



Mark Parkinson, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

[www.kdheks.gov](http://www.kdheks.gov)

Division of Environment

May 24, 2010

Mr. Dan Jones  
Manager – EH&S  
APAC-KS  
7355 W 162<sup>nd</sup> Terrace  
Overland Park, Kansas 66283

RE: APAC-KS, Inc. – Construction Demolition Waste Landfill  
Permit # 0487, Johnson County

Dear Mr. Jones:

The Bureau of Waste Management (BWM) of the Kansas Department of Health and Environment (KDHE) has processed APAC-KS, Inc. permit modification application to modify the current Construction Demolition Waste landfill.

A copy of the permit along with the general conditions, special conditions, and two copies of the certification page are enclosed. Please ensure that the certification pages are properly completed in duplicate and return one original signed certification page for the KDHE files. As noted in general condition # 15, the updated permit will become effective when the permittee signs and returns the attached certification to KDHE.

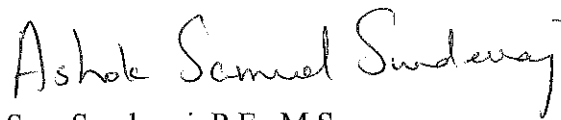
BUREAU OF WASTE MANAGEMENT  
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 320, TOPEKA, KS 66612-1367

Voice 785-296-1600 Fax 785-296-1592 [www.kdheks.gov](http://www.kdheks.gov)

Mr. Dan Jones  
May 24, 2010  
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Thank you for your cooperation with the BWM. If you have any questions concerning permit issues, please contact me at (785) 296-6563 or by e-mail at [ssunderr@kdhe.state.ks.us](mailto:ssunderr@kdhe.state.ks.us)

Sincerely,



Sam Sunderraj, P.E., M.S.,  
Chief, Solid Waste Landfills Unit

- Encl: Copy of Permit # 0487 dated May 19, 2010  
Copy of Permit # 0487 Special Conditions  
Copy of Permit # 0487 General Conditions  
2 Copies of Permit # 0487 Certification page
- c: The Stinson Environmental Group, LLC, (9948 W. 87th St., Ste. A-1  
Overland Park, KS 66212w/encl)  
Johnson County Environmental Department (11811 S. Sunset Drive  
Olathe, Kansas 66061 w/encl)  
Dennis Degner, Chief, Solid Waste Permits Section  
Juan Sexton, Chief, Solid Waste Hydrogeologic Unit  
Julie Coleman, DEA, NEDO (w/encl)

State of Kansas

Department of Health and Environment

Bureau of Waste Management
1000 SW Jackson, Suite 320, Topeka, Kansas 66612-1366 (785) 296-1600

PERMIT

No. 0487

For operating a processing facility or a solid waste disposal area
in accordance with the provisions of Kansas Statutes Annotated 65-3407

Permission is hereby granted

to APAC-KS, Inc.
(name of governmental entity, corporation or person)

to operate a Construction & Demolition Landfill and
Source Separated Organic Waste Composting Facility

location 7100 W. 167th Street, Overland Park, Kansas
SE 1/4 of Section 18, Township 14 S, Range 25 E, Johnson County

Consisting of an approximately 140-acre site of which approximately 82 acres are permitted
for construction and demolition waste disposal.

(in conformity with the approved design plans as noted below, and the attached general and special conditions.
Design Drawings with revisions entitled "APAC-KS Inc. Construction and Demolition Landfill" dated September
2007; prepared by The Stinson Environmental Group, LLC sealed and signed by a Kansas Professional Engineer
on September 6, 2007.)



