

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT DIVISION OF ENVIRONMENT

Hazardous Waste Management Facility Permit Part I

In accordance with the provisions of Kansas Statutes Annotated 65-3430 et. seq. permission is hereby granted to:

Facility Name: Ash Grove Cement Company

Operator: Ash Grove Cement Company

Owner: Ash Grove Cement Company

Location: 1801 North Santa Fe Street
Chanute, Kansas 66720

E.P.A. Identification Number: KSD031203318

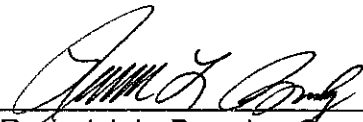
for hazardous waste storage and treatment in containers, tanks, and miscellaneous units.

This permit (Part I) is being issued in accordance with rules and regulations of the Department of Health and Environment and the following-named conditions and requirements to wit: The Permittee must comply with all terms and conditions in Section I through Section VI of this permit. The permit consists of the conditions contained herein, including those in any attachments, the permit application and all applicable hazardous waste regulations contained in K.A.R. 28-31-1 through 28-31-16 in effect on the date of issuance of this permit. This permit shall remain in effect even if the Hazardous and Solid Waste Amendments permit (Part II) is terminated or expired.

This permit shall become effective at 12:01 a.m. on July 20, 2010 and shall remain in effect until July 20, 2020 unless revoked and reissued, or terminated or continued in accordance with K.A.R. 28-31-9.

Done at Topeka, this 17 day of June 2010





Roderick L. Bremby, Secretary
Kansas Department of Health and Environment

**HAZARDOUS WASTE FACILITY PERMIT
ASH GROVE CEMENT COMPANY
CHANUTE, KANSAS
EPA I.D. #KSD031203318**

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SECTION I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

Ash Grove Cement Company, owner and operator, herein referred to as the Permittee, is permitted to store and treat hazardous waste in accordance with the terms and conditions of this Permit and Kansas Administrative Regulations (K.A.R.) 28-31-1 through 28-31-16. Any treatment, storage or disposal of hazardous waste not authorized in this Permit is strictly prohibited. This Permit consists of the terms and conditions contained herein, including those in any attachments; as the approved Permit Application (Part A and Part B); and the applicable regulations contained in 40 CFR Parts 124, 260 through 264, 268, and 270. Applicable regulations are those in effect on the date of issuance of this Permit. [40 CFR 270.32(c)] The federal regulations are adopted by reference in Kansas Administrative Regulations (K.A.R.) 28-31-1 through 28-31-16. All citations to federal regulations are for the sake of convenience. In the instance of inconsistent language or discrepancies between permit conditions, state regulations, or federal regulations, the language of the more stringent provision shall govern.

Subject to 40 CFR 270.4, compliance with this Permit constitutes compliance, for purposes of enforcement, with K.S.A. 65-3430 *et seq.* and K.A.R. 28-31-1 through 28-31-16 and Subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Issuance of this Permit does not convey any property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations. Compliance, with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; Sections 106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9606 *et seq.*, commonly known as CERCLA), or any other law providing for the protection of public health or the environment. [40 CFR 270.4, 270.30(g)]

I.B. PERMIT ACTIONS

I.B.1. Permit Modification, Revocation and Reissuance, and Termination

This Permit may be modified, revoked and reissued, or terminated for cause, as specified in 40 CFR 270.41, 270.42, and 270.43. If cause exists, the Secretary may modify or revoke and reissue this Permit in accordance with 40 CFR 270.41. When this Permit is modified, only the conditions subject to the modification are reopened. If this Permit is revoked and reissued, the entire Permit is reopened and subject to revision, and may be reissued for a new term.

The Secretary will, upon request by the Permittee, approve or deny modifications to this Permit in accordance with 40 CFR 270.42. The modification will become an enforceable part of this Permit. The filing of a request for permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any Permit condition. [40 CFR 270.4(a) and 270.30(f)]

I.B.2. Permit Renewal

This Permit may be renewed as specified in 40 CFR 270.30(b) and Permit Condition I.E.2. Review of any application for a Permit renewal shall consider improvements in the area of control and measurement technology, as well as changes in applicable regulations. [40 CFR 270.30(b), HSWA Sec.212]

I.C. SEVERABILITY

The provisions of this Permit are severable, and 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. [40 CFR 124.16(a)]

I.D. DEFINITIONS

For purposes of this Permit, terms used herein shall have the same meaning as those in K.S.A. 65-3430 and K.A.R. 28-31-1 and 28-31-2, and in 40 CFR Parts 124, 260, 262, 264, 266, 268, and 270, unless this Permit specifically provides otherwise. When the same word is defined in the Kansas statutes or regulations and in the federal regulations and the definitions are not identical, the definition in the Kansas statutes or regulations shall control [K.A.R. 28-31-2(f)]. "Secretary" means the Secretary of the Kansas Department of Health and Environment (KDHE), or a designee or authorized representative of KDHE. Where terms are not defined in the regulations or the Permit, the meaning associated with such terms shall be defined by standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

I.E. DUTIES AND REQUIREMENTS

I.E.1. Duty to Comply

The Permittee shall comply with all conditions of this Permit, except as to the extent and for the duration such noncompliance is authorized by an emergency permit (See 270.61). Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of RCRA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application. [40 CFR 270.30(a)]

I.E.2. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new permit at least one hundred and eighty (180) days before this Permit expires, unless permission for a later submission date has been granted by the Secretary. [40 CFR 270.10(h), 270.30(b)]

I.E.3. Permit Expiration

Pursuant to 40 CFR 270.50, this Permit shall be effective for a fixed term not to exceed ten (10) years. As long as KDHE is the permit-issuing authority, this Permit and all conditions herein will remain in effect beyond the Permit's expiration date, if the Permittee has submitted a timely, complete application (see 40 CFR 270.10, 270.13 through 270.29) and, through no fault of the Permittee, the Secretary has not issued a new Permit, as set forth in 40 CFR 270.51.

I.E.4. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.[40 CFR 270.30(c)]

I.E.5. Duty to Mitigate

In the event of noncompliance with the Permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. [40 CFR 270.30(d)]

I.E.6. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit. [40 CFR 270.30(e)]

I.E.7. Duty to Provide Information

The Permittee shall furnish to the Secretary, within a time period specified by the Secretary, any relevant information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this Permit. [40 CFR 264.74(a), 270.30(h)]

I.E.8. Inspection and Entry

Pursuant to 40 CFR 270.30(i) and K.A.R. 28-31-12, the Permittee shall allow the Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

- I.E.8.a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
- I.E.8.b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- I.E.8.c. Inspect and photograph at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- I.E.8.d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

I.E.9. Monitoring and Records

- I.E.9.a. Pursuant to 40 CFR 270.30(j)(1), samples and measurements taken, to comply with this Permit, for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the medium to be analyzed for a given hazardous constituent must be the appropriate method from Appendix I of 40 CFR Part 261 or equivalent method approved by the Secretary. Laboratory methods must be those specified in the latest revision of EPA Publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," or an equivalent method as specified in the Waste Analysis Plan contained in the Part B permit application. All constituent chemical analysis shall be performed by a laboratory certified by KDHE in accordance with K.A.R. 28-31-8(f).

I.E.9.b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the certification required by 40 CFR 264.73(b)(9), and records of all data used to complete the application for this Permit, for a period of at least three (3) years from the date of the sample, measurement, report, or certification of application. This period may be extended by request of the Secretary at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. [40 CFR 264.74(b) and 270.30(j)(2)]

I.E.9.c. Records of monitoring information shall specify:

- i. The dates, exact place, and times of sampling or measurements;
- ii. The individual(s) who performed the sampling or measurements;
- iii. The dates analyses were performed;
- iv. The individual(s) who performed the analyses;
- v. The analytical techniques or methods used; and
- vi. The results of such analyses;

I.E.10. Reporting Planned Changes

The Permittee shall give notice to the Secretary twenty (20) days prior to any planned physical alterations or additions to the permitted facility. The replacement of worn or broken parts need not be reported as long as replacement is with an equivalent component, which does not adversely affect the designed operating procedures or performance of the facility. [40 CFR 270.30(l)(1)]

I.E.11. Reporting Anticipated Noncompliance

The Permittee shall give notice to the Secretary twenty (20) days prior to any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements. Such notification does not waive the Permittee's duty to comply with this permit pursuant to condition I.E.1. [40 CFR 270.30(l)(2)]

I.E.12. Transfer of Permit

Before transferring ownership or operation of the Facility or any part of the Facility, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270 and this Permit. At least ninety (90) calendar days prior to the anticipated date of transfer, the new owner and/or operator shall submit to the EPA and KDHE a certification that the new owner or operator has read this Permit, understand its requirements and will comply with the terms and conditions herein. If the property transfer involves subdividing the property to more than one owner or operator, a map and legal description shall be provided to the Secretary that identifies the properties to be occupied by each new owner. [40 CFR §264.12(c)]

An owner or operator's failure to notify the new owner or operator of the requirements of this Permit in no way relieves the new owner or operator of his obligation to comply with all applicable requirements. [40 CFR 264.12]

The Permit will be modified or revoked and reissued in accordance with 40 CFR 270.40(b) or 270.41(b)(2) respectively. The Secretary may incorporate such other requirements as may be necessary under RCRA as part of the modification to this Permit [40 CFR 270.30(l)(3)].

In order to transfer the Facility or any part of the Facility, the new Owner and/or Operator shall submit a revised permit application no later than 90 days prior to the scheduled change in ownership and/or operational control. A written agreement containing a specific date for transfer of permit responsibility between the Permittee and new Permittee(s) must also be submitted no later than 90 days prior to the scheduled change in ownership and/or operational control. [40 CFR 270.40(b)]

I.E.12.a. Whenever this Permit is transferred to a new Permittee, the old Permittee shall maintain compliance with the requirements of 40 CFR Part 264, subpart H, (Financial Requirements) until the new Permittee has demonstrated compliance with the requirements of that subpart. The new Permittee shall demonstrate compliance with 40 CFR Part 264, subpart H, within six months of the date of the transfer of this Permit. Upon the new Permittee's demonstration of compliance with 40 CFR Part 264, subpart H, the Secretary shall notify the old Permittee that maintaining financial assurances pursuant to that subpart (40 CFR 270.40(b)) is no longer necessary.

I.E.12.b. Whenever this Permit is transferred to a new Permittee, the old Permittee shall maintain compliance with the requirements of Permit Condition II.M., until such time as the new Permittee has

demonstrated compliance with these requirements. The new Permittee shall demonstrate compliance with the requirements of Permit Condition II.M. within six months of the date of the transfer of this Permit. Upon the new Permittee's demonstration of compliance with Permit Condition II.M., the Secretary shall notify the old Permittee that maintaining financial assurances pursuant to Permit Condition II.M. is no longer required pursuant to Permit Condition II.M.

- I.E.12.c. In the case of bankruptcy of the Permittee pursuant to Title 11 of the United States Code, the bankruptcy Trustee shall provide the required notices to the Secretary and shall ensure the new Owner and/or Operator submits a revised permit application no later than 90 days prior to the scheduled change in ownership and/or operational control. A written agreement containing a specific date for transfer of permit responsibility between the Court and/or the old Permittee and new Permittee(s) must also be submitted no later than 90 days prior to the scheduled change in ownership and/or operational control. The new Permittee shall demonstrate compliance with 40 CFR Part 264, subpart H and/or Permit Condition II.M. within six months of the date of the transfer of this Permit. Upon the new Permittee's demonstration of compliance with 40 CFR Part 264, subpart H, and/or Permit Condition II.M., the Secretary shall notify the old Permittee that maintaining financial assurances pursuant to that subpart (40 CFR 270.40(b)) and/or Permit Condition II.M. is no longer necessary.

I.E.13. Twenty-Four Hour Reporting

- I.E.13.a. Pursuant to 40 CFR 270.30(1)(6), the Permittee shall report to the Secretary any noncompliance with the Permit which may endanger health or the environment. Any such information shall be reported orally within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. The report shall include the following:
- i. Information concerning release of any hazardous waste which may cause an endangerment to public drinking water supplies; and
 - ii. Any information of a release or discharge of hazardous waste or of a fire or explosion from the hazardous waste management facility, which could threaten the environment or human health outside the facility.
- I.E.13.b. The description of the occurrence and its cause shall include:

- i. Name, address, and telephone number of the owner or operator;
- ii. Name, address, and telephone number of the facility;
- iii. Date, time, and type of incident;
- iv. Name and quantity of materials involved;
- v. The extent of injuries, if any;
- vi. An assessment of actual or potential hazard to the environment and human health outside the facility, where this is applicable; and
- vii. Estimated quantity and disposition of recovered material that resulted from the incident.

I.E.13.c. A written submission shall also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Secretary may waive the five-day written notice requirement in favor of a written report within fifteen (15) days. [40 CFR 270.30(l)(6)]

I.E.14. Other Noncompliance

The Permittee shall report all instances of noncompliance not otherwise required to be reported above in Permit Conditions I.E.9 thru I.E.13, at the time monitoring reports are submitted. The reports shall contain the information listed in Permit Condition I.E.13 of this section. [40 CFR 270.30(l)(10)]

I.E.15. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit application, or submitted incorrect information in an application or in any report to the Secretary, the Permittee shall promptly submit such facts or information. [40 CFR 270.30(l)(11)]

I.E.16. Other Requirements

I.E.16.a. The Permittee shall defend, indemnify, and hold harmless the State of Kansas, its officers, agents, and employees, officially or personally, against all actions, claims, and demands whatsoever which may arise from or on account of the issuance of this Permit or the construction or maintenance of any facilities hereunder.

- I.E.16.b. Within thirty (30) calendar days after receipt of the final Permit, the Permittee shall submit a certification that the applicant has read the Permit in its entirety and understands all the Permit Conditions contained herein and agrees to operate the hazardous waste storage facility within the conditions of this Permit.

I.F. SIGNATORY REQUIREMENT

All applications, reports or other information submitted to or requested by the Secretary, a designee, or authorized representative, shall be signed and certified in accordance with 40 CFR 270.11 and 270.30(k).

I.G. WASTE MINIMIZATION

I.G.1 Pursuant to 40 CFR 264.73(b)(9), and Section 3005(h) of RCRA, 42, USC 6925(h), the Permittee must record and maintain in the facility operating record, at least annually, a waste minimization certification that:

I.G.1.a. Specifies the Permittee has a program in place to reduce the volume and toxicity of all hazardous waste and/or hazardous constituents generated by the facility's operation to the degree determined by the Permittee to be economically practicable; and

I.G.1.b. The proposed method of treatment, storage or disposal is the practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment.

I.G.2. The Permittee shall maintain copies of this certification and supporting documents in the facility operating record as required by Permit Condition I.J.4. and 40 CFR 264.73(b)(9).

I.H. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE SECRETARY

One copy (1) of all reports, notifications, or other submissions which are required by this Permit shall be reported or sent directly to the following:

**Chief of the Hazardous Waste Permits Section
Kansas Department of Health and Environment
Bureau of Waste Management
1000 SW Jackson, Suite 320
Topeka, Kansas 66612-1366
Telephone Number (785) 296-1600**

In addition, one (1) copy of all reports, notifications or other submissions shall be submitted to:

**U.S. Environmental Protection Agency Region 7
Attn: Chief, RCRA Corrective Action and Permits Branch
Air and Waste Management Division
901 N. 5th Street
Kansas City, Kansas 66101**

I.I. CONFIDENTIAL INFORMATION

In accordance with 40 CFR 270.12 and K.S.A. 65-3447, the Permittee may claim confidential any information required to be submitted by this Permit. This claim must be asserted at the time of submission.

I.J. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility, until the final closure is complete and certified by an independent registered professional engineer licensed to practice in Kansas, the following documents and amendments, revisions and modifications to these documents:

- I.J.1. A copy of this Permit, including all approved permit modifications.
- I.J.2. A copy of the Part A and Part B Permit Application including, but not limited to the following:
 - I.J.2.a. Waste Analysis Plan, as required by 40 CFR 264.13 and this Permit.
 - I.J.2.b. Inspection schedules and documents, as required by 40 CFR 264.15(b) and this Permit.

- I.J.2.c. Contingency Plan, as required by 40 CFR 264.53(a) and this Permit.
- I.J.2.d. Closure Plan, as required by 40 CFR 264.112(a) and this Permit.
- I.J.3. Personnel training documents and records as required by 40 CFR 264.16(d) and (e) and this Permit. The training records on former employees must be kept for at least five (5) years from the date the employee last worked at the facility.
- I.J.4. Operating record, as required by 40 CFR 264.73 and this Permit.
- I.J.5. Annually adjusted cost estimate for facility closure as required by 40 CFR 264.142(d) and this Permit.
- I.J.6. All other documents required by Permit Condition I.E.9.

I.K. PENALTIES

Failure to comply with the terms of this Permit may subject the Permittee to an administrative and/or civil penalty, a criminal penalty and/or an action to suspend or revoke this Permit. Failure to minimize or mitigate any adverse impact on the environment resulting from noncompliance may serve to increase the severity of such penalties. [K.S.A. 65-3444 and 65-3446]

SECTION II - GENERAL FACILITY CONDITIONS

II.A. DESIGN AND OPERATION OF FACILITY

The Permittee shall design, construct, maintain, and operate the facility to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment (40 CFR 264.31). This includes adherence to operating conditions and procedures, and emergency shutdown procedures specified in the permit application and in this Permit.

II.B. REQUIRED NOTICES

II.B.1. Hazardous Waste Imports

The Permittee shall notify the Secretary in writing at least four weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source, as required by 40 CFR 264.12(a). Notice of subsequent shipments of the same waste from the same foreign source during the same calendar year is not required.

II.B.2. Hazardous Waste from Off-Site Sources

When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), he must inform the generator in writing that he has the appropriate permits, and will accept the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record. [40 CFR 264.12(b)]

II.B.3. Transferring Ownership or Operation

Before transferring ownership or operation of the facility during its operating life, the owner or operator must notify the new owner or operator in writing of the requirements of K.A.R. 28-31-9(b), 40 CFR Parts 264 and 270, and this Permit. [40 CFR 264.12(c)]

II.C. GENERAL WASTE ANALYSIS

The Permittee shall follow the waste analysis procedures required by 40 CFR 264.13, as described in the Waste Analysis Plan, Section 3 of the Part B Application.

The Permittee shall verify the analysis of each waste stream at least once every two (2) years as part of its quality assurance program, in accordance with Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846, or equivalent methods approved by the Secretary. At a minimum, the Permittee shall maintain proper functioning instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations. If the Permittee uses a contract laboratory to perform the analyses, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit. A copy of the written notification between the Permittee and its contract laboratory must be maintained at the facility for at least three (3) years from the date of such notification.

II.D. SECURITY

The Permittee shall comply with the security provisions of 40 CFR 264.14(b)(2) and (c) and Section 6.1 (Security) of the Part B Permit Application.

II.E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedules set out in Section 6.2 (Inspection Schedules), Attachments 6-1 through 6-8 of the Part B Permit Application. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by 40 CFR 264.15(c). Records of inspection shall be kept, as required by 40 CFR 264.15(d).

II.E.1. Inspection for Malfunctions and Deterioration

The Permittee shall inspect the facility as required by 40 CFR 264.15 and the Inspection Schedules, Section 6.2 Attachments 6-1 through 6-8 of the Part B Permit Application for malfunctions and deterioration, operator errors and discharges which may be causing or may lead to (1) release of hazardous waste constituents to the environment, or (2) a threat to human health.

II.E.2. Schedule of Inspections

The Permittee shall follow the written schedule in the Inspection Schedules, Section 6.2 Attachments 6-1 through 6-8 of the Part B Permit Application for the inspection of monitoring and remediation equipment, safety and emergency equipment, security devices, and operating, remediation, and structural equipment that are for the purpose of preventing, detecting, or responding to environmental or human health hazards. The Permittee shall keep this schedule at the facility.

II.E.3. Records of Inspections

The Permittee shall record inspections required by Permit Condition II.E.2. in an inspection log or summary. The log or summary shall be kept for at least three (3) years from the date of inspection. At a minimum, the items to be inspected must include those identified in the inspection plan contained in Section 6.2 Attachments 6-1 through 6-8 of the Part B Permit Application. The logs must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

II.E.4. Remedial Action Resulting from Inspections

The Permittee shall remedy any observed deterioration or malfunction of equipment or structures to ensure that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

II.F. PERSONNEL TRAINING

The Permittee shall conduct personnel training as required by 40 CFR 264.16. This training shall be in accordance with Personnel Training, Section 8 of the Part B Permit Application. The Permittee shall maintain training documents and records, as required by 40 CFR 264.16(d) and (e).

II.G. LOCATION STANDARDS

The facility is not located within a 100-year flood plain, therefore is not required to meet the requirements of 40 CFR 264.18(b)(1). In addition, the facility is located in Neosho County, Kansas, which is not listed in Appendix VI of 40 CFR 264. Thus, no specific location standards apply to this facility.

II.H. SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall comply with the requirements of 40 CFR 264.17. The Permittee shall follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in Section 6.5 of the Part B Permit Application.

II.I. PREPAREDNESS AND PREVENTION

II.I.1. Required Equipment

At a minimum, the Permittee shall maintain at the facility the safety and emergency equipment set forth in the Contingency Plan, Section 7 of the Part B Permit Application, as required by 40 CFR 264.32.

II.I.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Permit Condition II.I.1, as necessary, to assure its proper operation in time of emergency, as required by 40 CFR 264.33.

II.I.3. Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system, as required by 40 CFR 264.34 and Section 6.3 of the Part B Permit Application.

II.I.4. Arrangements with Local Authorities

The Permittee shall maintain arrangements with state and local authorities, as required by 40 CFR 264.37. If state or local officials refuse to enter into preparedness and prevention arrangements, the Permittee must document the refusal in the operating record.

II.J. CONTINGENCY PLAN

II.J.1. Implementation of Plan

The Permittee shall immediately carry out the provisions of the Contingency Plan - Section 7 of the Part B Permit Application, whenever there is a fire, explosion, or release of hazardous waste or constituents which could threaten human health or the environment.

II.J.2. Copies of Plan

Copies of the contingency plan and all revisions to the plans must be:

II.J.2.a. Maintained at the facility; and

II.J.2.b. Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services. [40 CFR 264.53]

II.J.3. Amendments to Plan

The Permittee shall review and immediately amend, if necessary, the Contingency Plan, as required by 40 CFR 264.54. Amendments to the Contingency Plan are subject to the permit modification provisions of 40 CFR 270.41 and 270.42.

II.J.4. Emergency Coordinator

A trained Emergency Coordinator shall be available at all times in case of an emergency, as required by 40 CFR 264.55. The Emergency Coordinator shall have the authority to commit the resources needed to carry out the contingency plan.

The names, addresses, and telephone numbers of all persons qualified to act as Emergency Coordinators shall be listed in the Contingency Plan. [40 CFR 264.52(d)]

II.J.5. Emergency Procedures

Whenever there is an imminent or actual emergency situation, the Permittee shall immediately comply with the requirements of 40 CFR 264.56.

II.K. RECORDKEEPING AND REPORTING

In addition to the recordkeeping and reporting requirements specified elsewhere in this Permit, the Permittee shall do the following:

II.K.1. Operating Record

The Permittee shall maintain a written operating record at the facility, in accordance with 40 CFR 264.73.

II.K.2. Availability, Retention, and Disposition of Records

The Permittee shall comply with the maintaining, retention, and disposition of all records in accordance with the requirements of 40 CFR 264.74.

II.K.3. Biennial Report

The Permittee shall comply with the biennial report requirements of 40 CFR 264.75 and 270.30(1)(9) and any other annual reporting requirement of the Secretary.

II.K.4. Manifests

Whenever a shipment of hazardous waste is initiated from the facility, the Permittee shall comply with the generator requirements in K.A.R. 28-31-4 and 40 CFR 264.71(c).

II.L. GENERAL CLOSURE REQUIREMENTS

II.L.1. Performance Standard

The Permittee shall close the facility, as required by 40 CFR 264.111, 264.112(a) and (b), 264.178, and 264.197 and in accordance with the Closure Plan - Section 9 of the Part B Permit Application.

II.L.2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan, in accordance with 40 CFR 264.112(c), whenever necessary. Amendment of the closure plan is subject to the permit modification requirements of 40 CFR 270.42

II.L.3. Notification of Closure

The Permittee shall notify the Secretary in writing at least forty-five (45) days prior to the date on which they expect to begin final closure of the facility, as required by 40 CFR 264.112(d).

II.L.4. Time Allowed for Closure

After receiving the final volume of hazardous waste, the Permittee shall treat or remove from the unit or facility, all hazardous waste and shall complete closure activities, in accordance with 40 CFR 264.113 and the schedules specified in the Closure Plan - Section 9 of the Part B Permit Application.

II.L.5. Disposal or Decontamination of Equipment, Structures, and Soils

The Permittee shall decontaminate and/or dispose of all contaminated equipment, structures, and soils, as required by 40 CFR 264.114 and the Closure Plan - Section 9 of the Part B Permit Application.

II.L.6. Certification of Closure

The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan - Section 9 of the Part B Permit Application, as required by 40 CFR 264.115.

II.M. FINANCIAL REQUIREMENTS

II.M.1. Cost Estimate for Closure

II.M.1.a. The Permittee's current cost estimate for closure, prepared in accordance with 40 CFR 264.142(a), is contained in the Closure Cost Estimate, Section 9.5 of the Part B Permit Application. The cost estimate must be based on the plan implementation cost, in current dollars, assuming that a third party performs the work.

II.M.1.b. The Permittee shall adjust the closure cost estimate for inflation within sixty (60) days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with 40 CFR 264.143.

If using the financial test demonstration, the Permittee shall adjust the closure cost estimate for inflation within thirty (30) days after the close of the firm's fiscal year and before submission of updated information to the Secretary.

The adjustment shall be made by either recalculating the maximum cost of closure or by using an inflation factor derived from the most current quarterly Implicit Price Deflator for Gross Domestic Product published by the U.S. Department of Commerce in its Survey of Current Business. [40 CFR 264.142(b)]

II.M.1.c. The Permittee shall revise the closure cost estimate in the Part B permit application whenever there is a change in the facility's closure plan as required by 40 CFR 264.142(c) and Permit condition II.L. This type of revision is subject to the permit modification requirements of 40 CFR 270.41 and 270.42 and Permit Condition I.B.1.

II.M.1.d. The Permittee shall keep at the facility the latest adjusted closure cost estimate as required by 40 CFR 264.142(d) and Permit Condition I.J.4.

II.M.2. Liability Requirements

II.M.2.a. Sudden Accidental Occurrences

The Permittee shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility. The Permittee shall maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars (\$1,000,000) per occurrence with and annual aggregated of at least two million dollars (\$2,000,000), exclusive of legal defense costs. [40 CFR 264.147(a)]

II.M.3. Financial Assurance for Facility Closure

The Permittee shall demonstrate continuous compliance by providing documentation of financial assurance, as required by 40 CFR 264.143 and 264.147, in at least the amount of the closure cost estimates required by Permit Condition II.M.1. and II.M.2. The Permittee shall maintain documentation demonstrating the Permittee's financial assurance in the Part B Permit Application, in accordance with 40 CFR 264.143 and 264.147.

Changes in financial assurance mechanisms and coverage amount must be approved by the Secretary pursuant to 40 CFR 264.143 and 264.147.

II.M.4. Incapacity of Owners or Operators, Guarantors, or Financial Institutions

The Permittee shall comply with 40 CFR 264.148 whenever necessary.

SECTION III - STORAGE IN CONTAINERS

III.A. DESCRIPTION OF STORAGE FACILITIES

The Permittee is authorized to operate six (6) individual hazardous waste container storage areas referred to as: the; SWDF Container Storage Building, SWDF Surge Building, SWDF Container Feed Area, North LWDF Unloading Area, South LWDF Unloading Area, and the BWDF Storage Area. All container storage areas, except for the BWDF Storage Area, are designed to store both liquids and solids and have concrete secondary containment systems capable of containing 10% of each areas total permitted storage capacity listed in Permit Condition III.D. The BWDF Storage Area is permitted to store wastes that do not contain free liquids and therefore secondary containment is not required. The volume of the largest container stored in any of the container storage areas shall not exceed the net secondary containment volume calculated in the Part B application for each area. Subject to the requirements of Permit Condition III.B., the Permittee may store hazardous waste generated on-site and off-site in storage areas covered by this Permit.

The Permittee is authorized for storage of hazardous waste in containers, as defined in Section 4 of the Part B Permit Application and Section III.C of this Permit. Approved hazardous waste storage containers will be maintained in the hazardous waste storage areas described in Section 4 of the Part B Permit Application. The Permittee is prohibited from storing hazardous waste in containers for more than ninety (90) days at any area other than the six storage areas described here and in the Part B permit application.

III.B. PERMITTED AND PROHIBITED WASTE

The Permittee is allowed to store the hazardous wastes identified in Attachment I of this Permit in the container storage areas described in Section III.A of the Permit and Section 4 of the Part B Permit Application, subject to the terms of this Permit. The Permittee is prohibited from the storage of hazardous wastes that are not identified in Attachment I.

III.C. OPERATION AND MAINTENANCE

The Permittee shall operate and maintain the container storage facilities in accordance with 40 CFR 264, Subpart I and the specifications and design criteria contained in the Part B permit application.

