



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor Mark N. Templeton, Director

www.dnr.mo.gov

February 16, 2010

CERTIFIED MAIL – 7004 1160 0000 8177 3230
RETURN RECEIPT REQUESTED

Mr. James M. Lanzafame
Environmental Manager
The Doe Run Company
Buick Resource Recycling Facility LLC
18594 Hwy KK
Boss, MO 65440

RE: Class 2 Permit Modification
 The Doe Run Company – Buick Resource Recycling Facility, Boss, Missouri
 EPA ID# MOD059200089

Dear Mr. Lanzafame:

This letter is to notify you that the Missouri Department of Natural Resources (Department) received Buick Resource Recycling Facility’s (Buick) Class 2 Permit Modification request, dated October 28, 2009. The request was for the following changes:

- Adding a second battery shredder;
- Permitting an existing Hammermill Crusher as a Subpart X unit;
- Adding 83 cubic feet of hazardous waste storage in addition to the already permitted Covered Materials Storage Building;
- Authorizing slag treatment inside the new addition to the Covered Materials Storage Building;
- Decreasing the capacity of the permitted slag treatment unit and screens for physical separation;
- Changing the approved location to use screens for physical separation of slag to include the entire Covered Materials Storage Building excluding Bins 11, 16, 17, and 18; and
- Constructing an opening between the Battery Bunker Area and the Breaker, Desulfurization, and Crystallization Building.

Table 1: New Permitted Units/ Revised Capacities

Unit Name	Capacity	Units
Battery Shredder 2	1367	short tons/day
Hammermill Crusher	1367	short tons/day
Covered Material Storage Building	6461	cubic yards
Slag treatment inside the Covered Material Storage Building	250	tons/day
Slag Treatment Unit	50	tons/day
Screen at Covered Material Storage Building (Bins 12-15 and new addition)	240	short tons/day

The Department agrees with Buick that this is a Class 2 Permit Modification. We are approving the permit modification request and the new closure cost estimate for the regulated units, excluding the Slag Storage Area Landfill. Our decision was based on a thorough technical review of the permit modification request.

The newly approved cost estimate is lower than the previously approved cost estimate. The value of the financial assurance instrument provided by Buick now exceeds the total amount of the newly approved cost estimate. Therefore, the Department considers the issues raised by the October 15, 2009, Letter of Warning to be satisfied. The next inflation update to the newly approved cost estimate will be due in 2011 during the 60-day period before the January 27 anniversary date of the financial assurance instrument. The Slag Storage Area Landfill was excluded from the newly approved cost estimate submitted with the Class 2 Permit Modification. The cost estimate for the Slag Storage Area Landfill was approved on February 26, 2008, and did not need revision.

The Department conducted an inspection of the Covered Materials Storage Building addition on November 17, 2009. During the inspection, the Department noted that there was water in one of the Covered Materials Storage Building Bins. Buick shall provide certification by a professional engineer registered in Missouri that the leak has been repaired. Water is not allowed in the permitted dry containment building storage areas. Buick shall not use the Covered Materials Storage Building addition until the Department has received certification that the leak has been fixed. Once the Department receives this certification, we will approve or deny the use of the new building. The certifying engineer shall also certify that the building was constructed in such a way as to prevent releases to the environment and according to Code of Federal Regulations 40 CFR Part 264 Subpart DD.

The area at the exit of the Covered Materials Storage Building addition and Bin 18 is surrounded by a concrete curb and leads to a decontamination station. Standing water outside of the decontamination station in this curbed area shall be transported by truck to the facility's wastewater treatment plant within 24 hours after rain events that cause standing water. This water shall not be allowed to overflow onto the pavement to the storm sewer system/wastewater treatment plant.

During closure of all units, Buick shall properly manage all rinsate/decontamination water. The rinsate/decontamination water shall not be allowed to runoff from the areas being decontaminated.

Battery Shredder 2 shall be constructed by June 1, 2012. Buick shall notify the Department at least 15 calendar days before start of construction on Battery Shredder 2. Battery Shredder 2 shall not be used until Buick has submitted to the Department, by certified mail or hand delivery, a letter signed by Buick and a professional engineer registered in Missouri stating that the unit has been constructed or modified in compliance with this permit modification and shall request authorization to operate according to 40 CFR 270.30(1)(2), as incorporated in 10 CSR 25-7.270(2)(C)1.B. Buick shall also include with this submittal the "as-built" design drawings and specifications for the new Battery Shredder 2. These drawings and specifications shall be certified by a professional engineer registered in Missouri. If Buick has not received notice from the Department of its intent to inspect within 15 calendar days of the above submittal, prior inspection is waived and Buick may begin using Battery Shredder 2. If the Battery Shredder is not to be constructed by June 1, 2012, Buick shall submit either a request to withdraw the permitted unit or a new permit modification.

Buick shall notify the Department at least 15 calendar days before start of construction on the window between the Battery Bunker Area and the Breaker, Desulfurization, and Crystallization Building. Within 30 calendar days after construction, Buick shall submit to the Department, by certified mail or hand delivery, a letter signed by Buick and a professional engineer registered in Missouri stating that the new window has been constructed or modified in compliance with this permit modification. Buick shall also include with this submittal the "as-built" design drawings for the new window. These drawings shall be certified by a professional engineer registered in Missouri. This window shall be added to the inspection checklist for the Battery Bunker Area.

