

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT  
DIVISION OF ENVIRONMENT

Draft Hazardous Waste Management Facility Permit  
Part I

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

Facility Name: Clean Harbors Kansas, LLC

Operator: Clean Harbors Kansas, LLC

Owner: Clean Harbors Kansas, LLC

Location: 2549 North New York Street  
Wichita, Kansas

E.P.A. Identification Number: KSD007246846

for hazardous waste storage in containers, Storage and Treatment in tanks.

This permit (Part I) is being issued in accordance with rules and regulations of the Department of Health and Environment and the following-named conditions and requirements to wit: The Permittee must comply with all terms and conditions in Section I through Section IV of this permit. The permit consists of the conditions contained herein, including those in any attachments, the permit application and all applicable hazardous waste regulations contained in K.A.R. 28-31-4 through 28-31-279a in effect on the date of issuance of this permit. This permit shall remain in effect even if the Hazardous and Solid Waste Amendments permit (Part II) is terminated or expired.

This permit shall become effective at 12:01 a.m. on \_\_\_\_\_ and shall remain in effect until \_\_\_\_\_ unless revoked and reissued, or terminated or continued in accordance with K.A.R. 28-31-124b.

Done at Topeka, this \_\_\_\_\_ day of \_\_\_\_\_



\_\_\_\_\_  
Robert Moser, MD, Secretary  
Kansas Department of Health and Environment

**HAZARDOUS WASTE FACILITY PERMIT  
CLEAN HARBORS KANSAS, LLC  
WICHITA, KANSAS  
EPA I.D. #KSD007246846**

**TABLE OF CONTENTS**

**PART I**

SECTION I - STANDARD PERMIT CONDITIONS ..... 4

    I.A.    EFFECT OF PERMIT ..... 4

    I.B.    PERMIT ACTIONS ..... 4

    I.C.    SEVERABILITY ..... 5

    I.D.    DEFINITIONS ..... 5

    I.E.    DUTIES AND REQUIREMENTS ..... 5

    I.F.    SIGNATORY REQUIREMENT ..... 12

    I.G.    WASTE MINIMIZATION ..... 12

    I.H.    REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE SECRETARY ..... 12

    I.I.    CONFIDENTIAL INFORMATION ..... 13

    I.J.    DOCUMENTS TO BE MAINTAINED AT THE FACILITY ..... 13

    I.K.    PENALTIES ..... 14

SECTION II - GENERAL FACILITY CONDITIONS ..... 15

    II.A.   DESIGN AND OPERATION OF FACILITY ..... 15

    II.B.   REQUIRED NOTICES ..... 15

    II.C.   GENERAL WASTE ANALYSIS ..... 16

    II.D.   SECURITY ..... 16

    II.E.   GENERAL INSPECTION REQUIREMENTS ..... 16

    II.F.   PERSONNEL TRAINING ..... 17

    II.G.   LOCATION STANDARDS ..... 18

    II.H.   SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE.. 18

    II.J.   CONTINGENCY PLAN ..... 19

    II.K.   RECORDKEEPING AND REPORTING ..... 20

    II.L.   GENERAL CLOSURE REQUIREMENTS ..... 20

    II.M.   FINANCIAL REQUIREMENTS ..... 21

SECTION III - STORAGE IN CONTAINERS ..... 24

    III.A.  DESCRIPTION OF STORAGE FACILITIES ..... 24

    III.B.  PERMITTED AND PROHIBITED WASTE ..... 25

    III.C.  OPERATION AND MAINTENANCE ..... 25

    III.D.  CONTAINER STORAGE FACILITY CAPACITIES ..... 26

    III.E.  CONDITION OF CONTAINERS ..... 28

    III.F.  COMPATIBILITY OF WASTE WITH CONTAINERS ..... 28

    III.G.  MANAGEMENT OF CONTAINERS ..... 28

    III.H.  INSPECTION SCHEDULES AND PROCEDURES ..... 28

III.I. CONTAINMENT SYSTEMS ..... 29

III.J. SPECIAL CONTAINER PROVISIONS FOR IGNITABLE OR REACTIVE WASTE..... 29

III.K. SPECIAL CONTAINER PROVISIONS FOR INCOMPATIBLE WASTE ..... 29

III.L. PROVISIONS FOR MANAGEMENT OF BULK CONTAINERS ..... 29

III.M. RECORDKEEPING ..... 30

III.N. CLOSURE..... 30

SECTION IV – STORAGE AND TREATMENT IN TANKS ..... 31

IV.A. DESCRIPTION OF TANK SYSTEM..... 31

IV.B. PERMITTED AND PROHIBITED WASTE ..... 31

IV.C. OPERATION AND MAINTENANCE ..... 31

IV.D. TANK SYSTEM STORAGE CAPACITIES ..... 31

IV.E. OPERATING REQUIREMENTS..... 33

IV.F. RESPONSE TO LEAKS OR SPILLS ..... 33

IV.G. INSPECTION SCHEDULES AND PROCEDURES ..... 34

IV.H. RECORD KEEPING AND REPORTING ..... 35

IV.I. CLOSURE AND POST-CLOSURE CARE ..... 36

IV.J. SPECIAL TANK PROVISIONS FOR IGNITABLE OR REACTIVE WASTES ..... 36

SECTION V – AIR EMISSION STANDARDS ..... 37

V.A. AIR EMISSION STANDARDS APPLICABILITY ..... 37

V.B. AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS (SUBPART BB) ..... 37

