UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
HAZARDOUS WASTE MANAGEMENT FACILITY PERMIT – PART II
EPA AUTHORIZATION UNDER THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

PERMITTEE: CLEAN HARBORS KANSAS, LLC

RCRA IDENTIFICATION NUMBER: KSD007246846

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as further amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. 6901 et seq. (RCRA), and regulations promulgated thereunder by the United States Environmental Protection Agency (EPA) (codified and to be codified in Title 40 of the Code of Federal Regulations (CFR)), a Part II Permit is issued to CLEAN HARBORS KANSAS, LLC (hereafter called the Permittee), to perform activities required by HSWA at their facility located at 2549 New York Street, Wichita, Kansas, north latitude 37°43'49" and west longitude 97°19'11".

Section 3004(u) of RCRA, 42 U.S.C. 6924(u), and 40 CFR §264.101, require that all Permits issued after November 8, 1984 address corrective action for releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU), regardless of when waste was placed in the unit or whether the unit is closed. Those sections further require that Permits issued under Section 3005 of RCRA contain a schedule of compliance for corrective action where corrective action cannot be completed prior to Permit issuance. Section 3004(v) authorizes the EPA to require that corrective action be taken by the facility owner or operator beyond the facility boundary when necessary to protect human health and the environment, unless the owner or operator demonstrates that permission to undertake such action, despite the owner/operator's best efforts, was denied. Section 3005(c)(3) of RCRA requires that each Permit issued under Section 3005 of RCRA shall contain terms and conditions as the EPA determines necessary to protect human health and the environment.

The following description of regulated activities is based upon the Part B Permit Application:

The facility stores and treats RCRA hazardous and nonhazardous wastes. It also stores and otherwise manages RCRA hazardous and nonhazardous wastes, sludges, solids, and liquids for subsequent shipment to other USEPA permitted (or interim status) facilities for distillation, beneficial reuse, or disposal. Hazardous waste management at the facility includes fuel blending for energy recovery, neutralization, accumulation of materials for reclamation, accumulation for hazardous waste landfill disposal, repackaging for incineration, and storage of industrial waste waters for subsequent discharge. Storage occurs in both containers and tanks. The facility has four active permitted storage areas (Building C, Building I, the Processing Area, and the Drum Dock), and eight tanks permitted for storage and/or treatment. The facility also includes three permitted buildings and fifteen permitted tanks that will be going through the closure process in accordance with the closure plan in Section J, Appendix J-C of the Part B Permit Application. This Part II Permit consists of the provisions (conditions) contained herein (including this Permit's attachments) and the applicable regulations contained in 40 CFR Parts 260 through 266,

268, 270, and 124, which are incorporated by reference. This Part II Permit is based upon the applicable regulations which are in effect on the date of the issuance of the Part II Permit, in accordance with 40 CFR §270.32(c). The Permittee must comply with all terms and conditions of this Part II Permit.

The Kansas Department of Health and Environment (KDHE) is issuing a Hazardous Waste Management Facility Part I Permit which addresses the requirements for storage and treatment of hazardous waste in containers and tanks and certain air emission standards. This Part II Permit contains the requirements for corrective action necessary to address releases of hazardous waste or hazardous waste constituents, and certain air emission conditions for which Kansas is not authorized.

This Part II Permit is based on the assumption that the information submitted in the Permit Application is accurate and that the facility will be operated as specified in the Permit Application. Any inaccuracies found in the submitted information may be grounds for the termination, revocation and reissuance, or modification of this Part II Permit in accordance with 40 CFR §§270.41, 270.42, and 270.43, and for enforcement action. The Permittee must inform EPA of any deviation from or changes in the information in the Permit Application which would affect the Permittee's ability to comply with the applicable regulations or Part II Permit conditions.

The Regional Administrator of EPA, Region 7 has delegated authority to perform all actions necessary to issue, deny, modify, or revoke and reissue Permits for owners and operators of hazardous waste treatment, storage, and disposal facilities pursuant to Section 3005 of RCRA to the Director of Region 7 Air and Waste Management Division (hereafter referred to as Director) or the Director's designated representative, by delegation No. R7-8-6; January 1, 1995 and revised on September 16, 2007.

This Part II Permit is issued as of the date below. Pursuant to 40 CFR §124.15, this Part II Permit shall become effective at 12:01 a.m. on September 28, 2012, and shall remain in effect for ten (10) years from the date of its issuance unless revoked and reissued under 40 CFR §270.41, terminated under 40 CFR §270.43, or continued in accordance with 40 CFR §270.51(a) or (d). the Part II Permit shall remain in effect even if the Hazardous Waste Management Permit (Part I) is terminated or expired.

Done at Kansas City, Kansas, this 28 day of September, 2012.

Becky Weber
Director
Air and Waste Management Division

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I. DEFINITIONS

For purposes of this Part II Permit, terms used herein shall have the same meaning as those in 40 CFR Parts 124, 260, 261, 264, 266, 268, and 270, unless this Part II Permit specifically provides otherwise; where terms are not defined in the regulations or the Part II Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

"Air Emission Inspection Plan" shall mean the inspection plan referenced in Section IV to be incorporated upon EPA approval as Attachment 2 to this Part II Permit, and any subsequent EPA approved revision or modification to the Air Emission Inspection Plan.

"Annually" means one time per calendar year such that at least eleven (11) months and no more than thirteen (13) months have elapsed since the last annual event.

"Area of Concern" or "AOC" shall mean any area of the Facility under the control or ownership of the owner or operator where a release to the environment of hazardous waste(s) or hazardous constituents has occurred, is suspected to have occurred, or may occur, regardless of the frequency or duration of the release.

"AWMD" shall mean the Air and Waste Management Division of Region 7 of the EPA, or subsequently renamed division of EPA Region 7 that includes the personnel that conduct oversight of RCRA.

"Daily" means once each calendar day, unless expressly stated to be a working day. "Working day" or "business day" shall mean a day other than a Saturday, Sunday, or a federal holiday. In computing any period of time under this Part II Permit, where the last day would fall on a Saturday, Sunday, or a federal holiday, the period shall run until the close of business of the next working day.

"Data Quality Objectives (DQOs)" shall mean performance and acceptance criteria that clarify study objectives, define the appropriate type of data, and specify tolerable levels of potential decision errors that will be used as the basis for establishing the quality and quantity of data needed to support decisions. The DQOs shall be prepared consistent with EPA Guidance documents; "Guidance on Systematic Planning Using the Data Quality Objectives Process" EPA QA/G-4, EPA/240/B-06/001, February 2006; "Guidance for Developing Quality Systems for Environmental Programs" EPA QA/G-1, EPA/240/R-008, November 2002; and any subsequent revisions or editions.

"Day" or "Days" means calendar days unless otherwise specified.

"Director" means the Division Director of AWMD, his or her designee, or an authorized representative.

"Engineering Controls" means any mechanism used to contain or stabilize contamination that ensures the effectiveness of a remedial action and acts as a physical barrier between the contamination and contact with humans or the environment.

"EPA" means the United States Environmental Protection Agency.

"Facility" means Clean Harbors Kansas,LLC (CHK) facility located at 2549 New York Street, Wichita, Kansas and all contiguous property at this location under the control of the Permittee.

"Hazardous Constituent" means any constituent identified in Appendix VIII of 40 CFR Part 261 or any constituent identified in Appendix IX to 40 CFR Part 264.

"Hazardous Waste" means any solid waste as defined at 42 U.S.C. §6903 (27) and 40 CFR §261.2 which also meets any of the criteria of a hazardous waste as listed in 42 U.S.C. §6903 (5) and 40 CFR §261.3.

"Institutional Controls" means administrative and/or legal mechanisms that help limit exposure to humans from contamination and/or protect the integrity of the remedy.

"Interim Measure" means those actions taken to immediately control or abate threats or potential threats to human health or the environment from releases or potential releases of hazardous waste or hazardous constituents, which can be initiated before implementation of the final corrective measures for a facility.

"Maximum Organic Vapor Pressure (MOVP)" means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank, at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. Maximum organic vapor pressure is determined using the procedures specified in Sec. 265.1084(c) of subpart CC [40 CFR Part 265].

"Monthly" means twelve (12) times per year (once per calendar month) such that at least fifteen (15) days and no more than forty-five (45) days have elapsed since the last monthly event.

"Operating record" means the Operating Record as required by the Hazardous Waste Management Facility Permit-Part I "PDF format" means the Adobe Portable Document Format developed by Adobe Systems Incorporated.

"Part II" means Part II of the RCRA Permit which is issued by EPA.

"Permit Application" means the Permit Application dated November 19, 2004, as modified by subsequent amendments dated May 16, 2012, including the Part A Permit Application dated May 17, 2012, and any subsequent revisions or modifications.

"Quality Assurance Project Plan" means a plan of the same name prepared consistent with the EPA's document titled "EPA Requirements for Quality Assurance Project Plans (EPA QA/R-5)" and any subsequent revisions or editions.

"Quarterly" means four times per calendar year such that at least two (2) months and no more than four (4) months have elapsed since the last quarterly event.

"RCRA Corrective Action Plan" means the document of the same name dated May 1994 and given the OSWER Directive Number 9902.3-2A and EPA Document Number 520-R-94-004 and any subsequent revisions or editions.

"RCRA Facility Investigation Guidance" means the document of the same name dated May 1989 and given the OSWER Directive Number 9502.00-6D and the EPA Document Number 530/SW-89-031.

"Regional Administrator" means the Regional Administrator of EPA, Region VII, or his or her designee.

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes and/or hazardous constituents.

"Semi-Annually" means two times per calendar year such that at least five (5) months and no more than seven (7) months have elapsed since the last semi-annual event.

"Solid Waste Management Unit" or "SWMU" means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

"Stabilization" means actions to control or abate threats to human health and/or the environment from releases at RCRA facilities, and/or to prevent or minimize the further spread of contamination while long-term remedies are pursued.

"Standard Operating Procedure" or "SOP" means a document that establishes or prescribes methods to be followed in the operation of hazardous waste storage, treatment and disposal activities. All SOPs must be signed by a responsible corporate officer and include the

certification in 40 CFR §270.11(d)(1) . The responsible corporate officer shall be as defined in 40 CFR §270.11(a).

"Waste Characterization Plan" shall mean the waste characterization plan required under Part II Permit condition IV.A.2, and any subsequent EPA approved revisions or modifications to the Waste Characterization Plan

"Weekly" means fifty-two (52) times per calendar year such that no fewer than five (5) days and no more than ten (10) days have elapsed since the last weekly event.

II. GENERAL CONDITIONS

II.A. FACILITY INFORMATION

II.A.1. **Owner**

The facility owner is Clean Harbors Kansas, LLC, hereinafter referred to as the Permittee.

II.A.2. **Operator**

The facility operator is Clean Harbors Kansas, LLC, hereinafter referred to as the Permittee.

II.A.3. **Location**

The CHK facility is located in Sedgwick County at 2549 New York Street, Wichita, Kansas, north latitude 37°43'49" and west longitude 97°19'11". A facility location map and a diagram showing the layout of the facility are provided in Figures 1 and 2.

II.A.4. **Description**

The CHK facility stores and treats RCRA hazardous and nonhazardous wastes, waste sludges, solids, and liquids for subsequent shipment to other permitted (or interim status) facilities for distillation, beneficial reuse or disposal. The hazardous waste management units at the facility include storage and treatment tanks, container management units, waste loading and unloading facilities, and waste processing facilities. Hazardous waste management activities include fuel blending for energy recovery, neutralization, accumulation of materials for reclamation, accumulation for land fill disposal, repackaging for incineration, and storage of industrial waste waters for subsequent discharge. Typical sources of the waste include automotive manufacturers, tire manufacturers, plating facilities, aircraft manufacturers, as well as the food processing, pharmaceutical and oil industries, automotive repair shops, industrial maintenance operations, and other industrial sources. Permitted container storage areas include Building B, Building C, Building D, Building I, Building J, the Drum Dock, and the Processing Area. Building B, Building D (and associated tanks V9-V17), Building J, and miscellaneous units V26, V34, and V35 located in the P200 portion of the Processing Area are no longer used for hazardous waste management and a closure plan has been submitted for these units in Section J, Appendix J-C of the Part B Permit Application. These units proposed for closure are permitted for zero storage capacity. The four active permitted

container storage areas (Building C, Building I, the Drum Dock, and P100 portion of the Processing area) have a combined permitted storage capacity of 174,570 gallons. The eight permitted storage and treatment tanks (V1-V8) located in the Processing Area have a total permitted maximum capacity of 85,689 gallons (working capacity of 83,179 gallons). The facility will remove all hazardous waste and hazardous constituents at closure (closure by removal).

II.B. EFFECT OF PERMIT

The Permittee is authorized to store and treat hazardous waste in the hazardous waste management unit(s) authorized by and operated in accordance with the Kansas Department of Health and Environment's Hazardous Waste Management Facility Part I Permit. The Part II Permit addresses corrective action for all releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU) at the Facility, and includes the regulatory provisions for air emission standards from containers and tanks in accordance with 40 CFR 264, subpart CC, for which Kansas has not obtained full authorization. The Part II Permit consists of the conditions contained herein, including those in any attachments thereto; the Permit Application; and the applicable regulations contained in 40 CFR Parts 124, 260 through 264, 268, and 270. Applicable regulations are those which are in effect on the date of issuance of this Part II Permit and those identified in II.B.1 below. The Permittee remains subject to any regulations governing activities not covered by the Part II Permit, for example, those regulations to which hazardous waste generators are subject.

1. Subject to 40 CFR §270.4, compliance with the Part II Permit during its term constitutes compliance, for purposes of enforcement, with those portions of Subtitle C of RCRA as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) included in the Part II Permit, except for those requirements not included in the Part II Permit which:

   a. Become effective by statute;

   b. Are promulgated under 40 CFR Part 268 restricting the placement of hazardous wastes in or on the land;

   c. Are promulgated under 40 CFR Part 264 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, CQA programs, monitoring, action leakage rates, and response action plans, and will be implemented through the

procedures of 40 CFR §270.42 Class 1 Permit modifications; or

d. Are promulgated under 40 CFR Part 265, Subparts AA, BB, or CC limiting air emissions.

2. The issuance of a Part II Permit does not convey any property rights of any sort, or any exclusive privilege.

3. The issuance of a Part II Permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

4. Compliance with the terms of the Part II 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, 42 U.S.C. §§6928(a), 6928(h), 6934, and 6973, Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA); or any other law providing for protection of public health or the environment.

II.C. PERMIT ACTIONS

II.C.1. Permit Modification, Revocation and Reissuance, and Termination by EPA

If at any time the EPA determines that modification, revocation and reissuance or termination of the Part II Permit is necessary, the EPA may initiate a modification to the Part II Permit, revocation and reissuance of the Part II Permit or termination of the Part II Permit in accordance with 40 CFR §§270.41 and 270.43. The initiation of a modification to the Part II Permit, revocation or reissuance of the Part II Permit, or termination of the Part II Permit does not stay the applicability or enforceability of any Part II Permit Condition.

II.C.2. Modification of the Permit by the Permittee

As set forth at 40 CFR §270.42, the Permittee may request a modification of the Part II Permit at any time. The filing of a request for a Part II Permit modification or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any Part II Permit Condition. Modifications to the Part II Permit do not constitute a reissuance of the Part II Permit.

II.C.3. **Permit Modification Correspondence File**

The Permittee shall maintain a file that contains all correspondence relating to modifications made pursuant to Part II Permit Conditions II.C.1 and II.C.2. This correspondence file shall be available for review by EPA or its designated representative(s) and the public. Note that the file shall be made available during normal business hours.

a. The Permittee shall reference the availability of this file in all notices made regarding Part II Permit modifications and include a contact person in order to view the file.

b. The Permittee shall include in the correspondence file all modification requests, copies of all Part II Permit modification notices sent out, the current Part II Permit modification mailing list, and all correspondence from EPA regarding modification requests.

II.C.4. **Permit Expiration**

II.C.4.a. Permit Duration

As set forth at 40 CFR §270.50, the Part II Permit shall be effective for a fixed term not to exceed ten (10) years. Except as provided in Part II Permit Condition II.C.4.b below, the term of a Part II Permit shall not be extended by modification beyond the maximum term of ten (10) years. The Director may issue a Part II Permit for durations of less than ten (10) years or may grant a Part II Permit modification to allow earlier Part II Permit termination.

II.C.4.b. Continuation of Expiring Permits

The Part II Permit, and all conditions herein, will remain in effect and continue in force under 5 U.S.C. §558(c) until the effective date of a new Part II Permit (see 40 CFR §124.15) if:

i. The Permittee has submitted a timely, complete application under 40 CFR §270.14 and the applicable sections in 40 CFR §§270.15 through 270.29 and 40 CFR §270.10(c); and

ii. The Director through no fault of the Permittee, does not issue a new Part II Permit with an effective date under 40 CFR §124.15 on or before the expiration date of the previous Part II Permit.

Permits continued under this Part II Permit Condition remain fully effective and enforceable.

II.C.4.c. Enforcement

If the Permittee is not in compliance with the conditions of the expiring or expired Part II Permit, the Director may choose to do any or all of the following:

i. Initiate enforcement action based upon the Part II Permit which has been continued;

ii. Issue a notice of intent to deny the new Part II Permit under 40 CFR §124.6. If the new Part II Permit is denied, the Permittee shall cease the activities authorized by the continued Part II Permit or be subject to enforcement action for operating without a Part II Permit;

iii. Issue a new Part II Permit under 40 CFR Part 124 with appropriate conditions; or

iv. Take other actions authorized by RCRA.

II.C.4.d. Transfer of Permit upon State Authorization

In the event that the state of Kansas receives authorization under 40 CFR Part 271 to administer the corrective action program under 40 CFR Part 264.101, and 40 CFR Part 264.100(e) 1 & 2, after the effective date of this Part II Permit and if the Permittee submits a timely and complete application under applicable State law and regulations, the terms and conditions of this Part II Permit shall continue in force during the term of this Part II Permit and beyond the expiration date of this Part II Permit, but only until the effective date of the State's issuance or denial of a State RCRA Permit containing requirements for corrective action.

II.C.5. **Permit Renewal**

This Part II Permit may be renewed as specified in 40 CFR §270.30(b) and Part II Permit Condition II.E.2. Review of any application for a Part II Permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.

II.C.6. **Permit Appeal**

The Part II Permit may be appealed pursuant to the provisions of 40 CFR §124.19(a), which provides as follows:

a. Within thirty (30) calendar days after a RCRA final Part II Permit decision has been issued under 40 CFR §124.15, any person who filed comments on that draft Part II Permit or participated in the public hearing may petition the Environmental Appeals Board, in writing, to review any condition of the Part II Permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft Part II Permit may petition for administrative review only to the extent of the changes from the draft to the final Part II Permit decision. The 30-day period within which a person may request review under this section begins with the service of notice of the Regional Administrator's action unless a later date is specified in that notice. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by these regulations and when appropriate, a showing that the condition in question is based on:

i. A finding of fact or conclusion of law which is clearly erroneous, or

ii. An exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review.

II.D. SEVERABILITY

The provisions of this Part II Permit are severable, and if any provision of this Part II Permit, or the application of any provision of this Part II Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Part II Permit shall not be affected thereby as set forth at 40 CFR §124.16.

II.E. DUTIES AND REQUIREMENTS

II.E.1. **Duty to Comply**

As set forth at 40 CFR §270.30(a), the Permittee shall comply with all conditions of this Part II Permit, except to the extent and for the duration such noncompliance is authorized by an emergency Permit. Any Part II Permit noncompliance, other than noncompliance authorized by an emergency Permit, constitutes a violation of RCRA

and is grounds for enforcement action; for Part II Permit termination, revocation and reissuance, or modification; and/or for denial of a Part II Permit renewal application.

II.E.2. **Duty to Reapply**

The Permittee shall submit a complete Permit Application for a new Permit at least 180 days prior to the expiration of this Part II Permit, as specified in 40 CFR § 270.30(b). This Permit Application shall include information required to continue the groundwater monitoring, corrective action, investigation, interim measures, and/or corrective measures specified in this Part II Permit, and as required in 40 CFR §§ 270.13, 270.14, and 270.28. If the Permittee has not completed all required activities under the existing Part II Permit and fails to timely submit a Permit Application pursuant to this Part II Permit Condition, Permittee shall be deemed to be in violation of this Part II Permit. If any activities required by this Part II Permit must be continued by the Permittee after the expiration date of this Part II Permit, such activities must be included in the Permit Application.

