

STATE OF MISSOURI  
**DEPARTMENT OF NATURAL RESOURCES**



**MISSOURI HAZARDOUS WASTE MANAGEMENT FACILITY  
PART I PERMIT**

**PERMIT NUMBER: MOD981505555**

**PERMITTEE**

Owner and Operator: Heritage Environmental Services, LLC  
5400 West 86th Street  
Indianapolis, IN 46268

**FACILITY LOCATION**

Heritage Environmental Services, LLC  
8525 Northeast 38th Street  
Kansas City, MO 64161  
Clay County  
North Latitude – 39°9'43"  
West Longitude – 94°29'42"

**FACILITY DESCRIPTION**

Heritage Environmental Services, LLC, is a hazardous and non-hazardous waste storage and treatment facility. The facility receives waste from off site and stores the waste in tanks and containers. The facility blends organic and oily wastes into supplemental fuel for use in cement kilns and other permitted facilities. The facility treats and discharges wastewater and aqueous waste to the City of Kansas City publicly-owned treatment works and also brokers, bulks and consolidates hazardous waste. The facility also accepts small volumes of hazardous wastes, such as "lab packs," which it bulks and/or treats. The facility location is shown in Figure 1. The

facility property boundaries are shown in Figure 2, with additional detailed facility layouts in Figures 3 and 4.

**PERMITTED ACTIVITIES**

This Permit allows Heritage Environmental Services, LLC, to store, in tanks and containers, various F-, K-, P-, and U-listed hazardous waste, as well as ignitable, reactive, corrosive, and toxic “characteristic” hazardous waste. This permit also allows for fuel blending; treating hazardous wastewater using physical and/or chemical treatment, heavy metal precipitation, pH adjustment or sulfide reduction; and bulking and/or treating small volumes of hazardous waste, such as “lab packs.”

This Permit also contains contingent corrective action conditions to address any newly identified releases to the environment from previously or newly identified Solid Waste Management Units and Areas of Concern, as necessary and appropriate.

EFFECTIVE DATES OF PERMIT:  AUG 27 2019  to  AUG 26 2029

AUG 27 2019   
Date

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

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## **INTRODUCTION**

After public notice, according to Code of State Regulations 10 CSR 25-8.124, and review of Heritage Environmental Services, LLC’s RCRA Hazardous Waste Permit Application (hereafter referred to as the permit application), the Missouri Department of Natural Resources (hereafter referred to as the Department) determined the permit application conforms to the provisions of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), the Missouri Hazardous Waste Management Law [Section 260.350, et seq., of the Missouri Revised Statutes (RSMo)], and all standards, rules, and regulations adopted under these acts. The federal regulations, promulgated by the U.S. Environmental Protection Agency (hereafter referred to as EPA), are codified and to be codified in Title 40 of the Code of Federal Regulations. State 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 Permit Number MOD981505555 to Heritage Environmental Services, LLC, 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 Missouri Hazardous Waste Management Facility Part I Permit (hereafter referred to as the 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.

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

Any appeals of this Permit, or specific permit conditions based on state authority, shall be filed according to 10 CSR 25-8.124(2). Any parties adversely affected or aggrieved by this decision may be entitled to pursue an appeal before the Administrative Hearing Commission (AHC). To

appeal, the party shall file a petition with the AHC within 30 calendar days after the date this Permit was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, then it will be deemed filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC. Contact information for the AHC can be found online at [ahc.mo.gov](http://ahc.mo.gov), or by calling 573-751-2422. The Department also requests that 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 and storage 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 August 26, 2029. This Permit is subject to review and modification by the Department, according to Section 260.395.12, RSMo and 40 C.F.R. § 270.41. According to 40 C.F.R. § 270.51, if the Permittee submits a timely and complete application for a new permit and the Department, through no fault of the Permittee, is unable to issue a new permit on or before the expiration of this Permit, the conditions of this Permit will continue in force until the effective date or denial of a new permit.

All permit application information shall be 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 March 30, 2016, with revisions and additional technical information, dated December 21, 2018.
- Class 1 Permit Modification Without Prior Director's Approval for removing two recirculation lines that were no longer being utilized and installing blind flanges at the connections where the piping was removed, acknowledged by the Department on September 2, 2016.
- Class 1 Permit Modification Without Prior Director's Approval for changes to the emergency coordinators list in the contingency plan, acknowledged by the Department on March 26, 2019.

The “consolidated permit application” is defined as the approved permit application, any changes resulting from the public comment period, and all additional documents required to be submitted under the Schedule of Compliance contained in this Permit. The Permittee shall maintain a copy of all documents outlined above with the consolidated permit application at the facility.

Operation of this hazardous waste facility and any future required 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.

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.

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, Waste Management Program, Land Reclamation 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 10 CSR 25-4, incorporating 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.

“Investigation wells” means the wells used to evaluate the rate and extent of groundwater contamination and assess any newly identified release(s) or risk limit exceedance(s) observed at the site.

“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.

“Remediation Waste” means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that are managed for implementing cleanup, as defined in 40 C.F.R. § 260.10.

“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, the Permittee shall:
  - A. Submit to the Department two paper copies and one searchable electronic copy of the consolidated permit application, incorporating any changes resulting from comments on the draft Permit, as required by 10 CSR 25-7.270(2)(B)7. and defined in the Introduction of this Permit.
  - B. Submit to the Department a certification by the Permittee that the Permittee has read this Permit in its entirety and understands all permit conditions contained in this Permit.
  - C. 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.
  - D. Submit to the Department, to the attention of the Waste Management Program, a check or money order payable to “State of Missouri” for \$1,000 for each year this Permit is to be in effect beyond the first year. This Permit is effective for 10 years. Since the Permittee submitted a \$1,000 deposit with the permit application and paid a \$1,000 permit continuation fee for the current year, the remaining balance to be submitted by the Permittee is calculated as:

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

where  $N_d$  equals the number of calendar days from the expiration date of the continued permit (which coincides with the anniversary date of the original permit issuance) to the date of permit reissuance. An invoice based on the foregoing formula is included with this Permit.

- II. The Permittee shall maintain financial assurance for closure until such time as the Department accepts the closure certification report for the facility, and notifies the Permittee, in writing, that the financial assurance mechanism for closure may be terminated.
- III. 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 5.

#### **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. If the Permittee requires additional time to submit a scheduled document or perform other activities required by this Permit, the Permittee shall submit a written extension request to the Department, according to General Permit Condition V.

#### **STANDARD PERMIT CONDITIONS**

- I. The Permittee shall comply with the requirements set forth in the Missouri Hazardous Waste Management Law and all corresponding standards, rules, and regulations adopted under this Law, Section 260.350, et seq., RSMo, 10 CSR 25-8, 40 C.F.R. Part 264 Subpart H, 40 C.F.R. §§ 264.101, 270.10, 270.30, 270.40, 270.42, and 270.51.
- II. 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. 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 V.