V.C. AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS (SUBPART CC) ..... 41

ATTACHMENT I..... 42

PERMITTED WASTE FOR CONTAINER AND TANK STORAGE ..... 42

## SECTION I - STANDARD PERMIT CONDITIONS

### I.A. EFFECT OF PERMIT

Clean Harbors Kansas, LLC, owner and operator, herein referred to as the Permittee, is permitted to store and treat hazardous waste in accordance with the terms and conditions of this Permit and Kansas Administrative Regulations (K.A.R.) 28-31-4 through 28-31-279a. Any treatment, storage or disposal of hazardous waste not authorized in this Permit is strictly prohibited. This Permit consists of the terms and conditions contained herein, including those in any attachments; as the approved Permit Application (Part A and Part B); and the applicable regulations contained in 40 CFR Parts 124, 260 through 264, 268, and 270. Applicable regulations are those in effect on the date of issuance of this Permit. [40 CFR 270.32(c)] The federal regulations are adopted by reference in Kansas Administrative Regulations (K.A.R.) 28-31-4 through 28-31-279a. All citations to federal regulations are for the sake of convenience. In the instance of inconsistent language or discrepancies between permit conditions, state regulations, or federal regulations, the language of the more stringent provision shall govern.

Subject to 40 CFR 270.4, compliance with this Permit constitutes compliance, for purposes of enforcement, with K.S.A. 65-3430 et seq. and K.A.R. 28-31-4 through 28-31-279a and Subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Issuance of this Permit does not convey any property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations. Compliance, with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; Sections 106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9606 et seq., commonly known as CERCLA), or any other law providing for the protection of public health or the environment. [40 CFR 270.4, 270.30(g)]

### I.B. PERMIT ACTIONS

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

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

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

#### I.B.2. Permit Renewal

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

#### **I.C. SEVERABILITY**

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. [40 CFR 124.16(a)]

#### **I.D. DEFINITIONS**

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

#### **I.E. DUTIES AND REQUIREMENTS**

##### I.E.1. Duty to Comply

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

I.E.2. Duty to Reapply

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

I.E.3. Permit Expiration

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

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

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

I.E.5. Duty to Mitigate

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

I.E.6. Proper Operation and Maintenance

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

#### I.E.7. Duty to Provide Information

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

#### I.E.8. Inspection and Entry

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

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

#### I.E.9. Monitoring and Records

- I.E.9.a. Pursuant to 40 CFR 270.30(j)(1), samples and measurements taken, to comply with this Permit, for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the medium to be analyzed for a given hazardous constituent must be the appropriate method from Appendix I of 40 CFR Part 261 or equivalent method approved by the Secretary. Laboratory methods must be those specified in the latest revision of EPA Publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," or an equivalent method as specified in the Waste Analysis Plan contained in the approved Part B permit application. All constituent chemical analysis shall be performed by a laboratory certified by KDHE in accordance with K.A.R. 28-31-264a(f).

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

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

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

#### I.E.10. Reporting Planned Changes

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

#### I.E.11. Reporting Anticipated Noncompliance

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

### I.E.12. Transfer of Permit

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

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

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

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

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

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

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

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

#### I.E.13. Twenty-Four Hour Reporting

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

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

I.E.13.c. A written submission shall also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Secretary may waive the five-day written notice requirement in favor of a written report within fifteen (15) days. [40 CFR 270.30(1)(6)]

#### I.E.14. Other Noncompliance

The Permittee shall report all instances of noncompliance not otherwise required to be reported above in Permit Conditions I.E.9 thru I.E.13, at the time monitoring reports are submitted. The reports shall contain the information listed in Permit Condition I.E.13 of this section. [40 CFR 270.30(1)(10)]

#### I.E.15. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit application, or submitted incorrect information in an application or in any report to the Secretary, the Permittee shall promptly submit such facts or information. [40 CFR 270.30(1)(11)]

#### I.E.16. Other Requirements

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

I.E.16.b. Within thirty (30) calendar days after receipt of the final Permit, the Permittee shall submit a certification that the applicant has read the Permit in its entirety and understands all the Permit Conditions

contained herein and agrees to operate the hazardous waste storage facility within the conditions of this Permit.

**I.F. SIGNATORY REQUIREMENT**

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

**I.G. WASTE MINIMIZATION**

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

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

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

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

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

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

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

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

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

**I.I. CONFIDENTIAL INFORMATION**

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

**I.J. DOCUMENTS TO BE MAINTAINED AT THE FACILITY**

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

- I.J.1. A copy of this Permit, including all approved permit modifications.
- I.J.2. A copies of the approved Part A and Part B Permit Applications including, but not limited to the following:
  - I.J.2.a. Waste Analysis Plan, as required by 40 CFR 264.13 and this Permit.
  - I.J.2.b. Inspection schedules and documents, as required by 40 CFR 264.15(b) and this Permit.
  - I.J.2.c. Contingency Plan, as required by 40 CFR 264.53(a) and this Permit.
  - I.J.2.d. Closure Plan, as required by 40 CFR 264.112(a) and this Permit.
- I.J.3. Personnel training documents and records as required by 40 CFR 264.16(d) and (e) and this Permit. The training records on former employees must be kept for at least five (5) years from the date the employee last worked at the facility.
- I.J.4. Operating record, as required by 40 CFR 264.73 and this Permit.
- I.J.5. Annually adjusted cost estimate for facility closure as required by 40 CFR 264.142(d) and this Permit.
- I.J.6. All other documents required by Permit Condition I.E.9.

**I.K. PENALTIES**

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

## **SECTION II - GENERAL FACILITY CONDITIONS**

### **II.A. DESIGN AND OPERATION OF FACILITY**

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

### **II.B. REQUIRED NOTICES**

#### II.B.1. Hazardous Waste Imports

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

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

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

#### II.B.3. Transferring Ownership or Operation

Before transferring ownership or operation of the facility during its operating life, the owner or operator must notify the new owner or operator in writing of the requirements of K.A.R. 28-31-124a(b), 40 CFR Parts 264 and 270, and this Permit. [40 CFR 264.12(c)]

#### II.B.4. Notice in Deed to Property

Pursuant to K.A.R 28-31-264a(b), the facility property owner shall record, in accordance with Kansas law, a notice with the register of deeds in the county where the property is located. The notice shall include the following information:

- a. The land has been used to manage hazardous waste.

- b. All records regarding permits, closure, or both are available for review at the department.

#### II.B.4. Restrictive Covenant and Easement

Pursuant to K.A.R 28-31-264a(c), the facility property owner shall file a restrictive covenant or easement with the county of register of deeds that specify the uses that be made of the property after closure, and shall include the following requirements:

- a. All future use of the property after closure shall be conducted in a manner that preserves the integrity of waste containment systems designed, installed, and used during operation of the disposal areas, or installed or used during the post-closure maintenance period.
- b. Continue with rest of the requirements as appropriate.

### **II.C. GENERAL WASTE ANALYSIS**

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

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

### **II.D. SECURITY**

The Permittee shall comply with the security provisions of 40 CFR 264.14(b)(2) and (c) and the facility Security Section B-5 of the approved Part B Permit Application.

### **II.E. GENERAL INSPECTION REQUIREMENTS**

The Permittee shall follow the inspection schedules set out in Section F-3 and G-3 of the approved Part B Permit Application. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by 40 CFR 264.15(c). Records of inspection shall be kept, as required by 40 CFR 264.15(d).

#### II.E.1. Inspection for Malfunctions and Deterioration

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

#### II.E.2. Schedule of Inspections

The Permittee shall follow the written schedule in the Inspection Schedules, Section F-3 and Section G-3 of the approved Part B Permit Application for the inspection of monitoring and remediation equipment, safety and emergency equipment, security devices, and operating, remediation, and structural equipment that are for the purpose of preventing, detecting, or responding to environmental or human health hazards. The Permittee shall keep this schedule at the facility.

#### II.E.3. Records of Inspections

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

#### II.E.4. Remedial Action Resulting from Inspections

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

### **II.F. PERSONNEL TRAINING**

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

## **II.G. LOCATION STANDARDS**

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

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

The Permittee shall comply with the requirements of 40 CFR 264.17. The Permittee shall follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in Section D-3, Section E-3, and Section G-6 of the approved Part B Permit Application.

## **II.I. PREPAREDNESS AND PREVENTION**

### II.I.1. Required Equipment

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

### II.I.2. Testing and Maintenance of Equipment

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

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

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

### II.I.4. Arrangements with Local Authorities

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

## **II.J. CONTINGENCY PLAN**

### II.J.1. Implementation of Plan

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

### II.J.2. Copies of Plan

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

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

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

### II.J.3. Amendments to Plan

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

### II.J.4. Emergency Coordinator

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

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

### II.J.5. Emergency Procedures

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

## **II.K. RECORDKEEPING AND REPORTING**

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

### II.K.1. Operating Record

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

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

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

### II.K.3. Biennial Report

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

### II.K.4. Manifests

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

## **II.L. GENERAL CLOSURE REQUIREMENTS**

### II.L.1. Performance Standard

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

### II.L.2. Amendment to Closure Plan

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

II.L.3. Notification of Closure

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

II.L.4. Time Allowed for Closure

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

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

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

II.L.6. Certification of Closure

The Permittee and an independent Kansas Professional Engineer shall certify that the facility has been closed in accordance with the specifications in the Closure Plan - Section J of the approved Part B Permit Application, as required by 40 CFR 264.115.

**II.M. FINANCIAL REQUIREMENTS**

II.M.1. Cost Estimate for Closure

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

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

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

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

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

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

#### II.M.2. Liability Requirements

##### II.M.2.a. Sudden Accidental Occurrences

The Permittee shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility. The Permittee shall maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars (\$1,000,000) per occurrence with and annual aggregated of at least two million dollars (\$2,000,000), exclusive of legal defense costs. [40 CFR 264.147(a) as modified in accordance with K.A.R. 28-31-264(c) and K.A.R. 28-31-264a(a)]

#### II.M.3. Facility Financial Assurance

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

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

In accordance with K.A.R. 28-31-264(c), modifications shall be made to 40 CFR 264. Additional state financial assurance requirements must be met as established in K.A.R. 28-31-264a(a).

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

The Permittee shall comply with 40 CFR 264.148 whenever necessary.

## SECTION III - STORAGE IN CONTAINERS

### III.A. DESCRIPTION OF STORAGE FACILITIES

There are a total of four (4) container management areas; Building C, Processing Area, Drum Dock, and Building I utilized for container storage of hazardous waste which are covered by the Permit. All of the buildings, with the exception of the Processing Area and Drum Dock, are enclosed structures fabricated of metal or cinder block with secondary containment. The secondary containment consists of concrete diking/walls or cinder block construction on concrete pads that are free of cracks. Secondary containment in several areas have continuous water stops in construction joints and/or are sealed with a chemically resistant coating for added protection. The secondary containment in each building is subdivided into container management units in accordance with the specification and plans in the approved Part B permit application with perimeter curbs (diking) to contain potential spills and to prevent run-on and run-off.

All wastes accepted at the facility can be managed in any container management unit, except as specifically excluded elsewhere in this permit.

- III.A.1. Building C is divided into seven (7) container management units; C100, C200, C300, C400, C500, C600, and C700. The hazardous waste materials managed in these seven container management units include ignitable and non-ignitable hazardous waste, wastewater destined to transport off-site for additional management.
- III.A.2. Processing Area hazardous waste management is limited to the P100 Area. Hazardous wastes managed in this area are liquid and solid hazardous waste, wastewater destined for transport off-site for additional management.
- III.A.3. Drum Dock has one (1) container management unit, L100. The hazardous waste materials managed in L100 are containerized hazardous wastes, wastewater, destined for transport off-site for additional management.
- III.A.4. Building B, D and J are also permitted storage units; however, hazardous waste are not stored in these buildings. The facility shall close the storage units according to the Closure Plan in Appendix J-C of Section J of the Part B Application.

- III.A.5. Building I is divided into three (3) container management units: I100, I200, and I300. Hazardous wastes managed in these three (3) units include ignitable, non-ignitable, reactive, non-reactive and other hazardous wastes. These are containerized hazardous wastes, wastewater destined for transport off-site for additional management.

The volume of the largest container stored in any of the container storage areas shall not exceed the net secondary containment volume calculated in the approved Part B application for each area. Subject to the requirements of Permit Condition III.B., the Permittee may store hazardous waste generated on-site and off-site in storage areas covered by this Permit.

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

### **III.B. PERMITTED AND PROHIBITED WASTE**

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

### **III.C. OPERATION AND MAINTENANCE**

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

**III.D. CONTAINER STORAGE FACILITY CAPACITIES**

The Permittee is allowed to store a maximum volume of one hundred seventy four thousand five hundred and seventy (174,570) gallons of hazardous waste in the areas described in III.A., provided that the maximum capacity of each container management unit specified below is not exceeded, subject to the terms of this Permit.

LOCATION	CONTAINER MANAGEMENT UNIT	MAXIMUM CAPACITY (GALLONS)
Processing Area	P100	9,900
Building C	C100	880
	C200	880
	C300	13,200
	C400	10,120
	C500	10,560
	C600	10,560
	C700	52,910
Total Capacity		99,110
Drum Dock next to Bldg. C	L100	14,960

LOCATION	CONTAINER MANAGEMENT UNIT	MAXIMUM CAPACITY (GALLONS)
Building I	I100	22,880
	I200	3,520
	I300	24,200
Total Capacity		50,600
Building D	D100/D200	0
	D300	0
Building B	B100	0
	B200	0
	B300	0
	B400	0
Building J	J100	0
	J200	0
	J300	0
	J400	0
	J500	0
	J600	0
	J700	0
<b>GRANDTOTAL CONTAINER STORAGE CAPCITY</b>		174,570

TOTAL CONTAINER STORAGE CAPACITY 174,570 U.S. Gallons

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

### **III.E. CONDITION OF CONTAINERS**

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit. [40 CFR 264.171]

### **III.F. COMPATIBILITY OF WASTE WITH CONTAINERS**

The Permittee shall use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored so that the ability of the container to contain the waste is not impaired. [40 CFR 264.172]

### **III.G. MANAGEMENT OF CONTAINERS**

III.G.1. The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak. [40 CFR 264.173]

III.G.2. The Permittee shall comply with all the applicable requirements of 40 CFR 264, Subpart CC in accordance with the approved Part B Permit Application and Part II of the Permit.

### **III.H. INSPECTION SCHEDULES AND PROCEDURES**

The Permittee shall inspect the container storage areas weekly, in accordance with the Inspection Schedule contained in Section F-3 and Section G-3 of the approved Part B Permit Application, to detect leaking containers and the deterioration of containers and containment systems caused by corrosion and other factors. [40 CFR 264.174]

### **III.I. CONTAINMENT SYSTEMS**

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

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

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

### **III.K. SPECIAL CONTAINER PROVISIONS FOR INCOMPATIBLE WASTE**

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

### **III.L. PROVISIONS FOR MANAGEMENT OF BULK SHIPMENT CONTAINERS**

The Permittee must not use bulk shipment containers (railroad tank cars, tanker trucks, etc.) as container storage units at the facility. The Permittee shall unload any properly manifested bulk transport vehicle (road or rail) hauling hazardous waste for storage within ten (10) days following arrival at the site. Arrival for purposes of this Permit will be the day the transport vehicle arrives and the hazardous waste load is logged into the operating record. The date of receipt must be documented in the facility's operating record. Daily inspection to detect leaking containers must be conducted and documented in the facility operating record.

### **III.M. RECORDKEEPING**

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

### **III.N. CLOSURE**

III.N.1. At closure of a container storage area, the Permittee shall remove all hazardous waste and hazardous waste residues from the containment systems, in accordance with the procedures in the Closure Plan - Section J of the approved Part B Permit Application, and Section II.L. of this permit. [40 CFR 264.178]

III.N.2. Since Building B, D, and J and miscellaneous units are no longer in use, the facility shall close Buildings B, D, and J and miscellaneous units as per the Closure Plan in Section J and Appendix J-C of the permit Application. The facility must submit a Closure Work Plan, Sampling and Analyses Plan (SAP), and Quality Assurance Project Plan (QAPP) consistent with the Closure Plan in Section J and Appendix J-C of the Part B Application within 60 days of the effective date of the permit for KDHE's approval. Following the receipt of department's approval of the Closure Plan, including the Work Plan, SAP, and QAPP, the facility shall start closure of Building B, D, and J and the miscellaneous units in accordance with the Closure Activity Schedule in Table J-C.3 in Section J, Appendix J-C of the permit application. The approved Work Plan, SAP and QAPP shall be incorporated into the Closure Plan. The facility shall complete all closure activities, including the Certification of Closure and the submittal of the Closure Report as required in Sections J-10 and J-11, within 240 days following the approval of Closure Work plan (as per Table J-C.3).

III.N.3. If the Permittee demonstrates that not all contaminated soils and groundwater can be practically removed or decontaminated, in accordance with the Closure Plan, then the Permittee shall close the container storage system and perform post-closure care following 40 CFR 264.117 through 264.120.

## **SECTION IV – STORAGE AND TREATMENT IN TANKS**

### **IV.A. DESCRIPTION OF TANK SYSTEM**

There are total of Eight (8) hazardous waste storage and treatment tanks, V-1, V-2, V-3, V-4, V-5, V-6, V-7, and V-8. All of the hazardous waste storage and treatment tanks are located in the Processing Area P100. All of the tanks are located within secondary containment with chemical resistant coating, automatic high level alarms and manual gauging ports provided for each individual tank. The secondary containment systems of the tanks are designed such that neither the external shell of any tank, nor any external metal component of a tank are in contact with soil or standing water. The secondary containment systems have been designed to provide sufficient capacity to contain one hundred (100) percent of the capacity of the largest tank within their boundaries or ten (10) percent of the total capacity of tanks and containers, whichever is greater. All of these tanks meet the criteria of Underwriters Laboratories Standard 142 and the National Fire Protection Association Code 30 - 1987. These tanks are also certified by a professional engineer licensed in Kansas to have sufficient structural integrity for storage of hazardous waste. Tanks V9, V10, V11, V12, V13, V14, V15A, V15B, V15C, V15D, V16, V17, V26 and miscellaneous units V26, V34, V35 are also permitted units; however, they are no longer in use. The facility shall close the above Tanks according to the Closure Plan in Appendix J-C of Section J of the Permit Application

### **IV.B. PERMITTED AND PROHIBITED WASTE**

- IV.B.1. The Permittee is allowed to store and treat the hazardous wastes identified in Attachment I of this permit in the Processing Area tank systems identified in Section IV.A. of the Permit and Section E of the approved Part B Permit Application, subject to the terms of this Permit.
- IV.B.2. The Permittee is prohibited from processing corrosive waste that exhibits a pH of less than or equal to 2, and those wastes that are not identified in Attachment I of this permit.
- IV.B.3. The Permittee is prohibited from storing or treating waste that either exhibit or carry the waste code D003 for the characteristic of reactivity.

