PART II
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AUTHORIZATION UNDER THE HAZARDOUS AND
SOLID WASTE AMENDMENTS OF 1984

Pursuant to Section 227 of the Hazardous and Solid Waste Amendments of 1984 (hereafter referred to as "HSWA"), 18 U.S.C. § 6926, the United States Environmental Protection Agency (hereafter referred to as "USEPA") is granted authority to issue or deny permits or those portions of permits affected by the requirements established by HSWA. By this authority and pursuant to Sections 3001(g), 3001(h), 3002(b), 3004(d), and 3005 of the Resource Conservation and Recovery Act (RCRA) as amended by HSWA, 42 U.S.C §§ 6921(g), 6921(h), 6922(b), 6924(d), and 6925, USEPA hereby grants Safety-Kleen Systems, Incorporated as owner and operator (hereafter referred to as the "Permittee"), EPA ID # MOD095486312, permission to perform activities required by HSWA at the Permittee's facility located at 4526 Towne Court, St Charles, Missouri, North Latitude - 38°44'21", West Longitude - 90°36'29", in accordance with the conditions of this permit.

Part II of this permit addresses HSWA requirements as administered and enforced by the USEPA. Applicable regulations are found in 40 CFR Parts 124, 260 through 264, 266, 268, and 270, as specified in Part II of this permit.

All regulations cited in Part II of this permit refer to regulations in effect on the date of Part II of this permit issuance. With the exception of regulations in existence at the time of permit issuance and referenced in Part II of this permit, the only other RCRA regulations applicable to this facility under Part II during life of the Part II of this permit will be self-implementing regulations.

The Regional Administrator has delegated authority to perform all actions necessary to issue, deny, modify, or revoke and reissue permits for owners and operators of hazardous waste treatment, storage, and disposal facilities pursuant to Section 3005 of RCRA to the Director of Region VII, Air and Waste Management Division (hereafter referred to as "Director") or the Director's designated representative.

Part II of this permit is based on the assumption that the information in the permit application submitted by the Permittee September 11, 2002, and all revisions dated October 2, 2003, January 26, 2004, May 4, 2005, September 13, 2005, and the habitual violator disclosure, (hereinafter referred to as "the application") are accurate and that the facility will be operated as specified in the application.

Any inaccuracies found in the application or other submitted information may be grounds for the modification, revocation and reissuance, or termination of Part II of this permit in accordance with 40 CFR §§ 270.41, 270.42, and 270.43, or for an enforcement action. The Permittee must inform the USEPA of any deviation from or changes in the application that would affect the Permittee's ability to comply with Part II of this permit.

Part II of this permit shall become effective at 12:01 AM on September 27, 2007 and shall remain in effect until September 27, 2017 unless revoked and reissued, terminated or continued in accordance with 40 CFR §§ 270.41, 270.43, and 270.51. It shall remain in effect even if the Part I permit is terminated or has expired.

Done at Kansas City, Kansas, this 27th day of September, 2007.

[Original Signed by Becky Weber]

Becky Weber, Director
Air and Waste Management Division
U. S. Environmental Protection Agency

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A. DEFINITIONS

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

"Annual compliance period" means, for purposes of Part II of this permit, the period of the first 365 days following the effective date of this permit.

“Director” means the Division Director of the Air and Waste Management Division of the United States Environmental Protection Agency Region VII.

"Hazardous waste" means any solid waste as defined in 40 CFR § 261.2 which also meets any of the criteria of a hazardous waste as listed in 40 CFR § 261.3.

B. STANDARD CONDITIONS

1. Submittal of Permit Requirements

a. Failure to submit the information required in Part II of this permit, or falsification of any submitted information, is subject to termination of Part II of this permit pursuant to 40 CFR §270.43 and/or an enforcement action by the USEPA.

b. The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Director required in Part II of this permit are signed and certified in accordance with 40 CFR §§ 270.11 and 270.30(k).

c. Extensions of the due dates specified in Part II of this permit may be granted by the Director in accordance with the permit modification procedures set forth in 40 CFR § 270.42.

d. Unless otherwise specified, one copy of these plans, reports, notifications or other submissions shall be submitted to the USEPA and sent by certified mail or hand delivered to:

United States Environmental Protection Agency Region VII
Attn: Chief, RCRA Corrective Action and Permits Branch
Air and Waste Management Division
901 North 5th Street
Kansas City, KS 66101

In addition, two copies of these plans, reports, notifications or other submissions shall be submitted to:

Missouri Department of Natural Resources
Hazardous Waste Program
1738 East Elm Street (lower level)
P.O. Box 176
Jefferson City, MO 65102-0176