## **GENERAL PERMIT CONDITIONS**

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

II. Notification of an Emergency Situation [Chapter 260.505.4, RSMo]

The Permittee shall, at the earliest practical moment upon discovery of an emergency involving the hazardous waste under the Permittee's control, implement the facility contingency plan, including notifying the Department's emergency response hotline at 573-634-2436 and the National Response Center at 1-800-424-8802.

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 "Submittal of Required Information" provision of this Permit.

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

IV. Review and Approval Procedures

A. Financial assurance cost estimates and draft financial assurance mechanisms submitted for closure 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 pertaining to any plans to conduct sampling and analysis of the hazardous waste, residues, emissions, plant sampling, odor testing, or for closure or corrective action activities, the Department shall review and either approve or provide written comments on the plan or report. If the Department does not approve the plan or report, the

Department shall notify the Permittee, in writing, of the deficiencies in the plan or report and specify a due date for submitting a revised plan, report, or associated activity schedule.

- C. If the Department does not approve the revised plan, report, or associated activity schedule, the Department may modify the plan, report, or schedule and notify the Permittee of the modifications. The plan, report, or schedule, as modified by the Department, shall be the approved plan, report, or schedule.
- D. If the Permittee disagrees with any Department-initiated plan, report, or schedule modifications, and a mutually acceptable resolution of such modifications cannot be informally reached, the Permittee may file an appeal of the Department-initiated modifications according to Sections 260.395.11 and 621.250, RSMo.

V. Document and Activity Extension Requests

- A. If the Permittee requires additional time to submit a scheduled document or perform other activities required by this Permit, the Permittee shall submit a written extension request to the Department. The Department shall receive the extension request at least 15 calendar days before the scheduled document due date or activity completion date. The Permittee's extension request shall specify the amount of additional time needed and shall be accompanied by the Permittee's justification for the extension.
- B. The Department shall review and approve the extension request according to the procedures described in General Permit Condition IV.
- C. If the Department does not approve the extension request, the Department may modify the request and notify the Permittee of the modification. The extension request, as modified by the Department, shall be the approved schedule.

**SPECIAL PERMIT CONDITIONS**

The Department has 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. 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, Bays 1-6, are currently permitted and operating at this facility. These areas are located as shown on Figures 3 and 4, and are subject to the requirements of 40 C.F.R. Part 264 Subpart I.

A. Waste Identification

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

B. Waste Quantities

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

**Table 1 - Container Storage Area (CSA) Maximum Volumes**

Identification	Maximum Volume (gallons)	Building
Bay 1	6,600	Treatment Building
Bay 2	7,260	Treatment Building
Bay 3	6,600	Treatment Building
Bay 4	6,820	Treatment Building
Bay 5	30,235	Treatment Building
Bay 6	29,040	Storage Building
Facility Maximum	62,320	

As noted, the maximum quantity of wastes that the facility may store at any one time is 62,320 gallons, even though there is a theoretical maximum of

86,555 gallons across all storage areas. For inspection purposes, the Total Stored Volume in these areas 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

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

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. Individual containers storing hazardous wastes shall be labeled and marked as follows:
  - a. The date upon which each accumulation period begins is clearly marked and visible for inspection on each container; and
  - b. While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "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 U.S. Department of Transportation-approved containers shall be used for storing hazardous waste on-site, except as otherwise noted in the approved permit application.

- 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, 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 waste stream;
      - (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, 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 three vertically-oriented 55-gallon sized drums.

- b. Containers stacked on pallets shall not be stacked higher than 13 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 5 feet.
        - d. Class II combustible liquids, as defined in the National Fire Protection Association’s “Flammable and Combustible Liquids Code” (NFPA 30, as revised 1996), shall be stacked no higher than 10 feet.
  4. A minimum of 2.5 feet of aisle space shall be maintained between rows of adjacent containers, allowing accessibility to each individual container for inspection. All containers shall be accessible from an aisle. Double rows can be used. All container labels shall be visible from an aisle.
  5. The aisle space between rows shall be maintained to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation.
- F. Inspections [40 C.F.R. § 264.174]
  1. At least weekly, and according to the schedule 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.

G. Containment [40 C.F.R. § 264.175]

The Permittee shall design and operate containment systems for Bays 1-6, as follows:

1. A base shall underlie the containers, which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.
2. The base shall be sloped or the containment system shall be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids.
3. The containment system shall have sufficient capacity to contain 10 percent of the volume of the maximum volume of all containers permitted for the area or 100 percent of the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination.
4. Run-on into the containment system shall be prevented unless the collection system has sufficient excess capacity in addition to that required in Special Permit Condition II.G.3. to contain any run-on that might enter the system.
5. Spilled or leaked waste shall be removed from the sump or collection area, and the area shall be cleaned up, in as timely a manner as is necessary to prevent overflow of the collection system.

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

A container holding hazardous waste shall not be staged, stored, or managed in an area not addressed by this Permit for a period that exceeds 72 hours. Staging shall take place in the areas so designated in the approved Permit application. The Permittee may stage pass through hazardous waste in the area set aside as a 10-day transfer facility area per 40 C.F.R. § 263.12 and for a period of time not to exceed 10 calendar days. Overall hazardous waste

transportation shall be in compliance with the time frames or approval requirements of 10 CSR 25-6.263(2)(A)10. Rail cars shall be loaded and unloaded according to plans in the approved Permit application.

- I. Special Requirements for Ignitable or Reactive Waste [40 C.F.R. § 264.176]
1. The Permittee shall maintain the facility, as illustrated in the approved permit application, in a manner that complies with 10 CSR § 25-7.264(1).
  2. Containers holding ignitable or reactive waste shall be located at least 50 feet from the facility's property line.
- J. 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.
- K. 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. Storage and Treatment in Tanks [40 C.F.R. Part 264 Subpart J]

Eight tanks currently are permitted and operating: Tanks 1, 2, 3, 4, A, B, C, and D. These tanks are located as shown on Figure 4 and are subject to the requirements of 40 C.F.R. Part 264 Subpart J.

A. Waste Identification

The Permittee shall store and treat in tanks only the hazardous wastes identified in Part A of the approved permit application. This condition does not preclude the storage and treatment of non-hazardous wastes. All stored and treated wastes are subject to the terms of this Permit and shall be managed as hazardous waste.