III.D. CONTAINER STORAGE FACILITY CAPACITIES

Storage Area	Storage Capacity
SWDF Container Storage Building	Maximum of 111,636 total gallons
SWDF Surge Building	Maximum of 40,320 total gallons
SWDF Container Feed Area	Maximum of 11,508 total gallons
North LWDF Unloading Area	Maximum of 5,700 total gallons (Bulk LWDF or BWDF Containers only)
South LWDF Unloading Area	Maximum of 5,700 total gallons (Bulk LWDF or BWDF Containers only)
BWDF Storage Area	Maximum of 22,000 total gallons (Approximately 4 Truck Trailers)

TOTAL CONTAINER STORAGE CAPACITY 196,864 U.S. Gallons

No palletized container unit stored in any of the above storage areas may be stacked in greater than two tiers. Various sized containers, as described in Section 4 of the Part B application, may be used provided the conditions of 40 CFR 264, Subpart I and all other provisions of this Permit are met. The volume of the largest container or portable tank of any kind stored in any of the container storage areas shall not exceed the net secondary containment volume calculated in the Part B application for each area or the maximum "pile" size allowed by the National Fire Protection Agency for the type of waste being stored in each area.

III.E. CONDITION OF CONTAINERS

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 from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit. [40 CFR 264.171]

III.F. COMPATIBILITY OF WASTE WITH CONTAINERS

The Permittee shall use a container made of or lined with materials which 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. [40 CFR 264.172]

III.G. MANAGEMENT OF CONTAINERS

- III.G.1. The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak. [40 CFR 264.173]
- III.G.2. The Permittee shall comply with all the applicable requirements of 40 CFR 264, Subpart CC in accordance with the Part B Permit Application and Part II of the Permit.

III.H. INSPECTION SCHEDULES AND PROCEDURES

The Permittee shall inspect the container storage areas weekly, in accordance with the Inspection Schedule contained in Section 6.2 of the Part B Permit Application, to detect leaking containers and the deterioration of containers and containment systems caused by corrosion and other factors. [40 CFR 264.174]

III.I. CONTAINMENT SYSTEMS

- III.I.1. The Permittee shall maintain the containment system in accordance with the plans and specifications contained in Section 4 of the Part B Permit Application. [40 CFR 264.175]
- III.I.2. The Permittee shall remove spilled or leaked waste and accumulated precipitation from the secondary containment system within (24) hours or in as timely a manner as possible. [40 CFR 264.175(d)]

III.J. SPECIAL CONTAINER PROVISIONS FOR IGNITABLE OR REACTIVE WASTE

- III.J.1. The Permittee shall not locate containers holding ignitable or reactive waste within fifteen (15) meters (50 feet) of the facility's property line. [40 CFR 264.176]
- III.J.2. The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and follow the procedures specified in Section 6.5 of the Part B Permit Application. [40 CFR 264.17(a) and 264.176]

III.K. SPECIAL CONTAINER PROVISIONS FOR INCOMPATIBLE WASTE

- III.K.1. The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same container unless 40 CFR 264.17(b) is complied with. [40 CFR 264.177(a)]
- III.K.2. The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material. [40 CFR 264.177(b)]
- III.K.3. The Permittee shall not place containers of incompatible wastes within the same secondary containment area unless precautions are taken to prevent the accidental mixing of incompatible waste should a container leak, spill, or otherwise release it's contents [40 CFR 264.177(c)]

III.L. RECORDKEEPING

The Permittee shall place the results of all waste analyses, trial tests, and any other documentation showing compliance with the requirements of 40 CFR 264.17(c) and 264.177 in the facility operating record. [40 CFR 264.73]

III.M. CLOSURE

At closure of a container storage area, the Permittee shall remove all hazardous waste and hazardous waste residues from the containment systems, in accordance with the procedures in the Closure Plan - Section 9 of the Part B Permit Application, and Section II.L. of this permit. [40 CFR 264.178]

SECTION IV – STORAGE IN TANKS

IV.A. DESCRIPTION OF TANK SYSTEM

There are two distinct and separate tank systems which manage hazardous waste and deliver it to the pyroprocessing system at the facility; the Liquid Waste Derived Fuel (LWDF) tank system and the Bulk Waste Derived Fuel (BWDF) tank system. The primary function of both tank systems is to store Waste Derived Fuel (WDF) before it is used in the pyroprocessing system; however, the tanks are also permitted to allow treatment due to the incidental blending of WDF.

The LWDF tank system has a total of five (5) 38,000 gallon aboveground tanks located in two separate containment areas that are adjacent to each other; these areas are referred to as the West LWDF Storage Tank Area and the East LWDF Storage Tank Area. The West LWDF area contains two (2) tanks and the East LWDF area contains three (3) tanks. All LWDF tanks are situated within metal buildings that have concrete secondary containment structures designed to contain 100% of the volume of the largest tank within the structure plus the potential rainfall generated from a 25 year 24 hour storm event. The floor of each containment area is sloped to a sump where a pump is used to remove accumulated precipitation. Each tank is equipped with either a mechanical or electronic level measuring device, which is connected to a high level alarm that will alert employees to prevent overflowing the tanks. All tanks are vented to the facility's pyroprocessing system, thermal oxidizer, or carbon adsorption system, and each tank is also equipped with an emergency pressure release vent.

In addition to the storage tank areas there are three distinct bulk container unloading areas referred to as the Rail Car Unloading Station, the North LWDF Unloading Area, and the South LWDF Unloading Area. The Rail Car Unloading Station is located adjacent to and north of the West LWDF Storage Tank Area while the North and South Truck unloading Areas are located adjacent to and south of both storage tank areas. All three unloading stations have adequate secondary containment to contain 100% of the largest rail car or tanker truck to be unloaded, and each of the truck unloading stations have adequate secondary containment to allow the unloading areas to be used for bulk container storage as described in Section III of this permit.

The BWDF tank system consist of one (1) 300 cubic yard aboveground storage tank/silo positioned above two (2) 15 cubic foot metering kettles with associated piping, an air emissions dust collection baghouse mounted atop the tank/silo, a concrete pad where trucks are parked while unloading, and an equipment pad where compressors and blowers that provided the motive air for the conveyance of BWDF to the pyroprocessing system are located. The entire system with the exception of the unloading area is contained within a metal building. The BWDF system is not permitted to store or manage wastes that contain free liquids and therefore secondary containment for the tank and truck unloading area is not provided.

IV.B. PERMITTED AND PROHIBITED WASTE

- IV.B.1. The Permittee is allowed to store the hazardous wastes identified in Attachment I of this permit in the LWDF and BWDF tank systems identified in Section IV.A. of the Permit and Section 4 of the Part B Permit Application, subject to the terms of this Permit.
- IV.B.2. The Permittee is prohibited from processing corrosive waste that exhibits a pH of less than or equal to 2, and those waste that are not identified in Attachment I of this permit.
- IV.B.3 The Permittee is prohibited from storing waste in the BWDF tank system that contain free liquids, as determined by EPA test method 9095 the paint filter test, and wastes that either exhibit or carry the waste code D003 for the characteristic of reactivity.

IV.C. OPERATION AND MAINTENANCE

The Permittee shall operate and maintain the tank storage systems in accordance with 40 CFR 264, subpart J and the specifications and design criteria contained in the Part B permit application.

IV.D. TANK SYSTEM STORAGE CAPACITIES

The Permittee shall limit the tank storage systems to the capacities listed in the table below.

Tank System	Tank Number	Capacity (Gallons)	Dimensions	Total Tank System Capacity (Gallons)
West LWDF Tank System	1	38,000	14 ft (Dia) x 33 ft	76,000
	2	38,000	14 ft (Dia) x 33 ft	
East LWDF Tank System	3	38,000	14 ft (Dia) x 33 ft	114,000
	4	38,000	14 ft (Dia) x 33 ft	
	5	38,000	14 ft (Dia) x 33 ft	
BWDF Tank System	6	300 (cubic yards)	14 ft (Dia) x 40 ft	300 cubic yards

TOTAL LWDF TANK STORAGE CAPACITY 190,000 U.S. Gallons

TOTAL BWDF TANK STORAGE CAPACITY 300 Cubic yards

IV.E. OPERATING REQUIREMENTS

- IV.E.1. The Permittee shall not place hazardous waste in a tank system if it could cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail. [40 CFR 264.194(a)]
- IV.E.2. The Permittee shall prevent spills and overflows from the tank or containment systems using the methods described in the Part B permit application. [40 CFR 264.194(b)]

IV.F. RESPONSE TO LEAKS OR SPILLS

In the event of a leak or a spill from the tank system, from a secondary containment system, or if a system becomes unfit for continued use, the Permittee shall remove the system from service immediately and complete the following actions (40 CFR 264.196(a)-(f)):

- IV.F.1. Stop the flow of hazardous waste into the system and inspect the system to determine the cause of the release.
- IV.F.2. Remove waste and accumulated precipitation from the system within 24 hours of the detection of the leak, as is necessary, to prevent further release and to allow inspection and repair of the system. If the Permittee finds that it will be impossible to meet this time period, the Permittee shall notify the Secretary and demonstrate that a longer time period is required.

If the collected material is a RCRA hazardous waste, it must be managed in accordance with all applicable requirements of 40 CFR Parts 262-264 and 268.

- IV.F.3. Contain visible releases to the environment. The Permittee shall immediately conduct a visual inspection of all releases to the environment and based on that inspection: (1) prevent further migration of the leak or spill to soils or surface water and (2) remove and properly dispose of any visible contamination of the soil or surface water.
- IV.F.4. Close the system in accordance with the Closure Plan, contained in the Part B permit application, unless the following actions are taken:
- IV.F.4.a. For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service.

