;
  4. Projected work for the next reporting period; and
  5. Any instances of noncompliance with the corrective action requirements of this Permit not otherwise required to be reported elsewhere in this Permit.
- B. If the Department determines that further corrective action is required pursuant to Corrective Action Conditions II. through X., the frequency of submittal of the progress reports may increase. If an increase in reporting frequency is necessary, the Department will provide written notification of the new reporting frequency to the Permittee.

As part of any additional corrective action activities undertaken pursuant to this Permit, detailed technical information required to be submitted as part of the interim/stabilization measures, RFI and/or CMS Reports and Work Plans need not be reproduced as part of the Permittee’s Progress Reports.

- C. Copies of other reports (e.g., inspection reports), information or data shall be made available to the Department and the EPA upon request.

XI. Supplemental Data

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Permit shall be maintained by the Permittee during the term of this Permit, including the term of any reissued Permits.

XII. Corrective Action Cost Estimates and Financial Assurance

The Permittee shall comply with the requirements set forth in the Missouri Hazardous Waste Management Law and all standards, rules, and regulations adopted under this act, Section 260.350, et seq., RSMo, 40 CFR Part 264 Subpart H, 40 CFR 270.30, 40 CFR 270.40, 40 CFR 270.42, and 40 CFR 270.51, as incorporated and modified in 10 CSR 25-7 and 10 CSR 25-8.

A. Cost Estimates

1. Corrective Action Cost Estimate

Within sixty (60) days of the final remedy permit modification, the Permittee shall submit a detailed written cost estimate, in current dollars, of the cost of hiring a third party to perform the corrective action activities required by this Permit.

- a. The cost estimate shall account for the total costs of the work activities including any necessary long-term costs, such as operation, maintenance and monitoring costs.
- b. A third party is a party who
  - (1) is neither a parent nor a subsidiary of the Permittee and
  - (2) does not share a common parent or subsidiary with the Permittee.
- c. The cost estimates shall not include any salvage value that may be realized from the sale of wastes, facility structures or equipment, land or other assets associated with the facility.

- d. Discounting is not allowed.

The Permittee shall submit each corrective action cost estimate for review and approval by the Department. The Department will review each cost estimate and notify the Permittee, in writing, of the Department's approval, rejection, or modification of the cost estimate in accordance with Corrective Action Permit Condition XIII. If the Department does not approve the cost estimate, the Department will notify the Permittee in writing of the estimate's deficiencies and specify a due date for submittal of a revised cost estimate.

- 2. Revisions to the Corrective Action Cost Estimate

- a. Annual Adjustment for Inflation

The Permittee shall adjust annually the corrective action cost estimate for inflation until all corrective action activities required by this Permit are complete. The inflation adjustment shall be determined by using the procedures described in 40 CFR 264.142(b) except that the inflation factor should be derived from the most recent annual Implicit Price Deflator for the Gross Domestic Product instead of the Gross National Product, for the cost estimate is due within sixty (60) days before the anniversary date of the establishment of the financial assurance instrument used to comply with this section. If the Permittee uses a financial test or corporate guarantee to demonstrate financial assurance, the cost estimate is due within thirty (30) days of the end of the provider's fiscal year end.

- b. Additional Corrective Action Activities

The Permittee shall increase the corrective action cost estimate if

- (1) the Permittee or the Department determines that any additional corrective action activities are required or
- (2) if any other conditions increase the estimated cost of the corrective action activities to be performed under this Permit.

If the Department determines that a new cost estimate is required, the Department will notify the Permittee of this requirement.

The Permittee shall submit each revised corrective action cost estimate for review and approval by the Department. The Department will review each revised cost estimate and notify the Permittee, in writing, of the Department's approval, rejection or modification of the cost estimate in accordance with Corrective Action Permit Condition XIII. If the Department does not approve the revised cost estimate, the Department will notify the Permittee in writing of the estimate's deficiencies and specify a due date for submittal of a new revised cost estimate.