B. Waste Quantities

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

**Table 2 - Storage/Treatment Tank Identification**

<b>Tank Name</b>	<b>Tank Function</b>	<b>Tank Volume (gallons)</b>	<b>Theoretical Maximum Tank Throughput (gallons/day)</b>
Tank 1	Supplemental Fuel Blending and Storage	30,000	60,000
Tank 2	Supplemental Fuel Blending and Storage	30,000	60,000
Tank 3	Wastewater Treatment and Storage	30,000	60,000
Tank 4	Wastewater Treatment and Storage	30,000	60,000
Tank A	Wastewater Treatment and Storage	7,713	15,426
Tank B	Wastewater Treatment and Storage	7,713	15,426
Tank C	Wastewater Treatment and Storage	14,404	28,808
Tank D	Wastewater Treatment and Storage	14,404	28,808

C. Permitted Treatment

The Permittee shall perform only physical fuel blending and wastewater treatment in the identified tanks, and ancillary equipment to those tanks, as specified in Special Permit Condition III.A., and III.B. For the purposes of this Permit, wastewater shall be defined as wastes amenable to aqueous treatment, including acid wastes, caustic wastes, oxidizers, wastewater treatment residues, liquid sludges, cyanide-bearing wastes, soluble solids, leachate, and general aqueous hazardous wastes (as determined by the facility operating procedures and waste analysis plan, which are part of the approved permit application), in order to meet the criteria for wastewater as described in the approved permit application.

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

The Permittee’s Supplemental Fuels Management and Wastewater Management tanks qualify as existing tank systems. The Permittee has

provided a written tank integrity assessment for the existing tanks as required by 40 C.F.R. § 264.191(a). The Permittee shall keep the written assessment on file at the facility.

- E. Design and Installation of New Tank Systems or Components [40 C.F.R. § 264.192]
1. Before operating any new tank systems at the facility, the Permittee shall obtain and submit to the Director a written assessment, reviewed and certified by a professional engineer registered in Missouri, according to 40 C.F.R. § 270.11(d). This assessment shall include a final design set of certified construction drawings, and shall show that the foundation, structural supports, seams, connections, and pressure controls are adequately designed to ensure the tank systems will not collapse, rupture, or fail. This assessment shall be subject to regulatory review and approval process.
  2. The Permittee shall ensure that proper handling procedures are adhered to in order to prevent damage to new tank systems during installation. Before placing new tank systems in use, an independent, qualified installation inspector or a professional engineer registered in Missouri, either of whom is trained and experienced in properly installing tank systems or components, shall inspect the systems for weld breaks, punctures, scrapes of protective coatings, cracks, corrosion, and other indications of structural damage or inadequate construction/installation. All deficiencies noted during the inspection shall be remedied before the tank systems are placed in use.
  3. The Permittee shall test all new tanks and ancillary equipment for tightness before being placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak(s) in the system shall be performed before the tank system being placed in use.
  4. The Permittee shall ensure that all ancillary equipment is supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.
  5. The Permittee shall obtain, and keep on file at the facility, written statements by those persons required to certify the design of the tank

systems and supervise the installation and repairs of the tank systems, according to the requirements of 40 C.F.R. § 264.192(b) through (f).

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

1. In order to prevent the release of hazardous waste or hazardous constituents to the environment, the Permittee shall provide for all of its tank systems, secondary containment that meets the requirements of 40 C.F.R. § 264.193.
2. Secondary containment systems shall be:
  - a. Designed, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water at any time during the use of the tank system; and
  - b. Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.
3. To meet the requirements of 40 C.F.R. § 264.193(b), secondary containment systems shall be, at a minimum:
  - a. Constructed of, or lined with, materials that are compatible with the wastes to be placed in the tank systems and shall have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrologic forces), physical contact with the waste to which the materials are exposed, climatic conditions, and the stress of daily operation (including stresses from nearby traffic);
  - b. Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;
  - c. Provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure, or the presence of any release of hazardous waste or accumulated liquid in the secondary

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

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

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

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

requirements of 40 C.F.R. § 264.193(b) and (c), except for the following tank system components that are visually inspected for leaks on a daily basis: above ground piping (exclusive of flanges, joints, valves, and other connections); welded flanges, welded joints, and welded connections; sealless or magnetic coupling pumps and sealless valves; and pressurized above ground piping systems with automatic shut-off devices.

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

1. The Permittee shall not place hazardous wastes or treatment reagents in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.
2. The Permittee shall use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These shall include at a minimum:
  - a. Spill prevention controls such as, but not limited to, check valves and dry disconnect couplings; and
  - b. Overfill prevention controls such as, but not limited to, level sensing devices, high-level alarms, automatic feed cutoffs, or a bypass to standby tanks, which limit tank working volumes.

H. Inspections [40 C.F.R. § 264.195]

The Permittee shall inspect all tanks and tank systems as specified in this permit condition and the approved permit application. At a minimum, a professional engineer registered in Missouri shall test all permitted tanks by ultrasonic methods for material thickness and perform a detailed visual inspection. These tests and inspections shall be made at regular intervals, not to exceed 18 months between inspections.

1. The Permittee shall develop and follow a schedule and written procedures for inspecting overfill controls. This schedule shall specify a minimum frequency of once each week for testing the electronic overfill control system. This information shall be recorded in the facility operating record.

2. The Permittee shall inspect at least once each operating day:
    - a. Above ground portions of the tank systems to detect corrosion or releases of waste;
    - b. Data gathered from monitoring and leak detection equipment to ensure the tank system is being operated according to its design; and
    - c. The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste.
  3. The Permittee shall document these inspections in the facility operating record. Any deterioration or malfunction found shall be remedied according to 40 C.F.R. § 264.15(c). In addition, 40 C.F.R. § 302.6 may require the Permittee to notify the National Response Center in the event of a release.
- I. Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tanks Systems [40 C.F.R. § 264.196]

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

1. The Permittee shall immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.
2. Remove waste from tank systems or secondary containment systems:
  - a. If the release was from the tank system, the Permittee shall, within 24 hours after detecting the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste into the environment and to allow inspection and repair of the tank system to be performed.

- b. If the material released was to a secondary containment system, the Permittee shall remove all released materials from the secondary containment system within 24 hours.
3. The Permittee shall immediately conduct an inspection of the release and, based upon that inspection, shall:
  - a. Prevent further migration of the leak or spill to soils or surface water; and
  - b. Remove and properly dispose of any contaminated soil and/or surface water. Those tank systems which are intended to be closed without removing the hazardous waste shall meet the requirements of 40 C.F.R. Part 264 Subpart N. If the tank system cannot meet the requirements and contamination exists, the Permittee shall clean up contaminated residues and hazardous constituents to the greatest extent practical during closure.
4. Notification and Reports
  - a. Any release to the environment, except a release that is exempted under 40 C.F.R. § 264.196(d)(2), shall be reported to the Director within 24 hours of its detection. If the release has been reported pursuant to 40 C.F.R. Part 302, that report shall satisfy this requirement.
  - b. A leak or spill of non-acute hazardous waste to the environment is exempted from notification and reporting requirements if it is less than or equal to a quantity of one pound and is immediately contained and cleaned up.
  - c. Within 30 calendar days of detecting a release to the environment, the Permittee shall submit a report to the Director that details the likely route of migration of the release; characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate); the results of any monitoring or sampling conducted in connection with the release (if available; when these results are not available within 30 calendar days, these results shall be submitted as soon as

they become available); proximity to downgradient drinking water, surface water, and populated areas; and descriptions of response actions taken or planned.

