

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
HAZARDOUS WASTE MANAGEMENT FACILITY PERMIT – PART II
EPA AUTHORIZATION UNDER THE HAZARDOUS AND SOLID WASTE
AMENDMENTS OF 1984**

PERMITTEE: INTERNATIONAL PAPER COMPANY

RCRA IDENTIFICATION NUMBER: MOD007129935

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as further amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. 6901 et seq. (RCRA), and regulations promulgated thereunder by the United States Environmental Protection Agency (EPA) (codified and to be codified in Title 40 of the Code of Federal Regulations (CFR)), a Permit is issued to International Paper Company as owner and operator (hereafter called the Permittee), to perform activities required by HSWA at their facility located at 2609 South Rangeline Road, Joplin, Missouri, 64804, North Latitude 37° 03' 42", West Longitude 94° 28' 32".

Section 3004(u) of RCRA, 42 U.S.C. 6924(u), and 40 CFR §264.101, require that all Permits issued after November 8, 1984, address corrective action for releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU), regardless of when waste was placed in the unit or whether the unit is closed. Those sections further require that Permits issued under Section 3005 of RCRA contain a schedule of compliance for corrective action where corrective action cannot be completed prior to Permit issuance. Section 3004(v) authorizes the EPA to require that corrective action be taken by the facility owner or operator beyond the facility boundary when necessary to protect human health and the environment, unless the owner or operator demonstrates that permission to undertake such action, despite the owner/operator's best efforts, was denied. Section 3005(c)(3) of RCRA requires that each Permit issued under Section 3005 of RCRA shall contain terms and conditions as the EPA determines necessary to protect human health and the environment.

The following description of regulated activities is based upon the Part A and B Permit Applications:

This Part II Permit contains conditions to address closure and post-closure care of the former Drip Pad Area and Main Treatment Area containing waste released from years of operation as a wood treatment facility.

This Part II Permit consists of the provisions (conditions) contained herein (including this Part II Permit's attachments) and the applicable regulations contained in 40 CFR Parts 124, 260 through 266, 268, and 270, which are incorporated by reference. This Part II Permit is based upon the applicable regulations which are in effect on the date of the issuance of the Part II Permit, in accordance with 40 CFR §270.32(c). The Permittee must comply with all terms and conditions of this Part II Permit.

This Part II Permit is based on the assumption that the information submitted in the Permit Application is accurate and that the facility will be operated as specified in the Permit Application. Any inaccuracies found in the submitted information may be grounds for the termination, revocation and reissuance, or modification of this Part II Permit in accordance with 40 CFR §§ 270.41, 270.42, and 270.43, and for enforcement action. The Permittee must inform EPA of any deviation from or changes in the information in the Permit Application which would affect the Permittee's ability to comply with the applicable regulations or Part II Permit conditions.

The Regional Administrator of EPA, Region 7 has delegated authority to perform all actions necessary to issue, deny, modify, or revoke and reissue Permits for owners and operators of hazardous waste treatment, storage, and disposal facilities pursuant to Section 3005 of RCRA to the Director of Region 7 Air and Waste Management Division (hereafter referred to as Director) or the Director's designated representative, by delegation No. R7-8-6; January 1, 1995 and revised on September 16, 2007.

This Part II Permit is issued as of the date below. Pursuant to 40 CFR §124.15, this Part II Permit shall become effective at 12:01 a.m. on _____, 2012, and shall remain in effect for ten (10) years from the date of its issuance unless revoked and reissued under 40 CFR §270.41, terminated under 40 CFR §270.43, or continued in accordance with 40 CFR §270.51(a) or (d). This Part II Permit shall remain in effect even if the Missouri Hazardous Waste Management Permit (Part I) is terminated or expired.

Done Lenexa, Kansas, this _____ day of _____ 2013.

DRAFT

Becky Weber
Director
Air and Waste Management Division

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I. DEFINITIONS

For purposes of this Part II Permit, terms used herein shall have the same meaning as those in 40 CFR Parts 124, 260, 261, 264, 266, 268, and 270, unless this Part II Permit specifically provides otherwise; where terms are not defined in the regulations or the Part II Permit, 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.

“Annually” means one time per calendar year such that at least eleven (11) months and no more than thirteen (13) months have elapsed since the last annual event.

“Area of Concern” or “AOC” shall mean any area of the Facility under the control or ownership of the owner or operator where a release to the environment of hazardous waste(s) or hazardous constituents has occurred, is suspected to have occurred, or may occur, regardless of the frequency or duration of the release.

“AWMD” shall mean the Air and Waste Management Division of Region 7 of the EPA, or subsequently renamed division of EPA Region 7 that includes the personnel that conduct oversight of RCRA.

“Closure Plan” shall mean any EPA approved closure plan and subsequent approved revisions or modifications to the closure plan.

“Consent Agreement/Final Order” or “CAFO” shall mean the CAFO dated August 3, 2004 between the Permittee and EPA.

“Contingency Plan” shall mean any EPA approved contingency plan and any subsequent EPA approved revisions or modifications to the contingency plan.

“Daily” means once each calendar day, unless expressly stated to be a working day. “Working day” or “business day” shall mean a day other than a Saturday, Sunday, or a federal holiday. In computing any period of time under this Part II Permit, where the last day would fall on a Saturday, Sunday, or a federal holiday, the period shall run until the close of business of the next working day.

“Data Quality Objectives (DQOs)” shall mean performance and acceptance criteria that clarify study objectives, define the appropriate type of data, and specify tolerable levels of potential decision errors that will be used as the basis for establishing the quality and quantity of data needed to support decisions. The DQOs shall be prepared consistent with EPA Guidance documents; “Guidance on Systematic Planning Using the Data Quality Objectives Process” EPA QA/G-4, EPA/240/B-06/001, February 2006; “Guidance for Developing Quality Systems for Environmental Programs” EPA QA/G-1, EPA/240/R-008, November 2002; and any subsequent revisions or editions.

“Day” or “Days” means calendar days unless otherwise specified.

“Director” means the Division Director of AWMD, his or her designee, or an authorized representative.

“Engineering Controls” means any mechanism used to contain or stabilize contamination that ensures the effectiveness of a remedial action and acts as a physical barrier between the contamination and contact with humans or the environment.

“EPA” means the United States Environmental Protection Agency.

“Facility” means International Paper Company facility located at 2609 South Rangeline Road, Joplin, Missouri 64801, T27N, R32W, Jasper County and all contiguous property at this location under the control of the Permittee.

“Hazardous Constituent” means any constituent identified in Appendix VIII of 40 CFR Part 261 or any constituent identified in Appendix IX to 40 CFR Part 264.

“Hazardous Waste” means any solid waste as defined at 42 U.S.C. §6903 (27) and 40 CFR §261.2 which also meets any of the criteria of a hazardous waste as listed in 42 U.S.C. §6903 (5) and 40 CFR §261.3.

“Inspection Schedule” shall mean any EPA approved Inspection Schedule and subsequent approved revision or modification to the Inspection Schedule.

“Institutional Controls” means administrative and/or legal mechanisms that help limit exposure to humans from contamination and/or protect the integrity of the remedy.

“Interim Measure” means those actions taken to immediately control or abate threats or potential threats to human health or the environment from releases or potential releases of hazardous waste or hazardous constituents, which can be initiated before implementation of the final corrective measures for a facility.

“Monthly” means twelve (12) times per year (once per calendar month) such that at least fifteen (15) days and no more than forty-five (45) days have elapsed since the last monthly event.

“Part II Permit” means Part II of the RCRA Permit which is issued by EPA.

“Permit Application” means the Permit Application dated March 8, 2004, as modified by Response to Comments Permit Application Amendment dated February 17, 2012; Consent Agreement Final Order dated August 3, 2004; Cleanup Action Workplan dated October 17, 2011; Closure Plan for the Drip Pad and Main Treatment Area – Revision 2 dated January 23,

2012; Framing Building Area Cleanup Action Report dated May 15, 2013; and any subsequent revisions or modifications.

"Post-Closure Work" shall mean work required by any EPA approved post-closure plan and any subsequent EPA approved revisions or modifications to the post-closure plan.

"Quality Assurance Project Plan" means a plan of the same name prepared consistent with the EPA's document titled "EPA Requirements for Quality Assurance Project Plans (EPA QA/R-5)" and any subsequent revisions or editions.

"Quarterly" means four times per calendar year such that at least two (2) months and no more than four (4) months have elapsed since the last quarterly event.

"RCRA Corrective Action Plan" means the document of the same name dated May 1994 and given the OSWER Directive Number 9902.3-2A and EPA Document Number 520-R-94-004 and any subsequent revisions or editions.

"RCRA Facility Investigation Guidance" means the document of the same name dated May 1989 and given the OSWER Directive Number 9502.00-6D and the EPA Document Number 530/SW-89-031.

"Regional Administrator" means the Regional Administrator of EPA, Region VII, or his or her designee.

"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 and/or hazardous constituents.

"Semi-Annually" means two times per calendar year such that at least five (5) months and no more than seven (7) months have elapsed since the last semi-annual event.

"Solid Waste Management Unit" or "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.

“Standard Operating Procedure” or “SOP” means a document that establishes or prescribes methods to be followed in the operation of hazardous waste storage, treatment and disposal activities. All SOPs must be signed by a responsible corporate officer and include the certification in 40 CFR §270.11(d)(1). The responsible corporate officer shall be as defined in 40 CFR §270.11(a).