B. Financial Assurance

In order to provide for the full and final completion of the corrective action activities required by this Permit, the Permittee shall establish and maintain financial assurance for the benefit of the Department in the amount at least equal to the most recent Department-approved corrective action cost estimate. The Permittee may use one or more of the financial assurance forms generally described in Corrective Action Condition XII.B.11. All financial assurance instruments provided pursuant to this Permit shall be satisfactory in form and substance as determined by the Department. The Department reserves the right to limit the choices of the Permittee to one or more of the instruments described in Corrective Action Condition XII.B.11., on a case-by-case basis, in order to ensure the full and final completion of the corrective action activities required by this Permit.

1. Timeframes for Financial Assurance Instruments (other than Financial Test or Corporate Guarantee)
  - a. Within thirty (30) days after Department approval of the Permittee's corrective action cost estimate(s) pursuant to this Permit, the Permittee shall submit draft financial assurance instruments and related documents to the Department for review and approval. This applies to all financial assurance instruments except the financial test or corporate guarantee. See Corrective Action Permit Condition XII.B.2. for timeframes for financial tests and corporate guarantees.

- b. Within ten (10) days after Department approval of the draft financial assurance instrument(s), the Permittee shall execute or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding. The instruments or other documents must be in a form identical to the financial assurance documents reviewed and approved by the Department.
- c. Within thirty (30) days after receiving Department approval of the draft financial assurance instrument(s), the Permittee shall submit all original executed and/or otherwise finalized instruments or other documents to the Department. The Permittee must submit original executed or otherwise finalized instruments or documents. Facsimiles or photocopies are not acceptable.

2. Timeframes for Financial Tests and Corporate Guarantees

- a. Within thirty (30) days after the Department's approval of the Permittee's corrective action cost estimate(s) pursuant to this Permit, the Permittee shall submit to the Department all documentation necessary to demonstrate that the Permittee satisfies the financial test criteria pursuant to Corrective Action Permit Condition XII.B.11.e.
- b. The Permittee's financial assurance shall be effective immediately upon the Department's approval of the Permittee's corrective action cost estimate or the Permittee's demonstration that the Permittee satisfies the financial test criteria pursuant to Special Permit Condition XII.B.11.e., whichever date is later.
- c. The Permittee agrees that if the Permittee provides financial assurance by means of a corporate guarantee or financial test, the Department may request additional information (including financial statements and accountant's reports) from the Permittee or corporate guarantor at any time. The Permittee shall promptly provide the requested information to the Department.

3. Certified Mail

The Permittee shall submit all financial assurance instruments and related required documents by certified mail to the Department.

4. Multiple Instruments

The Permittee may combine more than one mechanism to demonstrate financial assurance for the corrective action activities required by this Permit. However, mechanisms guaranteeing performance rather than payment may not be combined with other instruments.

5. Inadequate Financial Assurance Instrument

a. If at any time the Department determines that a financial assurance instrument provided pursuant to this Permit is inadequate, or no longer satisfies the requirements, the Department shall notify the Permittee in writing. This applies whether there is an increase in the estimated cost of the corrective action activities required by this Permit or for any other reason.

(1) Within thirty (30) days of receipt of such notice, the Permittee shall submit draft financial assurance instruments and related documents to the Department for review and approval. The draft financial assurance instruments and related documents shall address the inadequacies outlined in the Department's notice.

(2) Within ten (10) days after Department approval of the draft financial assurance instrument(s), the Permittee shall execute or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding. The instruments or other documents must be in a form identical to the financial assurance documents reviewed and approved by the Department.

(3) Within thirty (30) days after receiving Department approval of the draft financial assurance instrument(s), the Permittee shall submit all original executed and/or otherwise finalized instruments or other documents to the Department. The Permittee must submit original executed or otherwise finalized instruments or documents. Facsimiles or photocopies are not acceptable.

