STATE OF MISSOURI

DEPARTMENT OF NATURAL RESOURCES

MISSOURI HAZARDOUS WASTE MANAGEMENT FACILITY
PART I PERMIT

PERMIT NUMBER: MOD054018288

PERMITTEE

Owner: Continental Cement Company, L.L.C
10107 Highway 79
Hannibal, MO 63401-0071

Operator of Cement Kiln:
Continental Cement Company, LLC
10107 Hwy 79
Hannibal, MO 63401-0071

Operator of Treatment & Storage:
Green America Recycling, LLC
10107 Highway 79
Hannibal, MO 63401-0071

FACILITY LOCATION

Green America Recycling, LLC
10107 Highway 79
Hannibal, MO 63401
Ralls County
North Latitude – 39°40’59”
West Longitude – 91°18’49”

FACILITY DESCRIPTION

The facility name is Green America Recycling, LLC; however, the regulated activities are performed by both Continental Cement Company, LLC and Green America Recycling, LLC. Continental Cement Company, LLC, is a Portland cement manufacturing facility. Solid and

liquid hazardous wastes are burned in the preheater/calciner for energy recovery within the cement kiln system. Green America Recycling, LLC, is a hazardous waste fuel blending facility. Hazardous wastes generated on and off site are stored and blended until used as supplemental fuel in the cement kiln system. Together these companies compose a hazardous waste treatment, and storage facility. This facility is located on approximately 3,500 acres, although the active portion of the hazardous waste management facility is approximately 5 acres. The general facility location is shown in Figure 1. The facility property boundaries are shown in Figure 2.

PERMITTED ACTIVITIES

This Permit allows Green America Recycling, LLC, to store and treat "characteristic" hazardous waste, as well as various F-, K-, P-, and U-listed hazardous wastes, as specified in the Part A permit application. This Permit also contains contingent corrective action conditions to address any newly identified release(s) to the environment from previously or newly identified Solid Waste Management Units and Areas of Concern, as necessary and appropriate.

EFFECTIVE DATES OF PERMIT: NOV 18 2019 to NOV 17, 2029

NOV 18 2019
Date

[Original signed by Carey Bridges]
Carey Bridges, R.G., Deputy Director
DIVISION OF ENVIRONMENTAL QUALITY

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INTRODUCTION

After public notice, according to Code of State Regulations 10 CSR 25-8.124, and review of Green America Recycling, LLC's RCRA Hazardous Waste Permit Application (hereafter referred to as the permit application), the Missouri Department of Natural Resources (hereafter referred to as the Department) determined the permit application conforms to the provisions of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), the Missouri Hazardous Waste Management Law [Sections 260.350, et seq., of the Missouri Revised Statutes (RSMo)], and all standards, rules, and regulations adopted under these acts. The federal regulations, promulgated by the U.S. Environmental Protection Agency (hereafter referred to as EPA), are codified and to be codified in Title 40 of the Code of Federal Regulations. State regulations promulgated under the Missouri Hazardous Waste Management Law are published in the Code of State Regulations, Title 10, Division 25 (10 CSR 25).

Pursuant to Section 260.375.13, RSMo and the Solid Waste Disposal Act, the Department hereby approves the permit application and issues this Missouri Hazardous Waste Management Facility Part I Permit (hereafter referred to as the Permit), Permit Number MOD054018288, to Continental Cement Company, LLC, as the facility owner and operator of the cement kiln, and Green America Recycling, LLC, as the operator of the treatment and storage units (hereafter collectively referred to as the Permittee), for operation of the hazardous waste management facility, as described in the permit application and this Permit. This Permit also includes "contingent" corrective action requirements that may be triggered, if necessary, 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) to RCRA, as administered and enforced by the Department. The Department is issuing this Permit under state authority.

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 Missouri, in lieu of EPA, are incorporated into this Permit and are under state authority. Authority for other HSWA requirements for which Missouri has not adopted or been authorized to implement by EPA are retained by EPA. EPA is issuing a HSWA Part II Permit under federal authority, to address those HSWA regulatory requirements. This Permit shall remain in effect even if the HSWA Part II Permit is terminated or expires.

All citations to federal regulations throughout this Permit are for the sake of convenient reference. The federal regulations are incorporated by reference in 10 CSR 25. Applicable regulations are found in 10 CSR 25-3, 25-4, 25-5, 25-6, 25-7, and 25-8; and 40 C.F.R. Parts 260 through 264, 266, 268, and 270, as specified in this Permit. In instances where state regulations are more stringent, the appropriate state reference is given and shall apply.

Any appeals of this Permit, or specific permit conditions based on state authority, shall be filed according to 10 CSR 25-8.124(2). Any parties adversely affected or aggrieved by this decision may be entitled to pursue an appeal before the Administrative Hearing Commission (AHC). To appeal, the party shall file a petition with the AHC within 30 calendar 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 can be found online at ahc.mo.gov, or by calling 573-751-2422. The Department also requests a copy of any appeal request be provided to the Missouri Department of Natural Resources, Waste Management Program Director, P.O. Box 176, Jefferson City, MO 65102-0176.

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.

This Permit is for hazardous waste treatment, storage, and "contingent" corrective action activities, and is issued only to the Permittees named above. This Permit is issued for a period of 10 years and expires at midnight on NOV 17, 2029. This Permit is subject to review and modification by the Department, according to Section 260.395.12, RSMo, and 40 C.F.R. § 270.41. According to 40 C.F.R. § 270.51, if the Permittee submits a timely and complete application for a new permit and the Department, through no fault of the Permittee, is unable to issue a new permit on or before the expiration of this Permit, the conditions of this Permit will continue in force until the effective date or denial of a new permit.

All permit application information shall be made 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 public review at the Department's office in Jefferson City, Missouri, and the EPA Region 7 office in Lenexa, Kansas.

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

- RCRA Hazardous Waste Permit Application, dated October 12, 2009, with revisions dated September 30, 2010, and April 30, 2012.

- Additional technical information, dated March 29, 2019, and July 8, 2019.

- Rail Car Management Plan, dated September 2, 2009, with revisions, dated October 29, 2018, and March 29, 2019.

- Operation, Maintenance, and Monitoring Plan, dated December 17, 2013, with revisions, dated May 1, 2019.

The "consolidated permit application" is defined as 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. The Permittee shall maintain a copy of all documents outlined above with the consolidated permit application at the facility.

Section 260.395.12, RSMo, and 40 C.F.R. § 270.32(b)(2), require each permit issued under that section to contain terms and conditions as the Department determines necessary to protect human health and the environment. Operation of this hazardous waste management facility and any future required post-closure and corrective action activities shall be according to the provisions of this Permit; the Missouri Hazardous Waste Management Law and the rules and regulations promulgated thereunder as effective on the date of this Permit; all final engineering plans, petitions, specifications, and operating procedures submitted to the Department during the permit application review process, which are included in the approved 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 approved permit application, 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.

According to 40 C.F.R. Part 270 Subpart D, any inaccuracies found in information submitted by the Permittee may be grounds for terminating, revoking and reissuing, or modifying this Permit, 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 handled according to the requirements of 10 CSR 25-8.124 and 40 C.F.R. Part 270 Subpart D.

40 C.F.R. § 264.101(a) requires all owners or operators of facilities seeking a permit for treating, storing, or disposing 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 C.F.R. § 264.101(b) requires that permits issued under the Missouri 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 C.F.R. § 264.101(c) requires corrective action to 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 actions. 40 C.F.R. § 264.101(c) further stipulates that the owner or operator is not relieved of any responsibility to cleanup a release that 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.

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, Environmental Remediation Program, Land Reclamation Program, Geological Survey Program, Waste Management Program, and Water Protection Program. Failure to comply with these environmental laws and regulations may, in certain circumstances, result in suspending or revoking this Permit and may subject the permit holder to civil and criminal liability.

DEFINITIONS

For purposes of this Permit, terms used herein shall have the same meaning as those in RCRA and 40 C.F.R. 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.

"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. Investigating and/or remediating AOCs may be required pursuant to Section 260.395, RSMo and 40 C.F.R. § 270.32(b)(2).

"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.

"Corrective Action" means the investigation and remediation of hazardous wastes and hazardous constituents from any past and present release(s), including contamination that may have migrated beyond the boundaries of the permitted property.

"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 C.F.R. § 264.101, and as specified in this Permit.

"Hazardous Constituent" means any chemical compound listed in 40 C.F.R. Part 261, Appendix VIII.

"Hazardous Waste" means any waste, or combination of wastes, as defined by or listed in 40 C.F.R. Part 261, that may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or that may pose a threat to the health of humans or other living organisms because of its quantity, concentration, physical, chemical, or infectious characteristics.

"Interim/Stabilization Measures (ISMs)" means actions to control or abate threats to human health or the environment from releases at hazardous waste treatment, storage, or disposal facilities, or to prevent or minimize the further spread of contamination while long-term remedies are pursued.

"Polychlorinated Biphenyl (PCB)" means any chemical substance limited to the biphenyl molecule that has been chlorinated to varying degrees, or any combination of substances that contain this substance, as described in 10 CSR 25-13.010.

"PCB Container" means any package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB articles and whose surface(s) has been in direct contact with PCBs.

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing hazardous wastes or hazardous constituents into the environment, outside of permitted primary or secondary containment. This includes

abandoning or discarding barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents.

"Qualified Professional Engineer" means a person who has training and expertise in tank system design and installation. The engineer must be able to recognize potential tank system failure or past failures. The engineer must be able to assess and interpret information about dangerous waste stored in the tank, and its compatibility with tank and piping system materials.

"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 managing solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

"Waste-Derived Material (WDM)" means treated solid and liquid hazardous wastes being used as an alternative fuel in the pre-heater/calciner for the cement kiln.

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, incorporating any changes resulting from comments on the draft Permit, as required by 10 CSR 25-7.270(2)(B)7., and defined in the Introduction of this Permit.

B. Submit to the Department for approval, a revised Part A permit application, including all changes resulting from comments on the draft Permit, all permitted units at the facility, and a diagram of the facility clearly outlining where each permitted unit is located.

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

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

E. Submit to the Department, to the attention of the Waste Management Program, a check or money order payable to "State of Missouri" for $1,000

for each year this Permit is to be in effect beyond the first year. This Permit is effective for 10 years. Since the Permittee submitted a $1,000 deposit with the permit application and paid a $1,000 permit continuation fee for the current year, the remaining balance to be submitted by the Permittee is calculated as:

$$\text{Remaining balance} = \$9{,}000.00 - \left(\left(\frac{\$1{,}000.00}{365\ days}\right) x N_d\right)$$

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 based on the foregoing formula is included with this Permit.

F. Submit to the Department for evaluation, an updated closure cost estimate, according to 40 C.F.R. § 264.142.

II. Within 30 calendar days after receiving the Department's final written response regarding review of the updated closure cost estimate, the Permittee shall submit to the Department for evaluation, all documentation necessary to demonstrate the Permittee satisfies the financial assurance criteria in 40 C.F.R. § 264.143.

III. Within 10 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, as specified in Financial Assurance Condition II.B.2.

IV. Within 30 calendar days after receiving the Department's final written response regarding the draft financial assurance instrument(s), the Permittee shall ensure the issuing institution submits all original executed and/or otherwise finalized instruments or other documents required in order to make the selected financial assurance legally binding, as specified in Financial Assurance Condition II.B.3.

V. The Permittee shall maintain financial assurance for closure until such time as the Department accepts the closure certification report for all operating units at the facility, and notifies the Permittee, in writing, that the financial assurance mechanism for closure may be terminated.

VI. Within 90 calendar days after the effective date of this Permit, the Permittee shall submit an updated risk assessment outline/protocol for the cement kiln.

VII. Within 180 calendar days after receiving the Department's approval of the updated risk assessment outline/protocol for the cement kiln, the Permittee shall submit an updated risk assessment report according to the 2005 Human Health Risk Assessment Protocol, as modified by Schedule of Compliance item VI.

VIII. The Permittee shall comply, as necessary, with all contingent corrective action requirements of this Permit, as specified in the Corrective Action Conditions of this Permit and as summarized in Table 6.

SUBMITTAL OF REQUIRED INFORMATION

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

Chief, Engineering Section
Missouri Department of Natural Resources
Waste Management 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, plans/specifications, and consolidated permit application, required under the terms of this Permit to:

Chief, RCRA Oversight, Authorization Grants & PCB Branch
U.S. Environmental Protection Agency Region 7
Land, Chemical & Redevelopment 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 according to General Permit Condition V.

STANDARD PERMIT CONDITIONS

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; 10 CSR 25-8; 40 C.F.R. Part 264 Subpart H; and 40 C.F.R. §§ 264.101, 270.10, 270.30, 270.40, 270.42, and 270.51.

II. Application for Permit Reissuance [40 C.F.R. § 270.32]

According to 40 C.F.R. § 270.10(h)(1), the Permittee may submit a permit renewal application to the Department at least 180 calendar days before the expiration date of this Permit, unless the Director allows a later date. However, in order not to jeopardize timely reissuance, according to 40 C.F.R. § 270.32(b)(2), the Permittee shall submit a permit renewal application to the Department at least 24 months before the expiration date of this Permit.