5. The tank system shall be closed according to Special Permit Condition III.L., unless the Permittee satisfies the following requirements:
    - a. If the cause of the release was a spill that has not damaged the integrity of the system, the Permittee may return the system to service as soon as the released waste is removed and repairs, if necessary, are made;
    - b. If the cause of the release was a leak from the primary tank system into the secondary containment system, the system shall be repaired before returning the tank system to service; and
    - c. If the source of the release was a leak into the environment from a tank system component without secondary containment, the Permittee shall comply with the provisions of 40 C.F.R. § 264.196(e)(4).
  6. The Permittee shall provide certification of major repairs to tank systems from which there has been a leak or spill, or which was unfit for use, according to 40 C.F.R. § 264.196(f).
- J. Special Requirements for Ignitable or Reactive Waste [40 C.F.R. 264.198]
1. The Permittee shall not place ignitable or reactive waste in tank systems, unless it meets one of the following conditions:
    - a. The waste is treated, rendered, or mixed before or immediately after placement in the tank system so that the resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste in 40 C.F.R. Part 261, and the Permittee complies with 40 C.F.R. § 264.17(b); or
    - b. The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

- c. The tank system is used solely for emergencies.
  2. The Permittee shall comply with the requirements for maintaining protective distances between tanks storing ignitable or reactive wastes and any public ways, streets, alleys, or any adjoining property that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association’s “Flammable and Combustible Liquids Code,” (1977 or 1981, incorporating 40 C.F.R. § 260.11).
- K. Special Requirements for Incompatible Wastes [40 C.F.R. § 264.199]
1. The Permittee shall not place incompatible wastes or materials in the same tank system, unless such action complies with the requirements of 40 C.F.R. § 264.17(b).
  2. The Permittee shall not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless the Permittee complies with 40 C.F.R. § 264.17(b).

L. Closure and Post-Closure Care [40 C.F.R. § 264.197]

At closure, the Permittee shall remove or decontaminate all hazardous waste and hazardous residues from the tank systems, including, but not limited to: contaminated tank system components (liners, etc.), contaminated soils, and contaminated equipment and structures, and close according to the Closure Plan included in the approved permit application. If the Permittee is unable to close according to the Closure Plan, the Permittee shall submit a permit modification to the Department, according to 40 C.F.R. § 270.42. The Closure Plan, closure activities, cost estimates for closure, and financial responsibility for tank systems shall meet all of the 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 Attachment D1 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 designated storage area relative to the proper 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/depacking at any given time;
  4. 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;
  5. When the accumulation container is full, it shall be removed from the designated consolidation area; and
  6. The air emissions control equipment shall be operating and fully functional when the lab pack containers are being packed or depacked.

V. Railroad Car Operations [10 CSR 25-7.264(3)]

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

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

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

VII. Air Emission Standards for Tanks 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 all units identified in Table 3.

**Table 3 - Units Subject to Subpart CC Standards**

Unit Identification	Unit Type	Subpart CC Control Option
Tank 1	30,000 gallon tank	40 C.F.R. § 264.1084
Tank 2	30,000 gallon tank	40 C.F.R. § 264.1084
Tank 3	30,000 gallon tank	40 C.F.R. § 264.1084
Tank 4	30,000 gallon tank	40 C.F.R. § 264.1084
Tank A	7,713 gallon tank	40 C.F.R. § 264.1084
Tank B	7,713 gallon tank	40 C.F.R. § 264.1084
Tank C	14,404 gallon tank	40 C.F.R. § 264.1084
Tank D	14,404 gallon tank	40 C.F.R. § 264.1084
Bay 1	Container Storage	40 C.F.R. § 264.1086
Bay 2	Container Storage	40 C.F.R. § 264.1086
Bay 3	Container Storage	40 C.F.R. § 264.1086
Bay 4	Container Storage	40 C.F.R. § 264.1086
Bay 5	Container Storage	40 C.F.R. § 264.1086
Bay 6	Container Storage	40 C.F.R. § 264.1086

**CORRECTIVE ACTION CONDITIONS**

The following Corrective Action Conditions are “contingent” in that no known 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, the Permittee shall comply with all applicable post-closure care, groundwater monitoring, and corrective action requirements contained in 40 C.F.R. Part 264 Subparts F, G, and S, and all provisions of this

Permit, for all previously and any newly identified SWMUs, AOCs, and releases identified pursuant to the provisions of this Permit.

I. Identification of SWMUs and AOCs

- A. The EPA completed a RCRA Facility Assessment to identify and gather information on releases or potential releases from SWMU(s) and AOC(s) at the facility, including those that appeared to require further investigation. The report, dated May 17, 1990, indicated no actual or potential releases.

In 2005, a release from between the Processing Building and the railcar containment structure was reported, identified as AOC-01. Soil was removed from the area. The Permittee prepared an investigation work plan and sampled the area to verify all contamination had been removed. The Department issued a No Further Action Letter on March 23, 2006.

No information was submitted in the approved permit application or elsewhere that identified any additional SWMUs or AOCs requiring investigation or remediation.

- B. The status of the known AOC is based on available information at the time of issuance of this Permit. In the event new information becomes available indicating human health or the environment may be adversely impacted, the Permittee may be required to conduct additional investigations and evaluations, as necessary, to determine the need for corrective action for the previously identified AOC, or any newly identified SWMUs and AOCs, including off-site release(s), as specified in Corrective Action Conditions II. and III.
- C. As deemed appropriate by the Department, the Permittee shall conduct investigation(s) and/or take corrective action for the previously identified AOC, or any newly identified SWMUs and AOCs, including off-property release(s), demonstrating the release(s) of hazardous waste or hazardous constituents to soil, surface water, sediment, groundwater, and/or air has been thoroughly delineated and reported, as specified in Corrective Action Conditions II. through IX. Any off-property impacts to surface water, soil, sediment, or groundwater shall be addressed if the impacts to these media originated from SWMUs, AOCs, or other releases on the facility property.

II. Notification Requirements for, and Assessment of, Newly Identified SWMUs and AOCs

- A. The Permittee shall notify the Department, in writing, no later than 15 calendar days after discovery 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 60 calendar days after receiving the Department's request to conduct an investigation, the Permittee shall prepare and submit a SWMU/AOC Assessment Work Plan to the Department for review and approval. The SWMU/AOC Assessment Work Plan shall include, but not be limited to, the following:
  1. A discussion of past hazardous wastes management practices related to the unit(s);
  2. A detailed investigation approach for surface and subsurface soils, surface water, groundwater, and air as necessary to:
    - a. Determine if a release of hazardous wastes or hazardous constituents has occurred or is occurring at the unit(s);
    - b. Yield reliable, representative samples and results;
    - c. Determine impacts or potential impacts to human health and the environment; and
    - d. Sufficiently assess all hazardous wastes and hazardous constituents related to the unit(s).
  3. A proposed schedule for implementing the SWMU/AOC Assessment Work Plan, which is predicated on the date the Department approves the plan; and
  4. Identification of all data to be collected that is necessary to provide for a complete SWMU/AOC Assessment Report, as specified below.