- b. Within ten (10) days, the Permittee shall notify the Department in writing if at any time the Permittee becomes aware of information indicating that any financial assurance instrument provided pursuant to this Permit is inadequate or no longer satisfies the requirements set forth or incorporated by reference herein. This applies whether due to an increase in the estimated cost of the corrective action activities required by this Permit or for any other reason. The Permittee shall follow the procedures in Corrective Action Permit Condition XII.B.5.(a) to replace the financial assurance instrument.

6. Obligation to Complete Corrective Action Activities

The Permittee's inability or failure to establish or maintain financial assurance for completion of the corrective action activities required by this Permit shall in no way excuse performance of any other requirements of this Permit, including, without limitation, the obligation of the Permittee to complete all necessary corrective action activities in strict accordance with the terms of this Permit.

7. Automatic Renewal

All financial assurance instruments shall automatically renew at the time of their expiration unless the financial assurance provider notifies both the Permittee and the Department by certified mail of a decision to cancel, terminate or not renew a financial assurance instrument. The Permittee and the Department must receive such notification at least one hundred and twenty (120) days before expiration, cancellation or termination of the instrument. Under the terms of the financial assurance instrument, the one hundred and twenty (120) days will begin on the date of receipt of the notice by certified mail by both the Permittee and the Department.

Within ninety (90) days following receipt of such notice by both the Permittee and the Department, the Permittee must provide alternate financial assurance and obtain written approval for such alternate financial assurance.

If the Permittee fails to provide alternate financial assurance within ninety (90) days, the Department will notify the financial assurance provider in writing before the expiration of the instrument. The notification to the financial assurance provider shall instruct the financial assurance provider

to immediately deposit the remaining funds obligated under the financial assurance into the standby trust fund or a newly created trust fund approved by the Department.

8. Modification of Amount and/or Form of Financial Assurance

a. Reduction of Amount of Financial Assurance

If the Permittee believes that the estimated cost to complete the corrective action activities required by this Permit has diminished below the amount covered by the existing financial assurance provided under this Permit, the Permittee may submit a written proposal to the Department to reduce the amount of the financial assurance provided under this Permit. The amount of the financial assurance proposed must at least be equal to the estimated cost of the remaining corrective action activities required by this Permit. The written proposal shall specify, at a minimum, the cost of the remaining corrective action activities to be performed and the basis upon which such cost was calculated. In seeking approval of a revised financial assurance amount, the Permittee shall follow the procedures set forth in Corrective Action Permit Condition XII.B.8.b.(2) of this Section. The Department shall notify the Permittee of its approval in writing. The Permittee may reduce the amount of the financial assurance after receiving the Department's written approval but only in accordance with and to the extent permitted by such written approval. No change to the form or terms of any financial assurance provided under this Section, other than a reduction in amount, is authorized except as provided in Corrective Action Permit Condition XII.B.8.b.

b. Change of Form of Financial Assurance

(1) If the Permittee wishes to change the form or terms of financial assurance, the Permittee may submit a written proposal to the Department to change the form of financial assurance. The submission of such a proposal shall be as provided in Corrective Action Permit Condition XII.B.8.b.(2). The approval of a proposal submitted under this Corrective Action Permit Condition XII.B.8. shall be made at the Department's sole discretion.

- (2) A written proposal for a revised or alternative form of financial assurance shall specify, at a minimum,
  - (a) the cost of the remaining corrective action activities to be performed;
  - (b) the basis upon which such cost was calculated; and
  - (c) the proposed revised form of financial assurance, including all proposed instruments or other documents required in order to make the proposed financial assurance legally binding.

The proposed revised or alternative form of financial assurance shall satisfy all requirements set forth or incorporated by reference in this Permit. The Department shall notify the Permittee in writing of its decision to accept or reject a revised or alternative form of financial assurance submitted pursuant to this paragraph.

