STATE OF MISSOURI

DEPARTMENT OF NATURAL RESOURCES

MISSOURI HAZARDOUS WASTE MANAGEMENT FACILITY
PART I PERMIT

PERMIT NUMBER: MOD073029936

PERMITTEE

Owner: RNB Real Estate, L.L.C
P.O. Box 1544
Sedalia, MO 65302-1544

Operator: Missouri Pressed Metals, Inc.
1200 East Boonville Road
Sedalia, MO 65302-1544

FACILITY LOCATION

1200 East Boonville Road
Sedalia, Missouri 65302
Pettis County
North Latitude – 42°30'4"
West Longitude – 93°11'23"

FACILITY DESCRIPTION

Missouri Pressed Metals, Incorporated, is a small specialty manufacturing company that produces bushings and bearings of sintered metal used in a wide variety of applications from fractional horsepower electric motors, lawn and garden equipment, to automotive applications and household appliances and tools. Powdered metals, such as bronze and iron, are mixed in the powder room, molded to shape in the molding production area, and then sintered in the oven room. The parts are then taken to the tumbling area where they are tumbled to remove burrs and fins and dry wax is added for sizing. They are then sized in the sizing production area. After sizing, the parts go to the shipping area where they are oil impregnated and a centrifuge is used to remove excess surface oil. The parts are then boxed for shipping.

The facility is located on about 8.4 acres. Before 1973, the land was undeveloped. In 1973, Missouri Pressed Metals constructed two buildings on the site. The main building,

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approximately 40,000 square feet, consists of an initial structure and several additions where manufacturing and administrative operations are performed. The smaller, 1,200 square foot building is used for storage. In December 1985 and January 1986, the Missouri Department of Natural Resources discovered a disposal area immediately adjacent to the north and east sides of the main building. Soil and groundwater were found to be contaminated with 1,1,1-trichloroethane (1,1,1-TCA) and related compounds. The area was designated as a hazardous waste land disposal unit regulated under the Resource Conservation and Recovery Act of 1976 (RCRA) and thus became subject to closure requirements.

As part of the initial closure, surficial soils exceeding the required closure standard were excavated and disposed of offsite at Peoria Disposal Company Landfill. Additional soil sampling revealed varying concentrations of 1,1,1-TCA and related compounds at depths of three to five feet. The remaining contaminated soil was covered in-situ with an engineered cap. Nine groundwater monitoring wells were installed at the facility. Sample results revealed similar constituents of concern in the groundwater. In 1995, Missouri Pressed Metals installed a groundwater extraction system in order to capture and treat the contaminated groundwater. The system includes an interceptor trench with a collection sump that discharges to the City of Sedalia's wastewater treatment plant. The effectiveness of the groundwater extraction system and extent of groundwater contamination is assessed via a groundwater monitoring program. The facility location is shown in Figure 1. The facility property boundaries are shown in Figure 2.

PERMITTED ACTIVITIES

This Permit requires post-closure care, including groundwater monitoring and corrective action for the RCRA regulated hazardous land disposal area, which was closed as a landfill. This Permit also requires implementation of a site-wide corrective action program to address releases to the environment from Solid Waste Management Units and Areas of Concern. In addition, this Permit contains contingent Corrective Action Conditions to address any potential newly-identified releases to the environment from previously- or newly-identified Solid Waste Management Units and Areas of Concern, as necessary and appropriate.

EFFECTIVE DATES OF PERMIT: _____ to _____

_____ Date

_____
David J. Lamb, Director
HAZARDOUS WASTE PROGRAM

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INTRODUCTION

After public notice, according to Code of State Regulations 10 CSR 25-8.124, and review of Missouri Pressed Metals, Incorporated's Missouri Hazardous Waste Management Facility Permit Application (hereafter referred to as the application), the Missouri Department of Natural Resources (hereafter referred to as the Department) has determined that the application conforms to the provisions of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and regulations promulgated thereunder by the U.S. Environmental Protection Agency (hereafter referred to as EPA) (codified and to be codified in Title 40 of the Code of Federal Regulations) and the Missouri Hazardous Waste Management Law (and all standards, rules, and regulations adopted under this act), Section 260.350, et seq., RSMo. Pursuant to Section 260.375.13, RSMo, and the Solid Waste Disposal Act, the Department hereby approves the application and issues Permit Number MOD073029936 to RNB Estate, L.L.C., as the facility owner and Missouri Pressed Metals, Incorporated as the facility operator (hereafter collectively referred to as the Permittee) for post-closure care and corrective action activities at the hazardous waste management facility as described in the application and this Permit. This Permit also addresses corrective action requirements for Solid Waste Management Units and Areas of Concern pursuant to the state equivalent requirements of the federal Hazardous and Solid Waste Amendments of 1984 (HSWA) of RCRA, as administered and enforced by the Department. Applicable regulations are found in 40 CFR Parts 260 through 264, 266, 268, and 270, and 10 CSR 25-7, as specified in this Permit. The Department is issuing this Missouri Hazardous Waste Management Facility (MHWMF) Part I Permit (hereafter referred to as the Permit) under state authority.

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

The provisions of this Permit are severable. 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 permit application information shall be available to the public unless the Permittee requests nondisclosure in writing, as described in Section 260.430, RSMo and 10 CSR 25-7.270(2)(B)2. This Permit and accompanying materials shall be available for review by the public at the Department's central office in Jefferson City, Missouri; and the EPA Region 7 office in Lenexa, Kansas.

Any appeals of this Permit, or specific permit conditions based on state authority, shall be filed according to 10 CSR 25-2.020 and Sections 260.395.11 and 621.250, RSMo. Any parties adversely affected or aggrieved by this decision may be entitled to pursue an appeal before the

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Administrative Hearing Commission (AHC). To appeal, the party shall 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.

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

- MHWMF Permit Application dated May 2, 2008, with revisions dated May 10, 2010 and December 4, 2012.

The "consolidated permit application" is defined as the approved permit application and all additional documents required to be submitted under the Schedule of Compliance contained in this Permit. The Permittee shall maintain a copy of all documents comprising the consolidated permit application with the local facility representative and/or at the facility.

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

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

Post-closure operation of this hazardous waste facility and any required corrective action program activities shall be according to 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 final engineering plans, petitions, specifications, and

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operating procedures that were submitted to the Department during the permit application review process, which are included in the final version of the permit application, and any other conditions, changes, or additions to the engineering plans, specifications, and operating procedures as specified in this Permit. The consolidated permit application, which includes the final engineering plans, specifications, and operating procedures, is therefore incorporated by this reference into the conditions of this Permit. All conditions specified in this Permit supersede any conflicting information in the consolidated permit application. Where conflicts arise between documents, the latest revision shall be effective.

This Permit for post-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 _____. This Permit is subject to review and modification by the Department according to Section 260.395.12, RSMo. According to 40 CFR 270.51, as incorporated in 10 CSR 25-7.270(1), if a timely and complete application is submitted, the conditions of the expired Permit will continue in force until the effective date or denial of a new permit.

On July 6, 1999, Missouri received final authorization for revisions to its hazardous waste management program, including the corrective action portion of the HSWA Codification Rule (July 15, 1985, 50 FR 28702), which had been previously adopted by the state. Thus, the corrective action requirements implemented by the state in lieu of EPA are incorporated into this Permit and are under state authority.

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 from all releases of hazardous wastes 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 before 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 or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. 40 CFR 264.101(c) further stipulates that the owner or operator is not relieved of any responsibility to cleanup a release that

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has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases shall be determined on a case-by-case basis. In addition, assurances of financial responsibility for completing such corrective action shall be provided, according to 40 CFR 264.101.

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

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

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DEFINITIONS

For purposes of this Permit, terms used herein shall have the same meaning as those in RCRA and 40 CFR Parts 260, 261, 264, 266, 268, and 270, and 10 CSR 25, unless this Permit specifically provides otherwise. Where terms are not defined in RCRA, the regulations, this 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.

"Alternate Concentration Limit" means a Department-approved maximum concentration limit for a hazardous constituent and/or facility-related contaminant in the groundwater that will not pose a substantial present, or potential, hazard to human health or the environment as long as that concentration limit is not exceeded.

"Approved Permit Application" means the original permit application and all subsequent revisions or addenda to the permit application, and any completeness and technical information submitted as referenced in the Introduction of this Permit.

"Area of Concern (AOC)" means any area where an actual or potential release of hazardous wastes or hazardous constituents that 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).

"Consolidated Permit Application" means the approved permit application, any changes resulting from the public comment period, and all additional documents required to be submitted under the Schedule of Compliance contained in this Permit.

"Director" means the Director of the Missouri Department of Natural Resources or authorized delegate.

"Facility" means:

(1) All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing hazardous waste; and

(2) All contiguous property under the control of the owner or 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 this Permit.

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

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

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes or 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 Measures" 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.

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SCHEDULE OF COMPLIANCE

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

A. Submit to the Department two paper copies and one searchable electronic copy of the consolidated permit application, as required by 10 CSR 25-7.270(2)(B)7. This includes:

1. The approved permit application, as identified in the Introduction of this Permit; and

2. All changes made to the application as a result of the public comment period.

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

C. Submit to the Department, to the attention of the Hazardous Waste Program, Permits Section, a check or money order payable to "State of Missouri" for any outstanding engineering review costs.

D. Submit to the Department, to the attention of the Hazardous Waste Program, Permits Section, a check or money order payable to "State of Missouri" for $1000 for each year this Permit is to be in effect beyond the first year. This Permit is effective for ten years. Since the Permittee has submitted a $1000 deposit with the permit application and paid a $1000 permit continuation fee for the current year, the remaining balance to be submitted by the Permittee is calculated as:

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

where N_d equals the number of calendar days from the expiration date of the continued permit (which coincides with the anniversary date of the original permit issuance) to the date of permit reissuance. An invoice is included with this Permit based on the foregoing formula.

E. If applicable, submit to the Department for approval, as required in Corrective Action Condition III.D.2. of this Permit, a revised Sampling and Analysis Plan

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(SAP) incorporating all groundwater monitoring conditions outlined in this Permit if the conditions in the most current approved SAP do not adequately reflect the conditions in this Permit.

F. If applicable, submit to the Department for approval, as required in Corrective Action Condition IV.A. of this Permit, a revised surface water monitoring program to incorporate any changes in the surface water monitoring program outlined in this Permit if the conditions in the most current approved surface water monitoring program do not adequately reflect the conditions in this Permit.

II. Within 60 calendar days after the effective date of this Permit, the Permittee shall submit to the Department for evaluation, an updated, detailed post-closure care and corrective action cost estimate in accordance with 40 CFR 264.144, as incorporated by reference in 10 CSR 25-7.264(1).

III. Within 30 calendar days after receipt of the Department's final written response regarding review of the updated post-closure care and corrective action cost estimate, the Permittee shall submit all documentation necessary to demonstrate that the Permittee satisfies the applicable financial assurance criteria in accordance with 40 CFR 264.145, as incorporated by reference in 10 CSR 25-7.264(1).

IV. The Permittee shall comply with all planned and contingent corrective action requirements of this Permit, as specified in the planned and contingent Corrective Action Conditions sections and as summarized in Tables 3 and 4.

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SUBMITTAL OF REQUIRED INFORMATION

I. Unless otherwise requested, the Permittee shall submit two paper copies and one searchable electronic copy of all reports, documents, and consolidated permit application required under the terms of this Permit to:

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

II. The Permittee shall submit one paper copy and one searchable electronic copy of all reports, documents, and consolidated permit application required under the terms of this Permit to:

Chief, Waste Remediation and Permitting Branch
U.S. Environmental Protection Agency Region 7
Air and Waste Management Division
11201 Renner Boulevard
Lenexa, KS 66219

III. If the Permittee requires additional time to submit a scheduled document or perform other activities required by this Permit, the Permittee shall submit a written extension request to the Department in accordance with Corrective Action Condition XXV. of this Permit.

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STANDARD PERMIT CONDITION

I. The Permittee shall comply with the requirements set forth in the Missouri Hazardous Waste Management Law and all corresponding standards, rules, and regulations adopted under this Law, Section 260.350, et seq., RSMo, 40 CFR Part 264 Subpart H, 40 CFR 264.101, 40 CFR 270.10, 40 CFR 270.30, 40 CFR 270.40, 40 CFR 270.42, and 40 CFR 270.51, as incorporated and modified in 10 CSR 25-7 and 10 CSR 25-8.

GENERAL PERMIT CONDITIONS

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

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

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

Within 15 days of the incident occurrence, the Permittee shall submit a written report to the Department providing details. The content of the written report shall conform to 40 CFR 264.56(j), as incorporated in 10 CSR 25-7.264, and be provided to the addressees listed in "Submittal of Required Information" provision.

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.

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SPECIAL PERMIT CONDITIONS

In accordance with 40 CFR 270.32, as incorporated in 10 CSR 25-7.270(1), the Department has established the following permit conditions for the Permittee and the hazardous waste facility at the location specified in this Permit.

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

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

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

The Permittee has submitted information, as required in 40 CFR 270.14(b)(11)(iii) and 40 CFR 270.28, that identifies the facility as not being located in a 100-year floodplain. The Permittee shall maintain this information in the facility operating record.