II.E.3. **Permit Expiration**

As set forth in 40 CFR §270.51(a), unless revoked or terminated, this Part II Permit shall be effective for a fixed term not to exceed ten (10) years, except that, as long as EPA is the Permit-issuing authority, this Part II Permit and all conditions herein will remain in effect beyond the Part II Permit's expiration date and until the effective date of the new Part II Permit, if the Permittee has submitted a timely, complete application and, through no fault of the Permittee, the EPA has not issued a new Part II Permit.

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

As set forth at 40 CFR §270.30(c), 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 Part II Permit.

II.E.5. **Duty to Mitigate**

As set forth at 40 CFR §270.30(d), in the event of noncompliance with this Part II 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.

II.E.6. **Proper Operation and Maintenance**

As set forth at 40 CFR §270.30(e), the Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed or used by the Permittee to achieve compliance with the conditions of this Part II 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/quality control 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 Part II Permit.

II.E.7. **Duty to Provide Information**

As set forth at 40 CFR §270.30(h), within thirty (30) days of a request for information from the Director, or such other time as approved by the Director, the Permittee shall furnish to the Director any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Part II Permit, or to determine compliance with this Part II Permit. The Permittee shall also furnish to the Director, within thirty (30) days of request, copies of records required to be kept by this Part II Permit.

II.E.8. **Inspection and Entry**

a. As set forth at 40 CFR §270.30(i), the Permittee shall allow the EPA, or an authorized representative, upon the presentation of credentials and other documents, as may be required by law, to:

i. 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 Part II Permit;

ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Part II Permit;

iii. Inspect, photograph, and/or record (audio and/or visual), at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Part II Permit; and

iv. Sample or monitor, at reasonable times, for the purposes of assuring Part II Permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

b. Notwithstanding any provision of this Part II Permit, EPA retains the inspection and access authority which it has under RCRA and other applicable laws.

II.E.9. **Monitoring and Records**

a. As set forth at 40 CFR §270.30(j)(1), samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved by the EPA. Laboratory methods shall be in accordance with Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB. [70 FR 34538, June 14, 2005].

b. As set forth at 40 CFR §264.74(b) and 40 CFR §270.(j)(2), 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 Part II Permit, the certification required by 40 CFR §264.73(b)(9), and records of all data used to complete the application for this Part II Permit through the term of the Part II Permit or for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application; whichever is longer. These periods may be extended by request of the EPA at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. The Permittee shall maintain records from all ground water monitoring wells and associated ground water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

c. As set forth at 40 CFR §270.30(j)(2) and (3), records of monitoring information shall specify:

i. The dates, exact place, and times of sampling or measurements;

ii. The individuals who performed the sampling or measurements;

iii. The dates analyses were performed;

iv. The individuals who performed the analyses;

v. The analytical techniques or methods used; and

vi. The results of such analyses.

d. The Permittee shall ensure its analytical data meet the Data Quality Objectives (DQOs) in the Quality Assurance Project Plan (QAPP).

II.E.10. **Reporting Planned Changes**

As set forth at 40 CFR §270.30(l)(1), the Permittee shall give thirty (30) days advance notice to the EPA of any planned physical alterations or additions which may affect any Hazardous Waste Management Units (HWMUs), Solid Waste Management Units (SWMUs), Areas of Concern (AOCs), contaminated media or debris, or existing institutional or engineering controls.

II.E.11. **Reporting Anticipated Noncompliance**

a. As set forth at 40 CFR §270.30(l)(2), the Permittee shall give at least thirty (30) days advance notice to the EPA prior to any planned changes in the Permitted facility or other activity which may result in noncompliance with Part II Permit requirements. Examples of such changes or activities include, but are not limited to, shutdown, construction or modification of new or existing units for the treatment, storage, or disposal of hazardous waste.

b. For a new unit, the Permittee may not treat, store, or dispose of hazardous waste; and for a unit being modified, the Permittee may not treat, store, or dispose of hazardous waste in the modified portion of the unit except as provided in 40 CFR §270.42, until the Permittee has submitted to EPA, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the facility

has been constructed or modified in compliance with the Permit; and

i. The EPA has inspected the modified or newly constructed unit and finds it is in compliance with the conditions of the Permit; or

ii. The EPA has either waived the inspection or has not notified the Permittee within fifteen (15) days of EPA's intent to inspect.

II.E.12. **Monitoring Reports**

As set forth at 40 CFR §270.30(l)(4), if required, monitoring results shall be reported at the intervals specified elsewhere in this Part II Permit.

II.E.13. **Reports of Compliance Schedules**

As set forth at 40 CFR §270.30(l)(5), reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Part II Permit shall be submitted no later than fourteen (14) days following each scheduled completion date.

II.E.14. **Transfer of Permits**

a. As set forth at 40 CFR §264.12(c), 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 Part II 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 a certification, in accordance with Part II Permit Condition II.F, that the new owner or operator has read this Part II 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 Director that identifies the properties to be occupied by each new owner.

b. As noted in the comment to 40 CFR §264.12, an owner or operator's failure to notify the new owner or operator of the requirements of this Part II Permit in no way relieves the new

owner or operator of his obligation to comply with all applicable requirements.

c. This Part II Permit is not transferable to any person except after notice to the Director. To transfer the Part II Permit, the Director may modify or revoke and reissue the Part II Permit in accordance with 40 CFR §270.30(l)(3), 40 CFR §270.40(b) or 40 CFR §270.41(b)(2). The Director may also incorporate such other requirements as may be necessary under RCRA as part of the modification to this Part II Permit.

d. The new Owner and/or Operator shall submit a revised Permit Application to EPA no later than ninety (90) days prior to the scheduled change in ownership and/or operational control. A written agreement containing a specific date for transfer of Part II Permit responsibility between the Permittee and new Permittee(s) must also be submitted to EPA no later than ninety (90) days prior to the scheduled change in ownership and/or operational control as set forth at 40 CFR §270.40(b).

e. Whenever the Part II Permit is transferred to a new Permittee, the old Permittee shall maintain compliance with the requirements of Part II Permit Condition III.Q below, until such time as the new Permittee has demonstrated compliance with these requirements. The new Permittee shall demonstrate compliance with the requirements of Part II Permit Condition III.Q within six months of the date of the transfer of the Part II Permit. Upon the new Permittee's demonstration of compliance with Part II Permit Condition III.Q , the Director shall notify the old Permittee that maintaining financial assurances pursuant to Part II Permit Condition III.Q below is no longer required.

f. 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 Director and shall ensure the new Owner and/or Operator submits a revised Permit Application no later than ninety (90) days prior to the scheduled change in ownership and/or operational control. A written agreement containing a specific date for transfer of Part II Permit responsibility between the Court and/or the old Permittee and new Permittee(s) must also be submitted no

later than ninety (90) days prior to the scheduled change in ownership and/or operational control. The new Permittee shall demonstrate compliance with Part II Permit Condition III.Q, within six months of the date of the transfer of the Part II Permit. Upon the new Permittee's demonstration of compliance with Part II Permit Condition III.Q the Director shall notify the old Permittee that maintaining financial assurances pursuant to Part II Permit Condition III.Q is no longer necessary.

II.E.15. **Twenty-Four Hour Reporting**

a. The Permittee shall report to the EPA any noncompliance 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. Examples of such occurrences include, but are not limited to, fires, explosions, natural disasters, accidents, imminent or existing hazard from a release of hazardous waste or hazardous constituents, cracks or other breaches in the structure of any hazardous waste units, solid waste management units, areas of concern, any fire or explosion at or near a Permitted unit or other hazardous waste management area, solid waste management unit, areas of concern, or any other occurrence which may cause the release or threatened release of hazardous waste or hazardous waste constituents from any area within the Permitted facility. The report shall include the following:

i. Information concerning the release of any hazardous waste or hazardous constituents that may endanger public drinking water supplies; and

ii. Information concerning the release or discharge of any hazardous waste, or hazardous constituents, or a fire or explosion at the facility, which could threaten the environment or human health outside the facility.

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 hazards 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.

c. As set forth at 40 CFR §270.30(l)(6)(iii) A written submission shall also be provided to EPA 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(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The EPA may waive the five-day written notice requirement in favor of a written report within fifteen (15) days.

II.E.16. **Other Noncompliance**

a. As set forth at 40 CFR §270.30(l)(10), the Permittee shall report to EPA in writing all other instances of RCRA noncompliance not otherwise required to be reported in Part II Permit Conditions II.E.10 - II.E.15, within thirty (30) days of occurrence. The reports shall contain the information listed in Part II Permit Condition II.E.15.

b. Examples of such instances include, but are not limited to, any noncompliance, no matter how minor, with waste handling and disposal requirements or requirements related to facility safety, including noncompliance with contingency plan requirements. Repeated or chronic instances of noncompliance with recordkeeping requirements must also be reported, although isolated or one-time instances of

noncompliance with recordkeeping requirements need not be reported.

II.E.17. **Information Repository**

As set forth at 40 CFR §270.30(m), the EPA may require the Permittee to establish and maintain an information repository at any time, based on the factors set forth in 40 CFR §124.33(b). The information repository will be governed by the provisions in 40 CFR §124.33 (c) through (f).

II.E.18. **Other Information**

As set forth at 40 CFR §270.30(l)(11), whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit Application, or submitted incorrect information in a Permit Application or in any report to the EPA, the Permittee shall submit such facts or information to EPA in writing within seven (7) days of discovery.

II.E.19. **Incorporations to the Permit**

a. All plans and schedules required by the conditions of the Part II Permit are, upon approval of the Director, incorporated into and enforceable under the Part II Permit. Any noncompliance with such approved plans and schedules shall constitute noncompliance with the Part II Permit.

b. Any portion of the Permit Application referenced by the Part II Permit is incorporated into and enforceable under the Part II Permit. Any noncompliance with such portions of the Permit Application shall constitute noncompliance with the Part II Permit.

c. Any changes necessary to items incorporated into the Part II Permit shall be made in accordance with the review and approval procedures in Part II Permit Condition III.T, except that any changes to the Permit Application referenced in Permit Condition I shall be made in accordance with the Permit modification procedures in Part II Permit Condition II.C.

II.E.20. **Supplemental Data**

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken

pursuant to the Part II Permit shall be maintained at the Permitted facility or other such location as approved by the Director during the term of the Part II Permit, including the term of any reissued or continued Part II Permits. Such information shall be made available to the Director upon request.

II.F. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to or requested by the Director shall be signed and certified in accordance with 40 CFR §§270.11 and 270.30(k).

II.G. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE EPA

1. Failure to submit the information required by the Part II Permit, or falsification of any submitted information, is subject to enforcement and/or termination of the Part II Permit.

2. The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Director required by the Part II Permit to be submitted to the EPA are signed and certified in accordance with 40 CFR §§270.11 and 270.30(k).

3. Extensions of the due dates specified in the Part II Permit may be granted by the Director in accordance with the Permit modification procedures set forth in 40 CFR §270.42.

4. Unless otherwise specified, two (2) copies of these plans, reports, notifications or other submissions required by the Part II Permit to be submitted to the EPA shall be sent by certified mail, delivery service or hand delivered to:

U.S. Environmental Protection Agency, Region 7
Air and Waste Management Division
Waste Remediation and Permitting Branch
ATTN: Christine Jump
901 North 5th Street
Kansas City, Kansas 66101

5. In addition, one (1) copy of these plans, reports, notifications or other submissions shall be submitted to:

The Kansas Department of Health and Environment
Bureau of Waste Management
ATTN: Akhter Hossein
1000 S.W. Jackson Street
Topeka, Kansas 66612

6. EPA may designate a new recipient in writing to the Permittee without a Permit modification.

II.H. CONFIDENTIAL INFORMATION

As set forth at 40 CFR §270.12, the Permittee may claim confidential any information required to be submitted by this Part II Permit.

II.I. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility, through the term of the Part II Permit or for a minimum of three (3) years, whichever is longer, the following documents and all amendments, revisions and modifications to these documents:

1. Permit Application

2. Tank Emissions Waste Characterization Plan, as required by this Part II Permit

3. Air Emission Inspection Plan, as required by this Part II Permit.

4. Operating record, as required by the Hazardous Waste Management Facility Permit-Part I

5. Corrective Action documents, including [RFI, CMS, etc.]

6. Corrective Action Cost Estimate and Financial Assurance documentation, as required by this Part II Permit and

7. Permit modifications file, as required by this Part II Permit.

III. CORRECTIVE ACTION

III.A. AUTHORITY

Section 3004(u) of RCRA, 42 U.S.C. §6924, and 40 CFR §264.101, require that all Permits issued after November 8, 1984, address corrective action for all releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU) at a treatment, storage, or disposal facility seeking the Permit, regardless of when the waste was placed in the unit or whether the unit is closed. Those sections further require that Permits issued under Section 3005 of RCRA, 42 U.S.C. §6925, contain schedules of compliance for corrective action (where corrective action cannot be completed prior to Permit issuance) and assurances of financial responsibility for completing such corrective action. Section 3004(v) of RCRA, 42 U.S.C. §6924(v), authorizes the Administrator to require that corrective action be taken by the facility owner or operator beyond the facility boundary when necessary to protect human health and the environment, unless the owner or operator demonstrates to the Administrator's satisfaction that permission to undertake such action, despite the owner/operator's best efforts, was denied. Section 3005(c)(3) of RCRA, 42 U.S.C. §6925(c)(3), requires that each Permit issued under that section shall contain terms and conditions as the Administrator determines necessary to protect human health and the environment. The Administrator has delegated authority to perform all actions necessary to enforce the Part II Permit to the Director of EPA Region 7 Air and Waste Management Division, (hereafter referred to as "Director") or the Director's designated representative.

III.B. IDENTIFICATION OF SWMUS, AOCS AND RELEASES

The EPA conducted a RCRA Facility Assessment (RFA) to identify and gather information on releases or potential releases at the facility and to evaluate SWMUs and other areas of concern (AOCs) for releases into the environment. The RFA is comprised of several documents including; the report entitled *Draft Preliminary Assessment Report* , dated September 24, 1990, with subsequent comments dated October 22, 1990 and December 4, 1990, the RCRA Facility Assessment Sampling Plan, and the subsequent Transmittal of Analytical Data for Hydrocarbon Recyclers. The RFA identified twenty three (23) SWMUs and AOCs. Some of the areas identified as AOCs in the RFA were later designated as SWMUs in the 1994 HSWA Permit. Additional SWMUs and AOCs have been identified subsequent to the RFA and subsequent to the RFI through historical records review, aerial photographs, and investigation activities. Five (5) additional SWMUs were identified after the RFA and included in the 1994 HSWA Permit. During the RCRA Facility Investigation (RFI) six additional AOCs were identified. These AOCs were referred to in the RFI as "other areas" or OAs 1 through 6.

The location of two (2) additional bulk solvent storage tanks was identified during a historical document review conducted as part of permit reissuance. These tanks were discussed in a 1980 document titled "Bulk Waste Solvent Storage" and are depicted on a 1983 figure showing facility evacuation routes. These bulk storage tanks were not identified in the draft RFA and have not been investigated to date. This tank area is identified as AOC #11 – Bulk Storage Tanks Between Warming Room and Processing Area, and is shown on Figure 4.

In October 2009 the KDHE conducted a Unified Focused Assessment at the Facility. The assessment was conducted based on the 1980 identification of high levels of radium in waste solvent drums and in an above ground storage tank, and based on the probability that waste solvent from radium dial stripping shops was handled at the facility in the past by previous owners. A Unified Focused Assessment (UFA) Report was prepared by KDHE in June 2010. This assessment identified an area of elevated radium-226 readings in the vicinity of Building I that may be associated with a former underground drain line. This area, shown on Figure 5, has been identified as AOC #12 Area of Elevated Radium-226.

The following is a list of SWMUs and AOCs currently identified.

SWMU #1	Process Area Storage Tanks
SWMU #2	Waste Blending and Drum Processing Area
SWMU #3	Former Drum processing Area
SWMU #4	Process Area Truck Bay
SWMU #5	Sparging Area
SWMU #6	Hot Rooms
SWMU #7	Elevated Tank Storage Area
SWMU #8	Regulated Waste Storage Area in Building D (designated as Nonregulated Waste Storage Area in the RFA)
SWMU #9	Solids Dryer
SWMU #10	Drum Crusher
SWMU #11	Crushed Drum Roll-off Boxes
SWMU #12	Warm Room
SWMU #13	Dock Area
SWMU #14	Building C, Drum Storage Warehouse
SWMU #15	Building J
SWMU #16	Corrosive Waste Storage Area
SWMU #17	Dry Solids Gondola
SWMU #18	Open Area along Southwestern Corner of the Site
SWMU #19	Open Area North of Building I
SWMU #20	Paint Can Burial Pit
SWMU #21	Cyclone

SWMU #22	Old Still Area West of Building I
SWMU #23	Area East of Building I
SWMU #24	Area South of Building C
SWMU #25	Building I (formerly designated as AOC #3 in RFA and 1994 Part II Permit)

AOC #1	Laboratory Sample Storage Area
AOC #2	Former Above Ground Fuel Tanks
AOC #3	Vacated. Formerly Building I now designated as SWMU #25
AOC #4	Concrete Vault
AOC #5	Lagoon Area (OA #1 in the RFI)
AOC #6	Former ASTs (OA #2 in the RFI
AOC#7	Possible Former ASTs (OA #3 in RFI)
AOC#8	Possible Former Drum Storage Area (OA #4 in RFI)
AOC#9	Trench Leading to Ditch (OA #5 in RFI)
AOC#10	Northeastern Corner (OA #6 in RFI)
AOC #11	Bulk Storage Tanks Between Warming Room and Processing Area
AOC #12	Area of Elevated Radium-226

A brief description of each SWMU and AOC listed above is included in Attachment1 and their approximate locations are depicted on Figures 3, 4, and 5.

III.C. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SWMUS, AOCS AND RELEASES

1. The Permittee shall notify the EPA in writing of any newly-identified SWMU(s), AOCs and releases discovered during the course of groundwater monitoring, field investigations, environmental audits, or other activities or by any other means, no later than fifteen (15) calendar days after discovery. As used in this part of the Part II Permit, the terms "discover", "discovery", or "discovered" refer to the date on which the Permittee or an EPA representative either, (1) visually observed evidence of a new SWMU, AOC, or release (2) visually observed evidence of a previously unidentified release of hazardous constituents to the environment, or (3) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment. The notification shall include, at a minimum, a unique sequential identification number, the location of the SWMU, AOC, or release and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release, etc.).

2. After such notification, the Director may request, in writing, that the Permittee prepare a SWMU, AOC or Release Assessment Work Plan, a proposed

schedule of implementation and completion of the Work Plan, and a SWMU, AOC or Release Assessment Report. Additionally, the Director may require a new or supplemental RFI or CMS for the newly-identified SWMU(s), AOC(s) or release(s) in accordance with this Part II Permit.

3. Within sixty (60) calendar days after receipt of notice that the Director requires an Assessment Work Plan, the Permittee shall submit a SWMU, AOC or Release Assessment Work Plan. The Assessment Work Plan shall describe all the activities to be completed in order to characterize the newly-identified SWMUs, AOCs or releases so that the Director can determine if a RCRA Facility Investigation and/or Corrective Measures Study are necessary. The Assessment Work Plan for the investigation shall include any of the following as specified in the Director's notice:

a. A discussion of past waste management practices at the unit or area;

b. A sampling and analysis program for groundwater, land surface and subsurface strata, surface water or air, as necessary to determine whether a release of hazardous waste and/or hazardous constituents from the SWMU or AOC or otherwise has occurred, or is occurring and/or to determine whether the release is harmful to human health or the environment;

c. A discussion of Data Quality Objectives;

d. A Quality Assurance Project Plan for the collection and analysis of samples that has been reviewed and approved by EPA and EPA's Quality Assurance personnel;

e. A proposed schedule for implementation and completion of the Assessment Work Plan;

f. The sampling and analysis program, if required, shall be capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste and/or hazardous constituents from the newly-identified releases to the environment. The Assessment Work Plan shall specify any data to be collected to provide for a complete Assessment Report, as defined below and;

g. The Assessment Work Plan will be reviewed in accordance with the procedures set forth in Part II Permit Condition III.T.