Within ten (10) days after receiving written approval of the proposed revised or alternative financial assurance, the Permittee shall execute and/or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding and effective in a form identical to the documents submitted to the Department.

Within thirty (30) days of receiving written approval of the proposed revised or alternative financial assurance, the Permittee shall submit to the Department all original executed and/or otherwise finalized instruments or other documents required in order to make the selected financial assurance legally binding.

The Department shall release, cancel or terminate the prior existing financial assurance instruments only after the Permittee has submitted all executed and/or otherwise finalized new financial assurance instruments or other required documents to the Department.

9. Performance Failure

- a. In the event that the Department determines that the Permittee
- (1) has ceased implementation of any of the corrective action activities required by this Permit;
  - (2) is significantly or repeatedly deficient or late in its performance of the corrective action activities required by this Permit; or
  - (3) is implementing the corrective action activities required by this Permit in a manner that may cause an endangerment to human health or the environment,

the Department may issue a written notice (“Performance Failure Notice”) of the Permittee’s failure to perform to both the Permittee and the financial assurance provider. The notice will specify the grounds upon which it was issued and will provide the Permittee a period of ten (10) days to remedy the circumstances.

- b. If the Permittee fails to remedy the relevant Performance Failure to the Department’s satisfaction before the expiration of the ten-day notice period specified in Corrective Action Permit Condition XII.B.9.a. the Department shall have immediate access to and benefit of the financial assurance provided. The Department may, at any time thereafter, direct the financial assurance provider to immediately
- (1) deposit into the standby trust fund, or a newly created trust fund approved by the Department, the remaining funds obligated under the financial assurance instrument; or
  - (2) arrange for performance of the corrective action activities required by this Permit.
- c. The Department shall give the Permittee written notice if
- (1) the Department determines that any of the circumstances described in Special Permit Condition XII.B.9(a) (1), (2), or (3) have occurred, and

(2) the Department is nevertheless unable, after reasonable efforts, to secure the payment of funds or performance of the corrective action activities required by this Permit from the financial assurance provider.

d. Within ten (10) days of receiving such written notice, the Permittee shall provide cash to fund the standby trust fund, or a newly created trust fund approved by the Department. The funds must at least equal the cost of the remaining corrective action activities required by this Permit. The deposit shall be made in immediately available funds and without setoff, counterclaim, or condition of any kind.

10. Release of Financial Assurance.

The Permittee may submit a written request to the Department to release the Permittee from the requirement to maintain financial assurance after the Department and the Permittee have mutually agreed that all corrective action activities required by this Permit are complete. The Department shall notify both the Permittee and the provider(s) of the financial assurance if and when the Permittee is released from all financial assurance obligations under this Permit. The Permittee shall not release, cancel or terminate any financial assurance provided pursuant to this Permit except as provided in this paragraph or Corrective Action Permit Condition XII.B.8.b.

11. Financial Assurance Instruments

To the extent possible, the wording of the financial assurance documents shall meet the requirements of 40 CFR 264.143 and 40 CFR 264.151 as incorporated and modified in 10 CSR 25-7. All financial assurance instruments provided pursuant to this Permit shall be satisfactory in form and substance as determined by the Department.

a. Trust Fund

The trust fund shall be

(1) Established for the benefit of the Department;

- (2) Administered by a trustee who has the authority to act as a trustee under federal or state law and whose trust operations are regulated and examined by a federal or state agency; and
- (3) Acceptable in all respects to the Department.

The trust agreement shall provide that the trustee shall make payments from the fund as the Department shall direct in writing

- (4) to reimburse the Permittee for expenditures made by the Permittee for corrective action activities performed in accordance with this Permit, or
- (5) to pay any other person whom the Department determines has performed or will perform the corrective action activities required by this Permit.

