

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT DIVISION OF ENVIRONMENT

Hazardous Waste Management Facility Permit Part I

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

Facility Name: Military Installation Fort Riley

Operator: Defense Logistics Agency Disposition Services (HWSF)
U.S. Army Garrison, Fort Riley
84th Explosive Ordnance Detachment (OB/OD)

Owner: The Department of the Army

Location: Directorate of Environment and Safety
407 Pershing Ct.
Fort Riley, Kansas 66442-6121

E.P.A. Identification Number: KS6214020756

for hazardous waste storage in containers and open burning/open detonation.

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

**FORT RILEY MILITARY INSTALLATION
FORT RILEY, KANSAS
EPA ID# KS6214020756**

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SECTION I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

The Department of the Army, Fort Riley Military Reservation (owner), the Defense Logistics Agency Disposition Services (DLA) (operator - HWSF), and the U.S. Army Garrison, Fort Riley, 84th Explosive Ordnance Detachment (operator - OB/OD) 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, 266, 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. Each reference in this permit to a federal regulation shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279. 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 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(l)(1)]

I.E.11. Reporting Anticipated Noncompliance

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

I.E.12. Transfer of Permit

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

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

The Permit will be modified or revoked and reissued in accordance with 40 CFR 270.40(b) or 270.41(b)(2) respectively. The Secretary may incorporate such other requirements as may be necessary under RCRA as part of the modification to this Permit [40 CFR 270.30(1)(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 ninety (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 ninety (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 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 264 Subpart H, within six (6) months of the date of the transfer of this Permit. Upon the new Permittee's demonstration of compliance with 40 CFR 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 (6) 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 ninety (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 ninety (90) days prior to the scheduled change in ownership and/or operational control. The new Permittee shall demonstrate compliance with 40 CFR 264 Subpart H and/or Permit Condition II.M. within six (6) months of the date of the transfer of this Permit. Upon the new Permittee's demonstration of compliance with 40 CFR 264 Subpart H, and/or Permit Condition II.M., the Secretary shall notify the old Permittee that maintaining financial assurances pursuant to that subpart (40 CFR 270.40(b)) and/or Permit Condition II.M. is no longer necessary.

I.E.13. Twenty-Four Hour Reporting

I.E.13.a. Pursuant to 40 CFR 270.30(1)(6), the Permittee shall report to the Secretary any noncompliance with the Permit which may endanger health or the environment. Any such information shall be reported orally within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances. The report shall include the following:

- i. Information concerning release of any hazardous waste which may cause an endangerment to public drinking water supplies; and
- ii. Any information of a release or discharge of hazardous waste or of a fire or explosion from the hazardous waste management facility, which could threaten the environment or human health outside the facility.

I.E.13.b. The description of the occurrence and its cause shall include:

- i. Name, address, and telephone number of the owner or operator;

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

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

I.E.14. Other Noncompliance

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

I.E.15. Other Information

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

I.E.16. Other Requirements

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

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

I.F. SIGNATORY REQUIREMENT

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

I.G. WASTE MINIMIZATION

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

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

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

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

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

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

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

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

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

I.I. CONFIDENTIAL INFORMATION

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

I.J. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

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

I.J.1. A copy of this Permit, including all approved permit modifications.

I.J.2. A copy of the Part A and Part B Permit Application including, but not limited to the following:

I.J.2.a. Waste Analysis Plan, as required by 40 CFR 264.13 and this Permit.

I.J.2.b. Inspection schedules and documents, as required by 40 CFR 264.15(b) and this Permit.

I.J.2.c. Contingency Plan, as required by 40 CFR 264.53(a) and this Permit.

I.J.2.d. Closure Plan, as required by 40 CFR 264.112(a) and this Permit.

I.J.3. Personnel training documents and records as required by 40 CFR 264.16(d) and (e) and this Permit. The training records on former employees must be kept for at least five (5) years from the date the employee last worked at the facility.