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CORRECTIVE ACTION CONDITIONS

I. Introduction

The Permittee shall comply with all applicable post-closure care, groundwater monitoring, surface water monitoring, and corrective action requirements contained in 40 CFR Part 264 Subparts F and G, as incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(F) and (G), and all provisions of this Permit, for the former land disposal unit and for all previously- and any newly-identified SWMUs and AOCs or releases identified pursuant to this Permit.

II. Post-Closure [40 CFR Part 264 Subpart G]

The Permittee shall comply with all applicable requirements of 40 CFR Part 264 Subpart G, as incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(G), and all provisions of this Permit.

A. Post-Closure Care and Use of Property [40 CFR 264.117]

1. According to 40 CFR 264.117(a)(1), post-closure care begins after the acceptance of the closure certification of the hazardous waste management unit and continues for 30 years after that date, unless modified according to 40 CFR 264.117(a)(2) or otherwise specified by the Department. The Department accepted the closure certification for the Former Land Disposal Unit on February 3, 1997. Post-closure care for the Former Land Disposal Unit began February 3, 1997.

2. At a minimum, post-closure care shall be extended until such time as the groundwater protection standard maximum concentration limits (MCLs) contained in Table 1 or approved alternate concentration limits, as applicable, are met for a period of three consecutive years under the groundwater monitoring and corrective action conditions described in the Corrective Action Conditions of this Permit.

3. During the post-closure care period, the Permittee shall comply with the applicable maintenance, monitoring, and reporting requirements of 40 CFR Part 264 Subparts F and N, as incorporated by reference in 10 CSR 25-7.264.

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4. During the post-closure care period, the Permittee shall comply with the requirements of 40 CFR 264.310, including, but not limited to:

   a. Maintaining the integrity and effectiveness of the final cover;

   b. Maintaining and monitoring the groundwater monitoring system and complying with all applicable requirements of 40 CFR Part 264 Subpart F;

   c. Preventing run-on and runoff from eroding or otherwise damaging the final cover; and

   d. Protecting and maintaining surveyed benchmarks used to comply with 40 CFR 264.309.

5. The Permittee shall continue to provide for the proper operation and maintenance of any engineering controls implemented as part of the final remedy. These actions are necessary to prevent human exposure to soils and/or groundwater contaminated with hazardous wastes or hazardous constituents in concentrations exceeding applicable risk-based criteria. The engineering controls shall not be disturbed and shall remain in place and be effective unless or until the Department provides written approval to alter, modify, eliminate, or otherwise cease operation/maintenance of such controls.

6. Post-closure use of the property shall be restricted by the Permittee to prevent disturbance of the integrity of the final cover on the Former Land Disposal Unit and to prevent damage to the monitoring systems. The Department may approve a use of the property that disturbs the integrity of the final cover if it is necessary for the proposed use of the property and will not increase the potential hazard to human health or the environment, or if it is necessary to reduce a threat to human health or the environment.

7. The Permittee may submit a request to the Department to shorten the post-closure care period. Justification for shortening the post-closure care period shall accompany any such request. The Department may approve the request if it determines that a shortened post-closure care period is sufficient to protect human health and the environment. Approval to

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shorten the post-closure care period shall be according to the applicable permit modification procedures in 40 CFR Part 270, 10 CSR 25-7 and 10 CSR 25-8.124.

B. Post-Closure Plan and Amendments [40 CFR 264.118]

1. Post-closure care shall be conducted according to the post-closure care plan included in the approved permit application and all conditions of this Permit.

2. The post-closure care plan may be amended at any time during the active life of the facility or the post-closure care period. Amendments are subject to the applicable permit modification requirements of 40 CFR Part 270 Subpart D, 10 CSR 25-7.270(2)(D), and 10 CSR 25-8.124. Written requests for amendments shall be submitted at least 60 calendar days before the proposed change in site operations, or not later than 60 calendar days after the occurrence of an unexpected event that has affected the post-closure care plan. The Department may request modifications to the post-closure care plan if changes in site operations affect the approved post-closure care plan. The Permittee shall submit the modified post-closure care plan no later than 60 calendar days after receipt of the Department's request. Any modifications requested by the Department are subject to the applicable permit modification requirements of 40 CFR Part 270 Subpart D, 10 CSR 25-7.270(2)(D), and 10 CSR 25-8.124.

3. During the post-closure care period, the facility contact shall keep the approved post-closure care plan for the post-closure care period, as required by 40 CFR 264.118(c).

C. Future Removal of Hazardous Wastes [40 CFR 264.119(c)]

If the Permittee wishes to remove hazardous wastes, hazardous waste residues, contaminated soils, or contaminated sludges from within the boundaries of the Former Land Disposal Unit, the Permittee shall request a modification of this Permit, according to the applicable requirements in 40 CFR Part 270 Subpart D, 10 CSR 25-7.270(2)(D), and 10 CSR 25-8.124. The modification request shall include a demonstration that the proposed action(s) will not increase potential hazards to human health or the environment, or the action(s) is necessary to reduce threats to human health or the environment, in accordance with 40 CFR

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264.117(c). By removing contaminants, the Permittee may become a generator of hazardous waste and shall manage any removed material according to all applicable laws, regulations, and ordinances.

D. Certification of Completion of Post-Closure Care [40 CFR 264.120]

No later than 60 calendar days after the completion of the post-closure care period (including any necessary extensions), the Permittee shall submit to the Department, by certified mail, a certification that the post-closure care period was performed according to the approved post-closure plan. The certification shall be signed by the Permittee and a professional engineer registered in Missouri, and shall include documentation supporting the certification.

III. Groundwater Monitoring and Corrective Action Program – Former Land Disposal Unit [40 CFR 264.90-264.100]

A. Groundwater Protection Standards (GPS), Hazardous Constituents, and Concentration Limits [40 CFR 264.92, 264.93 and 264.94]

The GPS establishes the MCLs for hazardous constituents (40 CFR 261, Appendix VIII) in the groundwater at and beyond the point of compliance during the compliance period. The hazardous constituents and related contaminants, currently published health- and/or environmental-based MCLs, and analytical detection limits specified in Table 1 of this Permit constitute the GPS for the Permittee's Former Land Disposal Unit. The listed GPS hazardous constituents and related contaminants either have been detected in the groundwater beneath and beyond the subject unit and/or are reasonably expected to be in or derived from the wastes managed at the Former Land Disposal Unit.

1. The MCLs for the GPS hazardous constituents listed in Table 1 are based on protection of human health and the environment and were derived from several different sources as explained by the footnotes to Table 1.

2. The GPS MCL for some hazardous constituents is below the lowest, reasonably achievable analytical detection limit due to limitations in current analytical technology. In these cases, the GPS MCL shall be equal to the corresponding GPS detection limit.

3. The allowable GPS detection limit shall never be greater than the GPS MCL. If the GPS MCL for specific GPS hazardous constituents cannot be

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achieved due to matrix interferences or other analytical limitations (provided that appropriate supporting documentation is provided), the affected sample and associated chemical analysis shall be exempted from this requirement. However, such an exemption does not in any way relieve the Permittee from complying with the GPS MCLs.

4. The Department reserves the right, based on future advances in analytical technology, to modify this Permit to require the Permittee to achieve analytical detection limits for the hazardous constituents and related contaminants covered by Corrective Action Condition III.A.2. of this Permit, which allow for adequate comparison with appropriate health- or environmental protection-based GPS concentration limit(s) indicated in the footnotes to Table 1.

5. The Permittee may make a demonstration to the Department, at any time during the term of this Permit, for establishment of Alternate Concentration Limits (ACLs) in lieu of the GPS MCLs contained in this Permit. Any such demonstration shall ensure that any and all ACLs proposed in lieu of the GPS MCLs are protective of human health and the environment, according to the requirements of 40 CFR 264.94(b)(1) and (2). In proposing an ACL(s), the Permittee shall consider and formally address these factors listed in 40 CFR 264.94(b)(1) and (2) and EPA's Interim Final Alternate Concentration Limit Guidance, Part I, OSWER Directive 9481.00-6C, EPA 530/SW-87-017, July 1987. Any ACL(s) proposed by the Permittee shall require a Class 3 Permit Modification, in accordance with 40 CFR 270.42. Any final decision/approval by the Department regarding the Permittee's proposed ACLs shall be processed following completion of the public notice and comment period for the Class 3 Permit Modification.

6. The Permittee shall propose modification of the GPS to include any additional hazardous constituent(s) (40 CFR Part 261, Appendix VIII.) in the groundwater that is identified, and their presence confirmed, during future sampling and analysis, if such constituents may be attributed to past operation of the regulated unit(s) and/or the degradation of hazardous constituents known to be present in the groundwater. The Appendix IX. (40 CFR Part 264) groundwater sampling and analysis requirements contained in Corrective Action Condition III.E.6. of this Permit shall be used as the basis for determining if the addition of hazardous constituents to the GPS is necessary. The Permittee can demonstrate that a source

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other than facility operations caused the presence of such hazardous constituent(s) or that the apparent presence was a result of an error in sampling, analysis, or evaluation.

Table 1 - Groundwater Protection Standards

Hazardous Constituent	Maximum Concentration Limit (ug/l)	Detection Limit (ug/l)*
Acetone	14,000 (c)	10
Benzene	5 (a)	0.5
Bromodichloromethane	80 (a)	0.5
Bromoform	80 (a)	0.5
Bromomethane	10 (b)	5.0
Butanone, 2-	5,600 (c)	5.0
Carbon Disulfide	810 (c)	0.5
Carbon Tetrachloride	5 (a)	0.5
Chlorobenzene	100 (a)	0.5
Chloroethane	21,000 (c)	5.0
Chloroethyl Vinyl Ether, 2-	--	5.0
Chloromethane	5 (b)	5.0
Dibromochloromethane	80 (a)	0.5
Dichloroethane, 1,1-	2.4 (c)	0.5
Dichloroethane, 1,2-	5 (a)	0.5
Dichloroethene, 1,1-	7 (a)	5.0
Dichloromethane	5 (a)	0.5
Dichloropropane, 1,2-	5 (a)	0.5
Dichloropropene, cis-1,3-	0.47 (c)	0.5
Dichloropropene, trans-1,3-	--	0.5
Dioxane, 1,4-	0.78 (c)	0.07
Ethylbenzene	700 (a)	5.0
Hexanone, 2-	38 (c)	1.0
Methyl-2-pentanone, 4-	1,200 (c)	1.0
Styrene	100 (a)	0.5
Tetrachloroethane, 1,1,2,2-	70 (b)	0.5
Tetrachloroethylene	5 (a)	0.5
Toluene	1,000 (a)	0.5
Trichloroethane, 1,1,1-	200 (a)	0.5

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Hazardous Constituent	Maximum Concentration Limit (ug/l)	Detection Limit (ug/l)*
Trichloroethene	5 (a)	5.0
Trichloromethane	80 (a)	0.5
Vinyl Acetate	410 (c)	5.0
Vinyl Chloride	2 (a)	0.5
Xylenes, total	10,000 (a)	2.0

* The Detection Limit is based on the lowest achievable practical quantitation limit available from the lower of Method Detection Limits (MDLs) contained in the latest version of the EPA publication, Test Methods for Evaluating Solid Waste-Physical/Chemical Methods (SW-846) or method specific detection limits routinely achieved by the Permittee's contract laboratory.

(a) Denotes limits derived from 40 CFR 264.94 Table 1 - Maximum Concentration of Constituents for Groundwater Protection.

(b) Denotes limits derived from Missouri Water Quality Standards (10 CSR 20-7.031, dated January 29, 2014) for protection of groundwater.

(c) Denotes limits derived from risk-based concentration values for tap water as contained in the EPA Region 3 Regional Screening Level Tables, dated May 2014.

B. Point of Compliance [40 CFR 264.95]

The point of compliance is defined as a vertical surface located at the hydraulically downgradient limit of the waste management area that extends perpendicularly downward into the uppermost aquifer underlying the regulated units. For the purposes of this Permit, the waste management area is described by an imaginary line circumscribing the Former Land Disposal Unit. Groundwater contamination at and beyond the point of compliance that exceeds the GPS MCLs shall be subject to corrective action pursuant to 40 CFR 264.100. The piezometer monitoring the downgradient edge of the point of compliance for the facility is P-2, as shown on Figure 2.

Should the Permittee's ongoing site investigation reveal that the above sampling points do not adequately monitor groundwater at and beyond the point of compliance, the Permittee shall propose a permit modification to install or establish new compliance monitoring points and/or exclude existing compliance monitoring points, in accordance with 40 CFR 270.42.

C. Compliance Period [40 CFR 264.96]

The compliance period for the Former Land Disposal Unit shall be equal to the active life of the Former Land Disposal Unit, which is 24 years. The compliance

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period began September 28, 1998 and shall last until September 28, 2022. If the GPS MCLs are being exceeded at the end of the compliance period at or beyond the point of compliance, the Permittee's groundwater corrective action program shall continue until the Permittee demonstrates that these limits have not been exceeded at and beyond the point of compliance for a period of three consecutive years.

D. General Groundwater Monitoring Requirements [40 CFR 264.97].

The Permittee shall comply with applicable sections of 40 CFR 264.97 for corrective action monitoring programs, as specified in 40 CFR 264.100 and the following additional requirements.

