



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

March 24, 2016

CERTIFIED MAIL – 7014 1200 0000 4389 2973

RETURN RECEIPT REQUESTED

Mr. Keith B. Rapp
Senior Hydrogeologist/
Senior Project Manager
Pinnacle Engineering, Incorporated
11541 95th Avenue North
Minneapolis, MN 55369

RE: Class 1 Permit Modification with Prior Director's Approval
to Remove the Light Non-Aqueous Phase Liquid Treatment Plant (a Subpart X Unit)
from the Part I Permit
Eaton Hydraulics, LLC, Joplin, Missouri
EPA ID# MOD007155781

Dear Mr. Rapp:

The Missouri Department of Natural Resources (Department) hereby approves Eaton Hydraulics, LLC's (Eaton) Class 1 Permit Modification with Prior Director's Approval request, dated February 10, 2016. The modification request was to remove the Light Non-Aqueous Phase Liquids (LNAPL) Treatment Plant (a Subpart X Miscellaneous Unit) from the Missouri Hazardous Waste Management Facility (MHWMF) Part I Permit. The Department agrees that this is a Class 1 Permit Modification with Prior Director's Approval, according to Code of State Regulations 10 CSR 25-7.270(1), which incorporates Code of Federal Regulations 40 CFR 270.42, Appendix I, Table I, A.8.

When the MHWMF Part I Permit was issued to Eaton on April 26, 1999, Missouri Regulation 10 CSR 25-7.270 (2)(A)3 contained provisions that would allow a wastewater treatment unit to be exempt, as long as certain conditions were met. Missouri Regulation 10 CSR 25-7.270 (2)(A)3 stated the following:

"A permit is not required under this rule for an elementary neutralization unit or a wastewater treatment unit receiving only hazardous waste that is generated on-site or generated by its owner/operator or only one (1) generator if the owner/operator, upon request, can demonstrate to the satisfaction of the department the following:

Mr. Keith B. Rapp
March 24, 2016
Page 2

- A. *There is sufficient evidence that the unit is not leaking;*
- B. *The unit is structurally sound and there is no evidence that the unit will fail or collapse;*
- C. *There are no incompatible wastes being placed in the unit;*
- D. *The owner/operator has been and is in compliance with all present and prior permits and authorizations issued to the owner/operator; and*
- E. *There is no evidence of any past releases from the unit.”*

However, due to a release from the LNAPL Treatment Plant in 1997, Eaton did not meet Subpart E of the above regulation at that time. Therefore, the LNAPL Treatment Plant was permitted as a Subpart X Miscellaneous Unit in the MHWMF Part I Permit issued on April 26, 1999. Effective December 31, 2015, this Missouri regulation is no longer applicable, due to the “no stricter than legislation” passed by the Missouri Legislature which does not allow any state regulations to be more strict than the Federal Regulations.

Additionally, the annual groundwater corrective action reports for the past 17 years document that the LNAPL Treatment Plant has not been leaking and the unit is structurally sound. There is no evidence that the LNAPL Treatment Plant has any current compliance issues and that the operation has been in compliance with the MHWMF Part I Permit. Removal of the LNAPL Treatment Plant from the conditions of the MHWMF Part I Permit will not result in any change in Eaton’s financial assurance.

Eaton must send a notice of the modification to everyone on their facility mailing list and the appropriate units of state and local government within 90 calendar days of receipt of this letter, according to 10 CSR 25-7.270(1), which incorporates 40 CFR 270.42(a)(1)(ii). Eaton must send a copy of the notice to the Department.

If you have questions regarding this letter, please contact Mr. Radu Mariuta, Project Manager, 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 radu.mariuta@dnr.mo.gov. Thank you.

Sincerely,

HAZARDOUS WASTE PROGRAM

[Original signed by Richard A. Nussbaum]

Richard A. Nussbaum, P.E., R.G.
Chief, Permits Section

RAN:rmm

Mr. Keith B. Rapp
March 24, 2016
Page 3

c: Terry Etter, P.E., Program Manager, Unisys Corporation
Mr. Stephen Fesko, Senior Manager Environmental Services, Eaton Corporation
Kenneth Herstowski, P.E., Project Manager, U.S. EPA Region 7
Southwest Regional Office, Missouri Department of Natural Resources