GENERAL PERMIT CONDITIONS

I. The Permittee shall comply with the applicable requirements described in 40 C.F.R. Part 264 Subparts B, C, D, E, F, G, H, I, J, X, BB, CC, and DD; 40 C.F.R. Part 268; and 40 C.F.R. Part 270.

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 800-424-8802.

Within 15 calendar 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 C.F.R. § 264.56(i) and be provided to the addressees listed in the "Submittal of Required Information" provision of this Permit.

III. This Permit does not authorize managing any non-hazardous solid waste outside the hazardous waste management processes and units described herein. Handling non-hazardous solid waste outside the requirements of this Permit is subject to regulation under Missouri's Solid Waste Management Law and regulations.

IV. Review and Approval Procedures

A. Financial assurance cost estimates and draft financial assurance mechanisms submitted for closure activities shall be reviewed and responded to by the

Department, according to the procedures described in the Financial Assurance Conditions of this Permit.

B. Following submission of any plan or report pertaining to any plans to conduct sampling and analysis of the hazardous waste, residues, emissions, plant sampling, odor testing, or for closure or corrective action activities (excluding Annual Progress Reports, unless proposed actions to address corrective action program inadequacies are contained therein), the Department shall review and either approve or provide written comments on the plan or report. If the Department does not approve the plan or report, the Department shall notify the Permittee, in writing, of the deficiencies in the plan or report and specify a due date for submitting a revised plan, report, or associated activity schedule.

C. If the Department does not approve the revised plan, report, or associated activity schedule, the Department may modify the plan, report, or schedule and notify the Permittee, in writing, 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 Sections 260.395.11 and 621.250, RSMo.

V. Document and Activity Extension Requests

A. 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. Hard copy letter or e-mail are acceptable. The Department shall receive the extension request at least 15 calendar days before the scheduled document due date or activity completion date. The Permittee's extension request shall specify the amount of additional time needed and shall be accompanied by the Permittee's justification for the extension.

B. The Department shall review and approve the extension request according to the procedures described in General Permit Condition IV.

C. If the Department does not approve the extension request, the Department may modify the request and notify the Permittee, in writing, of the modification. The extension request, as modified by the Department, shall be the approved schedule.

SPECIAL PERMIT CONDITIONS

The Department established the following permit conditions for the Permittee and the hazardous waste facility at the location specified in this Permit.

I. 100-Year Floodplain Requirements [40 C.F.R. § 264.18(b)]

The Permittee submitted information, as required in 40 C.F.R. § 270.14(b)(11)(iii), that identifies the active portion of the facility as not being located in a 100-year floodplain. The active portion of the facility, in this case, refers to all contiguous land and structures, other appurtenances, and improvements on the land used for treating and storing hazardous waste. Therefore, a plan, as required in 40 C.F.R. § 264.18(b), for managing hazardous waste within a floodplain is not required. The Permittee shall maintain this information in the facility operating record.

II. Storage in Containers [40 C.F.R. 264 Subpart I]

Four container storage areas are currently permitted and operating at this facility: Container Storage Area #1 (CSA #1); Container Storage Area #3 (CSA #3); Container Storage Area #4 (CSA #4); and, Container Storage Area #5 (CSA #5). These areas are located as shown on Figure 3, and are subject to the requirements of 40 C.F.R. 264 Subpart I.

A. Waste Identification

The Permittee shall store, in the permitted container storage areas, only the hazardous wastes identified in Part A of the approved permit application. All stored wastes are subject to the terms of this Permit.

B. Waste Quantities

The maximum quantity of wastes that may be stored in each permitted container storage area is listed in Table 1:

Table 1 - Container Storage Area (CSA) Maximum Volumes

Identification	Maximum Volume (gallons)
CSA #1	36,000
CSA #3	360,000
CSA #4	131,250
CSA #5	290,000
Facility Maximum	817,250

The maximum quantity of wastes that may be stored at any time is 817,250 gallons in containers. For inspection purposes, the Total Stored Volume may be calculated by:

A	Number of 5-gallon containers
B	Number of 16-gallon containers
C	Number of 30-gallon containers
D	Number of 55-gallon containers
E	Number of gallons stored in off-sized containers

(A x 5) + (B x 16) + (C x 30) + (D x 55) + E = Total Stored Volume (gallons)

1. CSA #1

   The maximum quantity of wastes that may be stored at any time is 36,000 gallons of material. The Permittee may store materials that contain free liquids in this area, as described in this Permit and Section 3.2.2.0. of the approved permit application.

2. CSA #3

   The maximum quantity of wastes that may be stored at any time is 360,000 gallons of material, in combinations of containers and railcars. The Permittee shall not store containers that contain free liquids in this area. However, the Permittee may store up to ten 20,000-gallon railcars in accordance with the Rail Car Management Plan and Section 3 of the approved permit application.

3. Rail Car Operations

The Permittee shall comply with the applicable requirements of 10 CSR 25-7.264(3), and the approved Rail Car Management Plan. Additional railcars may be staged in an approved portion of the Permittee's property for up to 10 days before offloading or rejecting the railcars.

4. CSA #4

The maximum quantity of wastes that may be stored at any time is 131,250 gallons of material. The Permittee may store materials that contain free liquids in this area, as described in this Permit and the approved permit application.

5. CSA #5

The maximum quantity of wastes that may be stored at any time is 290,000 gallons of material. The Permittee may store materials that contain free liquids in this area, as described in this Permit and the approved permit application. The Permittee may store both liquid and solid wastes in CSA#5. The containers stored in this area will generally be bulk. However, other types of containers (i.e., drums) may be stored in this area.

The Permittee shall ensure precipitation does not enter a waste container in CSA#5 by maintaining a waterproof cover such as a metal lid or waterproof tarp on the containers at all times except when it is necessary to remove the cover to add or remove waste.

C. Condition of Containers [40 C.F.R. § 264.171]

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste to a container that is in good condition or manage the hazardous waste in some other way that complies with the conditions of this Permit, such as over-packing.

D. Compatibility of Waste with Containers [40 C.F.R. § 264.172]

1. The Permittee shall use a container made of, or lined with, materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

2. Containers meeting U.S. Department of Transportation (USDOT) standards for transportation of containerized materials (40 C.F.R. Part 173) are also acceptable for the storage of hazardous waste.

E. Management of Containers [40 C.F.R. § 264.173]

1. A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste. A container holding hazardous waste shall not be opened, handled, or stored in a manner that may rupture the container or cause it to leak or spill.

2. The Permittee shall store containers in a manner that ensures physical stability and allows for visual inspection of each container and each container's label, except:

a. For visual inspection of containers not containing free liquids, where container size prohibits inspecting center containers when palletized, provided all contents on the pallet are clearly labeled, on the aisle-side, as to the total amounts, codes, and names of hazardous waste; and

b. For visual inspection of containers containing free liquids where container size prohibits inspecting center containers when palletized, provided:

(1) The hazardous wastes within a pallet are all the same material;

(2) If a container on the pallet leaks, the pallet is unloaded and the spill is remedied according to the approved permit application; and

(3) All contents on the pallet are clearly labeled, on the aisle-side, as to the total amounts, codes, and names of hazardous waste.

3. Containers shall not be stacked in a manner that causes leaks or spills of hazardous waste.

   a. Drummed material shall be stacked no higher than 2 vertically-oriented 55-gallon sized drums.

   b. Containers stacked on pallets shall be stacked no higher than 7 feet.

   c. Class I flammable liquids, as defined in the National Fire Protection Association's "Flammable and Combustible Liquids Code" (NFPA 30, as revised 1996), shall be stacked no higher than 5 feet.

   d. Class II combustible liquids, as defined in the National Fire Protection Association's "Flammable and Combustible Liquids Code" (NFPA 30, as revised 1996), shall be stacked no higher than 10 feet.

4. All containers shall be arranged so there is a minimum of 3 feet of aisle space maintained between rows of adjacent containers, allowing accessibility to each individual container for inspection. All container labels shall be visible from an aisle.

5. The aisle space between rows shall be maintained to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation.

6. The container storage areas shall be clearly delineated with tape or painted lines on the floor of the facility. Rows within the container storage areas shall also be delineated with tape or painted lines on the floor of the facility.

F. Labeling and Marking [40 C.F.R. § 268.50]

Each container storing hazardous wastes shall be clearly marked to identify its contents with the following:

1. The words “Hazardous Waste”;

2. The date of receipt or date when accumulation begins;

3. The applicable EPA hazardous waste code(s) or a nationally recognized electronic system, such as bar coding; and

4. An indication of the hazards of the contents, such as:

   a. The applicable hazardous waste characteristic(s);

   b. Hazard communication consistent with requirements in 49 C.F.R. Part 172 Subpart E (labeling) or Subpart F (placarding);

   c. A hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 C.F.R. § 1910.1200; or

   d. A chemical hazard label consistent with the National Fire Protection Association’s “Standard System for the Identification of the Hazards of Materials for Emergency Response” (NFPA 704, as revised 2017).

G. Inspections [40 C.F.R. § 264.174]

1. At least weekly, and according to the schedules in the approved permit application, the Permittee shall inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

2. At least weekly, the Permittee shall inspect the floor around the containers looking for cracks. At least annually, the Permittee shall inspect the entire floor for cracks, including the areas under the

containers. The annual inspection requirement may be met by partial inspections of the floor during movement of containers in and out of the container storage areas. If cracks are found in the floor, repairs shall begin within 10 calendar days of identifying the cracks. Inspection results and any repairs shall be recorded in the facility operating record.

3. CSA#1, CSA#3 (including Rail Car Management Area), CSA#4, and CSA#5 shall be inspected daily, during periods of operation, according to Section 4 in the approved permit application. The inspection shall include looking for leakage or accumulating liquid under trailers, roll-off boxes, and rail tank cars. Any indication of leakage shall be properly managed and the affected trailer shall be unloaded immediately.

H. Containment [40 C.F.R. § 264.175]

1. The Permittee shall design and operate containment systems for the CSAs as follows:

a. A base shall underlie the containers, which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

b. The base shall be sloped or the containment system shall be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids.

c. The containment system shall have sufficient capacity to contain 10 percent of the volume of the maximum volume of all containers permitted for the area or 100 percent of the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination.

d. Run-on into the containment system shall be prevented unless the collection system has sufficient excess capacity in addition

to that required in Special Permit Condition II.H.1.c., to contain any run-on that might enter the system.

e. Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection area, and the area shall be cleaned up, in as timely a manner as is necessary to prevent releases to the environment and provide for protection of on-site personnel.

2. The Permittee shall design and operate containment systems for the CSAs as follows:

a. The areas may be used as general parking for incoming trailers or railcars of non-regulated material, outgoing trailers or railcars awaiting departure from the plant, and other general plant operational parking needs.

b. The Permittee shall keep a record of all incoming and outgoing shipments on file at the facility.

c. Inspections and remedial actions for the trailers containing hazardous waste shall in no way be impeded by the use of the area for reasons other than permitted storage.

d. The trailers or railcars containing hazardous waste shall remain latched and sealed unless the trailer is being inspected or unloaded for recycling or storage within another permitted container storage area.

e. Run-on onto the storage area shall be collected or diverted into the storm water basin for collection and transfer to the facility's wastewater treatment plant, according to the Missouri State Operating Permit.

f. All trailers containing hazardous waste shall remain on a surface that is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

I. Temporary Management [40 C.F.R. § 270.32(b)(2)]

A container holding hazardous waste shall not be staged, stored, or managed in an area not addressed by this Permit for a period that exceeds 24 hours. Temporary management shall only take place in the areas so designated in the approved permit application. Overall hazardous waste transportation shall be in compliance with the time frames or approval requirements of 10 CSR 25-6.263(2)(A)10. Railcars shall be moved to the loading/unloading area within 10 calendar days according to the Railcar Management Plan in the approved Permit application.

J. Special Requirements for Ignitable or Reactive Waste [40 C.F.R. §§ 264.176 and 270.32(b)(2)]

1. The Permittee shall maintain the facility, as illustrated in the approved permit application, in a manner that complies with 40 C.F.R. § 264.176.

2. Containers holding ignitable or reactive waste shall be located at least 50 feet from the facility's property line.

K. Special Requirements for Incompatible Waste [40 C.F.R. § 264.177]

1. The Permittee shall not place incompatible hazardous wastes or materials in the same container, unless such action complies with the requirements of 40 C.F.R. § 264.17(b).

2. The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material.

3. The Permittee shall separate by device (i.e., a dike or other physical means) containers of incompatible waste or materials. No incompatible waste or materials may be stored together in the container storage areas without providing separation sufficient to prevent the mixing of any spilled materials that may be incompatible.

L. Closure [40 C.F.R. § 264 Subpart G]

At closure, the Permittee shall remove all solid and hazardous waste and hazardous waste residues from the container storage areas and containment

systems and close according to the Closure Plan included in the approved permit application. If the Permittee is unable to close according to the approved Closure Plan, the Permittee shall submit a permit modification to the Department, according to 40 C.F.R. § 270.42, addressing any necessary changes to the approved Closure Plan.