1. Historical groundwater monitoring results for the facility has indicated groundwater contamination beyond the facility property boundary directly north of the facility. The Permittee has previously attempted to gain access to adjacent property to the north of the facility for the purpose of investigating the extent of off-site groundwater contamination related to releases to groundwater. Access to this property has historically been denied by the landowner. As a result, the full extent of groundwater contamination related to releases to groundwater at the facility has not been determined and is not currently monitored. Therefore, the Permittee shall:

   a. Provide to the Department, by January 31 of each calendar year for the preceding calendar year, documentation indicating the current landowner of the property located north of the facility. Within 90 calendar days of the date the Permittee becomes aware of any change in ownership of the subject property, the Permittee shall make an additional attempt using "best efforts" to gain access to the property located north of the facility for the purpose of performing investigations to determine the full extent of groundwater contamination and perform continued groundwater monitoring.

      "Best efforts" shall include a letter sent by certified and regular mail from the Permittee to the owner of the property requesting an access agreement to allow the Permittee and the Department, including their authorized representatives, access to the property to conduct the activities required under this Permit. The right of

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access shall be required to continue until such time as the requirements of this Permit have been satisfied.

"Best efforts" of the Permittee shall also include an attempt of payment by the Permittee of reasonable compensation in consideration for receipt of an access agreement.

b. If an access agreement can be obtained, provide a copy of the executed access agreement to the Department within 180 calendar days of the date that the Permittee becomes aware of the change in ownership or within 30 calendar days of execution of the access agreement, whichever is sooner.

c. If an access agreement can be obtained, submit to the Department, within 120 calendar days of execution of the access agreement, a work plan for the installation of a monitoring well(s) to determine the full extent of groundwater contamination related to releases from the regulated unit. This work plan will be reviewed in accordance with the procedures set forth in Corrective Action Condition XXIV. of this Permit. The Permittee shall initiate implementation of the work plan within 60 days of receipt of Departmental approval and shall complete implementation in accordance with the schedule contained in the work plan.

d. In the event that the Permittee's "best efforts" fail to result in an executed access agreement, provide to the Department in writing, within 180 calendar days of the date that the Permittee becomes aware of the change in ownership or within 30 calendar days of access denial, whichever is sooner, a description of and documentation concerning the Permittee's efforts to obtain access. The Permittee's documentation shall include a copy of the letter sent by certified and regular mail and any offer(s) of compensation pursuant to Corrective Action Condition III.D.1.a. of this Permit. The Permittee shall also submit a copy of the landowner's response, if any, to the certified letter and/or the offer(s) of compensation.

2. If applicable, the Permittee shall revise and resubmit a revised Groundwater Sampling and Analysis Plan (SAP) to the Department for review and approval within 60 calendar days of the effective date of this

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Permit to reflect any revised and additional requirements contained in this Permit if those requirements are not already addressed in the most current version of the approved SAP. All SAP procedures and techniques used in groundwater sampling, sampling frequency, analysis, and measurement of groundwater-related parameters shall be designed to meet the requirements of 40 CFR Part 264 Subpart F, as incorporated by reference in 10 CSR 25-7.264(1) and modified in10 CSR 25-7.264(2)(F), and this Permit. The Permittee's sampling, analysis, and measurement protocols shall ensure the representative nature of all analysis and measurement results. The Department shall review and approve the SAP according to the procedures described in Corrective Action Condition XXIV. of this Permit.

3. The Permittee shall retain a copy of the most current version of the approved groundwater SAP with the local facility representative and/or at the facility and comply with the sampling and analysis procedures. The groundwater SAP shall describe sample collection, preservation, and shipment methodology; chain-of-custody procedures; and analytical methodology for field samples, trip blanks, and other quality control samples.

4. The Permittee's groundwater monitoring systems shall be designed, installed, operated, and maintained during the compliance period in a manner that ensures:

   a. Detection and/or delineation of the horizontal and vertical extent of groundwater contamination at and beyond the point of compliance, including beyond the facility property boundary;

   b. Determination of representative concentrations of hazardous constituents and contaminant plume indicator parameters in the groundwater, and

   c. Determination of the effectiveness of any groundwater corrective action activities in terms of contaminant removal, destruction, and/or containment (plume stability).

5. The number, location, and depth of the Permittee's monitoring wells shall be sufficient to define the horizontal and vertical extent of groundwater contamination beneath the Permittee's property and beyond the facility

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property boundary. If, at any time during the compliance period, including any necessary extensions, the Permittee or the Department determines that the existing monitoring system fails to define the horizontal and vertical extent of groundwater contamination, the Permittee shall submit, within 30 calendar days of such determination by the Permittee or written notification by the Department, a proposal for the installation of additional monitoring wells to define such extent.

At such time as the Department determines that the Permittee has adequately redefined the horizontal and/or vertical extent of groundwater contamination, the wells defining such extent shall be incorporated into and designated for continued monitoring in the Permittee's SAP. The Department shall notify the Permittee in writing regarding this determination. Within 30 calendar days of receipt of this notification, the Permittee shall submit appropriate SAP revisions to the Department for approval.

6. Any new groundwater monitoring well(s) installed by the Permittee to meet the requirements of this Permit shall be designed and constructed according to the requirements of 40 CFR 264.97, applicable portions of the Missouri Well Construction Rules 10 CSR 23-1 through 10 CSR 23-4 (Monitoring Well Construction Code) and/or well-specific plans and specifications approved by the Department.

   The Permittee shall submit to the Department, a copy of the well certification report form and the resulting certification acceptance required by 10 CSR 23-4.020 for any new monitoring wells installed pursuant to this Permit. This information shall be reported as part of the Annual Groundwater Corrective Action Report, described in Corrective Action Condition XIX. of this Permit.

7. Plugging and abandonment of any groundwater monitoring well(s) operated by the Permittee pursuant to the requirements of this Permit shall meet the requirements of 10 CSR 23-4.080.

   a. The Permittee shall submit to the Department's Hazardous Waste Program, a copy of the well registration report form and resulting registration acceptance required by 10 CSR 23-4.080, for any monitoring wells abandoned and plugged pursuant to this Permit.

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This information shall be reported as part of the Annual Groundwater Corrective Action Report, described in Corrective Action Condition XIX. of this Permit.

b. At such time as the Permittee's well registration has been accepted by the Department's Missouri Geological Survey (MGS), the plugged wells shall be removed from the Permittee's SAP. Within 30 calendar days of MGS' registration acceptance, the Permittee shall submit appropriate SAP revisions to the Department's Hazardous Waste Program.

8. A Class 2 Permit Modification is required for any change in the number, location, depth, or design of upgradient or downgradient wells of the facility groundwater monitoring system, in accordance with 40 CFR 270.42. Replacement of any well without changing the location, depth, or design of that well shall require a Class 1 Permit Modification without prior Director approval, in accordance with 40 CFR 270.42. The Permittee may elect to submit an annual permit modification request to address these changes collectively in lieu of a modification for each individual change.

9. The Permittee shall contact the Department at least seven calendar days before conducting any field work associated with the construction or modification of the groundwater monitoring system required by this Permit. The Department shall then have the option of observing any part of the system's construction or modification. This notification requirement applies to major work such as new wells, retrofitting of existing wells, or abandonment of wells. It does not apply to minor repairs, minor maintenance, or other minor changes.

10. A monitoring well inspection and maintenance program shall be implemented for the duration of the compliance period including any necessary extensions. This program shall be designed to ensure the structural integrity of all monitoring well installations during the compliance period. The Permittee's revised SAP shall address the details of this program according to the following requirements.

a. Surface well integrity inspections shall be performed at the time of each sampling event and shall be documented on a well inspection log sheet. Surface integrity evaluations for each monitoring well

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shall include a visual inspection of the outer protective casing, inner casing riser, surface well seal, well cap, and locking mechanism, to document any damage or deterioration. The ground surface in the immediate vicinity of each monitoring well and the annular space between the outer protective casing and casing riser shall be inspected for visible anomalies (e.g., collection or ponding of water, ground subsidence, etc.).

b. Subsurface well integrity inspections shall be performed annually on all wells, according to the provisions contained in the Permittee's SAP, and shall be documented on a well inspection log sheet. Subsurface well integrity inspections may consist of a combination of elements, including total well depth measurements, groundwater turbidity measurements, in-situ hydraulic conductivity tests, casing caliper logs, down-hole television camera surveys, and/or other methods capable of verifying the subsurface integrity of the well casing and screen.

c. Wellbore siltation evaluations shall be conducted annually on all monitoring wells. The Permittee's SAP shall specify performance standards for this evaluation to assess down-well siltation and well screen occlusion in all monitoring wells. This evaluation shall be designed to ensure the representative nature of the Permittee's groundwater sample analysis and field measurement results through minimization of sampling and measurement interferences (e.g., turbidity, excessive well screen occlusion, etc.).

The Permittee's SAP shall specify a well redevelopment trigger criterion based on a percentage of well screen occlusion and the potential of such occlusion to compromise the representative nature of the Permittee's groundwater sample analysis and field measurement results. Wells demonstrating well screen occlusion equal to or in excess of the selected criterion shall be redeveloped before the next regularly scheduled sampling event.

d. The Permittee shall perform well-specific surface and subsurface integrity inspections within seven calendar days following any naturally-occurring (contact of wells by flood waters, tornado, etc.) or man-made event (vehicular contact, vandalism, etc.) that has the potential to compromise the structural integrity of the well.

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e. Monitoring well repairs shall be started within 60 calendar days of identifying any surface or subsurface well integrity problem(s). If adverse weather or site conditions preclude the Permittee from gaining access to and/or repairing flood-impacted monitoring wells within 60 calendar days, then the Permittee shall take appropriate action as soon as possible. A written justification for any delay, completed well inspection log sheets, a narrative description of any well repairs, and before and after repair photographic documentation (in the case of visible surface well repairs) shall be provided to the Department as part of the Annual Groundwater Corrective Action Report, as described in Corrective Action Condition XIX. of this Permit.

E. Corrective Action Program [40 CFR 264.100].

The Former Land Disposal Unit is subject to the corrective action program requirements of 40 CFR 264.100, as incorporated by reference in 10 CSR 25-7.264(1), and this Permit, until such time as the corrective action requirements contained in 40 CFR Part 264 Subpart F, as incorporated by reference in 10 CSR 25-7.264(1), and this Permit have been satisfied.

1. The Permittee's corrective action program for the Former Land Disposal Unit shall consist of groundwater and surface water monitoring according to Corrective Action Conditions III. and IV. of this Permit, and any further site investigation, evaluation, and/or implementation of remedial alternatives necessary to address sitewide groundwater contamination, according to Corrective Action Conditions IX. through XIII. of this Permit. The corrective action program shall address any groundwater contamination that has migrated off-site. The corrective action program is based on:

a. The inability to differentiate groundwater contamination related to releases from the Former Land Disposal Unit versus that potentially related to nearby SWMUs and AOCs, which are subject to corrective action according to 40 CFR 264.101.

b. The need for an ongoing understanding of the extent and stability of the groundwater contamination and potential contaminant receptors in support of any future decisions regarding the need for

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further site characterization, evaluation/implementation of additional remedial alternatives for groundwater, and/or completion of corrective action activities.

c. The desirability of implementing a holistic, sitewide approach to groundwater investigation, monitoring, and remediation given the foregoing circumstances.

2. The Permittee shall perform groundwater sampling and analysis and field measurement of groundwater-related parameters to monitor releases at the facility according to the schedule presented in Table 2.

a. Sampling and analysis shall be performed according to the most current version of the approved SAP.

b. Sampling and analysis of groundwater from any newly installed wells required by 40 CFR Part 264 Subpart F or this Permit shall be performed no later than the next regularly scheduled sampling event following their installation.

c. Wells monitored to ensure adequate delineation of the horizontal and vertical extent of groundwater contamination (hereafter referred to as perimeter wells) shall be sampled and the samples analyzed semi-annually, according to Table 2.

d. Specific perimeter wells to be monitored shall also be specified in the Permittee's approved SAP required by Corrective Action Condition III.D.2. of this Permit.

e. Installation of additional perimeter wells during the compliance period, including any extensions, may be necessary to meet the requirements of 40 CFR Part 264 Subpart F, as incorporated by reference in 10 CSR 25-7.264(1), and this Permit. If any such wells are installed, they may be subject to the monitoring requirements contained in Table 2. The addition of new perimeter wells is subject to the permit modification procedures outlined in Corrective Action Condition III.D.8. of this Permit.

f. Any future changes to the list of perimeter wells established in the Permittee's SAP shall be approved, in writing, by the Department.

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Within 30 calendar days of receipt of the Department's approval, the Permittee shall submit additional SAP revisions to incorporate the approved changes.

3. Wells monitored to assess the effectiveness of the Permittee's corrective action program (hereafter referred to as effectiveness wells) shall be sampled and the samples analyzed annually, according to Table 2.

   a. Specific effectiveness wells to be monitored shall be specified in the Permittee's SAP required by Corrective Action Condition III.D.2. of this Permit.

   b. Installation of additional effectiveness wells during the compliance period, including any extensions, may be necessary to meet the requirements of 40 CFR Part 264 Subpart F, as incorporated by reference in 10 CSR 25-7.264(1), and this Permit. If any such wells are installed, they may be subject to the monitoring requirements contained in Table 2. The addition of new effectiveness wells is subject to the permit modification procedures outlined in Corrective Action Condition III.D.8. of this Permit.

   c. Any future changes to the list of effectiveness wells established in the Permittee's SAP shall be approved, in writing, by the Department. Within 30 calendar days of receipt of the Department's approval, the Permittee shall submit additional SAP revisions to incorporate the approved changes.