I.J.4. Operating record, as required by 40 CFR 264.73 and this Permit.

I.J.5. Annually adjusted cost estimate for facility closure as required by 40 CFR 264.142(d) and this Permit.

I.J.6. All other documents required by Permit Condition I.E.9.

I.K. PENALTIES

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

SECTION II - GENERAL FACILITY CONDITIONS

II.A. DESIGN AND OPERATION OF FACILITY

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

II.B. REQUIRED NOTICES

II.B.1. Hazardous Waste Imports

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

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

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

II.B.3. Transferring Ownership or Operation

Before transferring ownership or operation of the facility during its operating life, the owner or operator must notify the new owner or operator in writing of the requirements of K.A.R. 28-31-124a(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.C. GENERAL WASTE ANALYSIS

The Permittee shall follow the waste analysis procedures required by 40 CFR 264.13, as described in the approved Closure Plan – Appendix B of the approved Part B Permit Application.

II.D. SECURITY

The Permittee shall comply with the security provisions of 40 CFR 264.14(b)(2) and (c).

II.E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall comply with the inspection requirements of 40 CFR 264.15 as necessary.

II.F. PERSONNEL TRAINING

The Permittee shall conduct personnel training as required by 40 CFR 264.16. 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 Geary 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.

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 Installation Contingency Plan, Appendix A of the Part B Permit Application, as required by 40 CFR 264.32.

II.I.2. Testing and Maintenance of Equipment

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

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

The Permittee shall maintain access to the communications or alarm system, as required by 40 CFR 264.34.

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 Installation Contingency Plan – Appendix A of the Part B Permit Application, whenever there is a fire, explosion, or release of hazardous waste or constituents which could threaten human health or the environment.

II.J.2. Copies of Plan

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

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

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

II.J.3. Amendments to Plan

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

II.J.4. Emergency Coordinator

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

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

II.J.5. Emergency Procedures

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

II.K. RECORDKEEPING AND REPORTING

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

II.K.1. Operating Record

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

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

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

II.K.3. Biennial Report

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

II.K.4. Manifests

Whenever a shipment of hazardous waste is initiated from the facility, the Permittee shall comply with the generator requirements in 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.

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.

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.

II.L.6. Certification of Closure

The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan, as required by 40 CFR 264.115.

II.M. FINANCIAL REQUIREMENTS

The Permittee is a federal government military installation, and is therefore exempt from the financial requirements of 40 CFR 264 Subpart H and permit condition II.M. [40 CFR 264.140(c)]

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 I.4 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 an annual aggregate of at least two million dollars (\$2,000,000), exclusive of legal defense costs. [40 CFR 264.147(a)]

II.M.3. Financial Assurance for Facility Closure

The Permittee shall demonstrate continuous compliance by providing documentation of financial assurance, as required by 40 CFR 264.143 and 264.147, in at least the amount of the closure cost estimates required by Permit Condition II.M.1. and II.M.2. The Permittee shall maintain documentation demonstrating the Permittee's financial assurance in the 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 – CONTAINER STORAGE FACILITY CLOSURE

III.A. DESCRIPTION OF STORAGE FACILITIES

The Hazardous Waste Storage Facility (HWSF) described below and referenced in this section is operated by the Defense Logistics Agency Disposition Services (DLA), and is currently in the process of being closed in accordance with the approved May 2011 *Final Closure Plan: Closure of the Part B Permit Storage Site 1 Ft. Riley, Kansas* (Closure Plan).

The HWSF consists of two 16' by 18' prefabricated metal structures at opposite ends of a 80' by 80' concrete paved lot. Building 1952 is located at the southern end of the lot and Building 1953 is located at the northern end. Each building consists of an eight foot high prefabricated building constructed on a reinforced concrete slab that slopes toward the back of each structure and contains three, separate pallet size leak containment basins. Both buildings are open on the side facing the paved lot which is covered by a metal roll-up door. The 80' by 80' concrete slab is constructed with a six inch curb around its perimeter to provide secondary containment, and is also sloped to provide three separate drainage areas. Each drainage area is equipped with a separate sump which serves to allow separation of incompatible wastes while in storage. The slab has been treated with a chemical resistant coating. In addition to buildings 1952 and 1953 there are 7 portable metal container storage units located on the concrete slab. The entire 80' by 80' area is surrounded by a six foot high chain link fence topped by three strands of barbed wire to control access.

To date, the HWSF has ceased operations; all containerized hazardous waste in storage has been removed from the site; buildings 1952 and 1953, the concrete containment slab, and the 7 portable metal container storage units have been decontaminated in accordance with the Closure Plan; and all environmental samples required by the Closure Plan have been taken and submitted for analysis. Analytical results of environmental sampling and the final closure report detailing the result the closure activities are pending. Upon receipt, the final closure plan report will be reviewed to determine if the Closure Plan goals and closure criteria of Permit condition III.H and II.L have been met. This permit authorizes the Permittee to continue closing the HWSF in accordance with the approved Closure Plan, Appendix B of the approved Part B Permit Application.

III.B. PERMITTED AND PROHIBITED WASTE

The Permittee is prohibited from storing hazardous waste at the HWSF described in Permit condition III.A. Decontamination fluids and other waste generated during closure, which may be determined to be hazardous waste, may be temporarily stored at the HWSF in accordance with the approved Closure Plan - Appendix B of the approved Part B Permit Application.

Attachment I of this permit list the hazardous waste that were previously approved for storage at the HWSF described in Section III.A of this Permit.

III.C. OPERATION AND MAINTENANCE

The Permittee shall Clean Close the container storage facility in accordance with the approved Closure Plan - Appendix B of the approved Part B Permit Application.

III.D. CONTAINER STORAGE FACILITY CAPACITIES

The facility may continue to store decontamination fluids and other waste generated from approved closure procedures in various sized Department of Transportation (DOT) approved containers in accordance with 40 CFR 264 and the approved closure plan. The maximum storage of closure generated waste shall not exceed 9,240 gallons. The volume of the largest container or portable tank of any kind stored in the container storage area shall not exceed 500 gallons. Storage of any other wastes is prohibited.

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.H. CLOSURE

The Permittee shall remove all hazardous waste and hazardous waste residues from the containment systems and close the unit in accordance with the procedures in the approved Closure Plan - Appendix B of the Part B Permit Application, and Section II.L. of this permit. [40 CFR 264.178]

SECTION IV -OPEN BURNING / OPEN DETONATION AREA

IV.A. BACKGROUND AND DESCRIPTION OF AREA

The Open Burning Open Detonation Area (OB/OD) is an approximately 300 by 400 foot section of land located on Range 16 in the southwest quadrant of the Fort Riley Impact Area. It can be located on Plate 1 of the approved Part B application. The Impact Area is an approximately 26 square mile parcel of land that has been used by the military since about 1942 to conduct military maneuver and training activities, including the use of various types military munitions and ordnances. The OB/OD unit located within the Impact Area has been used by the U.S Army to thermally treat both hazardous and non-hazardous solid wastes throughout its history. The exact type and quantity of waste disposed of at the site over the years is not known. The OB/OD unit's main purpose and use have been to serve as a regional location for the treatment of dangerous energetic materials including explosives, propellants, and pyrotechnics, which may have been defective, unexploded, or obsolete, by open burning and open detonation. The open detonation process creates large craters in the ground from repeated detonations. When these craters reach a certain size, they are filled-in leveled and new craters created from further open detonations. Open burning occurs in two large horseshoe shaped pits. The location of two of these pits, the North and South burn pits, are visibly present today.

In 1980 Fort Riley received interim status with the submission of their initial Part A application that identified the OB/OD unit as the Ordnance Treatment Area. In 1992 Fort Riley submitted a Part A application which included both the Hazardous Waste Storage Facility (HWSF) described in Section III.A of this permit and the OB/OD unit described in this section. At that time the decision was made to separate the two units into individual permit applications, and in 1993 Fort Riley submitted the "*Final Subpart X Portion of RCRA Part B Permit Application Open Burning/Open Detonation Area For Fort Riley, Kansas*", dated May 21, 1993. This application provided the most complete description and account of the activities which were occurring at the OB/OD unit; however, a permit was never issued and the unit has remained in interim status.

In 1997 EPA published the Military Munitions Rule, which defines when military munitions become solid wastes potentially subject to hazardous waste regulation; and establishes procedures and management standards for waste military munitions. The State of Kansas is not currently authorized for these regulations. The Kansas Department of Health and Environment (KDHE) has effectively adopted these regulations through K.A.R. 28-31-260 and K.A.R. 28-31-266. Therefore, as long as the current activity meets above requirements, no hazardous waste facility permit will be required for continued

operation. Nevertheless, the historical use of this facility has not been exempt, therefore, the OB/OD site is subject to RCRA closure regulations. Should the facility no longer be able to meet the exemption requirement as state above, the facility must submit appropriate permit modification request in accordance with 40 CFR 270 Subpart D and receive approval from the department to perform those activities.

This permit is being issued for closure only and does not authorize any treatment, storage, or disposal of hazardous waste that requires a RCRA permit.

I.V.B CLOSURE REQUIREMENTS

- I.V.B.1 The Permittee shall remove all hazardous waste and hazardous waste residues from the OB/OD area and close the unit in accordance with the closure performance standards of 40 CFR 264.111 and Section II.L. of this permit. [40 CFR 264.601]
- I.V.B.2 The Permittee may submit reports of remedial efforts conducted under alternative state and/or federal clean-up authorities as supporting information to demonstrate compliance with the closure performance standards of 40 CFR 264.111. If the department determines that submitted documentation are considered adequate to meet RCRA closure requirements, the closure plan in Permit Condition I.V.B.4 shall not be required. Closure under alternative authorities does not automatically constitute closure in accordance with 40 CFR 264.111.
- I.V.B.3 The OB/OD unit shall be closed when any of the following occur: the Fort Riley military installation is decommissioned or closed, the firing range including the unit is deactivated or closed, or environmental investigations determine that the unit threatens human health or the environment.
- I.V.B.4 The Permittee shall submit a closure plan to the department for approval within 180 days of the notification of a closure triggering event specified in Permit Condition I.V.B.3. The closure plan shall detail the work that will be done to clean close the OB/OD unit in accordance with the closure performance standards of 40 CFR 264.111.
- I.V.B.5 The Permittee shall submit copies of all collected environmental monitoring data, prepared documents and report for ongoing environmental evaluation for this facility to the department in accordance Section I.H.

ATTACHMENT I
PREVIOUSLEY PERMITTED WASTE FOR CONTAINER STORAGE

The hazardous waste(s) identified in Tables A-I, A-II, A-III, and A-IV were the only waste(s) permitted to be stored in containers at the facilities identified in sections III of this permit.

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

TABLE A-II
Permitted F-Listed Hazardous Waste Codes

F001
F002
F003
F004
F005

TABLE A-III
Permitted U-Listed Hazardous Waste Codes

U002	U010	U012	U015
U019	U020	U026	U028
U032	U035	U037	U041
U044	U058	U059	U069
U075	U080	U088	U089
U103	U112	U117	U121
U122	U129	U132	U133
U150	U151	U154	U159
U161	U162	U182	U201
U206	U210	U220	U226
U228	U237	U239	U240
U248			

TABLE A-IV
Permitted P-Listed Hazardous Waste Codes

P001
P015
P030
P042
P081
P095
P098
P105
P106
P119
P188