STATE OF MISSOURI
Jeremiah W. (Jay) Nixon, Governor  Sara Parker Pauley, Director
DEPARTMENT OF NATURAL RESOURCES
dnr.mo.gov

***This redline version of the Class 3 Permit modification approved Feb. 25, 2011, shows what conditions were modified. Deletions are shown as red strikeouts and additions are in blue and underlined.**

# MISSOURI HAZARDOUS WASTE MANAGEMENT FACILITY PERMIT
# PART I
# PERMIT NUMBER: MOD054018288

## PERMITTEE

Owner: Continental Cement Company, L.L.C.
10107 Highway 79
Hannibal, MO 63401-0071

Operator of Cement Kiln:
Continental Cement Company, L.L.C.
10107 Highway 79
Hannibal, MO 63401-0071

Operator of Treatment & Storage:
Green America Recycling, L.L.C.
10107 Highway 79
Hannibal, MO 63401-0071

## FACILITY LOCATION

10107 Highway 79
Hannibal, MO 63401
Ralls County
North Latitude – 39°40'
West Longitude – 91°18'

## FACILITY DESCRIPTION

Continental Cement Company, L.L.C., currently operates a dry process cement kiln at its Hannibal facility. Solid and liquid hazardous wastes are burned for energy recovery in the kiln and calciner as supplemental fuel. Hazardous wastes generated on- and off-site are stored and blended for use as fuel in the kiln.

## PERMITTED ACTIVITIES

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

EFFECTIVE DATES OF PERMIT: October 14, 1999 to October 14, 2009

| | |
|---|---|
| February 25, 2011 | [Original signed by Leanne Tippet Mosby] |
| Modified Date | Leanne Tippett Mosby, ~~Acting~~ Director<br>DIVISION OF ENVIRONMENTAL QUALITY |

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## INTRODUCTION

After public notice in accordance with 10 CSR 25-8.124 , and review of Continental Cement Company, L.L.C.'s (CCC)/Green America Recycling, L.L.C.'s (GAR) Hazardous Waste Facility Permit Application, the Missouri Department of Natural Resources (hereafter referred to as the Department) has determined that the application substantially conforms to the provisions of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (commonly known as RCRA) and regulations promulgated there under by the United States Environmental Protection Agency (EPA) (codified and to be codified in Title 40 of the Code of Federal Regulations) and the Missouri Hazardous Waste Management Law (and all standards, rules, and regulations adopted under this act). In accordance with Section 260.375.13, RSMo, and the Solid Waste Disposal Act, the Department hereby approves the application and issues Permit Number MOD054018288 to Continental Cement Company, L.L.C., as the owner of the facility and operator of the cement kiln, and Green America Recycling, L.L.C., as the operator of the treatment and storage units, (hereafter referred to as the Permittee), for the construction and operation of the hazardous waste facility as set forth in the application and this Permit. This Permit also addresses corrective action requirements for solid waste management units and other requirements of the Hazardous and Solid Waste Amendments (HSWA) of 1984 as administered and enforced by the Department. Applicable regulations are found in 40 CFR Parts 260 through 264, 266, 268, and 270, as specified in this Permit. All portions of Part I of the Permit are issued under state authority and Part II of the Permit is issued under authority of the Environmental Protection Agency to address regulatory requirements of the HSWA of 1984 for which the state is not yet authorized. Part I of the Permit shall remain in effect even if Part II of the Permit is terminated or has expired.

The Permit application that was submitted by the Permittee includes the following documents:

- Permit Application dated October 22, 1998~~,~~.
- Class 3 permit modification dated and submitted March 16, 2007 (cement kiln portion)~~,~~.
- Class 3 permit modification submitted March 30, 2007 (RCRA facility portion)~~,~~.
- ~~r~~Revised Part A dated October 9, 2008, and June 26, 2009~~,~~.
- ~~r~~Response to technical comments dated May 13, 2009, August 11, 2009, February 22, 2010, March 15, 2010, and March 25, 2010~~, will hereafter be referred to as the "approved Permit application."~~.
- November 10, 2010, revised Part A.

- November 3, 2010, Solids Storage Silo Tank Certification.
- Revised Part A, replacement pages, submitted December 13, 2010.
- Class 3 permit modification submitted December 13, 2010.

The Permittee's hazardous waste facility is located at 10107 Highway 79, Hannibal, Missouri. Continental Cement Company, L.L.C. is permitted to operate the cement kiln and Green America Recycling, L.L.C. is permitted to operate the storage and treatment units as specified in this Permit.

Construction and operation of this hazardous waste facility and corrective action shall be in accordance with the provisions of this Permit, the Missouri Hazardous Waste Management Law (Sections 260.350 to 260.434, RSMo), the rules and regulations promulgated thereunder [Code of State Regulations, Title 10, Division 25 (10 CSR 25)] as effective on the date of this Permit, all the final engineering plans, petitions, specifications, and operating procedures which were submitted to the Department during the Permit application review process and which are included in the final version of the Permit application, which is hereby approved by the Department, and any other conditions, changes, or additions to the plans, specifications, and procedures as specified in this Permit. The final approved Permit application, which includes engineering plans, specifications and operating procedures, is therefore incorporated into the conditions of this Permit. All conditions specified in this Permit supersede any conflicting information in the approved Permit application. Where conflicts arise between documents the latest revision shall be effective.

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

When the Department receives any information (such as inspection results, information from the Permittee, or requests from the Permittee), it may decide whether cause exists to modify, revoke and reissue, or terminate a facility's Permit. All such changes to the Permit will be in accordance with 10 CSR 25-7.270(2)(D), 10 CSR 25-8, and 40 CFR Part 270 Subpart D, as incorporated by reference in 10 CSR 25-7.270(1).

The Permittee is required to comply with all applicable environmental laws and regulations enforced by the Department. These environmental requirements are administered by the Air

Pollution Control Program, the Hazardous Waste Program, the Land Reclamation Program, the Solid Waste Management Program, and the Water Protection Program. Noncompliance with these environmental laws and regulations may, in certain circumstances, result in the suspension or revocation of this Permit and may subject the Permit holder to civil and criminal liability.

This Permit for operational, closure, and corrective action activities is issued only to the Permittee named above. This Permit is issued for a period of ten years and expires at midnight on October 14, 2009. This Permit is subject to review and modification by the Department in accordance with Section 260.395.12, RSMo.

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

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

Any appeals of this Permit based on state authority must be filed in accordance with 10 CSR 25-2.020 and Sections 260.395.11 and 621.250, RSMo. If you are adversely affected by this decision, you may be entitled to pursue an appeal before the Administrative Hearing Commission (AHC). To appeal, you must file a petition with the AHC within 30 days after the date this Permit was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, then it will be deemed filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC. Contact information for the AHC is as follows: Administrative Hearing Commission, Truman State Office Building, Room 640, 301 West High Street, P.O. Box 1557, Jefferson City, MO 65102, telephone: 573-751-2422, fax: 573-751-5018, website: www.oa.mo.gov/ahc. The Department further requests that a copy of any appeal request be provided to the Director of the Department's Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176.

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

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

40 CFR 264.101(c), as incorporated by reference in 10 CSR 25-7.264(1), requires that corrective action be taken by the facility owner or operator beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates that, despite the owner/operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. Further, 40 CFR 264.101(c), as incorporated by reference in 10 CSR 25-7.264(1), stipulates that the owner/operator is not relieved of any responsibility to cleanup a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. In addition, assurances of financial responsibility for completing such corrective action shall be provided.

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

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

All Permit application information shall be available to the public unless nondisclosure is requested in writing as set forth in Section 260.430, RSMo. The Permit and accompanying material will be available for review by the public at the Department's central office in Jefferson City, Missouri, the U.S. EPA, Region VII, office in Kansas City, Kansas, and the Hannibal Free Public Library in Hannibal, Missouri.

**DEFINITIONS**

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

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

"Director" means the Director of the Missouri Department of Natural Resources or authorized delegate. Notifications to the Department shall be made to Chief, Permits Section, Missouri Department of Natural Resources, Hazardous Waste Program, 1730 East Elm Street (lower level), P.O. Box 176, Jefferson City, MO 65102.

"Facility" means:

> "All contiguous land and structures, other appurtenances and improvement on the land, used for treating, storing, or disposing hazardous waste."
>
> "All contiguous property under the control of the owner/operator, for the purpose of implementing corrective action under 40 CFR 264.101, as incorporated by reference in 10 CSR 25-7.264(1) and as specified in Corrective Action Conditions I. through XV. of this Permit."

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

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

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

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

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

**SCHEDULE OF CONSTRUCTION AND COMPLIANCE**

I. Within 60 calendar days of the effective date of this Permit modification, the Permittee shall:

A. Submit to the Department a certification by the Permittee that the Permittee has read this Permit modification in its entirety and understands all Permit conditions contained herein.

B. Submit to the Department a check or money order payable to the State of Missouri for any outstanding engineering review costs.

~~C. Submit to the Department for approval a revised closure plan for the new permitted units and currently operating units addressing comments outlined in the November 17, 2009, comment letter from the Department. The Permittee shall also update the closure cost estimate based upon any revisions to the closure plan. Within 60 days of approval of the closure plan and closure cost estimate, the Permittee shall update the financial assurance for the currently operating units reflecting the approved closure cost estimate. The financial assurance for the newly permitted units shall be updated as outlined in Schedule of Construction and Compliance Item III.~~

II. The Permittee shall begin construction of ~~Container Storage Area (CSA) #5,~~ Tank #14, Tank #15, Upper Tank Farm Tanker Truck Washout, Solids Storage Silo, Solidification & Special Treatment/Blending Unit, and Centrifuge as soon as practicable, but not to exceed a period of three years from the effective date of this Permit modification.

III. At least 15 days prior to construction of the new units (Tank #14, Tank #15, Upper Tank Farm Tanker Truck Washout, Solids Storage Silo, Solidification & Special Treatment/Blending Unit, and Centrifuge) the Permittee shall notify the Department in writing of the intent to construct.

~~III.~~IV. Prior to receipt of waste into the newly constructed units, (CSA #5, Tank #14, Tank #15, Upper Tank Farm Tanker Truck Washout, Solids Storage Silo, Solidification & Special Treatment/Blending Unit, and Centrifuge) the Permittee shall:

A. Submit to the Department for review draft updates to the financial assurance instrument to reflect the increased closure cost estimates.

B. After the Department's review of the draft update, the Permittee shall execute or otherwise finalize the update. The update must be in a form identical to the financial assurance documents reviewed and approved by the Department.

C. Permittee shall submit all original executed and/or otherwise finalized financial assurance instruments or other documents to the Department. Facsimiles or photocopies are not acceptable.