III. Storage and Treatment in Containment Buildings [40 C.F.R. Part 264 Subpart DD]

Two containment buildings were previously permitted and are operating at the facility: Feed Prep (FP) Areas #1 and #2. An additional containment building storage area is currently permitted, the Solidification and Special Blending Storage Area, which is located inside FP#2. These areas are located as shown on Figure 3 and are subject to the requirements of 40 C.F.R. Part 264 Subpart DD.

A. Waste Identification

The Permittee shall store, in the permitted areas of the containment buildings, only the hazardous wastes identified in Part A of the approved permit application. All stored and treated wastes are subject to the terms of this Permit.

B. Waste Quantities

The maximum quantity of wastes that may be contained in the containment building storage areas, at any time, shall not exceed the limits listed in Table 2, regardless of whether the waste is being treated or not. The Permittee shall comply with the maximum storage weight or the maximum storage volume, whichever is less.

Table 2 - Containment Building Maximum Capacities

Identification	Maximum Storage Capacity (cubic yards)	Maximum Treatment Capacity (short tons per day)
Feed Prep #1	1,000	1,200
Feed Prep #2	305	260
Solidification and Special Blending Storage Area	240	-

1. Feed Prep #1

Treatment processes in FP#1 shall consist of mechanical size reduction in shredders 1, 2, 3, and 4, for a maximum treatment of 1,200 short tons per day. Magnetic separation of metal from the waste-derived material (WDM) is performed following the shredder units' treatment consisting of a vibratory pan conveyor and cross belt magnet.

Through visual inspection, sampling, and applying the paint filter test (SW-846 method 9095B), the Permittee shall determine the presence of free liquids.

a. For bulk solid debris loads, the Permittee shall use the following protocol prior to placement in FP#1:

(1) Visual inspection; and

(2) Sample each load by taking eight aliquots for analytical testing, as outlined in the approved Bulk Solid Container Sampling Standard Operating Procedure, as appropriate.

b. For bulk sludge loads, the Permittee shall use the following protocol prior to placement in FP#1:

(1) Visual inspection;

(2) Sample each load by taking eight aliquots for analytical testing, as outlined in the approved Bulk Solid Container Sampling Standard Operating Procedure, as appropriate; and

(3) Paint filter test (SW-846 method 9095B) to determine presence of free liquids.

If any material fails the paint filter test, it cannot be placed in FP#1. As an additional precaution, the Permittee may place a layer of absorbent material, such as beneficially reused cement kiln By-Pass Dust, on the floor in FP#1, prior to unloading a shipment to capture and absorb any

incidental free liquids, and prevent any free liquids from coming into contact with the floor.

2. Feed Prep #2

Treatment processes in FP#2 shall consist of special processing by removal of free liquids from drums via pump, vac-truck, or by processing the container in the Drum Decanting System. The Permittee will use a containment skid, metal containment pan, or equivalent device for containment when using a pump or vac-truck to extract liquid from drums in FP#2, as described in Section 3 of the approved permit application.

Through visual inspection, sampling, and applying the paint filter test (SW-846 method 9095B), the Permittee shall determine the presence of free liquids as required by Special Permit Condition III.B.1.a-b., of this section.

3. Solidification and Special Blending Storage Area

Storage in the Solidification and Special Blending Storage Area shall consist of storing bulk solids for the Solidification & Special Blending Treatment Unit, as described in Special Permit Condition V.A.5., prior to loading solid WDM into a container for use in the Cement Kiln or storage in permitted container storage areas.

Through visual inspection, sampling, or applying the paint filter test (SW-846 method 9095B), the Permittee shall determine the presence of free liquids as required by Special Permit Condition III.B.1.a-b., of this section.

C. Design and Operating Standards [40 C.F.R. § 264.1101]

1. The containment buildings shall be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g. precipitation, wind, run-on), and to ensure containment of the maximum permitted quantity of managed waste.

2. The floors and containment walls of the buildings shall be constructed of materials of sufficient strength and thickness to support themselves,

the maximum permitted quantity of managed waste, and any personnel and heavy equipment that operate within the building.

3. All surfaces shall be chemically compatible with the materials and waste to be managed in the containment buildings.

4. The containment buildings shall have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment during the operating life of the building.

5. FP#1 shall be used to manage only wastes containing no free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means).

6. FP#2 shall manage only wastes containing no free liquids with the following exceptions:

    a. Containerized hazardous waste containing free liquids may only be processed within the secondary containment system associated with the drum decanting systems. All containerized hazardous waste containing free liquids shall be removed from FP#2 when the decanting system is not in operation.

    b. Liquid and semi-solid hazardous waste may be temporarily managed in containers only, prior to acceptance or processing, for up to 24 hours in FP#2. Containers with liquid contents will be moved into CSA#4, or CSA#5 at the end of each shift.

7. For containment buildings used to manage wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the Permittee shall maintain:

    a. A primary barrier to prevent the migration of hazardous constituents into this barrier;

    b. A liquid collection and removal system to minimize accumulating liquid on the primary barrier of the containment building;

c. A secondary containment system including a secondary barrier to prevent migration of hazardous constituents into this barrier; and

d. A leak detection system that is capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practicable time. If leaks are detected, the Permittee shall comply with Special Permit Condition III.C.9., for repair and notification requirements. The leak detection system shall be maintained according to the following minimum requirements:

(1) Constructed with a bottom slope of 1 percent or more;

(2) Constructed of a granular drainage material with a hydraulic conductivity no less than $1x10^{-2}$ cm/sec and a thickness of no less than 30.5 cm, or constructed of synthetic or geonet drainage materials with a transmissivity no less than $3x10^{-5}$ m^2/sec; and

(3) Constructed with a liquid collection system of sufficient capacity to contain all liquid that may reach the reservoirs until such time the leak is detected and the liquid is removed.

8. The Permittee shall use controls and practices to ensure containment of the hazardous wastes within the buildings and, at a minimum:

a. Maintain the primary barrier free of cracks, gaps, corrosion, or other deterioration that could cause hazardous wastes to be released from the primary barrier;

b. Maintain the level of the stored/treated hazardous waste within the containment walls of the building so that material is not stored above the height of the wall of the containment system at the wall and so that if a material pile within the system collapses it will not cause a release of hazardous waste over the top of the containment system;

c. Operate decontamination stations at the heavy equipment exit of each containment building to prevent the tracking of hazardous waste out of the buildings by decontaminating all waste/material-handling vehicles before they exit a containment building. No waste/material-handling vehicle shall exit any containment building without being decontaminated except during periods of freezing temperatures and/or weather conditions conducive to ice formation on travel surfaces. All rinsate shall be collected and properly managed. During periods of freezing temperatures and/or weather conditions conducive to ice formation on travel surfaces, and during any period the decontamination station is inoperable, hazardous wastes visible on any waste/material-handling vehicle shall be physically removed over the decontamination station before they exit; and

d. The Permittee shall take measures to control fugitive emissions from the FP#1, FP#2, and the Solidification and Special Blending Storage Area located in FP#2, such that any openings (e.g., doors, windows, vents, cracks, etc.) exhibit no visible emissions, including when personnel are entering or exiting the buildings. Fugitive emissions shall be measured by the method described at 40 C.F.R. Part 60, Appendix A, Method 22. Negative air pressure shall be maintained in FP#1, and FP#2, which includes the Solidification and Special Blending Storage Area, by venting air from these units via draft fan and closed ventilation system into the kiln at all times hazardous waste is being management in the units, as described in Section 3 of the approved permit application.

In the event the ventilation system malfunctions or is inoperable and hazardous waste is present in the building, hazardous waste management operations in the FP areas shall cease until the ventilation system is repaired and fully operational. During the time the ventilations system is inoperable and hazardous waste is present in the building, any openings in the FP areas, including the Solidification and Special Blending Storage Area (doors, windows, vents, etc.) shall be closed except when necessary for personnel to enter, exit, and/or remove hazardous

waste solids from the building. A carbon canister will be used to control any volatile hazardous waste air emissions.

9. If the Permittee detects a condition that could lead to or has caused a release of hazardous wastes or hazardous constituents, the Permittee shall promptly repair the condition according to the following procedures:

   a. Enter a record of the discovery in the facility operating record;

   b. Immediately remove the portion of the containment building affected by the condition from service;

   c. Determine what steps will be taken to repair the containment building, remove any leakage from the secondary collection system, and establish a schedule for accomplishing the cleanup and repairs; and

   d. Notify the Department of the condition within seven calendar days after the discovery of the condition, and within 14 working days, provide a written notice to the Department with a description of the steps taken to repair the containment building and a plan, including a schedule, for accomplishing the work not completed at the time of the written notice.

   The Director shall review the information submitted, make a determination regarding whether the containment building shall be removed from service completely or partially until repairs and cleanup are complete, and notify the Permittee of the determination and the underlying rationale in writing.

   Upon completing all repairs and cleanup, the Permittee shall notify the Director in writing and provide a verification signed by a professional engineer registered in Missouri that the repairs and cleanup have been completed according to the written plan submitted according to Special Permit Condition III.C.9.d.

D. Inspections [40 C.F.R. § 264.15]

1. At least weekly, the Permittee shall inspect all containment building areas and area immediately surrounding the containment buildings for the purposes of detecting any signs of releases of hazardous waste.

2. The FP Areas shall be inspected daily during periods of operation, or at least weekly during periods of no operation. The Permittee shall inspect the containment building and liquid collection and leak detection systems, including the collection basins.

3. At least weekly, the Permittee shall inspect the readily visible area of all containment building floors looking for cracks. At least annually, the Permittee shall inspect the entire floor of all containment buildings for cracks, including areas under stored wastes and equipment. The annual inspection requirement may be met by partial inspections of the floor during movement of material in and out of the storage areas. Floor areas under permanently mounted equipment are exempt from this requirement. If cracks are found in the floor, repairs shall begin within 10 calendar days of identifying the cracks. Inspection results and any repairs shall be recorded in the facility operating record.

4. The Permittee shall inspect the FP areas, including the Solidification and Special Blending Storage Area, daily for visible emissions at all times waste is being managed in these areas and record results in the facility operating record. The Permittee shall inspect all permitted units according to this permit and Section 4 of the approved permit application.

E. Closure [40 C.F.R. § 264.1102]

At closure, the Permittee shall remove all solid and hazardous wastes and hazardous waste residues from the containment buildings and containment systems and close according to the closure plan included in the approved permit application. If the Permittee is unable to close according to the closure plan, the Permittee shall submit a permit modification to the Department, according to 40 C.F.R. § 270.42.

IV. Storage and Treatment in Tanks [40 C.F.R. Part 264 Subpart J]

Ten tanks currently are permitted and operating: Tanks #1-6, 8, 9, 13, 14, and the Solids Feed System-Solids Storage Silo. These tanks are located as shown on Figure 3, and are subject to the requirements of 40 C.F.R. Part 264 Subpart J.

A. Waste Identification

The Permittee shall store and treat in tanks only the hazardous wastes identified in Part A of the Approved Permit Application. This condition does not preclude storing and treating non-hazardous wastes. All stored and treated wastes are subject to the terms of this Permit and shall be managed as hazardous waste. No TSCA PCB wastes shall be stored in tanks without modification to the EPA/CRIB approval and this Permit.

B. Waste Quantities

This Permit applies to the following storage/treatment tanks, unless as provided elsewhere in this Permit.

Table 3 - Storage/Treatment Tank Identification

Tank Name	Tank Function	Tank Volume (gallons)	Tank Throughput (gallons/day)
Tank #1	WDM Blending & Storage	25,000	25,000
Tank #2	WDM Blending & Storage	25,000	25,000
Tank #3	WDM Blending & Storage	25,000	25,000
Tank #4	WDM Blending & Storage	25,000	25,000
Tank #5	WDM Blending & Storage	25,000	25,000
Tank #6	WDM Blending & Storage	25,000	25,000
Tank #8	Batch Blending & Supply to Cement Kiln	75,000	75,000
Tank #9	Batch Blending & Supply to Cement Kiln	75,000	75,000
Tank #13	Liquid Rail Car Batch Blending	75,000	75,000
Tank #14	Liquid Rail Car Batch Blending	75,000	75,000
Solids Storage Silo	Powdered Dry Solids Storage	75 cubic yards	-

C. The Permittee shall meet the requirements of 40 C.F.R. Part 264 Subpart J for blending hazardous waste in tanks before burning and for physically treating hazardous waste in tank systems.

D. Permitted Treatment

The Permittee shall perform only blending treatment of WDM in the identified tanks, and ancillary equipment to those tanks, as specified in Special Permit Condition IV.A., and IV.B. For the purposes of this Permit, WDM is defined as liquid or solid waste-derived material (as determined by the facility operating procedures and waste analysis plan, which are part of the approved permit application), that has been treated to meet the criteria for WDM as described in the approved permit application.

