



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

January 22, 2015

CERTIFIED MAIL – 7004 1160 0000 8177 7825
RETURN RECEIPT REQUESTED

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

RE: Class 2 Permit Modification Request
Covered Materials Storage Building Enclosure
Buick Resource Recycling Facility, LLC, Boss, Missouri
EPA ID# MOD059200089

Dear Mr. Lanzafame:

The Missouri Department of Natural Resources (Department) hereby approves Buick Resource Recycling Facility, LLC's (Buick) Class 2 Permit Modification request, dated August 30, 2013, with comments and schedule of compliance items. The request was to construct a building to enclose the fronts of Covered Material Storage Bins (CMSB) 16, 17, and 18 and a new decontamination station to be included as part of the CMSB *Resource Conservation and Recovery Act* regulated building. This modification request also included closure of the existing CMSB decontamination station. Our decision is based on a thorough technical review of the modification request and applicable federal and state laws and regulations.

We are approving the Class 2 Permit Modification request with the following comments and schedule of compliance items:

1. Within 30 calendar days of receiving this letter, Buick shall submit a certification signed by an independent Professional Engineer registered in Missouri that the containment building design meets the requirements of Code of State Regulations [10 CSR 25-7.264(2)(DD)], which incorporates Code of Federal Regulations [40 CFR 264.1101(c)(2)] and as specified in Special Permit Condition III.C.9., of Buick's



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Missouri Hazardous Waste Management Facility (MHWMF) Part I Permit. This certification shall also include the specifications and “as-built” drawings for the enclosure and decontamination station.

2. Within 30 calendar days of receiving this letter, Buick shall submit a report to the Department regarding the closure activities performed during the closure of the existing decontamination station. This report shall include a description of the activities conducted; the number, type, and location of any samples collected; the results of any analyses performed; the type and results of any samples collected for quality control/quality assurance purposes; the chain-of-custody forms; and any field notes made during the closure activities.
3. Although the Class 2 Permit Modification request states that no “hazardous material” will be stored in this addition to the CMSB enclosure, the Department would like to specify that any and all material placed within the enclosure for the CMSB will be considered part of the addition’s overall storage capacity, which is the 83 cubic yards added for storage, as specified in the original enclosure and addition dated October 28, 2009.
4. Buick’s 15 percent contingency built into the currently approved closure cost estimate will be sufficient for closure of this addition until after the pending approval of the Class 3 Permit Modification for the Blast Furnace Feed Storage (BFFS) Building Annex. To minimize review and billable time, we will request the submittal of an updated financial assurance for closure of this addition, upon approval of the BFFS Annex modification.
5. If Buick requires additional time to submit a scheduled document or perform other activities required by this approval letter, Buick shall submit a written extension request to the Department at least 15 calendar days before the scheduled due date of the document or activity. The extension request shall specify the amount of additional time needed and shall be accompanied by a justification for the extension. The Department shall review and approve the extension request according to the procedures described in Corrective Action Condition XIII. of Buick’s MHWMF Part I Permit.

Buick conducted the public participation activities for the Class 2 Permit Modification request, as described in 10 CSR 25-7.270(2)(D), which incorporates 40 CFR 270.42(b). The 60-day public comment period began August 27, 2013, and ended October 26, 2013. Buick held a public meeting about the modification request on September 25, 2013. The Department did not receive any comments on the modification request during the public comment period. The Department mailed a notification letter to everyone on the facility mailing list and the appropriate units of state and local government, as required in 10 CSR 25-7.270(2)(D), which incorporates 40 CFR 270.42(f)(1). The notification letter is included with this letter.

The approved Class 2 Permit Modifications are effective immediately. Please be aware that any parties adversely affected or aggrieved by the Department's decision to approve the Class 2 Permit Modifications may be entitled to pursue an appeal before the Administrative Hearing Commission, according to 10 CSR 25-7.270(2)(D), which incorporates 40 CFR 270.42(f)(2). The petition must be filed with the Administrative Hearing Commission by February 23, 2015, according to the procedures outlined in 10 CSR 25-2.020 and Missouri Revised Statutes, Sections 260.395.11 and 621.250, RSMo. If the petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any other method, it will be deemed filed on the date it is received by the Administrative Hearing Commission. Appeals must be sent to the Administrative Hearing Commission, Truman State Office Building, Room 640, 301 West High Street, P.O. Box 1557, Jefferson City, MO 65102, or by fax to (573) 751-5018. The Department also asks that a copy of the petition be provided to Mr. David J. Lamb, Director, Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, or by fax to (573) 751-7869.

If you have questions regarding this letter or the enclosed documents, please contact Nathan Kraus, P.E., of my staff at the Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, by telephone at (573) 751-3553 or 1-800-361-4827, or by e-mail at nathan.kraus@dnr.mo.gov. Thank you.

Sincerely,

HAZARDOUS WASTE PROGRAM

[Original signed by David J. Lamb]

David J. Lamb
Director

DJL:nkm

Enclosures

c: Senator Roy Blunt, U.S. Senate
Senator Claire McCaskill, U.S. Senate
Congressman Jason Smith, U.S. House of Representatives
Senator Gary Romine, Missouri Senate
Representative Paul Fitzwater, Missouri House of Representatives
Mayor Len King, City of Viburnum
Presiding Commissioner Jim Scaggs, Iron County
Ms. Christine Jump, Missouri State Coordinator, U.S. EPA Region 7
Julie Marks, P.E., Barr Engineering Company
Southeast Regional Office, Missouri Department of Natural Resources