

PART II
EPA AUTHORIZATION UNDER THE HAZARDOUS AND
SOLID WASTE AMENDMENTS OF 1984

Pursuant to Section 227 of the Hazardous and Solid Waste Amendments of 1984 (hereinafter "HSWA") the Environmental Protection Agency (EPA) 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), §3004(u), §3004(v) and §3005 of the Resource Conservation and Recovery Act (RCRA) as amended by HSWA, 42 United States Code (USC) §6921(g), §6921(h), §6922(b) and 42 USC §6924(d), §6924(u), §6924(v), and §6925, EPA hereby grants to Haz-Mat Response Disposal, Inc., the facility owner and operator (hereinafter referred to as the "Permittee"), EPA ID Number MOD981123391, permission to perform activities required by HSWA at their facility located at 6300 Stadium Drive, Kansas City, Missouri in accordance with the conditions of Part II of this Permit (hereinafter "this Permit").

Part II Permit conditions address the non-state authorized HSWA requirements as administered and enforced by EPA. Applicable regulations are found in Title 40 of the Code of Federal Regulations (CFR) Parts 260 through 264, 268, 270, and 124, as specified in this Permit. All regulations cited in this Permit refer to regulations in effect on the date of this Permit issuance. If any regulations are updated, modified, corrected or generated during the duration of this Permit, and apply to this facility, they are incorporated by reference into this Permit.

The Regional Administrator has delegated authority to perform all actions necessary to issue, deny, modify, or revoke and revise permits for owners and operators of hazardous waste treatment, storage, and disposal facilities pursuant to Section 3005 of the Resource Conservation and Recovery Act (RCRA), as amended, to the Director of Region VII Air, RCRA, and Toxics Division (Director) or the Director's designated representative, by delegation No. R7-8-6; January 1, 1995.

This Permit shall become effective at 12:01 AM on February 3, 1997 and shall remain in effect until February 3, 2007 unless revoked and reissued, terminated (40 CFR 270.41 and 270.43) or continued in accordance with 40 CFR 270.51. It shall remain in effect even if Part I is terminated or has expired.

Done at Kansas City, Kansas, this 30th day of August 1996.

[Original signed by Karen A. Flournoy for]

William A. Spratlin
Director; Air, RCRA, and Toxics Division

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STANDARD PERMIT CONDITIONS

I. Duty to comply [40 CFR 270.30(a)]

The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency Permit. Any Permit noncompliance, other than noncompliance authorized by an emergency Permit, constitutes a violation of RCRA and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application.

II. Duty to reapply and permit renewal [40 CFR 270.30(b) and 270.51]

A. The Permittee shall submit a complete application for a new Permit at least one hundred eighty (180) days prior to Permit expiration unless permission for a later submission date has been granted. However, the application for a new Permit must be submitted prior to the expiration date of this Permit.

B. 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.

III. Need to halt or reduce activity not a defense [40 CFR 270.30(c)]

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 this Permit.

IV. Duty to mitigate [40 CFR 270.30(d)]

In the event of noncompliance with 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.

V. Proper operation and maintenance [40 CFR 270.30 (e)]

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 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 this Permit.

VI. Permit modification, revocation and reissuance, and termination [40 CFR 270.30(f) and 270.41 through 270.43]

- A. This Permit may be modified, revoked and reissued, or terminated for cause,-as specified in 40 CFR 270.41, 270.42, and 270.43. The filing of a request for a Permit modification, revocation and reissuance, or 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 Permit condition.
- B. Modification to the Permit may be requested by the Permittee at any time pursuant to the provisions of 40 CFR 270.42.
- C. The Director may initiate a modification to the Permit in accordance with 40 CFR 270.41 if the Director determines that further actions beyond those provided in this Permit, or changes to the requirements set forth herein, are warranted.
- D. Modifications to the Permit do not constitute a reissuance of the Permit.
- E. The Permit does not convey any property rights of any sort, or any exclusive privilege.