- C. The Department shall review and approve the SWMU/AOC Assessment Work Plan, according to the procedures described in General Permit Condition IV. The Permittee shall complete all activities described in the SWMU/AOC Assessment Work Plan, according to the schedule contained in the approved plan.
- D. The Permittee shall submit a SWMU/AOC Assessment Report to the Department, according to the schedule specified in the approved SWMU/AOC Assessment Work Plan. The SWMU/AOC Assessment Report shall present and discuss the information obtained under the approved SWMU/AOC Assessment Work Plan. At a minimum, the SWMU/AOC Assessment Report shall provide the following information for each newly identified SWMU or AOC:
1. The location of the newly identified SWMU or AOC in relation to other SWMU(s) and AOC(s);
  2. The type and function of the SWMU or AOC;
  3. The general dimensions, capacities, and structural description of the SWMU or AOC;
  4. The period during which the SWMU or AOC was operated;
  5. The physical and chemical properties of all wastes that have been or are being managed at the SWMU or AOC, to the extent possible;
  6. The results of any sampling and analysis conducted;
  7. Past and present operating practices;
  8. Previous uses of the area occupied by the SWMU or AOC;
  9. Amounts of waste handled;
  10. Drainage areas and/or drainage patterns near the SWMU or AOC; and
  11. A recommendation as to whether further action is necessary for the newly identified SWMU or AOC and justification for the recommendation. If further action is recommended, such as updating

the site conceptual model and/or assessing SWMU/AOC-specific risk, the SWMU/AOC Assessment Report shall include a proposal for additional investigation or corrective action, as appropriate.

- E. The Department shall review and approve the SWMU/AOC Assessment Report, according to the procedures described in General Permit Condition IV. Based on the findings of this report and any other available information, the Department shall determine the need for additional investigation, including interim/stabilization measures or 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 for approval, a work plan for such investigations according to the applicable Corrective Action Conditions of this Permit. The Department shall review and approve any such work plan according to the procedures described in General Permit Condition IV. The Permittee shall complete all activities described in the work plan according to the schedule contained in the approved plan.

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

- A. The Permittee shall notify the Department, in writing, no later than 15 calendar days after discovery, or after discovery should have been made (e.g., visual observations, laboratory test results, or information not previously available), of any newly identified release(s) of hazardous wastes or hazardous constituents from any previously identified SWMUs or AOCs at the facility. This includes SWMUs or AOCs being investigated and reported as part of the corrective action process, where newly identified release(s) are discovered during the course of groundwater monitoring, field investigation, environmental auditing, or other activities undertaken after issuance of this Permit. The Department may examine the facility's inspection records to determine if the Permittee should have known that a release occurred.
- B. The Department may require the Permittee to conduct an investigation of the newly identified release(s). The Department shall notify the Permittee, in writing, of this decision. Within 60 calendar days after receiving the Department's request to conduct an investigation, the Permittee shall prepare

and submit a Newly Identified Release Work Plan to the Department for review and approval. The Newly Identified Release Work Plan shall include, but not be limited to, the following:

1. A discussion of the hazardous waste/chemical management practices related to the release(s);
  2. A detailed investigation approach for groundwater, land surface and subsurface soils, surface water, and air as necessary to:
    - a. Define the extent of the release area(s);
    - b. Yield reliable, representative samples and results;
    - c. Determine impacts or potential impacts to human health and the environment; and
    - d. Sufficiently assess all hazardous wastes and hazardous constituents related to the release(s).
  3. A proposed schedule for implementing the Newly Identified Release Work Plan, which is predicated on the date the Department approves the plan; and
  4. Identification of all data to be collected necessary to provide for a complete Newly Identified Release Report, as specified below.
- C. The Department shall review and approve the Newly Identified Release Work Plan, according to the procedures described in General Permit Condition IV. The Permittee shall complete all activities described in the Newly Identified Release Work Plan, according to the schedule contained in the approved plan.
- D. The Permittee shall submit a Newly Identified Release Report to the Department, according to the schedule specified in the approved Newly Identified Release Work Plan. The Newly Identified Release Report shall present and discuss the information obtained under the approved Newly Identified Release Work Plan. At a minimum, the report shall provide the following information for each newly identified release:

1. The location of the newly identified release in relation to the SWMU(s) or AOC(s) under investigation and to any other SWMU(s) and AOC(s);
  2. The general dimensions of the release;
  3. The period during which the release is suspected to have occurred;
  4. The physical and chemical properties of all wastes that have been determined to comprise 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 the previously identified SWMU(s) or AOC(s) and justification for the recommendation. If further action is recommended, such as updating the site conceptual model and/or assessing SWMU/AOC-specific risk, the Newly Identified Release Report shall include a proposal for additional investigation or corrective action, as appropriate.
- E. The Department shall review and approve the Newly Identified Release Report, according to the procedures described in General Permit Condition IV. Based on the findings of the report and any other available information, the Department shall determine the need for additional investigation, including interim/stabilization measures or 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 for approval, a work plan for such investigations according to the applicable Corrective Action Conditions of this Permit. The Department shall review and approve any such work plan according to the procedures described in General Permit Condition IV. The Permittee shall complete all activities described in the work plan, according to the schedule contained in the approved plan.

IV. Interim/Stabilization Measures (ISMs)

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

1. The Permittee shall notify the Department within 24 hours after becoming aware of a situation that may require ISMs to protect human health or the environment. The Department may examine the facility's inspection records to determine if the Permittee should have known ISMs might be required and notification should have occurred.
2. If, during the course of any activities initiated under this Permit, the Permittee or the 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 ISMs, including potential permit modifications, and the schedule for implementing the ISMs. The Department shall notify the Permittee, in writing, of decisions regarding the action(s). This requirement shall not preclude the Permittee from responding to an emergency situation without direction from the Department.
3. The Permittee shall notify the Department, in writing, no later than 15 calendar days after determining, or after a determination should have been made, that the ISMs are not effectively limiting or stopping the further spread of contamination. The Department may require the ISMs be revised to make them effective in limiting or stopping the spread of contamination, or that additional corrective action measures are required to address the contaminated media.

4. In cases where releases or potential releases present minimal exposure concerns and/or the remedial solution is relatively uncomplicated, the Permittee may propose ISMs to the Department for review and approval. These ISMs shall be consistent with, and may supplement or satisfy the requirements for, a final remedy(s) in specific areas. Proposed ISMs determined by the Department to be significant (e.g., those which are anticipated to make up a substantial part of the final remedy) may be subject to public review and comment before final Department approval. Proposed ISMs determined by the Department not to be significant will be reviewed and approved according to the procedures described in General Permit Condition IV.