Upon EPA's approval of the Assessment Work Plan, the Permittee shall implement said Assessment Work Plan in accordance with the schedules contained therein.

4. The Permittee shall submit an Assessment Report to the EPA according to the schedule specified in the approved Assessment Work Plan. The Assessment Report shall present and discuss the information obtained from implementation of the approved Assessment Work Plan. At a minimum, the Assessment Report shall provide the following information for each SWMU, AOC, and/or newly-identified release:

a. The location of the newly-identified SWMU, AOC, and/or release, including its location in relation to other SWMUs, AOCs, other areas where a release has occurred, and regulated units;

b. The type and function of the SWMU, AOC, unit or other release area;

c. The general dimensions, capacities, and structural description of the SWMU, AOC, unit or other release area;

d. The period during which the SWMU, AOC, unit or other release area was operated;

e. The physical and chemical properties of all wastes, and hazardous materials that have been or are being managed at the SWMU, AOC, unit or other release area, to the extent such information is available;

f. The results of all sampling and analysis conducted;

g. Past and present operating practices;

h. Previous uses of the area in which the release occurred;

i. Amounts of waste and hazardous materials handled; and

j. Drainage areas and/or drainage patterns near the release.

5. The Assessment Report will be reviewed in accordance with the procedures set forth in Part II Permit Condition III.T. Based on the findings of the Assessment Report, and any other available information, the Director will determine the need for further investigation, interim measures, stabilization, a RCRA Facility Investigation, or a Corrective Measures Study.

III.D. INTERIM MEASURES AND STABILIZATION

1. Interim measures shall be used whenever necessary to achieve the goal of stabilization, which is to control or abate immediate threats to human health and/or the environment, and to prevent or minimize the spread of contaminants while long-term corrective remedies are being evaluated. The Permittee shall evaluate the need for interim measures when requested by the Director, or at any time the Permittee becomes aware of an immediate threat to human health or the environment.

2. The Permittee shall notify the Director within twenty-four (24) hours of becoming aware of a situation that requires interim measures, stabilization, or both.

3. If the Director determines that a release or potential release of hazardous waste and/or hazardous constituents poses a threat to human health or the environment, the Director may require interim measures, stabilization, or both to control or abate such threat, or to minimize or prevent the further spread of contamination until final corrective measures can be initiated. The Director will determine the specific action(s) that must be taken to implement interim measures, stabilization or both, including the schedule for implementing the interim measures and/or stabilization requirements, and will inform the Permittee of the action(s) in writing.

The Permittee shall submit an Interim Measures and/or Stabilization Workplan describing the proposed interim measures and/or stabilization, and an implementation schedule within thirty (30) days of notification by the Director of the interim measures and/or stabilization requirement. The Interim Measures and/or Stabilization Workplan will be reviewed and approved in accordance with Part II Permit Condition III.T. Upon receipt of written approval by the Director, the Permittee shall implement the Interim Measure and/or Stabilization Workplan according to the schedules therein. The completion of the interim measures and/or stabilization, in accordance with the workplan, shall be documented by the Permittee in accordance with the approved schedule for the interim measures and/or stabilization work.

4. If at any time, the Permittee determines that the interim measures and/or stabilization activities are not controlling or abating the threat or effectively minimizing or preventing the further spread of contamination, the Permittee must notify the Director in writing no later than ten (10) calendar days after such a determination is made. The Director may then require that the interim measures and/or stabilization activities be revised to make them more effective; or that final corrective measures be implemented to remediate the contaminated media.

III.E. RCRA FACILITY INVESTIGATION WORK PLAN

III.E.1. **Previous Work**

RCRA Facility Investigation work was conducted at the facility in multiple phases from 1998 to 2006 under EPA approved workplans A RFI Report and RFI Addendum Report were approved with comment by the EPA on April 28, 2006. The investigation of some SWMUs was deferred or reduced during previous RFI investigations based on facility operations and conditions at the time, and the extent of downgradient ground water contamination emanating from the facility has not been fully defined. Also, two additional Areas of Concern (AOC #11 – Tanks Between Warming Room and Processing Area, and AOC #12- Area of Elevated Radium-226) have been identified since the RFI work plan was implemented. Investigation of these issues or data gaps is necessary to provide sufficient information and data to develop the Corrective Measures Study (CMS) and select and implement Corrective Measures in accordance with Part II Permit conditions III.I through III.M.

III.E.2. **Supplemental RFI Work Plan**

The Permittee shall prepare a Supplemental RFI Work Plan in accordance with the following requirements and the requirements found in Part II Permit condition III.E.3, with the exception of the timeframe designated in III.E.3.2:

1. The objective of the supplemental RFI is to address data gaps and outstanding investigation needs at the facility in order to fulfill the objectives of the RFI described in III.E.3.1. below, complete the risk assessment in Part II Permit condition III.H, and complete the Corrective Measures Study Report in Part II Permit condition III.K. The Supplemental RFI may utilize previously approved RFI documents to fulfill the objectives, if such utilization is approved by the Director.

2. Within ninety (90) calendar days of the effective date of this Part II Permit, the permittee shall prepare and submit to the Director for review and approval in accordance with Part II Permit Condition III.T, a Supplemental RFI Work Plan for conducting a RFI for those SWMUs, AOCs, releases or conditions identified below:

a. Investigation of Six SWMUs deferred during the previous RFI work. Investigations prior to the RFI indicated that releases from these six specific SWMUs have or probably have occurred and that contamination exists or probably exists beneath the six units, which are:

SWMU # 2 Waste Blending and Drum Processing Area;
SWMU # 3 Former Drum Processing Area;
SWMU # 10 Drum Crusher;
SWMU # 11 Crushed Drum Roll-Off Boxes;
SWMU # 13 Dock Area; *
SWMU # 14 Building C Drum Storage Warehouse.*

(* Based on current use as a permitted container storage area, investigation of subsoils associated with SWMU #13 and SWMU #14 may continue to be deferred until such time as any structure which impedes corrective action is removed or until final closure, whichever is earlier, provided deferral is sufficiently justified in the supplemental workplan and demonstrated to be protective of human health and the environment, as determined by the Director.)

b. Investigation of eight (8) SWMUs associated with Buildings B, D, and J, which are proposed for closure. Investigation for corrective action purposes shall be conducted concurrently with the closure activities and schedule in the KDHE approved closure plan located in the Part B Permit Application, Section J, Appendix J-C, for the following seven SWMUs:

SWMU #5 Sparging Area (associated with Building D)
SWMU #6 Hot Rooms (associated with Building D)
SWMU #7 Elevated Tank Storage Area (associated with Building D)
SWMU #8 Regulated Waste Storage Area (associated with Building D)
SWMU #9 Solids Dryer (associated with Building D)
SWMU #15 Building J
SWMU #16 Building B
SWMU #21 Cyclone (associated with Building D)

c. Investigation of two (2) AOCs identified subsequent to the previous investigation work conducted for the RFI, which are:

AOC #11 Two former bulk storage tanks previously located between the former warming room and the processing area

AOC #12 Elevated radium-226 levels at the facility

d. Based on their current use as permitted storage and/or treatment areas, investigation of subsoils beneath SWMUs #1, #4, and #25 may be deferred are until such time as any structure which impedes corrective action is removed or until final closure, whichever is earlier, provided

deferral is protective of human health and the environment, as determined by the Director.

e. Releases from any SWMU or AOC identified in Part II Permit condition III. B are subject to corrective action and shall be addressed in the Corrective Measures Study required under permit conditions III.I through III.K

f. Further investigation of the solvent still area (SWMU #22)

g. Evaluation and characterization of vertical contaminant stratification in the ground water associated with releases from the facility

h. Characterization and three-dimensional down gradient delineation of contaminated ground water emanating from the facility to support completion of the Corrective Action Environmental Indicator for ground water (CA 750)

i. Investigation and evaluation of the hydrogeologic interaction between ground water contamination emanating from the facility and Chisolm Creek to support an ecological and human risk assessment

j. Evaluation and expansion of the existing monitoring well network as necessary to adequately monitor ground water contaminant impacts from sources and migration from the facility

k. Investigation and characterization of other SWMUs, AOCs, releases or areas identified as sources or potential sources of contamination, as necessary in order to evaluate appropriate source control and site-wide corrective measure options

l. Investigation and evaluation of potential indoor air risks associated with releases from the facility.

III.E.3. **RFI Requirements**

The Permittee shall conduct any additional RFI work (III.C.5) at the facility in accordance with the following RFI requirements:

1. The objectives of the RFI include, but are not limited to, all actions necessary to characterize the nature, direction, three-dimensional extent, rate,

movement, and concentration of releases of hazardous waste and/or hazardous constituents from specific SWMUs and/or AOCs, and their actual or potential receptors. The RFI shall be designed to obtain sufficient information to support further corrective action decisions at the facility.

2. Within ninety (90) calendar days of receipt of a written request from the Director, the Permittee shall prepare and submit to the Director for review and approval in accordance with Part II Permit Condition III.T, a RFI Work Plan for conducting a RFI for those SWMUs, AOCs or releases identified by the Director. The RFI Work Plan(s) shall be consistent with the requirements of the Scope of Work for a RCRA Facility Investigation in the "RCRA Corrective Action Plan", dated May 1994, OSWER Directive Number 9902.3-2A; EPA Document Number 520-R-94-004; and any subsequent revisions or editions. The RFI Work Plan(s) shall also be consistent with the "RCRA Facility Investigation Guidance", dated May 1989, OSWER Directive Number 9502.00-6D, EPA Document Number 530/SW-89-031, and any subsequent revisions or editions. The RFI Work Plan(s) shall describe in detail all proposed activities and procedures to be conducted at the facility and the overall technical and analytical approach to completing all actions necessary to achieve the objectives of the RFI. In order to support corrective action decisions, the RFI Work Plan(s) shall include, but is not limited to:

a. A description of the current conditions at the facility;

b. The full characterization of the environmental setting;

c. The full characterization of the sources and nature of hazardous wastes and constituents;

d. The procedures required to achieve full characterization of the three-dimensional extent and rate of on-site and/or off-site migration of releases of hazardous waste and/or hazardous constituents from SWMUs, AOCs and/or releases at the facility and their actual or potential receptors;

e. The work to identify and completely characterize all contaminant plumes;

f. Identification of any additional SWMUs, AOCs and/or releases not previously identified consistent with Part II Permit Condition III.C;

g. Collection of sufficient data to conduct a Risk Assessment consistent with EPA's guidance for risk assessments titled

"Risk Assessment Guidance for Superfund, Volume 1, Human Health Evaluation Manual, Parts A-F, and any subsequent revisions or editions; and "Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments Interim Final (1997), and any subsequent revisions or editions;" and

h. The collection of any other pertinent data which are necessary to support a Corrective Measures Study (CMS) and/or any further corrective action decisions;

i. The schedule for implementing and completing such investigations and submitting reports, including the RFI Report;

j. A requirement to provide thirty (30) days written advance notice to the Director of the date upon which field work will begin;

k. The qualifications of personnel performing or directing the investigations, including contractor personnel; and

l. The overall management of the RFI or project organization.

3. The RFI Work Plan shall include the submittal of a Sampling and Analysis Plan (SAP) prepared in accordance with the "RCRA Corrective Action Plan," dated May 1994, OSWER Directive Number 9902.3-2A; EPA Document Number 520-R-94-004; and any subsequent revisions or editions and the "RCRA Facility Investigation Guidance", dated May 1989, OSWER Directive Number 9502.00-6D, EPA Document Number 530/SW-89-031, and any subsequent revisions or editions. The SAP shall include, but not limited to, the following:

a. Description of all sampling procedures including sample collection by media, field measurement and/or analysis, analytical methods, containerization, preservation, packaging, and shipment (including chain-of-custody) procedures;

b. Plans for the handling and disposal of all investigation-derived wastes, such as drilling spoils, water produced during well development, water produced during purging prior to groundwater sample collection, and fluids generated during decontamination of drilling and sampling equipment;

c. A map with all SWMUs, AOCs, and/or release areas shown and maps of each SWMU, AOC or release area showing all sampling points, depth intervals, and constituents to be sampled and analyzed for.

4. The RFI Work Plan shall include the submittal of a Quality Assurance Project Plan (QAPP) prepared in accordance with "EPA Requirements for Quality Assurance Project Plans" EPA QA/R-5, March 2001, and "Guidance for Quality Assurance Project Plans" EPA QA/G-5, December 2002, and any subsequent revisions or editions. The QAPP shall present the policies, organization, objectives, functional activities, and specific quality assurance and quality control activities designed to achieve the data quality goals of the RFI. The QAPP shall identify procedures that will be performed during the investigation to characterize the nature and extent of contamination in order to ensure that all information and data resulting from the investigation are technically defensible, representative, and accurate in support of corrective action and risk management decisions. These documents must be reviewed and approved by the EPA Region 7 Quality Assurance Office. The QAPP shall include, but is not limited to, the following:

a. The RFI objectives, analytical and laboratory methods, field and laboratory quality assurance and quality control samples, chain-of-custody procedures, and data review and management, validation and reporting procedures, sample collection, field measurement and/or analysis, containerization, preservation, packaging, shipment.

b. A laboratory QAPP or equivalent which is provided by the laboratory selected to perform sample analysis.

c. Laboratory methods shall be in accordance with Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB. [70 FR 34538, June 14, 2005].

5. The Permittee shall prepare and maintain a health and safety plan during the project that assures the RFI activities are conducted in a manner that is protective of human health and the environment.

III.F. RFI IMPLEMENTATION

Upon receipt of written approval from the Director of the Supplemental RFI Work Plan or any other RFI Work Plan, the Permittee shall implement the EPA-approved

Supplemental RFI Work Plan or RFI Work Plan according to the schedules therein and the following:

1. The Permittee shall notify the Director at least thirty (30) days prior to any sampling, testing, or monitoring activity required by the Supplemental or RFI RFI Work Plan to give EPA personnel the opportunity to observe investigation procedures and/or obtain split samples.

2. Any proposed deviations from the EPA-approved Supplemental RFI or RFI Work Plan must be approved in advance by the Director or his/her designee and fully documented and described in the progress reports and in the Supplemental RFI Final Report.

3. Any additional work necessary to accomplish the RFI will be subject to the requirements of Part II Permit Condition III.O.

III.G. RCRA FACILITY INVESTIGATION REPORT

1. The Permittee shall submit a Supplemental RFI Report or a RFI Report according to the schedule contained in the EPA-approved Supplemental RFI or RFI Work Plan and/or any EPA-approved RFI Work Plan Addenda. The Supplemental RFI Report or RFI Report shall be consistent with the requirements of the "RCRA Corrective Action Plan," dated May 1994, OSWER Directive Number 9902.3-2A; EPA Document Number 520-R-94-004; and any subsequent revisions or editions. The Supplemental RFI or RFI Report shall also be consistent with the "RCRA Facility Investigation Guidance," dated May 1989, OSWER Directive Number 9502.00-6D, EPA Document Number 530/SW-89-031, and any subsequent revisions or editions. The Supplemental RFI or RFI Report shall present all information gathered under the EPA-approved Supplemental RFI or RFI Work Plan and/or any EPA-approved RFI Work Plan Addenda along with a facility description and map showing the property boundary and all SWMUs, AOCs, and other areas where a release occurred. The Supplemental RFI or RFI Report must contain sufficient information to support further corrective action decisions at the facility. The Supplemental RFI or RFI Report shall describe the procedures, methods, and results of all investigations required under Part II Permit condition III.E.2 or of newly-identified SWMUs and AOCs and associated releases, including but not limited to the following:

a. Characterization of the extent, nature, direction, rate, movement and concentration of releases from the facility.

b. Characterizations of the environmental setting at the facility, including:

i. Hydrogeological conditions;

ii. Climatological conditions;

iii. Soil characteristics;

iv. Surface water and sediment quality; and

v. Air quality and meteorological conditions.

c. Characterization of SWMUs, AOCs, or other areas from which releases have been or may be occurring, including unit and waste or hazardous constituent characteristics.

d. Descriptions of human populations and environmental systems which are, may have been, or, based on site-specific circumstances, may be exposed to release(s).

e. Any other information that will assist the Director in assessing risks to human health and the environment from releases from SWMUs, AOCs, or other unit/area.

f. Conclusions regarding future contaminant movement.

g. Laboratory, bench-scale or pilot-scale tests or studies conducted to determine the feasibility or effectiveness of treatment technologies or other technologies that may be appropriate in implementing remedies at the facility.

h. Statistical analyses to aid in the interpretation of data.

i. Results of any interim measures.

j. Any deviations from the EPA-approved RFI Work Plan.

2. After the Permittee submits the Supplemental RFI Report or RFI Report, the Director will review and approve the Supplemental RFI Report or RFI Report in accordance with the procedures set forth in Part II Permit Condition III.T.

3. If the Director determines that additional investigation or study of SWMUs or AOCs is necessary, the Permittee will conduct those activities in accordance with Part II Permit Condition III.O.

4. If the Director determines that an interim measure or corrective measure is required, the Director will notify the Permittee in writing and request either interim measures as specified in Part II Permit Condition III.D or a corrective measures study as specified in Part II Permit Conditions III.I and III.K.

III.H. RISK ASSESSMENT REPORT

A draft risk assessment has been developed by the Permittee based on information generated for the RFI and RFI Addendum. The Permittee shall generate a revised Risk Assessment Report to evaluate risk to human health and the environment based on releases from the facility. The permittee shall incorporate the data collected for the Supplemental RFI Report, as approved by the Director, into the Risk Assessment Report. The Risk Assessment shall be prepared in accordance with EPA's guidance for risk assessments, including "Risk Assessment Guidance for Superfund, Volume 1, Human Health Evaluation Manual, Parts A-F", and any subsequent revisions or editions; and "Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments Interim Final (1997)," and any subsequent revisions or editions.

The Permittee shall submit the revised Risk Assessment Report to the Director within 90 days of the Director's approval of the Supplemental RFI Report.

III.I. CORRECTIVE MEASURES STUDY WORK PLAN

1. If the Director determines that there has been a release of hazardous waste and/or hazardous constituents that may present a threat to human health or the environment, the Director may require a Corrective Measures Study (CMS) and will notify the Permittee in writing.

2. The Permittee shall submit three (3) copies of a CMS Work Plan to the Director within sixty (60) calendar days of notification of the requirement to conduct a CMS. The CMS Work Plan shall describe all the investigations, studies and other work necessary to select a corrective measure or measures to protect human health and the environment from releases of hazardous wastes and hazardous constituents. Corrective measures described in the CMS Work Plan may include measures that incorporate engineering or institutional controls subject to EPA's approval. The CMS Work Plan shall be consistent with the most recent version of the EPA guidance document entitled, RCRA Corrective Action Plan (EPA/520-R-94-004).

3. If the CMS Work Plan will consider corrective measures that leave contamination onsite at a level that does not allow for unrestricted use and unlimited exposure, the Permittee shall include as a component of such corrective

measures a plan to implement institutional and/or engineering controls to prevent unacceptable exposures to human health and the environment in perpetuity. Such a plan shall be consistent with EPA guidance including but not limited to "Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups," EPA 540-F-00-005, OSWER 9355.0-74FS-P, September 2000 and the draft "Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups," February 2003, and any subsequent revisions or editions.

