



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

May 12, 2016

CERTIFIED MAIL – 7014 1200 0000 4389 3055  
RETURN RECEIPT REQUESTED

Ms. Mary-Kay Tokar  
Operations Integration Manager  
WM Waste Management  
1700 Broadway Street, NE  
Minneapolis, MN 55413

RE: Approved Final Remedy, Missouri Hazardous Waste Management Facility Part I and EPA Hazardous and Solid Waste Amendments Part II Permit Terminations, and Release from Corrective Action and Permitting Obligations  
WM LampTracker, Incorporated, Kaiser, Missouri  
EPA ID# MOR000504456

Dear Ms. Tokar:

The Missouri Department of Natural Resources (Department), in coordination with the U.S. Environmental Protection Agency (EPA) Region 7, hereby approves the proposed final remedy of no further corrective action at the WM LampTracker, Incorporated (WMLT), facility. As a result of WMLT having completed clean closure of its hazardous waste management and resource recovery units and corrective action obligations, the Department and EPA are terminating WMLT's Missouri Hazardous Waste Management Facility (MHWMF) Part I and EPA Hazardous and Solid Waste Amendments (HSWA) Part II Permits and releasing the facility from regulation as a hazardous waste treatment, storage, and disposal facility subject to the corrective action and permitting requirements of the Missouri Hazardous Waste Management Law and regulations and federal Hazardous and Solid Waste Amendments to the *Resource Conservation and Recovery Act* (RCRA). Our final decisions are based on Code of State Regulations 10 CSR 25-7.264(1), which incorporates Code of Federal Regulations 40 CFR Part 264 Subpart F and Subpart G; all comments received during the public comment period; and all available facility-specific information, including the following items:

1. MHWMF Part I Permit, Permit Number MOR000504456, dated November 15, 2006.
2. EPA HSWA Part II Permit, Permit Number MOR000504456, dated November 15, 2006.



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3. RCRA Facility Assessment Report, dated November 9, 2009, prepared by Sunbelt Environmental Services, Incorporated, on behalf of WMLT. Based on a records review and visual inspection, there was no evidence of releases or suspected releases. The report recommended that no further investigative activities were required at the facility.
4. Soil sampling conducted in September and December 2013, as part of the approved closure plan, which also included provisions to address corrective action, by Conestoga-Rovers & Associates.
5. Closure certification, signed March 2, 2014, by Ronald Frehner, P.E., a professional engineer registered in Missouri, and Mr. Brent Bell, Vice President of Recycling, WMLT, indicating the WMLT facility was closed according to the approved closure plan, including approved modifications to that plan, submitted according to 10 CSR 25-7.264(1), which incorporates 40 CFR 264.112.
6. A letter signed by the Department, dated June 26, 2014, accepting the closure certification for several regulated units, including the Intact Lamps Storage Unit, Crushed Lamps Storage Unit, and Calcium Phosphate Powder Storage Unit. A revised letter signed by the Department, dated July 24, 2014, accepted the closure certification for the above regulated units and the entire WMLT facility. Based on the information available, the Department considered the WMLT facility to be “clean closed” and no post-closure care was required.
7. A letter signed by the Department, dated June 26, 2014, releasing WMLT from financial assurance obligations, according to 10 CSR 25-7.264(1), which incorporates 40 CFR 264.143(i).
8. RCRA Corrective Action Environmental Indicator Evaluations (EI) (RCRAInfo Codes CA750-Migration of Contaminated Groundwater Under Control and CA725-Current Human Exposure Under Control), dated February 23, 2015, affirming that migration of contaminated groundwater (i.e., there were no actual releases to groundwater) and current human exposures were under control.