E. Assessment of Existing Tank System's Integrity [40 C.F.R. § 264.191]

The Permittee's Tanks #1-6, 8, 9, 13, 14, and Solids Storage Silo qualify as an existing tank system. The Permittee has provided a written tank integrity assessment for the existing tanks, as required by 40 C.F.R. § 264.191(a). The Permittee shall keep the written assessments on file at the facility.

F. Design and Installation of New Tank Systems or Components [40 C.F.R. § 264.192]

1. Before operating any new tank systems at the facility, the Permittee shall obtain and submit to the Director, a written assessment, reviewed and certified by a professional engineer registered in Missouri, according to 40 C.F.R. § 270.11(d). This assessment shall include a final design set of certified construction drawings, and shall show the foundation, structural supports, seams, connections, and pressure controls are designed adequately to ensure the tank systems will not collapse, rupture, or fail. This assessment shall be subject to the regulatory review and approval process.

2. The Permittee shall ensure proper handling procedures are adhered to in order to prevent damage to new tank systems during installation. Before placing new tank systems in use, an independent, qualified installation inspector or a professional engineer registered in Missouri, either of whom is trained and experienced in properly installing tank systems or components, shall inspect the systems for weld breaks, punctures, scrapes of protective coatings, cracks, corrosion, and other indications of structural damage or inadequate construction or installation. All deficiencies noted during the inspection shall be remedied before the tank systems are placed in use.

3. The Permittee shall test all new tanks and ancillary equipment for tightness before being placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak(s) in the system shall be performed before the tank system is placed in use.

4. The Permittee shall ensure all ancillary equipment is supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

5. The Permittee shall obtain, and keep on file at the facility, written statements by those persons required to certify the design of the tank systems and supervise the installation and repairs of the tank systems, according to the requirements of 40 C.F.R. § 264.192(b) through (f).

G. Containment and Detection of Releases [40 C.F.R. § 264.193]

1. In order to prevent the release of hazardous waste or hazardous constituents to the environment, the Permittee shall provide for all of its tank systems, secondary containment that meets the requirements of 40 C.F.R. § 264.193.

2. Secondary containment systems shall be:

a. Designed, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water at any time during the use of the tank system; and

b. Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

3. To meet the requirements of 40 C.F.R. § 264.193(b), secondary containment systems shall be, at a minimum:

a. Constructed of, or lined with, materials that are compatible with the wastes to be placed in the tank systems and shall have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrologic forces), physical contact with the waste to which the materials are exposed, climatic conditions, and the stress of daily operation (including stresses from nearby traffic);

b. Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

c. Provided with a leak detection system that is designed and operated so it will detect the failure of either the primary or

secondary containment structure, or the presence of any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the Permittee is able to demonstrate to the Department's satisfaction that existing detection technologies or site conditions will not allow detection of a release within 24 hours and that a specified additional amount of time is necessary; and

d. Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation shall be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health or the environment, if the Permittee is able to demonstrate to the Department's satisfaction that removing the released waste or accumulated precipitation cannot be accomplished within 24 hours.

If the collected material is a hazardous waste under 40 C.F.R. Part 261, it shall be managed as a hazardous waste. If the collected material is discharged through a point source to waters of the state, it is subject to the requirements of Chapter 644, RSMo, as amended. If the collected material is discharged to a Publicly Owned Treatment Works, it is subject to the requirements of Chapter 644, RSMo, and its implementing regulations. The collected material may only be released into the environment upon written approval from the Water Protection Program. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 C.F.R. Part 302. The Permittee shall be required to obtain an approval from the Water Protection Program before discharge.

4. Secondary containment for tanks shall include one or more of the following devices: a liner (external to the hazardous waste storage tank); a vault; a double-walled tank; or an equivalent device as approved by the Director. The design, construction, and operation of these devices shall satisfy the requirements of 40 C.F.R. § 264.193(e).

5. Ancillary equipment shall be provided with secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of 40 C.F.R. § 264.193(b) and (c), except for the following tank system components that are visually inspected for leaks on a daily basis: above ground piping (exclusive of flanges, joints, valves, and other connections); welded flanges, welded joints, and welded connections; sealless or magnetic coupling pumps and sealless valves; and pressurized above ground piping systems with automatic shut-off devices.

H. General Operating Requirements [40 C.F.R. § 264.194]

1. The Permittee shall not place hazardous wastes or treatment reagents in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

2. The Permittee shall use appropriate controls and practices to prevent spills and overflows from tanks or containment systems. These shall include at a minimum:

a. Spill prevention controls such as, but not limited to, check valves and dry disconnect couplings; and

b. Overfill prevention controls such as, but not limited to, level sensing devices, high-level alarms, automatic feed cutoffs, or a bypass to standby tanks, which limit tank working volumes.

I. Inspections [40 C.F.R. § 264.195]

The Permittee shall inspect all tanks and tank systems as specified in this permit condition and Section 4 of the approved permit application. At a minimum, a qualified professional engineer registered in Missouri shall certify all permitted tanks are assessed by ultrasonic methods for material thickness and a detailed visual inspection. Ultrasonic tests are to be performed on all accessible surfaces of the tank, which excludes tank bottoms sitting on or adjacent to a concrete floor. These tests and inspections shall be made at regular intervals annually, not to exceed 18 months between inspections.

1. The Permittee shall develop and follow a schedule and written procedures for inspecting overfill controls. This schedule shall specify

a minimum frequency of once each week for testing the electronic overfill control system. This information shall be recorded in the facility operating record.

2. The Permittee shall inspect at least once each operating day:

   a. Above ground portions of the tank systems to detect corrosion or releases of waste;

   b. Data gathered from monitoring and leak detection equipment to ensure the tank system is being operated according to its design; and

   c. The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste.

3. The Permittee shall document these inspections in the facility operating record. Any deterioration or malfunction found shall be remedied according to 40 C.F.R. § 264.15(c). In addition, 40 C.F.R. § 302.6 may require the Permittee to notify the National Response Center in the event of a release.

J. Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tanks Systems [40 C.F.R. § 264.196]

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit-for-use, shall be removed from service immediately, and the Permittee shall satisfy the following requirements:

1. The Permittee shall immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

2. Remove waste from tank systems or secondary containment systems:

   a. If the release was from the tank system, within 24 hours after detecting the leak, the Permittee shall remove as much of the waste as is necessary to prevent further release of hazardous

waste into the environment and to allow inspection and repair of the tank system to be performed.

b. If the material released was to a secondary containment system, the Permittee shall remove all released materials from the secondary containment system within 24 hours.

3. The Permittee shall immediately conduct an inspection of the release and, based upon that inspection, shall:

a. Prevent further migration of the leak or spill to soils or surface water; and

b. Remove and properly dispose any contaminated soil and/or surface water. Those tank systems which are intended to be closed without removing the hazardous waste shall meet the requirements of 40 C.F.R. Part 264 Subpart N. If the tank system cannot meet the requirements and contamination exists, the Permittee shall clean up contaminated residues and hazardous constituents to the greatest extent practical during closure.

4. Notification and Reports

a. Any release outside of secondary containment, except a release that is exempted under 40 C.F.R. § 264.196(d)(2), shall be reported to the Director within 24 hours of its detection. If the release has been reported pursuant to 40 C.F.R. Part 302, that report will satisfy this requirement.

b. A leak or spill of non-acute hazardous waste to the environment is exempted from notification and reporting requirements if it is less than or equal to a quantity of 1 pound and is immediately contained and cleaned up.

c. Within 30 calendar days of detecting a release to the environment, the Permittee shall submit a report to the Director that details the likely route of migration of the release; characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate); the results of any monitoring

or sampling conducted in connection with the release (if available; when these results are not available within 30 calendar days, these results shall be submitted as soon as they become available); proximity to down-gradient drinking water, surface water, and populated areas; and descriptions of response actions taken or planned.

5. The tank system shall be closed according to Special Permit Condition IV.H., unless the Permittee satisfies the following requirements:

   a. If the cause of the release was a spill that has not damaged the integrity of the system, the Permittee may return the system to service as soon as the released waste is removed and repairs, if necessary, are made;

   b. If the cause of the release was a leak from the primary tank system into the secondary containment system, the system shall be repaired before returning the tank system to service; and

   c. If the source of the release was a leak into the environment from a tank system component without secondary containment, the Permittee shall comply with the provisions of 40 C.F.R. § 264.196(e)(4).

6. The Permittee shall provide certification of major repairs to tank systems from which there has been a leak or spill, or which was unfit for use, according to 40 C.F.R. § 264.196(f).

K. Special Requirements for Ignitable or Reactive Waste [40 C.F.R. § 264.198]

1. The Permittee shall not place ignitable or reactive waste in tank systems, unless it meets one of the following conditions:

   a. The waste is treated, rendered, or mixed before or immediately after placement in the tank system so that the resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste in 40 C.F.R. Part 261, and the Permittee complies with 40 C.F.R. § 264.17(b); or

b. The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

c. The tank system is used solely for emergencies.

2. The Permittee shall comply with the requirements for maintaining protective distances between tanks storing ignitable or reactive wastes and any public ways, streets, alleys, or any adjoining property that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," (1977 or 1981, incorporated by 40 C.F.R. § 260.11).

L. Special Requirements for Incompatible Wastes [40 C.F.R. § 264.199]

1. The Permittee shall not place incompatible wastes or materials in the same tank system, unless such action complies with the requirements of 40 C.F.R. § 264.17(b).

2. The Permittee shall not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless the Permittee complies with 40 C.F.R. § 264.17(b).

M. Closure [40 C.F.R. § 264.197]

At closure, the Permittee shall remove or decontaminate all hazardous waste and hazardous residues from the tank systems, including, but not limited to: contaminated tank system components (liners, etc.), contaminated soils, and contaminated equipment and structures, and close according to the Closure Plan included in the Approved Permit Application. If the Permittee is unable to close according to the Closure Plan, the Permittee shall submit a permit modification to the Department, according to 40 C.F.R. § 270.42. The Closure Plan, closure activities, closure cost estimates, and financial responsibility for tank systems shall meet all requirements specified in 40 C.F.R. Part 264 Subparts G and H.

V. Miscellaneous Treatment Units [40 C.F.R. Part 264 Subpart X]

Five miscellaneous treatment units were permitted previously and are operating: two Tanker Truck/Railcar Washouts; Drum Decanting System; In-Line Mixing pH Treatment; and Solidification and Special Treatment Unit (SST). These units are located as shown on Figure 3, and are subject to the standards for miscellaneous physical and chemical treatment units in 40 C.F.R. Part 264 Subpart X.

A. The term "miscellaneous unit" is used to address the devices and processes to be located in the buildings identified as the following:

1. Tanker Truck/Railcar Washout

This unit is located within CSA#3. The unit and process is used to high pressure rinse any adhered material within the inside of both tanker trucks and railcars. When a tanker truck or railcar requires cleaning, the unit is positioned on top of the open dome, sealed by clamps, and connected with a vapor balancing line, to prevent fugitive emissions. A thin solvent is pumped from a tank to the unit within the tanker truck or railcar. After a period of time, the belly valve of the tanker truck or railcar is opened and liquid is pumped out to the liquid unloading system.

2. Tanker Truck Washout

This unit is located near the upper tank farm (Tanks #1-6, 8, and 9). The unit and process is used to high pressure rinse any adhered material within the inside of tanker trucks. When a tanker truck requires cleaning, the unit is positioned on top of the open dome, sealed by clamps, and connected with a vapor balancing line, to prevent fugitive emissions. A thin solvent is pumped from a tank to the unit within the tanker. After a period of time, the belly valve of the tanker is opened and liquid is pumped out to the liquid unloading system.

3. Drum Decanting System (Hydropulper)

This unit is located in Feed Prep #2. The unit and processes are used to empty drums containing liquids, semi-solid materials, and solid materials into a closed system, to prevent fires and better control

fugitive emissions. The process begins with drums placed on a conveyor, opened, and transported to the drum-decanting platform. Drums are grabbed by hydraulic clamps, augured, and emptied into a screw conveyor located in a belly pan hopper below the auger station. Empty drums are removed from the conveyor and inspected for visible residues and further cleaned until they meet "RCRA empty" standards. Liquids, semi-solids, and solids decanted into the receiving vessel are mixed with liquids from a liquid tank or other small containers. The resulting mixture is pumped from the receiving vessel to a liquid tank, or directly into a transport tanker truck.

4. In-Line Mixing pH Treatment

This unit is located near the upper tank farm (Tanks #1-6, 8, and 9). The unit and process consists of mixing and blending WDMs, as liquids are being unloaded from a tanker truck into tank storage, to ensure stored WDMs will not have a detrimental effect on the steel tanks. Either low or high pH WDM can be mixed in-line with WDM exiting the flexible hose from the tanker truck. The suction from the pump will pull both liquids from a tank and the liquids from the tanker into the piping prior to being returned to the tank.