The trust agreement shall further state that the trustee shall not refund to the grantor any amounts from the fund until the Department has advised the trustee in writing that the corrective action activities performed in accordance with this Permit have been completed to the satisfaction of the Department.

b. Surety Bond

A surety bond must unconditionally guarantee either

- (1) payment at the direction of the Department into a standby trust fund that meets the requirements of the trust fund in Corrective Action Permit Condition XII.B.11.a.; or
- (2) performance of the corrective action activities required by this Permit. The Surety Company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on Federal Bonds as set forth in Circular 570 of the U.S. Department of the Treasury.

If the Permittee seeks to establish financial assurance by using a surety bond, the Permittee shall, at the same time, establish and maintain a standby trust fund. The standby trust fund must meet

the requirements of Corrective Action Permit Condition XII.B.11.a. Funds from the surety bond shall be deposited into the standby trust fund if the Department directs the financial assurance provider to do so, pursuant to Corrective Action Permit Condition XII.B.9. of this section.

c. Irrevocable Letter of Credit

An irrevocable letter of credit shall be payable at the direction of the Department into a standby trust fund that meets the requirements of Corrective Action Permit Condition XII.B.11.a. The letter of credit shall be issued by a financial institution

- (1) that has the authority to issue letters of credit, and
- (2) whose letter-of-credit operations are regulated and examined by a federal or state agency.

If the Permittee seeks to establish financial assurance by using a letter of credit, the Permittee shall, at the same time, establish and maintain a standby trust fund. The standby trust fund must meet the requirements of Corrective Action Permit Condition XII.B.11.a. Funds from the letter of credit shall be deposited into the standby trust fund if the Department directs the financial assurance provider to do so, pursuant to Corrective Action Permit Condition XII.B.9.

d. Policy of Insurance

A policy of insurance shall

- (1) provide the Department with rights as a beneficiary which are acceptable to the Department; and
- (2) be issued by an insurance carrier that
  - (a) has the authority to issue insurance policies in Missouri, and
  - (b) whose insurance operations are regulated and examined by a federal or state agency.

- (3) The insurance policy shall be issued for a face amount at least equal to the current approved corrective action cost estimate for the corrective action activities to be performed under this Permit, except where costs not covered by the insurance policy but are covered by another financial assurance instrument, as permitted in Corrective Action Permit Condition XII.B.4. of this Section.
- (4) The insurance policy shall state that the insurer shall make payments up to an amount equal to the face amount of the policy as directed by the Department in writing
  - (a) to reimburse the Permittee for expenditures made by the Permittee for corrective action activities performed in accordance with this Permit or
  - (b) to pay any other person whom the Department determines has performed or will perform the corrective action activities required by this Permit.
- (5) The insurance policy shall also state that it may not be canceled, terminated or non-renewed and the policy shall remain in full force and effect in the event that
  - (a) the Permittee is named as a debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or
  - (b) the Department notifies the insurer of the Permittee's failure to perform, under Corrective Action Permit Condition XII.B.9.

e. Financial Test

A Permittee may provide financial assurance through a demonstration by the Permittee that the Permittee meets the financial test criteria of 40 CFR.264.143(f) provided that all other requirements of 40 CFR 264.143(f), as incorporated and modified in 10 CSR 25-7, are satisfied. See Corrective Action Permit Condition XII.B.11.g. for further requirements.

A commercial facility may not satisfy financial assurance requirements for corrective action by use of a financial test.

f. Corporate Guarantee

A direct or indirect parent company of a Permittee may provide a corporate guarantee executed in favor of the Department. Such guarantee shall state that the company providing the guarantee shall perform the corrective action activities required by this Permit or that the company shall establish a trust fund as permitted by Corrective Action Permit Condition XII.B.11.a. Any company providing such a guarantee shall demonstrate to the satisfaction of the Department that it meets the financial test requirements of 40 CFR 264.143(f), as incorporated and modified in 10 CSR 25-7. See Corrective Action Permit Condition XII.B.11.g. for further requirements.