V. RCRA Facility Investigation (RFI) Work Plan

- A. If the Department determines additional investigations are needed, the Department may require the Permittee to conduct an RFI. The Department shall notify the Permittee, in writing, of this decision. Within 90 calendar days after receiving the Department's request to conduct an RFI, and after meeting with the Department to discuss the content of the Work Plan, the Permittee shall prepare and submit an RFI Work Plan to the Department for review and approval.
- B. The RFI Work Plan shall be designed to investigate releases of hazardous wastes and hazardous constituents to all appropriate media of concern including: surface and subsurface soils; surface water; sediment; groundwater; and air, as necessary. In order to substantiate future corrective action decisions, the RFI Work Plan shall contain provisions sufficient to meet the following objectives and a proposed schedule for implementing the RFI Work Plan, which is predicated on the date the Department approves the plan:
  1. Full characterization of the nature, vertical and horizontal extent, and rate of migration of releases of hazardous wastes and hazardous constituents from SWMUs and AOCs, or groups of SWMUs and AOCs, or newly identified release(s) at the facility and the actual or potential receptors of such releases; and
  2. Collection of any other pertinent data that may be used to substantiate future corrective action decisions.

- C. The RFI Work Plan shall be appropriate for facility-specific conditions and shall be consistent with and address the 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 guidance document entitled, Resource Conservation and Recovery Act Facilities Investigation Remedy Selection Track (RCRA FIRST): A Toolbox for Corrective Action, May 20, 2016. At a minimum, the RFI Work Plan shall detail all proposed activities and procedures to be conducted at the facility, including, but not limited to, the following:
1. A description of current conditions;
  2. The schedule for implementing and completing such investigations and for submitting reports (including the RFI Report);
  3. The qualifications of personnel performing or directing the investigations, including contractor personnel; and
  4. The overall management of the RFI activities.
- D. The RFI Work Plan shall include a Quality Assurance Project Plan (QAPP). The QAPP shall present the policies, organization, objectives, functional activities, and specific quality assurance and quality control activities designed to achieve the data quality goals of the RFI. It shall include, at a minimum, the RFI objectives, sampling procedures, analytical methods, field and laboratory quality control samples, chain-of-custody procedures, and data review, validation, and reporting procedures. The Permittee shall follow the EPA document entitled, EPA Requirements for Quality Assurance Project Plans, EPA QA/R-5, March 2001, (reissued May 2006) or the most recent version.
- E. The Permittee shall prepare and maintain a Health and Safety Plan during the project that assures the RFI activities are conducted in a manner that is protective of human health and the environment.
- F. Due to the complexity of defining the extent of contamination, the Permittee may be required to use a phased approach that requires submitting supplemental RFI Work Plans.

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

VI. RCRA Facility Investigation (RFI) Report

- A. The Permittee shall submit an RFI Report to the Department, according to the schedule specified in the approved RFI Work Plan described in Corrective Action Condition V. The RFI Report shall present all information obtained under the approved RFI Work Plan, along with a brief facility description and map showing the property boundary and all SWMUs and AOCs. The RFI Report shall contain adequate information to support additional corrective action decisions at the facility. Information contained in the RFI Report shall be presented in a format consistent with Section 5 of the EPA document entitled, RCRA Facility Investigation (RFI) Guidance, EPA 530/SW-89-031, May 1989, or the most recent version.
- B. The RFI Report shall provide an interpretation of the RFI information gathered, supported with adequate documentation, to enable the Department to determine whether additional ISMs or a Corrective Measures Study (CMS) may be necessary. The RFI Report shall describe the procedures, methods, and results of all investigations of SWMUs and AOCs and associated releases, including, but not limited to, the following, as appropriate:
  - 1. Characterization of the nature, concentration(s), horizontal and vertical extent, and direction/rate of migration of releases from SWMUs and AOCs at the facility;
  - 2. Characterization of the environmental setting of the facility, including:
    - a. Hydrogeological conditions;
    - b. Climatological conditions;
    - c. Soil and bedrock characteristics;
    - d. Surface water and sediment quality; and
    - e. Air quality and meteorological conditions.

3. Characterization of SWMUs and AOCs from which releases have been or may be occurring, including unit and waste characteristics;
  4. Descriptions of human and environmental receptors and associated risks to the receptors which are, may have been, or, based on site-specific circumstances, could be exposed to release(s) from SWMUs and AOCs;
  5. Assessment of potential risks to the human and environmental receptors exposed to release(s) from SWMUs and AOCs;
  6. Extrapolations of future contaminant migration, including description of contaminant fate and transport mechanisms, and pathways for human and environmental exposure;
  7. Laboratory, bench-scale, pilot-scale, and/or appropriate tests or studies to determine the feasibility or effectiveness of treatment technologies or other technologies that may be appropriate in implementing remedies at the facility;
  8. Statistical analyses to aid in the interpretation of 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., identification of any potential bias in the RFI data and documentation of its precision, accuracy, representativeness, completeness, comparability, validation, etc.).
- C. The Department shall review and approve the RFI Report, according to the procedures described in General Permit Condition IV. If the Department determines the objectives of the RFI have not been met, the Department may require additional investigation. Upon approval of the RFI Report, the Department shall notify the Permittee, in writing, of the next step in the corrective action process, which may include submission of a CMS Work Plan or equivalent, as described in Corrective Action Condition VII.

VII. Corrective Measures Study (CMS) Work Plan

- A. If the Department determines there has been a release of hazardous waste or hazardous constituents from newly or previously identified SWMUs or AOCs that may pose a threat to human health or the environment, the Department may require the Permittee to conduct a CMS. The Department shall notify the Permittee, in writing, of this decision. The notice shall identify the hazardous constituent(s) of concern and may specify remedial alternatives for the Permittee to evaluate.
- B. As part of the CMS, the Department may require the Permittee to evaluate one or more specific remedial alternatives for removing, containing, and treating hazardous wastes and hazardous constituents in contaminated media, based on the objectives established for the corrective action. These remedial alternatives may include a specific technology or combination of technologies that, in the Department's judgment, may be capable of achieving standards for protection of human health and the environment.
- C. Within 60 calendar days after receiving the Department's request to conduct a CMS, and after meeting with the Department to discuss the nature and scope of the CMS, the Permittee may be required to submit a CMS Work Plan to the Department for review and approval. The CMS Work Plan shall be generally consistent with the EPA document entitled, RCRA Corrective Action Plan (Final), OSWER Directive 9902.3-2A, May 1994, or the most recent version. Any required CMS activities shall be conducted using the approaches contained in the EPA guidance document entitled, Resource Conservation and Recovery Act Facilities Investigation Remedy Selection Track (RCRA FIRST): A Toolbox for Corrective Action, May 20, 2016. At a minimum, the CMS Work Plan shall provide the following information, as appropriate, and a proposed schedule for implementing the elements of the CMS Work Plan:
1. A description of the general approach to investigating and evaluating potential remedial alternatives or combinations of alternatives;
  2. A definition of the specific objectives of the study/evaluation;
  3. A description of the remedial alternative or combination of alternatives that will be studied;

4. A description of those potentially viable remedial alternatives initially considered, but were dropped from further consideration, including the rationale for elimination;
  5. The specific plans for evaluating remedial alternatives or combination of alternatives to ensure compliance with applicable remedy selection threshold/balancing criteria and cleanup standards;
  6. A schedule for conducting the study/evaluation and submitting a CMS Report and/or preferred remedy proposal, which is predicated on the date the Department approves the CMS Work Plan;
  7. The proposed format for ranking remedial alternatives or a combination of alternatives in support of a preferred remedial alternative or combination of alternatives; and
  8. Identification of laboratory, bench-scale, pilot-scale and/or other appropriate tests or studies that will be used to determine the feasibility or effectiveness of treatment technologies, or other technologies that may be appropriate in implementing remedial alternatives at the facility.
- D. The Department shall review and approve the CMS Work Plan, according to the procedures described in General Permit Condition IV. The Permittee shall complete all activities described in the CMS Work Plan, according to the schedule contained in the approved plan.