4. Only single sample analyses (as opposed to replicates) are required for the parameters listed in Table 2, with the exception of duplicate samples taken for Quality Assurance (QA)/Quality Control (QC) purposes.

5. Field parameter values measured and reported by the Permittee shall be representative of stabilized well conditions.

   a. Down-well measurement of static water level and total well depth shall be taken before well purging.

   b. Specific conductance, pH, and temperature measurements reported to the Department shall be those taken immediately following

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adequate well purging. Additional field parameter measurements, such as those taken to verify the adequacy of well purging, shall be recorded in the field logbook.

6. Within one year before the fifth and tenth years of this Permit, the Permittee shall sample and analyze groundwater from one historically contaminated downgradient well for all parameters contained in Appendix IX of 40 CFR Part 264, as specified in Table 2.

   a. The well sampled to meet this requirement is left to the discretion of the Permittee; however, the chosen well shall be one that has consistently contained high concentrations of dissolved phase contaminants in the past.

   b. This sampling and analysis is required to determine if additional hazardous constituents (40 CFR Part 261, Appendix VIII.) or contamination indicator parameters are present in the groundwater that may be attributable to a release(s) at the facility or degradation of currently known hazardous constituents.

   c. If hazardous constituents and/or contamination indicator parameters are identified in the groundwater which are not currently specified in the GPS, the Permittee may resample the groundwater, according to 40 CFR 264.99(g). If the Permittee's subsequent groundwater analyses confirm the presence of additional hazardous constituents or contamination indicator parameters, then the Permittee shall propose a Class 1 Permit Modification with prior Director's approval, in accordance with 40 CFR 270.42, to add the confirmed hazardous constituent(s) or contamination indicator parameter(s) to the GPS specified in Table 1 and the monitoring program schedule specified in Table 2.

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Table 2 - Groundwater Monitoring, Sampling, Analysis, and Parameter Measurement Schedule

Parameters	Type*	Detection Limit (ug/l)	Frequency
Appendix IX (1)	HC	PQLs per SW-846	Every five years
1,4-Dioxane (2)	HC	Per Table 1	Every five years
NAPL Thickness (3)	FM	Not Applicable	Every five years
pH	FM/IN	Not Applicable	Semi-annually
Specific Conductance	FM/IN	Not Applicable	Semi-annually
Static Groundwater Elevation (4)	FM	Not Applicable	Semi-annually
Temperature	FM	Not Applicable	Semi-annually
Total Well Depth	FM	Not Applicable	Annually
Volatiles (5)	HC	Per Table 1	**(see note)

* HC = Hazardous Constituent, FM = Field Measurement, IN = Indicator.

** Volatiles analysis annually for sampling locations MW-10, MW-11A, MW-12, S-1, S-2, and trench sump and semi-annually for monitoring wells MW-9 and MW-13B.

(1) Appendix IX. (40 CFR 264) on sample collected from one well only. The well sampled to meet this requirement is left to the discretion of the Permittee; however, the chosen well shall be one that has consistently contained high concentrations of dissolved phase contaminants in the past.

(2) The contract laboratory method for 1,4-dioxane analysis should have a MDL that is low enough to determine if the maximum concentration limit in Table 1 is being exceeded or, in the alternative, the lowest MDL that the method/instruments can achieve.

(3) Field measurements for Non-Aqueous Phase Liquids (NAPL) once every five years, during the Appendix IX sampling.

(4) Potentiometric measurements shall be obtained at the time of each regularly scheduled sampling event from each sampled well and from piezometers P-2, P-4, P-8, P-9, and P-10. Elevation shall be to the nearest 0.01 foot.

(5) EPA SW-846 Method 8260 or equivalent.

IV. Surface Water Monitoring [10 CSR 25-7.264(2)(F)4.]

A. If applicable, the Permittee shall submit to the Department for approval within 60 calendar days of the effective date of this Permit, revisions to the surface water monitoring program to reflect any modifications contained in this Permit and the requirements of 10 CSR 25-7.264(2)(F)4, if those requirements are not already addressed in the most current version of the approved SAP. Surface water monitoring shall continue throughout the post-closure care period of the Former Land Disposal Unit, including any extensions, or until such time as the Permittee makes a successful demonstration for exemption from these requirements. Compliance with this monitoring program is for the purposes of this Permit only and does not relieve the Permittee of the obligation to comply with any other

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federal, state, or local water monitoring requirements. The Permittee's surface water monitoring program shall be performed as described in the approved permit application, this Permit, and the most current version of the approved SAP.

1. The Permittee's surface water monitoring program shall be incorporated directly into, and be submitted as part of, the groundwater SAP required by Corrective Action Condition III.D.2. of this Permit.

2. The Permittee's surface water sampling locations shall be sufficient to yield representative data on background and downgradient surface water quality and shall be depicted in the SAP. Sampling and analysis methods for hazardous constituents shall be consistent with those specified in Tables 1 and 2 of this Permit.

3. After Department approval of the surface water monitoring program, the Permittee shall perform surface water sampling and analysis on a schedule consistent with the approved SAP and the Permittee's Missouri State Operating Permit.

4. Reporting and analysis of data and information collected as part of the surface water monitoring program shall be sufficient to ensure that the requirements of 10 CSR 25-7.264(2)(F)4. are met, and shall be included as part of the Annual Groundwater Corrective Action Report, as defined in Corrective Action Condition XIX. of this Permit. In addition to other reporting requirements for the surface water monitoring program, the Permittee shall include with the Annual Groundwater Corrective Action Report a discussion of any exceedances of the effluent limits in the Missouri State Operating Permit.

B. The Permittee may, at any time during the post-closure care period of the Former Land Disposal Unit, including any extensions, make a demonstration to the Department for a surface water monitoring exemption. A successful demonstration for such an exemption shall, at a minimum, address the elements of 10 CSR 25-7.264(2)(F)4.A. and 40 CFR 264.94(b). This demonstration shall be certified by a geologist or professional engineer registered in Missouri.

C. Department approval of the Permittee's surface water monitoring exemption shall necessitate a permit modification, according to 40 CFR 270.42. In addition, any exemption shall not affect any obligation on the part of the Permittee to apply for

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and obtain a Missouri State Operating Permit from the Department's Clean Water Commission and Water Protection Program for discharges to waters of the State.

V. Identification of SWMUs and AOCs [40 CFR 264.101]

A. EPA completed a RCRA Facility Assessment (RFA) to identify and gather information on releases or potential releases from SWMUs and AOCs at the facility, including the Former Land Disposal Unit and those which appeared to require further investigation. The final RFA report, dated September 27, 1991, identified three SWMUs and three AOCs, in addition to the Former Land Disposal Unit. The RFA identified one AOC, the Sanitary Waste Water Treatment System and Drain Pipe, requiring further investigation and/or remediation.

1. Unit No. 1 – A satellite accumulation area consisting of one drum of spent 1,1,1-TCA.

2. Unit No. 2 – A container storage area located in the northeast corner of MPM's east storage building.

3. Unit No. 3 – A drum storage area located south of the east storage building containing drums of soil cuttings and well development water.

4. Unit No. 4 - A regulated unit located on the north and east sides of MPM's main building.

5. AOC A – A stained, stressed area located east of the facility building, coinciding with an access door to the oven.

6. AOC B – Shipping and Tumbling rooms, located inside the main building on the northern side, the manufactured parts are impregnated with oil in this area.

7. AOC C – Septic Tank, associated piping, its connections and perforated drains.

In addition to the original four SWMUs and three AOCs identified in the 1991 RFA, nine additional SWMUs were subsequently identified by the Permittee in the Missouri Hazardous Waste Management Facility (MHWMF) Part I Permit Application, dated March 1994. The general locations of the individual SWMUs

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are illustrated in Figure 3. Based on ground water/soil investigations and remediation completed subsequent to the final 1991 RFA, no further corrective action is required at this time for any SWMU or AOC other than the Former Land Disposal Unit (SWMU 1). A memorandum, dated July 23, 1998, provides a detailed discussion of past investigations/remediation and the rationale for no further corrective action for these SWMUs and AOCs.

The SWMUs identified at the facility during the RFA are as follows:

1. SWMU 1 – Regulated Hazardous Waste Land Disposal Unit: This unit was identified as Unit No. 4 in the 1991 RFA report. According to the facility's permit application, dated March 1994, the waste disposed of on the ground probably contained spent 1,1,1-TCA and waste oil.

2. SWMU 2 – Septic System: The system consisted of two 1200-gallon underground steel tanks and the associated piping. The tanks were accessed through a concrete lid located above each tank. The system was operated from 1973 to 1993.

3. SWMU 3 – Sewer Line and Lift Station: Between January and July of 1993, the city of Sedalia installed a sewer line and lift station to manage sanitary wastes from the restroom. The clay pipe sewer line runs east to west in a city right-of-way along the facility's northern property boundary, and north to south in a city right-of-way along the western property boundary.

4. SWMU 4 – Soil Pile: The city's contractor created the soil pile in January 1993, during the construction of the sewer line and lift station. Sampling of the soil pile on April 7 and 8, 1993, indicated the presence of 1,1,1-TCA in the soil.

5. SWMU 5 – Ultrasonic Cleaner Satellite Accumulation Area: Spent 1,1,1-TCA and waste filters were stored in the satellite accumulation area.

6. SWMU 6 – Impregnator Satellite Accumulation Area: The area managed waste oil generated during use of the impregnator.

7. SWMU 7 – Current Drum Storage Area (DSA): Waste oil, 1,1,1-TCA, and waste filters were stored in the drum storage area.

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8. SWMU 8 – Former Drum Storage Area: From mid 1980s to the summer of 1993, the area was used to store an unknown quantity of waste oil, spent 1,1,1-TCA, and waste filters.

9. SWMU 9 – Former Open Burn Area: This area was in operation from 1973 to 1991. The facility burned fiber drums, cardboard, and scrap wood in the open burn area.

10. SWMU 10 – Trash Burner: The trash burner was identified as an illegal incinerator. The unit was in operation from October 1991 to September 1992. The unit was clean closed on July 23, 1998, in accordance with the Department's approved closure plan.

11. SWMU 11 – Dumpster: From 1973 to the early 1980s the facility used several 55-gallon drums located throughout the main building to collect trash.

12. SWMU 12 – Former Container Storage Area for Water: The unit was in operation from January 1993 to May 1993. This former container storage area was used to store water that was potentially contaminated with 1,1,1-TCA.

13. SWMU 13 – Former Container Storage Area for Soil Cuttings and Groundwater: The unit was in operation between October 1989 and April 1992.

B. The information regarding the known SWMUs and AOCs is based on available information at the time of issuance of this Permit. In the event new information becomes available indicating that human health or the environment may be adversely impacted, the Permittee may be required to conduct additional investigations and evaluations, as necessary, to determine the need for additional corrective action for the previously-identified SWMUs and AOCs or any newly-identified SWMUs and AOCs, including off-site release(s), as specified in Corrective Action Conditions VI. and VII. of this Permit.

C. The Permittee shall conduct additional investigation(s) and/or take corrective action as deemed appropriate by the Department for the previously-identified SWMUs and AOCs or any newly-identified SWMUs and AOCs, including off-site release(s), demonstrating releases of hazardous waste or hazardous constituents to soil, surface water, sediment, groundwater, and/or air in excess of

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applicable regulatory thresholds, as specified in Corrective Action Conditions VI. and VII. of this Permit. Any off-site releases of surface water, sediment, or groundwater shall be addressed to the extent that these media are impacted by contamination originating from SWMUs and AOCs at the facility.

VI. Notification Requirements for, and Assessment of, Newly-Identified SWMUs and AOCs

A. The Permittee shall notify the Department and EPA, in writing, no later than 15 calendar days after discovery (e.g., visual observations, laboratory test results, or information not previously available) or after discovery should have been made, of any new SWMU(s) or AOC(s) identified after the issuance of this Permit.

B. The Department may require the Permittee to conduct an investigation of any newly-identified SWMU(s) or AOC(s). The Department shall notify the Permittee, in writing, of this decision. Within 30 calendar days after receipt of the Department's request to conduct an investigation, the Permittee shall prepare and submit a SWMU/AOC Assessment Work Plan to the Department and EPA for review and approval. The SWMU/AOC Assessment Work Plan shall include, but not be limited to, the following:

1. A discussion of past hazardous wastes management practices related to the unit(s);

2. A detailed investigation approach for surface and subsurface soils, surface water, groundwater, and air as necessary to:

a. Determine if a release of hazardous wastes or hazardous constituents has occurred or is occurring at the unit(s);

b. Yield reliable, representative samples and results;

c. Determine impacts or potential impacts to human health and the environment; and

d. Sufficiently assess all hazardous wastes and hazardous constituents related to the unit(s).

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3. A proposed schedule for implementing the SWMU/AOC Assessment Work Plan, which is predicated on the date of Departmental approval of the plan; and

4. Identification of all data to be collected necessary to provide for a complete SWMU/AOC Assessment Report, as specified below.

C. The Department shall review and approve the SWMU/AOC Assessment Work Plan according to the procedures described in Corrective Action Condition XXIV. of this Permit. The Permittee shall complete all activities described in the SWMU/AOC Assessment Work Plan according to the schedule contained in the approved plan.

