



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

SEP 29 2014

CERTIFIED MAIL – 7009 0960 0000 8848 3804  
RETURN RECEIPT REQUESTED

Mr. Brad Williams  
Plant Manager  
River Cement Company  
d/b/a Buzzi Unicem USA  
1000 River Cement Road  
Festus, MO 63028

RE: Approved Final Remedy and Release from Corrective Action Obligations  
River Cement Company, Doing Business as Buzzi Unicem USA, Festus, Missouri  
EPA ID# MOD050232560

Dear Mr. Williams:

The Missouri Department of Natural Resources (Department) hereby approves the final remedy of no further corrective action with institutional controls at River Cement Company (RCC), doing business as Buzzi Unicem USA. The Department is also releasing RCC from regulation as a former interim status hazardous waste treatment, storage, and disposal (TSD) facility subject to the corrective action requirements of the Missouri Hazardous Waste Management Law and regulations.

The Department's approved final remedy and regulatory release decisions are effective immediately. Our decisions are based on Code of State Regulations 10 CSR 25-7.265(1) and 10 CSR 25-7.270(1), which incorporate Code of Federal Regulations 40 CFR Part 265 Subpart F and Subpart G and 40 CFR Part 270 Subpart G, respectively; and all available facility-specific information, including the following items:

1. *Resource Conservation and Recovery Act (RCRA) Facility Assessment (RFA)* for RCC, Festus, Missouri, dated February 15, 1991, conducted by Metcalf & Eddy, Incorporated, on behalf of the U.S. Environmental Protection Agency (EPA).
2. Closure certification, signed August, 14, 1998, by John D. Doyle, P.E., a professional engineer registered in Missouri, and September 1, 1998, by Mr. Thomas Rader, Vice President, River Cement Company, indicating that all the interim status areas of the facility have been certified clean closed according to the approved closure plan,

including any approved modifications to that plan, submitted according to 40 CFR 265.112 and 265.118, incorporated by reference in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2)(G).

3. A letter signed by the Department, dated December 8, 1998, accepting the closure certification for the hazardous waste fuel storage and hazardous waste fuel feed system.
4. A letter signed by the Department, dated January 6, 1999, releasing RCC from financial assurance obligations for closure, according to 40 CFR 265.143(h), incorporated by reference in 10 CSR 25-7.265(1).
5. A letter signed by the Department, dated March 28, 2003, where the Department and RCC entered into a Letter of Agreement to implement an Expedited Corrective Action Program (ECAP) at the facility.
6. ECAP RCRA Facility Investigation (RFI) Report, dated July 11, 2005, submitted by RCC.
7. RCRA Corrective Action Environmental Indicator Evaluations, dated October 18, 2005, (RCRAInfo Codes CA750-Migration of Contaminated Groundwater Under Control and CA725-Current Human Exposure Under Control) affirming that migration of contaminated groundwater and current human exposures were under control.
8. ECAP RFI Addendum Report, dated May 13, 2009, submitted by RCC. The report recommended that no further investigative activities are required at the facility and that the facility enter into an Environmental Covenant with deed restrictions with the Department.
9. A letter signed by the Department, dated February 15, 2011, approving RCC's ECAP RFI Addendum Report.
10. An Environmental Covenant, executed by the Department and RCC and filed with the Jefferson County Recorder of Deeds, file number 2013R-038441 on September 26, 2013. The Environmental Covenant restricts the property to non-residential land use, prohibits soil disturbance and requires notice to construction workers performing work in the area.