2. Permit Modification, Revocation and Reissuance, and Termination

a. Part II of this permit may be modified, revoked and reissued, or terminated for cause, as specified in 40 CFR §§ 270.41, 270.42, and 270.43.

b. If the Director determines that further actions beyond those required in Part II of this permit, or changes to the requirements set forth herein, are warranted, the Director may modify Part II of this permit in accordance with 40 CFR § 270.41.

c. Pursuant to the provisions of 40 CFR § 270.42, the Permittee may request a modification of Part II of this permit at any time.

d. Modifications to Part II of this permit do not constitute a reissuance of the permit. The filing of a request for a permit modification, revocation and reissuance, termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any condition in Part II of this permit.

3. Permit Renewal

a. Part II of this permit may be renewed as specified in 40 CFR § 270.30(b). Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology, as well as, changes in applicable regulations.

b. If the Permittee wishes or is required to continue an activity regulated by Part II of this permit after the expiration date of Part II of this permit, the Permittee shall submit a complete application for a new permit prior to the expiration of Part II of this permit. Such application must be submitted at least 180 calendar days prior to permit expiration unless permission for a later submission date has been granted in writing by the Director.

4. Transfer of Permits

Part II of this permit is not transferable to any person or entity until such a time as Part II of this permit has been modified or revoked and reissued to identify the proposed new owner or operator of the facility (hereafter referred to as "new Permittee") and to incorporate such other requirements as may be necessary, all in accordance with the procedures set forth in 40 CFR § 270 Subpart D. At least 90 calendar days prior to the anticipated date of transfer, the new Permittee shall submit to the Director: 1) a revised permit application; and 2) a copy of the written agreement between the Permittee and the new Permittee, containing the specific date for transfer of the permit responsibilities described herein. The Permittee and the new Permittee shall also comply with the financial requirements as more specifically set forth in 40 CFR § 270.40 and 40 CFR § 264 Subpart H.

It shall be the Permittee's responsibility to notify the new Permittee in writing of the requirements of 40 CFR §§ 264 and 270, and Part II of this permit.

5. Severability

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

6. Appeal of a Permit

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

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

(1) A finding of fact or conclusion of law which is clearly erroneous; or

(2) An exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review.

7. Duty to Comply

The Permittee shall comply with all conditions in Part II of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit (see 40 CFR § 270.61). Any noncompliance with Part II of this permit, other than noncompliance authorized by an emergency permit,

constitutes a violation of RCRA and Part II of this permit and is grounds for enforcement action; for permit modification, revocation and reissuance, or termination; or for denial of a permit renewal application.

8. Need to Halt or Reduce Activity not a Defense

In any enforcement action, it shall not be a defense for the Permittee to establish that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of Part II of this permit.

9. Duty to Mitigate

In the event of noncompliance with Part II of this permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

10. Proper Operation and Maintenance

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

11. Duty to Provide Information

The Permittee shall furnish to the Director, within a time specified by the Director, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating Part II of this permit, or to determine compliance with Part II of this permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by Part II of this permit.

12. Inspection and Entry

Pursuant to 40 CFR § 270.30(i), the Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of Part II of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of Part II of this permit;

c. Inspect and photograph, at reasonable times, any facility’s equipment (including monitoring and control equipment), practices, or operations regulated or required under Part II of this permit; and

d. Sample or monitor, at reasonable times, for the purpose of assuring compliance with Part II of this permit or as otherwise authorized by RCRA, any substances or parameters at any location.

13. Monitoring and Records

a. The Permittee shall retain all records required by Part II of this permit, the certification required by 40 CFR § 264.73(b)(9), and records of all data used to complete the application for Part II of this permit, for a period of at least three years from the date of the sample, measurement, report, record, certification, or application. This period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility.

b. Pursuant to 40 CFR § 270.30(j)(3), records of monitoring information shall specify:

(1) the dates, exact place, and times of sampling or measurements;

(2) the individuals who performed the sampling or measurements;

(3) the dates analyses were performed;

(4) the individuals who performed the analyses;

(5) the analytical techniques or methods used; and

(6) the results of such analyses.

14. Reporting Planned Changes

The Permittee shall give 20 calendar days advanced notice to the Director of any physical alterations or additions to the portions of the facility subject to Part II of this permit, except for those alterations or additions for which notice is required by Part I of this permit.

15. Reporting Noncompliance

a. The Permittee shall give 20 calendar days advanced notice to the Director of any planned changes in the permitted facility or activities required by Part II of this permit which may result in noncompliance with the requirements of Part II of this permit.

b. The Permittee shall report to the Director any noncompliance with Part II of this permit which may endanger health or the environment.

Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. The report shall include the following:

(1) Information concerning release of any hazardous waste and/or hazardous constituent that may cause an endangerment to public drinking water supplies; and

(2) Any information of a release or discharge of hazardous waste and/or a hazardous constituent, or of a fire or explosion from the hazardous waste management facility, which could threaten the environment or human health outside the facility.

c. The description of the occurrence and its cause shall include:

(1) name, address, and telephone number of the owner or operator;

(2) name, address, and telephone number of the facility;

(3) date, time, and type of incident;

(4) name and quantity of materials involved;

(5) the extent of injuries, if any;

(6) an assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(7) estimated quantity and disposition of recovered material that resulted from the incident.

d. A written notice shall also be provided within five calendar days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and, if not, the time the Permittee anticipates that noncompliance will continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Director may waive the five-day written notice requirement in favor of a written report within 15 calendar days.

16. Other Information

Whenever the Permittee becomes aware of the failure to submit any facts in the permit application relevant to Part II of this permit or the submittal of incorrect information in the permit application, or in any report to the Director, the Permittee shall promptly submit such facts or information.

Notwithstanding the above paragraphs B.15(b)-(d), the Permittee shall comply with all reporting requirements of all applicable federal, state, and local laws and regulations.

17. Incorporations to the Permit

Any plans and schedules required by the conditions of Part II of this permit are, upon approval of the Director, enforceable under Part II of this permit. Any noncompliance with such approved plans and schedules shall constitute noncompliance with Part II of this permit.

18. Dispute Resolutions

a. If the Permittee disagrees, in whole or in part, with any USEPA disapproval, modification, or other decision or directive made by the USEPA pursuant to the provisions of Part II of this permit, the Permittee shall notify the USEPA in writing of any objections and the basis for them within 15 calendar days of receipt of USEPA's disapproval, decision, or directive. The notice shall set forth the specific points of the dispute, the position the Permittee maintains should be adopted as consistent with the requirements of Part II of this permit, the factual and legal basis for the Permittee's position, and all matters the Permittee considers necessary for the USEPA's determination. The USEPA and the Permittee shall then have an additional 30 calendar days from USEPA's receipt of the Permittee's objection to attempt to resolve the dispute. If an agreement is reached, the resolution will be reduced to writing by the USEPA and shall become part of Part II of this permit. If the parties are unable to reach complete agreement within this 30-day period, the matter will be submitted for resolution to the Director. If requested by the Permittee, the Director may, at his or her discretion, agree to meet with the Permittee. The Director's resolution shall become an enforceable part of Part II of this permit. The Director shall notify the Permittee in writing of the resolution of the dispute, and the reasons for this resolution.

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

C. FACILITY-SPECIFIC CONDITION

1. Land Disposal Restrictions

a. The Permittee must comply with all regulations implementing the land disposal restrictions required in 40 CFR Part 268. The Permittee also must comply with regulations implementing the land disposal restrictions that are promulgated after the effective date of Part II of this permit, as these requirements are self-implementing provisions of HSWA. The Permittee is not subject to the land disposal restrictions if the applicable treatment standard is met, the waste is exempt under 40 CFR § 268.1(c), the waste is subject to a variance, or any other exemption in 40 CFR Part 268 applies.

b. If allowed in Part I of this permit, the Permittee may store wastes to which the land disposal restriction applies for up to one year unless USEPA can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal as provided in 40 CFR § 268.50(b). For storage of hazardous waste to which the land disposal prohibition applies beyond one year, however, the Permittee shall bear the burden of proving that such storage was solely for the purpose of accumulation of such quantities
of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal as provided in 40 CFR § 268.50(c).

D. FACILITY SUBMISSION SUMMARY

Table D-1 - Summary of possible reporting requirements pursuant to Part II of this permit

CONDITIONAL REQUIREMENTS	DUE DATE	PERMIT CONDITION
Permit Renewal	180 calendar days prior to Part II permit expiration	B.3.b
Provisions for Part II Permit Transfer	90 calendar days prior to date of Part II permit transfer	B.4
Report Planned Changes	20 calendar days prior to making any physical alterations to any portion of the facility subject to Part II of this permit, except when notice is required by Part I of this permit	B.14
Report Noncompliance	20 calendar days prior to making any changes which may result in noncompliance with Part II of this permit	B.15.a.
Oral Notice of Noncompliance	Within 24 hours of Permittee’s awareness of the circumstance	B.15.b.
Written Notice of Noncompliance	Within 5 calendar days of Permittee's awareness of the circumstance	B.15.d.