5. Solidification & Special Blending Treatment (SST)

This unit is located within an enclosure inside Feed Prep #2. The unit provides the ability for multiple treatment processes, some of which involves treating WDM to be shipped off site for eventual disposal, while others involve treating materials to be stored or further processed on site. The unit provides a location for special blending to be conducted on WDM where liquids have separated during transit; for container cleaning using abrasive blast media, high-pressure water, or steam cleaning in order to remove WDM from empty containers or cleaning parts; and for the solidification/stabilization process, which involves mixing WDM with an appropriate binder material, allowing the physical/chemical reaction to occur, testing the material to meet land-disposal restrictions, and shipment to a permitted off-site facility.

B. Waste Identification [40 C.F.R. § 264.601]

The Permittee may treat only the hazardous wastes identified in Part A of the approved permit application, subject to the terms of this Permit. All miscellaneous treatment processes performed according to this Permit shall be subject to the terms of 40 C.F.R. Part 264 Subparts DD, J, and I, and shall only be performed within the areas identified in Special Permit Condition V.A.

C. Waste Quantities [40 C.F.R. § 264.601]

1. Tanker Truck/Railcar Washout in CSA#3 and Upper Tank Farm

a. The Permittee shall treat only the amount of hazardous waste that will be rinsed, including rinsate, from tanker trucks or railcars. At any given time, the Permittee may only treat a total volume of hazardous waste that is 75,000 gallons per day, per unit.

b. The Permittee shall only temporarily manage hazardous waste in the areas of the Tanker Truck/Railcar Washout Units prior to treatment. Hazardous waste shall not be kept at these areas for more than 24 consecutive hours. Hazardous waste shall be returned to a permitted storage unit or taken to a permitted storage area before exceeding the 24-hour storage limit.

2. Drum Decanting System (Hydropulper) in Feed Prep #2

a. The Permittee shall treat only the amount of hazardous waste that will be emptied from drums of flammable WDM. At any given time, the Permittee may only treat a total volume of hazardous waste that is 470 tons per day.

b. The Permittee shall only temporarily manage hazardous waste in Feed Prep #2 prior to treatment. Hazardous waste shall not be kept at Feed Prep #2 for more than 24 consecutive hours. Hazardous waste shall be returned to a permitted storage unit or taken to a permitted storage area before exceeding the 24-hour temporary management limit.

3. In-Line Mixing pH Treatment unit in the Liquid Tanker Truck Sampling/Unloading Station

    a. The Permittee shall treat only the amount of hazardous waste that will be mixed with re-circulated liquids from permitted tanks. At any given time, the Permittee may only treat a total volume of hazardous waste that is 24,000 gallons per hour.

    b. The Permittee shall only temporarily manage hazardous waste in the Liquid Tanker Truck Sampling/Unloading Station prior to treatment. Hazardous waste shall not be kept at the Liquid Tanker Truck Sampling/Unloading Station for more than 24 consecutive hours. Hazardous waste shall be returned to a permitted storage unit or taken to a permitted storage area before exceeding the 24-hour temporary management limit.

4. SST in Feed Prep #2

    a. The Permittee shall treat only the amount of hazardous waste that will be blended with absorbent materials or other appropriate binder materials. At any given time, the Permittee may only treat a total volume of hazardous waste that is 470 tons per day.

    b. The Permittee shall only temporarily manage hazardous waste in Feed Prep #2 prior to treatment. Hazardous waste shall not be kept at Feed Prep #2 for more than 24 consecutive hours. Hazardous waste shall be returned to a permitted storage unit or taken to a permitted storage area before exceeding the 24-hour temporary management limit.

D. Control of Fugitive Emissions

The Permittee shall operate, inspect, and maintain all systems and equipment necessary to prevent fugitive emissions from the Tanker Truck/Railcar Washout units, Hydropulper, and SST. The Permittee shall not operate the treatment units if visible emissions are evident. The Permittee, at a minimum, shall operate the Tanker Truck/Railcar Washout units, Hydropulper, and SST according to Special Permit Conditions III.C.8.d.

E. Containment [40 C.F.R. §§ 264.175 and 264.601]

The Permittee shall design and operate containment systems for the treatment areas as follows:

1. A base shall underlie the containers, which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

2. The base shall be sloped or the containment system shall be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation unless the containers are elevated or are otherwise protected from contact with accumulated liquids.

3. The containment system shall have sufficient capacity to contain 10 percent of the volume of the maximum volume of all containers permitted for the area or 100 percent of the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination.

4. Run-on into the containment system shall be prevented unless the collection system has sufficient excess capacity in addition to that required in Special Permit Condition V.E.3., to contain any run-on that might enter the system.

5. Spilled or leaked waste shall be removed from the sump or collection area, and the area shall be cleaned up, in as timely a manner as is necessary to prevent releases to the environment and provide for protection of on-site personnel.

F. Operating Requirements [40 C.F.R. § 264.601]

1. The Permittee shall not place hazardous waste or treatment reagents in the treatment units if they could cause any component of that treatment unit to rupture, leak, or otherwise fail.

2. The Permittee shall ensure proper operation and maintenance of all automatic equipment that prevents spills and overflows from a treatment device or containment system.

3. The Permittee shall use only the mechanical treatment devices that are specified in this Permit for treatment of hazardous waste.

4. The Permittee shall operate all miscellaneous treatment units only according to the manufacturer's applicable operating manuals and as described in the approved permit application.

5. At all times the Tanker Truck/Rail Tank Car Washout units, Drum Decanting System, In-Line Mixing pH Treatment unit, and SST are in operation, the air emissions control equipment shall be operating and fully functional.

G. Monitoring Requirements

The Permittee shall maintain, calibrate, and operate continuous monitors which monitor and record the operating parameters and conditions used to verify compliance with limits and operating parameters specified in this Permit, including any parameters used in calculations.

H. Response to Leaks or Spills [40 C.F.R. §§ 264.196 and 264.601]

1. In the event of a leak or a spill from the treatment system, or from a secondary containment system, or if a system becomes unfit for continued use, the Permittee shall remove the system from service immediately and complete the following actions:

a. Stop the flow of hazardous waste into the system, remove existing waste, and inspect the system to determine the cause of the release.

b. Remove waste from the system within 24 hours of detecting the leak to prevent further release and to allow inspection and repair of the system. If the Permittee finds it will be impossible or impractical to meet this time period, the Permittee shall notify the Department and demonstrate why a longer time period is required, according to General Permit Condition V.

If the collected material is a hazardous waste, it must be managed according to all applicable requirements of 40 C.F.R. Parts 262, 263, 264, 266, 268, and 270. The Permittee shall

note that if the collected material is discharged through a point source to public waters or to a publicly owned treatment works, it is subject to requirements of the Clean Water Act.

c. The Permittee shall immediately conduct a visual inspection of all releases to the environment and, based on that inspection:

(1) Prevent further migration of the leak or spill to soils, surface water, and/or groundwater;

(2) Remove and properly dispose any visible contamination of the soil or surface water; and

(3) Determine the extent of contamination to the soil, surface water, and/or groundwater.

2. In the event of equipment failure:

a. For a release caused by a spill that has not damaged the integrity of the treatment system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the system, before returning the treatment system to service.

b. For a release caused by a leak from a treatment unit to the secondary containment system, the Permittee shall repair the treatment unit before returning it to service. The material released shall be thoroughly removed from the affected area.

c. If the Permittee replaces a component of the treatment system to eliminate the leak, that component must satisfy the requirements for new tank systems or components required by 40 C.F.R. §§ 264.192 and 264.193.

3. For all major repairs to eliminate leaks or restore the integrity of the treatment system, the Permittee must obtain a certification by a qualified professional engineer registered in Missouri, before returning the system to service. The certification must state the repaired system is capable of handling hazardous wastes permitted for treatment within the unit without release for the intended life of the system.

I. Inspection Schedules and Procedures [40 C.F.R. § 264.602]

1. The Permittee shall inspect the treatment systems according to the Inspection Schedule specified in Section 4 of the approved permit application.

2. The Permittee shall inspect once each operating day:

   a. All visible portions of each of the units to detect corrosion, fugitive emissions, or releases of waste or treatment residues;

   b. Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges) to ensure each unit is being operated according to its design and this Permit;

   c. Floors for any residual waste material that has not been removed.

3. The Permittee shall visually inspect equipment used to manage liquids daily for leaks, spills, or other releases of hazardous waste.

4. The Permittee shall inspect the vapor recovery systems to ensure solvent vapor breakthrough has not occurred through the granular activated carbon canisters. The Permittee may use evaporative emission monitoring devices such as a Photo-ionization detector (PID) or other related device.

5. The Permittee shall document compliance with Special Permit Conditions V.I.3. and V.I.4., and record and maintain the information in the facility operating record.

J. Recordkeeping and Reporting [40 C.F.R. § 264.602]

1. The Permittee shall keep a record of all incoming and outgoing shipments of hazardous waste on file at the facility.

2. The Permittee shall report to the Department, within 24 hours of detection, when a leak or spill occurs from the treatment systems or secondary containment system to the environment, except for:

a. A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned up at the time of release, or within one shift change at the facility; and

b. Releases that are contained within a secondary containment system and cleaned up within 24 hours of release.

3. Within 15 calendar days of detecting a release to the environment from the treatment system or secondary containment system, the Permittee shall report the following information to the Department:

a. Likely route of migration of the release;

b. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be unable to meet this time period, the Permittee shall provide the Department with a schedule of when the results will be available. This schedule must be provided before the required 15-day submittal period expires;

c. Proximity of down-gradient drinking water, surface water, and populated areas;

d. Description of response actions taken or planned; and

e. Description of countermeasures needed to preclude migration to or in any and all media, including, but not limited to, information specified in all provisions of 40 C.F.R. § 264.601(a), (b), or (c), as deemed appropriate by the Department.

4. The Permittee shall submit to the Department all certifications of major repairs, which shall be consistent with the specifications found in the approved permit application to correct leaks, within seven calendar days of the unit being returned to use.

5. The Permittee shall obtain, and keep on file at the facility, the written statements by those persons required to certify the design and installation of the unit.

6. The Permittee shall keep on file at the facility the written assessment of the unit's integrity.

7. The Permittee shall maintain at the facility a record of the results of any leak tests or integrity tests conducted according to Special Permit Condition IV.E., in order to maintain the unit's operating integrity.

8. The Permittee shall maintain, calibrate, and operate all continuous monitoring systems used to monitor operating parameters required by Special Permit Condition V.G., and all continuous monitoring systems specified in the approved permit application for each Subpart X Miscellaneous Treatment Unit.

K. Special Requirements for Ignitable or Reactive Wastes [40 C.F.R. §§ 264.17 and 264.601]

1. The Permittee shall not place ignitable or reactive waste in the treatment system or secondary containment system, unless the procedures specified in the approved permit application are followed.

2. The Permittee shall comply with the requirements for maintaining protective distances between the waste management areas and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (NFPA 30, as revised 1996).

L. Special Requirements for Incompatible Wastes [40 C.F.R. §§ 264.17 and 264.601]

1. The Permittee shall not place incompatible wastes or materials in any of the miscellaneous treatment units, unless such action complies with the requirements of 40 C.F.R. § 264.17(b) and (c).

2. The Permittee shall not place incompatible wastes or materials in the same treatment system or secondary containment system, unless such action complies with the requirements of 40 C.F.R. § 264.17(b).

3. The Permittee shall not place hazardous wastes or materials in a treatment system that has not been decontaminated and that previously

held an incompatible waste or material, unless such action complies with the requirements of 40 C.F.R. § 264.17(b) and (c).

M. Testing

Within 60 days of a request from the Department, the Permittee shall submit a test plan, in order to conduct sampling and analysis of the hazardous waste, residues, and emissions produced by the units. The Department may request a new or revised plan for conducting such testing. The Department shall review and approve any test plan before its implementation according to the procedures described in General Permit Condition IV. The Permittee shall provide written notice of testing to the Department at least 30 calendar days before its initiation. The testing shall be completed within 30 calendar days of its initiation and the results reported within 90 calendar days of its conclusion.

N. Emissions Testing

Upon Departmental request, the Permittee shall conduct sampling and analysis of the hazardous waste (and other fuels as appropriate), residues, and exhaust emissions to verify the operating requirements established in this Permit achieve the performance standards of Special Permit Condition V.D., through H. If requested, the Permittee shall prepare and submit a test plan to the Department for review and approval. The testing and test report shall be completed by the schedule determined by the Department.

O. Closure [40 C.F.R. § 264.601 and 40 C.F.R. Part 264 Subparts G and H]

At closure of a miscellaneous unit, the Permittee shall remove or decontaminate all hazardous waste and hazardous waste residues from the miscellaneous unit, including, but not limited to: contaminated tank system components (liners, etc.), contaminated soils, and contaminated equipment and structures, and close according to the Closure Plan included in the approved permit application. If the Permittee is unable to close according to the Closure Plan, the Permittee shall submit a permit modification to the Department, according to 40 C.F.R. § 270.42. The Closure Plan, closure activities, cost estimates for closure, and financial responsibility for the miscellaneous units shall meet all requirements specified in 40 C.F.R. Part 264 Subparts G and H.

VI. Railcar Operations [10 CSR 25-7.264(3)]

The Permittee shall comply with the applicable requirements of 10 CSR 25-7.264(3), and the Railcar Management Plan, Appendix H, of the approved permit application.