VIII. Corrective Measures Study (CMS) Report

- A. The Permittee shall submit a CMS Report to the Department, according to the schedule specified in the approved CMS Work Plan described in Corrective Action Condition VII. The CMS Report shall present all information obtained under the approved CMS Work Plan and shall be generally consistent with guidance contained in the EPA document entitled, RCRA Corrective Action Plan (Final), OSWER Directive 9902.3-2A, May 1994, or the most recent version.
- B. The CMS Report shall describe and discuss each remedial alternative or combination of alternatives evaluated, including any bench-scale or pilot tests

conducted. The CMS Report shall include, but not be limited to, the following information:

1. Evaluation of the performance, reliability, ease of implementation, and potential impacts of each remedial alternative or combination of alternatives, including safety impacts, cross media impacts, overall carbon footprint, and control of exposure to any residual contamination;
  2. Assessment of the effectiveness of each remedial alternative or combination of alternatives in terms of achieving adequate control of contaminant sources and cleanup of hazardous waste and/or hazardous constituents released from the SWMU(s) and AOC(s);
  3. Estimation of the time required to begin and complete implementation of each remedial alternative or combination of alternatives, and an estimate of the time required to meet the proposed remediation objectives contained in the CMS Report;
  4. Estimation of the costs to implement, operate, monitor, and maintain each remedial alternative or combination of alternatives;
  5. Recommendation of a preferred remedial alternative or combination of alternatives, and rationale for the proposed selection; and
  6. Assessment of institutional requirements that may be needed (e.g., state or local permits), discussion of other environmental or public health requirements or institutional controls that may substantially affect implementation of the preferred remedial alternative or combination of alternatives (e.g., local ordinances), and a draft of any facility-specific institutional controls proposed as part of the preferred remedial alternative or combination of alternatives (e.g., a draft environmental covenant containing specific activity and use limitations prepared pursuant to the Missouri Environmental Covenants Act Sections 260.1000 – 260.1039, RSMo).
- C. The CMS Report shall contain information that is sufficient to facilitate the Department's development of a Statement of Basis in support of the final remedy decision-making process.

- D. The Department shall review and approve the CMS Report, according to the procedures described in General Permit Condition IV. Upon approval of the CMS Report, the Department will approve a final remedy, as specified in Corrective Action Condition IX.

IX. Final Remedy Selection and Approval

- A. Following the approval of the CMS Report, if required, as described in Corrective Action Condition VIII., the Department shall, in coordination with the Permittee, prepare a Statement of Basis summarizing the remedial alternatives evaluated by the Permittee and the Department's basis of support for the proposed final remedy.
- B. Following preparation of the Statement of Basis, a permit modification shall be initiated according to 40 C.F.R. § 270.41 or 270.42(c), as applicable, to facilitate public review and comment on the Statement of Basis and proposed final remedy, Department approval of a final remedy, and Permittee implementation of the approved final remedy. When, and if, required, the Permittee shall provide assurances of financial responsibility for the approved corrective action final remedy pursuant to 40 C.F.R. § 264.101(b), and as specified in the Financial Assurance Conditions of this Permit.
- C. Upon completion of the public participation activities associated with the permit modification to implement the proposed final remedy, the Department shall approve a final remedy that shall:
  - 1. Be protective of human health and the environment;
  - 2. Control and/or eliminate the source(s) of contaminants so as to reduce or eliminate, to the maximum extent practicable, further contaminant releases, exposures, or migration that may pose a threat to human health and the environment; and
  - 3. Meet all applicable federal, state, and local laws and regulations.

X. Activity and Use Limitations (AULs)

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

A. Transfer of Interest in Permitted Property

1. The Permittee shall notify the Department at least 90 calendar days before transferring any interest in any portion of the permitted facility property. The Permittee shall comply with all requirements of 40 C.F.R. § 270.40, as related to any transfer of ownership or operational control of any portion of the permitted facility.
2. Any parcel of the permitted facility property proposed to be removed from the jurisdiction of this Permit shall require a legal survey for that portion of the property, execution of an environmental covenant, if needed and such a covenant is not already in place at the time of the proposal, and successful completion of a Class 3 Permit Modification to remove the proposed portion of the property from the jurisdiction of this Permit, following the requirements of 40 C.F.R. § 270.42, and the public notice and opportunity for comment requirements of 10 CSR 25-8.124.

B. 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.

XI. Annual Progress Reports

- A. Should “active” corrective action become necessary under Corrective Action Conditions II. through IX., the Permittee shall prepare and submit Annual Progress Reports to the Department, summarizing all permitted corrective

action activities undertaken during the previous calendar year (i.e., January through December). Annual Progress Reports are due by March 1 of each calendar year for the previous calendar year. The Annual Progress Reports shall continue to be submitted until the Permittee's corrective action activities (including any long-term operation, maintenance, and monitoring activities) are complete.

- B. The Annual Progress Reports shall include the following information for the time period being reported:
  - 1. A description of the work completed;
  - 2. Summaries of all findings, including summaries of laboratory data;
  - 3. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;
  - 4. Projected work for the next reporting period; and
  - 5. Any instances of noncompliance with the corrective action requirements of this Permit not otherwise required to be reported elsewhere in this Permit.
- C. If the Department determines that further corrective action is required under Corrective Action Conditions II. through IX., the frequency of progress report submittals may increase. If an increase in reporting frequency is necessary, the Department shall provide written notification of the new reporting frequency to the Permittee.
- D. As part of any additional corrective action activities undertaken pursuant to this Permit, detailed technical information required to be submitted as part of ISMs, RFI and/or CMS work plans and reports need not be reproduced as part of the Permittee's Annual Progress Reports.
- E. Copies of other reports (e.g., inspection reports), information, or data shall be made available to the Department upon request.

XII. Planned and Contingent Activities

- A. There are currently no planned corrective action activities specified in this Permit.
- B. The Permittee shall comply, as necessary, with the schedule(s) for contingent corrective action activities as specified in this Permit and summarized in Table 5.