D. The Permittee shall submit a SWMU/AOC Assessment Report to the Department and EPA according to the schedule specified in the approved SWMU/AOC Assessment Work Plan. The SWMU/AOC Assessment Report shall present and discuss the information obtained under the approved SWMU/AOC Assessment Work Plan. At a minimum, the SWMU/AOC Assessment Report shall provide the following information for each newly-identified SWMU or AOC:

1. The location of the newly-identified SWMU or AOC in relation to other SWMU(s) and AOC(s);

2. The type and function of the SWMU or AOC;

3. The general dimensions, capacities, and structural description of the SWMU or AOC;

4. The period during which the SWMU or AOC was operated;

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

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 or AOC;

9. Amounts of waste handled;

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10. Drainage areas and/or drainage patterns near the SWMU or AOC; and

11. A recommendation as to whether further action is necessary and justification for the recommendation. If further action is recommended, the SWMU/AOC Assessment Report shall include a proposal for additional investigation or corrective action, as appropriate.

E. The Department shall review and approve the SWMU/AOC Assessment Report according to the procedures described in Corrective Action Condition XXIV. of this Permit. Based on the findings of this report and any other available information, the Department shall determine the need for additional investigation, including interim/stabilization measures 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 according to the applicable Corrective Action Conditions of this Permit. The Department shall review and approve any such work plan according to the procedures described in Corrective Action Condition XXIV. of this Permit. The Permittee shall complete all activities described in the work plan according to the schedule contained in the approved plan.

VII. Notification Requirements for, and Assessment of, Newly-Identified Releases from Previously-Identified SWMUs and AOCs

A. The Permittee shall notify the Department and EPA, in writing, no later than 15 calendar days after discovery or after discovery should have been made, of any newly-identified release(s) of hazardous wastes or hazardous constituents from any previously-identified SWMU(s) or AOC(s) at the facility, discovered during the course of groundwater monitoring, field investigation, environmental auditing, or other activities undertaken after issuance of this Permit. The Department may examine the Facility's inspection records to determine if the Permittee should have known such a release has occurred.

B. The Department may require the Permittee to conduct an investigation of the newly-identified release(s). The Department shall notify the Permittee, in writing, of this decision. Within 30 calendar days after receipt of the Department's request to conduct an investigation, the Permittee shall prepare and submit a

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Newly-Identified Release Work Plan to the Department and EPA for review and approval. The Newly-Identified Release Work Plan shall include, but not be limited to, the following:

1. A discussion of the hazardous waste/chemical management practices related to the release(s);

2. A detailed investigation approach for groundwater, land surface and subsurface soils, surface water, and air as necessary to:

   a. Define the extent of the release area(s);

   b. Yield reliable, representative samples and results;

   c. Determine impacts or potential impacts to human health and the environment; and

   d. Sufficiently assess all hazardous wastes and hazardous constituents related to the release(s).

3. A proposed schedule for implementing the Newly-Identified Release Work Plan, which is predicated on the date of Departmental approval of the plan; and

4. Identification of all data to be collected necessary to provide for a complete Newly-Identified Release Report, as specified below.

C. The Department shall review and approve the Newly-Identified Release Work Plan according to the procedures described in Corrective Action Condition XXIV. of this Permit. The Permittee shall complete all activities described in the Newly-Identified Release Work Plan according to the schedule contained in the approved plan.

D. The Permittee shall submit a Newly-Identified Release Report to the Department and EPA according to the schedule specified in the approved Newly-Identified Release Work Plan. The Newly-Identified Release Report shall present and discuss the information obtained under the approved Newly-Identified Release Work Plan. At a minimum, the report shall provide the following information for each newly-identified release:

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

2. The general dimensions of the release;

3. The period during which the release is suspected to have occurred;

4. The physical and chemical properties of all wastes that have been determined to comprise the release;

5. The results of any sampling and analysis conducted;

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

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

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

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

10. A recommendation as to whether further action is necessary and justification for the recommendation. If further action is recommended, the Newly-Identified Release Report shall include a proposal for additional investigation or corrective action, as appropriate.

E. The Department shall review and approve the Newly-Identified Release Report according to the procedures described in Corrective Action Condition XXIV. of this Permit. Based on the findings of the report and any other available information, the Department shall determine the need for additional investigation, including stabilization measures or an RFI, at specific releases(s) identified in the Newly-Identified Release Report.

VIII. Interim/Stabilization Measures (ISMs)

A. The Permittee shall notify the Department and EPA within 24 hours after becoming aware, or should have become aware, of a situation that may require ISMs to protect human health or the environment. The Department may examine

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the Facility's inspection records to determine if the Permittee should have known that ISMs might be required and notification should have occurred.

1. If, during the course of any activities initiated under this Permit, the Permittee or the Department determines that a release or potential release of hazardous wastes or hazardous constituents poses a threat to human health or the environment, the Department may require ISMs to slow or stop the further spread of contamination until final corrective action measures are implemented. The Department shall determine the specific action(s) that shall be taken to implement stabilization measures, including potential permit modifications, and the schedule for implementing the ISMs. The Department shall notify the Permittee, in writing, of decisions regarding the action(s). This requirement shall not preclude the Permittee from responding to an emergency situation without direction from the Department.

2. The Permittee shall notify the Department and EPA, in writing, no later than ten calendar days after determining or after a determination should have been made, that the ISMs are not effectively limiting or stopping the further spread of contamination. The Department may require the ISMs be revised to make them effective in limiting or stopping the spread of contamination, or that final corrective action measures are required to remediate the contaminated media.

3. In cases where releases or potential releases present minimal exposure concerns and/or the remedial solution is relatively uncomplicated, the Permittee may propose ISMs to the Department for review and approval. These ISMs shall be consistent with and may supplement or satisfy the requirements for a final remedy(s) in specific areas. Proposed ISMs that are determined by the Department to be significant (e.g., those which are anticipated to make up a substantial part of the final remedy) may be subject to public review and comment before final approval by the Department. Proposed ISMs that are determined by the Department not to be significant will be reviewed and approved according to the procedures described in Corrective Action Condition XXIV. of this Permit.

IX. <u>RCRA Facility Investigation (RFI) Work Plan</u>

A. If the Department determines that additional investigations are needed, the Department may require the Permittee to conduct an RFI. The Department shall

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notify the Permittee, in writing, of this decision. Within 60 calendar days after receipt of the Department's request to conduct an RFI, the Permittee shall prepare and submit an RFI Work Plan to the Department and EPA for review and approval.

B. The RFI Work Plan shall be designed to investigate releases of hazardous wastes and hazardous constituents to all appropriate media of concern including surface and subsurface soils, surface water, sediment, groundwater, and air, as necessary. In order to substantiate future corrective action decisions, the RFI Work Plan shall contain provisions that are sufficient to meet the following objectives and a proposed schedule for implementing the RFI Work Plan, which is predicated on the date of Departmental approval of the plan:

1. Full characterization of the nature, vertical and horizontal extent, and rate of migration of releases of hazardous wastes and hazardous constituents from SWMUs and AOCs, or groups of SWMUs and AOCs, or newly-identified release(s) at the facility and the actual or potential receptors of such releases; and

2. Collection of any other pertinent data that may be utilized to substantiate future corrective action decisions.

C. The RFI Work Plan shall be appropriate for site-specific conditions and shall be consistent with and address all applicable investigation elements described in the EPA document entitled, RCRA Facility Investigation (RFI) Guidance, EPA 530/SW-89-031, May 1989, or the most recent version. At a minimum, the RFI Work Plan shall detail all proposed activities and procedures to be conducted at the facility, including, but not limited to, the following:

1. A description of current conditions;

2. The schedule for implementing and completing such investigations and for submission of reports (including the RFI Report);

3. The qualifications of personnel performing or directing the investigations, including contractor personnel; and

4. The overall management of the RFI activities.

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D. 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, at a minimum, the RFI objectives, sampling procedures, analytical methods, field and laboratory quality control samples, chain-of-custody procedures, and data review, validation, and reporting procedures. The Permittee shall follow the EPA document entitled, EPA Requirements for Quality Assurance Project Plans, EPA QA/R-5, March 2001, (reissued May 2006) or the most recent version.

E. 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.

F. The Department shall review and approve the RFI Work Plan(s) according to the procedures described in Corrective Action Condition XXIV. of this Permit. The Permittee shall complete all activities described in the RFI Work Plan(s) according to the schedules contained in the approved plan(s).

X. RCRA Facility Investigation (RFI) Report

A. The Permittee shall submit an RFI Report to the Department and EPA that summarizes all work completed according to the approved RFI Work Plan, as requested in accordance with Corrective Action Condition IX. of this Permit.

B. The RFI Report shall present all information obtained under the approved RFI Work Plan along with a brief facility description and map showing the property boundary and all SWMUs and/or AOCs. The RFI Report shall contain adequate information to support additional corrective action decisions at the facility. Information contained in the RFI Report shall be presented in a format that is consistent with Section 5 of the EPA document entitled, RCRA Facility Investigation (RFI) Guidance, EPA 530/SW-89-031, May 1989, or the most recent version.

C. The RFI Report shall provide an interpretation of the RFI information gathered, supported with adequate documentation, to enable the Department to determine whether additional stabilization measures or a Corrective Measures Study (CMS) may be necessary. The RFI Report shall describe the procedures, methods, and results of all investigations of SWMUs and/or AOCs and associated releases, including, but not limited to, the following, as appropriate:

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1. Characterization of the nature, concentration(s), horizontal and vertical extent, and direction/rate of migration of releases from SWMUs and/or 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 and/or 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 and/or AOCs;

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

6. Extrapolations of future contaminant migration 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; and

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10. Evaluation of data quality that may affect the nature and scope of a CMS, as well as the evaluation of corrective measures alternatives thereunder (e.g., identification of any potential bias in the RFI data and documentation of its precision, accuracy, representativeness, completeness, comparability, validation, etc.)

D. The Department shall review and approve the RFI Report according to the procedures described in Corrective Action Condition XXIV. of this Permit. If the Department determines that the objectives of the RFI have not been met, the Department may require additional investigation. Upon approval of the RFI Report, the Department shall notify the Permittee of the next step in the corrective action process, which may include submission of a CMS Work Plan, as described in Corrective Action Condition XI. of this Permit.

XI. Corrective Measures Study (CMS) Work Plan

A. If the Department determines that there has been a release of hazardous waste or hazardous constituents from newly- or previously-identified SWMUs or AOCs that may pose a threat to human health or the environment, the Department may require the Permittee to conduct a CMS. The Department shall notify the Permittee, in writing, of this decision. The notice shall identify the hazardous constituent(s) of concern and may specify remedial alternatives to be evaluated by the Permittee during the CMS.

B. As part of the CMS, the Department may require the Permittee to evaluate one or more specific remedial alternatives for removal, containment, and treatment of hazardous wastes and hazardous constituents in contaminated media based on the objectives established for the corrective action. These remedial alternatives 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. Within 45 calendar days after receipt of the Department's request to conduct a CMS, the Permittee shall prepare and submit a CMS Work Plan to the Department and EPA for review and approval. The CMS Work Plan shall be consistent with the EPA document entitled, RCRA Corrective Action Plan (Final), OSWER Directive 9902.3-2A, May 1994, or the most recent version. At a minimum, the CMS Work Plan shall provide the following information and a proposed schedule for implementing the CMS Work Plan:

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1. A description of the general approach to investigating and evaluating potential remedial alternatives or combinations of alternatives.

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

3. A description of the remedial alternative or combination of alternatives that will be studied.

4. A description of those potential remedial alternatives that were initially considered, but were dropped from further consideration, including the rationale for elimination.

5. The specific plans for evaluating remedial alternatives or combination of alternatives to ensure compliance with applicable remedy selection criteria and cleanup standards.

6. A schedule, which is predicated on the date of Departmental approval of the CMS Work Plan, for conducting the study and submitting a CMS Report.

7. The proposed format for ranking remedial alternatives or combination of alternatives in support of a preferred remedial alternative or combination of alternatives.

8. Identification of laboratory, bench-scale, pilot-scale and/or other appropriate tests or studies that will be used to determine the feasibility or effectiveness of treatment technologies, or other technologies that may be appropriate in implementing remedial alternatives at the facility.

D. The Department shall review and approve the CMS Work Plan according to the procedures described in Corrective Action Condition XXIV. of this Permit. The Permittee shall complete all activities described in the CMS Work Plan according to the schedule contained in the approved plan.

XII. <u>Corrective Measures Study (CMS) Report</u>

A. The Permittee shall submit a CMS Report to the Department and EPA according to the schedule specified in the approved CMS Work Plan described in Corrective Action Condition XI. of this Permit. The CMS Report shall present all information obtained under the approved CMS Work Plan and shall be consistent

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with guidance contained in the EPA document entitled, RCRA Corrective Action Plan (Final), OSWER Directive 9902.3-2A, May 1994, or the most recent version.

