

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES



MISSOURI HAZARDOUS WASTE MANAGEMENT FACILITY
PART I PERMIT

PERMIT NUMBER: MOD981123391

PERMITTEE

Owner and Operator: Hazmat, Inc.
6300 Stadium Drive
Kansas City, MO 64129

FACILITY LOCATION

Hazmat, Inc.
6300 Stadium Drive
Kansas City, MO 64129
Jackson County
North Latitude – 39°03'28"
West Longitude – 94°30'37"

FACILITY DESCRIPTION

Hazmat, Inc. is a commercial hazardous waste treatment and storage facility that has been in operation since 1985, with various names and ownerships. Hazmat, Inc. transports a variety of hazardous waste produced by other hazardous waste generators to its facility. Hazmat, Inc. then bulks wastes for off-site use as hazardous waste fuel. Hazardous wastes that cannot be fuel blended are collected and stored until Hazmat, Inc. ships it to other facilities designed and permitted to handle that waste. The general facility location is shown in Figure 1. The facility property boundaries are shown in Figure 2.

PERMITTED ACTIVITIES

This Permit allows Hazmat, Inc. to store various F-, K-, P-, and U- listed hazardous wastes as well as ignitable, reactive, corrosive, and toxic “characteristic” hazardous wastes in containers. The permitted hazardous waste management units consist of six container storage areas (flammable and receiving area, bases, acids, oxidizers, a processing room, and a 3,000-gallon tanker truck). 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: _____ to _____

Date Carey Bridges, R.G., Deputy Director
DIVISION OF ENVIRONMENTAL QUALITY

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Draft

INTRODUCTION

After public notice, according to Code of State Regulations 10 CSR 25-8.124, and review of Hazmat, Inc.'s 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 (C.F.R.). State rules and 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 MOD981123391, to Hazmat, Inc., as the facility owner and operator (hereafter 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.

Hazmat, Inc.

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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 Permittee named above. This Permit is issued for a period of 10 years and expires at midnight on _____. 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.

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

- RCRA Hazardous Waste Permit Application, dated April 28, 2006, with revisions dated December 29, 2008, and July 5, 2016.
- Email from General Manager of Hazmat to the Department on August 29, 2019.
- Class 1 Permit Modification With Prior Director’s Approval to remove current paint can consolidation from hand operations to use of the Herkules crushing machine, dated February 18, 2018.

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 revised 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 closure, 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, Missouri Geological Survey, 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.

“Paved Roadway Surface” means a surface paved with asphalt, concrete, concrete pavers, brick, or other similar materials; but excluding gravel, crushed rock, slag, and other similar materials. This surface shall be maintained to allow for sweeping to clean and to prevent leakage through.

“Release” means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing hazardous wastes or hazardous constituents into the environment. This includes abandoning or discarding barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents.

“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.

SCHEDULE OF COMPLIANCE

- I. Within 60 calendar days after the effective date of this Permit renewal, 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 257.270(2)(B)7. and defined in the Introduction of this Permit.
 - B. Submit to the Department for approval, a revised Part A and Part B permit application, including all changes resulting from comments on the draft Permit, all permitted units at the facility, and a diagram of the facility that clearly outlines 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:
$$\text{Remaining balance} = \$9,000.00 - ((\$1,000 \div 365 \text{ days}) \times N_d)$$
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 approval, an updated Closure Plan, according to 40 C.F.R. § 264.112.

- G. Submit to the Department for evaluation, an updated closure cost estimate, according to 40 C.F.R. § 264.142.
- H. Submit to the Department for evaluation, an updated, detailed written cost estimate, in current dollars, of the cost of hiring a third party to perform the closure activities required by this Permit, as specified in Financial Assurance Condition I.A.2.
- 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 30 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 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, as specified in Financial Assurance Condition II.B.3.
- V. The Permittee shall maintain updated financial assurance for closure (including annual inflation updates) until such time as the Department accepts the closure certification for all previously-operating units at the facility, and notifies the Permittee, in writing, that the financial assurance mechanism for closure may be terminated.
- VI. 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 4.

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, 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 VI.