Done at Topeka, this 19 day of May 2010

John W. Mitchell
Department of Health and Environment

**APAC-KS, Inc.**

**Construction & Demolition Landfill and  
Source Separated Organic Waste Composting Facility**

**PERMIT NO. 0487  
SPECIAL CONDITIONS**

- 1) **Revised Final Cover Design:** The permittee shall submit to the Bureau of Waste Management a revised final cover design detail and closure plan with final topographic contours approximately similar to original topographic contours for review by **December 31, 2010** unless an alternate date has been reviewed and approved by the Bureau of Waste Management. The permittee shall be allowed to operate the landfill for the period needed to fill the landfill to grades that approximate pre-development surrounding ground levels as defined by the U.S.G.S.7.5 minute series (topographic) Stilwell Quadrangle, Kansas – Johnson County map dated 1956, photo revised in 1970 and 1975. The final cover design shall meet all requirements for “final cover” in K.A.R. 28-29-304(g) or an equivalent approved by the Bureau of Waste Management. Anticipated post-closure use shall be specified and taken into consideration when designing final cover for the site.
- 2) **Facility Operations Plan:** The permittee shall resubmit their Facility Operations Plan with a revised fill sequence, or phasing plan by **September 30, 2010** unless an alternate date has been reviewed and approved by the Bureau of Waste Management. All facility operations shall be in compliance with the approved Facility Operations Plan.
- 3) **Design Drawings:** The design drawings are to be updated to include a legal description of the permitted facility, proof of ownership and all easements and liens of record. Record survey plat information for the entire landfill facility. The survey plat must be in conformance with “Kansas Minimum Standards For Boundary Surveys,” adopted by the Kansas Society of Land Surveyors. All survey markers must be identified as found and/or set, clearly marked and maintained in the field, and shown and labeled on the map. Tie-in all survey baseline information to Public Lands Survey Corners, and show these ties clearly with measurements and bearings on the map. Delineate and label all public rights of way, buffers, and easements (include the type, see K.A.R. 28-29-23(d)). Provide the engineering and surveying information necessary to establish the base and proposed final elevations for all of the waste disposal cells. Provide a table of permanent benchmarks that indicates their location and elevation, and delineate them on the map. In addition, the permittee shall install and maintain boundary markers in each Phase of the landfill in order to delineate the lateral and vertical extent of waste disposal. The drawings shall be submitted for review by **September 30, 2010** unless an alternate date has been reviewed and approved by the Bureau of Waste Management.
- 4) **Construction:** Construction of all phases of the landfill shall be subject to a site-specific Construction Quality Assurance (CQA) Plan prepared by a professional engineer, licensed in Kansas, and approved by the Bureau of Waste Management. The CQA engineer shall certify the construction in each Phase and submit a report to the Bureau of Waste Management for review and approval prior to disposal of waste in the certified phase.
- 5) **Access Control:** The permittee shall submit plans for the installation of permanent access control around the site in order to prohibit unauthorized access of persons on foot, or by vehicle, into the

facility. The plans shall be submitted to the Bureau of Waste Management by **September 30, 2010** unless an alternate date has been reviewed and approved by the Bureau of Waste Management.

- 6) **Contact Water Removal Action Plan during Operation and Post-Closure Care:** The contact water monitoring wells shall be designed to fully penetrate to the lowest base elevations and be located to ensure effective monitoring of contact water depths at the base of all disposal areas of the landfill. Contact water at all compliance points shall be maintained below the bottom of landfill waste mass prior to closure and during post-closure. This goal shall be achieved through the details of the pump protocol in the Facilities Operations Plan.
- 7) **Landfill Gas Collection System Operation and Monitoring Action Plan:** The landfill gas collection, treatment, monitoring and notification system shall provide for emergency backup. The permittee shall monitor the facility monthly on a 200-foot grid pattern and at every on-site structure in order to determine if additional landfill gas extraction measures are needed to control emissions. Methane shall be controlled below 5% at the boundaries of the site and below 1.25% within any onsite structures. The landfill gas emissions shall be controlled below 0.010 ppm hydrogen sulfide at the boundaries. The permittee may suspend landfill gas monitoring or carry out an alternative monitoring frequency upon written approval by the Bureau of Waste Management.
- 8) **Ground Water Monitoring in accordance with Sampling and Analysis Plan:** The permittee shall maintain a groundwater monitoring system and sample groundwater in accordance with a Sampling and Analysis Plan that has been approved by the Bureau of Waste Management. This monitoring activity shall continue until the permittee requests and receives approval for change by the Bureau of Waste Management.
- 9) **Quarterly Reports Summarizing Progress toward Corrective Action Goals:** The permittee shall submit a quarterly report within 45 days of the end of each calendar quarter summarizing progress toward corrective action goals established by the Bureau of Waste Management. The report should include information of import pertaining to contact water levels within the fill, contact water removal and treatment, groundwater monitoring, landfill gas monitoring (at perimeter and within facility boundary), landfill gas collection and treatment, and regulatory inspection reports. Copies of the reports may be made available to the public by the Johnson County Environmental Department, at KDHE's request within 15 days of the report being submitted. This activity shall continue until the permittee requests and receives approval for change from the Bureau of Waste Management.
- 10) **Annual Evaluation of Gas and Contact Water Management Systems:** On or before September 30 of each year during the landfill operational period and the post-closure period, APAC shall complete an evaluation of all systems of gas and contact water management and monitoring and submit an annual evaluation report to the Bureau of Waste Management. The evaluation shall assess the performance of the systems that collect, treat, and discharge landfill gas and contact