- IV.F.4.b. For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning it to service.
- IV.F.4.c. For a release to the environment caused by a leak from the portion of the tank system component that is not readily available for visual inspection, the Permittee shall provide secondary containment that meets the requirements of 40 CFR 264.193 before the component can be returned to service.
- IV.F.4.d. If the Permittee replaces a component of the tank system for any reason, that component must satisfy the requirements for new tank systems or components in 40 CFR 264.192 and 40 CFR 264.193.
- IV.F.5. For all major repairs to eliminate leaks or restore the integrity of the tank system, the Permittee must obtain a certification by an independent, qualified, registered professional engineer that the repaired system is capable of handling hazardous wastes without release for the intended life of the system before returning the system to service. Examples of major repairs are: installation of an internal liner, repair of a ruptured tank, or repair or replacement of a secondary containment vault.

IV.G. INSPECTION SCHEDULES AND PROCEDURES

- IV.G.1. The Permittee shall inspect the tank systems, in accordance with the Inspection Schedule contained in the Part B permit application and shall complete the items in Permit Conditions IV.G.2. and IV.G.3. as part of those inspections.
- IV.G.2. The Permittee shall inspect the overfill controls, in accordance with the inspection schedule provided in the Part B application.
- IV.G.3. The Permittee shall inspect the following components of the tank system once each operating day [40 CFR 264.195(b)]:
 - IV.G.3.a. Above ground portions of the tank system to detect corrosion or releases of waste;
 - IV.G.3.b. Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design;
 - IV.G.3.c. 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 (e.g., wet spots, dead vegetation).

IV.G.4. The Permittee shall document compliance with Permit Condition IV.G. and place this documentation in the facility operating record. [40 CFR 264.195(d)]

IV.H. RECORD KEEPING AND REPORTING

IV.H.1. The Permittee shall report to the Secretary, within 24 hours of detection, whenever a leak or spill occurs from the tank system or secondary containment system to the environment. [40 CFR 264.196(d)(1)] A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported. [40 CFR 264.196(d)(2)] Releases that are contained within a secondary containment system need not be reported. If the Permittee has reported the release pursuant to 40 CFR Part 302, this report satisfies the requirements of this Permit condition. [40 CFR 264.196(d)(1)]

IV.H.2. Within 30 days of detecting a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information to the Secretary [40 CFR 264.196(d)(3)]:

IV.H.2.a. Likely route of migration of the release;

IV.H.2.b. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);

IV.H.2.c. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee shall provide the Secretary with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;

IV.H.2.d. Proximity of down gradient drinking water, surface water, and populated areas; and

IV.H.2.e. Description of response actions taken or planned.

IV.H.3. The Permittee shall submit to the Secretary all certifications of major repairs to correct leaks within seven days from returning the tank system to use. [40 CFR 264.196(f)]

IV.H.4. The Permittee shall obtain, and keep on file at the facility, the written statements by those persons required to certify the design and installation of the tank system. [40 CFR 264.192(g)]

IV.H.5 The Permittee shall keep on file at the facility the written assessment of the tank system's integrity.

IV.I. CLOSURE AND POST-CLOSURE CARE

IV.I.1. At closure of the tank system(s), the Permittee shall follow the procedures in the Closure Plan - Section 9 of the Part B Permit Application, and Section II.L. of this permit. [40 CFR 264.197(a)]

IV.I.2. If the Permittee demonstrates that not all contaminated soils can be practically removed or decontaminated, in accordance with the Closure Plan, then the Permittee shall close the tank system and perform post-closure care following 40 CFR 264.197(b) and (c).

IV.J. SPECIAL TANK PROVISIONS FOR IGNITABLE OR REACTIVE WASTES

IV.J.1. The Permittee shall not place ignitable or reactive waste in the tank system or in the secondary containment system, unless the waste is treated, rendered, or mixed before or immediately after placement in the tank system, so that: (a) the resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste in 40 CFR 261.21 or 261.23 and the precautions in 40 CFR 264.17(b) are complied with; or (b) the waste is managed in such a way that it is protected from any materials or conditions which may cause it to ignite or react; or (c) the tank system is used solely for emergencies. [40 CFR 264.198(a)]

IV.J.2. The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-67 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981). [40 CFR 264.198(b)]

SECTION V – MICELLANEOUS SUBPART X UNITS

V.A. DESCRIPTION OF MICELLANEOUS UNITS

In addition to the container and tank storage units described elsewhere in this permit, the Permittee also conducts bulk container cleanout activities that may utilize hydraulic mechanical agitators and vacuum trucks to remove waste that can not be removed by pumping alone. The hydraulic mechanical agitators, vacuum truck, and the overall process of bulk container manual cleanout is considered hazardous waste processing and shall be regulated pursuant to 40 CFR 264 Subpart X requirements.

As part of the LWDF unloading procedures for bulk containers including rail cars and transport trucks, the facility uses hydraulic agitator units located at each of the unloading stations to mix up and suspend settled solids to allow the containers to be emptied as fully as possible via pumping. The agitators are constructed mostly of steel and are raised and lowered into the container to be agitated using a hoist. *The agitators have a collapsed diameter small enough so that they will fit through the hatch of railcars and tanker trucks, and an overall length of approximately 12 foot.* An integrated lid on the agitation unit closes and seals the vehicle's opening to minimize emissions of volatile organics. Once inside the container to be agitated, the hydraulic motors and propellers of the agitation unit are rotated to be pointed axially down the length of the container. The associated hydraulic pump is then activated, spinning the impellers and forcing the liquid into the settled solids, re-entraining them in the liquid. After the agitation unit has run for a period of time, the LWDF with the entrained solids is pumped out of the container. When not in use, the agitators are stored in dedicated closed containers. The agitator container lid consists of two sections that seal around the agitator shaft and the top of the storage container. The agitators' storage container is inspected weekly and drained of waste that may have dripped off the unit while in storage, maintaining it in a RCRA-empty status in compliance with 40 CFR 261.7.

In addition to the standard method of agitating and pumping to remove waste from bulk containers, the facility also performs manual bulk container clean out activities to remove non-pumpable solids, referred to as the heel. Manual cleaning methods of rail cars and tanker trucks requires manned entry of the containers and utilization of a vacuum truck to remove solids that are scraped or otherwise dislodged with high pressure water spray from the containers inside walls by the worker. All workers that enter rail cars and tanker truck containers are trained in confined space enter and follow applicable Mine Safety and Health Administration (MSHA) requirements.

The Permittee is not authorized for storage of hazardous waste in the hydraulic agitators' storage container or the vacuum truck; therefore, the capacity of these container units do not add to the total permitted storage capacity of the facility.

V.B. DESIGN AND OPERATION

The hydraulic mechanical agitators, vacuum truck, and the overall process of bulk container manual cleanout shall be designed and operated in accordance with the requirements of this section and Section 4 of the approved Part B permit.

- V.B.1. The Permittee shall conduct bulk container manual cleanout operations in a manner to prevent releases to the subsurface environment or groundwater as required by 40 CFR 264.601(a).
- V.B.2. The Permittee shall conduct bulk container manual cleanout operations in a manner to prevent releases to surface water, wetlands or to the soil as required by 40 CFR 264.601(b).
- V.B.3. The Permittee shall conduct bulk container manual cleanout operations in a manner to prevent releases to the air as required by 40 CFR 264.601(c).
- V.B.4. The Permittee shall only operate the vacuum truck within the secondary containment structure of the North or South LWDF Unloading Area when managing RCRA hazardous waste. [40 CFR 264.175]
- V.B.5. The Permittee shall ensure that the vacuum truck is equipped and operated with a closed-vent system and control device in accordance with the requirements of Section VI. of this permit when waste derived fuel or other organic solvent is used as a suspension medium in the vacuum truck, or when waste derived fuel or other organic solvent is used to dislodge and clean solids from the inside of bulk containers. [40 CFR 264.601(c)]
- V.B.6. The Permittee shall ensure that the vacuum truck suction hose is properly grounded before each use. [40 CFR 264.198(a)(2)]
- V.B.7. The Permittee shall manage each of the hydraulic mechanical agitator storage containers in accordance with the applicable requirements of 40 CFR 264, Subpart CC and Part II of the Permit.[40 CFR 264.179]

V.C. PERMITTED WASTE IDENTIFICATION

The Permittee is permitted to treat only those wastes identified in Attachment I of this permit, except for the prohibition described in Section V.D. below.

V.D. SPECIAL PROVISIONS FOR REACTIVE OR INCOMPATIBLE WASTE

The Permittee shall not treat, place, or process any waste with a miscellaneous unit that exhibits the characteristics of a reactive waste, as defined in 40 CFR 261.23. However, wastes that carry the D003 waste code but do not exhibit the characteristics of a reactive waste may be processed with a miscellaneous unit provided the facility's Waste Analysis Plan is followed to determine the waste is compatible with the waste it is to be mixed with. Also, the Permittee shall not concurrently place incompatible waste in a miscellaneous unit unless that placement constitutes controlled treatment of the waste. The Permittee shall not treat a waste in a unit if an incompatible waste has been previously treated in the unit, unless a compatible material has been processed through the unit or it has been cleaned since the incompatible waste was processed. The Permittee shall follow the Waste Analysis Plan's compatibility procedures to ensure that the waste steam collected in the vacuum truck is compatible with any organic solvent that may be used in the cleaning process and the waste

V.E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall inspect and repair the each miscellaneous unit, and keep records of these activities, in accordance with the facility's inspection plan located in Section F of the Part B application.

V.E.1. The Permittee shall inspect each of the hydraulic mechanical agitator storage containers at least once weekly for the presence of leaks and the accumulation of waste. All accumulated waste shall be removed within 24 hours of detection. [40 CFR 264.174]

V.E.2. The Permittee shall inspect the vacuum truck connecting and suction hoses for the presence of damage before each use. [40 CFR 264.195(f)]

V.G. RESPONSE TO LEAKS OR SPILLS

In the event of a leak or a spill from the hydraulic mechanical agitator storage containers, or the vacuum truck and its ancillary equipment, the Permittee shall remove the system from service immediately and complete the following actions [40 CFR 264.196(a), (b), and (e)]:

V.G.1. Stop the flow of hazardous waste into and out of the unit and inspect the unit to determine the cause of the release.