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, Sections 260.350 through 260.430, et seq., RSMo, 10 CSR 25-8, 40 C.F.R. Part 264 Subpart H, 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, the Permittee shall

submit a permit renewal application to the Department at least 24 months before the expiration date of this Permit, unless the Department allows a later date pursuant to General Permit Condition VI.

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, 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 or hazardous constituents 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 or universal waste outside the requirements of this Permit is subject to regulation under Missouri's Solid Waste Management Law and regulations and 40 C.F.R. § 273 Universal Waste.

IV. Reporting Requirements [40 C.F.R. § 270.30(l)(9)]

A biennial report shall be submitted to the Department by March 1 during even numbered calendar years, covering facility activities as required by 40 C.F.R. § 264.75.

V. Review and Approval Procedures

A. Financial assurance cost estimates and draft financial assurance mechanisms submitted for closure, or corrective action 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 that proposes sampling and analysis of the hazardous waste, residues, emissions, plant sampling, odor testing, environmental media (i.e., soil, groundwater, surface water, sediment, or air), or for closure or corrective action activities, 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 plan's or report's deficiencies 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.

VI. 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 include the Permittee's justification for the requested extension.
- B. The Department shall review and approve the extension request according to the procedures described in General Permit Condition VI.

- 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) and 40 C.F.R. § 270.28, that identifies the facility as not being located in a 100-year floodplain. 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. Part 264 Subpart I]

Six container storage areas are currently permitted and operating at this facility: Room A, Room B, Room C, Room D, Receiving Area, and Dock (truck bay). Room E is not permitted for use as a container storage area. These areas are located as shown on Figure 3, and are subject to the requirements of 40 C.F.R. Part 264 Subpart I.

The Hazmat, Inc. facility consists of the main building that contains the office, laboratory, and permitted storage rooms (A, B, C, D), Receiving Area, the Dock, a fire suppression room, and electrical room. A smaller building to the east of the main building is used for office space and storage of solid waste. Two sheds are in the fenced area for empty drums and universal waste storage.

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. Non-hazardous waste regulated material may be stored in the permitted container storage areas as long as the material does not interfere with hazardous waste operations, is containerized, and is managed according to the

requirements of Special Permit Condition II. 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)
Main Building Room A	13,640
Main Building Room B	4,400
Main Building Room C	3,520
Main Building Room D	2,200
Main Building Receiving	6,160
Main Building Loading Dock	3,000

For inspection purposes, the Total Stored Volume in one area 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

$$(A \times 5) + (B \times 16) + (C \times 30) + (D \times 55) + E = \text{Total Stored Volume (gallons)}$$

1. Main Building Room A – Flammable Materials

The maximum quantity of wastes that may be stored at any time is 13,640 gallons. Containers in the storage area will be stored on pallets so they will not be sitting in free liquids that have been spilled or

leaked on the floor. The Permittee may store materials that contain free liquids in this area, as described in this Permit and the approved permit application.

2. Main Building Room B – Acids

The maximum quantity of wastes that may be stored at any time is 4,400 gallons. Containers in the storage area will be stored on pallets so they will not be sitting in free liquids that have been spilled or leaked on the floor. The Permittee may store materials that contain free liquids in this area, as described in this Permit and the approved permit application.

3. Main Building Room C – Bases

The maximum quantity of wastes that may be stored at any time is 3,520 gallons. Containers in the storage area will be stored on pallets so they will not be sitting in free liquids that have been spilled or leaked on the floor. The Permittee may store materials that contain free liquids in this area, as described in this Permit and the approved permit application.

4. Main Building Room D

The maximum quantity of wastes that may be stored at any time is 2,200 gallons. Containers in the storage area will be stored on pallets so they will not be sitting in free liquids that have been spilled or leaked on the floor. The Permittee may store materials that contain free liquids in this area, as described in this Permit and the approved permit application.

5. Main Building Receiving Room

The maximum quantity of wastes that may be stored at any time is 6,610 gallons. Containers in the storage area will be stored on pallets so they will not be sitting in free liquids that have been spilled or leaked on the floor. The Permittee may store materials that contain free liquids in this area, as described in this Permit and the approved permit application.

6. Main Building Dock

The maximum quantity of wastes that may be stored at any time is 3,000-gallons. The storage container in the dock is one 3,000-gallon vacuum truck for hazardous waste bulking.