4. At a minimum, the CMS Work Plan shall provide the following information:

a. A description of the general approach to investigating and evaluating potential corrective measures;

b. A site specific description of the overall purpose of the corrective measures study;

c. A description of the corrective measures objectives, including proposed target media cleanup standards and points of compliance or a description of how a risk assessment will be performed;

d. A definition of the specific objectives of the Corrective Measure Study;

e. A description of the specific corrective measure technologies and/or corrective measure alternatives which will be studied;

f. A detailed description of any proposed pilot, laboratory and/or bench-scale studies;

g. A description of overall project management including overall approach, levels of authority, lines of communication, project schedules, budget and personnel. Include a description of qualifications for personnel directing or performing the work;

h. A description of the method to be used to evaluate corrective measures. The CMS Work Plan shall specify that the CMS Report will include an evaluation of each corrective measure studied using, at a minimum, four "threshold criteria" and five "balancing criteria."

i. Threshold criteria:

  i. Protection of human health and the environment;

  ii. Attainment of media cleanup standards set by, or risk-based standards approved by, EPA;

  iii. Controlling the sources of releases to reduce or eliminate further releases that may pose a threat to human health and the environment, and

  iv. Compliance with applicable standards for management of wastes.

j. Balancing criteria:

  i. Long-term reliability and effectiveness;

  ii. Reduction of toxicity, mobility or volume of wastes;

  iii. Short-term effectiveness;

  iv. Implementability; and

  v. Cost.

k. The schedules for conducting the Corrective Measures Study and submitting a Corrective Measures Study Report;

l. A requirement to provide thirty (30) days written advance notice to the Director of the date upon which field work will begin; and

m. The proposed format for the presentation of information in the Corrective Measures Study Report. The format for the CMS Report shall include at a minimum:

  i. Introduction/Purpose;

  ii. Description of Current Conditions;

  iii. Media Cleanup Standards;

  iv. Identification, Screening, and Development of Corrective Measures Alternatives;

v. Evaluation of a Final Corrective Measures Alternative;

vi. Recommendation by Permittee for a Final Corrective Measure Alternative; and

vii. Public Involvement Plan.

n. The Director may require the Permittee to evaluate as part of the CMS one or more specific potential remedies. These remedies may include a specific technology or combination of technologies that, in the EPA's judgment, achieves protection of human health and the environment.

o. The Director will review the CMS Work Plan in accordance with the procedures set forth in the Part II Permit Condition III.T.

III.J. CORRECTIVE MEASURES STUDY WORK PLAN IMPLEMENTATION

1. Upon receipt of written approval from the Director for the CMS Work Plan, the Permittee shall implement the EPA-approved CMS Work Plan according to the schedules therein and the following:

2. The Permittee shall notify the Director at least thirty (30) days prior to any sampling, testing, or monitoring activity required by the CMS Work Plan to give EPA personnel the opportunity to observe investigation procedures and/or obtain split samples.

3. Any proposed deviations from the EPA-approved CMS Work Plan must be approved in advance by the Director or his/her designee and fully documented and described in the progress reports and in the CMS Report.

4. Any additional work necessary to accomplish the CMS will be subject to the requirements of Part II Permit Condition III.O.

III.K. CORRECTIVE MEASURES STUDY REPORT

1. The Permittee shall submit three (3) copies of a CMS Report to the Director according to the schedule contained in the approved CMS Work Plan. The CMS Report shall present all information gathered under the approved CMS Work Plan and shall be consistent with the most recent version of the EPA guidance document entitled, RCRA Corrective Action Plan (EPA/520-R-94-004).

2. If the CMS Report proposes corrective measures that leave contamination onsite at a level that does not allow for unrestricted use and unlimited exposure, the Permittee shall include as a component of such corrective measures a plan to implement institutional and/or engineering controls to prevent unacceptable exposures to human health and the environment in perpetuity. Such a plan shall be consistent with EPA guidance including but not limited to "Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups," EPA 540-F-00-005, OSWER 9355.0-74FS-P, September 2000 and the draft "Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups," February 2003.

3. The CMS Report shall include:

a. A brief summary discussion of any new information that would significantly affect the evaluation and selection of the corrective measures alternative;

b. A summary of the risks to human health and the environment which require implementation of a corrective measure(s);

c. Proposed media cleanup standards for the protection of human health and the environment;

d. The results of the investigations for each remedy studied and of any bench-scale or pilot tests or modeling (if applicable) conducted;

e. An estimate of the costs for implementing each corrective measure;

f. A detailed evaluation of each corrective measure using the four threshold criteria and the five balancing criteria listed in Part II Permit Conditions III.I.4.i and III.I.4.j; and

g. The Permittee's recommendation, with justification, of the appropriate corrective measure or measures, based upon the above criteria and the information in Part II Permit Conditions III.I.4.i and III.I.4.j.

4. The Director may require the Permittee to evaluate as part of the CMS one or more specific potential corrective measures. These corrective measures

may include a specific technology or combination of technologies that, in the EPA's judgment, achieves protection of human health and the environment.

5. The CMS Report must contain adequate information for the Director to select the corrective measure(s) necessary to protect human health and the environment from releases of hazardous wastes and hazardous constituents at or from the Facility.

6. The CMS Report will be reviewed in accordance with the procedures set forth in Part II Permit Condition III.T.

III.L. CORRECTIVE MEASURES SELECTION

III.L.1. Corrective Measures Selection

The Director will select corrective measure(s) that will (1) protect human health and the environment; (2) attain media cleanup standards set by the Director; (3) control the source(s) of releases so as to reduce or eliminate, to the maximum extent practicable, further releases that may pose a threat to human health and the environment; and (4) comply with any applicable standards for management of wastes. Before selecting corrective measures, the Director will prepare a Statement of Basis that identifies the preferred corrective measure or measures and provides the reasons for the selection. The Director will make a final corrective measures decision after public notice and public review of the Statement of Basis and review of all public comments. If necessary, EPA will initiate a Part II Permit modification pursuant to 40 CFR § 270.41 to require implementation of the preferred corrective measure or measures. Alternatively, this Part II Permit may be modified by the Permittee pursuant to 40 CFR §270.42(c) for the implementation of the EPA selected corrective measure or measures.

III.M. CORRECTIVE MEASURES IMPLEMENTATION

III.M.1. Corrective Measures Implementation Work Plan

a. Within sixty (60) calendar days of selection by the Director of a final remedy/corrective measure(s), the Permittee shall submit a Corrective Measures Implementation Work Plan (CMIWP) to the Director to implement the selected corrective measure(s). The CMIWP is subject to approval by the Director and shall be developed in a manner consistent with the CMI Scope of Work in the "RCRA Corrective Action

Plan" EPA 520-R-94-004, OSWER Directive 9902.3-2A, May 1994, incorporated herein.

b. The CMIWP shall detail the design, construction, operation, maintenance, and monitoring of the selected corrective measure. If the CMI will consider corrective measures that leave contamination onsite at a level that does not allow for unrestricted use and unlimited exposure, the Permittee shall include as a component of such corrective measures a plan to implement institutional and/or engineering controls to prevent unacceptable exposures to human health and the environment. Within ten (10) days of a request by the Director, the Permittee shall provide an editable version of the CMIWP in an electronic format such as Word©, AutoCAD©, etc., in accordance with the "RCRA Corrective Action Plan" EPA 520-R-94-004, OSWER Directive 9902.3-2A, May 1994, incorporated herein. The CMIWP, at a minimum, shall include the following sections:

i. Project Management

ii. Public Involvement

iii. Design Plans and Specifications

iv. Operation and Maintenance

v. Monitoring and Recordkeeping Plan

vi. Cost Estimate

vii. Project Schedule, including provisions for thirty (30) days written advance notice of any field work

viii. Construction Quality Assurance/Quality Control Program

ix. Sampling and Analysis Plan

x. Quality Assurance Project Plan

xi. Data Management

xii. Waste Management Plan

xiii. Periodic Reports, including the Construction Complete Report

c. Institutional Control (IC) Plan: If an IC Plan is necessary, the Permittee shall provide in the CMIWP a detailed IC plan for the establishment of ICs, as required below:

i. The ICs shall be consistent with EPA guidance including but not limited to "Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups," EPA 540-F-00-005, OSWER 9355.0-74FS-P, September 2000 and the draft "Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups," February 2003 . The CMIWP shall include drafts of all proposed IC documents. The CMIWP shall include a schedule for the implementation of the IC plan. Upon approval of the CMIWP by the Director, the Permittee shall implement the IC plan.

d. Long-Term Inspection, Monitoring and Maintenance: The Permittee shall provide in the CMIWP required above a detailed plan to conduct long-term monitoring, inspection, maintenance, recordkeeping and reporting to demonstrate and report the effectiveness of the corrective measures. The plan shall include inspection, monitoring and maintenance of the ECs and monitoring and review of ICs. The Permittee shall determine if any construction or excavation has not been in accordance with the ICs above. Upon approval of the CMIWP by the Director, the Permittee shall implement the long-term monitoring, inspection, maintenance, recordkeeping and reporting plan.

e. Concurrent with the submission of a CMIWP, the Permittee shall submit to the Director a CMI Health and Safety Plan.

f. The Director will review the CMIWP for approval in accordance with the procedures set forth in Part II Permit Condition III.T below. Upon approval thereof by the Director, the Permittee shall implement the plan in accordance with the schedule contained therein. The Permittee shall also submit an electronic copy of the CMIWP in PDF format on a

CD or DVD-ROM that incorporates all changes and/or revisions required for, or as, a condition of approval.

III.M.2. **Corrective Measures Implementation**

a. Upon receipt of written approval from the Director for the CMIWP, the Permittee shall implement the EPA-approved CMIWP according to the schedules therein and the following:

b. The Permittee shall notify the Director at least thirty (30) days prior to any sampling, testing, or monitoring activity required by the CMIWP to give EPA personnel the opportunity to observe investigation procedures and/or obtain split samples.

c. Any proposed deviations from the EPA-approved CMIWP must be approved in advance by the Director or his/her designee and fully documented and described in the progress reports and in the Corrective Measures Construction Completion Report.

d. Any additional work necessary to implement the Corrective Measures will be subject to the requirements of Part II Permit Condition III.O.

III.M.3. **Corrective Measures Construction Completion Report**

The Permittee shall submit a Corrective Measures Construction Completion Report (CMCCR) to the Director in accordance with the approved CMIWP schedule. Within ten (10) days of a request by the Director, the Permittee shall provide an editable version of the CMCCR in an electronic format such as Word©, AutoCAD©, etc. The CMCCR shall be consistent with the "RCRA Corrective Action Plan" EPA 520-R-94-004, OSWER Directive 9902.3-2A, May 1994, incorporated herein. The CMCCR shall, at a minimum, include the following:

a. Description of the purpose of the CMCCR;

b. Synopsis of the corrective measure, design criteria, and certification that the corrective measure was constructed in accordance with the final plans and specifications as contained in the CMI Work Plan;

c. Explanation and description of any modifications to the EPA approved CMI Work Plan and specifications and why these were necessary for the project;

d. Results of any operational testing and/or monitoring, indicating how initial operation of the corrective measure compares to the design criteria;

e. Summary of significant activities that occurred during construction, including a discussion of problems encountered and how they were addressed;

f. Summary of any inspection findings (include copies of key inspection documents in appendices); and

g. As built drawings or photographs depicting the constructed corrective measure(s).

III.M.4. **Corrective Measures Implementation Annual Report**

The Permittee shall submit a CMI Annual Report to the Director no later than March 1 of each year of the prior year's performance of the corrective measures above, including IC's. The CMI Annual Report shall include documentation of all samples and data collected and their analysis, and an evaluation of both the short-term and long-term effectiveness of the corrective measures. The CMI Annual Report shall include any deficiencies or violations of ECs or ICs determined from the inspection, maintenance, and monitoring required in Part II Permit Condition III.M.1.d. Based upon EPA's review of the report, the Director may require the Permittee to conduct additional investigation, study, and/or work in order to modify an existing corrective measure or to select a new corrective measure or measures. If action is needed to protect human health or the environment from releases or to prevent or minimize the further spread of contamination while long-term remedies are pursued, the Director may require the Permittee to implement Interim Measures pursuant to Part II Permit Condition III.D. Note that the Permittee must still report all instances of non-compliance as required elsewhere by the Part II Permit.

III.M.5. **Corrective Measures Implementation Five-year Review**

a. The Permittee shall submit a report to evaluate the corrective measures effectiveness and performance every five (5) years to the Director. Within sixty (60) days after the 5-year anniversary of EPA's approval of the CMCCR, the Permittee shall submit to EPA for review and approval a 5-Year Corrective Measures Performance Evaluation Report. The evaluation shall be consistent with the CERCLA Comprehensive Five-Year Review Guidance, OSWER9355.7-03B-P, and any subsequent revisions or additions, and include the following:

i. Annual reports required in Part II Permit Condition III.M.4

ii. Effectiveness of corrective measures in protecting human health and the environment as planned in the Statement of Basis.

iii. Effectiveness of ECs and ICs in protecting human health and the environment as planned in the Statement of Basis.

iv. Results of sampling and analysis to determine the effectiveness and performance of the corrective measures.

v. Any changed circumstances that render the corrective measure, including ECs and ICs, ineffective.

vi. Possible modifications to the corrective measures to provide necessary protection.

vii. Any other reporting requirements included in the EPA approved CMIWP.

b. Based upon EPA's review of the report, the Director may require the Permittee to conduct additional investigation, study, and/or work in order to modify an existing corrective measure or to select a new corrective measure or measures. If action is needed to protect human health or the environment from releases or to prevent or minimize the further spread of contamination while long-term remedies are pursued, the Director may require the Permittee to implement Interim Measures pursuant to Part II Permit Condition III.D.

III.M.6. **Corrective Measure Completion Report**

a. The Permittee shall submit a Corrective Measures Completion (CMC) Report to the Director within ninety (90) calendar days of the completion of all remedial activities required by Part II Permit Condition III and generally conform to the "RCRA Corrective Action Plan" EPA 520-R-94-004, OSWER Directive 9902.3-2A, May 1994, incorporated herein. The purpose of the CMC Report is to fully document how the corrective measure completion criteria have been satisfied and to justify why the corrective measure and/or

monitoring may cease. The CMC Report shall, at a minimum, include the following elements:

i. Purpose;

ii. Synopsis of the corrective measure;

iii. Corrective Measure Completion Criteria: Describe the process and criteria for determining when corrective measures, maintenance and monitoring may cease. Corrective measure completion criteria were given in the final Operation and Maintenance (O&M) Plan;

iv. Demonstration that the completion criteria have been met. Include results of testing and/or monitoring, indicating how operation of the corrective measure compares to the completion criteria;

v. Summary of work accomplishments (e.g., performance levels achieved, total treated and/or excavated volumes, nature and volume of wastes generated, etc.);

vi. Summary of significant activities that occurred during operations. Include a discussion of problems encountered and how they were addressed;

vii. Summary of inspection findings (include copies of key inspection documents in appendices);

viii. Summary of total operation and maintenance costs; and

ix. Determination of whether ECs and/or ICs are required to continue to be maintained.

b. The Director will review the CMC Report for approval in accordance with the procedures set forth in Part II Permit Condition III.T. The Permittee shall also submit an electronic copy of the report in a format and on a media approved by the Director that incorporates all changes and/or revisions required for approval. Upon approval of the CMC Report, the Director shall notify the Permittee in writing of release from financial assurance obligations.

c. The requirements for ICs and ECs shall be maintained as specified in this Part II Permit and shall not be terminated

until EPA has determined that the concentration of hazardous constituents in the soil and groundwater are at such levels to allow for unlimited use and unrestricted exposure.

III.N. CHANGE IN PROPERTY USE

If property use restrictions are included as a part of the EPA selected corrective measures, before the property use can be changed, the Permittee shall submit a request for a Part II Permit modification to include a new risk assessment and corrective measures study that addresses potential exposures associated with the proposed property use. The Director will review the revised risk assessment/CMS Report for approval in accordance with the procedures set forth in Part II Permit Condition III.T. Changes in corrective measures shall be selected in accordance with procedures in Part II Permit Condition III.L.1. Upon final selection and modification into the Part II Permit, the Permittee shall implement the new corrective measure.

III.O. ADDITIONAL WORK

If at any time during implementation of corrective action under this Part II Permit the EPA determines that additional work is necessary to accomplish the corrective action required under this Part II Permit, EPA will provide written notification to the Permittee of the requirement for additional work to be performed by the Permittee. EPA may determine that certain tasks, including, but not limited to, investigatory work or engineering evaluation are necessary in addition to the tasks and deliverables already required under this Part II Permit. EPA will specify the basis and reasons for its determination that the additional work is necessary and will request submittal of a draft work plan to perform the additional work. Within sixty (60) days of the EPA's request, the Permittee shall submit a draft work plan for EPA review and approval pursuant to Part II Permit Condition III.T. Upon EPA approval, the Permittee shall perform the additional work according to the EPA-approved work plan. The completion of the additional work, as specified in this Part II Permit Condition, shall be documented by the Permittee in accordance with the approved schedule for the additional work.

III.P. COST ESTIMATE FOR CORRECTIVE ACTION WORK

1. Within sixty (60) days after notification that EPA has selected a final remedy/corrective measures, the Permittee shall submit a corrective action cost estimate to EPA for review and approval in accordance with Part II Permit Condition III.T. The Permittee shall prepare and maintain a detailed written cost estimate, in current dollars, of the cost of hiring a third party to perform all of the corrective action work required by the Permittee under this Part II Permit (hereafter the "Work"). The cost estimate shall also include long term costs such as operation and maintenance costs and monitoring costs. A third party is a party who (i) is neither a parent nor a subsidiary of Permittee, and (ii) does not share a

common parent or subsidiary with Permittee. The cost estimate shall not incorporate any salvage value that may be realized from the sale of wastes, facility structures or equipment, land or other assets associated with the facility.

2. Within thirty (30) days of approval by the Director of any new, additional, or revised work plan or implementing document, or work otherwise required under Section III of this Part II Permit, the Permittee shall submit to the Director for review and approval a revised cost estimate of the Work, to include that outlined in the EPA-approved work plan and/or implementing documents. In addition, Permittee shall adjust the estimated cost of the Work if the Director determines that either additional work is required, pursuant to Part II Permit Condition III.O., or if any other condition increases the estimated cost of the Work to be performed under this Part II Permit. The Director will review the revised cost estimate in accordance with Part II Permit Condition III.T. The Director will notify the Permittee in writing of the Director's approval, disapproval, or modification of the cost estimate in accordance with Part II Permit Condition III.T. The Director may waive in writing the requirement for a cost estimate for any document at his/her discretion.

3. Annually, Permittee shall adjust the estimated cost of the Work for inflation. The inflation adjustment shall be determined by using the procedures described in 40 CFR 264.142(b) except that the inflation factor should be derived from the most recent annual Implicit Price Deflator for the Gross Domestic Product instead of the Gross National Product, for the estimated cost of the Work. The annual adjustments are required until the Work required by Part II Permit Condition III is completed. The Permittee shall annually adjust the estimated cost of the Work for inflation within sixty (60) calendar days prior to the anniversary date of the establishment of the financial instrument(s), or within thirty (30) calendar days after the close of the fiscal year if a financial test or corporate guarantee is used. The cost estimate of all of the Work required by the Permittee under this Part II Permit adjusted appropriately and up to date for inflation shall be referred to as the EPA-approved estimated cost of the Work.

4. If the Permittee believes that the estimated cost of the Work remaining to be completed has diminished below the most recent EPA-approved cost estimate, the Permittee may, at the same time that the Permittee submits the annual cost adjustment, pursuant to Part II Permit Condition III.P.3, or at any other time agreed to by the Director, submit a revised cost estimate of the Work to the Director for review and approval according to procedures set forth in Part II Part II Permit Condition III.T. If EPA decides to accept and approve the revised cost estimate, the Director will notify the Permittee in writing that the financial assurance mechanism may be adjusted according to the new EPA-approved cost estimate of the Work and in accordance with Part II Permit Condition III.Q.6.

III.Q. FINANCIAL ASSURANCE FOR COMPLETING THE WORK

In order to secure the full and final completion of the Work in accordance with this Part II Permit, the Permittee shall establish and maintain financial assurance for the benefit of the EPA in the amount of the most recent EPA-approved estimated cost of the Work adjusted for inflation, as required in Part II Permit Condition III.P. Within thirty (30) days after the Director has approved the initial and any subsequent Estimated Cost of Work adjusted for inflation in accordance with Part II Permit Condition III.P, the Permittee shall submit draft financial assurance instruments and related documents to the Director, for the Director's review and approval in accordance with Part II Permit Condition III.T. Within ten (10) days after the Director's approval of the draft financial assurance instruments, the Permittee shall execute or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding in a form substantially identical to the financial assurance documents reviewed and approved by the Director. The Permittee shall submit all original executed and/or otherwise finalized financial assurance instruments or other documents to the Director within thirty (30) days after the Director's approval of the draft financial assurance instruments.