- V.G.2. Remove waste from the unit within 24 hours of the detection of the spill or leak, as is necessary, to prevent further release and to allow inspection and repair of the unit. If the Permittee finds that it will be impossible to meet this time period, the Permittee shall notify the Secretary and demonstrate that a longer time period is required.

If the collected material is a RCRA hazardous waste, it must be managed in accordance with all applicable requirements of 40 CFR Parts 262-264 and 268. If the collected material is discharged through a point source to U.S. waters or to a POTW, or released to the environment, it is subject to all other state and/or federal requirements.

- V.G.3. Close the units in accordance with the Closure Plan, contained in the Part B permit application, unless the following actions are taken:

V.G.3.a. For a release caused by a spill that has not damaged the integrity of the hydraulic mechanical agitator storage containers, or the vacuum truck and its ancillary equipment, the Permittee shall remove the released waste and make any necessary repairs before returning it to service.

V.G.3.b. For a release caused by a leak from either the hydraulic mechanical agitator storage containers, or the vacuum truck and its ancillary equipment to the secondary containment system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the unit before returning the unit to service.

V.H. RECORD KEEPING AND REPORTING

- V.H.1. The Permittee shall report to the Secretary, within 24 hours of detection, whenever a leak or spill occurs from the bulk container cleanout process or from secondary containment system to the environment. [40 CFR 264.196(d)(1)] A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported. [40 CFR 264.196(d)(2)] Releases that are contained within the secondary containment system need not be reported, unless the secondary containment cracks. If the Permittee has reported the release pursuant to 40 CFR Part 302, this report satisfies the requirements of this Permit condition. [40 CFR 264.196(d)(1)]

- V.H.2. Within 30 days of detecting a release to the environment from either the hydraulic mechanical agitator storage containers, the vacuum truck and its ancillary equipment, or the secondary containment system, the Permittee shall report the following information to the Secretary [40 CFR 264.196(d)(3)]:
- V.H.2.a. Likely route of migration of the release;
 - V.H.2.b. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
 - V.H.2.c. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee shall provide the Secretary with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;
 - V.H.2.d. Proximity of down gradient drinking water, surface water, and populated areas; and
 - V.H.2.e. Description of response actions taken or planned.
- V.H.3 The Permittee shall place the results of all waste analyses and trial tests (and any other documentation showing compliance with the requirements of 40 CFR 264.17(b) and 264.177) in the facility operating record. [40 CFR 264.73]

V.I. PERSONNEL TRAINING

The Permittee shall require all persons who enter bulk containers, as part of the bulk container manual cleanout operations, to be trained in confined space entry before conducting such operations as required by 40 CFR 264.16. This training shall be documented and the records of the training kept in accordance with Section 8 of the Part B application.

V.J. AIR EMISSIONS STANDARDS

The closed vent system and enclosed combustion control device requirements of 40 CFR 264.1087 have been identified as applicable requirements for controlling air emissions from the vacuum truck used in the bulk container manual cleanout operations, when waste derived fuel or other organic solvent is used as a suspension medium in the vacuum truck or when waste derived fuel or other organic solvent is used to dislodge and clean solids from the inside of bulk containers. [40 CFR 264.601(c)]

V.J.1. The Permittee shall control air emissions from the vacuum truck using a closed-vent system and control device to capture and treat air emissions directly from the vacuum trucks exhaust, in accordance with the requirements of Section VI. of this permit. [40 CFR 264.601(c)]

V.J.2. The Permittee shall comply with all the applicable requirements of 40 CFR 264, Subpart CC in accordance with the Part B Permit Application and Part II of the Permit. [40 CFR 264.601(c)]

V.K. CLOSURE AND POST-CLOSURE

At closure, the Permittee shall remove all hazardous waste and hazardous waste residues from the containment system. During closure the Permittee shall follow the procedures outlined in the Closure Plan - Section 9 of the Part B Permit Application, and Section II.L. of this permit. [40 CFR 264.197(a)]

SECTION VI - AIR EMISSION STANDARDS

VI.A. AIR EMISSION STANDARDS APPLICABILITY

Air emissions from equipment leaks, tanks and containers are regulated under 40 CFR 264 Subparts BB, and CC, however, each of these subparts contain provisions that allow a facility which is also subject to regulation under 40 CFR parts 60, 61, or 63 to determine and demonstrate compliance with the Subpart BB, and CC standards by documenting compliance pursuant to the relevant provisions of the regulations at 40 CFR parts 60, 61, or 63.

In addition to this RCRA permit, Ash Grove has also been issued a Clean Air Act (CAA) Title V Class I Operating Permit from the Kansas Department of Health and Environment, Bureau of Air and Radiation. Under the Title V Permit Ash Grove is subject to 40 CFR Part 63 Subpart DD requirements for hazardous air pollutants from off-site waste and recovery operations. In accordance with 40 CFR parts 264.1030(e), 264.1064(m), and 264.1089(j) Ash Grove has elected to document compliance with Subparts AA, BB, and CC by documenting compliance with 40 CFR Part 63 Subpart DD.

All documentation of compliance under 40 CFR Part 63 Subpart DD shall be kept with or made readily available for KDHE review with the facility's operating record. The Permittee shall be subject to 40 CFR 264 subparts AA, BB, and CC at all times due to the nature of the hazardous waste managed, as described in the Permit Application. If at any time the Permittee is no longer subject to 40 CFR Part 63, Subpart DD requirements, the Permittee shall continue to comply with 40 CFR Part 63, Subpart DD requirements and document compliance with those requirements in the Facility Operating Record until this Permit is modified to include the applicable requirements of 40 CFR Part 264 subparts AA, BB, and CC and the requirements of Sections VI.B., VI.C., and VI.D. of this permit.

Within thirty (30) days from the time the Permittee is no longer subject to 40 CFR Part 63, Subpart DD requirements, the Permittee shall submit a Class 1 permit modification notifying the Secretary of their intent to comply with the applicable provisions of 40 CFR 264 subparts AA, BB, and CC and the requirements of Sections VI.B., VI.C., and VI.D. of this permit.

VI.B. AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS (SUBPART BB)

Equipment leaks are associated with units that manage hazardous waste with organic concentrations of at least 10 percent by weight. Each piece of equipment subject to Subpart BB requirements shall be marked in such manner that it can be distinguished readily from other pieces of equipment. [40 CFR 264.1050(d)]

The facility shall identify wastes subject to this part in accordance with Section II.C of this permit [40 CFR 264.1063(d)]. Based on that determination the facility will follow the air emission standards for equipment leak protocol for light liquid and/or gas/vapor service or heavy liquid service.

In light liquid service means that the piece of the equipment contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilo- pascals (kPa) at 20 degree C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kilopascals (kPa) at 20 degree C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

In heavy liquid service means that the piece of equipment is not in gas/vapor service or in light liquid service.

In gas/vapor service means that the piece of equipment contains or contacts a hazardous waste stream that is in the gaseous state at operating conditions.

- VI.B.1. Standards for Pumps in Light Liquid Service [264.1052]
- VI.B.1.a. The Permittee shall conduct monthly monitoring to detect leaks following the procedures in 40 CFR 264.1063(b).
- VI.B.1.b. The Permittee shall conduct visual inspection for pump seal leakage at least on a weekly basis.
- VI.B.1.c. A leak is detected if: (1) a leak detection instrument reads 10,000 ppin or greater, or (2) there are indications of liquid dripping from the pump seal.
- VI.B.1.d. The Permittee shall repair leaks as soon as practicable. Repairs are to be made within 15 calendar days after detection. Time extensions for repairs must be in accordance with 40 CFR 264.1059.
- VI.B.2. Standard for Pressure Relief Devices in Gas / Vapor Service
[40 CFR 270.25(d), 264.1054]
- VI.B.2.a. Except during pressure releases, no pressure relief device shall release detectable emissions. *A detectable emission is indicated by an instrument reading of 500 ppm or greater above background levels.*

- VI.B.2.b. Within 5 calendar days after a pressure release, no detectable emissions shall emanate from pressure release device.
- VI.B.3. Standards for Open-ended Valves or Lines [40 CFR 264.1056]
Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve that seals the open end at all time except during operations, requiring hazardous waste stream flow through the open-ended valve or line.
- VI.B.4. Standards for Valves in Gas/Vapor Service or Light Liquid Service
[40 CFR 264.1057]
- VI.B.4.a. The Permittee shall monitor based on detection of leaks in accordance with monitoring schedule in the approved Part B application. A reading of 10,000 ppm denotes a detected leak.
- VI.B.4.b. The Permittee shall repair leaks as soon as practicable. Repairs are to be made within 15 calendar days after detection. The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.
- VI.B.5. Standards for Pumps and Valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and Flanges and other Connectors.
[40 CFR 270.25(d), 264.1058]
- VI.B.5.a. Monitoring is required within 5 days by the method specified in 40 CFR 264.1063(b) if evidence of potential leak is found by sight, sound, smell, or other detection method.
- VI.B.5.b. A leak is detected if a leak detection instrument reads 10,000 ppm or greater.
- VI.B.5.c. The Permittee shall repair leaks as soon as practicable. Repairs are to be made within 15 calendar days after detection. The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.
- VI.B.5.d. Time extensions for repairs must be in accordance with 40 CFR 264.1059.
- VI.B.6. Testing [40 CFR 264.1063]
The Permittee shall perform the compliance testing according to the requirements of 40 CFR 264.1063.
- VI.B.7. Record Keeping Requirements [40 CFR 264.1064]

VI.B.7.a. The Permittee shall record the following information in the facility's operating record:

- VI.B.7.a.(1) Equipment identification number and hazardous waste management unit identification,
- VI.B.7.a.(2) Approximate locations within the facility,
- VI.B.7.a.(3) Type of equipment (e.g., pump or pipeline valve),
- VI.B.7.a.(4) Percent by weight total organics in the hazardous waste stream at the equipment,
- VI.B.7.a.(5) Hazardous waste state at the equipment (e.g., liquid), and
- VI.B.7.a.(6) Method of compliance with the standard.