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

1. 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.
2. Containers meeting U.S. Department of Transportation (USDOT) standards for transporting containerized materials (40 C.F.R. Part 173) are also acceptable for storing hazardous waste.

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. Only USDOT-approved containers shall be used for storing hazardous waste on site.

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 the outermost containers are clearly labeled as to the total amounts, codes, and names of hazardous waste on the pallet; 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) The outermost containers are clearly labeled as to the total amounts, codes, and name of hazardous waste on the pallet.
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 8 feet or be stacked or placed closer than 3 feet from ceilings or any roof members, or both.
 - c. Class 1 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 6.5 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 6.5 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. Double pallet rows can be used, as long as a minimum of one-half foot (6 inches) of spacing is maintained between the pallets within the row, allowing for inspection, and all container labels shall be visible from an aisle. The one-half foot (6 inches) of spacing between pallets within a row is only allowable if double pallet rows are used.
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(s) at the facility. Rows within the container storage areas shall also be delineated with tape or painted lines on the floor(s) at 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 and time of receipt or date and time 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 the applicable, currently-effective USDOT 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).

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. Each container storage area shall be inspected daily, during periods of operation, according to the approved permit application. The inspection shall include looking for leakage from trailers (i.e., roll-off boxes) and accumulating liquid under the trailers. 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 operate containment systems for the container storage areas, 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 III.D.3., to contain any run-on that might enter the system.
 - e. Spilled or leaked waste and accumulated precipitation shall be removed from the sump, secondary containment, or collection area, and the area shall be cleaned up, in as timely a manner as is necessary to prevent overflow of the collection system and / or releases to the environment and provide for protection of on-site personnel and in compliance with the NPDES permit MO-0117692 issued to the Permittee. No discharge of effluent contaminated with leaks would be authorized. Clean, uncontaminated stormwater may be released in compliance with the conditions of the NPDES permit.
2. The Permittee shall design and operate containment systems for the Dock, loading and unloading area as follows:
 - a. The area may be used as general parking for incoming trailers of non-regulated material, outgoing trailers 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 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. 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 temporarily managed in an area of the facility not addressed by this Permit for a period that exceeds 24 consecutive hours, unless the area is being operated as a less than 90-day hazardous waste generator storage.

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 described 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.

Facilities with buildings constructed and permitted before December 30, 2015, are allowed to locate containers closer than 50 feet from the

facility's property line within the building if the following requirements are satisfied (as allowed by Code of State Regulations before the revisions of 10 CSR 25-7.264(2)(I), dated February 28, 2019):

- a. Exposing walls that are located more than 10 feet, but less than 50 feet, from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least two hours, with each opening protected by an automatically-closing, listed 1.5-hour (B) fire door. All fire doors, closure devices, and windows shall be installed according to the National Fire Protection Agency (NFPA) Code 80, Standards for Fire Doors and Windows, 1995 edition;
- b. Exposing walls that are located less than 10 feet from a boundary line of adjoining property, that can be built upon, shall have a fire-resistance rating of at least four hours, with each opening protected by an automatically-closing, listed three-hour fire door. (Comment: All fire doors, closure devices, and windows shall be installed according to the National Fire Protection Agency (NFPA) Code 80, Standards for Fire Doors and Windows, 1995 edition)
- c. The construction design of exterior walls shall provide ready accessibility for fire-fighting operations through the provision of access openings, windows, or lightweight noncombustible wall panels;
- d. Container storage areas shall be provided with automatic fire suppression systems designed and installed according to the NFPA 14 (1996 edition), NFPA 15 (1996 edition), NFPA 16 (1995 edition), NFPA 16A (1994 edition), NFPA 17 (1998 edition), NFPA 17A (1998 edition), NFPA 18 (1995 edition), NFPA 20 (1996 edition), NFPA 22 (1996 edition), and NFPA 24 (1995 edition) standards. Final design of these systems shall be approved by a qualified, professional engineer registered in Missouri;
- e. Each container storage area shall have pre-connected fire hose lines capable of reaching the entire area. The fire hose shall be

either a 1.5-inch line or a 1-inch hard rubber line. Where a 1.5-inch fire hose is used, it shall be installed according to NFPA 14 (1996 edition). Hand-held fire extinguishers rated for the appropriate class of fire shall be available at each storage area;