“Waste Analysis Plan” shall mean any EPA approved Waste Analysis Plan and subsequent approved revisions or modifications to the Waste Analysis Plan.

"Weekly" means fifty-two (52) times per calendar year such that no fewer than five (5) days and no more than ten (10) days have elapsed since the last weekly event.

II. GENERAL CONDITIONS

II.A. FACILITY INFORMATION

II.A.1. Owner

The facility owner is International Paper Company, 6400 Poplar Avenue, Tower II 05-132, Memphis, TN 38197, hereinafter referred to as the Permittee.

II.A.2. Operator

The facility operator is International Paper Company, 6400 Poplar Avenue, Tower II 05-132, Memphis, TN 38197, hereinafter referred to as the Permittee.

II.A.3. Location

The Permittee's facility is located at 2609 South Rangeline Road, Joplin, MO 64804, T27N, R32W, Jasper County. North Latitude 37° 03'42", West Longitude 94° 28'32". A facility location map and figures showing the layout of the facility are provided in Attachment 1.

II.A.4. Description

The Permittee manages an inactive wood treating facility, 98 acres in total size, located in a moderately industrialized area in the eastern portion of Joplin, Missouri. The facility contained eleven surface impoundments which have been closed under Resource Conservation and Recovery Act (RCRA) closure requirements and

guidance. In 1986, hazardous sludges were removed from all of the site impoundments. The remaining hazardous media was treated; then encapsulated in two corrective action management units (CAMUs) on-site. The wood treating facility shut down in March of 2006, and is in the process of being decommissioned. The Permittee has constructed and is operating a groundwater remediation system. The facility includes a former Drip Pad Area and Main Treatment Area, containing waste released from years of operation as a wood treatment facility, that have been incorporated into this Part II Permit. The incorporated areas were included in a Consent Agreement/Final Order dated August 3, 2004 between the Permittee and EPA (CAFO).

II.B. EFFECT OF PERMIT

Any storage, treatment and/or disposal of hazardous waste not authorized in this Part II Permit is/are prohibited. This Part II Permit consists of the conditions contained herein, including those in any attachments thereto; the Permit Application; and the applicable regulations contained in 40 CFR Parts 124, 260 through 264, 268, and 270. Applicable regulations are those which are in effect on the date of issuance of this Part II Permit and those identified in Section 1 below. The Permittee remains subject to any regulations governing activities not covered by this Part II Permit, for example, those regulations to which hazardous waste generators are subject.

1. Subject to 40 CFR §270.4, compliance with this Part II Permit during its term constitutes compliance, for purposes of enforcement, with those portions of Subtitle C of RCRA as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) included in this Part II Permit, except for those requirements not included in the Part II Permit which:
 - a. Become effective by statute;
 - b. Are promulgated under 40 CFR Part 268 restricting the placement of hazardous wastes in or on the land;
 - c. Are promulgated under 40 CFR Part 264 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements

include double liners, CQA programs, monitoring, action leakage rates, and response action plans, and will be implemented through the procedures of 40 CFR §270.42 Class 1 Permit modifications; or

- d. Are promulgated under 40 CFR Part 265, Subparts AA, BB, or CC limiting air emissions.
2. The issuance of a Part II Permit does not convey any property rights of any sort, or any exclusive privilege.
 3. The issuance of a Part II Permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.
 4. Compliance with the terms of this Part II Permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA, 42 U.S.C. §§6928(a), 6928(h), 6934, and 6973, Sections 104, 106(a) or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA); or any other law providing for protection of public health or the environment.

II.C. PERMIT ACTIONS

II.C.1. Permit Modification, Revocation and Reissuance, and Termination by EPA

If at any time the EPA determines that modification, revocation and reissuance or termination of the Part II Permit is necessary, the EPA may initiate a modification to the Part II Permit, revocation and reissuance of the Part II Permit, or termination of the Part II Permit in accordance with 40 CFR §§270.41 and 270.43. The initiation of a modification to the Part II Permit, revocation or reissuance of the Part II Permit, or termination of the Part II Permit does not stay the applicability or enforceability of any Permit Condition.

II.C.2. Modification of the Permit by the Permittee

As set forth at 40 CFR §270.42, the Permittee may request a modification of the Part II Permit at any time. The filing of a request

for a Part II Permit modification or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any Part II Permit Condition. Modifications to the Part II Permit do not constitute a reissuance of the Part II Permit.

II.C.3. Permit Modification Correspondence File

The Permittee shall maintain a file that contains all correspondence relating to modifications made pursuant to Part II Permit Conditions II.C.1 and II.C.2. This correspondence file shall be available for review by EPA or its designated representative(s) and the public. Note that the file shall be made available during normal business hours.

- a. The Permittee shall reference the availability of this file in all notices made regarding Part II Permit modifications and include a contact person in order to view the file.
- b. The Permittee shall include in the correspondence file all modification requests, copies of all Part II Permit modification notices sent out, the current Part II Permit modification mailing list, and all correspondence from EPA regarding modification requests.

II.C.4. Permit Expiration

II.C.4.a. Permit Duration

As set forth at 40 CFR §270.50, this Part II Permit shall be effective for a fixed term not to exceed ten (10) years. Except as provided in Part II Permit Condition II.C.4.b below, the term of a Part II Permit shall not be extended by modification beyond the maximum term of ten (10) years. The Director may issue a Part II Permit for durations of less than ten (10) years or may grant a Part II Permit modification to allow earlier Part II Permit termination.

II.C.4.b. Continuation of Expiring Permits

This Part II Permit, and all conditions herein, will remain in effect and continue in force under 5 U.S.C. §558(c)

until the effective date of a new Part II Permit (see 40 CFR §124.15) if:

- i. The Permittee has submitted a timely, complete application under 40 CFR §270.14 and the applicable sections in 40 CFR §§270.15 through 270.29 and 40 CFR §270.10(c); and
- ii. The Director through no fault of the Permittee, does not issue a new Part II Permit with an effective date under 40 CFR §124.15 on or before the expiration date of the previous Part II Permit.

Part II Permits continued under this Part II Permit Condition remain fully effective and enforceable.

II.C.4.c. Enforcement

If the Permittee is not in compliance with the conditions of the expiring or expired Part II Permit, the Director may choose to do any or all of the following:

- i. Initiate enforcement action based upon the Part II Permit which has been continued;
- ii. Issue a notice of intent to deny the new Part II Permit under 40 CFR §124.6. If the new Part II Permit is denied, the Permittee shall cease the activities authorized by the continued Part II Permit or be subject to enforcement action for operating without a Part II Permit;
- iii. Issue a new Part II Permit under 40 CFR Part 124 with appropriate conditions; or
- iv. Take other actions authorized by RCRA.

II.C.5. Permit Renewal

This Part II Permit may be renewed as specified in 40 CFR §270.30(b) and Part II Permit Condition II.E.2. Review of any

application for a Part II Permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.

II.C.6. Permit Appeal

Part II Permits may be appealed pursuant to the provisions of 40 CFR §124.19(a), which provides as follows:

- a. Within thirty (30) calendar days after a RCRA final Part II Permit decision has been issued under 40 CFR §124.15, any person who filed comments on that draft Part II Permit or participated in the public hearing may petition the Environmental Appeals Board, in writing, to review any condition of the Part II Permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft Part II Permit may petition for administrative review only to the extent of the changes from the draft to the final Part II Permit decision. The 30-day period within which a person may request review under this section begins with the service of notice of the Regional Administrator's action unless a later date is specified in that notice. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by these regulations and when appropriate, a showing that the condition in question is based on:
 - i. A finding of fact or conclusion of law which is clearly erroneous, or
 - ii. An exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review.

II.D. SEVERABILITY

The provisions of this Part II Permit are severable, and if any provision of this Part II Permit, or the application of any provision of this Part II Permit to any

circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Part II Permit shall not be affected thereby as set forth at 40 CFR §124.16.

II.E. DUTIES AND REQUIREMENTS

II.E.1. Duty to Comply

As set forth at 40 CFR §270.30(a), the Permittee shall comply with all conditions of this Part II Permit, except to the extent and for the duration such noncompliance is authorized by an emergency Part II Permit. Any Part II Permit noncompliance, other than noncompliance authorized by an emergency Part II Permit, constitutes a violation of RCRA and is grounds for enforcement action; for Part II Permit termination, revocation and reissuance, or modification; and/or for denial of a permit renewal application.

II.E.2. Duty to Reapply

The Permittee shall submit a complete Permit Application for a new Part II Permit at least 180 days prior to the expiration of this Part II Permit, as specified in 40 CFR § 270.30(b). This Permit Application shall include information required to continue the post-closure care, groundwater monitoring, corrective action, investigation, interim measures, and/or corrective measures specified in this Part II Permit, and as required in 40 CFR §§ 270.13, 270.14, and 270.28. If the Permittee has not completed any required activities under the existing Part II Permit and fails to timely submit a Permit Application pursuant to this Part II Permit Condition, the Permittee shall be deemed to be in violation of this Part II Permit. If any activities required by this Part II Permit must be continued by the Permittee after the expiration date of this Part II Permit, such activities shall be included in the Permit Application.