B. The CMS Report shall describe and discuss each remedial alternative or combination of alternatives that was evaluated, including any bench-scale or pilot tests conducted. The CMS Report shall include, but not be limited to, the following information:

1. Evaluation of the performance, reliability, ease of implementation, and potential impacts of each remedial alternative or combination of alternatives, including safety impacts, cross media impacts, overall carbon footprint, and control of exposure to any residual contamination;

2. Assessment of the effectiveness of each remedial alternative or combination of alternatives in terms of achieving adequate control of contaminant sources and cleanup of hazardous waste and/or hazardous constituents released from the SWMU(s) and AOC(s);

3. Estimation of the time required to begin and complete implementation of each remedial alternative or combination of alternatives, and an estimate of the time required to meet the proposed remediation objectives contained in the CMS Report;

4. Estimation of the costs to implement, operate, monitor and maintain each remedial alternative or combination of alternatives;

5. Recommendation of a preferred remedial alternative or combination of alternatives, and rationale for the proposed selection; and

6. Assessment of institutional requirements that may be needed (e.g., state or local permits), discussion of other environmental or public health requirements or institutional controls that may substantially affect implementation of the preferred remedial alternative or combination of alternatives (e.g., local ordinances), and a draft of any site-specific institutional controls that are proposed as part of the preferred remedial alternative or combination of alternatives (e.g., a draft environmental covenant containing specific activity and use limitations prepared pursuant to the Missouri Environmental Covenants Act).

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C. The CMS Report shall contain information that is sufficient to facilitate the Department's development of a Statement of Basis in support of the final remedy decision-making process.

D. The Department shall review and approve the CMS Report according to the procedures described in Corrective Action Condition XXIV. of this Permit. Upon approval of the CMS Report, the Department will approve a final remedy as specified in Corrective Action Condition XIII. of this Permit.

XIII. Final Remedy Approval

A. Following the approval of the CMS Report or equivalent, as described in Corrective Action Condition XII. of this Permit, the Department shall prepare a Statement of Basis summarizing the remedial alternatives evaluated by the Permittee and the Department's basis of support for the proposed final remedy.

B. Following the Department's preparation of the Statement of Basis, a permit modification shall be initiated in accordance with 40 CFR 270.41 or 270.42(c), as applicable, to facilitate public review and comment on the Statement of Basis and proposed final remedy, final remedy approval by the Department, and implementation of the approved final remedy by the Permittee. When, and if, required, the Permittee shall provide assurances of financial responsibility for the approved corrective action final remedy pursuant to 40 CFR 264.101(b) and as specified in Corrective Action Condition XXIII. of this Permit.

C. Upon completion of the public participation activities associated with the permit modification to implement the proposed final remedy, the Department shall approve a final remedy that shall:

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 may pose a threat to human health and the environment; and

3. Meet all applicable federal, state, and local laws and regulations.

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XIV. Corrective Measures Implementation (CMI) Work Plan

A. If the Department determines that an additional final remedy is necessary to address a release(s) of hazardous waste or hazardous constituents from newly- and/or previously-identified SWMUs/AOCs, the Permittee shall submit a CMI Work Plan to the Department and EPA according to the schedule established in conjunction with any modification of this Permit to implement an additional final remedy in accordance with Corrective Action Condition XIII.C. of this Permit. The CMI Work Plan shall provide detailed design specifications, construction plans, and a schedule for implementation of the final remedy. The CMI Work Plan shall provide detailed plans for remedy implementation consistent with all applicable CMI components as specified in the EPA document entitled, RCRA Corrective Action Plan (Final), OSWER Directive 9902.3-2A, May 1994, or the most recent version, and shall be consistent with the objectives specified in the approved CMS Report. The CMI Work Plan shall also contain the following:

1. Detailed technical descriptions of the design, construction, operation, maintenance, monitoring, and quality assurance requirements;

2. A detailed schedule for design, construction, and monitoring;

3. Timeframes for submission of the appropriate work plans described in the OSWER Directive referenced above;

4. Management procedures for hazardous wastes and hazardous constituents recovered as a result of implementing the corrective measures; and

5. Other information, as necessary, pertaining to the design and implementation of the corrective measure(s) in the approved final remedy.

B. Those features of the approved final remedy that are approved and operational prior to submittal of the CMI Work Plan should be included in the CMI Work Plan by reference, with additional information provided at the request of the Department.

C. The Department shall review and approve the CMI Work Plan according to the procedures described in Corrective Action Condition XXIV. of this Permit. The Permittee shall implement the CMI Work Plan in accordance with the schedule contained in the approved plan.

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D. In the event that new SWMU(s), AOC(s), or release(s) are identified as a result of any CMI activities, the Permittee shall comply with Corrective Action Conditions VI. and VII., as appropriate. New SWMU(s), AOC(s), or release(s) that are identified shall be reported to the Department and EPA.

XV. Certification of Completion of Construction of Final Remedy

A. If an additional final remedy is determined to be necessary by the Department, all current Corrective Action Conditions shall continue to be in force, unless and until appropriate permit modifications are reviewed and approved.

B. Within 60 calendar days of completion of all construction activities associated with implementation of any approved final remedy, the Permittee shall submit a written certification to the Department and EPA, by certified mail, stating that the final remedy has been constructed according to the approved CMS Report, final remedy decision, and CMI Work Plan. The certification shall be signed by the Permittee and a professional engineer registered in Missouri.

This certification shall be part of a Construction Completion (CC) Report. The CC Report shall contain a summary of all corrective measure construction activities implemented at the facility (including any previously-implemented ISMs), exact locations and design of any new wells, and discussion of any deviations from the approved CMI Work Plan. The CC Report shall also address the information described in Chapter V, Section VI of the EPA document entitled, RCRA Corrective Action Plan (Final), OSWER Directive 9902.3-2A, May 1994, or the most recent version.

XVI. Corrective Measures Implementation (CMI) Report

Within 60 calendar days of completion of all construction activities associated with implementation of any approved final remedy, the Permittee shall submit a CMI Report to the Department and the EPA. This CMI Report shall contain a summary of remedial activities conducted at the facility and provide detailed descriptions of the long-term operation, maintenance, and monitoring program associated with the final remedy. For SWMUs and/or AOCs requiring extended time periods for operation of the final remedy, the Permittee shall summarize the progress of the final remedy and continue to provide data obtained during final remedy operation, maintenance and monitoring in the Annual Groundwater Monitoring Report, required by Corrective Action Condition XIX. of this Permit.

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XVII. Certification of Completion of Corrective Measures

A. When the Permittee decides to verify completion of corrective measures at a SWMU, group of SWMUs, or across the entire facility, the Permittee shall submit documentation to demonstrate that groundwater contaminant levels do not exceed the applicable GPS MCLs or approved ACLs specified in Corrective Action Condition III.A. of this Permit, the SAP required by Corrective Action Condition III.D.2. of this Permit, and as specified in Tables 1 and 2. The Permittee's groundwater corrective action program shall continue until the Permittee demonstrates, individually or collectively, that these limits have not been exceeded for a period of three consecutive years at each SWMU, group of SWMUs, or across the entire facility. The Permittee may propose that groundwater corrective action cease at any individual SWMUs, or group of SWMUs, once this three year criterion has been met and related modification of this Permit under 40 CFR 270.42 or 270.41, as appropriate, has been successfully completed to address changes in the groundwater corrective action status of individual SWMUs or group of SWMUs. The subject documentation shall be included in the Annual Groundwater Corrective Action Report submitted according to Corrective Action Condition XIX. of this Permit.

B. The Department shall review the documentation verifying completion of all corrective action at each SWMU, or group of SWMUs, and will approve the cessation of corrective action according to the procedures described in Corrective Action Condition XXIV. of this Permit upon successful completion of any needed permit modifications pursuant to Corrective Action Condition XVII.A.

C. Within 60 calendar days of receipt of the Department's approval of the documentation verifying completion of all corrective action under Corrective Action Condition XV.B. of this Permit, the Permittee shall submit a written certification to the Department and EPA, by certified mail, stating that the final remedy has been completed according to the approved CMS Report and CMI Work Plan. The certification shall be signed by the Permittee and a professional engineer registered in Missouri.

XVIII. Activity and Use Limitations (AULs)

AULs are legal or physical restrictions or obligations with respect to the facility property. AULs place a legal or physical restriction or limitation on the use of, or access to, the facility. The following AULs apply to the Permittee and the facility property subject to the jurisdiction of this Permit:

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A. Soil or Other Environmental Media Disturbance at the Facility

1. The Permittee shall notify the Department at least 30 calendar days before any planned construction, excavation, or maintenance and repair activities that may disturb existing contamination at any SWMU, AOC, or other area subject to AULs. The Permittee shall, in coordination with the owner(s) of any off-property areas impacted by soil and/or groundwater contamination originating from SWMUs and AOCs at the facility, assess the potential hazards associated with activities that potentially disturb or expose any contaminated environmental media and ensure that necessary precautions are taken, including protective and/or remedial measures, prior to performing the activity. In situations where advance notice is not feasible (i.e., emergency utility service or repair) notice shall occur as soon as practical. Future construction, excavation activities, or land use changes may necessitate further evaluation of conditions at SWMUs or AOCs having residual levels of contamination that exceed applicable regulatory thresholds.

2. The Permittee may, at its discretion, request development of an Excavated Soil Management Plan for review and approval by the Department. Any such plan would be designed to expedite future subsurface utility and construction activities in known and potentially contaminated areas at the facility. The Department shall review and approve the Excavated Soil Management Plan according to the procedures described in Corrective Action Condition XXIV. of this Permit.

B. Transfer of Interest in Permitted Property

1. The Permittee shall notify the Department at least 90 calendar days before the transfer of any interest in any portion of the permitted property. The Permittee shall comply with all requirements of 40 CFR 270.40, as related to any transfer of ownership or operational control of any portion of the permitted facility.

C. Change in Use of Property

The Permittee shall notify the Department at least 30 calendar days before any proposed change in the use of the facility property, of any applications for building permits for work on the facility property, or proposals for work that

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could potentially affect the contamination on the facility property and/or compliance with the requirements of this Permit, in accordance with 40 CFR 270.30(h).

D. Deed Notice/Restrictions

The Permittee filed a Certification of Recording of a Notation on Land Use Restrictions with the Recorder of Deeds of Pettis County in Missouri, for the facility associated with the Former Land Disposal Unit, as described below. Notice/restriction details, including specific areas of coverage at the facility, can be found with the Office of Recorder of Deeds of Pettis County in Missouri.

1. The deed notice for the Former Land Disposal Unit was filed March 13, 1996, in the Office of Recorder of Deeds of Pettis County, Missouri. The deed notice restricts the owner or operator of the property from disturbing the hazardous waste disposal unit described in a survey plat attached to the notice. The deed notice/restriction can be found on Page 404 of Book 660 in the Recorder of Deeds' Office in Pettis County, Missouri.

XIX. Annual Groundwater Corrective Action Reports

The Permittee shall prepare and submit Annual Groundwater Corrective Action Reports providing a comprehensive evaluation of the facility-wide groundwater monitoring program and all uninterpreted analytical data from the Permittee's annual groundwater sampling event for the previous calendar year (i.e., January through December). The Annual Groundwater Corrective Action Reports shall be submitted to the Department and EPA by March 1 of each calendar year for the previous calendar year. Each Annual Groundwater Corrective Action Report shall include the following information for the time period being reported:

A. All original, uninterpreted laboratory analytical data package reports from the Permittee's annual groundwater sampling events, groundwater analysis results, field parameter measurement results, copies of field sampling and well inspection log sheets, well repair documentation, QA/QC data, statistical analysis of groundwater data, field investigation results, volume of groundwater extracted, and other relevant groundwater-related information, as appropriate.

B. A discussion of any exceedances of the GPS and effluent limits of the Missouri State Operating Permit.

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C. A narrative discussion of the nature and evolution of the Permittee's groundwater monitoring program, as well as conclusions concerning the overall adequacy of the program as related to its intended purpose, including any interim measures/stabilization actions/remedial action plans. Any conclusions concerning inadequacies in the Permittee's groundwater monitoring program shall be accompanied by a discussion of proposed remedies. Specific details concerning any proposed remedies shall be further developed outside of the scope of these reports or as otherwise specified in this Permit.

D. Comprehensively address all technical requirements of 40 CFR Part 264 Subpart F and this Permit. The Permittee shall summarize relevant groundwater monitoring information and present this information in the form of narrative discussions, groundwater flow calculations, and/or diagrammatic illustrations (e.g., tabular groundwater and statistical data summaries, hydrogeologic and potentiometric contour maps/cross-sections, chemical parameter trend graphs, calculated rate(s) of contaminant migration, contaminant isoconcentration maps/cross-sections, fence/isometric diagrams, groundwater flow nets, etc.), as appropriate.

E. Evaluate the effectiveness of the groundwater corrective action program, including, but not limited to, the following:

1. The rate and direction of groundwater movement in underlying aquifers and potential effects on any corrective action measures being designed or implemented at the facility for removal, containment, or control of the groundwater contaminant plume(s);

2. The horizontal and vertical extent and concentrations of hazardous constituents (Table 1) in groundwater throughout the contaminant plume(s) as evaluated from the data obtained through the Permittee's groundwater monitoring program;

3. Any surface and/or subsurface well integrity problems and their potential or actual influence on the groundwater data or effectiveness of the groundwater corrective action program;

4. Contaminant trend analyses from year to year using analytical results of the groundwater samples to help evaluate the overall progress/trends of the

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corrective action program, and to provide the basis for future decisions regarding the need for additional corrective action/stabilization measures at the facility; and

5. The conclusions and summary, including statistical evaluation, of analytical results from surface water monitoring conducted during the report period.