VII. Industrial Furnace [40 C.F.R. Part 266 Subpart H]

Pursuant to 40 C.F.R. § 266.101, the provisions of HSWA Part II Permit, Industrial Furnace Conditions, are incorporated by reference herein.

VIII. Waste Minimization [40 C.F.R. § 264.73(b)(9)]

Pursuant to 40 C.F.R. § 264.73(b)(9), the facility operating record shall contain a certification by the Permittee, made no less often than annually, that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste the Permittee generates, to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes any present and future threats to human health and the environment.

IX. Air Emission Standards for Equipment Leaks, Tanks, and Containers [40 C.F.R. Part 264 Subparts BB and CC]

A. The Permittee shall comply with the applicable requirements of 40 C.F.R. Part 264 Subpart BB, for all units identified in the approved permit application.

B. The Permittee shall comply with the applicable requirements of 40 C.F.R. Part 264 Subpart CC, for all units identified in Table 4.

Table 4 - Units Subject to Subpart CC Standards

Unit Identification	Unit Type	Subpart CC Control Option
Tanks #1-6	Tank	40 C.F.R. § 264.1084
Tanks #8-9	Tank	40 C.F.R. § 264.1084
Tanks #13-14	Tank	40 C.F.R. § 264.1084
CSA#1 · 55 gallon drums · Roll-off boxes · 1-cy Bulk Containers	Container	40 C.F.R. § 264.1086
CSA#3 · Railcars & adjacent Railcar Management Area · Bulk containers (roll-offs) · Drums (up to 110 gallons)	Container	40 C.F.R. § 264.1086
CSA#4 · Drums (up to 110 gallons) · Tanker trucks · Rail tank cars · Railcars · 1-3 cy flexible and rigid intermediate bulk containers · Intermodal containers · Box, flat and gondola railcars · Roll-off boxes or equivalent bulk containers · Product packaging · Dump trailers	Container	40 C.F.R. § 264.1086

CORRECTIVE ACTION CONDITIONS

The Permittee shall comply with all applicable corrective action requirements contained in 40 C.F.R. Part 264 Subparts F, G, and S, and all provisions of this Permit, for all previously and any newly identified SWMUs, AOCs, and releases identified pursuant to the provisions of this Permit.

I. Identification of SWMUs and AOCs

A. PRC Environmental Management, Inc., on behalf of 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 those that appeared to require further investigation. The Visual Site Inspection, dated June 7, 1990, identified 27 SWMUs and 5 AOCs on the contiguous facility property. The final RFA Report, dated September 23, 1992, concluded nine SWMUs and two AOCs required further investigation, or be included in the RCRA Facility Investigation report (RFI). The SWMUs and AOCs identified are as follows:

SWMU #3: Liquid Supplemental Fuel Railcar Unloading Area
SWMU #6: Solid Waste Unloading Area
SWMU #11: Waste Kiln Dust Tank
SWMU #12: Cement Kiln Dust Landfill
SWMU #14: Used Oil Storage Tank
SWMU #16: Cement Kiln Drive Waste Gear Oil Storage Area
SWMU #20: Kiln Feed Slurry Tank
SWMU #24: Container Storage Area No.2
SWMU #26: Settling Pond
AOC #1: Former Underground Gasoline Storage Tank
AOC #5: Primary Crusher Feed Pad

As part of the review process for issuance of the 1999 Part I Permit renewal, the Department conducted a site reconnaissance visit to observe and evaluate the SWMUs and AOCs, particularly those identified above in the RFA report, for further corrective action. Based on the Department's visual inspection, the need for further corrective action at the SWMUs and AOCs listed in the RFA Report was not evident. Additionally, the Department determined No Further Action [NFA, 1998] was needed for a newly identified SWMU, #28 Frago Pond, after further investigation, implementing interim measures, and follow-up sampling and analysis.

B. An additional 26 SWMUs were identified in the RCRA Hazardous Waste Permit Application, dated October 13, 2009. On May 22, 2018, the Department accepted partial closure for the Gasification Unit by clean closure, according to the closure plan. The Gasification Unit Piping; however, remains on site, and is identified as a SWMU. Five additional SWMUs were added to the application in the response to comments, dated March 29, 2019. On

April 23, 2019, the Department accepted partial closure for CSA#2. However, CSA#2 was not closed according to the closure plan and remains a SWMU with obligations for further action at the time of facility closure. Figure 4 shows the approximate locations of the SWMUs at the facility.

SWMUs – Liquid WDM

1. Storage Tanks
2. Sampling & Unloading Area
3. Railcar Sampling & Unloading Area [NFA, 1998]
4. Railcar Unloading Storage Tanks

SWMUs –Solid WDM

1. Unloading Area (pneumatic feed system) [NFA, 1998]
2. Feed Tank / Storage Tank
3. Feed Prep #1 - Treatment, Storage, Process Room
4. Feed Prep #1 – Airlock and Decontamination Area
5. Feed Prep #2 - Thermal Desorber Area & Treatment, Storage, Process Room
6. Solids Storage Pit – Solid WDM
7. Gasification Unit Piping
8. Solids Storage Silo #1
9. Ball Mill Blending System

SWMUs – Wet Rotary Cement Kiln System

1. Cement Kiln
2. Electrostatic Precipitator (ESP) [Air Pollution Control System (APCS)]
3. Waste Kiln Dust Tanks [NFA, 1998]
4. Kiln Drive Waste Gear Oil Storage Area [NFA, 1998]
5. Raw Mill
6. Primary Crusher
7. Kiln Feed Slurry Tanks [NFA, 1998]
8. Substitute Raw Materials Slurry Tank
9. Substitute Slurry Materials Pad
10. Viscous WDM Unloading & Mixing Area
11. Pneumatic Loading System

SWMUs – Dry Rotary Cement Kiln Operations

1. Preheater/Precalciner
2. Main Conditioning Tower

3. By-Pass Bag House Loading and By-Pass Conditioning Tower
4. Oil/Water Separator – Kiln Pier #1
5. Used Grease – Kiln Pier #1

SWMUs – Storage Areas

1. Container Storage Area #1
2. Container Storage Area #2
3. Container Storage Area #3 - Railcar Unloading Area
4. Container Storage Area #4
5. Container Storage Area #5

SWMUs –Maintenance Storage Areas

1. Parts Cleaner #1
2. Parts Cleaner #2
3. Used Oil Storage Tank [NFA, 1998]
4. New and Used Oil Storage Area
5. Parts Cleaner in CCC's Maintenance Building
6. Parts Cleaner in CCC's Auto Shop

SWMUs – Universal Waste Storage Locations

1. Fluorescent, sodium vapor, and metal halide light bulbs
2. Spent radio batteries
3. Large mobile equipment batteries
4. Mobile equipment batteries

SWMUs – Oil/Water Separator

1. CCC Auto Shop
2. CCC Raw Mill
3. CCC Roller Press
4. CCC Pack House
5. CCC Cooling Water System

SWMUs – Wastewater Treatment

1. Hazardous Process Water Tanks
2. Settling Pond [NFA, 1998]
3. Frago Pond [NFA, 1998]
4. GAR Septic Tank System
5. CCC Extended Aeration Wastewater Treatment Unit
6. Stormwater Settling Basin

SWMUs – Sand Blasting Units

1. Located Next to GAR Storeroom Building
2. Located in CCC Maintenance Shop

SWMUs – Cement Kiln Dust (By-Pass Dust)

1. Waste Cement Kiln Dust Landfill [NFA, 1998]
2. Artificial Soil Project – Initial Site
3. Artificial Soil Project Genovese Quarry

C. The status of 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 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 II. and III.

D. As deemed appropriate by the Department, the Permittee shall conduct additional investigation(s) and/or take corrective action for any previously or newly identified SWMUs and AOCs, including off-property release(s), demonstrating the releases of hazardous waste or hazardous constituents to soil, surface water, sediment, groundwater, and/or air has been thoroughly delineated and reported, as specified in Corrective Action Conditions II. through IX. Any off-property impacts to surface water, sediment, soil, or groundwater shall be addressed if the impacts to these media originated from SWMUs, AOCs, or other releases on the facility property.

II. Notification Requirements for, and Assessment of, Newly Identified SWMU(s) and AOC(s)

A. The Permittee shall notify the Department, in writing, no later than 15 calendar days after discovery, or after discovery should have been made (e.g., visual observations, laboratory test results, or information not previously available), of any new SWMU(s) or AOC(s) identified after the issuance of this Permit. The Department may examine the facility's inspection records to determine if the Permittee should have known that a release occurred.

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 receiving the Department's request to conduct an investigation, the Permittee shall prepare and submit a SWMU/AOC Assessment Work Plan to the Department 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).

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

4. Identification of all data to be collected that is 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 General Permit Condition IV. 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, 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;

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

11. A recommendation as to whether further action is necessary for the newly identified SWMU or AOC and justification for the recommendation. If further action is recommended, such as updating the site conceptual model and/or assessing SWMU/AOC-specific risk, 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 General Permit Condition IV. 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 an RFI, at specific unit(s) identified in the SWMU/AOC Assessment Report.

F. If the Department determines additional investigations are needed, the Department may require the Permittee to prepare and submit to the Department 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 General Permit Condition IV. The Permittee shall complete all activities described in the work plan, according to the schedule contained in the approved plan.

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

A. The Permittee shall notify the Department, in writing, no later than 15 calendar days after discovery, or after discovery should have been made (e.g., visual observations, laboratory test results, or information not previously available), of any newly identified release(s) of hazardous wastes or hazardous constituents from any previously identified SWMUs or AOCs at the facility. This includes SWMUs or AOCs being investigated and reported as part of the corrective action process, where newly identified release(s) are 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 that a release 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 receiving the Department's request to conduct an investigation, the Permittee shall prepare and submit a Newly Identified Release Work Plan to the Department 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 the Department approves the plan; and

4. Identification of all data to be collected that is 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 General Permit Condition IV. 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, 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:

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 compose 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 for the newly identified release from a previously identified SWMU(s) or AOC(s) and justification for the recommendation. If further action is recommended, such as updating the site conceptual model and/or assessing SWMU/AOC-specific risk, 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 General Permit Condition IV. Based on the findings of the report and any other available information, the Department shall determine the need for additional investigation, including interim/stabilization measures or a RFI, at specific releases(s) identified in the Newly Identified Release Report.

F. If the Department determines additional investigation is needed, the Department may require the Permittee prepare and submit to the Department, 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 General Permit Condition IV. The Permittee shall complete all activities described in the work plan, according to the schedule contained in the approved plan.

IV. <u>Interim/Stabilization Measures (ISMs)</u>

A. Should the Permittee become aware of a situation that may require ISMs that may be necessary to protect human health or the environment, the following conditions shall apply:

1. The Permittee shall notify the Department 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 the facility's inspection records to determine if the Permittee should have known ISMs might be required and notification should have occurred.

2. If, during the course of any activities initiated under this Permit, the Permittee or Department determines 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 in coordination with the Permittee, 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 the ISMs, 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.

3. The Permittee shall notify the Department, in writing, no later than 10 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 additional corrective action measures are required to address the contaminated media.

4. In cases where releases or potential releases present minimal exposure concerns, 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 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 Department approval. Proposed ISMs determined by the Department not to be significant will be reviewed and approved according to the procedures described in General Permit Condition IV.

V. RCRA Facility Investigation (RFI) Work Plan

A. If the Department determines additional investigations are needed, the Department may require the Permittee to conduct a RFI. The Department shall notify the Permittee, in writing, of this decision. Within 60 calendar days after receiving the Department's request to conduct a RFI, and after meeting with the Department to discuss the content of the Work Plan, the Permittee shall prepare and submit a RFI Work Plan to the Department 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 sufficient to meet the following objectives and a proposed schedule for implementing the RFI Work Plan, which is predicated on the date the Department approves 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 used to substantiate future corrective action decisions.

C. The RFI Work Plan shall be appropriate for facility-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. Any required RFI activities shall also be conducted using the approaches contained in the EPA document entitled, Resource Conservation and Recovery Act Facilities Investigation Remedy Selection Track (RCRA FIRST): A Toolbox for Corrective Action, May 20, 2016. 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 submitting 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.

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. Due to the complexity of defining the extent of contamination, the Permittee may be required to use a phased approach that requires submitting supplemental RFI Work Plans.

G. The Department shall review and approve the RFI Work Plan(s) according to the procedures described in General Permit Condition IV. The Permittee shall complete all activities described in the RFI Work Plan(s), according to the schedules contained in the approved plan(s).

VI. RCRA Facility Investigation (RFI) Report

A. Should additional investigations become necessary, the Permittee shall submit a RFI Report to the Department, according to the schedule specified in the approved RFI Work Plan described in Corrective Action Condition V. 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 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 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.

B. The RFI Report shall provide an interpretation of the RFI information gathered, supported with adequate documentation, to enable the Department to determine whether additional ISMs 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 AOCs and associated releases, including, but not limited to, the following, as appropriate:

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

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

9. Results of any ISMs previously implemented; and

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., identifying any potential bias in the RFI data and documenting its precision, accuracy, representativeness, completeness, comparability, validation, etc.).