Buick shall modify the inspection checklist for the new Covered Materials Storage Building and all other permitted containment buildings to include inspections of the buildings' doors. The modification shall include documentation of the condition of the doors (working/in need of repair and the amount of time the door has been inoperable). Buick shall note any period of inoperability of the doors in the inspection checklist for the permitted containment buildings and what steps have been taken to correct the malfunction. Buick shall submit the updated inspection checklists within 30 calendar days of receipt of this letter for department review and approval.

Within 30 calendar days of receipt of this letter, Buick shall remove all material from the Slag Storage Area Staging Bins and shall cease treatment of slag within the Slag Storage Area Staging Bins. The Department has become aware of Buick mixing Enviroblend/chemical stabilizing agents with slag in the Slag Storage Area Staging Bins. Mr. Lanzafame told Mr. George Fletcher this is the standard practice when the slag fails universal treatment standards. Slag shall not be treated within the Slag Storage Area Staging Bins. The Department considers this an illegal treatment unit and a violation of Buick's February 26, 2008, Missouri Hazardous Waste Management Facility Permit. In the permit, the Slag Storage Area Staging Bins were not permitted for treatment of slag, only storage. On November 26, 2008, Buick withdrew the Slag Storage Area Staging Bins from being permitted for containment building storage from the permit. The Department allowed Buick to continue to utilize that unit for storage until approval of the new waste analysis plan. The Department approved that waste analysis and management of all slag in the new 90-day storage containers on August 5, 2009. Now that this Class 2 Permit Modification for treatment and storage in the new addition of the Covered Material Staging Bins Building has been issued, no waste handling at the Slag Storage Area Staging Bins is permitted.

Within 180 calendar days of receipt of this approval, Buick shall implement closure of the Slag Storage Area Staging Bins and Bin 11 of the Covered Materials Storage Building as detailed in the Class 2 Permit Modification request and submit the closure certification report as required by 40 CFR 264.115. Enclosed is a Schedule of Compliance for your convenience.

Buick conducted the public participation activities for this Class 2 Permit Modification, as described in 40 CFR 270.42(b), as incorporated by reference in 10 CSR 25-7.270(2)(D). The 60-day public comment period began January 19, 2009, and ended March 20, 2009. The Department did not receive any comments on the modification request during the public comment period. The Department will mail a notification letter to everyone on the facility mailing list and the appropriate units of state and local government, as required in 40 CFR 270.42(f)(1), as incorporated by reference in 10 CSR 25-7.270(2)(D). A copy of the letter is included with this letter.

Mr. James M. Lanzafame
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If you have any questions regarding this letter or the enclosed documents, please contact Mr. Fletcher, Environmental Engineer, of my staff at the Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, by telephone at (573) 751-3553 or 1-800-361-4827, or by e-mail at george.fletcher@dnr.mo.gov. Thank you.

Sincerely,

HAZARDOUS WASTE PROGRAM

[Original Signed by Robert Geller]

Robert Geller
Director

RG:gfs

Enclosures

c: Senator Christopher "Kit" Bond, U.S. Senate
Senator Claire McCaskill, U.S. Senate
Congresswoman Jo Ann Emerson, U.S. House of Representatives
Senator Frank Barnitz, Missouri Senate
Representative Jason Smith, Missouri House of Representatives
Mayor Len King, City of Viburnum
Presiding Commissioner Terry W. Nichols, Iron County
Mr. Wray Rohrman, Project Manager, U.S. EPA Region VII
Julie Pearson, P.E., Barr Engineering Company
Shelley A. Woods, Attorney General's Office
Southeast Regional Office, Missouri Department of Natural Resources

Facility Submission Summary for Class 2 Permit Modification

Submittal Requirements	Date Due
Submit inflation update for Slag Storage Area Landfill closure cost estimate.	No later than January 27, 2010.
Updated containment building inspection checklist.	Within 30 calendar days of receipt of the Class 2 Permit Modification approval.
Certification that the Covered Materials Storage Building is built to meet 40 CFR Part 264 Subpart DD.	Before Covered Materials Storage Building new addition is used.
Notification of intent to construct doorway between BDC Building and the Battery Bunker.	15 calendar days before starting construction.
Notify the Department that the doorway between the BDC Building and the Battery Bunker has been constructed according to this permit modification and submit design drawings and specifications for the doorway between the BDC building and the Battery Bunker.	Within 30 calendar days of completion of construction.
Remove all material from the Slag Storage Area Staging Bins.	Within 30 calendar days of receipt of the Class 2 Permit Modification approval.
Implement Closure of Slag Storage Area Staging and Covered Materials Storage Bin 11.	Within 180 calendar days of receipt of this letter.
Submit closure certification for Slag Storage Area Staging Bins and Covered Materials Storage Bin 11.	Within 60 calendar days of completion of closure.
Submit inflation update for newly approved closure cost estimate.	No later than January 27, 2011.
Notification of intent to construct Battery Shredder 2.	15 calendar days before starting construction.
Construction of Battery Shredder 2.	No later than June 1, 2012.