



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

August 10, 2015

CERTIFIED MAIL – 7009 0960 0000 8848 7024  
RETURN RECEIPT REQUESTED

Mr. Richard H. Rocha  
Principal Environmental Engineer  
Bayer Cropscience  
8400 Hawthorn Road  
Kansas City, MO 64120-0013

RE: Class 2 Permit Modification Request Approval  
Waste Codes; Tank; S01 Secondary Containment; Inspection Schedule  
Bayer Cropscience, Kansas City, Missouri  
EPA ID# MOD056389828

Dear Mr. Rocha:

The Missouri Department of Natural Resources (Department) hereby approves Bayer Cropscience's (Bayer) Class 2 Permit Modification request, dated October 16, 2014. The request contained the following four components:

1. Add ten hazardous waste codes allowable for both storage and treatment.
2. Add a new 24,000-gallon capacity permitted hazardous waste storage tank.
3. Change the language of Bayer's Missouri Hazardous Waste Management Facility Part I Permit, Special Permit Condition II.G., from "once every 12 months" to "once per calendar year," regarding Bayer's internal tank inspection frequency.
4. Increase the secondary containment capacity of container Storage Pad No. 2, in order to store larger-sized containers while meeting the secondary containment requirements of Code of State Regulations 10 CSR 25-7.264(2)(I) and Code of Federal Regulations 40 CFR 264.175(b)(3) incorporated by reference in 10 CSR 25-7.264(1), without increasing the overall combined storage capacity of Storage Pad No. 1 and 2.

Our decision is based on a thorough technical review of the modification request and applicable federal and state laws and regulations. We are approving the Class 2 Permit Modification



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request with the following schedule of compliance items. Bayer shall complete these items within 30 calendar days from the date of this letter.

1. Bayer shall revise and resubmit the Part A permit application for Department review and approval, incorporating the following changes:
  - a. The activated carbon regeneration unit, previously identified as a miscellaneous thermal treatment unit, X03, shall be added to the list contained in Part 7, Process Codes and Design Capacities.
  - b. The hazardous waste incinerator, T.O. II, has a permitted design capacity of 1,260 gallons per hour. Bayer shall use this as the process design capacity using the unit of measure Code E, gallons per hour, in lieu of the 11,040 pounds per hour identified, unless Bayer wishes to perform the conversion calculations under the comments section of the Part A.
  - c. Bayer shall remove 64 of the hazardous waste codes submitted with the request, which have not been approved, nor requested for addition through this Class 2 Permit Modification.
2. Prior to placing the new tank into service, Bayer shall submit a copy of the installation inspection and tightness testing results, as required by Special Permit Condition II.D.2. and 3. of Bayer's Part I Permit.
3. Bayer shall update their Notification of Regulated Waste Activity form, MO 780-1164, to identify the ten additional hazardous waste codes that will be managed at the facility.

Bayer conducted the public participation activities for the Class 2 Permit Modification request, as required by 10 CSR 25-7.270(1), which incorporates 40 CFR 270.42(b). The 60-day public comment period began October 15, 2014, and ended December 14, 2014. Bayer held a public meeting about the modification request on November 7, 2014. The Department did not receive any comments on the modification request during the public comment period.

The Department conducted the public participation activities for the final Class 2 Permit Modifications as required by 10 CSR 25-7.270(1), which incorporates 40 CFR 270.42(f)(1). The Department mailed a notification letter to everyone on the facility mailing list and the appropriate units of state and local government. We also posted the final Class 2 Permit Modification on the Department's website at [www.dnr.mo.gov/env/hwp/permits/notices.htm](http://www.dnr.mo.gov/env/hwp/permits/notices.htm). Supporting documents are not available on the Department's website due to their size. The notification letter is included with this letter.

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The approved Class 2 Permit Modification is effective immediately. Please be aware that any parties adversely affected or aggrieved by the Department's decision to approve the Class 2 Permit Modification may be entitled to pursue an appeal before the Administrative Hearing Commission, according to 10 CSR 25-8.124(2). The petition must be filed with the Administrative Hearing Commission by September 9, 2015, according to the procedures outlined in 10 CSR 25-2.020 and Missouri Revised Statutes, Sections 260.395.11 and 621.250, RSMo. If the petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any other method, it will be deemed filed on the date it is received by the Administrative Hearing Commission. Appeals must be sent to the Administrative Hearing Commission, Truman State Office Building, Room 640, 301 West High Street, P.O. Box 1557, Jefferson City, MO 65102, or by fax to (573) 751-5018. The Department also asks that a copy of the petition be provided to Mr. David J. Lamb, Director, Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, or by fax to (573) 751-7869.

If you have questions regarding this letter or the enclosed documents, please contact Nathan Kraus, P.E., of my staff at the Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, by telephone at (573) 751-3553 or 1-800-361-4827, or by e-mail at [nathan.kraus@dnr.mo.gov](mailto:nathan.kraus@dnr.mo.gov). Thank you.

Sincerely,

HAZARDOUS WASTE PROGRAM

[Original signed by David J. Lamb]

David J. Lamb  
Director

DJL:nkm

Enclosures

c: Senator Roy Blunt, U.S. Senate  
Senator Claire McCaskill, U.S. Senate  
Congressman Emanuel Cleaver, U.S. House of Representatives  
Senator Paul LeVota, Missouri Senate  
Representative John Rizzo, Missouri House of Representatives  
Mayor Sly James, City of Kansas City  
County Executive Michael D. Sanders, Jackson County  
Kenneth Herstowski, P.E., Project Manager, U.S. EPA Region 7  
Kansas City Regional Office, Missouri Department of Natural Resources