VI.B.7.b. Record of Leaks: The Permittee shall record the following information in an inspection log that shall be kept in the facility operating record when each leak is detected:

- VI.B.7.b.(1) The instrument and operator identification numbers and the equipment identification number,
- VI.B.7.b.(2) The date evidence of a potential leak was found,
- VI.B.7.b.(3) The date the leak was detected and the dates of each attempt to repair the leak,
- VI.B.7.b.(4) Repair methods applied in each attempt to repair the leak,
- VI.B.7.b.(5) If maximum instrument reading measured by the methods specified in 40 CFR 264.1063(b) after each repair attempt is equal to or greater than 10,000 ppm,
- VI.B.7.b.(6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak,
- VI.B.7.b.(7) Documentation supporting the delay of repair of a valve in compliance with 40 CFR 264.1059(c),

- VI.B.7.b.(8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown,
- VI.B.7.b.(9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days, and
- VI.B.7.b.(10) The date of successful repair of the leak.

VI.B.8. Reporting Requirements [264.1065]
The Permittee shall fulfill the reporting requirements according to 264.1065.

VI.C STANDARDS FOR CLOSED-VENT SYSTEMS AND CONTROL DEVICES

The Permittee shall control air emissions from all miscellaneous Subpart X units using a closed-vent system and control device in accordance with 40 CFR 264.1087 and the requirements of this section. [40 CFR 264.601(c)]

- VI.C.1. Closed-Vent System Design.
The closed vent system shall be designed to; [40 CFR 264.1087(b)(2)]
- VI.C.1.a. Operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background as determined by the procedures in 40 CFR 264.1034(b), and by visual inspection; or; [40 CFR 264.1033(k)(1)]
- VI.C.1.b. Operate at a pressure below atmospheric pressure. The system shall be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the device is operating. [40 CFR 264.1033(k)(2)]
- VI.C.2. Monitoring and Inspection of The Closed-Vent System and Control Device.
The Permittee shall monitor and inspect each closed-vent system and control device to ensure proper operation and maintenance as follows: [40 CFR 264.1087(c)(7)]
- VI.C.2.a. For each closed-vent system used to comply with permit condition VI.C.1.a., the system shall be inspected and monitored in accordance with the following: [40 CFR 264.1033(l)(1)]

- VI.C.2.a.(1) Perform an initial leak detection monitoring of the closed-vent system on or before the date that the system becomes subject to Section VI.C. of this permit. [40 CFR 264.1033(l)(1)(i)]
- VI.C.2.a.(2) Leak detection and monitoring to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background shall be conducted in accordance with permit condition VI.C.3.a. [40 CFR 264.1033(l)(1)(i)]
- VI.C.2.a.(3) After initial leak detection and monitoring required by permit condition VI.C.2.a.(1), the Permittee shall inspect and monitor the closed-vent system in accordance with Permit conditions VI.C.2.a.(4) through VI.C.2.a.(6). [40 CFR 264.1033(l)(1)(ii)]
- VI.C.2.a.(4) Closed-vent system joints, seams, or other connections that are permanently sealed (e.g., a welded joint or a bolted gasketed ducting flange) shall be visually inspected at least once a year to check for defects that could result in air pollutant emissions. [40 CFR 264.1033(l)(1)(ii)(A)]
- VI.C.2.a.(5) Any time a system component or connection is repaired, replaced, or unsealed the Permittee shall monitor the component or connection using the procedures specified in Section VI.C.3.a. of this permit to demonstrate that it operates with no detectable emissions. [40 CFR 264.1033(l)(1)(ii)(A)]
- VI.C.2.a.(6) Closed-vent system components or connections not specified in permit condition VI.C.2.a.(4). shall be monitored annually and at other times as requested by the permitting authority, except as provided for by 40 CFR 264.1034(o), using the procedures specified by permit condition VI.C.3.a. to determine that the components or connections operate with no detectable emissions. [40 CFR 264.1033(l)(1)(ii)(B)]
- VI.C.2.a.(7) In the event that a defect or leak is detected, the Permittee shall repair the defect or leak in accordance with permit condition VI.C.2.c. [40 CFR 264.1033(l)(1)(iii)]
- VI.C.2.a.(8) The Permittee shall maintain a record of the inspection and monitoring in accordance with the requirements specified in permit condition VI.C.4. [40 CFR 264.1033(l)(1)(iv)]

- VI.C.2.b. For each closed-vent system used to comply with permit condition VI.C.1.b., the system shall be inspected and monitored in accordance with the following: [40 CFR 264.1033(l)(2)]
- VI.C.2.b.(1) The closed-vent system shall be visually inspected to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the ductwork or piping or loose connections. [40 CFR 264.1033(l)(2)(i)]
 - VI.C.2.b.(2) The Permittee shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to Section VI.C. of this permit. Thereafter, the Permittee shall perform the inspections at least once every year. [40 CFR 264.1033(l)(2)(ii)]
 - VI.C.2.b.(3) In the event that a defect or leak is detected, the Permittee shall repair the defect or leak in accordance with permit condition VI.C.2.c. [40 CFR 264.1033(l)(2)(iii)]
 - VI.C.2.b.(4) The Permittee shall maintain a record of the inspection and monitoring in accordance with the requirements specified in permit condition VI.C.4. [40 CFR 264.1033(l)(2)(iv)]
- VI.C.2.c. The Permittee shall repair all detected defects of the closed vent system as follows: [40 CFR 264.1033(l)(3)]
- VI.C.2.c.(1) Detectable emissions, as indicated by visual inspection, or by an instrument reading greater than 500 ppmv above background, shall be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in permit condition VI.C.2.c.(3). [40 CFR 264.1033(l)(3)(i)]
 - VI.C.2.c.(2) A first attempt at repair shall be made no later than 5 calendar days after the emission is detected. [40 CFR 264.1033(l)(3)(ii)]
 - VI.C.2.c.(3) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the Permittee determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair

of such equipment shall be completed by the end of the next process unit shutdown. [40 CFR 264.1033(l)(3)(iii)]

VI.C.2.c.(4) The Permittee shall maintain a record of the defect repair in accordance with the requirements specified in permit condition VI.C.4. [40 CFR 264.1033(l)(3)(iv)]

VI.C.2.d. The Permittee shall monitor and inspect each control device to ensure proper operation and maintenance of the control device by implementing the applicable requirements of 40 CFR 264.1033(f)(2). [40 CFR 264.1087(c)(7)]

VI.C.3. Test Methods And Procedures

VI.C.3.a. When a closed-vent system is tested for compliance with no detectible emissions as required by this permit, the Permittee shall comply with the requirements of 40 CFR 264.1034(b). [40 CFR 264.1033(l)(1)(i), 40 CFR 264.1033(l)(1)(ii)(A), and 40 CFR 264.1033(l)(1)(ii)(B)]

VI.C.3.b. When a control device is tested to demonstrate compliance with the performance requirements of permit conditions VI.C.5.a. and VI.C.5.b., the test shall be conducted using the test methods and procedures specified in 40 CFR 264.1034(c)(1) through (c)(4). [40 CFR 264.1087(c)(5)(iii)]

VI.C.3.c. When a design analysis is conducted to demonstrate compliance with the performance requirements of permit conditions VI.C.5.a. and VI.C.5.b., the analysis shall be conducted using the methods and procedures specified in 40 CFR 264.1035(b)(4)(iii). [40 CFR 264.1087(c)(5)(iv)]

VI.C.4. Recordkeeping and Reporting Requirements

The Permittee shall prepare and maintain records in accordance with 40 CFR 264.1089(e) and the following:

VI.C.4.a. Except for air emission control equipment design documentation and information required by permit condition VI.C.4.c., the records required by this section of the permit shall be maintained in the operating record for a minimum of 3 years. [40 CFR 264.1089(a)]

VI.C.4.b. Air emission control equipment design documentation and performance test plans and results shall be maintained in the operating record until the air emission control equipment is replaced or otherwise no longer in service. [40 CFR 264.1089(a)]

- VI.C.4.c. The Permittee shall prepare a certification document that is signed and dated by the Permittee stating that the control device is designed to operate at the performance level documented by a design analysis as specified by permit condition VI.C.4.c(1) or by a performance test as specified by permit condition VI.C.4.c(2) when the Subpart X unit is or would be operating at capacity or the highest level reasonably expected to occur. [40 CFR 264.1089(e)(1)(i)]
- VI.C.4.c.(1) If a design analysis is used, then the design certification document shall be as specified in 40 CFR 264.1035(b)(4). The documentation shall include information prepared by the Permittee or provided by the control device manufacturer or vendor that describes the control device design in accordance with 40 CFR 264.1035(b)(4)(iii) and certification by the Permittee that the control equipment meets the applicable specifications.
- VI.C.4.c.(2) If performance tests are used, then the design certification documentation shall include the performance test plan as specified in 40 CFR 264.1035(b)(3) and all test results.
- VI.C.4.d. The Permittee shall demonstrate compliance with permit condition VI.C.5.c. by recording on a semiannual basis, the following information: [40 CFR 264.1087(c)(2)(iv)]
- VI.C.4.d.(1) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next 6-months period. This description shall include the type of maintenance necessary, planned frequency of maintenance, and length of maintenance periods. [40 CFR 264.1089(e)(1)(v)(A)]
- VI.C.4.d.(2) A description of the planned routine maintenance that was performed for the control device during the previous 6-months period. This description shall include the type of maintenance performed and the total number of hours during those 6 months that the control device did not meet the requirements of permit conditions VI.C.5.a. and VI.C.5.b., as applicable, due to planned routine maintenance. [40 CFR 264.1089(e)(1)(v)(B)]
- VI.C.4.e. For unexpected control device system malfunctions that require the control device not to meet the requirements of permit conditions VI.C.5.a. and VI.C.5.b., the Permittee shall record the following information: [40 CFR 264.1089(e)(1)(vi)]