The RCC site is located on approximately 2167 acres at 1000 River Cement Road, about three miles south of Festus, Missouri. The RCC facility is a cement manufacturing facility built by the Mississippi River Corporation (MRC) in 1963. RCC, a subsidiary of MRC, began operating the plant and limestone quarry in 1965. In 1979 R.C. Cement Company, Incorporated, purchased the facility. At that time R.C. Cement Company was 80 percent owned by IFI International S.A. (Luxembourg) and 20 percent by Unicem S.p.A. (Italy). R.C. Cement Company later became

wholly owned by Unicem S.p.A. In 2000 Unicem merged with Buzzi Cement to form Buzzi Unicem S.p.A (Italy). In 2003 Buzzi Unicem S.p.A. gained controlling interest in Dyckerhoff AG, which owned, among other companies, Lone Star Industries, Incorporated, another cement manufacturing company. In 2004 RC Lonestar, Incorporated, owned by Buzzi Unicem S.p.A. and Dyckerhoff AG, became the US parent company of RCC. RCC remains a wholly owned subsidiary of RC Lonestar, Incorporated, and is licensed to do business in Missouri, and several other states, under the trade name "Buzzi Unicem USA."

The RCC site consists of buildings, a laboratory, storage silos, a limestone quarry, a 430-foot high pre-heater tower with calciner and 212-foot rotary kiln, three finish mills, one raw mill, railroad spur tracks used for cement transport and formerly used to receive tank cars loaded with liquid waste fuels, a barge loading facility for transporting cement, receiving raw materials and solid fuel, and sheds used to store cement-related products. The remainder of the RCC site is mainly open fields, which are dissected by various paved roadways and railroad spur tracks.

RCC produces clinker, the main ingredient in Portland cement, in a rotary kiln with pre-heater/pre-calciner. RCC uses mainly coke and natural gas to heat their kiln system. From January 1989 to 1997, RCC used liquid hazardous wastes fuels to supplement its fuel needs. The hazardous waste came from off-site hazardous waste generators and third party hazardous waste blenders. An environmental management firm operated the hazardous waste fuel facility at the RCC Facility. The hazardous waste fuel facility received the hazardous waste in bulk tanker trucks and railcars. The liquid hazardous wastes were blended with other hazardous waste to achieve the desired characteristics. The resulting wastes were stored in tanks until used as liquid fuel.

RCC operated the hazardous waste fuel facility and two cement kilns under the interim status portions of the federal and state hazardous waste laws, 40 CFR Part 265 and 10 CSR 25-7.265. When Congress passed the federal law governing hazardous waste management in 1980, all existing facilities that treated, stored, or disposed of hazardous waste in a manner that would necessitate a hazardous waste permit were required to get such a permit. Because of the large number of existing facilities, Congress set up requirements which allowed these facilities to operate temporarily under "interim status" until they received their permit. RCC began the hazardous waste permitting process, but later decided to close its interim status hazardous waste management areas and stop using hazardous waste as supplemental fuel. On December 8, 1998, the Department accepted the facility's closure certification for its hazardous waste fuel facility, two cement kilns, and hazardous waste fuel feed system.

According to applicable state and federal hazardous waste laws and regulations, all hazardous waste TSD facilities are required to investigate and remediate releases of hazardous waste and hazardous constituents to the environment at their facility resulting from present and past hazardous waste handling practices. Metcalf & Eddy, Incorporated, a contractor for the EPA, conducted a RFA that was documented in a final RFA Report, dated February 15, 1991. The

final RFA Report identified 19 Solid Waste Management Units (SWMUs) and one Area of Concern (AOC). On June 30, 1999, the Department visited the facility to visually inspect all SWMUs identified in the RFA Report and the revised RCRA Part B Permit Application that potentially required further corrective action. Based upon the visual facility inspection verifying the existing/current locations and the physical integrity of the SWMUs/AOC, the Department determined that 11 SWMUs required further corrective action.

RCC began conducting field work on April 15, 2005, according to an approved RFI Work Plan dated October 4, 2004. The SWMUs investigated were: SWMU 1-Old Landfill Area, SWMU 2-Industrial Landfill, SWMU 3-Kiln Dust Landfill, SWMU 4-Original Hazardous Waste Facility, SWMU 7-Waste Oil Tank, SWMU 9-Fuel Oil Storage Tank, SWMU 10-Quarry Diesel Tank, SWMU 11-Diesel Fuel Storage Tank, SWMU 16-Bullgear Grease Mixer, SWMU 17-Used Grease Drum, and SWMU 19-Old Oil Pump House. RCC collected and analyzed two discreet surface water samples, four grab sediment samples, 28 surficial soil samples, 25 subsurface soil samples, and 11 groundwater samples to evaluate the potential release of contaminants of potential concern to the environment. Samples collected were analyzed for one or more of the following parameters: boiler and industrial furnace (BIF) metals; BIF mercury; total petroleum hydrocarbon (TPH) gasoline range organics; extractable range TPH, including diesel range, kerosene range, mineral spirits range, motor oil range TPH; semi-volatile organic compounds (SVOCs); and polychlorinated biphenyl compounds.