- f. Only containers meeting the requirements of, and containing products authorized by, Chapter I, Title 49 of the Code of Federal Regulations (DOT Regulations) shall be used;
- g. All storage of ignitable or reactive materials shall be organized in a manner that will not physically obstruct a means of egress. Materials shall not be placed in a manner that a fire would preclude egress from the area. Evacuation plans shall recognize the locations of any automatically-closing fire doors;
- h. All containers shall be arranged so there is a minimum of 3 feet aisle space between rows, allowing accessibility to each individual container. Double rows can be used. Containers shall not be stacked or placed closer than 3 feet from ceilings or any roof members, or both; and
- i. Explosive gas levels in the facility shall be monitored continuously. If the facility is not manned 24 hours per day, a telemetry system shall be provided to alarm designated response personnel.

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

One miscellaneous treatment unit, the Herkules oil filter/paint can crusher is permitted. This unit is 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 device and process to be located in the main building identified as the following:

1. Herkules Can Crusher

The Herkules Can Crusher facilitates mechanical emptying of residual paint/oil from cans instead of requiring manual removal using hand tools. The Herkules Can Crusher is operated over a tote or barrel to collect the oil/paint that is removed. The Herkules Can Crusher is operated by placing the can to be emptied in a box, doors are closed to contain paint as a piston compresses the can and causes paint to fall into a drum or tote below the crusher. The Herkules Can Crusher is also subject to the requirements in Special Permit Condition II.

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 treatment processes performed according to this Permit shall be subject to the terms of Special Permit Condition II. and shall only be performed inside the main building.

C. Control of Fugitive Emissions

The Permittee shall ensure the doors to the unit are fully closed before operation of the crushing mechanism and the unit is placed over the drum or tote to prevent spilling from the Herkules Can Crusher. The Permittee shall not operate the treatment unit if visible emissions are evident. The Permittee, at a minimum, shall ensure operation of the Herkules Can Crusher is performed using appropriate PPE to mitigate inhalation of hazardous gases.

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

The Permittee shall design and operate the containment system for the area of operation of the Herkules Can Crusher as follows:

1. The unit shall be operated in Room A, B, C, D or the Dock and within the secondary containment.
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.
4. Spilled or leaked waste shall be removed from the collection area, and the area shall be cleaned up, in as timely a manner as is necessary to prevent overflow of the collection system, releases to the environment, and provide for protection of on-site personnel.

E. 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 unit, or from the 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.

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. If any collected material is discharged through a point source to public waters or to a publicly-owned treatment works, that discharge may be subject to the requirements of the Missouri Clean Water Law and Regulations, and/or the federal 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, groundwater, or surface water;
 - (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, sediment, groundwater, and/or air, as appropriate.

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.

2. Within 15 calendar days of detecting a release to the environment from the Herkules Can Crusher 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 the 15-calendar-day 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.
 3. 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.
- H. Special Requirements for Ignitable or Reactive Wastes
[40 C.F.R. §§ 264.17 and 264.601]
- The Permittee shall not place ignitable or reactive waste in the Herkules Can Crusher or secondary containment system.
- I. 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 the Herkules Can Crusher, unless such action complies with the requirements of 40 C.F.R. §§ 264.17(b) and (c).
2. The Permittee shall not place hazardous wastes or materials in the Herkules Can Crusher that previously held an incompatible waste or material that has not been decontaminated, unless such action complies with the requirements of 40 C.F.R. §§ 264.17(b) and (c).

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

The Permittee shall remove or decontaminate all hazardous waste and hazardous waste residues from the Herkules Can Crusher, including, but not limited to: contaminated tank system components (liners, etc.), contaminated soils, and contaminated equipment and structures, including the surrounding area, 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 unit shall meet all requirements specified in 40 C.F.R. Part 264 Subparts G and H.