C. The Department shall review and approve the RFI Report according to the procedures described in General Permit Condition IV. If the Department determines 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, in writing, of the next step in the corrective action process, which may include submitting a CMS Work Plan or equivalent, as described in Corrective Action Condition VII.

VII. Corrective Measures Study (CMS) Work Plan

A formal CMS has not been conducted at this facility. Previously implemented and ongoing corrective action activities have been handled through pre-permitting voluntary actions and implementing a post-permitting Site Operation, Maintenance, and Monitoring (OM&M) Plan.

A. If the Department determines 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 or remedy evaluation. 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 for the Permittee to evaluate.

B. As part of the CMS or remedy evaluation, the Department may require the Permittee to evaluate one or more specific remedial alternatives for removing, containing, and treating 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 protecting human health and the environment.

C. Within 45 calendar days after receiving the Department's request to conduct a CMS or remedy evaluation, and after meeting with the Department to discuss the nature and scope of the supplemental CMS or remedy evaluation, the Permittee shall prepare and submit a CMS Work Plan or Remedy Evaluation Plan to the Department for review and approval. The CMS Work Plan or Remedy Evaluation Plan shall be generally consistent with the EPA document entitled, RCRA Corrective Action Plan (Final), OSWER Directive 9902.3-2A, May 1994, or the most recent version. Any required CMS activities shall be conducted using the approaches contained in the EPA document entitled, Resource Conservation and Recovery Act Facilities Investigation Remedy Selection Track (RCRA FIRST): A Toolbox for Corrective Action, May 20, 2016. At a minimum, the CMS Work Plan or Remedy Evaluation Plan shall provide the following information, as appropriate, and a proposed schedule for implementing the elements of the CMS Work Plan or Remedy Evaluation Plan:

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/evaluation;

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

4. A description of those potentially viable remedial alternatives 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 threshold/balancing criteria and cleanup standards;

6. A schedule for conducting the study/evaluation and submitting a CMS Report or equivalent and/or preferred remedy proposal, which is predicated on the date the Department approves the CMS Work Plan or Remedy Evaluation Plan;

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

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 or Remedy Evaluation Plan according to the procedures described in General Permit Condition IV. The Permittee shall complete all activities described in the CMS Work Plan or Remedy Evaluation Plan, according to the schedule contained in the approved plan.

VIII. Corrective Measures Study (CMS) Report

A. Should submitting a CMS Work Plan or Remedy Evaluation Plan become necessary, the Permittee shall submit a CMS or Remedy Evaluation Report to the Department according to the schedule specified in the approved CMS Work Plan or Remedy Evaluation Plan described in Corrective Action Condition VII. The CMS or Remedy Evaluation Report shall present all information obtained under the approved CMS Work Plan or Remedy Evaluation Plan and shall be generally consistent 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 or Remedy Evaluation Report shall describe and discuss each remedial alternative or combination of alternatives evaluated, including any

bench-scale or pilot tests conducted. The CMS or Remedy Evaluation 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 SWMUs and AOCs;

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 or Remedy Evaluation 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 implementing the preferred remedial alternative or combination of alternatives (e.g., local ordinances), and a draft of any facility-specific institutional controls 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, Sections 260.1000 through 260.1039, RSMo.).

C. The CMS or Remedy Evaluation 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 or Remedy Evaluation Report according to the procedures described in General Permit Condition IV.

IX. Site Operation, Maintenance and Monitoring (OM&M) Plan

A. The OM&M Plan shall specify operation, maintenance, and monitoring procedures for managing Cement Kiln Dust, or By-Pass Dust (BPD). The OM&M Plan shall include the following:

1. BPD Management Procedures from the point of generation to disposal, including BPD collection, management, wetting, transfer, and spill clean-up criteria and procedures.

2. A discussion of any contingencies in place to deal with potential hazards (e.g., flooding, seismic activity) or other events which could cause damage to or release from the Cement Kiln Dust Landfill (SWMU#12).

B. The Department shall review the OM&M Plan according to the procedures described in General Permit Condition IV. The Permittee shall complete all activities described in the OM&M Plan according to the schedule(s) contained in the approved plan.

X. Activity and Use Limitations (AULs)

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

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, before 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 to develop an Excavated Soil Management Plan. 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 General Permit Condition IV.

B. Transfer of Interest in Permitted Property

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

2. Any proposal by the Permittee to remove any parcel of the permitted facility property from the jurisdiction of this Permit shall require submitting a demonstration that all residual contamination on the portion of the property proposed for removal is protective of human health and the environment. Such demonstrations can be made by demonstrating the residual concentrations are below applicable regulatory standards consistent with any enforceable institutional and/or engineering controls contained in an environmental covenant for that portion of the property or that any residual contamination will be addressed in the future via implementing enforceable institutional controls.

3. Any parcel of the permitted facility property proposed to be removed from the jurisdiction of this Permit shall require a legal survey for that portion of the property, execution of an environmental covenant, if

needed and such a covenant is not already in place at the time of the proposal, and successful completion of a Class 3 Permit Modification to remove the proposed portion of the property from the jurisdiction of this Permit, following the requirements of 40 C.F.R. § 270.42(c), and the public notice and opportunity for comment requirements of 10 CSR 25-8.124.

C. Change in Use of Property

The Permittee shall notify the Department, according to 40 C.F.R. § 270.30(h), at least 30 calendar days before any proposed change in the use of the facility property, including any applications for building permits for work on the facility property or proposals for work that could potentially affect the contamination on the facility property, be affected by contamination from a SWMU or AOC, or affect compliance with the requirements of this Permit.

D. Missouri Environmental Covenants Act

If, and when, the Department determines that implementing an Environmental Covenant is required at the facility, an Environmental Covenant shall be developed and executed in conformance with the Missouri Environmental Covenants Act, Section 260.1000 through 260.1039, RSMo, and Departmental guidance provided to the Permittee. The following requirements shall apply to any Environmental Covenant required by this Permit.

1. Within 60 calendar days after the Department's request to implement an Environmental Covenant, the Permittee shall prepare and submit to the Department for review and approval, a draft Environmental Covenant that complies with the Missouri Environmental Covenants Act, Sections 260.1000 through 260.1039, RSMo, to be filed in the property chain-of-title. The Permittee shall ensure that use, occupancy, and activities on the permitted property are restricted as follows:

    a. The facility property shall not be used for residential purposes, which includes, but is not limited to, single family homes, duplexes, multi-plexes, apartments, condominiums, schools, retirement or senior/child care facilities, or any land use where persons can be expected to reside.

b. In the event that construction or excavation work that may expose workers to contaminated soil or groundwater is to be performed on the facility property, the Permittee shall ensure that actual notice is provided in advance, both verbally and in writing, to any person or entity performing any work that will or is likely to result in exposure to such soil or groundwater, so appropriate protective measures are taken to protect such workers' health and safety, according to applicable health and safety laws and regulations.

2. The Environmental Covenant shall run with the land (permitted facility property) and shall be binding upon any future owners, operators, heirs, successors, lessees, or assigns and their authorized agents, employees, or persons acting under their direction or control. In the event of permit termination, the Permittee and/or facility owner shall cause any lease, grant, or other transfer of any interest in the facility property to include a provision expressly requiring the lessee or transferee to comply with the Environmental Covenant conditions filed in the chain-of-title for the facility property.

XI. Annual Progress Reports

A. The Permittee shall prepare and submit Annual Progress Reports to the Department, summarizing all permitted corrective action activities undertaken during the previous calendar year (i.e., January through December). Annual Progress Reports are due by March 1 of each calendar year for the previous calendar year. The Annual Progress Reports 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 Reports 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.

C. If the Department determines further corrective action is required under Corrective Action Conditions II., through X., the frequency of progress report submittals 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 ISMs, RFI or CMS work plans and reports need not be reproduced as part of the Permittee's Annual Progress Reports.

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

XII. 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 5.

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 6.

XIII. 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.

FINANCIAL ASSURANCE CONDITIONS

The Permittee shall comply with all applicable financial assurance requirements contained in the Missouri Hazardous Waste Management Law (and all standards, rules, and regulations adopted under this act), Section 260.350, et seq., RSMo; 40 C.F.R. Part 264 Subpart H; 40 C.F.R. §§ 264.101, 270.30, 270.40, 270.42, and 270.51; and all provisions of this Permit for closure, activities identified pursuant to the provisions of this Permit.

I. Cost Estimates

A. Closure Cost Estimate

1. If, in the future, the Permittee submits a notice of intent to close a hazardous waste management unit at the facility, effectively partially closing the facility, within 60 calendar days after notification of partial closure, the Permittee shall submit an updated, detailed written cost estimate, in current dollars, of the cost of hiring a third party, as identified in Financial Assurance Condition I.A.2.a., to perform the closure of the remaining units at the facility, required by this Permit.

2. If, in the future, a CMS or equivalent becomes necessary as part of the corrective action activities required by this Permit, within 60 calendar days after notification of final remedy approval, the Permittee shall submit an updated, detailed written cost estimate, in current dollars, of the cost of hiring a third party to perform the corrective action activities identified in the approved CMS or equivalent.

a. A third party is a party who:

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

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

b. The cost estimates shall be certified by a professional engineer registered in Missouri and developed using appropriate cost estimating methods.

3. The Permittee shall submit the closure 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 submitting a revised cost estimate for further evaluation and final written response.

4. The Permittee shall maintain, in the operating record, the most recent closure cost estimate that has received a final written response from the Department.

B. Revisions to the Closure Cost Estimate

1. Annual Adjustment for Inflation

The Permittee shall annually adjust the closure cost estimate, as applicable, for inflation until all activities required by this Permit are complete. The inflation adjustment shall be determined by using the procedures described in 40 C.F.R. § 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 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 after the close of the guarantor's fiscal year.

2. The Permittee also shall adjust the closure cost estimate if:

a. The Permittee or the Department determines any additional closure activities are required; or

b. Any other conditions increase or decrease the estimated cost of the closure activities to be performed under this Permit.

3. If the Department determines a new cost estimate is required, the Department shall notify the Permittee, in writing, of this requirement. The revised cost estimate is due within 60 calendar days of the Permittee's determination that a revised cost estimate is necessary or the Department's written notification that a new cost estimate is required.

4. The Permittee shall submit the revised closure cost estimate to the Department for review and evaluation. If the revised cost estimate requires further modification, the Department shall notify the Permittee, in writing, of the estimate's deficiencies and specify a due date for submitting a new revised cost estimate for further evaluation and final written response.

II. Financial Assurance

In order to provide for the full and final completion of the closure, 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 closure cost estimate that received a final written response from the Department. All financial assurance instruments provided pursuant to this Permit shall be satisfactory in form and substance as determined by the Department.

A. Certified Mail

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

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

1. Within 30 calendar days after receiving the Department's final written response regarding the Permittee's cost estimate(s) pursuant to this Permit, the Permittee shall submit to the Department for review and evaluation, the draft financial assurance instrument(s) and related documents. This applies to all financial assurance instruments except the financial test or corporate guarantee. See Financial Assurance Condition II.C.

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

C. Timeframes for Financial Tests and Corporate Guarantees

1. Within 30 calendar days after receiving the Department's final written response regarding the Permittee's cost estimate(s) pursuant to this Permit, the Permittee shall submit to the Department for review and evaluation, all documentation necessary to demonstrate the Permittee satisfies the financial test criteria. See Financial Assurance Condition II.E.5.

2. The Permittee's financial assurance shall become effective immediately upon the Permittee receiving the Department's final written response regarding either the Permittee's cost estimate(s) or the Permittee's demonstration that the Permittee satisfies the financial test criteria, whichever date is later.

D. Multiple Instruments

The Permittee may combine more than one mechanism generally described in Financial Assurance Condition II.E., to demonstrate financial assurance for the closure required by this Permit. As specified in 40 C.F.R. §§ 264.143(g) and 264.145(g), these mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, and insurance. Using the foregoing instruments in combination with the financial test or corporate guarantee is not allowed. The Department reserves the right to limit the Permittee's choices to one or more of the instruments, on a case-by-case basis, in order to ensure the full and final completion of the closure activities required by this Permit.

E. Financial Assurance Instruments

The Permittee must choose from the mechanisms specified in 40 C.F.R. §§ 264.143, 264.145, and 264.146. The wording of the financial assurance documents shall meet the requirements of 40 C.F.R. § 264.151, except that deviation in wording 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.

1. Trust Fund

   a. The trust fund shall be established for the benefit of the Department and 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.

   b. The trust agreement shall state that the trustee shall make payments from the fund, as the Department directs in writing, to:

      (1) Reimburse the Permittee for expenditures made by the Permittee for closure, performed according to this Permit; or

      (2) Pay any other person whom the Department determines has performed or will perform the closure, required by this Permit.

   c. The trust agreement shall also state that the trustee shall not refund to the grantor any amounts from the fund until the Department notifies the trustee, in writing, that the closure, activities performed according to this Permit have been completed to the Department's satisfaction.