A total of 14 samples, including sediment, subsurface soil, and surface water were collected at and near SWMU 1-Old Landfill Area. Arsenic was detected in the sediment samples above the soil-based 2008 EPA Region 7 Regional Screening Levels (RSLs) for residential and industrial use and the 2006 Missouri Risk Based Corrective Action (MRBCA) Table B-1 Lowest Default Target Level (LDTL). In addition, arsenic was detected in the soil above the EPA RSLs for residential and industrial use, but below the MRBCA Table B-1 LDTL. However, the arsenic concentrations were found to be below background concentrations in Jefferson County based on published data contained in the U.S. Geological Survey (USGS) Mineral Resources On-Line Spatial Data (<http://mrdata.usgs.gov/geochem/county.php?place=f29099&el=As&rf=central>).

The RFI Report included a risk screening for potential human health risks associated with SWMU 1-Old Landfill Area using the 2008 EPA RSLs and the 2006 MRBCA Table B-1 LDTLs for all Soil Types and all Pathways. The risk screening concluded that the benzo(a)anthracene concentration exceeded the EPA RSL for residential use, but was below the EPA RSL for industrial use and the MRBCA Table B-1 LDTL for all Soil Types and all Pathways. Benzo(a)pyrene was detected in sediment samples above the soil-based EPA RSL for residential use, but below the EPA RSL for industrial use and the MRBCA Table B-1 LDTL. However, one sediment sample detected benzo(a)pyrene above the soil-based EPA RSLs for residential and industrial use, but below the MRBCA Table B-1 LDTL.

Analytical results for SWMU 2/3-Industrial Landfill and Kiln Dust Landfill were below analytical detection limits for SVOCs. Arsenic was detected in surficial soil and subsurface soil samples at SMWU 2/3 at concentrations above the EPA RSLs for residential use and industrial use and the MRBCA Table B-1 LDTLs. However, the concentrations were below the background concentrations of arsenic in Jefferson County based on published data contained in the USGS Mineral Resources On-Line Spatial Data (<http://mrddata.usgs.gov/geochem/county.php?place=f29099&el=As&rf=central>). Based on the analytical results and data screening, no further action was required for SWMU 2/3-Industrial Landfill and Kiln Dust Landfill.

The 2009 RFI Report proposed executing an Environmental Covenant for the Old Landfill Area. The SWMU 1-Old Landfill Area is currently capped with approximately 4 feet of rock and the facility's quarry haul road crosses this area. An Environmental Covenant was executed by the Department and RCC and filed with the Jefferson County Recorder of Deeds on September 26, 2013. The Environmental Covenant met the requirements of the Missouri Environmental Covenant Act and restricts the property to non-residential land use, prohibits soil disturbance without written permission from the Department, and requires notice to construction workers performing work in this area. These restrictions will mitigate potential human health risks related to potential exposure to residual contamination in the Old Landfill Area.

The Department previously determined that RCC closed its hazardous waste fuel storage and hazardous waste fuel feed system according to the approved revised closure plan and met the requirements of the Missouri Hazardous Waste Management Law and regulations. With the exception of the SWMU-1: Old Landfill Area, the Department determined that no additional remedial actions are required at the facility. The Department issued a Statement of Basis in support of the proposed final remedy of no further corrective action with institutional controls. The Department also proposed to release the facility from regulation as a former interim status hazardous waste TSD facility subject to the corrective action requirements of the Missouri Hazardous Waste Management Law and regulations.