Any references in this Part II Permit Condition to the requirements of 40 CFR Part 264, Subpart H shall be construed to require the Permittee to comply with the substantive requirements for each instrument. In addition, rather than imposing requirements to provide cost estimates for closure and post-closure activities these provisions require a demonstration that the Permittee has obtained sufficient financial assurances to complete any work for which cost estimates are required by this Part II Permit. Finally, any financial assurance instrument submitted under this Part II Permit shall recite that the instrument is established to ensure completion of any corrective action work for which cost estimates are required under this Part II Permit rather than reciting that the instrument is being submitted for closure and post-closure activities.

III.Q.1. **Financial Assurance Instruments:**

A Permittee may use one or more of the financial assurance forms generally described in Part II Permit Condition III.Q.1.a-f below, except that a surety bond guaranteeing performance rather than payment, a corporate guarantee, and a financial test may not be combined with other instruments. Any and all financial assurance instruments provided pursuant to this Part II Permit shall be satisfactory in form and substance as determined by the Director. The Director may limit the choices of the Permittee, to one or more of the instruments described below.

a. A trust fund established for the benefit of EPA, administered by a trustee who has the authority to act as a trustee under Federal or State law and whose trust operations are regulated

and examined by a Federal or State agency, and that is acceptable in all respects to the Director. The trust agreement shall provide that the trustee shall make payments from the fund as the Director shall direct in writing (1) to reimburse the Permittee from the fund for expenditures made by the Permittee for Work performed in accordance with this Part II Permit, or (2) to pay any other person whom the Director determines has performed or will perform the Work in accordance with this Part II Permit. The trust agreement shall further provide that the trustee shall not refund to the grantor any amounts from the fund unless and until the Director has advised the trustee that the Work under this Part II Permit has been successfully completed.

b. A surety bond unconditionally guaranteeing performance of the Work in accordance with this Part II Permit, or guaranteeing payment at the direction of the Director into a standby trust fund that meets the requirements of the trust fund in Part II Permit Condition III.Q.1.a above. The surety company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on Federal Bonds as set forth in Circular 570 of U.S. Department of the Treasury, and be acceptable to the Director.

c. An irrevocable letter of credit, payable at the direction of Director, into a standby trust fund that meets the requirements of the trust fund in Part II Permit Condition III.Q.1.a above. The letter of credit shall be issued by a financial institution that has the authority to issue letters of credit, and whose letter-of-credit operations are regulated and examined by a Federal or State agency.

d. A policy of insurance that: (i) provides EPA with acceptable rights as a beneficiary; (ii) is issued by an insurance carrier (Insurer) licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States; (iii) has a face value at least equal to the current estimated cost of the Work to be performed under this Part II Permit, except where costs not covered by the policy are covered by another financial assurance instrument; (iv) is automatically renewable at the face amount of the expiring policy; (v) contains a provision that allows the policy to be assigned or transferred to a

successor Permittee; (vi) provides that the Insurer make payments as directed in writing by the Regulators to (a) reimburse the Permittee for expenditures made by the Permittee for Work performed in accordance with this Part II Permit, or (b) pay any other person whom the Regulators determines has performed or will perform Work in accordance with this Part II Permit, up to an amount equal to the face amount of the policy; (vii) stipulates the Insurer may not cancel, terminate or fail to renew the policy except if the Permittee fails to pay the premiums; (viii) stipulates that if the Permittee fails to pay the premiums and the Insurer wants to cancel, terminate or fail to renew the policy, the Insurer must give the Regulators and the Permittee 120 days written notice. Cancellation, termination or failure to renew may not occur during the 120 days beginning with the date of receipt of the notice by both the Regulators and the Permittee; and (ix) stipulates that the cancellation, termination, or failure to renew the policy may not occur and the policy will remain in full force and in effect if, before the date of expiration, the Permittee declares bankruptcy or is named as a debtor in a voluntary or involuntary proceeding under USC Title 11 – Bankruptcy, or other events occur such as abandonment, termination, revocation, denial of this Part II Permit, or if the Regulator notifies the Insurer of the Permittee's failure to perform.

e. A corporate guarantee, executed in favor of the EPA by one or more of the following; (i) a direct or indirect parent company, or (ii) a company that has a "substantial business relationship" with the Permittee (as defined in 40 CFR § 264.141(h)); to perform the Work in accordance with this Part II Permit or to establish a trust fund as permitted by Part II Permit Condition III.Q.1.a above; provided, however, that any company providing such a guarantee shall demonstrate to the satisfaction of the Director that it satisfies the financial test requirements of 40 CFR § 264.143(f) with respect to the EPA-approved estimated cost of the Work that it proposes to guarantee; or

f. A demonstration by Permittee that the Permittee meets the financial test criteria of 40 CFR § 264.143(f) with respect to the EPA-approved estimated cost of the Work, provided that all other requirements of 40 CFR § 264.143(f) are satisfied.

g. The allowance to use the corporate guarantee pursuant to Part II Permit Condition III.Q.1.e or the financial test pursuant to Part II Permit Condition III.Q.1.f shall be at the sole discretion of the Director and not subject to the dispute resolution under Part II Permit Condition III.U. If a Permittee provides financial assurance by means of a corporate guarantee or financial test, the Director may request additional information (including financial statements and accountant's reports) from the Permittee or corporate guarantor at any time. If the Director determines that the use of the corporate guarantee pursuant to Part II Permit Condition III.Q.1.e or the financial test pursuant to Part II Permit Condition III.Q.1.f no longer fulfills the financial assurance requirements, the Director shall notify the Permittee of such determination and require a change in the financial assurance instrument pursuant to Part II Permit Condition III.Q.8. The Permittee shall submit a revised form of financial assurance within thirty (30) days of such notification by the Director.

h. For the purposes of the financial test guarantees described in Part II Permit Conditions III.Q.1.e and III.Q.1.f above, references in 40 CFR § 264.143(f) to "the sum of current closure and post-closure costs and the current plugging and abandonment cost estimates" shall mean the sum of all environmental obligations including obligations under CERCLA, RCRA, UIC, TSCA, and any other environmental obligation guaranteed by such company as "financial assurance" or for which such company is otherwise financially obligated in addition to the most recent EPA-approved estimated cost of the Work to be performed in accordance with this Part II Permit.

i. If at any time during the effective period of this Part II Permit, a Permittee provides financial assurance for completion of the Work by means of a corporate guarantee or financial test pursuant to Part II Permit Condition III.Q.1.e or III.Q.1.f above, the Permittee shall also comply with the other relevant requirements of 40 CFR § 264.143(f), 40 CFR § 264.151(f), and 40 CFR § 264.151(h)(1) relating to these methods, unless otherwise provided in this Part II Permit, including but not limited to, (i) initial submission of required financial reports and statements from the guarantors' chief financial officer and independent certified public accountant; (ii) annual re-

submission of such reports and statements within ninety (90) days after the close of each of the guarantors' fiscal years; and (iii) notification of the Director within ninety (90) days after the close of any of the guarantors' fiscal years in which any such guarantor no longer satisfies the financial test requirements set forth at 40 CFR Part 264.143(f)(1). If the Permittee provides financial assurance by means of a corporate guarantee or financial test, EPA may request additional information (including financial statements and accountant's reports) from the Permittee or corporate guarantor at any time.

j. If a Permittee seeks to establish financial assurance by using a surety bond, a letter of credit, or a corporate guarantee, the Permittee shall at the same time establish, and thereafter maintain, a standby trust fund, which meets the requirements of Part II Permit Condition III.Q.1.a, into which funds from the other financial assurance instrument can be deposited, if the financial assurance provider is directed to do so by the Director, pursuant to Part II Permit Condition III.Q.5.b.

k. The Permittee shall submit all original executed and/or otherwise finalized financial assurance instruments or other documents by certified mail to the Director with a copy to the EPA Project Manager identified in Part II Permit Condition II.G.4.

III.Q.2. **Use of Multiple Mechanisms**

At EPA's sole discretion, the Director may allow a Permittee to combine more than one mechanism to demonstrate financial assurance for the Work to be performed in accordance with this Part II Permit. The mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in Part II Permit Condition III.Q.1.a. - d., except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current cost estimate.

III.Q.3. **Determination of Inadequacy of Financial Instrument**

If, at any time, the Director determines that a financial assurance instrument provided pursuant to this Part II Permit is inadequate, or no longer satisfies the requirements set forth or incorporated by reference in this Part II Permit, whether due to an increase in the most recent EPA-approved estimated cost of the Work or

for any other reason, the Director shall so notify the Permittee in writing. If at any time, a Permittee becomes aware of information indicating that any financial assurance instrument provided pursuant to this Part II Permit is inadequate or no longer satisfies the requirements set forth or incorporated by reference in this Part II Permit, whether due to an increase in the estimated cost of the Work or for any other reason, then the Permittee shall notify the Director in writing of such information within ten (10) days. Within thirty (30) days of receipt of notice of the Director's determination, or within thirty (30) days of the Permittee becoming aware of such information, as the case may be, the Permittee shall obtain and present to the Director for approval, a proposal for a revised or alternative form of financial assurance listed in Part II Permit Condition III.Q.1 above that satisfies all requirements set forth or incorporated by reference in this Part II Permit. In seeking approval for a revised or alternative form of financial assurance, the Permittee shall follow the procedures set forth in Part II Permit Condition III.Q.8 below.

A Permittee's inability or failure to establish or maintain financial assurance for completion of the Work shall in no way excuse performance of any other requirements of this Part II Permit, including, without limitation, the obligation of the Permittee to complete the Work in accordance with the terms of this Part II Permit.

III.Q.4. **Instrument Renewal**

Any and all financial assurance instruments provided pursuant to Part II Permit Conditions III.Q.1.a-e, shall be automatically renewed at the time of their expiration unless the financial assurance provider has notified both the Permittee and the EPA Project Manager identified in Part II Permit Condition II.G.4. at least one hundred and twenty (120) days prior to expiration, cancellation or termination of the instrument of a decision to cancel, terminate or not renew a financial assurance instrument. Under the terms of the financial assurance instrument, the one hundred and twenty (120) days will begin to run with the date of receipt of the notice by both the EPA Project Manager identified in Part II Permit Condition II.G.4. and the Permittee. Furthermore, if the Permittee has failed to provide alternate financial assurance and obtain the Director's written approval for such alternate financial assurance within ninety (90) days following receipt of such notice by both the Permittee and the EPA Project Manager, then the EPA Project Manager identified in Part II Permit Condition II.G.4 will so notify the financial assurance provider in writing prior to the expiration of the instrument, and the financial assurance provider shall immediately deposit into the standby trust fund, or a newly created trust fund approved by the Director, the remaining funds obligated under the financial assurance instrument for the performance of the Work in accordance with this Part II Permit.

III.Q.5. **Performance Failure**

a. In the event that the EPA determines that the Permittee (i) has ceased implementation of any portion of the Work, (ii) is deficient or late in its performance of the Work, or (iii) is implementing the Work in a manner that may cause an endangerment to human health or the environment, the EPA may issue a written notice ("Performance Failure Notice") to both the Permittee and the financial assurance provider of the Permittee's failure to perform. The notice issued by the EPA will specify the grounds upon which such a notice was issued and will provide the Permittee with a period of ten (10) days within which to remedy the circumstances giving rise to the issuance of such notice.

b. Failure by the Permittee to remedy the relevant Performance Failure to the EPA's satisfaction before the expiration of the 10-day notice period specified in Part II Permit Condition III.Q.5.a shall trigger the EPA's right to have immediate access to and benefit of the financial assurance provided pursuant to Part II Permit Condition III.Q.1.a-e. The EPA may at any time thereafter direct the financial assurance provider to immediately (i) deposit into the standby trust fund, or a newly created trust fund approved by the EPA, the remaining funds obligated under the financial assurance instrument or, (ii) arrange for performance of the Work in accordance with this Part II Permit.

c. If the EPA has determined that any of the circumstances described in clauses (i), (ii), or (iii) of Part II Permit Condition III.Q.5.a have occurred, and if the EPA is nevertheless unable after reasonable efforts to secure the payment of funds or performance of the Work in accordance with this Part II Permit from the financial assurance provider pursuant to this Part II Permit, then, upon receiving written notice from the EPA, the Permittee shall within ten (10) days thereafter deposit into the standby trust fund, or a newly created trust fund approved by the EPA, in immediately available funds and without setoff, counterclaim, or condition of any kind, a cash amount equal to the estimated cost of the remaining Work to be performed in accordance with this Part II Permit as of such date, as determined by the EPA.

d. The Permittee may invoke the procedures set forth in Part II Permit Condition III.U. (Dispute Resolution) to dispute the EPA's determination that any of the circumstances described in clauses (i), (ii), or (iii) of Part II Permit Condition III.Q.5.a have occurred. Invoking the dispute resolution provisions shall not excuse, toll or suspend the obligation of the financial assurance provider, under Part II Permit Condition III.Q.5.b of this section, to fund the trust fund or perform the Work. Furthermore, notwithstanding the Permittee's invocation of such dispute resolution procedures, and during the pendency of any such dispute, the EPA may in its sole discretion direct the trustee of such trust fund to make payments from the trust fund to any person that has performed the Work in accordance with this Part II Permit until the earlier of (i) the date that the Permittee remedies, to the EPA's satisfaction, the circumstances giving rise to the EPA's issuance of the relevant Performance Failure Notice or (ii) the date that a final decision is rendered in accordance with Part II Permit Condition III.U (Dispute Resolution), that the Permittee has not failed to perform the Work in accordance with this Part II Permit.

III.Q.6. **Reduction of Amount of Financial Assurance.**

Upon receipt by the Permittee of the Director's approval to reduce the estimated cost of the Work as allowed under Part II Permit Condition III.P.4, the Permittee shall submit a written proposal to the Director to reduce the amount of the financial assurance provided under this Part II Permit so that the amount of the financial assurance is equal to the Estimated Cost of the Work remaining to be performed. The written proposal shall specify, at a minimum, the cost of the remaining work to be performed and the basis upon which such cost was calculated. The written proposal shall be subject to review and approval pursuant to Part II Permit Condition III.T. If EPA decides to accept such a proposal, the Director shall notify the Permittee of its decision in writing. After receiving the Director's writtenapproval, the Permittee may reduce the amount of the financial assurance only in accordance with and to the extent permitted by such written decision. In the event of a dispute, the Permittee may reduce the amount of the financial assurance required hereunder only in accordance with the final EPA Dispute Decision, pursuant to Part II Permit Condition III.U, resolving such dispute. No change to the form or terms of any financial assurance provided under this Section, other than a reduction in amount, is authorized except as provided in Part II Permit Conditions III.Q.8 and III.Q.9.

III.Q.7. **Increase of Amount of Financial Assurance.**

Whenever the most current EPA-approved estimated cost of the Work exceeds the amount of financial assurances provided pursuant to this Part II Permit, the Permittee shall revise the instrument(s) according to the requirements in this Part II Permit Condition. The Permittee shall notify the Director in writing within fourteen (14) days of determining that the most current EPA-approved estimated cost of the Work exceeds the amount of financial assurances provided. The conditions in this Part II Permit Condition shall apply upon such determination by the Permittee or the Director and shall apply when any of the following situations result in the estimated cost of the Work exceeding the amount of financial assurances provided: adjustment for inflation; additional costs resulting from a request by the Director for additional work under Part II Permit Condition III.O; EPA approval of a work plan pursuant to this Part II Permit; EPA selection of a corrective measures or interim measures; or inadequacy of current financial assurance instrument. Within thirty (30) days following such determination, the Permittee shall obtain and present to the Director for review and approval pursuant to Part II Permit Condition III.T a revised form of financial assurance (and otherwise acceptable under this Part II Permit Condition III.Q) that covers the most current EPA-approved estimated cost of the Work. Within ten (10) days after the Director's approval of the revised financial assurance instrument(s), the Permittee shall execute or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding in a form substantially identical to the financial assurance documents reviewed and approved by the Director. The Permittee shall submit all original executed and/or otherwise finalized financial assurance instruments or other documents to the Director within thirty (30) days after the Director's approval of the revised financial assurance instruments.

III.Q.8. **Change of Form of Financial Assurance.**

a. If the Permittee desires to change the form or terms of financial assurance, the Permittee may, at the same time that the Permittee submits the annual cost adjustment, pursuant to Part II Permit Condition III.P.3 or at any other time agreed to by the Director, submit a written proposal to the Director to change the form of financial assurance. The submission of such proposed revised or alternative form of financial assurance shall be as provided in Part II Permit Condition III.Q.8.b below. The decision whether to approve a proposal submitted under this Part II Permit Condition shall be made at the Director's sole and un-reviewable discretion and such decision shall not be subject to challenge by the Permittee

pursuant to the dispute resolution provisions of this Part II Permit or in any other forum.

b. A written proposal for a revised or alternative form of financial assurance shall specify, at a minimum, the EPA-approved estimated cost of the Work remaining to be performed, the basis upon which such cost was calculated, and the proposed revised form of financial assurance, including all proposed instruments or other documents required in order to make the proposed financial assurance legally binding. The proposed revised or alternative form of financial assurance shall satisfy all requirements set forth or incorporated by reference in this Part II Permit.

c. The Director shall notify the Permittee in writing of its decision to accept or reject a revised or alternative form of financial assurance submitted pursuant to this Part II Permit Condition III.Q.8. Within ten (10) days after receiving a written decision approving the proposed revised or alternative financial assurance, the Permittee shall execute and/or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding in a form substantially identical to the documents submitted to the Director as part of the proposal, and such financial assurance shall be fully effective.

d. The Permittee shall submit all executed and/or otherwise finalized instruments or other documents required in order to make the selected financial assurance legally binding to the Director within thirty (30) days of receiving a written decision approving the proposed revised or alternative financial assurance, with a copy to the EPA Project Manager identified in Part II Permit Condition II.G.4. The Director shall approve the release, cancellation or termination of the prior existing financial assurance instruments only after the Permittee has submitted all original executed and/or otherwise finalized new financial assurance instruments or other required documents to the Director. If the Director denies the new instrument, the permittee shall continue to maintain the original financial assurance instrument, as required in this Part II Permit.

III.Q.9. **Release of Financial Assurance.**

The Permittee may submit a written request to the Director that EPA release the Permittee from the requirement to maintain financial assurance under this Part II Permit when the Permittee demonstrates in writing and certifies to the satisfaction of the Director that all Work required under this Part II Permit, including any additional work, has been performed to the Director's satisfaction in accordance with Part II Permit Condition III. If the certification is approved, the Director shall notify both the Permittee and the provider(s) of the financial assurance in writing that the Permittee is released from all financial assurance obligations under this Part II Permit. The Permittee shall not release, cancel or terminate any financial assurance provided pursuant to this Part II Permit unless written approval for such release, cancellation or termination is received from the Director and as provided in this Part II Permit Condition III.Q.9 or Part II Permit Condition III.Q.8. In the event of a dispute pursuant to Part II Permit Condition III.U, the Permittee may release, cancel, or terminate the financial assurance required hereunder only in accordance with a final administrative or judicial decision resolving such dispute.

III.R. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall notify the Director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the Permittee as debtor, within ten (10) days after commencement of the proceeding, in accordance with 40 CFR § 264.148. A guarantor or a corporate guarantee as specified in 40 CFR § 264.143(f) and 264.145(f) must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (40 CFR § 264.151(h)). A Permittee who fulfills the requirements of 40 CFR § 264.143 or 40 CFR § 264.147 by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The Permittee must establish other financial assurance or liability coverage within sixty (60) days after such an event.

III.S. QUARTERLY PROGRESS REPORTS

The Permittee shall submit to the Director a signed Quarterly Progress Report covering all activities within the current reporting period which are conducted pursuant to the corrective action provisions of Part II Permit Condition III. Each Quarterly Progress Report shall be due thirty (30) calendar days after the last day of each calendar quarter. The first quarter for which a Quarterly Progress Report is due is the first quarter after the

effective date of this Part II Permit.These Quarterly Progress Reports shall be submitted until such time that the activities pursuant to the corrective action provisions of the Part II Permit are complete as determined by the Director. The Director may change, reduce or discontinue reporting requirements if technical documentation demonstrates the change, reduction or cessation in reporting requirements will not impact operation and monitoring of remedial actions. If previously discontinued, the Director can, upon written request to Permittee, reinstitute the requirement for progress reports when new corrective action activities commence, or other activities require such reporting to the Director. The Progress Reports shall include the following information for the period being reported:

1. A description of all work completed in that period;

2. Summaries of all findings, including summaries of laboratory data;

3. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;

4. Deviations from the approved work plan(s), SAPs

5. Projected work for the next period and,

6. Any instances of noncompliance with the Part II Permit not otherwise required to be reported pursuant to Part II Permit Condition II.E.11 and II.E.16.

III.T. REVIEW AND APPROVAL PROCEDURES

1. After submission of any document, plan, or report, the Director will either approve or disapprove the document, plan, or report in writing.

2. If the Director disapproves the document, plan, or report, the Director will notify the Permittee in writing of the document, plan, or report's deficiencies, indicate required revisions, and specify a due date for submittal of a revised document, plan, or report.

3. If upon resubmission, the Director disapproves the revised document, plan, or report, the Permittee will be deemed to be in violation of this Part II Permit until an approved document is in effect. In addition, the Director may modify the revised document, plan, or report and notify the Permittee of the modifications. The document, plan, or report as modified by the Director is the EPA-approved document, plan, or report, and shall become part of this Part II Permit.

4. If the Permittee takes exception to the modifications made by the Director, the Permittee shall follow the dispute resolution procedures in Part II Permit Condition III.U.

5. The Permittee shall implement all documents, plans, or reports according to the specifications and schedules contained in the EPA-approved document, plan, or report.

III.U. DISPUTE RESOLUTION

1. If the Permittee disagrees, in whole or in part, with any EPA disapproval, conditional approval with comment, modification, or other decision or directive made by EPA pursuant to the corrective action provisions of the Part II Permit, the Permittee shall notify EPA in writing of its objections and bases for them within (10) calendar days of receipt of EPA's disapproval, decision, or directive. The notice shall set forth specific points of the dispute, the position the Permittee maintains should be adopted as consistent with the requirements of this Part II Permit, the factual and legal basis for the Permittee's position, and all matters the Permittee considers necessary for EPA's determination. EPA and the Permittee shall then have an additional twenty (20) days from EPA's receipt of the Permittee's objection to attempt to resolve the dispute. If agreement is reached, the resolution will be reduced to writing by EPA and shall become part of this Part II Permit. If the parties are unable to reach complete agreement within this 20 day period, the matter will be submitted to the Director. This resolution shall become part of this Part II Permit.

2. The existence of a dispute as defined herein and EPA's consideration of such matters as placed in dispute shall not excuse, toll or suspend any obligation or deadline required pursuant to this Part II Permit, that is not the subject of dispute, during pendency of the dispute resolution process.

IV. FACILITY-SPECIFIC CONDITIONS

IV.A. AIR EMISSION STANDARDS

IV.A.1. Container Emissions – 40 CFR 264, subpart CC

IV.A.1.a. Applicable Standards for Containers

The air emission controls required for each container used to manage hazardous waste are provided in Part II Permit Conditions IV.A.1.b, through IV.A.1.d, and in accordance with 40 CFR §264.1080, and are summarized in the table below:

Container Capacity	Air Emissions Control
0.1 m^3 (26.4 gal) to 0.46 m^3 (121.5 gal)	Level 1
>0.46 m^3 (121.5 gal)	Level 2

IV.A.1.b. Level 1 Containers – Containers with a capacity greater than 0.1 m^3 (26.4 gallons) and less than 0.46 m^3 (121.5 gallons)

The Permittee shall ensure that each container meets the following container Level 1 requirements:

i. The container meets the applicable United States Department of Transportation (DOT) requirements specified in 49 CFR Part 178—Specifications for Packaging.

ii. Hazardous waste is managed in the container in accordance with the applicable DOT requirements specified in 49 CFR Part 107, Subpart B—Exemptions; 49 CFR Part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements; 49 CFR Part 173—Shippers—General Requirements for Shipments and Packages; and 49 CFR Part 180—Continuing Qualification and Maintenance of Packaging's. For the purpose of complying with this section, no exceptions to the 49 CFR Part 178 or Part 179 regulations are allowed, except for a lab pack that is managed in accordance with the requirements of 49 CFR Part 178 the Permittee may comply with the exceptions for combination packaging's specified in 49 CFR §173.12(b).

iii. Alternative to paragraphs (i) and (ii) of this section, a container shall be equipped with a cover and closure devices that form a continuous barrier

over the container openings such that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum) or may be an integral part of the container structural design (e.g., a container equipped with a screw-type cap).

iv. Whenever a hazardous waste is in a container with a capacity greater than 0.1 m^3 but less than 0.46 m^3, the Permittee shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

(1) Opening of a closure device or cover is allowed for the adding of discrete quantities or batches of material intermittently to the container over a period of time. The Permittee shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaves the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container; whichever condition occurs first.

(2) Opening of a closure device or cover is allowed for the purpose of removing discrete quantities or batches of material from the container. The Permittee shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first. The Permittee is not required to close empty containers that meet the conditions to be an empty container as defined in 40 CFR§261.7(b).

(3) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the Permittee shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

IV.A.1.c. Level 1 Containers – Containers with a capacity greater than 0.46 m^3 (121.5 gallons) in Heavy Liquid Service

RESERVED

IV.A.1.d. Level 2 Containers - Containers with a capacity greater than 0.46 m^3 (121.5 gallons) in Light Liquid Service

The Permittee shall ensure that each container meets the following container Level 2 requirements:

i. The container meets the applicable DOT requirements specified in 49 CFR Part 178—Specifications for Packaging or 49 CFR Part 179—Specifications for Tank Cars.

ii. Hazardous waste is managed in the container in accordance with the applicable DOT requirements specified in 49 CFR Part 107, Subpart B—Exemptions; 49 CFR Part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements; 49 CFR Part 173—Shippers—General Requirements for Shipments and Packages; and 49 CFR Part 180—Continuing Qualification and Maintenance of Packaging's. For the purpose of complying with this section, no exceptions to the 49 CFR Part 178 or Part 179 regulations are allowed, except for a lab pack that is managed in accordance with the requirements of 49 CFR Part 178 the Permittee may comply with the exceptions for combination packaging's specified in 49 CFR §173.12(b).

iii. Alternative to paragraphs (i) and (ii) of this section, a container that operates with no detectable organic emissions determined in accordance with the following procedures:

(1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, shall be checked. Potential leak interfaces that are associated with containers include, but are not limited to: The interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

(2) The test shall be conducted in accordance with the procedures specified in Method 21 of 40 CFR Part 60, Appendix A. Each potential

leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices shall be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to: The interface of the cover and its foundation mounting; the periphery of any opening on the cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure relief valve.

(3) During the test, the cover and closure devices shall be secured in the closed position.

(4) The detection instrument shall meet the performance criteria of Method 21 of 40 CFR Part 60, Appendix A, except the instrument response factor criteria in section 3.1.2(a) of Method 21 shall be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.

(5) The detection instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR Part 60, Appendix A.

(6) Calibration gases shall be as follows:

(A) Zero air (less than 10 ppmv hydrocarbon in air), and

(B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppmv of methane or of n-hexane.

(7) The background level shall be determined according to the procedures in Method 21 of 40 CFR Part 60, Appendix A.

(8) Each potential leak interface shall be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Method 21 of 40 CFR Part 60, Appendix A. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface shall be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet shall be placed at approximately the center of the exhaust area to the atmosphere.

(9) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level shall be compared with the value of 500 ppmv. If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

iv. Alternative to paragraphs (i), (ii) and (iii) of this section, a container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR Part 60, Appendix A, Method 27 in accordance with the procedure specified below:

(1) The test shall be performed in accordance with Method 27 of 40 CFR Part 60, Appendix A.

(2) A pressure measurement device shall be used that has a precision of ±2.5 mm water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

(3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascal's within 5 minutes after it is pressurized to a minimum of 4,500 Pascal's, then the container is determined to be vapor-tight.

v. Whenever a hazardous waste is in a container with a capacity greater than 0.46 m^3, the Permittee shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

(1) Opening of a closure device or cover is allowed for the adding of discrete quantities or batches of material intermittently to the container over a period of time. The Permittee shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaves the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

(2) Opening of a closure device or cover is allowed for the purpose of removing discrete quantities or batches of material from the container. The Permittee shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will

be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first. The Permittee is not required to close empty containers that meet the conditions to be an empty container as defined in 40 CFR§261.7(b).

(3) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the Permittee shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

IV.A.1.e. Level 3 Containers – Containers with a capacity greater than 0.1 m^3 (26.4 gallons) used for Stabilization

RESERVED

IV.A.1.f. Waste Transfer

The Permittee shall transfer hazardous waste in or out of a container using Level 2 controls in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials.

IV.A.1.g. Inspection and Monitoring Requirements

The Permittee shall develop and implement a written Air Emission Inspection Plan and schedule to perform the inspections and monitoring required in this Part II Permit for all containers. The Air Emission Inspection Plan shall be maintained in the Operating Record required in the Part I Permit. This Air Emission Inspection Plan shall be submitted to the EPA within 60 days of the effective date of the Part II Permit. Upon EPA approval of the Air Emission Inspection Plan, the Permittee shall incorporate this plan and schedule into the Part II Permit as Attachment 2.

The Permittee shall inspect each container to determine if such container is in compliance with the above requirements in Part II Permit Conditions IV.A.1.b and IV.A.1.d. The Permittee shall take the following actions:

i. The Permittee shall inspect each Level 1 container within twenty-four (24) hours after the container is accepted at the facility to determine if such container is in compliance with the above requirements in Part II Permit Conditions IV.A.1.b and IV.A.1.d. The Permittee shall complete this inspection as part of the facility waste receiving procedures.

ii. The Permittee shall inspect each container once each subsequent month the container continues to contain hazardous waste.

iii. Level 1 Containers with a capacity greater than 0.1 m^3 and less than 0.46 m^3 which are not closed shall be closed; transferred to another DOT container and closed; over packed in a DOT container and closed; or treated in the incinerator within twenty-four (24) hours.

iv. The Permittee shall inspect each Level 1 container within twenty-four (24) hours after first placing waste into a Level 1 waste container at the facility and once each subsequent month the container continues to contain hazardous waste to determine if such container is in compliance with the above requirements in Part II Permit Conditions IV.A.1.b and IV.A.1.d. Any such container which is found to be not closed shall be closed, transferred to another closed container, over packed into another container and closed; or treated in the incinerator within twenty-four (24) hours.

v. Level 2 containers which are not closed shall be closed, transferred to another DOT container and closed, over packed in a DOT container and closed; transferred to another container with no detectable emissions; or treated in the incinerator within twenty-four (24) hours.

vi. The Permittee shall inspect each Level 2 container within twenty-four (24) hours after first placing waste into a Level 2 waste container at the facility and once each subsequent month the container continues to contain hazardous waste to determine if such container is in compliance with the above requirements in Part II Permit Conditions IV.A.1.b and IV.A.1.d. Any such container which is found to be not closed shall be closed; transferred to another container and closed; over packed into another container and closed; or treated in the incinerator within twenty-four (24) hours.

IV.A.1.h. Recordkeeping Requirements

i. The Permittee shall place a record of each inspection required by or performed according to Part II Permit Condition IV.A.1.g in the Operating Record required in the Part I Permit. A record of inspection shall include the following information:

(1) Date inspection was conducted.

(2) For each defect detected during the inspection: The location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the requirements of 40 CFR §264.1084, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

ii. For each container meeting the requirements for vapor tightness pursuant to Part II Permit Condition IV.A.1.b.iii, records documenting the conduct of vapor tightness testing and certification of the containers compliance.

IV.A.1.i. Reporting Requirements

The Permittee shall submit a semi-annual report to the Director that describes each occurrence during the previous 6 month period when a container is operated for twenty (24) hours or longer in non-compliance with the requirements of Part II Permit Conditions IV.A.1.b, and IV.A.1.d. The written report shall include the facility's EPA identification number, facility name and address, and an explanation of why the required controls were not in place for a period longer than twenty-four (24) hours and the actions taken to correct the non-compliance. The report shall be dated and signed as required by Part II Permit Condition II.F.

IV.A.2. **Tank Emissions - 40 CFR 264, Subpart CC**

The air emission controls required for each tank used to manage hazardous waste are provided in Part II Permit Conditions IV.A.2.a through IV.A.2.d, and in accordance with 40 CFR §264.1080, and are summarized in the table in IV.A.2.a below.

Within 60 days of the effective date of the Part II Permit, the Permittee shall submit, maintain in the Operating Record, and implement a facility-specific Tank Emissions Waste Characterization Plan for wastes handled in tanks subject to 40 CFR 264, Subpart CC and listed in IV.A.2.a. This Tank Emissions Waste Characterization Plan shall comply with Part II Permit conditions listed in IV.A.2.a and, upon approval by EPA shall be incorporated into this Part II Permit. Any modifications to the plan shall be submitted as permit modification and shall not be implemented prior to approval of the modification.

IV.A.2.a. Level 1 Controls – Closed Tank

The Permittee shall design, install, operate, maintain, inspect and repair Level 1 controls for organic air emissions from the following tanks:

Location	Tank ID#	Tank Capacity (in gallons)
Process Area	Tank V-1	7,363
Process Area	Tank V-2	7,363
Process Area	Tank V-3	7,363
Process Area	Tank V-4	7,363
Process Area	Tank V-5	20,985
Process Area	Tank V-6	20,985
Process Area	Tank V-7	7,363
Process Area	Tank V-8	7,363

a. The Permittee shall not heat hazardous waste or otherwise allow the hazardous waste in a tank with Level 1 controls for organic air emissions to exceed the vapor pressure limits in the following table:

Tank Capacity	Maximum Hazardous Waste Vapor Pressure
Greater than or equal to 39,894 gallons [151 m^3]	5.2 kiloPascals
19,815 gallons [75 m^3] to 39,894 gallons [151 m^3]	27.6 kiloPascals
Less than 19,895 gallons [75 m^3]	76.6 kiloPascals

b. The Permittee shall not treat hazardous waste using a waste stabilization process as defined in 40 CFR §265.1081 in a tank with Level 1 controls for organic air emissions.

c. The Permittee shall determine the maximum organic vapor pressure using the procedures specified in 40 CFR §264.1083(c) of each waste to be placed in a tank with Level 1 controls for organic air emissions before such waste is placed into such a tank.

d. The Permittee shall not place a hazardous waste into a tank using Level 1 controls which exceed the limits for tank

capacity and maximum hazardous waste vapor pressure in the table in Part II Permit Condition IV.A.2.a.a.

e. The Permittee shall provide and equip each tank with Level 1 controls for organic air emissions with a fixed roof and closure devices in accordance with the following requirements:

i. The fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

ii. The fixed roof shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

iii. Each opening in the fixed roof, and any manifold system associated with the fixed roof, shall be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device.

iv. The fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include: Organic vapor permeability, the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

f. Whenever a hazardous waste is in the tank, the fixed roof shall be installed with each closure device secured in the closed position except as follows:

i. Opening of closure devices or removal of the fixed roof is allowed at the following times:

(1) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the Permittee shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

(2) To remove accumulated sludge or other residues from the bottom of tank.

ii. Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device shall be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the Permittee based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

iii. Opening of a safety device, as defined in 40 CFR §265.1081, is allowed at any time conditions require doing so to avoid an unsafe condition.

IV.A.2.b. Level 2 Controls – Closed Tank, Closed Vent System and Control Device

RESERVED

IV.A.2.c. Total Enclosure

RESERVED

IV.A.2.d. Waste Transfer Requirements

The Permittee shall transfer hazardous waste into or out of the tanks identified in Part II Permit Conditions IV.A.2.a using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere.

IV.A.2.e. Inspection

i. The Permittee shall develop and implement a written plan and schedule to perform the inspections and monitoring required in this Part II Permit for all tanks. This Air Emission Inspection Plan shall be submitted to the EPA within 60 days of Part II Permit issuance. An inspection of all air emission control equipment shall be performed at least once each year. Upon EPA approval of the Air Emission Inspection Plan, the Permittee shall incorporate this plan and schedule into the Part II Permit as Attachment 2, maintain the plan and schedule in the Operating Record required in the Part I Permit, and immediately conduct the initial inspection.

ii. The Permittee shall inspect each tank and all associated air emission control equipment in accordance with the following procedures:

(1) The Permittee shall visually inspect each fixed roof and its closure devices 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 roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

(2) The Permittee shall inspect and monitor each closed-vent system and control device as specified in 40CFR§264.1087(b)(4). .

IV.A.2.f. Response to Defects

The Permittee shall repair each defect detected during an inspection performed in accordance with Part II Permit Condition IV.A.2.e. The Permittee shall make first

efforts at repair of the defect no later than five (5) calendar days after detection, and repair shall be completed as soon as possible but no later than forty-five (45) calendar days after detection.

IV.A.2.g. Recordkeeping

i. The Permittee shall prepare and maintain records for each tank in Part II Permit Conditions IV.A.2.a that include the following information:

(1) A tank identification number (or other unique identification description as selected by the owner or operator).

(2) A record for each inspection required by Part II Permit Condition IV.A.2.e that includes the following information:

(A) Date inspection was conducted.

(B) For each defect detected during the inspection: The location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed for more than five (5) days, the Permittee shall also record the reason for the delay and the date that completion of repair of the defect was completed.

ii. The Permittee shall prepare and maintain in the Operating Record required in the Part I Permit each determination for the maximum organic vapor pressure for hazardous waste stored in a Level 1 tank. The records shall include the date and time each sample is collected, the location where the sample was collected, the analysis method used, the analysis results, and the tank identification number and capacity in which the waste will be managed.

IV.A.2.h. Reporting

The Permittee shall report to the Director each occurrence when hazardous waste is managed in any tank in noncompliance with the conditions specified in Part II Permit Condition IV.A.2. The Permittee shall submit a written report within fifteen (15) calendar days of the time that the Permittee becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the Permittee in accordance with Part II Permit Condition II.F.

IV.B. LAND DISPOSAL RESTRICTIONS

1. The Permittee must comply with all regulations implementing the land disposal restrictions required in 40 CFR Part 268. The Permittee also must comply with regulations implementing the land disposal restrictions that are promulgated after the effective date of the Part II Permit, as these requirements are self-implementing provisions of HSWA.

2. If allowed in the State RCRA Permit (Part I), the Permittee may store wastes to which the land disposal restriction applies for up to one year unless EPA can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal as provided in 40 CFR §268.50(b). For storage of hazardous waste to which the land disposal prohibition applies beyond one year, however, the Permittee shall bear the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal as provided in 40 CFR §268.50(c).

IV.C. LIMITATION OF HSWA HAZARDOUS WASTE MANAGEMENT

Part I of this Permit authorizes the management of hazardous wastes identified in the pertinent part of Part A of the Permit Application. However, the Kansas Department of Health and Environment (KDHE) has not adopted into its state regulations some of the hazardous wastes identified in Part A Application. KDHE has adopted into its state regulations some of the hazardous wastes identified in the Part A Application but has not yet received authorization to regulate these wastes in lieu of EPA.

Part II of this Permit authorizes the management of hazardous wastes identified in the pertinent part of Part A Permit Application, dated June 21, 2011, which have not yet been adopted by KDHE or have been adopted but for which KDHE has not yet been authorized to regulate in lieu of the EPA. The Permittee shall only manage those wastes as specified in Part I of this Permit issued by KDHE and in accordance with that Permit. The Permittee is prohibited from management of hazardous wastes not identified in the pertinent part of the Part A Application as described therein except as allowed elsewhere in Part II of this Permit or as allowed in 40 CFR §§262.34, 263.12, and 270.1.

V. FACILITY SUBMISSION SUMMARY

Table 1 -Summary of the required facility submissions pursuant to the Part II Permit.