XIII. Data

All uninterpreted data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Permit shall be maintained by the Permittee during the term of this Permit, including the term of any continued or reissued permits.

**FINANCIAL ASSURANCE CONDITIONS**

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

I. Cost Estimates

- A. Closure, Post-Closure Care, and Corrective Action Cost Estimates
  - 1. If, in the future, the Permittee submits a notice of intent to close the facility or 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, in compliance with 40 C.F.R. § 264.101, an updated, detailed written cost estimate, in current dollars, of the cost of hiring a third party to perform the closure, post-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 closure, post-closure care, 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.
- c. The post-closure care and corrective action cost estimates shall be based on a “rolling” 30 years’ duration unless the CMS Report includes a detailed corrective measures alternatives evaluation that supports a shorter time period, based on the projected length of time necessary to achieve applicable remediation objectives/standards. The Permittee may, at any time, submit to the Department for review and approval, a demonstration to adjust the post-closure care or corrective action cost estimates based on the estimated time remaining to achieve applicable remediation objectives/standards.
- d. The post-closure care and corrective action cost estimates shall include a contingency cost allowance of 10 percent of the total cost of all post-closure and corrective action activities.
- e. 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.

- f. Discounting is not allowed for closure or post-closure care 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 post-closure care period, the full amount of financial assurance will be available based on the future value of money.
  2. The Permittee shall submit each closure, post-closure care, 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.
  3. The Permittee shall maintain, in the operating record, the most recent closure, post-closure care, 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, post-closure care, 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 of the end of the guarantor's fiscal year.

2. The Permittee shall also adjust the closure, post-closure care, and corrective action cost estimate if:
  - a. The Permittee or the Department determines any additional closure, post-closure care, or corrective action activities are required; or
  - b. Any other conditions increase or decrease the estimated cost of the closure, post-closure care, 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, post-closure care, 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, post-closure care, 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 or other traceable means of delivery.

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

1. Within 30 calendar days after receipt of 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. for timeframes for financial tests and corporate guarantees.
2. Within 30 calendar days after receiving the Department's final written response regarding the draft financial assurance instrument(s), the Permittee shall ensure the issuing institution submits to the Department, all original executed and/or otherwise finalized instruments or other documents required in order to make the selected financial assurance legally binding. The instruments or other documents shall be in a form identical to the financial assurance documents reviewed and responded to by the Department. Facsimiles or photocopies are not acceptable.

C. Timeframes for Financial Tests and Corporate Guarantees

1. Within 30 calendar days after receiving the Department's final written response regarding the Permittee's cost estimate(s) pursuant to this Permit, the Permittee shall submit to the Department for review and evaluation, all documentation necessary to demonstrate the Permittee satisfies the financial test criteria at 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, post-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 and/or corporate guarantee is not allowed.

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, post-closure care, and corrective action activities performed according to this Permit; or



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, post-closure care, 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, post-closure care, 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, post-closure care, 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.H.
  
- 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, post-closure care, 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 40 C.F.R. § 264.151(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 40 C.F.R. § 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, post-closure care, 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 received 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 the funds obligated under the financial assurance 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, post-closure care, 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 a draft revised financial assurance instrument(s) and related documents to the Department for review and evaluation. The draft revised financial assurance instrument(s) and related documents shall address the inadequacies outlined in the Department's notice.
    - (2) 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 by reference 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, post-closure care, 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, post-closure care, 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 written proposal shall specify, at a minimum, the cost of the remaining closure, post-closure care, 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).
  - (2) The amount of the financial assurance proposed shall be at least equal to the estimated cost of the remaining

closure, post-closure care, and corrective action activities required by this Permit.

- 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, post-closure care, 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, Post-Closure Care, and Corrective Action Activities

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

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

**FACILITY SUBMISSION SUMMARY**

**Table 4 - Planned Submittal Requirements  
 Pursuant to this Permit and Schedule of Compliance**

<b>Submittal Requirements</b>	<b>Due Date*</b>	<b>Permit Condition</b>
Two paper copies and one searchable electronic copy of the consolidated permit application	Within 60 calendar days after effective date of this Permit.	Schedule of Compliance Item I.A.
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.B.
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.C.
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.D.
Annual Reports with information required by 10 CSR 25-5.262(2)(D) and 10 CSR 25-7.264(2)(E)	Within 45 calendar days after end of each reporting period.	Standard Permit Condition I.
Biennial Report with information required by 40 C.F.R. 264.75	March 1 of each even numbered calendar year.	General Permit Condition I.

<b>Submittal Requirements</b>	<b>Due Date*</b>	<b>Permit Condition</b>
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 5 - Contingent Corrective Action Submittal Requirements  
Pursuant to the Corrective Action Conditions of this Permit**

<b>Contingent Submittal Requirements</b>	<b>Due Date</b>	<b>Corrective Action Condition</b>
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 60 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 60 calendar days after receiving Department notification 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.
Notification of interim/stabilization measures not effective	Within 10 calendar days after determination.	IV.C.
RCRA Facility Investigation (RFI) Work Plan	Within 90 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.
Corrective Measures Study (CMS) or Remedy Evaluation Work Plan	Within 60 calendar days after receiving Department notification that a work plan is required.	VII.C.

<b>Contingent Submittal Requirements</b>	<b>Due Date</b>	<b>Corrective Action Condition</b>
Corrective Measures Study (CMS) or Remedy Evaluation Report	According to the schedule in the approved CMS Work Plan.	VIII.A.
Transfer of Interest in Permitted Property Notification	At least 90 calendar days before transferring any interest in any portion of permitted property.	X.A.
Change in Use of Property Notification	At least 30 calendar days before any proposed change in use of property.	X.B.
Annual Progress Reports	By March 1 of each calendar year (may be combined with March 1 Groundwater Monitoring Reports).	XI.A.

**FIGURES**

**Figure 1 - Facility Location**

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[dnr.mo.gov/env/hwp/permits/mod981505555/20160201-figure1.pdf](http://dnr.mo.gov/env/hwp/permits/mod981505555/20160201-figure1.pdf)**

**Figure 2 - Facility Property Boundaries**

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Please see hard copy or separate electronic file online at  
[dnr.mo.gov/env/hwp/permits/mod981505555/20160201-figure2.pdf](http://dnr.mo.gov/env/hwp/permits/mod981505555/20160201-figure2.pdf)**

Heritage Environmental Services, LLC  
Missouri Hazardous Waste Management Facility Permit – Part I  
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**Figure 3 - Detailed Storage Building Layout**

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**[dnr.mo.gov/env/hwp/permits/mod981505555/20160201-figure3.pdf](http://dnr.mo.gov/env/hwp/permits/mod981505555/20160201-figure3.pdf)**

**Figure 4 - Detailed Treatment Building Layout**

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Please see hard copy or separate electronic file online at  
[dnr.mo.gov/env/hwp/permits/mod981505555/20020613-figure4.pdf](http://dnr.mo.gov/env/hwp/permits/mod981505555/20020613-figure4.pdf)**