~~IV.~~V. At least 15 days prior to utilization of the newly constructed units, (CSA #5, Tank #14, Tank #15, Upper Tank Farm Tanker Truck Washout, Solids Storage Silo, Solidification & Special Treatment/Blending Unit, and Centrifuge) the Permittee shall notify the Department in writing in accordance with Special Permit Conditions I.C.2.a., II.D.6~~.a~~., III.C.1.c.(2), and IV.D.4.c.

~~V.~~VI. Container Storage Area (CSA) #2 closure schedule:

A. The Permittee may no longer store hazardous waste in CSA #2 and cannot begin closure until the Department approves the revised closure plan submitted in accordance with Schedule of Construction and Compliance Item I.C.

B. Once the revised closure plan has been approved the Permittee shall complete closure of CSA #2 within 180 days of the approved closure plan in accordance with 40 CFR 264.113(b).

C. Within 60 days of completion of closure of CSA #2, the Permittee shall submit certification of closure in accordance with 40 CFR 264.115. The certification shall be signed by the owner or operator and by a Professional Engineer registered in Missouri.

VII. The Permittee shall submit an updated closure plan, if necessary, within 60 days of receipt of a comment letter based upon the Department's review of the December 13, 2010 revised closure plan. The Permittee shall update the financial assurance, if necessary, based upon the approved closure plan and associated cost estimate within 60 days of approval.

~~VI.~~VIII. Annually, the Permittee shall adjust the closure cost estimate for inflation within 60 calendar days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with 40 CFR 264.143 and 10 CSR 25-7.264(2)(H). Within

60 calendar days of updating the closure cost estimate for inflation, the Permittee shall increase the approved financial assurance coverage to an amount at least equal to the amount of the new closure cost estimate.

~~VII.~~IX. The Permittee shall comply with all applicable corrective action requirements of this Permit as specified in the Corrective Action Conditions Section.

**SUBMITTAL OF REQUIRED INFORMATION**

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

Chief, Permits Section
Missouri Department of Natural Resources
Hazardous Waste Program
1730 East Elm Street (lower level)
P.O. Box 176
Jefferson City, MO 65102-0176

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

Chief, RCRA Corrective Action and Permits Branch
U.S. Environmental Protection Agency, Region VII
Air and Waste Management Division
901 North Fifth Street
Kansas City, KS 66101

**STANDARD PERMIT CONDITION**

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

**GENERAL PERMIT CONDITIONS**

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

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

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

III. This Permit does not authorize the management of any non-hazardous solid waste outside of the hazardous waste management processes and units described herein. Handling of non-hazardous solid waste outside of the RCRA permitted processes and/or units is subject to regulation under the state of Missouri's Solid Waste Management Law and regulations and is not authorized by this Permit.

**SPECIAL PERMIT CONDITIONS**

The Department has established the following additional Permit conditions for the Permittee's hazardous waste management facility.

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

A. Waste Identification.

The Permittee may store only the hazardous wastes identified in the Part A Permit application ~~and~~in container storage areas as shown on Figure 1. All stored hazardous wastes are subject to the terms of this Permit.

B. Waste Quantities.

The Permittee shall store only the quantities of containerized hazardous waste listed in Table I.

**Table I - Container Storage Area (CSA) Maximum Volumes**

| Identification | Maximum Volume (gallons) |
|---|---|
| CSA #1 | 36,000 |
| CSA #3 | 360,000 |
| CSA #4 | 131,250 |
| CSA #5 | 290,000 |

The Permittee shall store containers in a manner that ensures physical stability and allows for visual inspection of each container. For containers that are stacked on pallets, the maximum stacking height shall not exceed eight feet. All container labels shall be visible from an aisle. All containers shall be accessible from an aisle. A minimum of four feet of aisle space shall be maintained between rows of adjacent containers to allow for inspection of each container.

C. Specific Conditions for Container Storage Areas.

1. Container Storage Area (CSA) #3

The Permittee may store both liquid and solid wastes in CSA #3. However, the Permittee shall store only wastes with no free liquids in

drum/bulk solids portion of CSA #3. The railcar area of the facility can store up to ten 20,000 gallon railcars if necessary.

Railcar Operations

The Permittee shall comply with the applicable requirements of 10 CSR 25-7.264(3) and the Railcar Management Plan submitted with the approved application. Additional railcars may be staged on siding within the Permittee's property for up to ten days before offloading or rejection as outlined in the Railcar Management Plan.

The Permittee shall ensure that no precipitation enters a waste container in CSA #3 by maintaining a waterproof cover such as a metal lid or waterproof tarp on the containers at all times except when it is necessary to remove the cover to add or remove waste.

2. Container Storage Area (CSA) #5

The Permittee may store both liquid and solid wastes in CSA #5. The containers stored in this area will generally be bulk. However, other types of containers (i.e., drums) may be stored in this area.

The Permittee shall ensure that no precipitation enters a waste container in CSA #5 by maintaining a waterproof cover such as a metal lid or waterproof tarp on the containers at all times except when it is necessary to remove the cover to add or remove waste.

The Permittee may not utilize the newly constructed CSA #5 until both of the following events occur:

a. The Permittee has submitted to the Director by certified mail or hand delivery a letter signed by the Permittee and a Professional Engineer registered in Missouri certifying that the facility has been constructed or modified in compliance with this Permit and shall request authorization to operate in accordance with 40 CFR 270.30(l)(2), as incorporated in 10 CSR 25-7.270(2)(C)1.B. The Permittee shall also include with this submittal the "as-built" design drawings and specifications for the newly constructed CSA #5. These drawings and specifications shall be certified by a Professional Engineer registered in Missouri.

b. (1) The Director has inspected the newly constructed CSA #5 and finds it is in compliance with the conditions of this Permit; or
(2) Within 15 days of the date of submission of the letter in paragraph 3.a. of this section, the Permittee has not received notice from the Director of his or her intent to inspect (in which case prior inspection is waived and the Permittee may commence use of the newly constructed CSA #5.)

D. Condition of Containers [40 CFR 264.171].

1. If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the conditions of this Permit, such as over packing.

2. Containers storing hazardous wastes shall be labeled in accordance with the applicable, currently-effective U.S. Department of Transportation (DOT) regulations regarding hazardous materials, 49 CFR Part 172, during the entire on-site storage period. [10 CSR 25-7.264(2)(I)2.]

3. Containers storing hazardous wastes shall be marked in accordance with the applicable, currently-effective U.S. DOT regulations regarding hazardous materials, 49 CFR Part 172, during the entire on-site storage period. [10 CSR 25-7.264(2)(I)2.]

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

1. The Permittee shall use a container made of, or lined with, materials that will not react with and are otherwise compatible with the hazardous waste to be stored so that the ability of the container to contain the waste is not impaired.

2. Each container shall be packaged following the applicable currently-effective DOT regulations regarding hazardous materials pursuant to 49 CFR Part 173, except for the assigning of manifest numbers to the container, during the entire period the containerized hazardous waste is in storage on site.

F. Management of Containers [40 CFR 264.173].

A container holding hazardous waste shall always be closed during storage except when it is necessary to open it to add or remove waste. A container holding hazardous waste shall not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

G. Inspections [40 CFR 264.174].

At least weekly, the Permittee shall inspect container storage areas for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. The Permittee shall inspect all permitted units in accordance with the approved inspection checklists.

H. Containment [40 CFR 264.175].

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

1. Containers storing free liquids shall be underlain by a base that is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

2. The base shall be sloped or the containment system shall be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation unless the containers are elevated or are otherwise protected from contact with accumulated liquids.

3. The containment system shall have sufficient capacity to contain 10 percent of the volume of all containers or 100 percent of the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination.

4. Spilled or leaked waste shall be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

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

Containers holding ignitable or reactive waste shall be located at least 50 feet from the facility's property line.

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

1. The Permittee shall not place incompatible wastes or incompatible wastes and materials in the same container unless such action is in compliance with the requirements of 40 CFR 264.17(b).

2. The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material.

3. The Permittee shall separate by a device (i.e., a dike, berm, wall, or other physical means) containers of incompatible waste or materials. No incompatible waste or materials may be stored together in the storage area without providing separation sufficient to prevent the mixing of any spilled materials that may be incompatible.

4. The Permittee shall document compatibility tests sufficient to determine compliance with Special Permit Condition I.J. of this Permit in the operating record.

K. Closure [40 CFR 264.178 and 10 CSR 25-7.264(2)(I)].

At closure, the Permittee shall remove all hazardous waste and hazardous waste residues from the container storage areas and containment systems and close in accordance with the approved Closure Plan for the hazardous waste management facility.

II. <u>Storage and Treatment in Tanks [40 CFR Part 264 Subpart J]</u>

A. Waste Identification.

The Permittee may store and treat only the hazardous wastes identified in the Part A Permit application in tanks and shown on Figure 1. All stored wastes are subject to the terms of this Permit.

B. Waste Quantities.

The Permittee may utilize the following tanks at the facility, subject to the terms of this Permit.

**Table II - Tank Identification**

| Tank I.D. Number | Tank Description | Volume (gallons) |
|---|---|---|
| Tank #1 | *Storage/Treatment | 25,000 |
| Tank #2 | *Storage/Treatment | 25,000 |
| Tank #3 | *Storage/Treatment | 25,000 |
| Tank #4 | *Storage/Treatment | 25,000 |
| Tank #5 | *Storage/Treatment | 25,000 |
| Tank #6 | *Storage/Treatment | 25,000 |
| Tank #8 | Storage/Treatment/Burn | 75,000 |
| Tank #9 | Storage/Treatment/Burn | 75,000 |
| Tank #13 | Storage/Treatment | 75,000 |
| Tank #14 | Storage/Treatment | 75,000 |
| Tank #15 | Storage/Treatment/Burn | 150,000 |
| Solids Storage Silo | Storage | 75 (cubic yards) |

*indicates that these tanks could be used as a burn tank in an emergency situation. Burn tanks are defined as any tank that can directly feed fuel into the kiln.

C. Specific Conditions for Tanks.

1. The Solids Storage Silo shall not contain free liquids or be used for blending, grinding, or treatment of hazardous waste. The secondary containment requirements related to free liquids in Special Permit Condition II. do not apply to the Solids Storage Silo.

~~1.~~2. The Permittee shall meet the requirements of 10 CSR 25-7.264(2)(J)6. for blending of hazardous waste in tanks prior to burning and for physical treatment of hazardous waste in tank systems. 10 CSR 25-7.264(2)(J)6. requires facilities which treat hazardous waste in tank systems to comply with 40 CFR Part 264 Subpart X and 10 CSR 25-7.264(2)(X).

~~2.~~3. The Permittee shall perform only physical fuel blending, grinding, and filtration in the identified tanks and ancillary equipment to those tanks as specified in this Permit. For the purposes of this Permit, physical fuel blending shall consist of the mixing of compatible, non-reactive hazardous wastes in order to meet the criteria for hazardous waste fuels as described in the approved Permit application.