### **IV.C. OPERATION AND MAINTENANCE**

The Permittee shall operate and maintain the tank storage and treatment ( Fuel blending as per Section E-8 of Permit Application) systems in accordance with 40 CFR 264, Subpart J, 260.10, 266 and 268 and the specifications and design criteria contained in the approved Part B permit application.

### **IV.D. TANK SYSTEM STORAGE CAPACITIES**

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

LOCATION: PROCESSING AREA (P100)

TANK #	*** DIMENSIONS	MAXIMUM CAPACITY (GALLONS)
V-1	8'x26'7"- V	7,363
V-2	8'x18'10"- V	7,084
V-3	8'x26'7" -V	7,363
V-4	8'x26'7" -V	7,363
V-5	12'x25'7" -V	20,895
V-6	12'x25'7" -V	20,895
V-7	8'x26'7" -V	7,363
V-8	8'x26'7"- V	7,363
V-9	6'x24'H	0
V-10	6'x24'H	0
V-11	6'x24'H	0
V-12	6'x24'H	0
V-13	6'x24'H	0
V-14	6'x24'H	0
V-15A	6'3"x11'7"H	0
V-15B	6'3"x11'7"H	0
V-15C	6'3"x11'7"H	0
V-15D	6'3"x11'7"H	0
V-16	8'x24'H	0
V-17	3'4"x8'H	0
V-26	6'x5'7"V	0
V-34	N/A	0
V-35	N/A	0
<b>TOTAL TANK CAPACITY OF PROCESSING AREA: 85,689</b>		

\*\*\* Dimensions are given in feet and inches. The first dimension is the tank diameter and the second dimension is the length, followed by a 'V' for vertical tanks.

#### **IV.E. OPERATING REQUIREMENTS**

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

#### **IV.F. RESPONSE TO LEAKS OR SPILLS**

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

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

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

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

make any necessary repairs to fully restore the integrity of the system before returning the tank system to service.

IV.F.4.b. For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning it to service.

IV.F.4.c. For a release to the environment caused by a leak from the portion of the tank system component that is not readily available for visual inspection, the Permittee shall provide secondary containment that meets the requirements of 40 CFR 264.193 before the component can be returned to service.

IV.F.4.d. If the Permittee replaces a component of the tank system for any reason, that component must satisfy the requirements for new tank systems or components in 40 CFR 264.192 and 40 CFR 264.193.

IV.F.5. For all major repairs to eliminate leaks or restore the integrity of the tank system, the Permittee must obtain a certification by an independent, qualified, registered Kansas professional engineer that the repaired system is capable of handling hazardous wastes without release for the intended life of the system before returning the system to service. Examples of major repairs are: installation of an internal liner, repair of a ruptured tank, or repair or replacement of a secondary containment vault.

#### **IV.G. INSPECTION SCHEDULES AND PROCEDURES**

IV.G.1. The Permittee shall inspect the tank systems, in accordance with the Inspection Schedule contained in the approved Part B permit application and shall complete the items in Permit Conditions IV.G.2. and IV.G.3. as part of those inspections. The facility must perform special inspection during treatment operation.

IV.G.2. The Permittee shall inspect the overfill controls, in accordance with the inspection schedule provided in the approved Part B application.

IV.G.3. The Permittee shall inspect the following components of the tank system once each operating day [40 CFR 264.195(b)]:

IV.G.3.a. Above ground portions of the tank system to detect corrosion or releases of waste;

IV.G.3.b. Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design;

- IV.G.3.c. Construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).
- IV.G.4. The Permittee shall document compliance with Permit Condition IV.G. and place this documentation in the facility operating record. [40 CFR 264.195(d)]