II.E.3. Permit Expiration

As set forth in 40 CFR §270.51(a), unless revoked or terminated, this Part II Permit shall be effective for a fixed term not to exceed ten (10) years, except that, as long as EPA is the Permit-issuing authority, this Part II Permit and all conditions herein will remain in effect beyond the Part II Permit's expiration date and until the effective date of the new Part II Permit, if the Permittee has submitted a timely, complete application and, through no fault of the Permittee, the EPA has not issued a new Part II Permit.

II.E.4. Need to Halt or Reduce Activity Not a Defense

As set forth at 40 CFR §270.30(c), it shall not be a defense for the Permittee, in an enforcement action, that it would have been necessary to halt or reduce the Permitted activity in order to maintain compliance with the conditions of this Part II Permit.

II.E.5. Duty to Mitigate

As set forth at 40 CFR §270.30(d), in the event of noncompliance with this Part II Permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

II.E.6. Proper Operation and Maintenance

As set forth at 40 CFR §270.30(e), the Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed or used by the Permittee to achieve compliance with the conditions of this Part II Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Part II Permit.

II.E.7. Duty to Provide Information

As set forth at 40 CFR §270.30(h), within thirty (30) days of a request for information from the Director, or such other time as approved by the Director, the Permittee shall furnish to the Director any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Part II Permit, or to determine compliance with this Part II Permit. The Permittee shall also furnish to the Director, within thirty (30) days of request, copies of records required to be kept by this Part II Permit.

II.E.8. Inspection and Entry

- a. As set forth at 40 CFR §270.30(i), the Permittee shall allow the EPA, or an authorized representative, upon the presentation of credentials and other documents, as may be required by law, to:
- i. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Part II Permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Part II Permit;
 - iii. Inspect, photograph, and/or record (audio and/or visual), at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Part II Permit; and
 - iv. Sample or monitor, at reasonable times, for the purposes of assuring Part II Permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.
- b. Notwithstanding any provision of this Part II Permit, EPA retains the inspection and access authority which it has under RCRA and other applicable laws.

II.E.9. Monitoring and Records

- a. As set forth at 40 CFR §270.30(j)(1), samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved by the EPA. Laboratory methods shall be in accordance

with Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB. [70 FR 34538, June 14, 2005] and any subsequent revisions or editions.

- b. As set forth at 40 CFR §264.74(b) and 40 CFR §270(j)(2), the Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Part II Permit, the certification required by 40 CFR §264.73(b)(9), and records of all data used to complete the application for this Part II Permit through the term of the Part II Permit or for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application; whichever is longer. These periods may be extended by request of the EPA at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. The Permittee shall maintain records from all ground water monitoring wells and associated ground water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.
- c. As set forth at 40 CFR §270.30(j)(2) and (3), records of monitoring information shall specify:
- i. The dates, exact place, and times of sampling or measurements;
 - ii. The individuals who performed the sampling or measurements;
 - iii. The dates analyses were performed;
 - iv. The individuals who performed the analyses;
 - v. The analytical techniques or methods used; and
 - vi. The results of such analyses.

- d. The Permittee shall ensure its analytical data meet the Data Quality Objectives (DQOs) in the Quality Assurance Project Plan (QAPP).

II.E.10. Reporting Planned Changes

As set forth at 40 CFR §270.30(1)(1), the Permittee shall give thirty (30) days advance notice to the EPA of any planned physical alterations or additions which may affect any Hazardous Waste Management Units (HWMUs), Solid Waste Management Units (SWMUs), Areas of Concern (AOCs), contaminated media or debris, or existing institutional or engineering controls.

II.E.11. Reporting Anticipated Noncompliance

- a. As set forth at 40 CFR §270.30(1)(2), the Permittee shall give at least thirty (30) days advance notice to the EPA prior to any planned changes in the Permitted facility or other activity which may result in noncompliance with Part II Permit requirements. Examples of such changes or activities include, but are not limited to, shutdown, construction or modification of new or existing units for the treatment, storage, or disposal of hazardous waste.
- b. For a new unit, the Permittee may not treat, store, or dispose of hazardous waste; and for a unit being modified, the Permittee may not treat, store, or dispose of hazardous waste in the modified portion of the unit except as provided in 40 CFR §270.42, until the Permittee has submitted to EPA, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the Part II Permit; and
 - i. The EPA has inspected the modified or newly constructed unit and finds it is in compliance with the conditions of the Part II Permit; or
 - ii. The EPA has either waived the inspection or has not notified the Permittee within fifteen (15) days of EPA's intent to inspect.

II.E.12. Monitoring Reports

As set forth at 40 CFR §270.30(1)(4), if required, monitoring results shall be reported at the intervals specified elsewhere in this Part II Permit.

II.E.13. Reports of Compliance Schedules

As set forth at 40 CFR §270.30(1)(5), reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Part II Permit shall be submitted no later than fourteen (14) days following each scheduled completion date.

II.E.14. Transfer of Permits

- a. As set forth at 40 CFR §264.12(c), before transferring ownership or operation of the Facility or any part of the Facility, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270 and this Part II Permit. At least ninety (90) calendar days prior to the anticipated date of transfer, the new owner and/or operator shall submit to the EPA a certification, in accordance with Part II Permit Condition II.F, that the new owner or operator has read this Part II Permit, understand its requirements and will comply with the terms and conditions herein. If the property transfer involves subdividing the property to more than one owner or operator, a map and legal description shall be provided to the Director that identifies the properties to be occupied by each new owner.
- b. As noted in the comment to 40 CFR §264.12, an owner or operator's failure to notify the new owner or operator of the requirements of this Part II Permit in no way relieves the new owner or operator of his or her obligation to comply with all applicable requirements.
- c. This Part II Permit is not transferable to any person except after notice to the Director and the Director modifies or revokes and reissues the Part II Permit in accordance with 40 CFR §270.30(1)(3), 40 CFR

§270.40(b) or 40 CFR §270.41(b)(2). The Director may also incorporate such other requirements as may be necessary under RCRA as part of the modification to this Part II Permit.

- d. The new Owner and/or Operator shall submit a revised Permit Application no later than ninety (90) days prior to the scheduled change in ownership and/or operational control. A written agreement containing a specific date for transfer of Part II Permit responsibility between the Permittee and new Permittee(s) must also be submitted to EPA no later than ninety (90) days prior to the scheduled change in ownership and/or operational control as set forth at 40 CFR §270.40(b).
- e. Whenever this Part II Permit is transferred to a new Permittee, the old Permittee shall maintain compliance with the requirements of 40 CFR Part 264, Subpart H, (Financial Requirements) and/or Part II Permit Condition VIII.F until the new Permittee has demonstrated compliance with 40 CFR Part 264, Subpart H and/or Part II Permit Condition VIII.F. The new Permittee shall demonstrate compliance with 40 CFR Part 264, Subpart H and/or Part II Permit Condition VIII.F, within six months of the date of the transfer of this Part II Permit. Upon the new Permittee's demonstration of compliance with 40 CFR Part 264, Subpart H and/or Part II Permit Condition VIII.F, the Director shall notify the old Permittee that maintaining financial assurances pursuant to that subpart and/or Part II Permit Condition VIII.F is no longer necessary.
- f. In the case of bankruptcy of the Permittee pursuant to Title 11 of the United States Code, the bankruptcy Trustee shall provide the required notices to the Director and shall ensure the new Owner and/or Operator submits a revised Permit Application no later than ninety (90) days prior to the scheduled change in ownership and/or operational control. A written agreement containing a specific date for transfer of Part II Permit responsibility between the Court and/or the old Permittee and new Permittee(s) must also be submitted no later than ninety (90) days prior to the scheduled change in ownership

and/or operational control. The new Permittee shall demonstrate compliance with 40 CFR Part 264, Subpart H and/or Part II Permit Condition VIII.F, within six (6) months of the date of the transfer of this Part II Permit. Upon the new Permittee's demonstration of compliance with 40 CFR Part 264, Subpart H, and/or Part II Permit Condition VIII.F the Director shall notify the old Permittee that maintaining financial assurances pursuant to that subpart (40 CFR 270.40(b)) and/or Part II Permit Condition VIII.F is no longer necessary.

II.E.15. Twenty-Four Hour Reporting

- a. The Permittee shall report to the EPA any noncompliance which may endanger health or the environment. Any such information shall be reported orally within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. Examples of such occurrences include, but are not limited to, fires, explosions, natural disasters, accidents, imminent or existing hazard from a release of hazardous waste or hazardous constituents, cracks or other breaches in the structure of any hazardous waste units, solid waste management units, areas of concern, any fire or explosion at or near a Permitted unit or other hazardous waste management area, solid waste management unit, areas of concern, or any other occurrence which may cause the release or threatened release of hazardous waste or hazardous waste constituents from any area within the Permitted facility. The report shall include the following:
 - i. Information concerning the release of any hazardous waste or hazardous constituents that may endanger public drinking water supplies; and
 - ii. Information concerning the release or discharge of any hazardous waste, or hazardous constituents, or a fire or explosion at the facility, which could threaten the environment or human health outside the facility.

- b. The description of the occurrence and its cause shall include:
- i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident;
 - iv. Name and quantity of materials involved;
 - v. The extent of injuries, if any;
 - vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
 - vii. Estimated quantity and disposition of recovered material that resulted from the incident.
- c. As set forth at 40 CFR §270.30(1)(6)(iii) a written submission shall also be provided to EPA within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The EPA may waive the five-day written notice requirement in favor of receiving a written report within fifteen (15) days.