F. Contain detailed boring logs for new exploratory borings and/or detailed "as-built" monitoring well diagrams for any new monitoring wells installed during the corresponding reporting period and the monitoring well-related information specified in Corrective Action Conditions III.D.5. and 6. of this Permit.

XX. Annual Corrective Action Progress Update

A. The Permittee shall prepare and submit an Annual Corrective Action Progress Update to the Department and EPA, as part of the Annual Groundwater Corrective Action Reports required by Corrective Action Condition XVIII. of this Permit. This update shall summarize all corrective action activities undertaken pursuant to this Permit during the previous calendar year (i.e., January through December). These annual progress updates shall continue to be submitted until the Permittee's corrective action activities (including any long-term operation, maintenance, and monitoring activities) are complete.

B. The Annual Progress Updates shall include the following information for the time period being reported:

1. A description of the work completed;

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

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

4. Projected work for the next reporting period; and

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

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C. If the Department determines that further "active" corrective action is required under Corrective Action Conditions VI. through XIV. of this Permit, the frequency of corrective action progress updates to the Department may increase. If an increase in reporting frequency is necessary, the Department shall provide written notification of the new reporting frequency to the Permittee.

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

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

XXI. Planned and Contingent Activities

A. The Permittee shall comply with the schedule for planned corrective action activities as specified in this Permit and summarized in Table 3.

B. The Permittee shall comply, as necessary, with the schedule(s) for contingent corrective action activities as specified in this Permit and summarized in Table 4.

XXII. Supplemental Data

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

XXIII. Post-Closure Care and Corrective Action Cost Estimates and Financial Assurance

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

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A. Cost Estimates

1. Post-Closure Care and Corrective Action Cost Estimate

Within 60 calendar days of the effective date of this Permit, the Permittee shall submit, an updated, detailed, written cost estimate, in current dollars, of the cost of hiring a third party to perform the post-closure care and corrective action activities required by this Permit.

a. The post-closure care and corrective action cost estimate shall account for the total cost of all work activities that are expected to continue until such time as final clean-up objectives are met and confirmed. This includes any long-term costs such as final remedy operation, maintenance, monitoring; utility costs including electricity, water and sewer; decommissioning of remediation equipment and proper plugging/abandonment of monitoring wells, payment of real estate taxes on the property and Departmental oversight cost reimbursement.

b. The cost estimate shall be certified by a registered professional engineer licensed in Missouri and developed using appropriate cost estimating software.

c. The post-closure care and corrective action cost estimate shall be based on a "rolling" 30 years' duration unless and until the Permittee makes a successful demonstration pursuant to this Permit for a shorter time, in which case the cost estimate shall then be adjusted based on the shorter time period.

The Permittee may, at any time during final remedy implementation, submit a demonstration to the Department for review and approval, to adjust the corrective action cost estimate in recognition of the estimated time remaining to achieve applicable remediation objectives/standards.

d. A third party is a party who:

(1) Is neither a parent nor a subsidiary of the Permittee; and

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(2) Does not share a common parent or subsidiary with the Permittee.

e. The cost estimates shall not include any salvage value that may be realized from the sale of wastes, facility structures or equipment, land, or other assets associated with the facility.

f. Discounting is not allowed.

The Permittee shall submit each post-closure care and corrective action cost estimate to the Department for review and evaluation. If the cost estimate requires modification, the Department shall notify the Permittee, in writing, of the estimate's deficiencies and specify a due date for submission of a revised cost estimate for further evaluation and final written response.

The Permittee shall maintain, in the operating record, the most recent post-closure care and corrective action cost estimate that has received a final written response from the Department.

2. Revisions to the Post-Closure Care and Corrective Action Cost Estimate

a. Annual Adjustment for Inflation

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

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b. Additional Post-closure Care or Corrective Action Activities

The Permittee shall adjust the post-closure care and/or corrective action cost estimate if:

(1) The Permittee or the Department determines that any additional post-closure care and/or corrective action activities are required; or

(2) Any other conditions increase or decrease the estimated cost of the post-closure care and/or corrective action activities to be performed under this Permit.

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

The Permittee shall submit each revised post-closure care and/or corrective action cost estimate to the Department for review and evaluation, within 60 calendar days of the Permittee's determination that a revised cost estimate is necessary or written notification by the Department that a new cost estimate is required. If the new cost estimate requires further revision, the Department shall notify the Permittee, in writing, of the estimate's deficiencies and specify a due date for submission of a new revised cost estimate.

B. Financial Assurance

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

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Permit, on a case-by-case basis, in order to ensure the full and final completion of the post-closure care and corrective action activities required by this Permit.

1. Timeframes for Financial Assurance Instruments (other than Financial Test or Corporate Guarantee)

   a. Within 30 calendar days after receipt of the Department's final written response to the Permittee's post-closure care and corrective action cost estimates pursuant to this Permit, the Permittee shall submit draft financial assurance instruments and related documents to the Department for review and evaluation. This applies to all financial assurance instruments except the financial test or corporate guarantee. See Corrective Action Condition XXIII.B.2. of this Permit for timeframes for financial tests and corporate guarantees.

   b. Within ten calendar days after receiving the Department's final written response regarding the draft financial assurance instrument(s), the Permittee shall execute or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding. The instruments or other documents shall be in a form identical to the financial assurance documents reviewed and responded to by the Department.

   c. Within 30 calendar days after receiving the Department's final written response regarding the draft financial assurance instrument(s), the Permittee shall ensure that the issuing institution submits all original executed and/or otherwise finalized instruments or other documents to the Department. Facsimiles or photocopies are not acceptable.

2. Timeframes for Financial Tests and Corporate Guarantees

   a. Within 30 calendar days after the Department's final written response regarding the Permittee's post-closure care and corrective action cost estimate(s) pursuant to this Permit, the Permittee shall submit to the Department all documentation necessary to

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demonstrate that the Permittee satisfies the financial test criteria pursuant to Corrective Action Condition XXIII.B.11.e. of this Permit.

b. The Permittee's financial assurance shall be effective immediately upon the Permittee's receipt of the Department's final written response regarding the Permittee's post-closure care and corrective action cost estimates or the Permittee's demonstration that the Permittee satisfies the financial test criteria under Corrective Action Condition XXIII.B.11.e. of this Permit, whichever date is later.

c. The Permittee agrees that if the Permittee provides financial assurance by means of a corporate guarantee or financial test, the Department may request additional information (including financial statements and accountant's reports) from the Permittee or corporate guarantor at any time. Any request by the Department for this information shall be in writing and shall specify a due date for submission of this information. The Permittee shall promptly provide the requested information to the Department.

3. Certified Mail

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

4. Multiple Instruments

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

5. Inadequate Financial Assurance Instrument

a. If at any time the Department determines that a financial assurance instrument provided pursuant to this Permit is inadequate, or no longer satisfies the requirements, the Department shall notify the Permittee in writing. This applies whether there is an adjustment

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in the estimated cost of the post-closure care and/or corrective action activities required by this Permit as independently determined by the Department or due to a determination by the Permittee pursuant to Corrective Action Condition XXIII.B.5.b.

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

(2) Within ten calendar days of receiving the Department's final written response regarding the draft revised financial assurance instrument(s), the Permittee shall execute or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding. The instruments or other documents shall be in a form identical to the revised financial assurance documents reviewed and responded to by the Department.

(3) Within 30 calendar days after receiving the Department's final written response regarding the draft revised financial assurance instrument(s), the Permittee shall ensure that the issuing institution submits all original executed and/or otherwise finalized instruments or other documents to the Department. Facsimiles or photocopies are not acceptable.

b. If at any time the Permittee determines that any financial assurance instrument provided pursuant to this Permit is inadequate or no longer satisfies the requirements described or incorporated by reference herein, the Permittee shall notify the Department in writing within ten calendar days of this determination. This applies whether due to an adjustment in the estimated cost of the post-closure care and/or corrective action activities required by this Permit or for any other reason. The Permittee shall follow the procedures in Corrective Action Condition XXIII.B.5.a. of this Permit to replace the financial assurance instrument.

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6. Obligation to Complete Post-Closure Care and Corrective Action Activities

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

7. Automatic Renewal

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

Within 90 calendar days following receipt of such notice by both the Permittee and the Department, the Permittee shall provide alternate financial assurance and obtain a written final response from the Department regarding such alternate financial assurance.

If the Permittee fails to provide alternate financial assurance within 90 calendar days, the Department shall notify the financial assurance provider, in writing, before the expiration of the instrument. The notification to the financial assurance provider shall instruct the financial assurance provider to immediately deposit the funds obligated under the financial assurance into the standby trust fund or a newly created trust fund acceptable to the Department.

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

a. Reduction of Amount of Financial Assurance

If the Permittee believes that the estimated cost to complete the post-closure care and corrective action activities required by this Permit has diminished below the amount covered by the existing financial assurance provided under this Permit, the Permittee may submit a written proposal to the Department to reduce the amount of the financial assurance provided under this Permit. The amount of the financial assurance proposed shall be at least equal to the estimated cost of the remaining post-closure care and corrective action activities required by this Permit. The written proposal shall specify, at a minimum, the cost of the remaining post-closure care and corrective action activities to be performed and the basis upon which such cost was calculated (e.g., years remaining until established clean-up standards are expected to be met). In seeking approval of a revised financial assurance amount, the Permittee shall follow the procedures described in Corrective Action Condition XXIII.B.8.b.(2) of this Permit. The Department shall notify the Permittee in writing regarding its evaluation of the revised financial assurance amount. The Permittee may reduce the amount of the financial assurance after receiving the Department's written response to the proposed revisions, but only according to and to the extent permitted by the Department's response. No change to the form or terms of any financial assurance provided under this Section, other than a reduction in amount, is authorized except as provided in Corrective Action Condition XXIII.B.8.b. of this Permit.

b. Change of Form of Financial Assurance

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

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(2) A written proposal for a revised or alternative form of financial assurance shall specify, at a minimum:

(a) The cost of the remaining post-closure and/or corrective action activities to be performed;

(b) The basis upon which such cost was calculated; and

(c) The proposed revised form of financial assurance, including all proposed instruments or other documents required in order to make the proposed financial assurance legally binding.

The proposed revised or alternative form of financial assurance shall satisfy all requirements described or incorporated by reference in this Permit. The Department shall notify the Permittee, in writing, of its decision regarding the revised or alternative form of financial assurance submitted pursuant to this paragraph.

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

Within 30 calendar days of receiving a final written response regarding the proposed revised or alternative financial assurance, the Permittee shall ensure that the issuing institution submits all original executed and/or otherwise finalized instruments or other documents to the Department. Facsimiles or photocopies are not acceptable.

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

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9. Performance Failure

a. In the event that the Department determines the Permittee:

(1) Has ceased implementation of any of the post-closure care and/or corrective action activities required by this Permit; or

(2) Is significantly or repeatedly deficient or late in its performance of the post-closure care and/or corrective action activities required by this Permit; or

(3) Is implementing the post-closure care and/or corrective action activities required by this Permit in a manner that may cause an endangerment to human health or the environment;

the Department may issue a written notice ("Performance Failure Notice") of the Permittee's failure to perform to both the Permittee and the financial assurance provider. The notice shall specify the grounds upon which the notice was issued and shall provide the Permittee a period of ten calendar days to remedy the circumstances.

b. If the Permittee fails to remedy the Performance Failure to the Department's satisfaction before the expiration of the ten calendar day notice period specified in Corrective Action Condition XXIII.B.9.a. of this Permit, the Department shall have immediate access to and benefit of the financial assurance provided. The Department may, at any time thereafter, direct the financial assurance provider to immediately:

(1) Deposit into the standby trust fund, or a newly created trust fund acceptable to the Department, the remaining funds obligated under the financial assurance instrument; or

(2) Arrange for performance of the post-closure care and/or corrective action activities required by this Permit.

c. The Department shall give the Permittee written notice if:

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(1) The Department determines that any of the circumstances described in Corrective Action Condition XXIII.B.9.a.(1), (2), or (3) of this Permit have occurred; and

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

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

10. Release of Financial Assurance

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

11. Financial Assurance Instruments

The wording of the financial assurance documents shall meet the requirements of 40 CFR 264.143 and 40 CFR 264.151, as incorporated and modified in 10 CSR 25-7, except that deviation in wording of a financial assurance instrument to incorporate coverage for corrective action activities is allowed. All financial assurance instruments provided pursuant to this Permit shall be satisfactory in form and substance as determined by the Department.

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a. Trust Fund

The trust fund shall be:

(1) Established for the benefit of the Department;

(2) Administered by a trustee who has the authority to act as a trustee under federal or state law and whose trust operations are regulated and examined by a federal or state agency; and

(3) Acceptable in all respects to the Department.

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

(4) To reimburse the Permittee for expenditures made by the Permittee for post-closure care and corrective action activities performed according to this Permit; or

(5) To pay any other person whom the Department determines has performed or will perform the post-closure care and corrective action activities required by this Permit.

The trust agreement shall further state that the trustee shall not refund to the grantor any amounts from the fund until the Department has advised the trustee, in writing, that the post-closure care and corrective action activities performed according to this Permit have been completed to the satisfaction of the Department.

b. Surety Bond

A surety bond shall unconditionally guarantee either:

(1) Payment at the direction of the Department into a standby trust fund that meets the requirements of the trust fund in Corrective Action Condition XXIII.B.11.a. of this Permit; or

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(2) Performance of the post-closure care and corrective action activities required by this Permit. The Surety Company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on Federal Bonds as described in Circular 570 of U.S. Department of the Treasury.