The Department invited the public to review and offer written comments on the proposed final remedy and regulatory release during a 30-day public comment period, which began August 24, 2013, and ended September 23, 2013. We did not receive any requests for a public hearing about the proposed remedy and regulatory release during the public comment period. The Department reviewed all written comments received during the public comment period. We wrote a summary and response to all comments and explained how each was addressed.

The Department is conducting additional public notification activities for the approved remedy and regulatory release decisions. We mailed a notification letter to everyone on the facility mailing list advising of the Department's final decisions. We sent a copy of this letter and the letter to the facility mailing list to the Festus Public Library for public viewing. A copy of the response to comments and various letters are included with this letter.

Please be aware that any parties adversely affected or aggrieved by the approved final remedy or regulatory release decisions may be entitled to pursue an appeal before the Administrative Hearing Commission by filing a petition by October 30, 2014, according to the procedures outlined in 10 CSR 25-2.020 and Missouri Revised Statutes, Sections 260.395.11 and 621.250, RSMo. If the petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any other method, it will be deemed filed on the date it is received by the Administrative Hearing Commission. Appeals must be sent to the Administrative Hearing Commission, Truman State Office Building, Room 640, 301 West High Street, P.O. Box 1557, Jefferson City, MO 65102, or by fax to (573) 751-5018. The Department also asks that a copy of the petition be sent to Mr. David Lamb, Director, Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, or by fax to (573) 751-7869.

As noted above, the Department approved the proposed final remedy of no further corrective action with institutional controls and is releasing the facility from regulation as a former interim status hazardous waste TSD facility subject to the corrective action requirements of the Missouri Hazardous Waste Management Law and regulations. RCC must recognize that these final decisions do not extinguish all environmental obligations at the facility as noted below.

- The activity and use limitations for the facility property are contained in the Environmental Covenant that was signed by the Department and RCC and filed with the Jefferson County Recorder of Deeds on September 26, 2013.
- While the facility has been released from its corrective action obligations, this does not constitute a release of the Owner's/Transferee's obligations to maintain compliance with the property activity and use limitations pursuant to the Missouri Environmental Covenants Act, Section 260.1000 through 260.1039, RSMo as contained in the above referenced Environmental Covenant.
- The Owner/Transferee must continue to submit documentation to the Holder, the Department, and the EPA, by January 31 of each year, verifying that the activity and use limitations imposed in the Environmental Covenant were in place and complied with during the preceding calendar year, as required by Condition 7 of the Environmental Covenant.
- The Owner/Transferee shall remain responsible for providing any financial resources that are necessary to maintain the property activity and use limitations contained in the Environmental Covenant.
- The facility property will be subject to periodic inspection by the Department to ensure compliance with the terms of the Environmental Covenant including adherence to and maintenance of the property activity and use limitations.

Mr. Brad Williams  
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- The Department's approved final remedy and regulatory release decisions are based strictly on currently known information for the RCC site. The Department reserves the right to take response actions or require additional corrective action, as necessary, if previously unknown conditions or information are discovered that indicate the Department's decisions are not protective of human health and the environment.

If you have questions regarding this letter or the enclosed documents, please contact Sushmita Sharma, P.E., of my staff at the Missouri Department of Natural Resources, 500 Northeast Colbern Road, Lee's Summit, MO 64086 by telephone at (816) 251-0703 or 1-800-361-4827, or by e-mail at [sushmita.sharma@dnr.mo.gov](mailto:sushmita.sharma@dnr.mo.gov). Thank you.

Sincerely,

HAZARDOUS WASTE PROGRAM

[Original signed by David J. Lamb]

David J. Lamb  
Director

DJL:ssm

Enclosures

c: Ms. Kathy Condon-Boettcher, Librarian, Festus Public Library  
Ms. Christine Jump, Missouri State Coordinator, U.S. EPA Region 7  
Ms Sara Parker Pauley, Director, Missouri Department of Natural Resources St. Louis  
Regional Office, Missouri Department of Natural Resources