~~3.~~4. All blending of hazardous waste fuels in tanks shall be conducted as described in the approved Permit application.

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

1. Prior to operation of new tank systems at the facility, the Permittee shall obtain and submit to the Department, a written assessment, reviewed and certified by a Professional Engineer registered in Missouri. This certification shall be in accordance with 40 CFR 270.11(d). This assessment shall include a final design set of certified construction drawings, and shall show that the foundation, structural supports, seams, connections, and pressure controls are adequately designed to ensure that the tank systems will not collapse, rupture, or fail. This assessment will be subject to regulatory review and approval procedures.

2. The Permittee shall ensure that proper handling procedures are adhered to in order to prevent damage to new tank systems during installation. Prior to placing a new tank system in use, a Professional Engineer registered in Missouri, who is trained and experienced in the proper installation of tank systems or components, shall inspect the systems for weld breaks, punctures, scrapes of protective coatings, cracks, corrosion, and other structural damage or other inadequate construction/installation. All discrepancies shall be remedied before the tank systems are placed in use.

3. The Permittee shall test all new tanks and ancillary equipment for tightness prior to being placed in use. If a tank system is not tight, all repairs necessary to remedy the leak(s) in the system shall be performed prior to the tank system being placed into use.

4. The Permittee shall ensure that all ancillary equipment is supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

5. The Permittee shall obtain and keep on file at the facility written statements by those persons certifying the design of the tank systems and supervising the installation of tank systems in accordance with the requirements of 40 CFR 264.192(b) through 40 CFR 264.192(f).

6. The Permittee may not utilize the newly constructed Tank #14 ~~and~~, Tank #15, and/or Solids Storage Silo until both of the following events occur:

   a. The Permittee has submitted to the Director by certified mail or hand delivery a letter signed by the Permittee and a Professional Engineer registered in Missouri stating that the facility has been constructed or modified in compliance with this Permit and shall request authorization to operate in accordance with 40 CFR 270.30(l)(2), as incorporated in 10 CSR 25-7.270(2)(C)1.B. The Permittee shall also include with this submittal the "as-built" design drawings and specifications for the newly constructed tanks. These drawings and specifications shall be certified by a Professional Engineer registered in Missouri.

   b. The Director has inspected the newly constructed Tank #14 ~~and~~, Tank #15, and/or the Solids Storage Silo and finds it is in compliance with the conditions of this Permit; or within 15 days of the date of submission of the letter in paragraph 6.a. of this section, the Permittee has not received notice from the Director of his or her intent to inspect (in which case prior inspection is waived and the Permittee may commence use of the newly constructed tanks.)

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

1. In order to prevent the release of hazardous waste or hazardous constituents to the environment, the Permittee shall provide secondary containment that meets the requirements of 40 CFR 264.193 for all of its tank systems.

2. Secondary containment systems shall be:

a. Designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater, or surface water at any time during the use of the tank system; and

b. Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

3. To meet the requirements of 40 CFR 264.193(b), secondary containment systems shall be, at a minimum:

a. Constructed of, or lined with, materials that are compatible with the wastes to be placed in the tank systems and shall have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which they are exposed, climatic conditions, and the stress of daily operation (including stresses of nearby traffic);

b. Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

c. Provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the Permittee can demonstrate to the Department that existing detection technologies or site conditions will not allow detection of a release within 24 hours; and

d. Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation shall be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the Permittee can demonstrate to the Department that removal of the released waste or accumulated precipitation

cannot be accomplished within 24 hours. If the collected material is a hazardous waste as defined in 40 CFR Part 261, it shall be managed as a hazardous waste. If the collected material is discharged through a point source to waters of the state or it is discharged to a Publicly Owned Treatment Works, it is subject to the requirements of Chapter 644, RSMo, and 10 CSR 20. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR Part 302 and §260.500, et seq., RSMo.

4. Secondary containment for tanks shall include one or more of the following devices: a liner (external to the tank); a vault; a double-walled tank; or an equivalent device as approved by the Department. The design, construction, and operation of these devices shall satisfy the requirements of 40 CFR 264.193(e).

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

F. General Operating Requirements [40 CFR 264.194].

1. The Permittee shall not place hazardous waste or treatment reagents in a tank system if they would cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

2. The Permittee shall use appropriate controls and practices to prevent spills and overflows from the tank or containment systems. These include, at a minimum:

a. Spill prevention controls, such as, but not limited to, check valves, dry disconnect couplings; and

b. Overfill prevention controls, such as, but not limited to, level sensing devices, high level alarms, automatic feed cut offs, or bypass to standby tanks which limit tank working volumes.

G. Inspections [40 CFR 264.195].

The Permittee shall inspect all permitted tanks and tank systems as specified in the inspection schedules contained in the approved Permit application. A Professional Engineer registered in Missouri shall test all of the permitted tanks and tank systems by ultrasonic methods for material thickness and perform pressure testing for leakage on all seam welds and circumferential corner welds on the tank bottoms. Ultrasonic testing will be performed annually on each hazardous waste tank. Pressure testing will be performed prior to placing a new tank in service or whenever changes or repairs are made to the tank.

1. The Permittee shall inspect overfill controls on a 12-month schedule.

2. The Permittee shall inspect at least each operating day:

a. Aboveground portions of the tank systems to detect corrosion or releases of wastes;

b. Data gathered from monitoring and leak detection equipment to ensure that the tank system is being operated according to its design; and

c. The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system to detect erosion or signs of releases of hazardous waste.

3. The Permittee shall document these inspections in the operating record of the facility. Any deterioration or malfunction found shall be remedied in accordance with 40 CFR 264.15(c).

H. Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems [40 CFR 264.196, as incorporated in 10 CSR 25-7.264(2)(J)].

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

1. The Permittee shall immediately stop the flow of hazardous waste into the tank or secondary containment system and inspect the system to determine the cause of the release.

2. Removal of waste from tank systems or secondary containment systems:

   a. If the release was from the tank system, the Permittee shall, within 24 hours after detection of the leak, or, if the Permittee demonstrates that it is not possible, at the earliest practicable time, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.

   b. If the material released was to a secondary containment system, the Permittee shall remove all released materials within 24 hours or, in as timely a manner as possible to prevent harm to human health and the environment.

3. Containment of Releases to the Environment.

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

   a. Prevent further migration of the leak or spill to soils or surface water; and

   b. Remove, and properly dispose of, any contamination of the soil or surface water.

4. Notifications and Reports.

   a. Any release to the environment, except a release which is exempt under 40 CFR 264.196(d)(2), shall be reported to the Department

within 24 hours of its detection or discovery. If the release has been reported pursuant to 40 CFR Part 302 or §260.500, et seq., RSMo, that report will satisfy this requirement.

b. A leak or spill of hazardous waste is exempted from notification and reporting requirements if it is less than or equal to a quantity of one pound, and is immediately contained and cleaned up.

c. Within 30 days of detection of a release to the environment, the Permittee shall submit a report to the Department which details the likely route of migration of the release, characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate), the results of any monitoring or sampling conducted in connection with the release (if available; when these results are not available within 30 days, these results shall be submitted as soon as they become available), proximity to downgradient drinking water, surface water and populated areas, and descriptions of response actions taken or planned.

5. The tank system shall be closed in accordance with 40 CFR 264.197 and 10 CSR 25-7.264(2)(J)5. unless the Permittee satisfies the following requirements:

a. If the cause of the release was a spill that has not damaged the integrity of the system, the Permittee may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

b. If the cause of the release was a leak from the primary tank system into the secondary containment system, the system shall be repaired prior to returning the tank system to service.

c. If the source of the release was a leak to the environment from a tank system component without secondary containment, the Permittee shall comply with the provisions of 40 CFR 264.196(e)(4).

6. The Permittee shall provide certification of major repairs to tank systems from which there has been a leak or spill, or which are/were unfit for use, in accordance with 40 CFR 264.196(f).

I. Special Requirements for Ignitable or Reactive Waste [40 CFR 264.198 and 10 CSR 25-7.264(2)(J)].

1. The Permittee shall not place ignitable or reactive waste in tank systems unless:

a. The waste is treated, rendered, or mixed before or immediately after placement in the tank system so that the resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste under 40 CFR Part 261, and 40 CFR 264.17(b) is complied with;

b. The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

c. The tank system is used solely for emergencies.

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

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

1. The Permittee shall not place incompatible wastes, or incompatible wastes and material, in the same tank system, unless the Permittee complies with 40 CFR 264.17(b).

2. The Permittee shall not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless the Permittee complies with 40 CFR 264.17(b).

3. The Permittee shall document compatibility tests sufficient to determine compliance with Special Permit Condition II. J. of this Permit in the operating record.

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

At closure, the Permittee shall remove or decontaminate all hazardous waste, and hazardous residues, from the tank systems, including, but not limited to: contaminated tank system components (liners, etc.), contaminated soils, and contaminated equipment and structures, and shall close in accordance with the approved Closure Plan for the hazardous waste management facility.

III. Storage and Treatment in Containment Buildings [40 CFR Part 264 Subpart DD as Incorporated in 10 CSR 25-7.264]

A. Waste Identification.

The Permittee shall store and treat only the hazardous wastes identified in the Part A Permit application in containment buildings as shown on Figure 1, subject to the terms of this Permit.

B. Waste Quantities.

The maximum quantity of waste which is contained in Feed Prep #1 and Feed Prep #2 at any time shall not exceed the limits listed in Table IIIA regardless of whether the waste is being treated or not. The Permittee shall comply with the maximum storage weight or the maximum storage volume, whichever is less.

**Table IIIA - Containment Building Maximum Storage Capacities**

| Identification | Maximum Storage Capacity (volume) |
|---|---|
| Feed Prep #1 | 1000 cubic yards |
| Feed Prep #2 | ~~545~~305 cubic yards |
| Feed Prep #2-(Solidification & Special Treatment/Blending Unit) | 240 cubic yards |

C. Special Conditions for Containment Buildings.

1. The Permittee shall treat in containment buildings only the quantities of hazardous waste listed in Table IIIB.

**Table IIIB - Containment Building Maximum Treatment Capacities**

| Identification | Maximum Treatment Capacity |
|---|---|
| Feed Prep #1-<br>4 Shredders | 1200 Tons per day |
| Feed Prep #2-<br>(drum decanter/hydropulper) | ~~1200~~470 Tons per day |
| Feed Prep #2-<br>(Solidification & Special Treatment/Blending Unit) | 470 Tons per day |

a. Feed Prep #1.

Treatment processes in Feed Prep #1 shall consist of mechanical size reduction in shredders 1, 2, 3, and 4 as shown on Figure 3.

Through visual inspection, sampling, and utilizing the paint filter test (SW-846 method 9095B), the Permittee states that it is able to determine the presence of free liquids.