The WMLT facility is located on about 3.6 acres at 415 Kaiser Industrial Drive in Kaiser, Missouri. In 2001, H.T.R., Incorporated (H.T.R.), began operating a commercial fluorescent lamp recycling operation at this facility. H.T.R. received and recycled intact and broken universal waste fluorescent lamps, compact fluorescent bulbs, mercury vapor lamps, and other lighting tubes and bulbs. These lamps were crushed and separated into three components: 1) crushed glass, 2) metal end caps, and 3) mercury-containing calcium phosphate powder. Mercury-containing calcium phosphate powder is considered a characteristic hazardous waste (D009). When federal regulations regarding fluorescent bulbs changed in 2000, classifying them as universal hazardous waste, H.T.R. was required to follow RCRA permit requirements for storage of the bulbs. H.T.R. operated under “interim status” until they received two hazardous waste permits, both effective November 15, 2006. The Department issued the MHWMF Part I

Permit. EPA issued the HSWA Part II Permit. The permits allowed H.T.R. to store fluorescent lamps and mercury-containing calcium phosphate powder in containers as part of its receipt and processing of fluorescent lamps.

The facility also served as a transfer facility for universal waste batteries and polychlorinated bi-phenyl containing lamp ballasts. Up until 2009, the mercury-containing calcium phosphate powder was recycled on-site into elemental mercury. In January 2009, WM Universal Waste LampTracker 1, Incorporated, was added to H.T.R.'s permits as a new owner of the facility. The facility later changed its name to WM LampTracker, Incorporated. From 2010 until closure in 2012, the mercury-containing powder was shipped off-site for recovery. In July 2012, WMLT stopped operating and began closing the facility.

Verification sampling of concrete, sheetrock, and soil was conducted in September 2013 and December 2013, by Conestoga-Rovers & Associates. According to the September 2013 sampling, all concrete and sheetrock sample results were below the closure clean-up levels approved in the closure plan. However, three surface soil samples slightly exceeded the elemental mercury screening level for protection of groundwater, but were well below the direct contact soil screening criteria based on EPA Risk Screening Levels. In December 2013, additional deeper soil samples were collected and analyzed for mercury at the same locations where the surface soil exceedances occurred. The mercury concentrations in these samples were below the screening level for protection of groundwater. These results indicated the mercury in the surficial soil had not migrated deeper into the soil and therefore did not pose a threat to groundwater.

The Department determined WMLT clean closed its hazardous waste management and resource recovery units according to the approved closure plan and met the requirements of the Missouri Hazardous Waste Management Law and regulations and federal Hazardous and Solid Waste Amendments to RCRA. All issues associated with solid waste management units or areas of concern have been adequately addressed. On September 24, 2015, the Department, in coordination with EPA, issued a Statement of Basis in support of the proposed final remedy of no further corrective action at the WMLT facility. The Department and EPA also proposed to terminate WMLT's hazardous waste permits and release the facility from regulation as a hazardous waste treatment, storage, and disposal facility subject to corrective action and permitting requirements.

The Department and EPA invited the public to review and offer written comments on the proposed final remedy and permit terminations during a 45-day public comment period, which began September 24, 2015, and ended November 9, 2015. We did not receive any requests for a public hearing about the proposed final remedy and permit terminations during the public comment period. We reviewed all written comments received during the public comment period. We wrote a summary and response to all comments received on the proposed final remedy and permit terminations and explained how each was addressed.

The Department's approved final remedy and final Part I Permit termination decisions are effective immediately. Please be aware that any parties adversely affected or aggrieved by the approved final remedy decision or final Part I Permit termination may be entitled to pursue an appeal before the Administrative Hearing Commission, according to 10 CSR 25-8.124(2). The petition must be filed with the Administrative Hearing Commission by June 13, 2016, according to the procedures outlined in 10 CSR 25-2.020 and Missouri Revised Statutes, Sections 260.395.11 and 621.250, RSMo. If the petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any other method, it will be deemed filed on the date it is received by the Administrative Hearing Commission. Appeals must be sent to the Administrative Hearing Commission, Truman State Office Building, Room 640, 301 West High Street, P.O. Box 1557, Jefferson City, MO 65102, or by fax to (573) 751-5018. The Department also asks that a copy of the petition be provided to Mr. Steve Sturgess, Director, Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, or by fax to (573) 751-7869.

The final Part II Permit termination will become effective midnight, June 14, 2016. According to 40 CFR 124.19(a), any commenter may file a written petition for appeal with the Environmental Appeals Board (EAB) to the extent of their comments made during the public comment period. Any person who did not file comments during the public comment period may file a written petition for administrative review only. All petitions for review must be received by the EAB no later than June 14, 2016.