2. Surety Bond

   a. 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 Financial Assurance Condition II.E.1; or

      (2) Performance of the closure, 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 the U.S. Department of the Treasury.

b. If the Permittee chooses 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 Financial Assurance Condition II.E.1. 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 Financial Assurance Condition II.I.

3. Irrevocable Letter of Credit

a. The letter of credit shall be issued by a financial institution that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.

b. If the Permittee chooses 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 Financial Assurance Condition II.E.1. 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 Financial Assurance Condition II.I.

4. Policy of Insurance

a. A policy of insurance shall provide the Department with rights, as a beneficiary, and be issued by an insurance carrier that has the authority to issue insurance policies in Missouri and whose insurance operations are regulated and examined by a federal or state agency.

b. The insurance policy shall be issued for a face amount at least equal to the current closure cost estimate for which the facility has received a final written response from the Department, except that the face amount may exclude costs covered by another financial assurance instrument, as permitted in Financial Assurance Condition II.D.

c. The insurance policy shall state that the insurer shall make payments up to an amount equal to the face amount of the policy, as the Department directs in writing, to:

(1) Reimburse the Permittee for expenditures made by the Permittee for closure activities performed according to this Permit; or

(2) Pay any other person whom the Department determines has performed or will perform the closure activities required by this Permit.

d. 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:

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

(2) The Department notifies the insurer of the Permittee's failure to perform, under Financial Assurance Condition II.I.

5. Financial Test or Corporate Guarantee

a. A Permittee may provide financial assurance through a demonstration that the Permittee satisfies the financial test requirements described in 40 C.F.R. §§ 264.143(f) and 264.145(f).

b. A Permittee's direct or indirect parent company may provide a corporate guarantee, executed in favor of the Department. Such guarantee shall state the company providing the guarantee shall perform the closure activities required by this Permit, or that the company shall establish a trust fund as allowed in Financial Assurance Condition II.E.1. Any company providing such a guarantee shall demonstrate, to the satisfaction of the Department, that it satisfies the financial test requirements described in 40 C.F.R. §§ 264.143(f) and 264.145(f).

c. The Permittee shall also comply with the applicable requirements of 40 C.F.R. §§ 264.151(f) and (h)(1), as related 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) Notifying the Department, by certified mail, within 90 calendar days after the close of any of the guarantor's fiscal years in which any such guarantor no longer satisfies the financial test requirements.

d. The Department may, at any time, request additional information from the Permittee or corporate guarantor, including financial statements and accountant's reports. Any Department request for this information shall be in writing and shall specify a due date for submitting the information. The Permittee shall promptly provide the requested information to the Department.

e. References in 40 C.F.R. §§ 264.143(f) and 264.145(f) to "the sum of current closure and post-closure costs" and "the current plugging and abandonment cost estimates" and reference in 40 C.F.R. § 264.101(c) to "Assurances of financial responsibility for such 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 closure activities required by this Permit. This includes obligations under the Comprehensive Environmental Response, Compensation, and Liability Act; RCRA; Toxic Substances Control Act; Underground Injection Control Program; and any other state or tribal environmental obligation.

F. Automatic Renewal

All financial assurance instruments shall automatically renew each calendar year, at the time of their expiration, unless the financial assurance provider notifies both the Permittee and Department, by certified mail, of a decision to cancel, terminate, or not renew a financial assurance instrument. The Permittee and 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 both the Permittee and Department receive the notice.

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

2. 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 instrument expires. The notice to the financial assurance provider shall instruct the financial assurance provider to immediately deposit any and all funds obligated under the financial assurance instrument into the standby trust fund, or a newly created trust fund acceptable to the Department.

G. Modifying Instruments

1. Inadequate Financial Assurance Instrument

a. If, at any time, the Department determines a financial assurance instrument(s) 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 in the estimated cost of the closure activities required by this Permit, as independently determined by the Department, or for any other reason.

(1) Within 30 calendar days of receiving such notice, the Permittee shall submit to the Department for review and evaluation, a draft revised financial assurance instrument(s) and related documents. The draft revised

financial assurance instrument(s) and related documents shall address the inadequacies outlined in the Department's notice.

(2) Within 10 calendar days after receiving the Department's final written response regarding the draft revised financial assurance instrument(s), the Permittee shall execute and/or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding. The final financial assurance instrument(s) shall be in a form identical to the draft revised financial assurance documents reviewed and responded to by the Department, including any changes resulting from that review.

(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 the issuing institution submits to the Department, all original executed and/or otherwise finalized 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. Facsimiles or photocopies are not acceptable.

b. If, at any time, the Permittee determines a financial assurance instrument provided pursuant to this Permit is inadequate or no longer satisfies the requirements described or incorporated herein, the Permittee shall notify the Department, in writing, within 10 calendar days of this determination. This applies whether due to an adjustment in the estimated cost of the closure required by this Permit or for any other reason.

2. Reduction in Amount of Financial Assurance

a. If the Permittee believes the estimated cost to complete the closure 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.

(1) The amount of financial assurance proposed shall be at least equal to the estimated cost of the remaining closure activities required by this Permit.

(2) The written proposal shall specify, at a minimum, the cost of the remaining closure activities to be performed and the basis upon which such cost was calculated (e.g., years remaining until established cleanup standards are expected to be met).

b. The Department shall notify the Permittee, in writing, regarding its evaluation of the revised financial assurance amount. The Permittee may reduce the financial assurance amount 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 is authorized, other than a reduction in amount.

3. Change of Form of Financial Assurance

a. If the Permittee wishes to change the form or terms of financial assurance, the Permittee may submit a written proposal to the Department for a revised or alternative form of financial assurance. The written proposal shall specify, at a minimum:

(1) The cost of the remaining closure activities to be performed and the basis upon which such cost was calculated; and

(2) 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.

b. The Department shall notify the Permittee, in writing, of its decision regarding the revised or alternative form of financial assurance. Acceptance of the written proposal shall be made at the Department's sole discretion.

c. Within 30 calendar days after receiving the Department's final written response regarding the proposed revised or alternative financial assurance, the Permittee shall ensure the issuing institution submits to the Department all original executed and/or otherwise finalized 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. Facsimiles or photocopies are not acceptable.

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

H. Obligation to Complete Closure Activities

The Permittee's inability or failure to establish or maintain financial assurance for completing the closure activities required by this Permit in no way excuses performing any other requirements of this Permit, including, without limitation, the Permittee's obligation to complete all necessary closure activities in strict accordance with the terms of this Permit.

I. Performance Failure

1. In the event the Department determines the Permittee:

   a. Has ceased implementing any of the closure activities required by this Permit; or

   b. Is significantly or repeatedly deficient or late in performing the closure activities required by this Permit; or

   c. Is implementing the closure activities required by this Permit in a manner that may cause an endangerment to human health or the environment;

   The Department may issue, to both the Permittee and financial assurance provider, a written notice ("Performance Failure Notice") of the Permittee's failure to perform. The notice shall specify the grounds upon which the notice was issued and provide the Permittee 10 calendar days to remedy the circumstances.

2. If the Permittee fails to remedy the performance failure to the Department's satisfaction before the 10 calendar days' end, 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:

   a. Deposit any and all funds obligated under the financial assurance instrument into the standby trust fund, or a newly created trust fund acceptable to the Department; or

   b. Arrange for performance of the closure activities required by this Permit.

3. The Department shall notify the Permittee, in writing, if the Department is unable, after reasonable efforts, to secure the payment of funds from the financial assurance provider for performing the closure activities. Within 10 calendar days of receiving such notice, the Permittee shall provide cash to fund the standby trust fund, or a newly created trust fund acceptable to the Department.

a. The funds shall at least equal the cost of the remaining closure activities required by this Permit.

b. The deposit shall be made in immediately available funds and without setoff, counterclaim, or condition of any kind.

J. Release of Financial Assurance

1. After the Department and Permittee have mutually agreed that all closure activities required by this Permit are complete, the Permittee may submit a written request to the Department to release the Permittee from the requirement to maintain financial assurance.

2. The Department shall notify both the Permittee and financial assurance provider(s), in writing, if and when the Permittee is released from all financial assurance obligations under this Permit.

3. The Permittee shall not release, cancel, or terminate any financial assurance provided pursuant to this Permit, except as provided in Financial Assurance Condition II.G.2.

III. Liability Requirements

If the Permittee has not already done so as of the effective date of this Permit, within 90 calendar days after the effective date of this Permit, the Permittee shall establish third party liability coverage according to 40 C.F.R. § 264.147.

FACILITY SUBMISSION SUMMARY

Table 5 - Planned 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.
Revised Part A permit application	Within 60 calendar days after effective date of this Permit.	Schedule of Compliance Item I.B.
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.C.
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.D.
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.E.
Updated closure cost estimate	Within 60 calendar days after effective date of this Permit.	Schedule of Compliance Item I.F.
Execute updated financial assurance instrument reflecting updated cost estimate	Within 30 calendar days after receiving the Department's final written response regarding review of the updated closure cost estimate.	Schedule of Compliance Item II.
Execute updated financial assurance instrument reflecting updated cost estimate	Within 10 calendar days after receiving Department's final written response regarding draft financial assurance instrument.	Schedule of Compliance Item III.
Original executed financial assurance instruments and related documents	Within 30 calendar days after receiving Department's final written response regarding draft financial assurance instrument.	Schedule of Compliance Item IV.

Submittal Requirements	Due Date*	Permit Condition
Risk Assessment Update Outline-Protocol	Within 90 calendar days after effective date of this Permit.	Schedule of Compliance Item VI.
Risk Assessment Update Report	Within 180 calendar days after receiving Department's approval of Item VI.	Schedule of Compliance Item VII.
Permit Renewal Application	At least 24 months before expiration date of this Permit.	Standard Permit Condition II.
Updated closure cost estimate inflation update	Annually, within 60 calendar days before the anniversary date of establishing the financial assurance instrument or within 30 calendar days of the end of the provider's fiscal year if a financial test or corporate guarantee is used.	Financial Assurance Condition I.B.1.

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

Table 6 - Contingent Corrective Action Submittal Requirements Pursuant to the Corrective Action Conditions of this Permit

Contingent Submittal Requirements	Due Date	Corrective Action Condition
Written notification of newly identified SWMU(s) and AOC(s)	No later than 15 calendar days after discovery.	II.A.
SWMU/AOC Assessment Work Plan	Within 30 calendar days after notice by the Department that a work plan is required.	II.B.
SWMU/AOC Assessment Report	According to the schedule in the approved SWMU/AOC Assessment Work Plan.	II.D.
Written notification of newly identified releases from previously identified SWMU(s) and AOC(s)	No later than 15 calendar days after discovery.	III.A.
Newly Identified Release Work Plan	Within 30 calendar days after notice by the Department that a work plan is required.	III.B.
Newly Identified Release Report	According to the schedule in the approved Newly Identified Release Work Plan.	III.D.
Notification of interim/ stabilization measures	Within 24 hours after discovery of need for stabilization.	IV.A.1.
Notification of interim/ stabilization measures not effective	Within 10 calendar days after determination.	IV.A.3.
RCRA Facility Investigation (RFI) Work Plan	Within 60 calendar days after notice by the Department that a work plan is required.	V.A.
RCRA Facility Investigation (RFI) Report	According to the schedule in the approved RFI Work Plan.	VI.A.

Contingent Submittal Requirements	Due Date	Corrective Action Condition
Corrective Measures Study (CMS) or Remedy Evaluation Work Plan	Within 45 calendar days after notice by the Department that a work plan is required.	VII.C.
Corrective Measures Study (CMS) or Remedy Evaluation Report	According to the schedule in the approved CMS Work Plan.	VIII.A.
Soil or Other Media Disturbance Notification	At least 30 calendar days before any planned activities at any area subject to AULs.	X.A.
Transfer of Interest in Permitted Property Notification	At least 90 calendar days before transferring any interest in any portion of permitted property.	X.B.
Change in Use of Property Notification	At least 30 calendar days before any proposed change in use of property.	X.C.
Draft Environmental Covenant	Within 60 calendar days after effective date of this Permit.	X.D.1.
Annual Progress Reports	By March 1 of each calendar year.	XI.

Figure 1 - Facility Location

Figure not available due to size.
Please see hard copy or separate electronic file online at
https://dnr.mo.gov/env/hwp/permits/mod054018288/19930101-figure1.pdf

Figure 2 - Facility Property Boundaries

Figure not available due to size.
Please see hard copy or separate electronic file online at
https://dnr.mo.gov/env/hwp/permits/mod054018288/20191018-figure2.pdf

Figure 3 - Storage Areas, Containment Buildings, Tanks, and Misc. Units

Figure not available due to size.
Please see hard copy or separate electronic file online at
https://dnr.mo.gov/env/hwp/permits/mod054018288/20090303-figure3.pdf

Figure 4 - Location of SWMUs and AOCs at the Facility

Figure not available due to size.
Please see hard copy or separate electronic file online at
https://dnr.mo.gov/env/hwp/permits/mod054018288/20190328-figure4.pdf