water to demonstrate that human health and the environment are being adequately protected and sufficient progress is being made to accomplish corrective action goals. Performance of the systems shall be assessed based upon various data analyses including, but not limited to: (1) trend analyses related to gas quantities and composition; (2) trend analysis related to the volume of contact water collected and treated; (3) contact water depths throughout the landfill; (4) ambient air monitoring results; and (5) correlation of gas and contact water measurements with local precipitation and improvements in surface water management practices. The evaluation shall also assess the condition of all equipment used to manage and monitor landfill gas and contact water. Based upon the above analyses and assessments, APAC shall include recommendations in the evaluation report on the need to upgrade, repair, or replace equipment and/or to expand system capabilities to improve performance and achieve corrective action goals within reasonable timeframes. The annual evaluation report shall be subject to Bureau of Waste Management review and comments. Approved changes to the systems of control shall be incorporated into the Facility Operating Plan. This annual evaluation schedule shall not preclude the Bureau of Waste Management from requiring other changes to the systems of controls at other times as necessary to protect human health and the environment.

- 11) **East-side Highwall Seal:** The permittee shall submit design plans to the Bureau of Waste Management by **September 30, 2010**, unless an alternate date has been reviewed and approved by the Bureau, which provides for the construction of a landfill gas barrier on exposed areas of the east-side highwall in order to inhibit the migration of landfill gas off-site towards residential and business areas.
- 12) **Mud control:** The permittee shall submit detailed design and operation plans to prevent the tracking of mud and debris from the facility and onto public roadways. Mud control measures may include, but are not limited to, a vehicle tire cleaning facility on the landfill property, improved road surfaces, or other appropriate measures. The mud control plan is due by **September 30, 2010** unless an alternate date has been reviewed and approved by the bureau.
- 13) **Incorporation into Permit:** All final designs, plans, reports and other documentation required by these Special Conditions to be submitted to the Bureau of Waste Management, shall be incorporated into Permit #0487 and made a part thereof.
- 14) **Plan Revisions:** Any plans, design, reports, or other documentation required to be submitted to the Bureau of Waste Management, shall be revised according to the bureau's directives and resubmitted no later than sixty (60) days following the date on which the bureau submits a notification to permittee that its documentation was not approved, in part or in full.
- 15) **Scheduling:** Implementation of all approved operations and construction shall be in accordance with schedules noted in the documents approved by the Bureau of Waste Management.
- 16) **Final Closure:** The permittee will operate the landfill according to standard industry best practices and in a commercially reasonable manner to facilitate progress toward final closure in

a manner that establishes and maintains conditions that are most protective of human health and the environment.

**APAC-KS, Inc.**

**Construction & Demolition Landfill and  
Source Separated Organic Waste Composting Facility**

**PERMIT NO. 0487**

**GENERAL CONDITIONS**

As used in this permit the following definitions apply unless the context indicates otherwise.

"Department" means the Kansas Department of Health and Environment and its officers, authorized agents and employees.

"Secretary" means the secretary of the Kansas Department of Health and Environment.

"Permit" means a limited authorization issued by the secretary under the authority of Kansas Statutes Annotated 65-3406 and 65-3407 to own, construct, alter or operate a Construction and Demolition Waste Landfill with Source Separated Organic Waste Composting at the location described and pursuant to the conditions described in the application as approved by the department.

"Permittee" means any person(s) to whom this permit is issued (a) who owns, in whole or in part, constructs, alters, or operates any facility described in the permit; and/or (b) owns the land on which the facility is located. Unless the context indicates otherwise, words and phrases used in this permit shall have the meanings defined by K.S.A. 65-3402 as amended or K.A.R. 28-29-3 as amended.