Petitions mailed to the EAB through the U.S. Postal Service, except by Express Mail, must be addressed to the Clerk of the Board, U.S. Environmental Protection Agency, Environmental Appeals Board, 1200 Pennsylvania Avenue, Northwest, Mail Code 1103M, Washington, DC 20460-0001. Petitions delivered by hand or courier, including Federal Express, UPS, and U.S. Postal Express Mail, must be addressed to the Clerk of the Board, U.S. Environmental Protection Agency, Environmental Appeals Board, 1201 Constitution Avenue, Northwest, WJC East, Room 3334, Washington, DC 20004. Please note that mail sent by the U.S. Postal Service may be delayed by a random sterilization procedure. Please allow enough time for delivery so that the EAB receives it no later than June 14, 2016. Parties are encouraged to use EAB's e-filing system or hand or non-U.S. Postal Service courier delivery. For more information, please visit EAB's website at [www.epa.gov/eab](http://www.epa.gov/eab).

As noted above, the Department and EPA approved the proposed final remedy and are terminating WMLT's permits and releasing the facility from regulation as a hazardous waste treatment, storage, and disposal facility subject to the corrective action and permitting requirements of the Missouri Hazardous Waste Management Law and regulations and federal HSWA RCRA. These decisions are based strictly on currently known information for the WMLT facility. The Department and EPA reserve the right to take response actions or require additional corrective action, as necessary, if previously unknown conditions or information are discovered which indicate the above determinations are not protective of human health and the environment.

Ms. Mary-Kay Tokar  
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The Department conducted the public participation activities for the approved final remedy and final Part I Permit termination, as described in 10 CSR 25-8.124(1)(A)15. At the same time, EPA conducted the public participation activities for the final Part II Permit termination, as described in 40 CFR 124.15(a). The Department and EPA issued the public notice for these decisions together. The Department mailed a notification letter to everyone on the facility mailing list. In addition, we anticipate sending a news release to our Camden, Cole, Maries, Miller, Moniteau, Morgan, and Pulaski County media broadcast e-mail lists.

We posted an announcement and the response to comments on the Department's website at [www.dnr.mo.gov/env/hwp/permits/notices.htm](http://www.dnr.mo.gov/env/hwp/permits/notices.htm). Supporting documents are not available on the Department's website due to their size. We sent a copy of this letter, the letter to the facility mailing list, and the response to comments to the Camden County Library District's Osage Beach Library for public viewing. A copy of the response to comments and various letters are included with this letter. Once sent to the above media broadcast e-mail lists, the news release will be available on the Department's website at [www.dnr.mo.gov/news/news-and-media.htm](http://www.dnr.mo.gov/news/news-and-media.htm).

If you have questions regarding this letter or the final Part I Permit termination, please contact William Fanska, P.E., of my staff at the Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, by telephone at (573) 751-3553 or 1-800-361-4827, or by e-mail at [bill.fanska@dnr.mo.gov](mailto:bill.fanska@dnr.mo.gov).

For questions regarding the final Part II Permit termination, please contact Christine Jump, L.G., U.S. Environmental Protection Agency Region 7, Waste Remediation and Permitting Branch, 11201 Renner Boulevard, Lenexa, KS 66219, by telephone at (913) 551-7141 or 1-800-223-0425, or by e-mail at [jump.chris@epa.gov](mailto:jump.chris@epa.gov). Thank you.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

[Original signed by Steven Sturgess]

Steven Sturgess, Director  
Hazardous Waste Program

SS:wfm

Ms. Mary-Kay Tokar  
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U.S. ENVIRONMENTAL PROTECTION AGENCY

[Original signed by Becky Weber]

Becky Weber  
Director  
Air and Waste Management Division

Enclosures

- c: Mayor Penny Lyons, City of Osage Beach
- Presiding Commissioner Tom Wright, Miller County
- Mr. Steven Voss, Project Manager, Conestoga-Rovers & Associates
- Ms. Christine Jump, Missouri State Coordinator, U.S. EPA Region 7
- Ms. Sara Parker Pauley, Director, Missouri Department of Natural Resources
- Ms. Karen Colgan, Branch Manager, Camden County Library District, Osage Beach  
Library
- Southwest Regional Office, Missouri Department of Natural Resources