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

c. Irrevocable Letter of Credit

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

(1) That has the authority to issue letters of credit; and

(2) Whose letter-of-credit operations are regulated and examined by a federal or state agency.

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

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d. Policy of Insurance

A policy of insurance shall:

(1) Provide the Department with rights as a beneficiary which are acceptable to the Department; and

(2) Be issued by an insurance carrier that:

(a) Has the authority to issue insurance policies in Missouri; and

(b) Whose insurance operations are regulated and examined by a federal or state agency.

(3) The insurance policy shall be issued for a face amount at least equal to the current post-closure care and corrective action cost estimate for which the facility has received a written final review response from the Department except that the face amount may exclude costs that are covered by another financial assurance instrument, as permitted in Corrective Action Condition XXIII.B.4. of this Permit.

(4) The insurance policy shall state that the insurer shall make payments up to an amount equal to the face amount of the policy as directed by the Department in writing:

(a) To reimburse the Permittee for expenditures made by the Permittee for post-closure care and/or corrective action activities performed according to this Permit; or

(b) To pay any other person whom the Department determines has performed or will perform the post-closure care and/or corrective action activities required by this Permit.

(5) The insurance policy shall also state that it may not be canceled, terminated, or non-renewed and the policy shall remain in full force and effect in the event that:

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(a) The Permittee is named as a debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or

(b) The Department notifies the insurer of the Permittee's failure to perform, under Corrective Action Condition XXIII.B.9. of this Permit.

e. Financial Test

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

f. Corporate Guarantee

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

g. Additional Requirements for Financial Test/Corporate Guarantee

If at any time during the term of this Permit the Permittee demonstrates financial assurance for the post-closure care and corrective action activities required by this Permit by providing a financial test or corporate guarantee pursuant to Corrective Action Conditions XXIII.B.11.e. or XXIII.B.11.f. of this Permit, the Permittee shall also comply with the other relevant requirements of 40 CFR 264.143(f), 40 CFR 264.151(f), and 40 CFR

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264.151(h)(1), as incorporated and modified in 10 CSR 25-7, relating to these methods, unless otherwise provided in this Permit. This includes, but is not limited to:

(1) Initial submission of required financial reports and statements from the guarantors' chief financial officer and independent certified public accountant;

(2) Annual re-submission of such reports and statements within 90 calendar days after the close of each of the guarantor's fiscal year; and

(3) Notification to the Department by certified mail within 90 calendar days after the close of any of the guarantor's fiscal year in which any such guarantor no longer satisfies the financial test requirements described at 40 CFR Part 264.143(f)(1), as incorporated and modified in 10 CSR 25-7.

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

For purposes of the financial test or corporate guarantee described in Corrective Action Conditions XXIII.B.11.e. and XXIII.B.11.f. of this Permit, references in 40 CFR 264.143(f), as incorporated and modified in 10 CSR 25-7, to "the sum of current closure and post closure costs" and "the current plugging and abandonment cost estimates" and references in 40 CFR 264.101(c), as incorporated and modified in 10 CSR 25-7, to "Assurances of financial responsibility for such post-closure care and corrective action shall be provided" shall mean "the sum of all environmental remediation obligations" guaranteed by such company or for which such company is otherwise financially obligated, in addition to the cost of the post-closure care and corrective action activities

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required by this Permit. This includes obligations under the Comprehensive Environmental Response, Compensation, and Liability Act, RCRA, Underground Injection Control Program, Toxic Substances Control Act, and any other state or tribal environmental obligation.

XXIV. Review and Approval Procedures

A. Financial assurance cost estimates and draft financial assurance mechanisms for corrective action shall be reviewed and responded to by the Department according to the procedures described in Corrective Action Condition XXIII. of this Permit.

B. Following submission of any plan, report, or extension request pertaining to corrective action activities (excluding the Annual Groundwater Corrective Action Report, unless proposed actions to address corrective action program inadequacies are contained therein; and Corrective Measures Implementation Report) and any Certification of Completion of Construction of Final Remedy, the Department shall review and either approve or provide written comments on the plan, report, or request. If the Department does not approve the plan, report, or request, the Department shall notify the Permittee, in writing, of the plan, report, or request's deficiencies and specify a due date for submittal of a revised plan, report, or activity.

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

D. If the Permittee disagrees with any Department-initiated plan, report, or schedule modifications, and a mutually acceptable resolution of such modifications cannot be informally reached, the Permittee may file an appeal of the Department-initiated modifications according to 10 CSR 25-2.020, and Sections 260.395.11 and 621.250, RSMo.

XXV. Document and Activity Extension Requests

If the Permittee requires additional time to submit a scheduled document or perform other activities required by this Permit, the Permittee shall submit a written extension request to the Department. The Department shall receive the extension request at least 15 calendar days before the scheduled due date of the document or activity. The Permittee's

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extension request shall specify the amount of additional time needed and shall be accompanied by the Permittee's justification for the extension. The Department shall review and approve the extension request according to the procedures described in Corrective Action Condition XXIV. of this Permit.

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FACILITY SUBMISSION SUMMARY

Table 3 - Planned Post-Closure and Corrective Action Submittal Requirements Pursuant to this Permit and Schedule of Compliance

Submittal Requirements	Due Date*	Permit Condition
Two paper copies and one searchable electronic copy of the consolidated permit application	Within 60 calendar days after effective date of this Permit.	Schedule of Compliance Item I.A.
Certification that Permittee has read and understands all permit conditions in this Permit	Within 60 calendar days after effective date of this Permit.	Schedule of Compliance Item I.B.
Check or money order for any outstanding engineering review costs	Within 60 calendar days after effective date of this Permit.	Schedule of Compliance Item I.C.
Check or money order for each year this Permit is to be in effect beyond the first year	Within 60 calendar days after effective date of this Permit.	Schedule of Compliance Item I.D.
Documentation of current landowner of property located north of the facility	By January 31 of each calendar year for the preceding calendar year	Corrective Action Condition III.D.1.a.
Updated post-closure care and corrective action cost estimate	Within 60 calendar days after effective date of this Permit.	Schedule of Compliance Item II. and Corrective Action Condition XXIII.A.1.
Updated draft financial assurance instrument	Within 30 calendar days after the Department's final written response on the updated post-closure and corrective action cost estimate.	Schedule of Compliance Item III. and Corrective Action Condition XXIII.B.2.a.
Annual Groundwater Corrective Action Reports	March 1 of each calendar year for preceding calendar year.	Corrective Action Condition XIX.
Annual Corrective Action Progress Updates	March 1 of each calendar year in Annual Groundwater Corrective Action Report.	Corrective Action Condition XX.A.

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Submittal Requirements	Due Date*	Permit Condition
Annual post-closure care and corrective action cost estimate inflation update	Within 60 calendar days before the anniversary date of the establishment of the financial assurance instrument.	Corrective Action Condition XXIII.A.2.a.

*Extensions may be requested and approved by the Department for cause without modifying this Permit.

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Table 4 - Contingent Post-Closure and Corrective Action Submittal Requirements Pursuant to the Corrective Action Conditions of this Permit

Contingent Submittal Requirements	Due Date	Permit Condition
Revised SAP	Within 60 calendar days of the change in the groundwater monitoring conditions.	Schedule of Compliance Item I.E. and Corrective Action Condition III.D.2.
Revised surface water monitoring program	Within 60 calendar days of the change in the groundwater monitoring conditions.	Schedule of Compliance Item I.F. and Corrective Action Condition IV.A.
Notification of an emergency situation	Within 15 days of the incident occurrence.	General Permit Condition II.
Proposed amendment to post-closure care plan by Permittee	At least 60 calendar days before a proposed change in site operations and no later than 60 calendar days after occurrence of an unexpected event which has affected plan.	Corrective Action Condition II.B.
Modified post-closure care plan requested by Department	Within 60 calendar days after request for plan modification.	Corrective Action Condition II.B.
Certification of Completion of Post-Closure Care	Within 60 calendar days after completion of post-closure care period.	Corrective Action Condition II.D.
Attempt to gain access to the property located north of the facility	Within 90 calendar days of the date the Permittee becomes aware of any change in ownership of the property.	Corrective Action Condition III.D.1.a.
Executed Access Agreement for adjacent property located north of the facility	Within 180 calendar days of the date that the Permittee becomes aware of the change in ownership or within 30 calendar days of execution of the access agreement.	Corrective Action Condition III.D.1.b.
Work Plan for installation of a monitoring well(s) on adjacent property located north of the facility	Within 120 calendar days of execution of the access agreement.	Corrective Action Condition III.D.1.c.

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Contingent Submittal Requirements	Due Date	Permit Condition
In the event, access is denied, provide a written description and documentation concerning the Permittee's efforts to obtain access	Within 180 calendar days of the date that the Permittee becomes aware of the change in ownership or 30 calendar days of access denial.	Corrective Action Condition III.D.1.d.
Revised SAP to incorporate new monitoring wells installed to further define extent of contamination	Within 30 calendar days of receipt of notification that modified monitoring system adequately defines extent of contamination.	Corrective Action Condition III.D.5.
Proposal for new monitoring wells to further define extent of the contamination	Within 30 calendar days of determination by Permittee or notification by the Department.	Corrective Action Condition III.D.6.
Well certification report forms and certification/registration acceptance for new wells or plugged/ abandoned wells	March 1 of each calendar year in Semi-Annual Progress Report.	Corrective Action Condition III.D.6. and III.D.7.a.
Revised SAP to remove plugged and abandoned monitoring wells	Within 30 calendar days of registration acceptance of plugged or abandoned wells.	Corrective Action Condition III.D.7.b.
Notification of field work associated with construction or modification of monitoring system	Within seven calendar days before conducting field work.	Corrective Action Condition III.D.9.
Well-specific surface and subsurface integrity inspections	Within seven calendar days following any contact of wells by flood waters.	Corrective Action Condition III.D.10.d.
Monitoring well repairs for integrity problem(s) identified by flood water contact	Within 60 calendar days of identifying integrity problem or as soon as practicable given conditions.	Corrective Action Condition III.D.10.e.
Revised SAP	Within 30 calendar days of receipt of approval of any changes to list of perimeter or effectiveness wells.	Corrective Action Condition III.E.2.f. and III.E.3.c.

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Contingent Submittal Requirements	Due Date	Permit Condition
Written notification of newly-identified SWMU(s) and AOC(s)	No later than 15 calendar days after discovery.	Corrective Action Condition VI.A.
Written notification of newly-identified releases from previously-identified SWMU(s) and AOC(s)	No later than 15 calendar days after discovery.	Corrective Action Condition VII.A.
Newly-Identified Release Work Plan	Within 30 calendar days of notice by the Department that a work plan is required.	Corrective Action Condition VII.B.
Newly-Identified Release Report	According to the schedule in the approved Newly-Identified Release Work Plan.	Corrective Action Condition VII.D.
Notification of interim/ stabilization measures	Within 24 hours after discovery of need for stabilization.	Corrective Action Condition VIII.A.1.
Notification of interim/ stabilization measures not effective	Within ten calendar days after determination.	Corrective Action Condition VIII.A.3.
RCRA Facility Investigation (RFI) Work Plan	Within 60 calendar days of notice by the Department that a RFI work plan is required.	Corrective Action Condition IX.A.
RCRA Facility Investigation (RFI) Report	According to the schedule in the approved RFI Work Plan.	Corrective Action Condition X.A.
Corrective Measures Study (CMS) Work Plan	Within 45 calendar days of notice by the Department that a work plan is required.	Corrective Action Condition XI.C.
Corrective Measures Study (CMS) Report	According to the schedule in the approved CMS Work Plan.	Corrective Action Condition XII.A.
Corrective Measures Implementation (CMI) Work Plan	According to the schedule in the implementation permit modification.	Corrective Action Condition XIV.A.

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Contingent Submittal Requirements	Due Date	Permit Condition
Certification of final remedy construction	Within 60 calendar days after completion of all construction activities associated with an approved final remedy.	Corrective Action Condition XV.B.
Corrective Measures Implementation (CMI) Report	Within 60 calendar days after completion of all construction activities associated with an approved final remedy.	Corrective Action Condition XVI.
Activity Use Limitations	At least 30 calendar days before activities requiring AULs.	Corrective Action Condition XVIII.A.1.
Notification of Transfer of Interest in Property	At least 90 calendar days before transfer of any interest in any property.	Corrective Action Condition XVIII.B.1.
Notification of Change in Use of Property	At least 30 calendar days before changes in the use of the facility property.	Corrective Action Condition XVIII.C.
Revised corrective action cost estimate for additional corrective action activities	Within 60 calendar days after Permittee determines or Department notifies in writing that a new cost estimate is required.	Corrective Action Condition XXIII.A.1.
Draft financial assurance instrument(s)	Within 30 calendar days after the Department's final written response on the updated corrective action cost estimate.	Corrective Action Condition XXIII.B.5.a.1.
Original executed financial assurance instruments	Within 30 calendar days of Department's final written response on draft financial assurance instrument(s).	Corrective Action Condition XXIII.B.5.a.3.

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FIGURES

Figure 1 - Facility Location

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Figure 2 - Facility Property Boundaries and Location of the Former Land Disposal Unit

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Figure 3 - Location of SWMUs at the Facility

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