1. This permit, along with its general conditions, does not release the permittee from any liability, penalty, obligation or duty imposed by Kansas or Federal statutes or regulations, county resolution or city ordinance except the obligation to obtain this permit.
2. This permit does not convey any property right of any sort or any exclusive privilege.
3. This permit shall not be construed as estopping or limiting any claims against the permittee for damage or injury to person(s) or property or to any waters of the state resulting from any acts, operations, or omissions of the permittee, its agents, contractors, or assignees, nor as estopping or limiting any legal claim of the state against the permittee, its agents, contractors, or assignees, for damage to state property, or for any violation of the terms or conditions of this permit.
4. This permit is subject to modification by the department at the time of any scheduled renewal or: (a) whenever the modification is needed to reflect changed state or federal rules, (b) to incorporate changes in the facility operations or closure plan, (c) to make other modifications proposed by the permittee and approved by the department, (d) whenever the department determines that modification is necessary to prevent or reduce actual or potential hazard(s) to the public health or safety, or pollution or contamination of the environment or, (e) because of changed or unforeseen circumstances. The filing of a request by permittee for a permit modification, or the filing of a notice of anticipated noncompliance does not stay any permit condition. Approval from KDHE must be obtained prior to any modifications to the landfill design, operational and closure plans approved with this permit or any development of new cells not detailed in those plans. Any minor modifications approved by KDHE are incorporated by reference.
5. Permittee or his assignees shall defend, indemnify, and hold harmless the State of Kansas, its officers, agents, and employees officially and personally against all actions, claims and demands whatsoever

which may arise from or on account of the issuance of this permit or the construction, operation or maintenance of any facilities hereunder. To the extent that the State of Kansas or the Department of Health and Environment may be liable for the activities of its employees or authorized agents that liability is explicitly limited to that provided for in the Kansas Tort Claims Act (Kansas Statutes Annotated 75-6101 et seq.).

6. This permit is transferable in accordance with K.S.A. 65-3407(i).

When a transfer of the permit is requested, the current permittee shall maintain financial assurance as required by K.S.A. 65-3407 until the new permittee has demonstrated that it is complying with the legal requirements for financial assurance.

7. When permittee submits a complete and timely application for renewal of this permit they may continue to conduct the permitted activity at the permitted location until the department takes final action on the permit renewal application if:
- (a) Permittee is in compliance with the terms and conditions of the permit; and
  - (b) The department, through no fault of permittee, has not taken final action on the application on or before the renewal date of the permit.

Permits continued under this paragraph remain fully effective and enforceable.

8. The provisions of the Kansas Administrative Procedures Act, Kansas Statutes Annotated 77-501 et seq., shall apply in any proceeding to revoke this permit. Whenever any appeal is filed under a proceeding to revoke this permit, venue shall lie in Shawnee County, Kansas.
9. Permittee shall satisfy all of the following:
- (a) **Duty to Comply.** Permittee shall comply at all times with the terms and conditions of the permit, and all applicable State and Federal statutes and regulations.
  - (b) **Duty to Maintain.** Permittee shall always properly operate and maintain all facilities, equipment, control systems, and vehicles that the permittee installs or uses to conduct the permitted activity.
  - (c) **Duty to Mitigate.** Permittee shall remedy and act with due diligence to prevent all potential and actual adverse impacts to persons, property, and the environment resulting from noncompliance with the terms and conditions of this permit. The permittee shall repair at their own expense all damages caused by such noncompliance.
  - (d) **Duty to Provide Information.** Permittee shall provide the department, within five (5) working days or other period specified in the request, any information relevant to this permit, which the department may request.
  - (e) **Continuing Duty to Inform.** The permittee shall have a continuing duty to immediately report to the Department any omitted or incorrect facts in the permit application. In addition, the permittee shall report in writing at least 30 days in advance any planned change in the

facility or facility operations which could result in noncompliance with the permit or which could require a change in the permit.

- (f) Entries and Inspections. For the purposes of inspections and protecting the public health, safety or welfare, or the environment, the permittee shall allow personnel or authorized agents of the Department to enter the premises and have access to records as described in K.A.R. 28-29-16.
10. Records. All records and copies of all applications, reports, and other documents required, including the source of the solid waste disposed of at the facility, shall be kept by the permittee for the period specified pursuant to K.S.A. 65-3406 for post closure operation and maintenance. This period shall be automatically extended for the duration of any enforcement action taken on the permit, or may be extended by order of the department.
11. All unintentional, inadvertent, or accidental off site releases of solid waste, or substances derived there from, except wind blown litter, shall be verbally reported to KDHE within 24 hours and in writing within three (3) working days, and to all other persons to whom such releases must be reported pursuant to State and Federal laws or regulations.
12. Force Majeure.
- (a) An obligation for the permittee to perform according to this permit may be suspended with the written approval of the department, in the event unforeseen and uncontrollable circumstances occur, which necessarily and unavoidably prevent performance of the terms of the permit. No events other than unforeseen, uncontrollable circumstances, however catastrophic, shall excuse nonperformance of the permit conditions by permittee.
- (b) In the event permittee is rendered unable, wholly or in part, by the occurrence of unforeseen, uncontrollable circumstances to carry out any of its obligations under this permit, then that obligation of the permittee, to the extent affected by the occurrence of the uncontrollable circumstances, and also to the extent that due diligence is being used to resume performance at the earliest practical time, may be suspended during the continuance of the inability so caused, but for no longer than one year. At any time the permittee intends to assert force majeure as a basis for failure to comply with the permit conditions, the permittee shall notify the department immediately and provide documentation to justify invoking the force majeure closure.
- (c) In the event the facility is damaged or destroyed due to an explosion, landslide, flood, fire, vandalism or other event for which the permittee carries insurance, permittee shall promptly collect insurance proceeds and apply such proceeds to the correction or reconstruction of the facility, or proceed to close the facility in accordance with an approved closure plan. Upon the occurrence of such an event, the permittee shall submit to the department for approval, a plan for the correction, reconstruction or closure of the facility, including the schedule, cost and proposed financing method as soon as practical after the occurrence of the event.
- (d) In the event permittee is unable to properly process, transfer or dispose of any solid waste generated within the area served by the facility because of the occurrence of unforeseen, uncontrollable circumstances, the permittee shall designate and arrange for an alternate disposal facility to which solid wastes may be diverted for disposal until the facility is able to resume management of the solid wastes at the facility.