#### **IV.H. RECORD KEEPING AND REPORTING**

- IV.H.1. The Permittee shall report to the Secretary, within 24 hours of detection, whenever a leak or spill occurs from the tank system or secondary containment system to the environment. [40 CFR 264.196(d)(1)] A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported. [40 CFR 264.196(d)(2)] Releases that are contained within a secondary containment system need not be reported. If the Permittee has reported the release pursuant to 40 CFR Part 302, this report satisfies the requirements of this Permit condition. [40 CFR 264.196(d)(1)]
- IV.H.2. Within 30 days of detecting a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information to the Secretary [40 CFR 264.196(d)(3)]:
  - IV.H.2.a. Likely route of migration of the release;
  - IV.H.2.b. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
  - IV.H.2.c. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee shall provide the Secretary with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;
  - IV.H.2.d. Proximity of down gradient drinking water, surface water, and populated areas; and
  - IV.H.2.e. Description of response actions taken or planned.
- IV.H.3. The Permittee shall submit to the Secretary all certifications of major repairs to correct leaks within seven days from returning the tank system to use. [40 CFR 264.196(f)]

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

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

#### **IV.I. CLOSURE AND POST-CLOSURE CARE**

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

IV.I.2. Since Tanks V9, V10, V11, V12, V13, V14, V15A, V15B, V15C, V15D, V16, V17, V26 and miscellaneous units V26, V34, V35 are no longer in use, the facility shall close the above Tanks according to the Closure Plan in Appendix J-C of Section J of the Permit Application and Section III.N.2 of this permit..

IV.I.3. If the Permittee demonstrates that not all contaminated soils and groundwater can be practically removed or decontaminated, in accordance with the Closure Plan, then the Permittee shall close the tank system and perform post-closure care following 40 CFR 264.197(b) and (c).

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

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

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

## **SECTION V - AIR EMISSION STANDARDS**

### **V.A. AIR EMISSION STANDARDS APPLICABILITY**

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

- V.A.1. The Permittee shall comply with the requirements of 40 CFR 264 Subpart AA for all units, owned or operated at the facility now or in the future, which are subject to 40 CFR 264 Subpart AA.
- V.A.2. The Permittee shall also comply with the requirements of 40 CFR 264 Subpart BB for those pumps, valves, compressors, sampling connecting systems, open-ended valves or lines, pressure relief devices, flanges and other connectors, closed vent systems and control devices, which are subject to 40 CFR 264 Subpart BB.
- V.A.3. The Permittee shall meet the test methods and procedures, recordkeeping requirements, and reporting requirements of 40 CFR 264 Subparts AA and BB.

### **V.B. AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS (SUBPART BB)**

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

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

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

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

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

- V.B.1.        Standards for Pumps in Light Liquid Service [264.1052]
- V.B.1.a.      The Permittee shall conduct monthly monitoring to detect leaks following the procedures in 40 CFR 264.1063(b).
- V.B.1.b.      The Permittee shall conduct visual inspection for pump seal leakage at least on a weekly basis.
- V.B.1.c.      A leak is detected if: (1) a leak detection instrument reads 10,000 ppm or greater, or (2) there are indications of liquid dripping from the pump seal.
- V.B.1.d.      The Permittee shall repair leaks as soon as practicable. Repairs are to be made within 15 calendar days after detection. Time extensions for repairs must be in accordance with 40 CFR 264.1059.
- V.B.2.        Standard for Pressure Relief Devices in Gas / Vapor Service  
[40 CFR 270.25(d), 264.1054]
- V.B.2.a.      Except during pressure releases, no pressure relief device shall release detectable emissions. *A detectable emission is indicated by an instrument reading of 500 ppm or greater above background levels.*
- V.B.2.b.      Within 5 calendar days after a pressure release, no detectable emissions shall emanate from pressure release device.
- V.B.3.        Standards for Open-ended Valves or Lines [40 CFR 264.1056]
- Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve that seals the open end at all time except during operations, requiring hazardous waste stream flow through the open-ended valve or line.
- V.B.4.        Standards for Valves in Gas/Vapor Service or Light Liquid Service  
[40 CFR 264.1057]

- V.B.4.a. The Permittee shall monitor based on detection of leaks in accordance with monitoring schedule in the approved Part B application. A reading of 10,000 ppm denotes a detected leak.
- V.B.4.b. The Permittee shall repair leaks as soon as practicable. Repairs are to be made within 15 calendar days after detection. The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.
- V.B.5. Standards for Pumps and Valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and Flanges and other Connectors.  
[40 CFR 270.25(d), 264.1058]
- V.B.5.a. Monitoring is required within 5 days by the method specified in 40 CFR 264.1063(b) if evidence of potential leak is found by sight, sound, smell, or other detection method.
- V.B.5.b. A leak is detected if a leak detection instrument reads 10,000 ppm or greater.
- V.B.5.c. The Permittee shall repair leaks as soon as practicable. Repairs are to be made within 15 calendar days after detection. The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.
- V.B.5.d. Time extensions for repairs must be in accordance with 40 CFR 264.1059.
- V.B.6. Testing [40 CFR 264.1063]  
The Permittee shall perform the compliance testing according to the requirements of 40 CFR 264.1063.
- V.B.7. Record Keeping Requirements [40 CFR 264.1064]
- V.B.7.a. The Permittee shall record the following information in the facility's operating record:
- V.B.7.a.(1) Equipment identification number and hazardous waste management unit identification,
  - V.B.7.a.(2) Approximate locations within the facility,
  - V.B.7.a.(3) Type of equipment (e.g., pump or pipeline valve),
  - V.B.7.a.(4) Percent by weight total organics in the hazardous waste stream at the equipment,
  - V.B.7.a.(5) Hazardous waste state at the equipment (e.g., liquid), and

V.B.7.a.(6) Method of compliance with the standard.