For bulk solid debris loads, the Permittee shall utilize the following protocol prior to placement in Feed Prep #1:

(1) Visual inspection; and

(2) Sample each load by taking 8 aliquots for analytical testing as outlined in the approved Bulk Solid Container Sampling Standard Operating Procedure (as appropriate).

For bulk sludge loads, the Permittee shall utilize the following protocol prior to placement in Feed Prep #1:

(1) Visual inspection;

(2) Sampling each load by taking 8 aliquots for analytical testing as outlined in the approved Bulk Solid Container Sampling Standard Operating Procedure; and

(3) Paint filter test (SW-846 method 9095B) to determine the presence of free liquids.

If any material fails the paint filter test, it cannot be placed in Feed Prep #1. The Permittee states that there are those unexpected and unusual circumstances where liquids may accumulate in the voids of the material during transportation and are not detected after visual inspection, sampling, and utilization of the paint filter test. As an additional precautionary measure, the Permittee shall place a layer of absorbent material on the floor in Feed Prep #1 prior to unloading a shipment to capture and absorb these incidental free liquids, preventing the free liquids from coming in contact with the floor. The Permittee shall not use Starzorb as the absorbent material outside of the Solidification & Special Treatment/ Blending Unit located in Feed Prep #2. Starzorb may be used to cleanup unanticipated spills in locations outside Feed Prep #2 as long as the Starzorb material is not shipped off site. No biodegradable absorbent shall be used if the final disposition of the material will be land disposed as outlined in 40 CFR 264.314.

Any free liquids that migrate past/outside the confines of the absorbent material layer will be documented in the operating record. The generator will be notified and all correspondence and ensuing corrective action will be documented in the operating record. If a generator sends two (2) or more loads with non-incidental free liquids, the Permittee will shut off the generator from sending wastes to the Permittee until written corrective action is received from the generator and the Permittee has reviewed, accepted, and placed the resolution in the operating record.

b. Feed Prep #2.

Treatment processes in Feed Prep #2 shall consist of special processing by removing free liquids from drums via a pump, vac-truck or by processing the container in the hydropulper/drum decanting system. The Permittee will utilize a containment skid, metal pan or equivalent device when using a pump or vac-truck to extract liquid from drums in Feed Prep #2.

The Permittee processes containerized hazardous wastes in the hydropulper/drum decanting system as shown on Figure 3.

Through visual inspection, sampling, and utilizing the paint filter test (SW-846 method 9095B), the Permittee states that it is able to determine the presence of free liquids.

For bulk solid debris loads, the Permittee shall utilize the following protocol prior to placement in Feed Prep #2:

(1) Visual inspection; and

(2) Sample each load by taking 8 aliquots for analytical testing as outlined in the approved Bulk Solid Container Sampling Standard Operating Procedure (as appropriate).

For bulk sludge loads, the Permittee shall utilize the following protocol prior to placement in Feed Prep #2:

(1) Visual inspection;

(2) Sampling each load by taking 8 aliquots for analytical testing as outlined in the approved Bulk Solid Container Sampling Standard Operating Procedure (as appropriate); and

(3) Paint filter test (SW-846 method 9095B) to determine the presence of free liquids.

If any material fails the paint filter test, it cannot be placed in Feed Prep #2 outside of the Solidification & Special Treatment/Blending Unit. The Permittee states that there are those unexpected and unusual circumstances where liquids may accumulate in the voids of the material during transportation and are not detected after visual inspection, sampling, and utilization of the paint filter test. As an additional precautionary measure, the Permittee shall place a layer of absorbent material on the floor in Feed Prep #2 prior to unloading a shipment to capture and absorb these incidental free liquids, preventing the free liquids from coming in contact with the floor. The Permittee shall not use Starzorb as the absorbent

material outside of the Solidification & Special Treatment/ Blending Unit located in Feed Prep #2. Starzorb may be used to cleanup unanticipated spills in locations outside Feed Prep #2 as long as the Starzorb material is not shipped off site. No biodegradable absorbent shall be used if the final disposition of the material will be land disposed as outlined in 40 CFR 264.314.

Any free liquids that migrate past/outside the confines of the absorbent material layer will be documented in the operating record. The generator will be notified and all correspondence and ensuing corrective action will be documented in the operating record. If a generator sends two (2) or more loads with non-incidental free liquids, the Permittee will shut off the generator from sending wastes to the Permittee until written corrective action is received from the generator and the Permittee has reviewed, accepted, and placed the resolution in the operating record.

c. Solidification & Special Treatment/Blending Unit

The Solidification & Special Treatment/Blending Unit (SST) is located within an enclosure inside of Feed Prep #2. Treatment and blending may be conducted within the SST to eliminate free liquids prior to storage within an approved area or shipment off site to a permitted facility. The SST may be used to clean containers, parts, and equipment. The SST may be used to treat waste-derived material prior to shipment off site. The following are requirements for use of the SST:

(1) Waste-derived material treated with Starzorb may not be shipped off site.

(2) The Permittee may not utilize the newly constructed SST until both of the following events occur:

(a) The Permittee has submitted to the Director by certified mail or hand delivery a letter signed by the Permittee and a Professional Engineer registered in Missouri certifying that the facility has been constructed or modified in compliance with this Permit and shall request authorization to operate in

accordance with 40 CFR 270.30(l)(2), as incorporated in 10 CSR 25-7.270(2)(C)1.B. The Permittee shall also include with this submittal the "as-built" design drawings and specifications for the newly constructed SST. These drawings and specifications shall be certified by a Professional Engineer registered in Missouri.

(b) The Director has inspected the newly constructed SST and finds it is in compliance with the conditions of this Permit; or

Within 15 days of the date of submission of the letter in paragraph (2).(a). of this section, the Permittee has not received notice from the Director of his or her intent to inspect (in which case prior inspection is waived and the Permittee may commence use of the newly constructed SST.)

D. Design and Operating Standards (40 CFR 264.1101 as incorporated in 10 CSR 25-7.264).

1. The containment buildings shall be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, run-on), and to assure containment of the maximum permitted quantity of managed wastes.

2. The floor and containment walls of the buildings, including the secondary containment system, shall be constructed of materials of sufficient strength and thickness to support themselves and the maximum permitted quantity of waste contents, and any personnel and heavy equipment that operate within the units, and to prevent failure due to pressure gradients, settlement, compression or uplift, physical contact with the hazardous wastes to which they are exposed; climatic conditions; and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls.

3. All surfaces shall be chemically compatible with the wastes to be managed in the containment buildings.

4. Incompatible hazardous wastes or treatment reagents shall not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment to leak, corrode, or otherwise fail.

5. The containment buildings shall have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment during the operating life of the unit and appropriate for the physical and chemical characteristics of the wastes managed in the units.

6. Containment Building Feed Prep #2 shall manage only wastes containing no free liquids with the following exception:

    a. Containerized hazardous waste containing free liquids may only be processed within the secondary containment system associated with the drum decanting system. All containerized hazardous waste containing free liquids shall be removed from Feed Prep #2 when the decanting system is not in operation.

    b. Liquid and semi-solid hazardous waste may be staged in containers only prior to acceptance or processing for up to 24 hours in Feed Prep #2. Containers consisting of liquids at the end of a shift will be moved into CSA #1, CSA #4, or CSA #5.

7. The Permittee shall use controls and practices to ensure containment of the hazardous waste within the containment buildings; and, at a minimum:

    a. Maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

    b. Maintain the level of the stored/treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;

    c. Operate a decontamination station as described in the approved Permit application to prevent tracking of waste out of the containment buildings; and

    d. Take measures to control fugitive emissions, measured by the method described at 40 CFR Part 60, Appendix A, Method 22,

from the containment buildings such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions. Negative air pressure shall be maintained in the containment buildings and air from the containment buildings shall be vented to the kiln or activated carbon filters as described in the approved Permit application at all times hazardous waste is being managed in the units. In the event the ventilation system malfunctions or is inoperable, hazardous waste treatment operations in the containment buildings shall cease until the ventilation system is repaired and fully operational. During the time the ventilation system is inoperable, any openings in the containment buildings (doors, windows, vents) shall be closed except when necessary for personnel to enter and exit.

8. The Permittee shall obtain a certification by a Professional Engineer registered in Missouri that each containment building design meets the requirements of this Permit. These certifications shall be placed in the facility's operating record within 60 days of the effective date of the original Permit.

9. If the Permittee detects a condition that could lead to or has caused a release of hazardous waste, the Permittee shall repair the condition promptly in accordance with the following procedures:

   a. Enter a record of the discovery of the condition in the facility operating record;

   b. Immediately remove that portion of the containment building affected by the condition from service;

   c. Determine what steps shall be taken to repair the containment building and establish a schedule for accomplishing the cleanup and repairs; and

   d. Notify the Department within seven calendar days after discovery of the condition, and within 14 working days, provide a written notice to the Department with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work not completed at the time of the written notice.

The Department will review the information submitted, make a determination regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the Permittee of the determination and the underlying rationale in writing.

e. Upon completing all repairs and cleanup, the Permittee shall notify the Department in writing and provide a verification signed by a Professional Engineer registered in Missouri that the repairs and cleanup have been completed according to the written plan submitted in accordance with Special Permit Condition III.D.9.d.

E. Inspections.

1. The Permittee shall inspect Feed Prep #1 and Feed Prep #2 daily for visible emissions at all times waste is being managed in the containment buildings and record results in the facility operating record. The Permittee shall inspect all permitted units in accordance with the approved inspection checklists.

2. The Permittee shall inspect and record in the facility's operating record, daily record of Method 22 inspections and annual data gathered from monitoring equipment as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.

F. Special Requirements for Ignitable or Reactive Waste.

1. The Permittee shall not place ignitable or reactive waste in containment buildings unless:

a. The waste is treated, rendered, or mixed before or immediately after placement in the containment building so that the resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste under 40 CFR Part 261, and 40 CFR 264.17(b) is complied with; or

b. The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react.

G. Special Requirements for Incompatible Wastes.

1. The Permittee shall not place incompatible wastes, or incompatible wastes and material, in the same containment building, unless the Permittee complies with 40 CFR 264.17(b). At a minimum, the Permittee shall avoid the combinations of waste listed in 40 CFR Appendix V - Examples of Potentially Incompatible Wastes.

2. The Permittee shall not place hazardous waste in a containment building that has not been decontaminated and that previously held an incompatible waste or material, unless the Permittee complies with 40 CFR 264.17(b).

3. The Permittee shall document incompatibility tests sufficient to determine compliance with Special Permit Condition III.G. of this Permit in the operating record.

H. Closure Requirements [40 CFR 264.1102 as incorporated in 10 CSR 25-7.264].

At closure of a containment building, the Permittee shall remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste shall close in accordance with the approved Closure Plan for the hazardous waste management facility.

IV. Miscellaneous Units [40 CFR Part 264 Subpart X]

A. Waste Identification.

The Permittee may treat only the hazardous wastes identified in the Part A Permit application in the miscellaneous units subject to the terms of this Permit as shown on Figure 1.

B. Waste Quantities.

Processing of materials in each of the miscellaneous treatment processes shall not exceed the throughput as specified in Table IV. All throughputs shall be documented in the facility's operating record. No waste shall be stored in any of the miscellaneous treatment units. When miscellaneous treatment units are not in operation, any unprocessed waste shall be removed to a permitted storage area.

**Table IV - Miscellaneous Units Identification**

| Process | Description | Capacity |
|---|---|---|
| Ball Mill | Mechanical size reduction of solid waste fuels, mixing of liquid and solid waste fuels, and subsequent filtration to achieve pumpable waste fuel slurry. | 75 tons per hour |
| Upper Tank Farm Truck Washout | High pressure rinsing of tanker trucks. | 75,000 gallons per day |
| Truck and Tanker Railcar Washout - CSA #3 | High pressure rinsing of tanker trucks and tanker railcars. | 75,000 gallons per day |
| Centrifuge | Piece of equipment driven by a motor that places the liquid waste-derived fuels in high-speed rotation around a fixed axis, applying a force perpendicular to the axis, separating the high density fraction of the liquid from the low density fraction of the liquid. | 6,600 gallons per hour |
| Solid Feed System for Precalciner | Located in an enclosed building immediately adjacent to the precalciner. Mobile units are directed into the building where solids are dumped into a hopper, fed through a series of conveyors onto a weigh belt feeding a conveyor discharging to a pneumatic pipe feeding into the precalciner. | 10 tons per hour |
| In-Line Mixing; pH Treatment | Piping system using re-circulated liquids from permitted tanks, mixed with incoming liquid waste to achieve a resultant pH >4 and <11. | 24,000 gallons per hour |

C. Specific Conditions for Miscellaneous Units.

The Permittee shall meet the standards for miscellaneous hazardous waste management units in 40 CFR Part 264 Subpart X.

D. Design and Operating Standards.

1. Solids Feed System

a. The Permittee shall maintain the solids feed system to ensure that no hazardous waste or hazardous constituents are released to the environment.

b. All equipment used for transportation of solid hazardous waste from solid fuel processing areas to the feed barn shall be covered as described in the approved Permit application at all times the equipment is handling hazardous waste outside of the hazardous waste management units described in this Permit.

c. The Permittee shall take measures to control fugitive emissions, measured by the method described at 40 CFR Part 60, Appendix A, Method 22, from the feed barn such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions. Negative air pressure shall be maintained in the feed barn and air from these units shall be vented to the kiln system as described in the approved Permit application at all times hazardous waste is being managed in the units. In the event the ventilation system malfunctions or is inoperable, and hazardous waste is in the building, hazardous waste management operations in the feed barn shall cease until the ventilation system is repaired and fully operational. During the time the ventilation system is inoperable and hazardous waste is present in the building, any openings in the feed barn (doors, windows, vents) shall be closed except when necessary for personnel to enter and exit, and/or remove hazardous waste solids from the building. A carbon canister will be utilized to control any volatile hazardous waste air emissions only if waste is not removed from the feed barn and the kiln system is inoperable.

2. Ball Mill

   a. All processing of hazardous waste in the Ball Mill shall be discontinued immediately in the event the nitrogen purging system or the ventilation system, as described in the approved Permit application, malfunctions or is shut down for maintenance. Operations can resume only when effective repairs have been made, or the system is fully operational and can resume processing.

   b. The Permittee shall take measures to control fugitive emissions, measured by the method described at 40 CFR Part 60, Appendix A, Method 22, from the Ball Mill building such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions. Negative air pressure shall be maintained in the Ball Mill building and air from the Ball Mill building shall be vented to the kiln or activated carbon filters as described in the approved Permit application at all times hazardous waste is being managed in the unit.

3. Upper Tank Farm Tanker Truck Washout & Truck and Tanker Railcar Washout (CSA #3)

   a. The Permittee shall characterize all hazardous waste generated from the tanker truck or tanker railcar washout process in accordance with the Waste Analysis Plan in the approved Permit application.

   b. The waste used as a cleaning solvent in the tanker truck or tanker railcar washout system shall be compatible with the waste most recently transported by the tanker truck or tanker railcar. No acute hazardous wastes listed in 40 CFR 261.33, 40 CFR 261.32, or 40 CFR 261.33, as incorporated in 10 CSR 25-4.261, shall be used as solvent in the truck or railcar washout system. If any tanker trucks or tanker railcars are not rendered Resource Conservation and Recovery Act empty as defined by 40 CFR 261.7, as incorporated in 10 CSR 25-4.261, after the tanker truck or tanker railcar washout process, the remaining residue shall be manifested to a Resource Conservation and Recovery Act facility with the Permittee as the generator. All waste codes associated with the

waste most recently transported in the tanker truck or tanker railcar, as well as all waste codes associated with the hazardous waste used as a solvent in the washout process, shall be reported on the manifest for the residue remaining in the tanker truck or tanker railcar. The waste solvent removed from the tanker trucks or tanker railcars, after the washout process, shall possess all the listed waste codes associated with all listed hazardous wastes most recently transported in the tanker truck or tanker railcar as well as all listed waste codes originally associated with the cleaning solvent.

c. The Permittee shall take measures to control fugitive emissions from tanker trucks or tanker railcars during washout. At a minimum, the Permittee shall operate a vapor balancing line connected to an appropriate control device for controlling organic vapor emissions at all times during tanker truck or tanker railcar washout.

4. Centrifuge

a. The Permittee shall maintain the centrifuge to ensure that no hazardous waste or hazardous constituents are released to the environment.

b. The Permittee shall take measures to control fugitive emissions from the centrifuge by complying with 40 CFR Part 61 Subpart FF. The centrifuge is an enclosed unit and piped directly into and out of the storage and treatment tanks. The tanks are equipped with a vapor balance system for managing vapors between tanks as liquids are centrifuged. The closed-vent system routes all organic vapor vented from the tank to a carbon adsorption control device.

c. The Permittee may not utilize the newly constructed centrifuge and Upper Tank Farm Tanker Washout Unit until both of the following events occur:

~~c.~~(1) The Permittee has submitted to the Director by certified mail or hand delivery a letter signed by the Permittee and a Professional Engineer registered in Missouri certifying that the facility has been constructed or modified in compliance

with this Permit and shall request authorization to operate in accordance with 40 CFR 270.30(l)(2), as incorporated in 10 CSR 25-7.270(2)(C)1.B. The Permittee shall also include with this submittal the "as-built" design drawings and specifications for the newly constructed centrifuge. These drawings and specifications shall be certified by a Professional Engineer registered in Missouri.

~~d.~~(2) ~~(1)~~ The Director has inspected the newly constructed centrifuge and Upper Tank Farm Tanker Washout Unit and finds it is in compliance with the conditions of this Permit; or

~~(2) Within 15 days of the date of submission of the letter in paragraph 4.c. of this section, the Permittee has not received notice from the Director of his or her intent to inspect (in which case prior~~ Within 15 days of the date of submission of the letter in paragraph 4.c. of this section, the Permittee has not received notice from the Director of his or her intent to inspect (in which case prior inspection is waived and the Permittee may commence use of the newly constructed centrifuge and Upper Tank Farm Tanker Washout Unit).

E. Inspections.

The Permittee shall inspect the Ball Mill building daily for visible emissions at all times waste is being managed in this area and record results in the facility operating record. The Permittee shall inspect all permitted units in accordance with the approved inspection checklists.

F. Special Requirements for Ignitable or Reactive Waste.

1. The Permittee shall not place ignitable or reactive waste in any miscellaneous unit unless:

a. The waste is treated, rendered, or mixed before or immediately after placement in the miscellaneous unit so that the resulting waste, mixture, or dissolved material no longer meets the

definition of ignitable or reactive waste under 40 CFR Part 261, and 40 CFR 264.17(b) is complied with; or

b. The waste is treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react.

G. Special Requirements for Incompatible Wastes.

1. The Permittee shall not place incompatible wastes, or incompatible wastes and material, in the same miscellaneous unit unless the Permittee complies with 40 CFR 264.17(b). At a minimum, the Permittee shall avoid the combinations of waste listed in 40 CFR Appendix V - Examples of Potentially Incompatible Wastes.

2. The Permittee shall not place hazardous waste in a miscellaneous unit that has not been decontaminated and that previously held an incompatible waste or material, unless the Permittee complies with 40 CFR 264.17(b).

3. The Permittee shall document compatibility tests sufficient to determine compliance with Special Permit Condition IV.G. of this Permit in the operating record.

H. Closure Requirements.

At closure, the Permittee shall remove all hazardous waste and hazardous waste residues from all equipment and containment systems associated with the miscellaneous treatment processes identified in Table IV and close in accordance with the approved Closure Plan for the hazardous waste management facility.

V. Industrial Furnace Conditions [40 CFR Part 266 Subpart H and 10 CSR 25-7.266]

Pursuant to 10 CSR 25-7.266, the provisions of Section D. and E., Industrial Furnace Conditions, of Part II of this Permit as modified on June 30, 2010, are, by this reference, incorporated herein.

VI. Waste Minimization

Pursuant to 40 CFR 264.73(b)(9), the facility operating record shall contain a certification by the Permittee, made no less often than annually, that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the

degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment.

VII. Air Emissions from Equipment Leaks

A. The Permittee shall comply with 40 CFR Part 264 Subpart BB for air emissions from pumps, valves, compressors, sampling, connecting systems, open-ended valves or lines, pressure relief devices, flanges and other connectors, and closed-vent systems and control devices that contain or contact hazardous waste with organic concentrations of at least ten percent by weight.

B. The Permittee shall comply with the test methods and procedures, record keeping, and reporting requirements of 40 CFR Part 264 Subpart BB.

**CORRECTIVE ACTION CONDITIONS**

I. Identification of SWMU(s) and AOC(s) [40 CFR 264.101]

A. PRC Environmental, Inc., on behalf of EPA Region VII, previously conducted a RCRA Facility Assessment (RFA) to identify and gather information on releases or potential releases of hazardous waste and hazardous constituents from SWMUs and AOCs at the facility. The final RFA report dated September 23, 1992, identified a total of 27 SWMUs and 5 AOCs (as shown in Figure 4). Nine SWMUs and two AOCs were identified in the RFA Report as requiring further corrective action. These are as follows:

SWMU #3: Liquid Supplemental Fuel Railcar Unloading Area

SWMU #6: Solid Waste Unloading Area

SWMU #11: Waste Kiln Dust Tank

SWMU #12: Kiln Dust Landfills

SWMU #14: Used Oil Storage Tank

SWMU #16: Cement Kiln Drive Waste Gear Oil Storage Area

SWMU #20: Kiln Feed Slurry Tanks

SWMU #24: Container Storage Area No. 2

SWMU #26: Settling Pond

AOC #1: Former Underground Gasoline Storage Tank

AOC #5: Primary Crusher Feed Pad

As part of the permit application review process, the Department conducted a site reconnaissance visit to observe and evaluate the SWMUs and AOCs, particularly those identified above for further corrective action in the RFA Report. Based on the Department's visual inspection of the SWMUs and AOCs, the need for further corrective action at the above listed SWMUs/AOCs identified for such action in the RFA Report was not evident.

Following the site visit, further evaluation of the information contained in EPA's RFA Report, the Department's files, and supplemental information provided by the Permittee was performed by the Department. The Department found no documented reports of releases from the SWMUs/AOCs identified for further corrective action in the RFA Report, except for SWMU #26 where lead was detected at elevated levels in the pond sediments. The hazardous constituent concentrations present at the noted SWMUs/AOCs, as identified through the RFA sampling, were below applicable state and federal regulatory guidance criteria for contaminated environmental media given the current use of the facility. Therefore, the subject SWMUs/AOCs do not appear to pose a significant threat to human health or the environment. Detailed information concerning the foregoing determination can be found in a Departmental memorandum to the Continental Cement Company, L.L.C., Hazardous Waste Treatment, Storage and Disposal File dated December 7, 1998.

Prior to issuance of this Permit, the Permittee conducted, with Departmental oversight, investigation and excavation of the lead-impacted sediments at SWMU #26. The results of these activities, including confirmation sampling, are documented in the report entitled Sampling of the Lower Process Water Settling Pond dated October 31, 1997. The reported levels of hazardous constituents at the subject SWMU were below applicable state and federal regulatory guidance criteria for contaminated environmental media. Further detailed information concerning SMWU #26 can be found in the above-referenced report. No further corrective action is required for this SWMU, except for periodic removal of sediments accumulated in the settling pond which is addressed pursuant to Corrective Action Condition II. Continental Cement Company conducted an engineering study to decide if they wanted to keep the settling pond (SWMU #26) in service in 2002. After the study Continental Cement Company decided that they would construct a new stormwater management facility at this location. The department's Water Protection Program issued a construction permit for stormwater facility at this location on April 15, 2003. The SWMU #26 settling pond was in operation at this same location from 1996-2003. The entire pond and approximately 5 feet of excavation below the pond were also removed. Continental Cement Company submitted a work completion certificate for the removal for SWMU#26 on December 17, 2003. The newly constructed stormwater facility includes two grit chambers, three settling ponds, and a dual pump lift station that are operated under the requirements of a Missouri State Operating Permit administered by the department's Water Protection Program.

In addition to comparison with regulatory guidance criteria for contaminated environmental media, a geologic evaluation of the facility is presented in EPA's RFA. Additional geologic and hydrogeologic information is presented in the Permit application. Relevant hydrogeologic information excerpted from an evaluation conducted for a nearby facility by the Department's Division of Geology and Land Survey (DGLS, I.D. 020-97) was also reviewed. These reference sources indicate the presence of geologic strata of sufficient thickness and impermeability which, coupled with the knowledge of the depth of local groundwater aquifers and the low levels of hazardous constituents in environmental media at the noted SWMUs/AOCs, suggest that significant impacts to the uppermost aquifer in the area are highly unlikely. The DGLS's evaluation may be found as an attachment to the above-referenced memorandum to file.

Frago Pond, shown on Figure 4 (later designated as newly-identified SWMU #28), was pointed out by the Permittee during the Department's site reconnaissance visit. SWMU #28 was not identified in EPA's RFA Report and has been determined by the Department to require further corrective action in the Draft Permit. Frago Pond is an in-ground concrete basin constructed for storage of asphaltic tar materials since 1991.

Following issuance of the Draft Permit and expiration of the public comment period, the Permittee decommissioned Frago Pond and conducted a hazardous waste release assessment SWMU #28 to address the requirements of Corrective Action Condition V.A. of the Draft Permit. The results of these activities, including confirmation soil sampling, are documented in the report entitled Final Stabilization Report for Frago Pond, dated June 11, 1999, and amended July 15, 1999. All asphaltic materials were removed from Frago Pond and processed on site through the Permittee's cement kiln as fuel supplements. Trace levels of hazardous constituents were reported at SWMU #28, and were well below applicable state and federal regulatory guidance criteria for contaminated environmental media. Therefore, Frago Pond does not appear to pose any threat to human health or the environment. The Final Stabilization Report for Frago Pond satisfactorily addresses Corrective Action Condition V.A. of the Draft Permit. Detailed information concerning the Department's determination for Frago Pond can be found in a Departmental memorandum, dated July 23, 1999, to the Continental Cement Company, L.L.C., Hazardous Waste Treatment, Storage, and Disposal File. No further corrective action is required for this SWMU at this time in this Permit.

In summary, the Department has determined that further corrective action for the SWMUs/AOCs identified for further action in the RFA Report or Draft Permit is not required at this time, with the exception of submission of an Operation Maintenance and Monitoring Plan as described under Corrective Action Condition II. for the facility which addresses Cement Kiln Dust (CKD)-related activities and operation and maintenance of the Settling Pond (SWMU #26) (Since the SWMU does not exist as previously stated this is no longer required for SWMU #26).

B. This Permit requires the Permittee to conduct further investigation(s) and/or take corrective action as deemed appropriate by the Department for any newly-identified SWMUs/AOCs or releases from previously-identified SWMUs/AOCs at the facility as specified in Corrective Action Conditions III. and IV.

II. <u>Operation, Maintenance, and Monitoring Plan</u>

A. The Permittee shall submit, within 60 days of the effective date of the original Permit, an Operation, Maintenance, and Monitoring (OM&M) Plan which addresses:

1. The operation, maintenance and monitoring requirements for CKD as specified in Corrective Action Condition II.B.;

2. The operation, maintenance, and monitoring requirements for the settling pond, SWMU #26, as specified in Corrective Action Condition II.C. (Since the SWMU does not exist as previously stated this is no longer required for SWMU #26.);and

3. The management and monitoring procedures for handling storm water run-off from active CKD landfill areas and raw material/equipment storage areas as specified in Corrective Action Condition II.D.

B. The Permittee shall specify in the OM&M Plan operation, maintenance and monitoring procedures for CKD including the following:

1. CKD management procedures from the point of generation to disposal at the Cement Kiln Dust Landfill (SWMU #12) including CKD collection, management, wetting, transfer, landfill placement and spill clean-up criteria and procedures.

The OM&M Plan shall discuss: 1) the criteria for covering and vegetating inactive portions of the CKD landfill (e.g., specify what volume, depth, slope and/or linear length of exposed CKD material are used as the "trigger" criteria for covering and revegetation), 2) the specifications for CKD cover material including the source, physical characteristics and thickness, and 3) the specifications for vegetating the CKD landfill cover including vegetation type, seed application rate and required long-term maintenance.

2. The OM&M Plan shall discuss any contingencies that are in place to deal with potential hazards (e.g., flooding, seismic activity) or other events which could cause damage to or releases from the CKD landfill.

C. The Permittee shall include in the OM&M Plan, a description of the Permittee's operation of the Settling Pond, SWMU #26, including management, collection and disposition of liquids and sediments to minimize the potential for releases of hazardous waste and/or hazardous constituents to the environment. The schedule and/or other criteria used to trigger periodic rehabilitation of the Settling Pond should be specified including the procedures for clean-out and confirmation sampling/analysis. (Since the SWMU does not exist as previously stated, this is no longer required for SWMU #26).

D. The Permittee shall discuss in the OM&M Plan the Permittee's facility-wide storm water management strategy, monitoring requirements, and use of Best Management Practices for handling storm water run-off from any active CKD landfill areas and raw material/equipment storage areas to minimize the potential for release of hazardous constituents to the environment.

E. The Site OM&M Plan will be reviewed in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIV. Upon approval thereof by the Department, the Permittee shall perform operation, maintenance, and monitoring in accordance with the approved plan.

F. As of the effective date of this Permit, the CKD-related procedures of the approved OM&M Plan required by Corrective Action Condition II.B. shall apply. The Permittee shall comply with these procedures until such time as new federal and/or state regulations addressing the regulatory status, management and/or disposition of CKD are finally promulgated and are effective in Missouri. "Effective in Missouri" shall mean that all regulatory requirements are in effect and that the Permittee has successfully complied with all such requirements.

Once the Permittee has complied with the new regulations, the CKD procedures of the approved OM&M Plan required by Corrective Action Condition II.B. will be superseded by the new regulations. The Department will notify the Permittee in writing of the transition date for the CKD requirements.

III. Notification Requirements for, and Assessment of, Newly-Identified SWMU(s) and AOC(s)

A. The Permittee shall notify the Department and EPA in writing of any new SWMU(s) or AOC(s) identified subsequent to the issuance of this Permit no later than 15 days after discovery.

B. The Department may require a SWMU/AOC Assessment Work Plan for conducting an investigation of any newly-identified SWMU(s) or AOC(s). Within 30 days of receipt of the Department's written determination that a newly-identified SWMU/AOC Assessment Work Plan is required, the Permittee shall submit a newly-identified SWMU/AOC Assessment Work Plan which shall include a discussion of past waste management practices at the unit, as well as a sampling and analysis program for all appropriate media of concern including soil, sediment, bedrock, surface water, groundwater and/or air, as necessary to determine whether a release of hazardous waste, including hazardous constituents, from such unit(s) has occurred, or is occurring. The sampling and analysis program shall be capable of yielding representative samples and shall include monitoring parameters sufficient to assess the release of hazardous waste and/or hazardous constituents from the newly-identified SWMU(s)/AOC(s) to the environment. The newly-identified SWMU/AOC Assessment Work Plan shall specify any data to be collected to provide for a complete SWMU/AOC Assessment Report, as specified below, and shall contain a schedule for implementation which is predicated on Departmental approval of the Work Plan.

C. The newly-identified SWMU/AOC Assessment Work Plan will be reviewed in accordance with the procedures set forth in Corrective Action Condition XIV. The Permittee shall implement the approved plan in accordance with the schedule contained therein.

D. The Permittee shall submit a SWMU/AOC Assessment Report to the Department and EPA according to the schedule specified in the approved newly-identified SWMU/AOC Assessment Work Plan. The SWMU/AOC Assessment Report shall present and discuss the information obtained from implementation of the

approved newly-identified SWMU/AOC Assessment Work Plan. At a minimum, the SWMU/AOC Assessment Report shall provide the following information for each newly-identified SWMU/AOC:

1. The location of the newly-identified SWMU/AOC in relation to any other SWMUs/AOCs;

2. The type and function of the unit;

3. The general dimensions, capacities, and structural description of the unit;

4. The period during which the unit was operated;

5. The physical and chemical properties of all wastes that have been, or are being managed at the SWMU/AOC, to the extent available;

6. The results of any sampling and analysis conducted;

7. Past and present operating practices;

8. Previous uses of the area occupied by the SWMU/AOC;

9. Amounts of waste handled; and

10. Drainage areas and/or drainage patterns near the SWMU(s)/AOC(s).

E. The SWMU/AOC Assessment Report will be reviewed in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIV. Based on the findings of this report, the Department will determine the need for further investigations, including stabilization, or a RCRA Facility Investigation (RFI), at specific unit(s) identified in the SWMU/AOC Assessment Report.

F. If the Department determines that additional investigations are needed, the Department may require the Permittee to prepare and submit for approval a Work Plan for such investigations and will so notify the Permittee in writing including the basis for the Department's determination. This Work Plan for additional investigations will be reviewed in accordance with the procedures set forth in

Review and Approval Procedures, Corrective Action Condition XIV. The Permittee shall implement the approved plan in accordance with the schedule contained therein.

IV. Notification Requirements for, and Assessment of, Newly-Identified Releases from Previously-Identified SWMU(s) and AOC(s)

A. No later than 15 days after discovery, the Permittee shall notify the Department and EPA, in writing, of any release(s) of hazardous waste, including hazardous constituents from any previously-identified SWMUs/AOCs which are discovered during the course of groundwater monitoring, field investigation, environmental auditing, or other activities undertaken after issuance of this Permit.

B. The Department may require a Newly-Identified Release Assessment Work Plan for conducting an investigation of any newly-identified release(s). Within 30 days of receipt of a written determination by the Department that a Newly-Identified Release Assessment Work Plan is required, the Permittee shall submit a Newly-Identified Release Assessment Work Plan which shall include a discussion of the waste/chemical management practices related to the release; a sampling and analysis program for all appropriate media of concern including soil, sediment, bedrock, surface water, groundwater and/or air, as necessary to determine whether the release poses a threat to human health or the environment; and a proposed schedule for implementation of the work specified in the Newly-Identified Release Assessment Work Plan. The sampling and analysis program shall be capable of yielding representative samples and shall include monitoring parameters sufficient to assess the release of hazardous waste and/or hazardous constituents to the environment. The Newly-Identified Release Assessment Work Plan shall specify any data to be collected to provide for a complete Newly-Identified Release Assessment Report, as specified below, and shall contain a schedule for implementation of the Work Plan which is predicated on the date of Departmental approval of the Work Plan.

C. The Newly-Identified Release Assessment Work Plan will be reviewed in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIV. The Permittee shall implement the approved plan in accordance with the schedule contained therein.

D. The Permittee shall submit a Newly-Identified Release Assessment Report to the Department and EPA according to the schedule specified in the approved Newly-Identified Release Assessment Work Plan. The Newly-Identified Release

Assessment Report shall present and discuss the information obtained during implementation of the approved Newly-Identified Release Assessment Work Plan. At a minimum, the report shall provide the following information for each newly-identified release:

1. The location of the newly-identified release in relation to any other SWMU(s)/AOC(s);

2. The general dimensions of the release;

3. The period during which the Permittee suspects release occurred;

4. The physical and chemical properties of all wastes that comprise the release;

5. The results of any sampling and analysis conducted;

6. Past and present operating practices near and at the location of the release;

7. Previous uses of the area(s) occupied near and at the location of the release;

8. Amounts of waste handled near and at the location of the release; and

9. Drainage areas and/or drainage patterns near and at the location of the release.

E. The Newly-Identified Release Report will be reviewed in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIV. Based on the findings of the report and any other available information, the Department will determine the need for further investigation, including stabilization, or a RCRA Facility Investigation.

V. <u>Stabilization</u>

A. If the Permittee becomes aware of any other situation that may require stabilization measures to protect human health or the environment, the Permittee shall notify the Department and EPA within 24 hours of the time the Permittee becomes aware of the situation.

B. If, during the course of any activity initiated under this Permit, the Permittee or the Department determines that a release or potential release of hazardous waste, including hazardous constituents, poses a threat to human health or the environment, the Department may require stabilization measures to slow or stop the further spread of contamination until final corrective action measures can be implemented. The Department will determine the specific action(s) that shall be taken to implement stabilization, including the need for potential Permit modifications, and the schedule for implementing the stabilization requirements, and will inform the Permittee of decisions regarding the action(s), in writing.

C. If at any time, the Permittee determines or should have known that the stabilization program is not effectively limiting or stopping the further spread of contamination, the Permittee shall notify the Department in writing no later than ten days after such a determination is made. The Department may require that the stabilization program be revised to make it effective in limiting or stopping the spread of contamination, or that final corrective action measures are required to remediate the contaminated media.

VI. RCRA Facility Investigation (RFI) Work Plan

A. If the Department determines that a RFI is necessary for any newly-identified SWMUs/AOCs, or Releases from previously-identified SWMUs/AOCs pursuant to Corrective Action Conditions III.E. or IV.E., the Department shall notify the Permittee of this decision in writing. The Permittee shall prepare and submit a RFI Work Plan to the Department and EPA within 60 days of receipt of written determination by the Department that an RFI is required. The RFI Work Plan shall be designed to investigate potential or actual release(s) of hazardous waste, including hazardous constituents, to all appropriate media of concern including soil, sediment, bedrock, groundwater, surface water, and/or air. In order to substantiate future corrective action decisions, the RFI Work Plan shall contain provisions, which are sufficient to meet the following objectives:

1. Full characterization of the nature, vertical and horizontal extent, and rate of migration of releases of hazardous waste and/or hazardous constituents from SWMUs/AOCs at the facility and their actual or potential receptors; and

2. Collection of any other pertinent data which may be utilized to substantiate future corrective action decisions, including completion of characterization to complete the RFI and/or to define the nature and scope of corrective measures study, if required.

B. The content of RFI Work Plan shall be appropriate for site-specific conditions and shall be consistent with and address all applicable investigation elements described in EPA's guidance document entitled, RCRA Facility Investigation Guidance; EPA 530/SW-89-031, May 1989. At a minimum, the RFI Work Plan shall detail all proposed activities and procedures to be conducted at the facility, a description of current conditions, the schedule for implementing and completing such investigations, and for submission of reports (including the final RFI Report), the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the RFI.

C. The RFI Work Plan shall include a Quality Assurance Project Plan (QAPP). The QAPP shall present the policies, organization, objectives, functional activities, and specific quality assurance and quality control activities designed to achieve the data quality goals of the RFI. It shall include the RFI objectives, sampling procedures, analytical methods, field and laboratory quality control samples, chain-of-custody procedures and data review, validation and reporting procedures.

D. The Permittee shall prepare and maintain a Health and Safety Plan during the project that assures the RFI activities are conducted in a manner that is protective of human health and the environment.

E. Due to the uncertainty related to releases from certain SWMUs/AOCs and the complexity of defining the extent of contamination, the Permittee may be required to implement a phased investigation approach that necessitates the submittal of a supplemental RFI Work Plan(s).

F. The RFI Work Plan will be reviewed in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIV. The Permittee shall implement the approved RFI Work Plan in accordance with the schedule contained therein.

VII. RCRA Facility Investigation (RFI) Report

A. The Permittee shall submit a RFI Report to the Department and EPA according to the schedule contained in the approved RFI Work Plan. The RFI Report shall

present all information gathered under the approved RFI Work Plan including a facility description and map showing the property boundary and all SWMUs/ AOCs. The RFI Report must contain adequate information to support further corrective action decisions at the facility. Information contained in the RFI Report shall be presented in a format that is consistent with Section 5 of EPA's guidance document entitled, RCRA Facility Investigation Guidance; EPA 530/SW-89-031, May 1989.

B. The RFI Report shall provide an interpretation of the RFI information gathered, supported with documentation, to enable the Department to determine whether further investigation, stabilization and/or a corrective measures study may be necessary. The RFI Report shall describe the procedures, methods, and results of all investigations of SWMUs/AOCs and associated releases including as applicable, but not limited to the following:

1. Characterization of the nature, concentration(s), horizontal and vertical extent and direction/rate of movement of releases from SWMUs/AOCs at the facility.

2. Characterization of the environmental setting of the facility, including:

   a. Hydrogeological conditions;

   b. Climatological conditions;

   c. Soil and bedrock characteristics;

   d. Surface water and sediment quality; and

   e. Air quality and meteorological conditions.

3. Characterization of SWMUs/AOCs from which releases have been or may be occurring, including unit and waste characteristics.

4. Descriptions of human and environmental receptors and associated risks to the receptors, which are, may have been, or, based on site-specific circumstances, could be exposed to release(s) from SWMUs/AOCs.

5. Assessment of potential risks to the human and environmental receptors exposed to release(s) from SWMUs/AOCs.

6. Extrapolations of future contaminant movement including description of contaminant fate and transport mechanisms and pathways for human and environmental exposure.

7. Laboratory, bench-scale, pilot-scale and/or appropriate tests or studies to determine the feasibility or effectiveness of treatment technologies or other technologies that may be appropriate in implementing remedies at the facility.

8. Statistical analyses to aid in the interpretation of data.

9. Results of any stabilization measures previously implemented.

10. Evaluation of data quality which may affect the nature and scope of any further investigation and/or corrective measures study including the evaluation of corrective measure alternatives thereunder (e.g., identification of any potential bias in the RFI data, and documentation of its precision, accuracy, representativeness, completeness, comparability, validation, etc.).

C. The RFI Report will be reviewed in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIV. After review of the RFI Report, if the Department determines that the objectives of the RFI have not been met, the Department may require additional investigation and shall so notify the Permittee in writing. Upon approval of the RFI Report by the Department, the Department shall advise the Permittee as to the next step in the corrective action process, which may include submittal of a Corrective Measures Study (CMS) Work Plan pursuant to Corrective Action Condition VIII.

VIII. Corrective Measures Study (CMS) Work Plan

A. If the Department determines that there has been a release of hazardous waste and/or hazardous constituents from a SWMU/AOC that may present a threat to human health or the environment, the Department may require a Corrective Measures Study (CMS) and will notify the Permittee in writing of this decision. This notice will identify the hazardous constituent(s) of concern and may specify remedial alternatives to be evaluated by the Permittee during the CMS.

B. The Department may require the Permittee to evaluate, as part of the CMS, one or more specific potential remedies. These remedies may include a specific

technology or combination of technologies that, in the Department's judgment, may be capable of achieving standards for protection of human health and the environment.

C. The Permittee shall submit a CMS Work Plan to the Department and EPA within 60 days of receipt of written determination by the Department that a CMS is required. The CMS Work Plan shall be consistent with guidance contained in EPA's RCRA Corrective Action Plan; (Final), May 1994, OSWER Directive 9902.3-2A. At a minimum, the CMS Work Plan shall provide the following information, as applicable:

1. A description of the general approach to investigating and evaluating potential remedies;

2. A definition of the specific objectives of the study;

3. A description of the remedies which will be studied;

4. A description of those potential remedies, which were preliminarily considered, but were dropped from further consideration, including the rationale for elimination;

5. The specific plans for evaluating remedies to ensure compliance with remedy standards;

6. The schedules for conducting the study and submitting a Corrective Measures Study Report;

7. The proposed format for the presentation of information; and

8. Laboratory, bench-scale, pilot-scale and/or appropriate tests or studies to determine the feasibility or effectiveness of treatment technologies or other technologies that may be appropriate in implementing remedies at the facility.

D. The CMS Work Plan will be reviewed in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIV. The Permittee shall implement the approved CMS Work Plan in accordance with the schedule contained therein.

IX. Corrective Measures Study (CMS) Report

A. The Permittee shall submit a CMS Report to the Department and EPA according to the schedule contained in the approved CMS Work Plan. The CMS Report shall present all information gathered under the approved CMS Work Plan and shall be consistent with guidance contained in EPA's RCRA Corrective Action Plan; (Final), May 1994, OSWER Directive 9902.3-2A. The CMS Report shall summarize the results of the investigations for each remedy studied and of any bench-scale or pilot tests conducted. The CMS Report shall include, but not be limited to, the following information:

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

2. Assessment of the effectiveness of each remedy in achieving adequate control of sources and cleanup of the hazardous waste or hazardous constituents released from SWMUs/AOCs.

3. Assessment of the time required to begin and complete each remedy.

4. Estimate of the costs of implementing each remedy.

5. Recommendation of remedy and rationale for selection.

6. Assessment of institutional requirements, such as state or local permit requirements, or other environmental or public health requirements which may substantially affect implementation of the remedy.

B. The CMS Final Report shall contain adequate information to support the Department in the remedy approval decision-making process.

C. The CMS Final Report will be reviewed in accordance with the procedures set forth in Review and Approval Procedures, Corrective Action Condition XIV. The Department will approve a final remedy as specified in Corrective Action Condition X.

X. Final Remedy Approval

Following approval of the CMS Final Report or equivalent, the Department will prepare a Statement of Basis (SB) summarizing the corrective measures alternatives that were evaluated, including justification for the final remedy proposed by the Permittee. Following preparation of the SB by the Department, a Permit modification will be initiated pursuant to 40 CFR 270.41 or 270.42(c), as applicable, to implement the final remedy.

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

XI. Financial Assurance for Corrective Action

A. Within 120 days after this Permit has been modified to include a final remedy for any SWMU/AOC or release, the Permittee shall demonstrate continuous compliance with the RCRA financial assurance requirements in effect at that time for corrective action being performed under state law. This requirement shall only apply to any portion of the final remedy that is estimated, in the approved CMS Final Report or equivalent, to require greater than 12 calendar months from the effective date of the permit modification to complete.

The effective financial assurance requirements for corrective action shall be consistent with and/or substantially equivalent to that specified in either final 40 CFR Part 264 Subpart S corrective action regulations or 40 CFR Part 264 Subpart H, as incorporated by reference in 10 CSR 25-7.264. The amount of financial assurance shall be based on the Permittee's cost estimate for the approved final remedy, which is contained in the approved CMS Final Report or equivalent.

B. Annually by March 1, the Permittee shall adjust the corrective action cost estimate to account for inflation in accordance with 40 CFR 264.142(b) and any other changes in the costs associated with implementation, operation, maintenance and monitoring of the approved final remedy. If the cost estimate

increases, documentation of adequate financial assurance for that increase shall be provided to the Department within 60 days following the increase in the cost estimate.

XII. Annual Progress Reports

A. The Permittee shall submit to the Department and EPA a signed Annual Progress Report covering Operation, Maintenance, and Monitoring (OM&M) activities outlined in Corrective Action Condition II. Each Annual Progress Report shall be submitted to the Department by March 1 of each calendar year for the preceding calendar year. The Annual Progress Reports shall include the following information for the time period being reported:

1. A description of the work completed;

2. Summaries of all findings, including summaries of laboratory data;

3. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify the problems;

4. Projected work for the next reporting period; and

5. Any instances of noncompliance with the corrective action requirements of this Permit not otherwise required to be reported elsewhere in this Permit.

B. If, at any time, the Department determines that further corrective action is required pursuant to Corrective Action Conditions III. through IX., the frequency of submittal of progress reports may change. If a change in reporting frequency is necessary, the Department will provide written notification of the new reporting frequency to the Permittee.

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

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

XIII. Supplemental Data

All relevant raw data (i.e., laboratory reports, field notes, drilling logs, bench-scale or pilot-scale data, and other supporting information) that is gathered or generated during activities undertaken pursuant to the Corrective Action Conditions of this Permit shall be maintained at the Permitted facility during the term of this Permit, including the term of any reissued Permits.

XIV. Review and Approval Procedures

Following submission of any plan or report pertaining to corrective action activities (excluding the Annual Progress Reports), the Department will review and either approve or disapprove the plan or report in writing. The Permittee shall implement all approved plans in accordance with the provisions of this Permit and the schedule(s) contained therein.

If the Department disapproves a plan or report, the Department will notify the Permittee in writing of the plan's or report's deficiencies and specify a due date for submittal of a revised plan or report.

If the Department disapproves a revised plan or report, the Department may modify the plan or report and notify the Permittee of the modifications. The plan or report as modified by the Department is the approved plan or report, and shall become part of this Permit. If the Permittee disagrees with any Department-initiated plan or report modifications, and a mutually acceptable resolution of such modifications cannot be informally reached, any appeal of the Department-initiated modifications shall be conducted in accordance with 10 CSR 25-2.020 and Sections 260.395.11 and 621.250, RSMo.

XV. Corrective Action Schedule of Compliance

A. The Permittee shall comply with the schedule for the planned activities as summarized on Table V.

B. The Permittee shall comply, as necessary, with the schedule(s) for contingent corrective action activities as specified in the Corrective Action Conditions Section of this Permit and as summarized on Table VI.

**Table V - Summary of Planned Corrective Action Submittal Requirements Pursuant to the Corrective Action Conditions of this Permit**

| Planned Submittal Requirements | Due Date | Corrective Action Condition |
|---|---|---|
| Annual Progress Reports | By March 1 of each calendar year. | XII.A. |

**Table VI - Summary of Contingent Corrective Action Submittal Requirements Pursuant to the Corrective Action Conditions of this Permit**

| Contingent Submittal Requirements | Due Date | Corrective Action Condition |
|---|---|---|
| Written Notification of Newly-Identified SWMU(s) and AOC(s) | No later than 15 days after discovery. | III.A. |
| SWMU/AOC Assessment Work Plan | Within 30 days of receipt of Department's determination. | III.B. |
| SWMU/AOC Assessment Report | In accordance with the SWMU/AOC Assessment Work Plan. | III.D. |
| Written Notification of Newly-Identified Releases | No later after 15 days after discovery. | IV.A. |
| Newly-Identified Release Assessment Work Plan | Within 30 days of receipt of Department's determination. | IV.B. |
| Newly-Identified Release Assessment Report | In accordance with the schedule in the approved Newly-Identified Release Assessment Work Plan. | IV.D. |
| Stabilization Notification | Within 24 hours of discovery of need for stabilization. | V.A. |
| Written Notification that Stabilization is not Effective | No later than 10 days after determination. | V.C. |
| RFI Work Plan | Within 60 days of receipt of written determination by the Department that an RFI is required. | VI.A. |
| RFI Report | In accordance with the schedule in the approved RFI Work Plan. | VII.A. |

| Contingent Submittal Requirements | Due Date | Corrective Action Condition |
|---|---|---|
| CMS Work Plan | Within 60 calendar days of receipt of written determination by the Department that a CMS is required. | VIII.C. |
| CMS Report | In accordance with the schedule in the approved CMS Work Plan. | IX.A. |
| Corrective Action Financial Assurance | Within 120 calendar days of modification of this Permit to include a final remedy and within 60 days following an increase in the cost estimate. | XI.A. & B. |
| Other Information | As requested by the Department. | XII.B. |

**FACILITY SUBMISSION SUMMARY**

**Table VII - Summary of Planned Submittal Requirements (Other than Those Specified on Table V and VI) Pursuant to this Permit.**

| Submittal Requirements | Due Date | Permit Condition |
|---|---|---|
| Certification that Permittee has read and understands this Permit Modification. | Within 60 calendar days of effective date of Permit modification. | Schedule of Construction and Compliance Item I.A. |
| Submit a check for ~~A~~any outstanding engineering review costs. | Within 60 calendar days of effective date of Permit modification. | Schedule of Construction and Compliance Item I.B. |
| ~~Revised closure plan and cost estimate.~~ | ~~Within 60 calendar days of effective date of Permit modification.~~ | ~~Schedule of Construction and Compliance Item I.C.~~ |
| ~~Update financial assurance instrument for operating units.~~ | ~~Within 60 days of closure cost estimate approval.~~ | ~~Schedule of Construction and Compliance Item I.C.~~ |
| Notify the Department of intent to construct new units. | Fifteen days prior to construction of the new units. | Schedule of Construction and Compliance Item III. |
| Original financial assurance instruments for the newly constructed units. | Prior to receipt of waste into the newly constructed units. | Schedule of Construction and Compliance Item I~~II~~V.C. |
| Notify the Department in writing that these units have been constructed in accordance with the Permit Modification. | At least 15 days prior to receipt of waste into the newly construction units. | Schedule of Construction and Compliance Item ~~I~~V. |
| ~~Submit closure cost estimate and financial assurance inflation adjustments.~~ | ~~Annually~~ | ~~Schedule of Construction and Compliance Item VI.~~ |
| Complete closure of existing Container Storage Area #2. | Within 180 days of the closure plan approval. | Schedule of Construction and Compliance Item VI.B. |

| Submittal Requirements | Due Date | Permit Condition |
|---|---|---|
| Submit closure certification of Container Storage Area #2. | Within 60 days of completion of closure of CSA #2. | Schedule of Construction and Compliance Item VI.C. |
| Submit revised closure plan, cost estimate, financial assurance documents as necessary. | Within 60 days of receipt of request. | Schedule of Construction and Compliance Item VII. |
| Submit closure cost estimate and financial assurance inflation adjustments. | Annually | Schedule of Construction and Compliance Item VIII. |
| Biennial Report with information required by 40 CFR 264.75. | March 1 of each even numbered calendar year. | General Permit Condition I. |

FIGURE 1 - Drawing Part “A” Figure

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FIGURE 2 - Diagram FP-705 - Process Flow of Feed Prep #1

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FIGURE 3 - Diagram FP-724 - Process Flow of Feed Prep #2

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FIGURE 4 - Facility Diagram Depicting SWMUs and AOCs.

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