- (e) In the event that any damage to the environment occurs due to the unforeseeable, uncontrollable circumstances, the permittee shall take all action determined necessary by the department to mitigate and remediate such damage.
13. **Tonnage Reports.** Permittee shall submit to the department reports listing the quantities and types of all solid waste material that was handled during the reporting period. Each tonnage report shall be submitted to the department on forms provided by the department on a monthly, quarterly, or other frequency as determined by the department.
14. **Personnel Training.** Permittee shall instruct, or give on-the-job training to personnel involved in any activity authorized by the permit, so that such instruction or on-the-job training teaches such personnel how to comply with the conditions of the permit and to carry out the authorized activity in a manner that is not hazardous to the health and safety of the personnel or to the public health, safety, or welfare, or to the environment. A written report summarizing the type of training provided, the dates the training was presented and the names and addresses of personnel receiving the instruction shall be retained in the facility operating record.
15. **This permit will become effective when the permittee signs and returns the attached certification to the Department with original signature.**
16. This permit shall be renewed annually on the date of issuance. The permittee is responsible for applying for renewal of this permit at least 30 days prior to the renewal date on the face of this permit. The department has no duty to notify the permittee in advance of the renewal date. The permittee shall submit the following materials to the department to renew the permit.
- (a) Proof of insurance. (K.A.R. 28-29-2201)
  - (b) Updated closure and post-closure cost estimates. (K.A.R. 28-29-2101)
  - (c) Proof of financial assurance, unless the facility is exempt. (K.A.R. 28-29-2101 through 28-29-2113)
  - (d) Renewal fee, unless the facility is exempt. (K.A.R. 28-29-84)
17. Failure to provide the materials required by paragraph 16 above or to complete other renewal requirements made necessary by law or rule and regulation on or before the anniversary date of the permit issuance shall result in immediate suspension of the permit. All receipt of waste shall cease at that time and may resume only when the permittee is informed by KDHE that the renewal requirements have been properly completed. If the material is not submitted at least thirty days before the anniversary date of the permit, the submission will not be considered timely, and the facility may be required to temporarily cease operations until the permit renewal is received.
18. The operations phase of this permit shall expire upon the occurrence of:
- (a) The receipt of written KDHE approval of site closure in accordance with the site closure plan; or

- (b) The end of the active life of the permit whether caused by an order from KDHE, or the district court, or a permanent, voluntary cessation of the receipt of waste.
19. The post-closure phase of this permit shall begin immediately upon the closure of the landfill pursuant to paragraph 18 above and will be in effect for a minimum of thirty (30) years, unless extended by the Secretary of KDHE pursuant to K.A.R. 28-29-12(e)

**CERTIFICATION**

APAC-KS Incorporated hereby certifies that: (1) they have read all of permit number 0487 including special conditions, paragraphs 1 through 16, and general conditions, paragraphs 1 through 19; (2) they understand everything in these documents; (3) they agree to comply with all the requirements contained in the permit; (4) the individual whose signature appears below has full authority to sign this certification on behalf of APAC-KS, Inc., and that by doing so they are legally binding APAC-KS, Inc. to comply with all the requirements set forth in permit number 0487.

\_\_\_\_\_  
Date

\_\_\_\_\_  
by

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary