



February 4, 2010

CERTIFIED MAIL – 7004 1160 0000 8177 3353
RETURN RECEIPT REQUESTED

Mr. David R. Zoghby
Vice President and Business
Director
EBV Explosives Environmental
Company
P.O. Box 1386
Joplin, MO 64802

RE: Class 1 Permit Modification Without Prior Director's Approval
EBV Explosives Environmental Company, Joplin, Missouri
EPA ID# MOD985798164

Dear Mr. Zoghby:

This letter is to notify you that the Missouri Department of Natural Resources (Department) received EBV Explosives Environmental Company's (EBVEEC) Class 1 Permit Modification notice, dated December 15, 2009. The notification was to clarify wording for Special Permit Condition II.D.2. and 3. Originally the permit conditions read as follows:

Special Permit Condition II.D.2.

The Permittee shall treat only submunitions and components from Class 1.1D military munitions and shall be performed in Building #1.

Special Permit Condition II.D.3.

The Permittee shall treat only Arcadene 360B Propellant from rocket motors of the M26 MLRS and shall only be performed in Building #3.

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The intent of these statements was to specify in that specific building; only waste specified can be treated and that if the Permittee desires to treat other wastes, they will have to go through the permit modification process for approval. It was not the intent of this language to restrict treatment of these wastes in the incinerator. EBVEEC is fully permitted to operate the submunitions demil line in the Storage Feed Handling Building and treat the submunitions in the rotary kiln or EBVEEC can treat the MLRS Rocket Motors in a saw in the Storage Feed Handling Building and incinerate the segments in the rotary kiln. EBVEEC has received and may receive in the future, these propellants and submunitions from other customers as hazardous waste which would be treated in the incineration process.

The language above should be clarified to be understood as follows:

Special Permit Condition II.D.2.

In Building #1, the Permittee shall treat only submunitions and components from Class 1.1D military munitions.

Special Permit Condition II.D.3.

In Building #3, the Permittee shall treat only Arcadene 360B Propellant from rocket motors of the M26 MLRS.

Additionally, the Missouri Department of Natural Resources (Department) received EBVEEC's Class 1 Permit Modification notice, dated December 15, 2009. The notification was to clarify wording for Special Permit Condition II.E.2. Originally the permit conditions read as follows:

Special Permit Condition II.E.2.

The Permittee shall not place more than 1299 pounds per hour of net explosive weight of explosive materials in Building #3.

The intent of this statement was to specify the building explosive limits, and it needs to coincide with what Special Permit Condition I.B.3 states. Since EBVEEC is only permitted to treat Class 1.3 MLRS Rocket Motors, EBVEEC has placed the Class 1.3 explosive limit of 5196 pounds for the building (about 30 percent of the U.S. Department of Defense allowable limit). This is the equivalent of 24 rocket motors which is the 4-hour treatment limit.

The language above should be clarified to be understood as follows:

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Special Permit Condition II.E.2.

The Permittee shall not place more than 5196 pounds of net explosive weight of Class 1.3 explosive materials in Building #3.

The Department agrees with EBVEEC that this is a Class 1 Permit Modification not requiring prior director approval. As outlined in Code of Federal Regulations 40 CFR 270.42(a)(1)(ii), EBVEEC must send a notice of the modification to everyone on their facility mailing list and the appropriate units of state and local government within 90 calendar days after the change was put into effect. EBVEEC must send a copy of the notice to the Department.

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

Sincerely,

HAZARDOUS WASTE PROGRAM

[Original signed by Richard A. Nussbaum]

Richard A. Nussbaum, P.E., R.G.
Chief, Permits Section

RAN:rhm

c: Ken Herstowski, P.E., Project Manager, U.S. EPA Region VII
Southwest Regional Office, Missouri Department of Natural Resources