IV. Lab Pack Depack Operation

- A. The Permittee shall comply with the proposed design and construction standards and operation and maintenance according to the Lab Packing Procedure specified in Chapter 2 of the approved permit application.
- B. In addition to the procedures outlined in the approved permit application, the Permittee shall also comply with the following:
 1. Upon receipt, all lab pack containers that are not to be processed within 24 hours shall be stored in the area of compatible chemical hazard classification;
 2. Only one organic lab pack container may be placed in the consolidation area for packing/depacking at any given time;
 3. Only two inorganic lab pack containers may be placed in the consolidation area for packing/unpacking at any given time;

4. The designated consolidation areas shall be clearly delineated with tape or painted lines on the floor of the facility;
5. No lab pack container may remain in the designated consolidation area longer than 24 hours. The designated consolidation area is not a permitted storage area; and
6. When the accumulation container is full, it shall be removed from the designated consolidation area.

V. 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 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.

VI. Air Emission Standards for Tanks, Surface Impoundments, and Containers [40 C.F.R. Part 264 Subpart 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 the unit identified in Table 2.

Table 2 - Units Subject to Subpart CC Standards

Unit Type	Subpart CC Control Option
Roll-off Container	Container level 1

- C. The roll-off containers shall be operated in compliance with the following:

1. The Permittee shall document that the 40-cubic-yard roll-off containers will meet the container standards of 40 C.F.R. Part 264 Subpart CC. This documentation shall be kept in the operating record and made available upon inspection or at the request of the Department.
2. The Permittee shall complete the bulking of solid hazardous waste materials in the roll-off containers within 24 hours of first starting the bulking operation. The Permittee shall record the start time and end time for the consolidation of the solid hazardous waste materials in the roll-off containers on a consolidation sheet. Consolidation activities start when the first container to be bulked is removed from a permitted storage area and ends when the roll-off container leaves the property and all drums that were part of the consolidation are either emptied or placed back in permitted storage. Both of these times and dates shall be entered on the consolidation sheet.
3. The Permittee shall not knowingly allow any liquids to be placed into the roll-off containers as part of the bulking operations for solid hazardous waste materials.
4. The Permittee shall not bulk materials in a way that produces visible dust. Materials that may produce dust include, but are not limited to, soils, sands, silts, and clays.
5. The location proposed by the Permittee of the roll-off container associated with these bulking operations is uncovered and exposed to the atmosphere. During the bulking operations, the Permittee shall place barriers around the roll-off container to mitigate the effects of any wind and reduce the chance of any solid hazardous waste leaving the roll-off container. These barriers shall be placed on at least 3 sides around the roll-off container. The building may be considered a barrier for 1 side of the roll-off container.
6. The Permittee shall take photos or a video to document the bulking of the solid hazardous waste materials operation each time a new waste stream from a generator is being bulked. At a minimum, 2 photos should be taken for each waste stream from each generator; 1 photo taken during the time when a container/drum is being emptied; and 1

photo taken of the contents of a container/drum for each waste stream. The photos or video shall be used to document if any dust is generated from each generator and each of their different waste streams. New photos or a video will need to be taken if the basic nature of the waste stream from a generator changes, for a new generator, or a new waste stream that has not previously been bulked. The photos and video(s) should be labeled with the name of the generator, a brief description of the waste being bulked, the waste numbers(s) involved, and the date the picture or video was taken. The photos or video(s) shall be kept in the operating record for a minimum of 3 years and made available upon inspection or at the request of the Department. The photos and/or video(s) must be labeled or stored with an index describing the contents of the photos. The photos and/or video(s) must be stored on a camera or computer system owned by the Permittee.

CORRECTIVE ACTION CONDITIONS

The following Corrective Action Conditions are “planned” and “contingent” in that SWMUs or AOCs have been identified that require further investigation. Should a future release(s) occur at the facility, “active” corrective action activities may be required pursuant to the Corrective Action Conditions of this Permit. Should corrective action become necessary for any releases that occur or are discovered to have occurred, 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

- A. Tetra Tech, Inc., under the TES X contract for the EPA, completed a RCRA Facility Assessment (RFA) to identify and gather information on releases or potential releases from SWMU(s) and AOC(s) at the facility. Soil sampling conducted during the RFA, dated January 9, 1992, indicated that releases had occurred at the facility. Two SWMUs require further investigation and results are pending submittal to the Department:
- SWMU #8 The loading dock and adjacent parking lot immediately located behind the facility building.
 - SWMU #4 The former bulk tank area located west of the facility building.

- II. Notification Requirements for, and Assessment of, Newly-Identified SWMU(s) and AOC(s)
- A. The Permittee shall notify the Department and EPA, 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 and EPA 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 V. 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 and EPA, 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 V. 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 a RCRA Facility Investigation (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 and EPA 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 V. 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 and EPA, 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 SWMU(s) or AOC(s) 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 and EPA 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 V. 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 and EPA, 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 V. 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 an 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 and EPA for review and 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 V. The Permittee shall complete all activities described in the work plan, according to the schedule contained in the approved plan.

IV. Interim/Stabilization Measures (ISMs)

- A. Should the Permittee become aware of a situation that may require any ISMs that may be necessary to protect human health or the environment, the following conditions shall apply:
1. The Permittee shall notify the Department and EPA, by e-mail within 24 hours and by letter within 7 days after becoming aware, or should have become aware, of the situation. 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 and EPA, 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 it 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 the Department determines 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 V.

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 and EPA 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 ensures 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 V. 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 and EPA, according to the schedule specified in the approved supplemental RFI Work Plan described in Corrective Action Condition V. The RFI Report shall present all information gathered 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 supplemental RFI data and documenting its precision, accuracy, representativeness, completeness, comparability, validation, etc.).

The Department shall review and approve the RFI Report according to the procedures described in General Permit Condition V. 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.

VII. 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.

- A. The Permittee may, at its discretion, request to develop an Excavated Soil Management Plan for review and approval by the Department. 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 V.

B. Transfer of Interest in Permitted Property

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.

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.

1. 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.

2. 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 in 40 C.F.R. § 270.42(c), and the public notice and opportunity for comment requirements in 10 CSR 25-8.124.

D. Missouri Environmental Covenants Act

If, and when, the Department determines 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.

VIII. 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 and Corrective Action Cost Estimates

1. If, in the future, the Permittee submits a notice of intent to close the facility, or if a CMS or equivalent becomes necessary as part of the corrective action activities required by this Permit, within 60 calendar days of the effective date of the notification of closure, the Permittee shall submit an updated closure cost estimate, as specified in Schedule of Compliance Item I.G.
2. If, in the future, the Permittee submits a notice of intent to close the facility, or if a CMS or equivalent becomes necessary as part of the corrective action activities required by this Permit, Within 60 calendar days of notification of closure or final remedy approval, the Permittee shall submit, as part of the CMS Report an updated, detailed written cost estimate, in current dollars, of the cost of hiring a third party to perform the closure and corrective action activities required by this Permit.
 - 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 software.
 - c. The closure, and corrective action cost estimates shall account for the total cost of all work activities and related costs expected to continue until such time as final cleanup objectives are met and confirmed. This includes, but is not limited to, any long-term costs, such as:
 - (1) Final remedy operation, maintenance, and monitoring;
 - (2) Utilities, including electricity, water, and sewer;

- (3) Decommissioning remediation equipment and plugging/abandoning monitoring wells;
 - (4) Real estate taxes on the property; and
 - (5) Departmental oversight cost reimbursement.
 - d. The corrective action cost estimates shall be based on a “rolling” 30 years’ duration unless the Permittee makes a successful demonstration for a shorter time period. The Permittee may, at any time, submit to the Department for review and approval, a demonstration to adjust the corrective action cost estimates based on the estimated time remaining to achieve applicable remediation objectives/standards.
 - e. The corrective action cost estimates shall include a contingency cost allowance of 10 percent of the total cost of all corrective action activities.
 - f. The cost estimates shall not include any salvage value that may be realized from the sale of wastes, facility structures or equipment, land, or other assets associated with the facility.
 - g. Discounting is not allowed for closure cost estimates. The regulations are silent on discounting for corrective action cost estimates, if and when needed. Discounting would allow a facility to provide less than the amount of financial assurance required, based on the future value of the investment. The assumption is made that by the end of any corrective action period, the full amount of financial assurance will be available based on the future value of money.
3. The Permittee shall submit each closure and corrective action 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, and corrective action cost estimate that has received a final written response from the Department.
- B. Revisions to Closure, Post-Closure Care, and Corrective Action Cost Estimates
1. Annual Adjustment for Inflation