VII. Duty to provide information [40 CFR 270.30(h)]

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 this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this Permit.

VIII. Inspection and entry [40 CFR 270.30(i)]

In accordance with 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 this Permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- C. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- D. Sample or monitor, at reasonable times, for the purpose of assuring Permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

IX. Monitoring and records [40 CFR 270.30(j)]

- A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved by the Director. Laboratory methods must be those specified in the latest edition of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, Standard Methods of Wastewater Analysis, or an equivalent method approved under 40 CFR 260.21.
- B. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation,

copies of all reports and records required by this Permit, the certification required by 40 CFR 264.73(b)(9), and records of all data used to complete the application for this Permit for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application. These periods may be extended by request of the Director at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.

C. In accordance with 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.

X. Signatory requirement [40 CFR 270.30(k) and 270.11]

All applications, reports, or information submitted to or requested by the Director, his or her designee, or authorized representative, shall be signed and certified in accordance with 40 CFR 270.11 and 270.30(k).

XI. Reporting requirements [40 CFR 270.30(l)]

- A. **Planned changes.** The Permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the permitted facility.
- B. **Anticipated noncompliance.** The Permittee shall give advance notice to the Director of any planned changes in the permitted

facility or activity which may result in noncompliance with Permit requirements.

C. Twenty-four (24) hour reporting.

1. The Permittee shall report to the Director any noncompliance with EPA statutes, regulations or this Permit which may endanger health or the environment. Any such information shall be reported orally within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. The report shall include the following:
 - a. Information concerning a release of any hazardous waste that may cause an endangerment to public drinking water supplies; and
 - b. Any information of a release or discharge of hazardous waste, or of a fire or explosion from the hazardous waste management facility, which could threaten the environment or human health outside the facility.
2. The description of the occurrence and its cause shall include:
 - a. Name, address, and telephone number of the owner or operator;
 - b. Name, address, and telephone number of the facility;
 - c. Date, time, and type of incident;
 - d. Name and quantity of materials involved;
 - e. The extent of injuries, if any;
 - f. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

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

XIV. Confidential information [40 CFR 270.12]

In accordance with 40 CFR 270.12, the Permittee may claim confidential any information submitted pursuant to this Permit.

XV. Availability, retention and disposition of records [40 CFR 264.74]

- A. The Permittee must furnish all required records, including plans, within twenty-four (24) hours of request and will make those records available at all reasonable times for inspection, by any officer, employee or representative of the EPA who is duly designated by the Director.
- B. Unless otherwise specified, all records and/or copies thereof required to be maintained by terms of this Permit will be kept at the permitted facility for at least three (3) years.
- C. The retention period for all required records is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Director.

GENERAL PERMIT CONDITIONS

XVI. Submittal of required information

Failure to submit the information required in this Permit, or falsification of any submitted information, is grounds for enforcement and/or termination of this Permit. The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Director required in this Permit are signed and certified in accordance with 40 CFR 270.11.

One (1) copy of these plans, reports, notifications or other submissions shall be submitted to the EPA and sent by certified mail or hand delivered to:

U.S. Environmental Protection Agency Region VII
Air, RCRA, and Toxics Division/RCRA Permits and Compliance
Branch
726 Minnesota Avenue
Kansas City, KS 66101

Three (3) copies of these plans, reports, notifications or other submissions shall be submitted to the Missouri Department of Natural Resources (MDNR) and sent by certified mail or hand delivered to:

Missouri Department of Natural Resources
Division of Environmental Quality
Hazardous Waste Program/Permits Section
205 Jefferson Street
P.O. Box 176
Jefferson City, MO 65101

XVII. Incorporation to permit

All plans and schedules required by the conditions of this Permit are, upon approval of the Director, incorporated into this Permit by reference and become an enforceable part of this Permit. Any noncompliance with such approved plans and schedules shall constitute noncompliance with this Permit.

XVIII. Supplemental data

All raw 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 at the permitted facility during the term of this Permit, including the term of any reissued Permits. Such information shall be made available to the Director upon request.