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

VI.B.7.b.(1) The instrument and operator identification numbers and the equipment identification number,

VI.B.7.b.(2) The date evidence of a potential leak was found,

V.B.7.b.(3) The date the leak was detected and the dates of each attempt to repair the leak,

V.B.7.b.(4) Repair methods applied in each attempt to repair the leak,

V.B.7.b.(5) If maximum instrument reading measured by the methods specified in 40 CFR 264.1063(b) after each repair attempt is equal to or greater than 10,000 ppm,

V.B.7.b.(6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak,

V.B.7.b.(7) Documentation supporting the delay of repair of a valve in compliance with 40 CFR 264.1059(c),

V.B.7.b.(8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown,

V.B.7.b.(9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days, and

V.B.7.b.(10) The date of successful repair of the leak.

V.B.8. Reporting Requirements [264.1065]

The Permittee shall fulfill the reporting requirements according to 264.1065.

**V.C. AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS (SUBPART CC)**

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

**ATTACHMENT I**  
**PERMITTED WASTE FOR CONTAINER AND TANK STORAGE UNITS**

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

<b>TABLE A-I</b> <b>Permitted Characteristic Waste Codes</b>	
D001	D023
D002	D024
D003	D025
D004	D026
D005	D027
D006	D028
D007	D029
D008	D030
D009	D031
D010	D032
D011	D033
D012	D034
D013	D035
D014	D036
D015	D037
D016	D038
D017	D039
D018	D040
D019	D041
D020	D042
D021	D043
D022	

F001	F012
F002	F019
F003	F024
F004	F025
F005	F032
F006	F034
F007	F035
F008	F037
F009	F038
F010	F039
F011	

K001	K002	K003	K004
K005	K006	K007	K008
K009	K010	K011	K013
K014	K015	K016	K017
K018	K019	K020	K021
K022	K023	K024	K025
K026	K027	K028	K029
K030	K031	K032	K033
K034	K035	K036	K037
K038	K039	K040	K041
K042	K043	K044	K045
K046	K047	K048	K049
K050	K051	K052	K060
K061	K062	K064	K065
K066	K069	K071	K073
K083	K084	K085	K086
K087	K088	K090	K091
K093	K094	K095	K096

<b>TABLE A-III (Continued)</b>			
<b>Permitted K-Listed Hazardous Waste Codes</b>			
K097	K098	K099	K100
K101	K102	K103	K104
K105	K106	K107	K108
K109	K110	K111	K112
K113	K114	K115	K116
K117	K118	K123	K124
K125	K126	K131	K132
K136	K141	K142	K143
K144	K145	K147	K148
K149	K150	K151	K156
K157	K158	K159	K160
K161	K169	K170	K171
K172	K174	K175	K181

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

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

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

<b>TABLE A-IV (Continued)</b>			
<b>Permitted U-Listed Hazardous Waste Codes</b>			
U217	U218	U219	U220
U221	U222	U223	U225
U226	U227	U228	U234
U235	U236	U237	U238
U239	U240	U243	U244
U246	U247	U248	U249
U271	U277	U278	U279
U280	U328	U353	U359
U364	U365	U366	U367
U372	U373	U375	U764
U377	U378	U379	U381
U382	U383	U384	U385
U386	U387	U388	U389
U390	U391	U392	U393
U394	U395	U396	U400
U401	U402	U403	U404
U407	U409	U410	U411

<b>TABLE A-V</b>			
<b>Permitted P-Listed Hazardous Waste Codes</b>			
P001	P002	P003	P004
P005	P006	P007	P008
P009	P010	P011	P012
P013	P014	P015	P016
P017	P018	P020	P021
P022	P023	P024	P026
P027	P028	P029	P030
P031	P033	P034	P036
P037	P038	P039	P040
P041	P042	P043	P044
P045	P046	P047	P048
P049	P050	P051	P054
P056	P057	P058	P059
P060	P062	P063	P064
P065	P066	P067	P068
P069	P070	P071	P072

P073	P074	P075	P076
P077	P078	P081	P082
P084	P085	P087	P088
P089	P092	P093	P094
P095	P096	P097	P098
P099	P101	P102	P103
P104	P105	P106	P107
P108	P109	P110	P111
P112	P113	P114	P115
P116	P118	P119	P120
P122	P123	P127	P128
P185	P188	P189	P190
P191	P192	P194	P196
P197	P198	P199	P201
P202	P203	P204	P205