



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

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**MAY - 5 2014**

Mr. Brian Power  
Bridgeton Sanitary Landfill  
Republic Services  
13570 St. Charles Rock Road  
Bridgeton, MO 63044

Dear Mr. Power:

The Department of Natural Resources has completed its review of the Republic Services request for an exemption from the hazardous waste treatment, storage and disposal facility requirements for the leachate treatment facility at the Bridgeton Landfill. This request concerns the applicable regulations regarding the ongoing characterization and management of the untreated commingled landfill leachate/condensate waste stream being generated at the Bridgeton Sanitary Landfill. Republic Services first inquired about the exemption during a meeting with the Department and the Attorney General's Office on January 23, 2014, and provided additional information on January 29, 2014.

As you know, the Department has continued to receive and review the updated toxicity characteristic leaching procedure (TCLP) results for this waste stream. These results, while continuing to show substantial variability, indicate that this waste stream is now tending to consistently exceed the 0.5 mg/l concentration of benzene for the toxicity characteristic. Based upon these recent TCLP increases, the Department conducted a regulatory evaluation of any applicable provisions of the state hazardous waste management law and regulations for characteristic hazardous waste, including the exemption in the hazardous waste regulations for a wastewater treatment unit (WWTU) discharge subject to regulation under Section 307(b) of the Clean Water Act.

The primary basis provided by Republic Services in support of the applicability of the exemption appears to be the enforceable "permit" issued to Republic by Metropolitan St. Louis Sewer District (MSD) pursuant to the MSD Ordinance Number 12559. This permit was reportedly developed in close coordination with MSD and included MSD's review and input on design specifications and plans. As expressed by Republic, the MSD permit is expected to undergo ongoing revision and updating as the WWTU is upgraded



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from interim to final treatment operations over the next several months and MSD is expected to continue to be closely involved in review and approval of any permit and design changes. This permit constitutes an enforceable "individual control mechanism" issued by the Publicly Owned Treatment Works to the pretreatment facility and as such the WWTU is proposed to be covered by the 307(b) exemption. The MSD Ordinance Number 12559 has been approved by the Department and the requirements are Pretreatment Standards for the purpose of section 307(b) of the Clean Water Act.

The findings of the review, as developed from our staff evaluation and EPA guidance on the matter, has concluded that the wastewater treatment facility under construction at the Bridgeton Landfill to treat commingled leachate/condensate waste stream on-site is a WWTU and that the treated effluent will be discharged to the MSD's Publicly Owned Treatment Works pursuant Section 307(b) of the Clean Water Act. Therefore, the Department has determined this WWTU qualifies for the exemption from hazardous waste treatment storage and disposal facility requirements.

Please note that any other wastes generated from operation of the WWTU such as filters, tank sludges, other solid waste materials, and any other wastes associated with the overall landfill operations will need to be characterized to determine if they are hazardous wastes and managed and disposed of according to all applicable regulations.

Furthermore, while the WWTU is exempt from hazardous waste treatment, storage and disposal facility regulation, the recent occurrence of incidents at the landfill that have resulted in leachate spills to the surface liner and storm water control system have reinforced the need to have documented and fully understood contingency, spill response, and personnel safety plans that are compliant with the conditions set forth in the hazardous waste management regulations and ensure protection of human health and the environment. Therefore, within 30 days of receipt of this letter, Republic Services is required to submit their revised Contingency Plan, revised Personnel Training Plan, and the Spill Prevention and Response Plan.

As you are aware, our staff has reviewed and commented on your contingency and personnel training plans that were previously submitted. These plans appear to conform to the intent of Article VII, Section 5 (Management Plans Required) of the MSD Ordinance Number 12559, and are an applicable requirement under that ordinance. Because activities at the site are underway, remain ongoing and create the potential for worker injury at an industrial site such as this, the plans must be revised immediately in response to the Department's comments and that on-site personnel be given adequate site-specific training before they begin work rather than within six months of their

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employment date or accepting a new position at the site (whichever is later), as would have otherwise been required by the hazardous waste regulations. Therefore, the Department directs Republic Services to provide the required training to employees in unsupervised positions before they are permitted to work at the site, unless emergency conditions dictate otherwise.

If you have any questions related to this letter and the determinations documented therein, feel free to contact me at Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102, or by phone at (573) 751-0763. You may also contact Mr. David Lamb, Hazardous Waste Program Director, at the above address or by phone at (573) 751-2747.

Sincerely,

DIVISION OF ENVIRONMENTAL QUALITY



Aaron Schmidt  
Division Deputy Director

c: Mr. Daren Eppley, Attorneys General Office  
Mr. Ed Galbraith, Barr Engineering  
Mr. Brian Martz, Republic Services