II.E.16. Other Noncompliance

- a. As set forth at 40 CFR §270.30(1)(10), the Permittee shall report to EPA in writing all other instances of RCRA noncompliance not otherwise required to be reported in Part II Permit Conditions II.E.10 – II.E.15, within thirty

(30) days of occurrence. The reports shall contain the information listed in Part II Permit Condition II.E.15.

- b. Examples of such instances include, but are not limited to, any noncompliance, no matter how minor, with waste handling and disposal requirements or requirements related to facility safety, including noncompliance with contingency plan requirements. Repeated or chronic instances of noncompliance with recordkeeping requirements must also be reported, although isolated or one-time instances of noncompliance with recordkeeping requirements need not be reported.

II.E.17. Information Repository

As set forth at 40 CFR §270.30(m), the EPA may require the Permittee to establish and maintain an information repository at any time, based on the factors set forth in 40 CFR §124.33(b). The information repository will be governed by the provisions in 40 CFR §124.33 (c) through (f).

II.E.18. Other Information

As set forth at 40 CFR §270.30(l)(11), whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit Application, or submitted incorrect information in the Permit Application or in any report to the EPA, the Permittee shall submit such facts or information to EPA in writing within seven (7) days of discovery.

II.E.19. Incorporations to the Permit

- a. All plans and schedules required by the conditions of this Part II Permit are, upon approval of the Director, incorporated into and enforceable under this Part II Permit. Any noncompliance with such approved plans and schedules shall constitute noncompliance with this Part II Permit.
- b. Any portion of the Permit Application referenced by this Part II Permit is incorporated into and enforceable under this Part II Permit. Any noncompliance with such

portions of the Permit Application shall constitute noncompliance with this Part II Permit.

- c. Any changes necessary to items incorporated into the Part II Permit shall be made in accordance with the review and approval procedures in Part II Permit Condition IV, except that any changes to the Permit Application referenced in Part II Permit Condition I shall be made in accordance with the Part II Permit modification procedures in Part II Permit Condition II.C.

II.E.20. 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 Part II Permit shall be maintained at the Permitted facility or other such location as approved by the Director during the term of this Part II Permit, including the term of any reissued or continued Part II Permits. Such information shall be made available to the Director upon request.

II.F. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to or requested by the Director shall be signed and certified in accordance with 40 CFR §§270.11 and 270.30(k).

II.G. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE EPA

1. Failure to submit the information required by this Part II Permit, or falsification of any submitted information, is subject to enforcement and/or termination of this Part II Permit.
2. The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Director required by this Part II Permit to be submitted to the EPA are signed and certified in accordance with 40 CFR §§270.11 and 270.30(k).
3. Extensions of the due dates specified in this Part II Permit may be granted by the Director in accordance with the Part II Permit modification procedures set forth in 40 CFR §270.42.

4. Unless otherwise specified, two (2) copies of these plans, reports, notifications or other submissions required by this Part II Permit to be submitted to the EPA shall be sent by certified mail, delivery service or hand delivered to:

U.S. Environmental Protection Agency, Region 7
Air and Waste Management Division
Waste Remediation & Permitting Branch
ATTN: Michael Dandurand
11201 Renner Boulevard
Lenexa, Kansas 66219

5. In addition, two (2) copies of these plans, reports, notifications or other submissions shall be submitted to:

Chief, Permits Section
Missouri Department of Natural Resources
Hazardous Waste Program
P.O. Box 176
Jefferson City, MO 65102-0176

6. The Permittee shall submit one copy of these plans, reports, notifications or other submissions required by this Part II Permit in electronic format to the EPA and Department.
7. EPA may designate a new recipient in writing to the Permittee without a Part II Permit modification.

II.H. CONFIDENTIAL INFORMATION

As set forth at 40 CFR §270.12, the Permittee may claim confidential any information required to be submitted by this Part II Permit.

II.I. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility, through the term of the Part II Permit or for a minimum of three (3) years, whichever is longer, the following documents and all amendments, revisions and modifications to these documents:

1. Permit Application.
2. Operating record, as required by this Part II Permit.

3. Part II Permit modifications file, as required by this Part II Permit.

III. CORRECTIVE ACTION

III.A. AUTHORITY

Section 3004(u) of RCRA, 42 U.S.C. §6924, and 40 CFR §264.101, require that all Permits issued after November 8, 1984, address corrective action for all releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU) at a treatment, storage, or disposal facility seeking the Permit, regardless of when the waste was placed in the unit or whether the unit is closed. Section 3004(v) of RCRA, 42 U.S.C. §6924(v), authorizes the Administrator to require that corrective action be taken by the facility owner or operator beyond the facility boundary when necessary to protect human health and the environment, unless the owner or operator demonstrates to the Administrator's satisfaction that permission to undertake such action, despite the owner/operator's best efforts, was denied. Corrective action is currently conducted under authority of the Part I Permit. Should a release occur from a unit designated for post-closure work as described in Part II Permit Condition VIII.A; this section shall be modified to incorporate schedules and requirements for the following, as necessary:

1. Assessment of Newly-Identified Releases from Post-Closure Unit(s)
[Reserved]
2. Monitoring and Reporting Requirements for Newly-Identified Releases from Post-Closure Unit(s)
[Reserved]
3. Interim/Stabilization Measures for Newly-Identified Releases from Post-Closure Unit(s)
[Reserved]
4. RCRA Facility Investigation Work Plan for Newly-Identified Releases from Post-Closure Unit(s)
[Reserved]
5. RCRA Facility Investigation Report for Newly-Identified Releases from Post-Closure Unit(s)
[Reserved]

6. Corrective Measures Study Work Plan for Newly-Identified Releases from Post-Closure Unit(s)
[Reserved]
7. Corrective Measures Study Report for Newly-Identified Releases from Post-Closure Unit(s)
[Reserved]
8. Final Remedy for Newly-Identified Releases from Post-Closure Unit(s)
[Reserved]
9. Corrective Action Cost Estimates for Newly-Identified Releases from Post-Closure Unit(s)
[Reserved]
10. Corrective Action Financial Assurance for Newly-Identified Releases from Post-Closure Unit(s)
[Reserved]

III.B. ADDITIONAL WORK

If at any time during implementation of corrective action under this Part II Permit the EPA determines that additional work is necessary to accomplish the corrective action required under this Part II Permit, EPA will provide written notification to the Permittee of the requirement for additional work to be performed by the Permittee. EPA may determine that certain tasks, including, but not limited to, investigatory work or engineering evaluation are necessary in addition to the tasks and deliverables already required under this Part II Permit. EPA will specify the basis and reasons for its determination that the additional work is necessary and will request submittal of a draft work plan to perform the additional work. Within sixty (60) days of the EPA's request, the Permittee shall submit a draft work plan for EPA review and approval pursuant to Part II Permit Condition IV. Upon EPA approval, the Permittee shall perform the additional work according to the EPA-approved work plan. The completion of the additional work, as specified in this Part II Permit Condition, shall be documented by the Permittee in accordance with the approved schedule for the additional work.

IV. REVIEW AND APPROVAL PROCEDURES

- A. After submission of any document, plan, or report, the Director will either approve or disapprove the document, plan, or report in writing.
- B. If the Director disapproves the document, plan, or report, the Director will notify the Permittee in writing of the document, plan, or report's deficiencies, indicate required revisions, and specify a due date for submittal of a revised document, plan, or report.
- C. If upon resubmission, the Director disapproves the revised document, plan, or report, the Permittee will be deemed to be in violation of this Part II Permit until an approved document is in effect. In addition, the Director may modify the revised document, plan, or report and notify the Permittee of the modifications. The document, plan, or report as modified by the Director is the EPA-approved document, plan, or report, and shall become part of this Part II Permit.
- D. If the Permittee takes exception to the modifications made by the Director, the Permittee shall follow the dispute resolution procedures in Part II Permit Condition V.
- E. The Permittee shall implement all documents, plans, or reports according to the specifications and schedules contained in the EPA-approved document, plan, or report.

V. DISPUTE RESOLUTION

- A. If the Permittee disagrees, in whole or in part, with any EPA disapproval, conditional approval with comment, modification, or other decision or directive made by EPA pursuant to the provisions of this Part II Permit, the Permittee shall notify EPA in writing of its objections and bases for them within (10) calendar days of receipt of EPA's disapproval, decision, or directive. The notice shall set forth specific points of the dispute, the position the Permittee maintains should be adopted as consistent with the requirements of this Part II Permit, the factual and legal basis for the Permittee's position, and all matters the Permittee considers necessary for EPA's determination. EPA and the Permittee shall then have an additional twenty (20) days from EPA's receipt of the Permittee's objection to attempt to resolve the dispute. If agreement is reached, the resolution will be reduced to writing by EPA and shall become part of this Part II Permit. If the parties are unable to reach complete agreement

within this 20 day period, the matter will be submitted to the Director for resolution. This resolution shall become part of this Part II Permit.

- B. The existence of a dispute as defined herein and EPA's consideration of such matters as placed in dispute shall not excuse, toll or suspend any obligation or deadline required pursuant to this Part II Permit, that is not the subject of dispute, during pendency of the dispute resolution process.