XIX. Land disposal restrictions [40 CFR 268]

- A. The Permittee must comply with all regulations implementing the land disposal restrictions required in 40 CFR Part 268. The Permittee must comply with regulations implementing the land disposal restrictions that are promulgated after the effective date 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 under the State Hazardous Waste Permit (Part I), the Permittee may store wastes to which the land disposal prohibition applies for up to one (1) year unless EPA 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 wastes to which the land disposal restriction applies beyond one (1) 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 are necessary to facilitate proper recovery, treatment, or disposal as provided in 40 CFR 268.50(c).

XX. Air emissions from process vents and equipment leaks

- A. The Permittee shall comply with the standards of 40 CFR 264 Subpart AA for air emissions from process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes

with organic concentrations of at least 10 ppm, if these operations are conducted in:

1. Units that are subject to the permitting requirements of 40 CFR Part 270; or
 2. Hazardous waste recycling units located at the Permittee's facility.
- B. The Permittee shall comply with 40 CFR 264 Subpart BB for air emissions from pumps, valves, compressors, sampling connecting systems, open-ended valves or lines, pressure relief devices, flanges, and other connectors, and closed-vent systems and control devices, that contain or contact hazardous wastes with organic concentrations of at least 10 percent (10%) by weight.
- C. The Permittee shall also meet the test methods and procedures, record keeping, and reporting requirements of 40 CFR 264 Subparts AA and BB, if applicable.
- D. The EPA has reviewed the provisions of the MDNR Permit and has found that they are consistent with the provisions of 40 CFR 264 Subpart BB for equipment leaks. Special Condition XII of Part I of this Permit is hereby incorporated by reference.

XXI. Additional storage of toxicity characteristic wastes

Pursuant to 40 CFR 261.24 and Section 300l(g) and (h) of RCRA, 42 USC §6921(g) and (h), the Permittee may also store the hazardous wastes listed below in the storage areas designated in Part I (the State Hazardous Waste Permit). These additional wastes shall be included in the capacities listed in Part I of the State Permit. The storage shall be in accordance with the remaining requirements of Part I Permit condition. The following waste codes are allowable under these provisions:

D018	D024	D030	D036	D042
D019	D025	D031	D037	D043
D020	D026	D032	D038	
D021	D027	D033	D039	
D022	D028	D034	D040	
D023	D029	D035	D041	

XXII. Dispute resolution

- A. If the Permittee disagrees, in whole or in part, with any EPA disapproval, modification, or other decision or directive made by EPA pursuant to this Permit, the Permittee shall notify EPA and MDNR in writing of his or her objections and basis for them within fifteen (15) calendar days of receipt of EPA's disapproval, decision, or directive. The notice shall set forth specific points of the dispute, the factual and legal basis for the Permittee's position, the position the Permittee maintains that should be adopted as consistent with the requirements of this Permit, and all matters the Permittee considers necessary for EPA's determination. EPA and the Permittee shall then have an additional thirty (30) calendar days from EPA's receipt of the Permittee's objection to attempt to resolve the dispute. If agreement is reached, the resolution will be reduced to writing by EPA and shall become part of this Permit. If the parties are unable to reach complete agreement within this 30-day period, the matter will be submitted to the Regional Administrator or representative of the Regional Administrator who has not been previously involved in consideration or issuance of this Permit for resolution. This resolution shall become part of this Permit.
- B. The existence of a dispute as defined herein and EPA's consideration of such matters as placed in dispute shall not excuse, toll or suspend any obligation or deadline required pursuant to this Permit, that is not the subject of dispute, during pendency of the dispute resolution process.

XXIII. Appeal of a permit [40 CFR 124.19(a)]

This Permit may be appealed pursuant to the provisions of 40 CFR 124.19(a), which provides as follows:

Within thirty (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 Director'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:

- A. A finding of fact or conclusion of law which is clearly erroneous; or
- B. An exercise of discretion or an important policy consideration which the Director should, in his or her discretion, review.