SUBMISSION REQUIREMENTS	DUE DATE	PART II PERMIT CONDITION
Permit Renewal Application	180 calendar days prior to the Part II Permit expiration	II.E.2
Tank Emissions Waste Characterization Plan	Within 60 calendar days of the effective date of the Part II Permit.	IV.A.2
Air Emission Inspection Plan	Within 60 calendar days of the effective date of the Part II Permit	IV.A.1.g and IV.A.2
Supplemental RFI Work Plan	Within 90 calendar days of the effective date of the Part II Permit.	III.E.2
Supplemental RFI Report	According to the schedule contained in the approved Supplemental RFI Work Plan and/or any Supplemental RFI Work Plan addenda	III.G
Risk Assessment Report	Within ninety (90) calendar days of approval by the Director of the Supplemental RFI Report	III.H
CMS Work Plan	Within sixty (60) calendar days of notification from Director	III.I
CMS Report	According to the schedule contained in the approved CMS Work Plan	III.K
CMI Work Plan	Within sixty (60) days of approval by the Director of a final remedy/corrective measure	III.M.1
Corrective Measure Construction Complete Report	In accordance with the approved CMI Work Plan schedule	III.M.3
CMI Annual Report	No later than March 1 of each year of the prior years effectiveness and performance of the corrective measures	III.M.4
CMI 5-year Review	Within sixty (60) days of the 5-year anniversary of EPA's approval of the CMI Report	III.M.5

SUBMISSION REQUIREMENTS	DUE DATE	PART II PERMIT CONDITION
Corrective Measure Completion Report	Within ninety (90) calendar days of the completion of all remedial activities	III.M.6
Cost Estimate for Corrective Action Work	Within sixty (60) calendar days after notification that EPA has selected a final remedy/corrective measures	III.P
Financial Assurance for Completing the Work	Within thirty (30) days after the Director has approved the initial and any subsequent Estimated Cost of Work	III.Q
Quarterly Progress Reports	Thirty (30) calendar days after the last day of each calendar quarter, beginning the first quarter after the effective date of this Part II Permit	III.S

Table 2. Summary of the <u>possible</u> reporting requirements pursuant to the Part II Permit.

CONDITIONAL REQUIREMENTS	DUE DATE	PERMIT CONDITION
Permit Appeal	Within thirty (30) days calendar days after a RCRA final Permit decision has been issued	II.C.6
Reporting Planned Changes	thirty (30) calendar days advance notice of any planned alterations or additions	II.E.10
Reporting Anticipated Noncompliance	thirty (30) calendar days advance notice prior to any planned changes	II.E.11
Provisions for Part II Permit Transfer	90 calendar days prior to date of the Part II Permit transfer	II.E.14
~~Written Notice of Noncompliance~~	~~Within 5 calendar days of Permittee's awareness of the circumstance~~	~~II.E.15.c~~
Written Report of Other Noncompliance	Report to EPA in writing all other instances of RCRA noncompliance within thirty (30) days of occurrence	II.E.16
Written Notification of Newly-Identified SWMUs, AOCs & Releases	No later than 15 calendar days after discovery	III.C.1
SWMU/AOC/Release Assessment Work Plan	sixty (60) calendar days after receipt of notice	III.C.3
SWMU/AOC/Release Assessment Report	According to the schedule in the approved Assessment Work Plan	III.C.4
RFI Work Plan	Within 90 calendar days of receipt of a written request from the Director	III.E
RFI Report	According to the schedule contained in the approved RFI Work Plan and/or any RFI Work Plan addenda	III.G
Interim Measures & Stabilization Notification	Within 24 hours of discovery	III.D.2
Written Notification that Stabilization/Interim Measures is Not Effective	10 calendar days after determination that stabilization/interim measures not effective	III.D.4
Adjustment of the estimated cost of the work for inflation	Annually within sixty (60) days prior to the anniversary date of the establishment of the financial instruments.	III.P.3

Hazardous Waste Management Facility Permit-Part II

ATTACHMENT 1

SWMU and AOC Descriptions

Attachment 1
Solid Waste Management Units and Areas of Concern
Hazardous Waste Management Facility Permit – Part II
Clean Harbors Kansas, LLC

SWMU #1, PROCESS AREA STORAGE TANKS

The Process Area Storage Tanks are located between Buildings C and D, along the northern margin of the property. The tanks were installed in June of 1988. There are eight (8) aboveground. Storage tanks constructed of carbon steel and located in a diked portion of the.proce smg area. The materials handled in these tanks are various hazardous wastes including non-chlorinated petroleum based. solvents a n d chlorinated solvents destined for onsite management, recycling as waste fuel, or transport offsite for additional management. Five (5) of the tanks have a 7,000-gallon capacity. There are two (2) 21,000 gallon capacity tanks used for storage of blendable wastes and a 7000-gallon capacity tank for non-chlorinated solvents. A 500-gallon tank is also used for- storage of gasoline for use as fuel.

SWMU #2, WASTE BLENDING AND DRUM PROCESSING AREA

The Waste blending and drum processing area is located between Buildings C and D, adjacent to the Process area Storage tanks (SMWU # 1). The materials handled in this area are various hazardous wastes including non-chlorinated petroleum based solvents and chlorinated solvents destined for onsite management, recycling as waste fuel, or transport offsite for additional management.

SWMU #3, FORMER DRUM PROCESSING AREA

The Former Drum Processing area is located between Buildings C and D, adjacent to the Process area Storage tanks (SMWU # 1). The materials handled in this area are various hazardous wastes including non-chlorinated petroleum based solvents and chlorinated solvents destined for onsite management, recycling as waste fuel, or transport offsite for additional management.

SWMU #4, PROCESS AREA TRUCK BAY

The. truck bay is used for the transfer of wastes between tanker trucks and the process area storage tanks (SWMU #1) to the north of the truck bay. The bay is ramped to the west and equipped with a centrally located blind trench sump. The bay is constructed with bermed curbs and a protective guardrail along the southern berm. No releases are known to have occurred from this area.

SWMU #5, SPARGING AREA

Three steam-heated spargers, located in the southwest comer of Building D, were formerly used for stripping PCE from dry cleaning canisters and filters. The sparging area had a central sump. This process was initiated sometime between 1984 and 1986, but is no longer in operation at the facility. No historical releases are known to have occurred in this area.

Attachment 1
Solid Waste Management Units and Areas of Concern
Hazardous Waste Management Facility Permit – Part II
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SWMU #6, HOT ROOMS

Two small enclosed rooms were kept at temperatures of up to 190 degrees and used to lower the viscosity of certain wastes such as waxes and greases prior to waste blending. This area is approximately 25x10x8 feet. No floor drains are present. This room is not currently in use. The wastes placed in this room were typically waxes and greases. No historical releases are known to have occurred in this area.

SWMU #7, ELEVATED TANK STORAGE AREA

The tanks in the elevated tank storage area are located in the northwest comer of Building D and are installed approximately 15 feet above the floor level. The tanks vary in capacity from 2,000 to 9,000-gallons and are made of carbon steel. They were used to store recycled PCE, chlorinated solvents waste water, oils, diesel fuel, and nonhazardous waste oil. The tanks are currently out of service and have been emptied and cleaned. The area is equipped with containment controls and a collection sump. No historic releases are known in this area.

SWMU #8, REGULATED WASTE STORAGE AREA

This area is located in the north central and northeastern part of Building D and is permitted as a regulated hazardous waste storage area, although the RFA describes it as a non-regulated storage area. Because there is no sprinkler system in this area, no flammable or reactive wastes are stored here. This area is diked to meet the requirements for storage of hazardous waste in containers. No releases have been reported from this area.

SWMU #9, SOLIDS DRYER

This unit was formerly located in the southeastern comer of 13uilding D, but is no .longer in use. It was used to recover solvents from shredded dry cleaning filters. No releases were reported from this unit during its operation.

SWMU #10, DRUM CRUSHER

This unit is located between southwest comer of Building D and the Processing area. This unit was utilized to crush empty drums prior to disposal. Crushed empties from this SMWU would be placed in Crushed-drum Roll-off boxes located in SMWU #11.

Attachment 1
Solid Waste Management Units and Areas of Concern
Hazardous Waste Management Facility Permit – Part II
Clean Harbors Kansas, LLC

SWMU #11, CRUSHED-DRUM ROLL-OFF BOXES

This unit is located south of Building D. It is used to collect crushed empties from the drum crusher.

SWMU #12, WARM ROOM

This SWMU was in a former site building (Building F) located to the east of the northeast comer of Building C, almost against the northern site fence-line. The building was approximately 30 feet long; and the eastern two-thirds of the building housed the former warm room used during the winter months to thaw iced drums prior to waste processing. An office was located in the western third of the building. No historic releases were reported from this area.

SWMU #13, DOCK AREA

The Drum Dock is utilized for container storage, treatment, and management. Waste managed in this area may be processed or treated in containers. Diking provides one (1) contained area in this building. Amore detailed description is located in Section D of the Part B application.

SWMU #14, BUILDING C, DRUM STORAGE WAREHOUSE

Building C is utilized for container storage, treatment, and management. Waste managed in this area may be processed or treated in containers. Diking divides this building into seven (7) contained areas. A more detailed description is located in Section D of the Part B application.

SWMU #15, BUILDING J

Building J is a relatively large warehouse in the east area of the facility on what was previously operated as the RSC North Plant and subsequently used by SCSC (see "Site History", Section 2.2). It was historically used for drum storage of virgin flammable and chlorinated solvents, chemical product distribution, and as office space. It was also used by. USPCI for storage of household wastes, consisting primarily of paint wastes. It is currently used for laboratory pack/repack operations. The building is elevated at dock level above the ground surface. No releases have been reported from this area of the facility.

SWMU #16, CORROSIVE WASTE STORAGE AREA

Corrosive wastes are stored in Building B; located in the south-central part of the facility.

Building B is divided into four-container management units. The materials stored there include corrosive and non-ignitable hazardous wastes destined for off-site management, recycling as waste fuel, wastewater management, and solvent recovery or off-site transport for additional management. The storage capacity for the entire building is 55,000 gallons.

SWMU #17, DRY SOLIDS GONDOLA

A gondola (a closed-top roll-off box) owned by. SPCI was located south of Building C and was reportedly formerly used for temporary storage of dry solids. At the time of the site visit for the RFA, it contained metals-impacted soil intended for landfill disposal. Wastes held in the gondola for subsequent landfill disposal included soil and debris impacted with metals, nonflammable dry paint solids containing no F-listed wastes, and non-blendable solids exhibiting some hazardous waste characteristics. This gondola is no longer in use. No releases have been reported in this area.

SWMU #18, OPEN AREA ALONG SOUTHWESTERN CORNER OF SITE

This portion of the site has not historically been Used for waste handling or processing. During a USEPA inspection in April 1984, the area along the western facility border was being used for empty drum storage. At that time, drummed waste was observed staged south of the drum storage warehouse, in an area east of the dry gondola area. A mound of tires was observed during the 1984 USEPA inspection. In June of 1988, during a KDHE inspection, an out-of-service distillation unitwas sited.in this area. This area is currently an open, undeveloped space. Ithas no known reported releases.

SWMU #19, OPEN AREA NORTH OF BUILDING I

The open area north of Building I was used in the past for bulk storage of virgin solvents and the storage of drummed wastes by RSC up until about 1985. The area was later used by SCSC for the bulk storage of sulfuric and nitric acid in elevated aboveground tanks (north and east of Building I) up until about 1990 as part of an acid repackaging operation performed by SCSC. The drummed waste managed by RSC contained paint wastes, waste thinner, and liquid caustic. The virgin non-chlorinated solvents included acetone, xylene, toluene, isopropyl alcohol, methyl ethyl ketone, methanol, denatured alcohol, mineral spirits, and butyl cellosolve. An April1984 USEPA inspection report noted that many of the drums were open and some were in a deteriorated condition. All drums had been removed from the site or overpacked for subsequent offsite disposal as observed during a July 1984 USEPA inspection. Surface staining was noted along the fenceline northeast of this building during the 1984 USEPA inspection of the site. The area is comprised of gravel and earthen cover.

Attachment 1
Solid Waste Management Units and Areas of Concern
Hazardous Waste Management Facility Permit – Part II
Clean Harbors Kansas, LLC

SWMU # 20, PAINT CANBURIAL PIT

Buried paint cans and paint related wastes were discovered in 1992 west of Building B by HRI, the owner at the time, during excavation for site improvements. The wastes were located in an area of approximately 20 ft^2, approximately 20 feet west of the southwestern comer of Building B. The waste area was excavated and residual soil samples were reportedly collected and were clean. Information on historical disposal in this area is not known; however, the property was used for paint manufacturing from the mid 1940s until1979 and the burial likely predated RSC's purchase of the property in 1979.

SWMU #21, CYCLONE

This piece of machinery was located within the south-central part of Building D, along the west wall of the shredder/granulator room; however the unit has been closed and the equipment removed. It was previously used to recover solid material from the shredder/granulator. It was located within well-maintained secondary containment. Potential for release from this unit was expected to have been low, since the machinery was mounted above grade within a building, underlain by concrete. No visible cracks or drains were observed near the cyclone.

SWMU #22, OLD STILL AREA WEST OF BUILDING I

This area west of Building I was used in connection with solvent distillation and reclamation operations conducted by RSC at Building I. So vent reclamation operation reportedly began in this area by RSC in 1982. The area is covered by concrete, just outside the southwest comer of Building I. This was not identified as a SWMU in the RFA, but was subsequently listed in the HSWA permit. The historic location of this SMWU has not been determined.

SWMU #23, AREA EAST OF BUILDING I

This SMWU is the open space east of Building I and north of Building J. This area may have historically been used for bulk storage of solvents and drummed waste as described for SWMU #19, Area North of Building I. This was not identified as a SWMU in the RFA, but was subsequently listed in the HSWA permit.

SWMU #24, AREA SOUTH OF BUILDING C

This area is open, undeveloped space on the site. Known historic features in this area are limited to those described in Section 2.5, which includes a review of aerial photographs. This was not identified as a SWMU in the RFA, but was subsequently listed in the HSWA permit.

Attachment 1
Solid Waste Management Units and Areas of Concern
Hazardous Waste Management Facility Permit – Part II
Clean Harbors Kansas, LLC

AOC #1, LABORATORY SAMPLE STORAGE AREA

This storage area was maintained in Building A for clients' samples awaiting analysis, but is no longer in use. It is a small closet-like room located on the south side of the building. There have been no known releases reported in this area.

AOC #2, FORMER ABOVEGROUND FUEL TANKS

Two former elevated 500-gallon tanks used for fueling were located in the southwestern portion of the facility, west of Building B. One was used for unleaded gasoline and the other for diesel fuel. The tanks sat on steel frame supports. The area underlying the tanks was covered with gravel. No reported releases have occurred from this area, although overrun and spillage is common in fueling areas.

AOC #3, BUILDING I

This building was historically used for solvent distillation processing and acid repackaging. Chlorinated and nonchlorinated solvents were handled in this area, as well as virgin acids including sulfuric, nitric and hydrochloric. No known releases have been reported in this area.

AOC #4, CONCRETE VAULT

A concrete vault, located in the northeastern portion of the facility, northwest of Building I, served as a discharge basin for cooling water during the solvent distillation process. Wastes previously used in the area of the concrete vault included chlorinated and non-chlorinated solvents. No history of release is known for this area, and the vault is no longer in use. The vault currently appears to be filled with gravel at the ground surface.

AOC #5, THE LAGOON AREA (OA #1) was located in the southwestern portion of the site and observed in aerial photographs from 1960 and 1970.

AOC #6, FORMER ASTS (OA #2) were identified in a 1960 aerial photograph, located southeast of Building D in the central portion of the site.

AOC #7, POSSIBLE FORMER AST AREA (OA #3) was potentially identified in the 1970 aerial photograph near the present Building G (Figure 5-7). B-37 was drilled in the vicinity of these possible ASTs to assess the presence of potential subsurface impacts.

Attachment 1
Solid Waste Management Units and Areas of Concern
Hazardous Waste Management Facility Permit – Part II
Clean Harbors Kansas, LLC

AOC #8, THE POSSIBLE FORMER DRUM STORAGE AREA (OA #4) was an area of possible historical drum storage at the current location of Building A and the area east of Building A.

AOC #9, TRENCH LEADING TO DITCH (OA #5) is an area in the northeastern part of the site, noted historically in the KDHE file review, where wastes were reportedly observed draining north to the E-W ditch that discharges to the East Fork of Chisholm Creek. The historic location of this SMWU has not been determined.

AOC #10, NORTHEASTERN COMER (OA #6) is an area of possible bulk storage of materials, waste solvent tanks, and waste handling loc ted in the very northeastern comer of the property as noted in the 1983 aerial photograph and KDHE files.

AOC #11, BULK STORAGE TANKS BETWEEN THE WARMING ROOM AND PROCESSING AREA is an area where two vertically mounted 4,500 gallon steel tanks were used to store bulk waste solvent prior to processing through the solvent still. The waste solvent was transferred to and from these tanks by a pump and a 500 gallon tank mounted on a pick-up truck.

AOC #12, AREA OF ELEVATED RADIUM – 226 is an area located between the northwest corner of Building I, and a storm drain near the north property fence. Elevated Radium-226 levels were identified in this area by KDHE during a surface radiological survey. The survey was conducted in response to a former operator of the site (Reid Supply Company) receiving and processing waste solvents from former radium dial shop facilities.

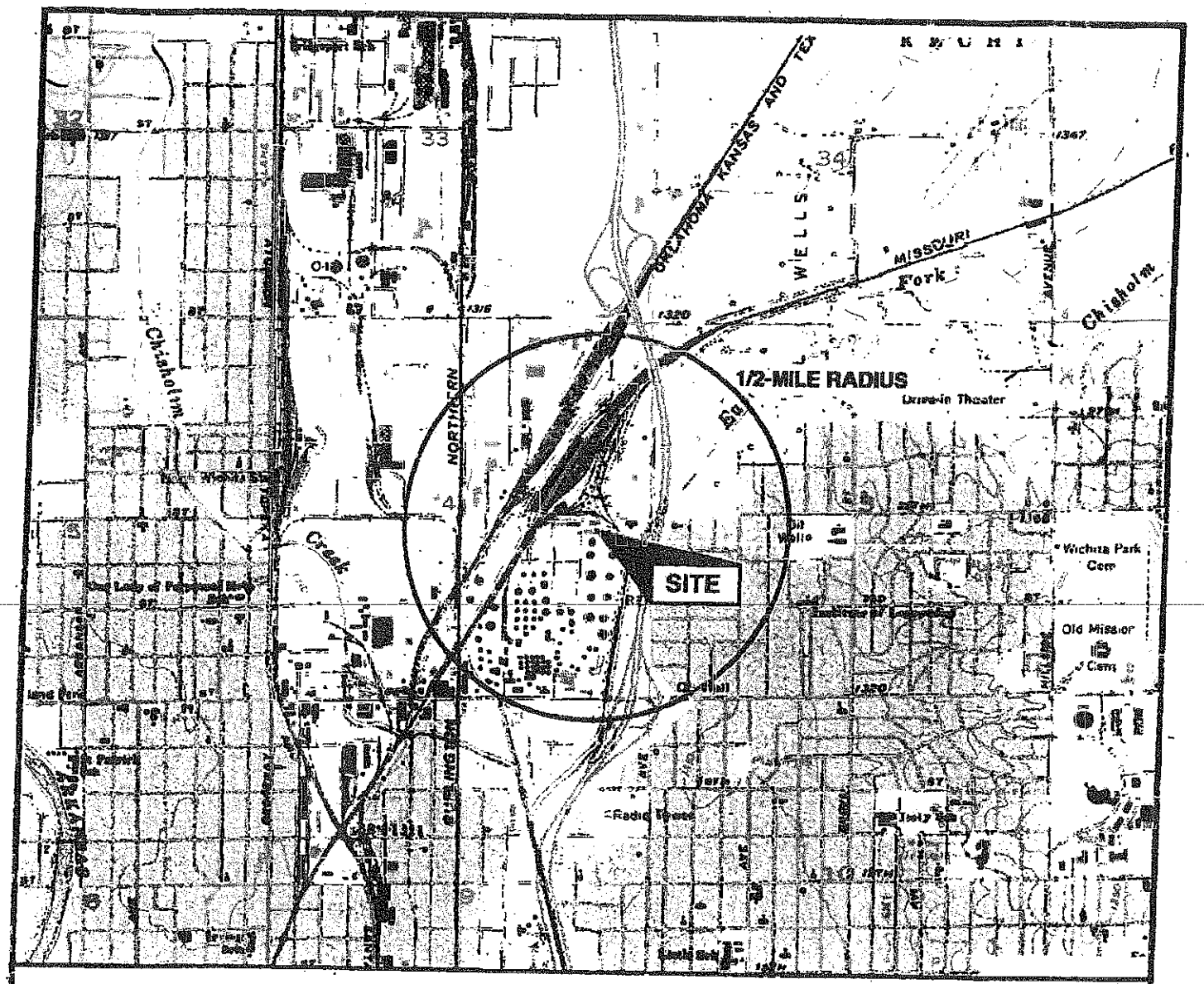
Hazardous Waste Management Facility Permit-Part II

ATTACHMENT 2

Air Emission Inspection Plan

RESERVED

FIGURE 1



COORDINATES						
LONGITUDE: W 97° 19' 11"	A	RCRA PART B PERMIT	CJM	CJM	CJM	5/08
LATITUDE: N 37° 43' 49"	ISSUE	DESCRIPTION	DRWN	CHKD	APPR	DATE

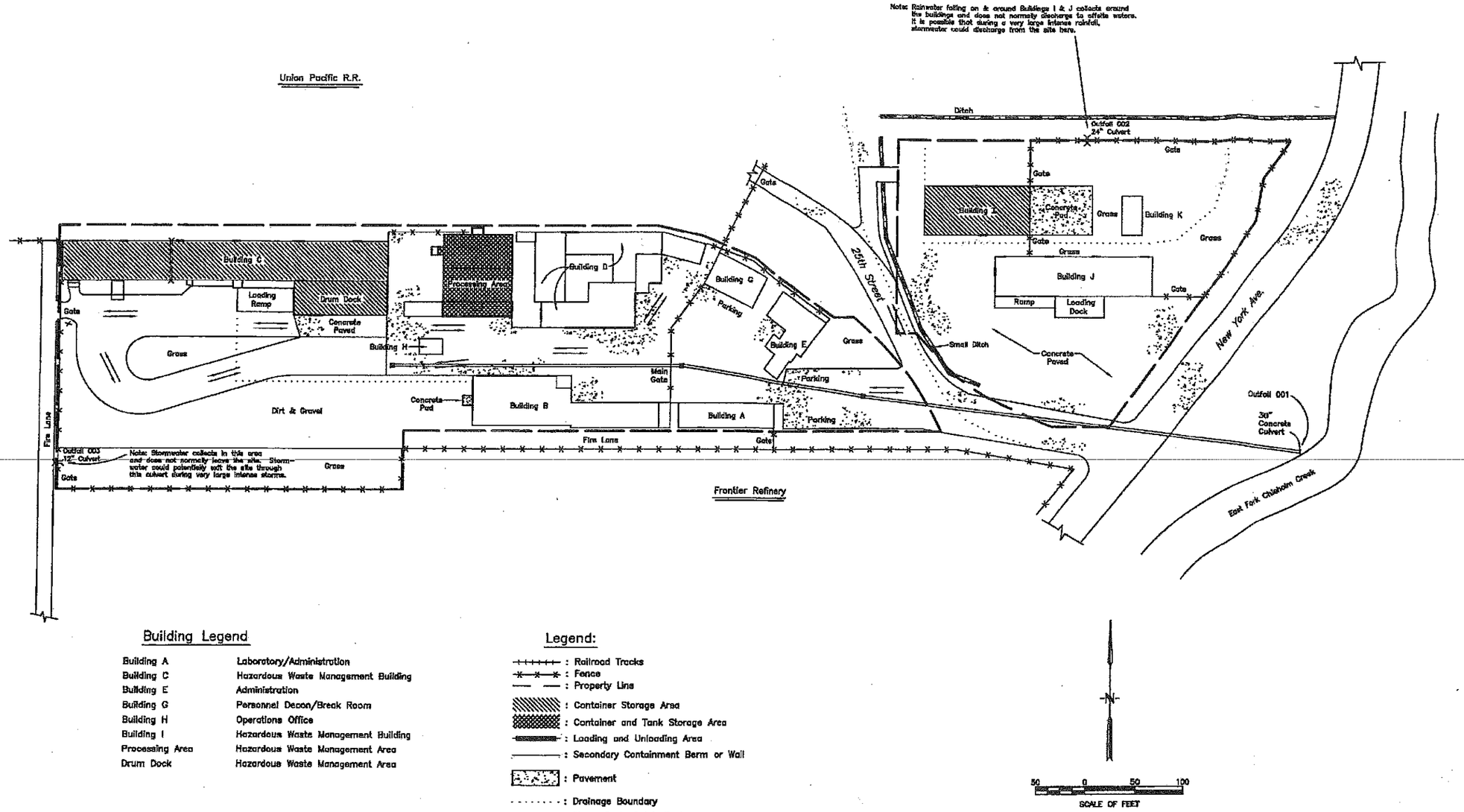
BASE MAP: USGS TOPOGRAPHIC MAP PRINTED FROM TOPO! © 1998 WILDFLOWER PRODUCTIONS

CleanHarbors
Environmental Services®
42 Longwater Drive
Norwell, Massachusetts 02061

CLEAN HARBORS KANSAS, LLC
2549 N. NEW YORK STREET
WICHITA, KS 67219

SITE LOCATION MAP

JOB NO.: WHFACGEN08	DWG. NO.
SCALE: AS SHOWN	



Building Legend

Building A	Laboratory/Administration
Building C	Hazardous Waste Management Building
Building E	Administration
Building G	Personnel Decon/Break Room
Building H	Operations Office
Building I	Hazardous Waste Management Building
Processing Area	Hazardous Waste Management Area
Drum Dock	Hazardous Waste Management Area

Legend:

- : Railroad Tracks
- : Fence
- : Property Line
- : Container Storage Area
- : Container and Tank Storage Area
- : Loading and Unloading Area
- : Secondary Containment Berm or Wall
- : Pavement
- : Drainage Boundary
- : Storm Drain Catch Basins
- : Underground Storm Sewer Line
- : Truck Routes

N

50 0 50 100

SCALE OF FEET

FIGURE 2

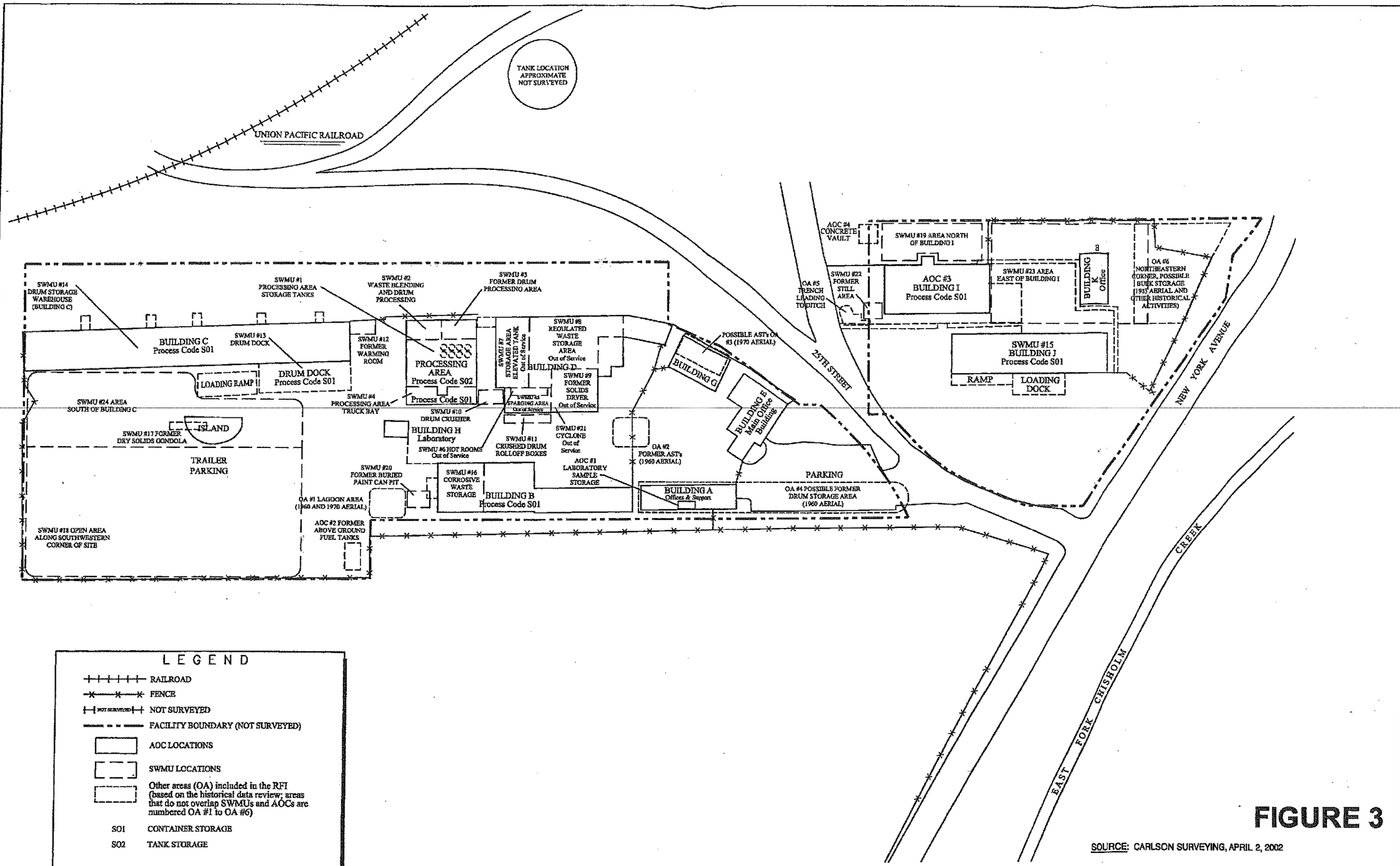
REV.	DESCRIPTION	DRAWN BY	DATE	APPR. BY
C	RCRA PART B SUBMITTAL UPDATE	K.M.C.	9/3/10	S.A.B.
B	RCRA PART B SUBMITTAL UPDATE	K.M.C.	3/27/09	M.C.
A	RCRA PART B SUBMITTAL	K.M.C.	8/20/08	M.C.

REFERENCE DRAWINGS

CleanHarbors

TITLE: CLEAN HARBORS KANSAS, LLC
WICHITA FACILITY
HAZARDOUS WASTE MANAGEMENT AREAS

DRAWN	CHECKED	SCALE	DATE	DRAWING NO.	REV.
K.M.C.	M.C.	AS NOTED	04/01/08	HWMA	C



LEGEND

- RAILROAD
- FENCE
- NOT SURVEYED
- FACILITY BOUNDARY (NOT SURVEYED)
- AOC LOCATIONS
- SWMU LOCATIONS
- Other areas (OA) included in the RFI (based on the historical data review; areas that do not overlap SWMUs and AOCs are numbered OA #1 to OA #6)
- S01 CONTAINER STORAGE
- S02 TANK STORAGE

0 60 FEET

FIGURE 3

SOURCE: CARLSON SURVEYING, APRIL 2, 2002

REV.	DESCRIPTION	DRAWN BY	DATE	APPR. BY
C	RCRA PART B SUBMITTAL UPDATE	K.M.C.	8/12/10	S.A.B.
B	RCRA PART B SUBMITTAL UPDATE	K.M.C.	3/27/09	M.C.
A	RCRA PART B SUBMITTAL	K.M.C.	8/20/08	M.C.

REFERENCE DRAWINGS

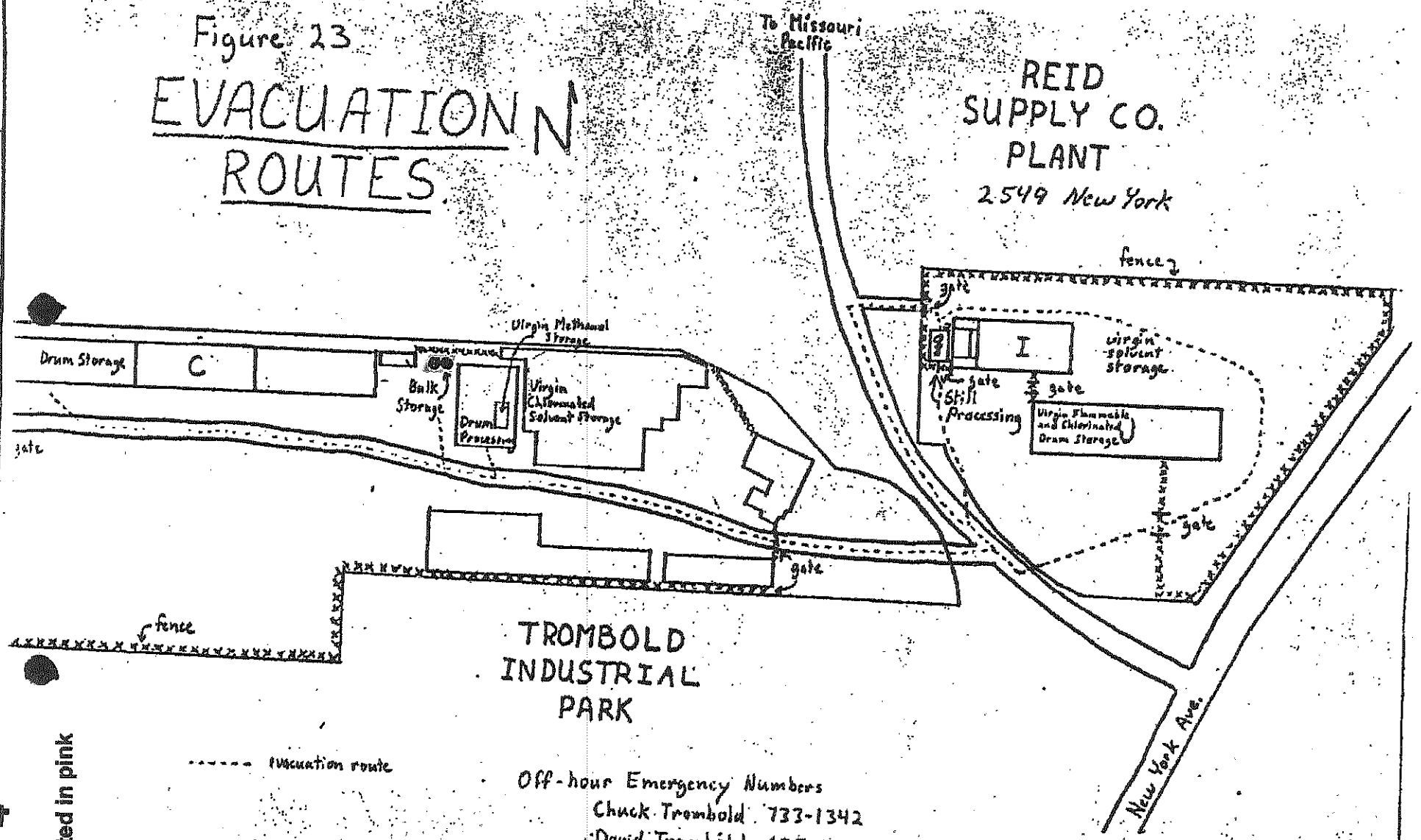
CleanHarbors

TITLE: CLEAN HARBORS KANSAS, LLC
WICHITA FACILITY
SWMU's

DRAWN	CHECKED	SCALE	DATE	DRAWING NO.	REV.
K.M.C.	M.C.	AS NOTED	08/18/08	SWMU	C

Figure 23

EVACUATION ROUTES



Off-hour Emergency Numbers

Chuck Trombold	733-1342
David Trombold	685-0366
Gene Stamm	265-5013
Mike Shaw	832-1590

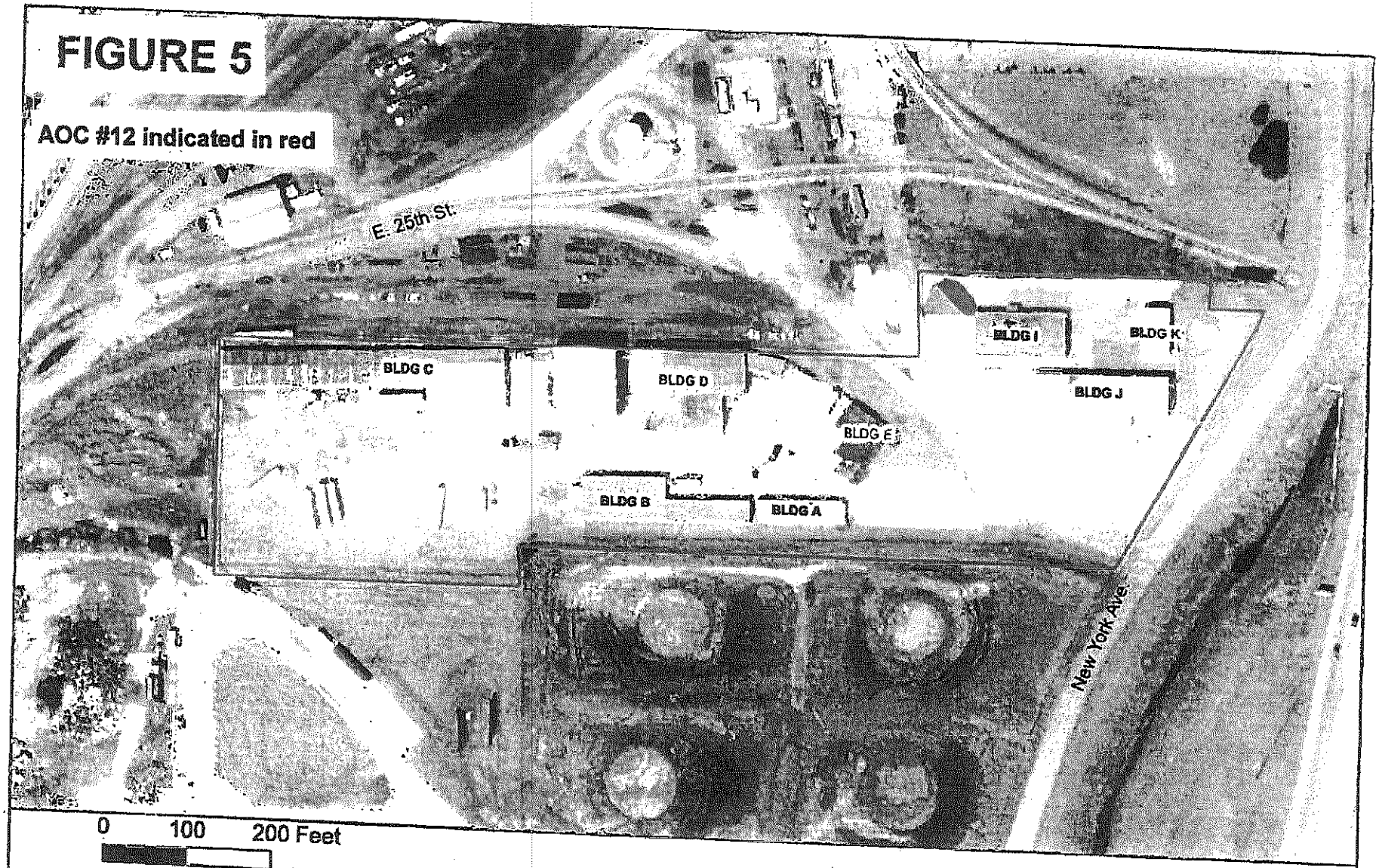
Personnel would normally be working in any of the outlined buildings above.

FIGURE 4

AOC #11 indicated in pink

FIGURE 5

AOC #12 indicated in red



0 100 200 Feet

N

Map Prepared By: KDHE

Site Boundary

30 - 35 uRhr

25-30 uRhr

20-25 uRhr

20 uRhr or below

uRhr- microroentgens per hour

Radium Survey Result Map
Safety-Kleen (Wichita) Site
Wichita, Kansas

Project Manager: KW Map Drawn By: KWJC