VI. FACILITY-SPECIFIC CONDITIONS

LAND DISPOSAL RESTRICTIONS

The Permittee must comply with all regulations implementing the land disposal restrictions required in 40 CFR Part 268. The Permittee also must comply with regulations implementing the land disposal restrictions that are promulgated after the effective date of this Part II Permit, as these requirements are self-implementing provisions of HSWA.

VII. COMPLIANCE WITH THE CONSENT AGREEMENT/FINAL ORDER

The state of Missouri is not authorized for EPA Hazardous Waste Code F032 because the State has not adopted the pertinent Federal Registers. Waste associated with operation of the Framing Building Area and the Main Treatment Area is classified as F032 because the waste originated from operation of a Drip Pad. Therefore, this Part II Permit contains regulatory requirements for the Framing Building Area and the Main Treatment Area.

International Paper Company and the U.S. EPA entered into a Consent Agreement/Final Order (CAFO) effective August 3, 2004. The requirements of this CAFO have been satisfied as required, with the exception of the Closure Plan for the Drip Pad and Main Treatment Area, and associated Reports. At the time of issuance of this Part II Permit; the Closure Plan for the Drip Pad and Main Treatment Area has not been approved.

VII.A. CLEANUP ACTION WORKPLAN FOR THE FRAMING BUILDING

In accordance with Section II, Paragraph 22.b. of the August 3, 2004 CAFO; the Permittee has submitted a Cleanup Action Work Plan for the Framing Building Area. The document titled Cleanup Action Work Plan, dated October 17, 2011, was submitted to satisfy the requirements for the Framing Building. This document requested approval to remove contaminated soils in the area of the Framing Building and dispose of the material off site at an approved facility. In

a letter dated June 17, 2013; EPA approved a Framing Building Area Cleanup Action Report dated May 15, 2013 which documented closure of the Framing Building area in accordance with the CAFO.

VII.B. CLEANUP ACTION WORKPLAN FOR THE DRIP PAD AND MAIN TREATMENT AREA

In accordance with Section II, Paragraph 22.b. of the August 3, 2004 CAFO; the Permittee has submitted a Cleanup Action Work Plan for the Drip Pad and Main Treatment Area. The document titled Closure Plan for the Drip Pad and Main Treatment Area – Revision 2 (Closure Plan), dated January 23, 2012 was submitted to satisfy the requirements for the Drip Pad and Main Treatment Area. This document requested approval to demolish existing structures, replace one monitoring well, and install a protective cap. Upon EPA approval, the Permittee shall implement activities in accordance with the schedule contained in the approved Closure Plan for the Drip Pad and Main Treatment Area – Revision 2 and any subsequent EPA approved addendums or revisions.

VIII. POST-CLOSURE CARE

VIII.A. GENERAL CONDITIONS AND UNIT IDENTIFICATION

The State of Missouri is not authorized for EPA Hazardous Waste Code F032 because the State has not adopted 55 Federal Register 50450 (06 December 1990) amended at 56 Federal Register 27332 and 56 Federal Register 30192. Waste associated with operation of the Drip Pad Area and the Main Treatment Area is classified as F032 because the waste originated from operation of a Drip Pad. Therefore, this Part II Permit contains regulatory requirements for the Drip Pad Area and the Main Treatment Area.

In accordance with Section II, Paragraph 22.b. of the August 3, 2004 CAFO; the Permittee has submitted a Closure Plan. After EPA approval of the Closure Plan and acceptance of certification of closure of the Drip Pad Area and Main Treatment Area, the Permittee shall comply with the post-closure conditions as described below.

In the event that the Permittee cannot remove all hazardous constituents from the Drip Pad Area and Main Treatment Area below health based cleanup levels selected by EPA, the Permittee shall provide post-closure care in accordance with an approved Post-Closure Plan, subject to the terms and conditions of Section VIII.A through Section VIII.H, and 40 CFR §264.110. At the time of issuance of this Part II Permit a Post-Closure Plan has not been approved.

VIII.B. POST-CLOSURE CARE AND USE OF PROPERTY

VIII.B.1. Post-closure Period

The Permittee shall conduct post-closure care for each hazardous waste management unit listed in Part II Permit Condition VIII.A. Pursuant to 40 CFR §264.117(a)(1), the post-closure care must begin after completion of closure, and EPA acceptance of certification of closure, of each hazardous waste management unit and continue for a thirty (30) year period after that date unless otherwise shortened or extended.

In accordance with 40 CFR §264.117(a)(2), the Director herein establishes that the post-closure period for each hazardous waste management unit identified in Part II Permit Condition VIII.A shall continue until such time as the Permittee can demonstrate to the Director's satisfaction that post-closure care is no longer necessary to protect human health and the environment.

The Director may at any time shorten the post-closure period in accordance with 40 CFR §264.117(a)(2)(i). Pursuant to 40 CFR §264.117(a)(2)(ii), the Director may at any time extend the post-closure period if the Director finds that the extended period is necessary to protect human health and the environment. This includes, but is not limited to, if groundwater results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health or the environment.

In accordance with 40 CFR §264.117(c), the Permittee shall not allow any use of the units designated in Part II Permit Condition VIII.A that will disturb the integrity of the final cover, liners, any components of the containment system or the function of the facility's security or monitoring systems. Any operation on or around the regulated units beyond maintenance or repair allowed by the Part II Permit shall require prior approval by the Director.

VIII.B.2. Post-Closure Plan and Amendments

- a. In accordance with 40 CFR §264.118(a) the Permittee shall have a written post-closure plan for each hazardous waste management unit listed in Part II Permit Condition VIII.A that requires post-closure care. The Permittee

shall submit a Post-Closure Plan within 30 days after EPA acceptance of the Permittee certification of completion of closure as described in the EPA approved closure plan and Part II Permit Condition VIII.A. The Post-Closure Plan is subject to review and approval pursuant to Part II Permit Condition IV.

- b. In accordance with 40 CFR §264.118(b) the Permittee shall identify the activities necessary for post-closure care of each hazardous waste management unit, the function of these activities and the frequency for implementation of these activities. The Permittee shall include, at a minimum, the following activities:
1. A description of the planned monitoring activities and frequencies at which they will be performed during the post-closure care period; and
 2. A description of the planned maintenance activities, and frequencies at which they will be performed during the post-closure care period.
 3. The name, address, and phone number of the person or office to contact regarding the hazardous waste management unit during the post-closure care period.
 4. For facilities where the Regional Administrator has applied alternative requirements at a regulated unit under §§264.90(f), 264.110(c), and/or §§264.140(d), either the alternative requirements that apply to the regulated unit, or a reference to the enforceable document containing those requirements.
- c. In accordance with 40 CFR §264.118(d) the Permittee shall provide a copy of the approved post-closure plan to the Regional Administrator upon request, including requests by mail, during the entire post-closure period.

- d. In accordance with 40 CFR §264.118(d) and 40 CFR Parts 124 and 270, the Permittee shall submit a written notification of or request for a Part II Permit modification whenever changes in operating plans or facility design affect the approved Post-Closure Plan, when there is a change in the expected year of final closure, if applicable, or other events which occur during the active life of the facility, including partial and final closures, that affect the approved Post-Closure Plan. The Permittee shall submit a written request for a Part II Permit modification at least sixty (60) days prior to the proposed change in facility design or operation, or no later than sixty (60) days after an unexpected event has occurred which has affected the Post-Closure Plan. Amendments or modified plans are subject to review and approval in accordance with Part II Permit Condition IV.
- e. If the Director requests a modification, the Permittee shall submit the modified Post-Closure Plan for review and approval in accordance with Part II Permit Condition IV no later than sixty (60) days after the Director's request.
- f. In accordance with 40 CFR §264.119(c), if the Permittee or any subsequent owner or operator of the land upon which the hazardous waste disposal unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any; or contaminated soils, then the Permittee shall request a modification to this post-closure Part II Permit in accordance with the applicable requirements in 40 CFR Parts 124 and 270. The Permittee or any subsequent owner or operator of the land shall demonstrate that the removal of hazardous wastes will satisfy the criteria of 40 CFR §264.117(c).

VIII.C. POST-CLOSURE NOTICES AND CERTIFICATIONS

No later than sixty (60) days after EPA acceptance of certification of closure of each permitted hazardous waste unit which contains waste above the EPA approved health based cleanup levels, the Permittee shall submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Regional Administrator a record of the type, location, and quantity of hazardous wastes within each unit of the facility as described below:

1. A copy of the post-closure notices shall be submitted as required by 40 CFR §264.119(a). An Environmental Covenant that complies with the Missouri Environmental Covenants Act, Missouri Revised Statutes sections 260.1000, et seq, shall be filed with the Jasper County Recorder and shall include a description of prohibitions and restrictions.
2. If the Permittee is granted a Part II Permit modification to conduct waste removal activities in accordance with Part II Permit Condition VIII.B.2.f and the removal has been completed to the Director's satisfaction, the Permittee may request that the Director approve the modification or termination of the terms of the recorded Environmental Covenant as appropriate.
3. No later than sixty (60) days after completion of the post-closure care period specified in Part II Permit Condition VIII.B.1 for each hazardous waste unit, the Permittee shall submit to the Director, by registered mail, a certification that the post-closure care for the hazardous waste unit was performed in accordance with the specifications in the approved Post-Closure Plan. The certification must be signed by the Permittee and a qualified professional engineer. Documentation supporting the professional engineer's certification shall be furnished to the Director upon request until the Director releases the Permittee from the financial assurance requirements for post-closure care under 40 CFR §264.145(i).