g. Additional Requirements for Financial Test/Corporate Guarantee

If at any time during the term of this Permit, the Permittee demonstrates financial assurance for the corrective action activities required by this Permit by providing a corporate guarantee or financial test pursuant to Corrective Action Permit Conditions XII.B.11.e. or XII.B.11.f., the Permittee shall also comply with the other relevant requirements of 40 CFR 264.143(f), 40 CFR 264.151(f), and 40 CFR 264.151(h)(1), as incorporated and modified in 10 CSR 25-7, relating to these methods, unless otherwise provided in this Permit. This includes, but is not limited to:

- (1) initial submission of required financial reports and statements from the guarantor's chief financial officer and independent certified public accountant;
- (2) annual re-submission of such reports and statements within ninety (90) days after the close of each of the guarantor's fiscal year; and
- (3) notification to the Department by certified mail within ninety (90) days after the close of any of the guarantor's fiscal year in which any such guarantor no longer satisfies

the financial test requirements set forth at 40 CFR Part 264.143(f)(1), as incorporated and modified in 10 CSR 25-7.

If the Permittee provides financial assurance by means of a corporate guarantee or financial test, the Department may request additional information (including financial statements and accountant's reports) from the Permittee or corporate guarantor at any time. The Permittee shall promptly provide the requested information to the Department.

For purposes of the corporate guarantee or the financial test described in Corrective Action Permit Conditions XII.B.11.e. and XII.B.11.f., references in 40 CFR 264.143(f), as incorporated and modified in 10 CSR 25-7, to “the sum of current closure and post closure costs and the current plugging and abandonment cost estimates” and references in 40 CFR 264.101(c), as incorporated and modified in 10 CSR 25-7, to “Assurances of financial responsibility for such corrective action must be provided” shall mean “the sum of all environmental remediation obligations” guaranteed by such company or for which such company is otherwise financially obligated in addition to the cost of the corrective action activities required by this Permit. This includes obligations under Comprehensive Environmental Response, Compensation, and Liability Act, RCRA, Underground Injection Control Program, Toxic Substances Control Act and any other state or tribal environmental obligation.

### XIII. Review and Approval Procedures

Financial assurance cost estimates and draft financial assurance mechanisms for corrective action shall be reviewed and approved by the Department in accordance with this section and Corrective Action Condition XII.

Following submission of any plan or report pertaining to corrective action activities (excluding the Annual Groundwater Corrective Action Reports unless proposed actions to address inadequacies are contained therein) and Corrective Measures, the Department shall review and notify the Permittee in writing whether the plan or report is approved.

If the Department does not approve the plan or report, the Department will notify the Permittee in writing of the plan or report's deficiencies and specify a due date for submittal of a revised plan or report.

If the Department does not approve the revised plan or report, the Department may modify the plan or report and notify the Permittee of the modifications. The plan or report as modified by the Department shall be the approved plan or report.

If the Permittee disagrees with any Department-initiated plan or report modifications, and a mutually acceptable resolution of such modifications cannot be informally reached, any appeal of the Department-initiated modifications shall be filed in accordance with Section 260.395.11, RSMo, 621.250, RSMo, and 10 CSR 25-8, as applicable.

Should the Permittee require additional time to submit a scheduled document or perform other activities required by this Permit, the Permittee shall provide a written extension request to the Department at least fifteen (15) days prior to the scheduled due date of the document or activity. The Permittee's extension request shall specify the amount of additional time requested and shall be accompanied by the Permittee's justification for the extension. Review and approval of extension requests shall be in accordance with this Permit condition.

FACILITY SUBMISSION SUMMARY

**Table III - Summary of the Submittal Requirements Pursuant to this Permit**

| <b>Submittal Requirements</b>   | <b>Due Date</b>   | <b>Permit Condition</b>               |
|---|---|---------------------------------------|
| Consolidated Permit Application   | Within 60 calendar days of effective date of this Permit.   | Schedule of Compliance Item I.A.      |
| Certification that Permittee has read and understands this Permit   | Within 60 calendar days of effective date of this Permit.   | Schedule of Compliance Item I.B.      |
| Check or money order for all outstanding engineering review costs and permit fees   | Within 60 calendar days of effective date of this Permit.   | Schedule of Compliance Item I.C. & D. |
| The Permittee shall update the facility's closure plan in accordance with 40 CFR 264.112, and associated closure cost estimate required by 40 CFR 264.142 | Within 60 calendar days after the effective date of this Permit.                                      | Schedule of Compliance Item II.       |
| The Permittee shall update the financial assurance instrument   | Within 60 calendar days after the Department's approval of the updated closure plan and cost estimate | Schedule of Compliance Item II.       |
| Biennial Report with information required by 40 CFR 264.75  | March 1 of each even numbered calendar year.  | General Permit Condition I.           |

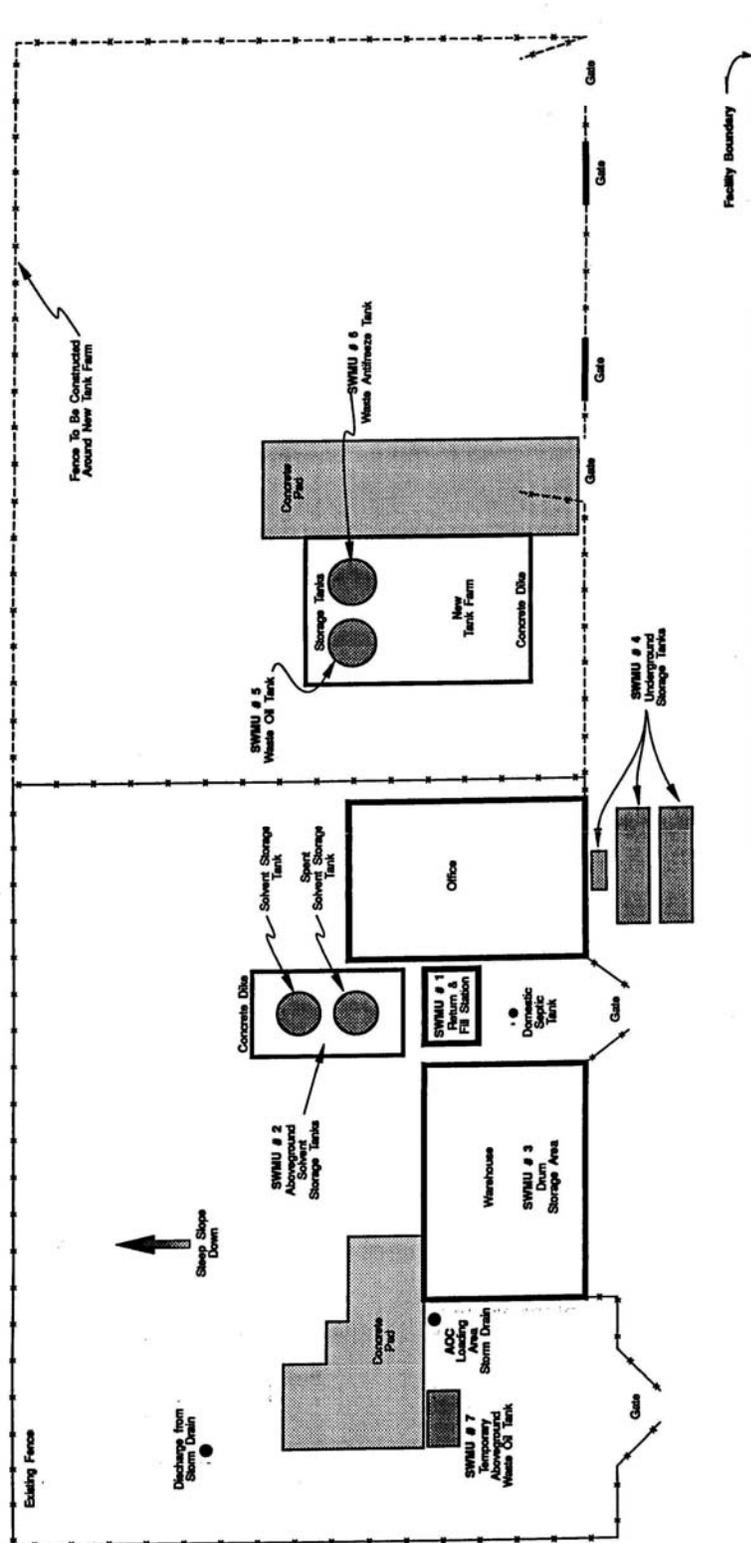
**Table IV - Summary of the Contingent Corrective Action Submittal Requirements**

| <b>Contingent Submittal Requirements</b>                                  | <b>Due Date</b>   | <b>Corrective Action Condition</b> |
|---|---|------------------------------------|
| Written Notification of Newly-identified SWMU(s) and AOC(s)               | No later than 15 calendar days after discovery.                                     | II.A.                              |
| SWMU/AOC Assessment Work Plan   | Within 30 calendar days of notice by the Department that a work plan is required.   | II.B.                              |
| SWMU/AOC Assessment Report  | In accordance with the schedule in the Assessment Work Plan.                        | II.D.                              |
| Written Notification of Newly-identified Releases from SWMU(s) and AOC(s) | No later than 15 calendar days after discovery.                                     | III.A.                             |
| Newly Identified Release Work Plan  | Within 30 calendar days of notice by the Department that a work plan is required.   | III.B.                             |
| Newly Identified Release Report   | In accordance with the schedule in the approved Newly Identified Release Work Plan. | III.D.                             |
| Stabilization Notification  | Within 24 hours of discovery of need for stabilization.                             | IV.A.                              |
| Stabilization Not Effective Notification                                  | Within 10 calendar days of determination by Permittee.                              | IV.C.                              |
| RCRA Facility Investigation (RFI) Work Plan                               | Within 60 calendar days of notice that the Plan is required.                        | V.A.                               |
| RCRA Facility Investigation (RFI) Report                                  | In accordance with the schedule in the approved RFI Work Plan.                      | VI.A.                              |

**Table IV (cont.) Summary of the Contingent Corrective Action Submittal Requirements**

| <b>Contingent Submittal Requirements</b>                    | <b>Due Date</b>   | <b>Corrective Action Condition</b> |
|---|---|------------------------------------|
| Corrective Measures Study (CMS) Work Plan                   | Within 45 calendar days of Department notification.   | VII.C.                             |
| Corrective Measures Study (CMS) Report                      | In accordance with the schedule in the approved CMS Plan.   | VIII.A.                            |
| Final Remedy Approval                                       | In accordance with the schedule in the implementation permit modification.  | IX.                                |
| Annual Progress Reports                                     | March 1 of each calendar year.  | X.                                 |
| Corrective Action Cost Estimate                             | Within 60 calendar days after the final remedy permit modification.   | XII.A.                             |
| Update Cost Estimate for Corrective Action                  | Annually, within 60 calendar days before the anniversary date of the establishment of the financial assurance instrument. | XII.A.2                            |
| Draft Financial Assurance Instrument                        | Within 30 calendar days of approval of Cost Estimate.   | XII.B.                             |
| Final Financial Assurance Instrument                        | Within 10 calendar days of approval of Draft Financial Assurance Instrument.  | XII.B.                             |
| Update Financial Assurance Instrument for Corrective Action | Annually, within 30 calendar days of approval of cost estimate.   | XII.B.                             |

FIGURE  
 Figure 1



Cape Girardeau  
 Safety-Kleen  
 Cape Girardeau, Missouri