- VI.C.4.e.(1) The occurrence and duration of each malfunction of the control device system. [40 CFR 264.1089(e)(1)(vi)(A)]
- VI.C.4.e.(2) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the Subpart X unit through the closed-vent system to the control device while the control device is not properly functioning. [40 CFR 264.1089(e)(1)(vi)(B)]
- VI.C.4.e.(3) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation. [40 CFR 264.1089(e)(1)(vi)(C)]

VI.C.4.f. The Permittee shall submit a semiannual written report to the Secretary except as provided in permit condition VI.C.4.f.(1). The report shall describe each occurrence during the previous 6-month period when a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in 40 CFR 264.1035(c)(4). [40 CFR 264.1090(c)]

- VI.C.4.f.(1) A report to the Secretary in accordance with permit condition VI.C.4.f. is not required for a 6-month period during which all control devices are operated such that; during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in 40 CFR 264.1035(c)(4). [40 CFR 264.1090(d)]

VI.C.5 Control Device Design and Operation

The Control Device shall be designed and operated as follows:

- VI.C.5.a. For control devices involving vapor recovery (e.g., carbon canister) the device shall be designed and operated to recover organic vapors vented to the device with an efficiency of 95 percent or greater by weight. [40 CFR 264.1087(c)(1)(i)]
- VI.C.5.b. For control devices involving enclosed combustion (e.g., regenerative thermal oxidizer) the device shall be designed and operated to reduce organic emissions vented to it by 95 percent or greater by weight to;
 - VI.C.5.b.(1) Achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to 3 percent oxygen or; [40 CFR 264.1033(c)]

- VI.C.5.b.(2) To provide a minimum residence time of .5 seconds at a minimum temperature of 760 degrees Celsius. [40 CFR 264.1033(c)]
- VI.C.5.c For control devices involving flares; the flare shall be designed and operated in accordance with the requirements of 40 CFR 1033(d) with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Reference Method 22 in 40 CFR part 60 shall be used to determine the compliance of a flare with the no visual emission provision and the observation period shall be 2 hours.
- VI.C.5.d. Periods of planned routine maintenance of the control device, during which the control device does not meet the requirements of permit condition VI.C.5.a., VI.C.5.b., or VI.C.5.c., shall not exceed 240 hours per year. [40 CFR 264.1087(c)(2)(i)]
- VI.C.5.e. The requirements of permit condition VI.C.5.a, VI.C.5.b., and VI.C.5.c. do not apply during periods of planned routine maintenance. or when the system malfunctions. [40 CFR 264.1087(c)(2)(ii)]
- VI.C.5.f. The requirements of permit condition VI.C.5.a., VI.C.5.b., and VI.C.5.c. do not apply during a control device malfunction. [40 CFR 264.1087(c)(2)(iii)]
- VI.C.5.g. The Permittee shall demonstrate compliance with permit condition VI.C.5.d. by recording the information specified in permit condition VI.C.4.d.
- VI.C.5.h. The Permittee shall correct control device system malfunctions as soon as is practicable in order to minimize excess emissions of air pollutants. [40 CFR 264.1087(c)(2)(v)]
- VI.C.5.i. The Permittee shall operate the closed-vent system such that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device malfunction except in the cases when it is necessary to vent the gases, vapors, and/or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions. [40 CFR 264.1087(c)(2)(vi)]
- VI.C.5.j. The Permittee shall operate and maintain carbon adsorption control devices as follows:
- VI.C.5.j.(1) Following initial start up of the control device, all activated carbon in the control device shall be replaced with fresh carbon on a

regular basis using one of the following procedures: [40 CFR 264.1087(c)(3)(i)]

VI.C.5.j.(1)(A) Monitor the concentration level of organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon immediately when carbon breakthrough is indicated. The monitoring frequency shall be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of 40 CFR 264.1035(b)(4)(iii)(G), whichever is longer. [40 CFR 264.1033(h)(1)]

VI.C.5.j.(1)(B) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of 40 CFR 264.1035(b)(4)(iii)(G). [40 CFR 264.1033(h)(2)]

VI.C.5.j.(2) All carbon that is removed from the control device and is a hazardous waste shall be managed in accordance with 40 CFR.1033(n), regardless of the average volatile organic concentration of the carbon. [40 CFR 264.1087(c)(3)(ii)]

VI.C.5.j. Except for control devices identified by 40 CFR 264.1087(c)(5)(i)(A) through (E), the Permittee shall demonstrate that a control device achieves the performance requirements of permit condition VI.C.5.a. and VI.C.5.b. by following the performance testing or design analysis procedures specified in permit conditions VI.C.3.b. and VI.C.3.c.

VI.D. AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS (SUBPART CC)

The Permittee shall comply with all applicable requirements of 40 CFR 264. Subpart CC, Permit conditions III.C. and IV.C. of Part II of the Permit.

ATTACHMENT I
PERMITTED WASTE FOR CONTAINER AND TANK STORAGE AND SUBPART X UNITS

Only the hazardous waste(s) identified in Tables A-I, A-II, A-III A-IV, and A-V may be stored in containers or tanks at the facilities identified in sections III and IV of this permit. Storage of any other hazardous waste(s) in the above facilities is prohibited.

D001	D023
D002	D024
D003	D025
D004	D026
D005	D027
D006	D028
D007	D029
D008	D030
D009	D031
D010	D032
D011	D033
D012	D034
D013	D035
D014	D036
D015	D037
D016	D038
D017	D039
D018	D040
D019	D041
D020	D042
D021	D043
D022	

TABLE A-II	
Permitted F-Listed Hazardous Waste Codes	
F001	F012
F002	F019
F003	F024
F004	F025
F005	F032
F006	F034
F007	F035
F008	F037
F009	F038
F010	F039
F011	

TABLE A-III			
Permitted K-Listed Hazardous Waste Codes			
K001	K002	K003	K004
K005	K006	K007	K008
K009	K010	K011	K013
K014	K015	K016	K017
K018	K019	K020	K021
K022	K023	K024	K025
K026	K027	K028	K029
K030	K031	K032	K033
K034	K035	K036	K037
K038	K039	K040	K041
K042	K043	K044	K045
K046	K047	K048	K049
K050	K051	K052	K060
K061	K062	K071	K073
K083	K084	K085	K086
K087	K088	K093	K094
K095	K096	K097	K098
K099	K100	K101	K102

TABLE A-III (Continued)			
Permitted K-Listed Hazardous Waste Codes			
K103	K104	K105	K106
K107	K108	K109	K110
K111	K112	K113	K114
K115	K116	K117	K118
K123	K124	K125	K126
K131	K132	K136	K141
K142	K143	K144	K145
K147	K148	K149	K150
K151	K156	K157	K158
K159	K169	K170	K171
K172	K175	K181	

TABLE A-IV			
Permitted U-Listed Hazardous Waste Codes			
U001	U002	U003	U004
U005	U006	U007	U008
U009	U010	U011	U012
U014	U015	U016	U017
U018	U019	U020	U021
U022	U023	U024	U025
U026	U027	U028	U029
U030	U031	U032	U033
U034	U035	U036	U037
U038	U039	U041	U042
U043	U044	U045	U046
U047	U048	U049	U050
U051	U052	U053	U055
U056	U057	U058	U059
U060	U061	U062	U063
U064	U066	U067	U068

TABLE A-IV (Continued)
Permitted U-Listed Hazardous Waste Codes

U069	U070	U071	U072
U073	U074	U075	U076
U077	U078	U079	U080
U081	U082	U083	U084
U085	U086	U087	U088
U089	U090	U091	U092
U093	U094	U095	U096
U097	U098	U099	U101
U102	U103	U105	U106
U107	U108	U109	U110
U111	U112	U113	U114
U115	U116	U117	U118
U119	U120	U121	U122
U123	U124	U125	U126
U127	U128	U129	U130
U131	U132	U133	U134
U135	U136	U137	U138
U140	U141	U142	U143
U144	U145	U146	U147
U148	U149	U150	U151
U152	U153	U154	U155
U156	U157	U158	U159
U160	U161	U162	U163
U164	U165	U166	U167
U168	U169	U170	U171
U172	U173	U174	U176
U177	U178	U179	U180
U181	U182	U183	U184
U185	U186	U187	U188
U189	U190	U191	U192
U193	U194	U196	U197
U200	U201	U202	U203
U204	U205	U206	U207
U208	U209	U210	U211
U213	U214	U215	U216

TABLE A-IV (Continued)
Permitted U-Listed Hazardous Waste Codes

U217	U218	U219	U220
U221	U222	U223	U225
U226	U227	U228	U234
U235	U236	U237	U238
U239	U240	U243	U244
U246	U247	U248	U249
U271	U278	U279	U280
U328	U353	U359	U364
U367	U372	U373	U387
U389	U394	U395	U404
U409	U410	U411	

TABLE A-V
Permitted P-Listed Hazardous Waste Codes

P001	P002	P003	P004
P005	P006	P007	P008
P009	P010	P012	P013
P014	P016	P017	P018
P020	P022	P023	P024
P026	P027	P028	P029
P030	P034	P037	P038
P039	P040	P041	P042
P043	P044	P045	P046
P047	P048	P049	P050
P051	P054	P057	P058
P059	P060	P062	P063
P066	P067	P068	P069
P070	P071	P072	P073
P075	P076	P077	P078
P081	P082	P084	P085
P087	P088	P089	P093
P094	P095	P096	P097
P098	P102	P104	P105
P106	P108	P109	P111
P112	P115	P116	P118

TABLE A-V (Continued)
Permitted P-Listed Hazardous Waste Codes

P119	P120	P121	P122
P123	P127	P128	P185
P188	P189	P190	P191
P192	P194	P196	P197
P198	P199	P201	P202
P203	P204	P205	