VIII.D. GROUNDWATER MONITORING

Due to the nature of constituents, historical operations, and the current site status; it is not possible to differentiate between groundwater contamination associated with releases from operation of the Drip Pad and groundwater contamination associated with historical operations of other on-site solid waste management units. Site-wide groundwater monitoring is currently conducted under authority of the State of Missouri Part I Permit. The Permittee shall continue to monitor groundwater, to ensure the earliest possible detection of contaminant leakage from the Drip Pad and Main Treatment Area, under the currently approved groundwater monitoring program. The Permittee shall submit a Part II Permit modification to add groundwater monitoring requirements to this Part II Permit in accordance with 40 CFR 270.42 for any release determined to originate from the Drip Pad or Main Treatment Area.

VIII.E. COST ESTIMATE FOR FACILITY POST-CLOSURE

1. The Permittee shall submit a post-closure cost estimate within 30 days after the director approves the Post-Closure Plan required by Part II Permit Condition VIII.B.2.a. The cost estimate shall be in accordance with 40 CFR §264.144 and Part II Permit Conditions VIII.E.2 through VIII.E.7. The post-closure cost estimate is subject to review and approval pursuant to Part II Permit Condition IV.
2. The post-closure cost estimate required by Part II Permit Condition VIII.E.1, and as required by 40 CFR §264.144, must be sufficient to cover the costs, in current dollars, to conduct the post-closure work, outlined in this Part II Permit. The post-closure cost estimate shall include all costs for a rolling 30-year time period associated with all required post-closure work. The post-closure cost estimate shall be based on the costs to the Permittee of hiring a third party to conduct post-closure work at the facility as outlined in this Part II Permit. A third party is a party who is neither a parent nor a subsidiary of the owner or operator.
3. For the duration of the post-closure period, the Permittee shall adjust the EPA-approved post-closure cost estimate for inflation within sixty (60) days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with 40 CFR §264.145 and Part II Permit Condition VIII.F. If using the financial test or corporate guarantee, the post-closure cost estimate shall be updated for inflation within thirty (30) days after the close of the firm's fiscal year and before the submission of updated information to the Director as specified in 40 CFR §264.145(f)(5). The annual adjustment may be made by recalculating the post-closure cost estimate in current dollars or in the case where the post-closure work to be performed has not changed by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its *Survey of Current Business* as specified in 40 CFR §264.145(b)(1) and (2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year. The first adjustment is made by multiplying the EPA-approved post-closure cost estimate by the current inflation factor. Each subsequent year, the previous year's adjusted estimate shall be multiplied by the latest inflation factor.

4. For the duration of the post-closure period, the Permittee shall revise the post-closure cost estimate within thirty (30) days after the Director has approved a modification to the post-closure work plan(s) pursuant to this Part II Permit, if such a change increases the post-closure cost estimate, as required by 40 CFR §264.144 (c). In addition, the Permittee shall adjust the post-closure cost estimate if the Director determines that any additional post-closure work is required as determined under this Part II Permit or if any other condition increases the cost of the post-closure work. The revised cost estimate shall be subject to review and approval by the Director pursuant to Part II Permit Condition IV. Documentation of financial assurance required in Part II Permit Condition VIII.F for that increased post-closure cost estimate shall be provided within thirty (30) calendar days following the Director's approval of an increase in the cost estimate.
5. Because the post-closure work for the post-closure units identified in Part II Permit Condition VIII.A will be conducted until EPA determines that the potential threat to human health and the environment no longer exists from the regulated post-closure unit(s), the post-closure cost estimate shall cover the costs of the post-closure work for the regulated post-closure unit(s) for a rolling 30-year period.
6. If the Permittee believes that the estimated cost of the post-closure work remaining to be completed has diminished below the most recent EPA-approved post-closure cost estimate, the Permittee may, at the same time that the Permittee submits the annual cost adjustment pursuant to Part II Permit Condition VIII.E.3, or at any other time agreed to by the Director, submit a revised post-closure cost estimate to the Director for review and approval according to procedures set forth in Part II Permit Condition IV.

If EPA decides to accept and approve the revised post-closure cost estimate, the Director will notify the Permittee in writing that the financial assurance mechanism may be adjusted according to the new EPA-approved post-closure cost estimate and in accordance with Part II Permit Condition VIII.F. If approved, the revised cost estimate shall be used by the Permittee for subsequent adjustment for inflation pursuant to Part II Permit Condition VIII.E.3. The Permittee shall provide documentation of financial assurance required in Part II Permit Condition VIII.F for the revised post-closure cost estimate within thirty (30) calendar days following the

Director's approval of the revised cost estimate. The Director has sole discretion to deny such reduction in the cost estimate and, if denied by the Director, the most recent EPA-approved cost estimate adjusted for inflation shall be considered to be the current post-closure cost estimate to be used for future annual adjustments as required by Part II Permit Condition VIII.E.3.

7. For the duration of the post-closure period, the Permittee shall maintain at the facility the most recent detailed EPA-approved post-closure cost estimate in accordance with Part II Permit Condition VIII.E, pursuant to this Part II Permit Section, and the latest adjusted estimate of the cost of post-closure work, per Part II Permit Condition VIII.E.3.

VIII.F. FINANCIAL ASSURANCE

VIII.F.1. General Conditions

- a. The Permittee shall submit a financial assurance instrument, within 30 days of approval of the post-closure cost estimate required by Part II Permit Condition VIII.E.1, and as provided in 40 CFR §264.145(a-f) to demonstrate financial assurance for post-closure. The Permittee shall continue to demonstrate financial assurance using an approved instrument until such time as a different financial assurance mechanism has been approved by the EPA pursuant to 40 CFR §264.145 or EPA has released the Permittee from this requirement as provided in Part II Permit Condition VIII.F.1.c.
- b. The Permittee shall demonstrate continuous compliance with the financial assurance requirements for post-closure found in 40 CFR §264.145 and this Part II Permit, by providing documentation of financial assurance, as required by 40 CFR §264.151 for at least the amount of the current EPA approved post-closure cost estimate required by 40 CFR §264.144 and Part II Permit Condition VIII.E, until such time as the Permittee is released from such requirement by EPA as provided in Part II Permit Condition VIII.F.1.c. If the Permittee fails to maintain the financial assurance required in this Part II Permit, the Permittee shall be deemed out of compliance with this Part II Permit and may be subject to

enforcement action, including civil penalties. The Permittee shall submit original executed and/or other financial assurance instruments or documents to the Director.

- c. *Release of Permittee from the requirements of this section.* Within sixty (60) days after receiving certifications from the Permittee and a qualified Professional Engineer that the post-closure work required in Part II Permit Condition VIII of this Part II Permit has been completed in accordance with this Part II Permit, the Director will review the documentation and notify the Permittee in writing if the certification is approved or additional monitoring or post-closure work is required. If the certification is approved, the Director will provide written notification to the Permittee and the provider(s) of the financial assurance that the Permittee is no longer required to maintain financial assurance for the post-closure work for that regulated post-closure unit(s). If the Director has reason to believe that post-closure work has not been completed in accordance with this Part II Permit, the Director will provide the Permittee a written statement of his/her reasoning. In this case, the Permittee shall not be released from financial assurance obligations for the post-closure work until such time as the post-closure work is performed to the Director's satisfaction. The Permittee shall not release, cancel or terminate any financial assurance provided pursuant to this section except as provided in this Part II Permit Condition. In the event of a dispute, the Permittee may release, cancel, or terminate the financial assurance required hereunder only in accordance with a final administrative or judicial decision resolving such dispute.

- d. If at any time, the Director determines that a financial assurance instrument provided pursuant to this Part II Permit is inadequate, or no longer satisfies the requirements set forth or incorporated by reference in this Part II Permit, whether due to an increase in the estimated cost of completing the post-closure work or for any other reason, the Director shall so notify the Permittee in writing. If at any time, the Permittee becomes aware of information indicating that any financial assurance

instrument provided pursuant to this Part II Permit is inadequate or no longer satisfies the requirements set forth or incorporated by reference in this Part II Permit, whether due to an increase in the estimated cost of completing the post-closure work or for any other reason, then the Permittee shall notify the Director in writing of such information within ten (10) days. Within thirty (30) days of receipt of notice of EPA's determination, or within thirty (30) days of the Permittee becoming aware of such information, as the case may be, the Permittee shall obtain and present to the Director a proposal for a revised or alternative form of financial assurance listed in 40 CFR §264.145 that satisfies all requirements set forth or incorporated by reference in this Part II Permit. The Permittee shall notify the Director if submitting a revised or alternative form of financial assurance and shall follow the procedures set forth in this Part II Permit.

- e. A Permittee's inability or failure to establish or maintain financial assurance for completion of the post-closure work shall in no way excuse performance of any other requirements of this Part II Permit, including, without limitation, the obligation of the Permittee to complete the post-closure work in strict accordance with the terms of this Part II Permit.
- f. Any financial assurance mechanism, other than financial test, provided pursuant to this Part II Permit shall be automatically renewed at the time of expiration unless the financial assurance provider has notified both the Permittee and the EPA Project Manager at least one hundred and twenty (120) days prior to expiration, cancellation or termination of the instrument of a decision to cancel, terminate or not renew a financial assurance instrument. Under the terms of the financial assurance instrument, the one hundred and twenty (120) days will begin to run with the date of receipt of the notice by both the EPA Project Manager and the Permittee. Furthermore, if the Permittee has failed to provide alternate financial assurance and obtain written approval for such alternate financial assurance within ninety (90) days following receipt of such notice by both Permittee and the EPA Project Manager, then the EPA Project

Manager will so notify the financial assurance provider in writing prior to the expiration of the instrument, and the financial assurance provider shall immediately deposit into the standby trust fund, or a newly created trust fund agreeable to EPA, the remaining funds obligated under the financial assurance instrument for the performance of the post-closure work in accordance with this Part II Permit.

VIII.F.2. Financial Assurance Instruments:

A Permittee may use one or more of the financial assurance forms generally described in Part II Permit Condition VIII.F.2.a-f below, except that a surety bond guaranteeing performance rather than payment, a corporate guarantee, and a financial test may not be combined with other instruments. Any and all financial assurance instruments provided pursuant to this Part II Permit shall be satisfactory in form and substance as determined by the Director. The Director may limit the choices of the Permittee, to one or more of the instruments described below.

- a. A trust fund established for the benefit of EPA, 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 that is acceptable in all respects to the Director. The trust agreement shall provide that the trustee shall make payments from the fund as the Director shall direct in writing (1) to reimburse the Permittee from the fund for expenditures made by the Permittee for post-closure work performed in accordance with this Part II Permit, or (2) to pay any other person whom the Director determines has performed or will perform the post-closure work in accordance with this Part II Permit. The trust agreement shall further provide that the trustee shall not refund to the grantor any amounts from the fund unless and until the Director has advised the trustee that the post-closure work under this Part II Permit has been successfully completed.
- b. A surety bond unconditionally guaranteeing performance of the post-closure work in accordance with this Part II Permit, or guaranteeing payment at the direction of the

Director into a standby trust fund that meets the requirements of the trust fund in Part II Permit Condition VIII.F.2.a above. 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 U.S. Department of the Treasury, and be acceptable to the Director.

- c. An irrevocable letter of credit, payable at the direction of Director, into a standby trust fund that meets the requirements of the trust fund in Part II Permit Condition VIII.F.2.a above. The letter of credit shall be issued by a financial institution that has the authority to issue letters of credit, and whose letter-of-credit operations are regulated and examined by a Federal or State agency.
- d. A policy of insurance that: (i) provides EPA with acceptable rights as a beneficiary; (ii) is issued by an insurance carrier (Insurer) licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States; (iii) has a face value at least equal to the current post-closure cost estimate or estimated cost of the post-closure work to be performed under this Part II Permit, except where costs not covered by the policy are covered by another financial assurance instrument; (iv) is automatically renewable at the face amount of the expiring policy; (v) contains a provision that allows the policy to be assigned or transferred to a successor Permittee; (vi) provides that the Insurer make payments as directed in writing by the Regulators to (a) reimburse the Permittee for expenditures made by the Permittee for the post-closure work performed in accordance with this Part II Permit, or (b) pay any other person whom the Regulators determines has performed or will perform post-closure work in accordance with this Part II Permit, up to an amount equal to the face amount of the policy; (vii) stipulates the Insurer may not cancel, terminate or fail to renew the policy except if the Permittee fails to pay the premiums; (viii) stipulates that if the Permittee fails to pay the premiums and the Insurer wants to cancel, terminate or fail to renew the policy, the Insurer must give the Regulators and the Permittee 120 days written

notice. Cancellation, termination or failure to renew may not occur during the 120 days beginning with the date of receipt of the notice by both the Regulators and the Permittee; and (ix) stipulates that the cancellation, termination, or failure to renew the policy may not occur and the policy will remain in full force and in effect if, before the date of expiration, the Permittee declares bankruptcy or is named as a debtor in a voluntary or involuntary proceeding under USC Title 11 – Bankruptcy, or other events occur such as abandonment, termination, revocation, denial of this Part II Permit, or if the Regulator notifies the Insurer of the Permittee’s failure to perform.

e. A corporate guarantee, executed in favor of the EPA by one or more of the following; (i) a direct or indirect parent company, or (ii) a company that has a “substantial business relationship” with the Permittee (as defined in 40 CFR § 264.141(h)); to perform the post-closure work in accordance with this Part II Permit or to establish a trust fund as Permitted by this Part II Permit Permit Condition VIII.F.2.a above; provided, however, that any company providing such a guarantee shall demonstrate to the satisfaction of the Director that it satisfies the financial test requirements of 40 CFR § 264.143(f) with respect to the EPA-approved estimated cost of the post-closure work that it proposes to guarantee; or

f. A demonstration by Permittee that the Permittee meets the financial test criteria of 40 CFR § 264.143(f) with respect to the EPA-approved estimated cost of the post-closure work, provided that all other requirements of 40 CFR § 264.143(f) are satisfied.

g. The allowance to use the corporate guarantee pursuant to Part II Permit Condition VIII.F.2.e or the financial test pursuant to Part II Permit Condition VIII.F.2.f shall be at the sole discretion of the Director and not subject to the dispute resolution under Part II Permit Condition V. If a Permittee provides financial assurance by means of a corporate guarantee or financial test, the Director may request additional information (including financial statements and accountant’s reports) from the Permittee

or corporate guarantor at any time. If the Director determines that the use of the corporate guarantee pursuant to Part II Permit Condition VIII.F.2.e or the financial test pursuant to Part II Permit Condition VIII.F.2.f no longer fulfills the financial assurance requirements, the Director shall notify the Permittee of such determination and require a change in the financial assurance instrument pursuant to Part II Permit Condition VIII.F.5. The Permittee shall submit a revised form of financial assurance within thirty (30) days of such notification by the Director.

- h. For the purposes of the financial test guarantees described in Part II Permit Conditions VIII.F.2.e and VIII.F.2.f above, references in 40 CFR § 264.143(f) to “the sum of current closure and post-closure costs and the current plugging and abandonment cost estimates” shall mean the sum of all environmental obligations including obligations under CERCLA, RCRA, UIC, TSCA, and any other environmental obligation guaranteed by such company as “financial assurance” or for which such company is otherwise financially obligated in addition to the most recent EPA-approved estimated cost of the post-closure work to be performed in accordance with this Part II Permit.
- i. If at any time during the effective period of this Part II Permit, a Permittee provides financial assurance for completion of the post-closure work by means of a corporate guarantee or financial test pursuant to Part II Permit Condition VIII.F.2.e or VIII.F.2.f above, 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) relating to these methods, unless otherwise provided in this Part II Permit, including but not limited to, (i) initial submission of required financial reports and statements from the guarantors’ chief financial officer and independent certified public accountant; (ii) annual re-submission of such reports and statements within ninety (90) days after the close of each of the guarantors’ fiscal years; and (iii) notification of the Director within ninety (90) days after the close of any of the guarantors’ fiscal years in which

any such guarantor no longer satisfies the financial test requirements set forth at 40 CFR Part 264.143(f)(1). If the Permittee provides financial assurance by means of a corporate guarantee or financial test, EPA may request additional information (including financial statements and accountant's reports) from the Permittee or corporate guarantor at any time.

- j. If a Permittee seeks to establish financial assurance by using a surety bond, a letter of credit, or a corporate guarantee, the Permittee shall at the same time establish, and thereafter maintain, a standby trust fund, which meets the requirements of Part II Permit Condition VIII.F.2.a, into which funds from the other financial assurance instrument can be deposited, if the financial assurance provider is directed to do so by the Director, pursuant to Part II Permit Condition VIII.F.4.
- k. The Permittee shall submit all original executed and/or otherwise finalized financial assurance instruments or other documents by certified mail to the Director with a copy to the EPA Project Manager.

VIII.F.3. Use of Multiple Mechanisms

At EPA's sole discretion, the Director may allow a Permittee to combine more than one mechanism to demonstrate financial assurance for the post-closure work to be performed in accordance with this Part II Permit. The mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in Part II Permit Condition VIII.F.2.a - d., except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current post-closure cost estimate.

VIII.F.4. Performance Failure

- a. In the event that the Director determines that the Permittee (i) has ceased implementation of any portion of the post-closure work, (ii) is deficient or late in its performance of the post-closure work, or (iii) is implementing the post-closure work in a manner that may

cause an endangerment to human health or the environment, the Director may issue a written notice (“Performance Failure Notice”) to the Permittee and the financial assurance provider of the Permittee’s failure to perform. The notice issued by the Director will specify the grounds upon which such a notice was issued and will provide the Permittee with a period of ten (10) days within which to remedy the circumstances giving rise to the issuance of such notice.