The Permittee shall annually adjust the closure and corrective action cost estimates, 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 shall also adjust the closure and corrective action cost estimate if:
 - a. The Permittee or the Department determines any additional closure or corrective action activities are required; or
 - b. Any other conditions increase or decrease the estimated cost of the closure or corrective action 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 each revised closure and corrective action 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, post-closure care, and corrective action activities 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 and corrective action 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 15 calendar days after receiving the Department's final written response regarding the draft 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 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 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 and corrective action activities 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 and corrective action 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 and corrective action activities performed according to this Permit; or
 - (2) Pay any other person whom the Department determines has performed or will perform the closure and corrective action activities 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 and corrective action 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, post-closure care, and corrective action activities 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 and corrective action 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 and corrective action activities performed according to this Permit; or
 - (2) Pay any other person whom the Department determines has performed or will perform the closure or corrective action 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 and corrective action 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 and corrective action 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, or corrective action 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, 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 or corrective action activities 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 and corrective action 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, and corrective action activities required by this Permit.

- (2) The written proposal shall specify, at a minimum, the cost of the remaining closure and corrective action 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 and corrective action 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 and Corrective Action Activities

The Permittee's inability or failure to establish or maintain financial assurance for completing the closure or corrective action 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 and corrective action 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 or corrective action activities required by this Permit; or
 - b. Is significantly or repeatedly deficient or late in performing the closure or corrective action activities required by this Permit;
or
 - c. Is implementing the closure or corrective action 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 and/or corrective action 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 or corrective action 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 and corrective action 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 and corrective action 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.

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FACILITY SUBMISSION SUMMARY

**Table 3 - 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 issuance.	Schedule of Compliance Item I.A.
Revised Part A and Part B 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 plan	Within 60 calendar days after effective date of this Permit.	Schedule of Compliance Item I.F.
Updated closure cost estimate	Within 60 calendar days after effective date of the notification of closure.	Schedule of Compliance Item I.G.
Closure activities performed by third party	Within 60 calendar days after effective date of this Permit.	Schedule of Compliance Item I.H.
Documentation necessary to demonstrate the Permittee satisfies the financial assurance criteria	Within 30 calendar days after receiving the Department's final written response regarding review of the updated closure cost estimate.	Schedule of Compliance Item III.

Submittal Requirements	Due Date*	Permit Condition
Execute updated financial assurance instrument reflecting updated cost estimate	Within 130 calendar days after receiving Department’s final written response regarding draft financial assurance instrument.	Schedule of Compliance Item IV.
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 V.
Updated closure, post-closure care, and corrective action 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.
Corrective action cost estimate	Within 60 calendar days after final remedy permit modification.	Financial Assurance Condition I.B.
Biennial Report with information required by 40 C.F.R. § 264.75	March 1 of each even numbered calendar year, unless an extension is requested.	General Permit Condition IV.
Permit Renewal Application	At least 24 months before expiration date of this Permit.	Standard Permit Condition II.

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

Table 4 - Planned Corrective Action Submittal Requirements Pursuant to the Corrective Action Conditions of this Permit

Planned Submittal Requirements	Due Date	Corrective Action Condition
RCRA Facility Investigation (RFI) Work Plan	Within 60 calendar days after receiving Department notification 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.

Table 5 - 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.B.
RCRA Facility Investigation (RFI) Report	According to the schedule in the approved RFI Work Plan.	VI.A.
Corrective Measures Implementation (CMI) Report	According to the schedule in the approved CMI Work Plan.	XII.

Contingent Submittal Requirements	Due Date	Corrective Action Condition
Soil or Other Media Disturbance Notification	At least 30 calendar days before any planned activities at any area subject to AULs.	VII.A.
Transfer of Interest in Permitted Property Notification	At least 90 calendar days before transferring any interest in any portion of permitted property.	VII.B.
Change in Use of Property Notification	At least 30 calendar days before any proposed change in use of property.	VII.C.

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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/mod98112339/2016-07-05-figure-1-facility-location-mod981123391.pdf>

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Figure 2 - Facility Property Boundaries

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Please see hard copy or separate electronic file online at

<https://dnr.mo.gov/env/hwp/permits/mod98112339/2016-07-05-figure-2-facility-property-boundaries-mod981123391.pdf>

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Figure 3 - Location of Storage units and rooms 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/mod98112339/2016-07-05-figure-3-location-of-storage-units-rooms-at-facility-mod981123391.pdf>

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