- b. Failure by the Permittee to remedy the relevant Performance Failure to the Director’s satisfaction before the expiration of the ten (10) day notice period specified in Part II Permit Condition VIII.F.4.a shall trigger EPA’s right to have immediate access to and benefit of the financial assurance provided pursuant to this Part II Permit Condition. The Director may at any time thereafter direct the financial assurance provider to immediately (i) deposit into the standby trust fund, or a newly created trust fund approved by EPA, the remaining funds obligated under the financial assurance instrument (ii) or arrange for performance of the post-closure work in accordance with this Part II Permit.
- c. If the Director has determined that any of the circumstances described in clauses (i), (ii), or (iii) of Part II Permit Condition VIII.F.4.a have occurred, and if the Director is nevertheless unable after reasonable efforts to secure the payment of funds or performance of the post-closure work in accordance with this Part II Permit from the financial assurance provider pursuant to this Part II Permit, then, upon receiving written notice from the Director, the Permittee shall within ten (10) days thereafter deposit into the standby trust fund, or a newly created trust fund approved by EPA, in immediately available funds and without setoff, counterclaim, or condition of any kind, a cash amount equal to the estimated cost of the remaining post-closure work to be performed in accordance with this Part II Permit as of such date, as determined by the Director.
- d. The Permittee may invoke the procedures set forth in Part II Permit Condition V to dispute the Director’s

determination that any of the circumstances described in clauses (i), (ii), or (iii) of Part II Permit Condition VIII.F.4.a have occurred. Invoking the dispute resolution provisions shall not excuse, toll or suspend the obligation of the financial assurance provider, under Part II Permit Conditions VIII.F.4.b and VIII.F.4.c. Furthermore, notwithstanding the Permittee's invocation of such dispute resolution procedures, and during the pendency of any such dispute, the Director may in his or her sole discretion direct the trustee of such trust fund to make payments from the trust fund to any person that has performed the post-closure work in accordance with this Part II Permit until the earlier of (i) the date that the Permittee remedies, to the Director's satisfaction, the circumstances giving rise to EPA's issuance of the relevant Performance Failure Notice or (ii) the date that a final decision is rendered in accordance with Part II Permit Condition V, that the Permittee has not failed to perform the post-closure work in accordance with this Part II Permit.

VIII.F.5. Change of Form of Financial Assurance

- a. If the Permittee desires to change the form or terms of financial assurance, the Permittee may, at the same time that the Permittee submits the annual cost adjustment, pursuant to Part II Permit Condition VIII.E.3, or at any other time agreed to by the Director, submit a written proposal to the Director to change the form of financial assurance. The submission of such proposed revised or alternative form of financial assurance shall be as provided in (b) below. The decision whether to accept the proposal submitted under this Part II Permit Condition shall be made in the Director's sole and un-reviewable discretion and such decision shall not be subject to challenge by the Permittee pursuant to the dispute resolution provisions of Part II Permit Condition V. or in any other forum.
- b. A written proposal for a revised or alternative form of financial assurance shall specify, at a minimum, the cost of the remaining post-closure work to be performed, the basis upon which such cost was calculated, and 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 Part II Permit.

- c. The Director shall notify the Permittee in writing if there are deficiencies in the revised or alternative form of financial assurance submitted pursuant to this Part II Permit Condition. Within ten (10) days after receiving a written decision acknowledging the receipt of the proposed revised or alternative financial assurance with no deficiencies noted, the Permittee shall execute and/or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding in a form substantially identical to the documents submitted to the Director as part of the proposal, and such financial assurance shall be fully effective.
- d. The Permittee shall submit all executed and/or otherwise finalized instruments or other documents required in order to make the selected financial assurance legally binding to the EPA. The final document shall be submitted within thirty (30) days of receiving a written acknowledgement of the proposed revised or alternative financial assurance with no deficiencies noted, with a copy to the EPA Project Manager. The Director shall approve the release, cancellation or termination of 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 Director. If the Director denies the new instrument, the Permittee shall continue to maintain the original financial assurance instrument, as required in this Part II Permit.

VIII.F.6. Reduction of Amount of Financial Assurance

If the Permittee believes that the estimated cost to complete the remaining post-closure work has diminished below the amount covered by the existing financial assurance provided under this

Part II Permit, the Permittee may, at the same time that the Permittee submits the annual cost adjustment, pursuant to Part II Permit Condition VIII.E.3 of this Section, or at any other time agreed to by the Director, submit a written proposal to the Director to reduce the amount of the financial assurance provided under this Section so that the amount of the financial assurance is equal to the estimated cost of the remaining post-closure work to be performed. The written proposal shall specify, at a minimum, the cost of the remaining post-closure work to be performed and the basis upon which such cost was calculated. The Permittee shall follow the procedures set forth in this Part II Permit. If the Director denies the reduction, the cost estimate shall be maintained at the original amount. If the Director accepts such a proposal, the Director shall notify the Permittee of its decision in writing. After receiving the Director's written decision, the Permittee may reduce the amount of the financial assurance only in accordance with and to the extent permitted by such written decision. In the event of a dispute, the Permittee may reduce the amount of the financial assurance required hereunder only in accordance with the final EPA Dispute Decision resolving such dispute. No change to the form or terms of any financial assurance provided under this Section, other than a reduction in amount, is authorized.

VIII.F.7. Use of a Financial Mechanism for Multiple Facilities

The Permittee may use a financial assurance mechanism specified in this section to meet the requirements of this section for more than one facility. Evidence of financial assurance submitted to the Director shall include a list showing, for each facility, the EPA Identification Number, name, address, and the amount of funds for closure, post-closure, and/or corrective action work assured by the mechanism. If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrators or Directors of all such Regions. The amount of funds available through the mechanism shall be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. In directing funds available through the mechanism for post-closure work at any of the facilities covered by the mechanism, the Director may direct only the amount of funds designated for that facility, unless the Permittee agrees to the use of additional funds available under the mechanism.

For corporations providing a corporate guarantee or demonstration of satisfaction of the financial test, in determining if an entity passes the financial test referenced in 40 CFR §264.145(f) and (h), the amount of funds available must be sufficient to cover all of their environmental obligations to the United States, i.e., that all RCRA, UIC, TSCA, and CERCLA, obligations guaranteed by such entity as “financial assurance” and/or as a Performance Guarantee.

VIII.G. LIABILITY REQUIREMENTS

The Permittee currently maintains financial responsibility for liability requirements for the State of Missouri Part I Permit. As long as this financial responsibility is maintained to the State of Missouri's satisfaction; the EPA considers the Permittee's compliance conditions in Part II Permit Condition VIII.G in good standing. Within 60 days of such time as the Permittee no longer maintains financial responsibility through the State of Missouri Part I Permit, the Permittee shall reestablish, and submit for EPA approval, the financial responsibility documentation as required by Part II Permit Condition VIII.G.1 and VIII.G.2. Within 60 days of no longer maintaining sudden and nonsudden liability financial assurance under the Part I Permit, the Permittee shall submit proof to the EPA of financial responsibility as described below:

1. The Permittee shall submit proof to the EPA of financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from facility operations. The Permittee shall demonstrate continuous compliance with the requirements of 40 CFR §264.147(a) to have and maintain liability coverage for sudden and accidental occurrences in the amount of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million, exclusive of legal defense costs.
2. The Permittee shall submit proof to the EPA of financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from facility operations. The Permittee shall demonstrate continuous compliance with the requirements of 40 CFR §264.147(b) to have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3 million per occurrence, with an annual aggregate of at least \$6 million, exclusive of legal defense costs.

VIII.H. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall comply with requirements specified in 40 CFR §264.148. The Permittee shall notify the Director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the Permittee as debtor, within ten (10) days after commencement of the proceeding, in accordance with 40 CFR §264.148. A guarantor or a corporate guarantee as specified in 40 CFR §264.143(f) and 264.145(f) must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (40 CFR §264.151(h)).

A Permittee who fulfills the requirements of 40 CFR §264.143, §264.145 or §264.147 by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The Permittee shall establish other financial assurance or liability coverage within sixty (60) days after such an event and submit the new financial assurance policy to the EPA in accordance with Part II Permit Condition VIII.F.

IX. FACILITY SCHEDULE OF COMPLIANCE

Table 1. Schedule of Compliance pursuant to this Part II Permit.

SUBMISSION REQUIREMENTS	DUE DATE	PART II PERMIT CONDITION
Permit Renewal	180 calendar days prior to Part II Permit expiration	II.E.2
Post-Closure Plan	Within thirty (30) calendar days after the Director has approved the Closure activities	VIII.B.2.a
Cost Estimate for Post-Closure	Within thirty (30) calendar days after the Director has approved a post closure plan	VIII.E
Financial Assurance for Post-Closure Care	Within thirty (30) days after the Director has approved the initial and any subsequent Post Closure Cost Estimate	VIII.F
Liability Requirements	Within sixty (60) days after the date of this Part II Permit, the Permittee shall submit proof of financial responsibility	VIII.G

Table 2. Summary of possible reporting requirements pursuant to this Part II Permit.

CONDITIONAL REQUIREMENTS	DUE DATE	PART II PERMIT CONDITION
Permit Appeal	Within thirty (30) days calendar days after a RCRA final Part II Permit decision has been issued	II.C.6
Reporting Planned Changes	thirty (30) calendar days advance notice of any planned alterations or additions	II.E.10
Reporting Anticipated Noncompliance	thirty (30) calendar days advance notice prior to any planned changes	II.E.11
Provisions for Part II Permit Transfer	90 calendar days prior to date of Part II Permit transfer	II.E.14
Written Notice of Noncompliance	Within 5 calendar days of Permittee's awareness of the circumstance	III.E.15.c
Written Report of Other Noncompliance	Report to EPA in writing all other instances of RCRA noncompliance within thirty (30) days of occurrence	II.E.16
Adjustment of the estimated cost of the work for inflation and post closure care	Annually within thirty (30) days after the anniversary date of the Director's initial approval of such estimated cost of the work and post closure care	VIII.E.2