



FACT SHEET
KOCH NITROGEN COMPANY, LLC
DODGE CITY, KANSAS
PERMIT RENEWAL
September 2, 2014

This fact sheet, in accordance with the requirements of Kansas Administrative Regulations (K.A.R.) 28-31-124d, has been prepared to announce availability for public review, a draft Hazardous Waste Facility Permit that the Kansas Department of Health and Environment (KDHE) intends to issue Koch Nitrogen Company, LLC owner and operator of the facility. This facility is located at 11559 U.S. Highway 50, Dodge City, Kansas. The location of the facility is depicted in **Figure 1**.

The proposed renewal permit will require Koch Nitrogen Company, LLC to close the Chromium Destruct Unit, conduct post-closure care for this regulated unit, and implement site-wide corrective action including groundwater monitoring and remediation at this facility. Koch Nitrogen Company, LLC submitted RCRA Part A and Part B permit renewal applications to address these activities. Any treatment, storage, or disposal of hazardous waste not authorized in this Permit is strictly prohibited.

I. Facility Permit Overview

The Koch Nitrogen Company, LLC facility manufactures anhydrous ammonia and urea ammonium (UAN) nitrogen fertilizers. The original owner, Farmland Industries, Inc. built the facility in 1966 and began production in 1968. Past operations generated hazardous waste from cooling tower blowdown that contained hexavalent chromium which served as a corrosion inhibitor. The wastewater was treated in a unit known as the Chromium Destruct Unit to reduce the hexavalent chromium to trivalent chromium prior to discharge to the wastewater lagoons. Due to the treatment of hazardous waste (D007), the Facility obtained interim status as a RCRA hazardous waste treatment, storage, and disposal facility in November 1980 and was assigned EPA identification number KSD044625010.

The facility initiated groundwater monitoring in response to an April 1982 letter from KDHE prompting the facility to comply with the new groundwater monitoring requirements in the 40 CFR 265.90 to 265.94. The Facility notified KDHE in June 1982 that chromium contamination had been detected in a private well east of the facility. KDHE required the Facility to conduct an assessment of the groundwater which revealed a plume of chromium contamination had migrated beyond the north, east, and south property boundaries. Subsequent assessments revealed nitrates and volatile organic compounds (VOCs) also present in the groundwater at concentrations above the Maximum Contaminant Levels (MCLs) for drinking water. The CDU, infiltration from the ponds, and a chromic acid spill are all considered contaminant sources.

On March 26, 1987, KDHE requested, under the authority of 40 CFR 270.1(c) and 270.10(e)(4), that Farmland Industries, Inc. submit an application for a hazardous waste land disposal post-closure permit. Under Consent Agreement, Farmland Industries, Inc. submitted a RCRA Part B permit application and Post-Closure Plan on February 27, 1990. The Part B application contained the plan to ensure the facility minimizes threats to human health and the environment by providing monitoring wells to determine the location and concentration of the groundwater contamination and recovery wells to remediate the contaminated groundwater.

On March 24, 2003, KDHE and the United States Environmental Protection Agency issued Farmland a Hazardous Waste Management Permit that required the Facility to monitor and remediate the groundwater contamination, and conduct a thorough investigation of the contaminated soil and groundwater. In April 2003, Farmland, Inc. sold the facility and requested the permit be transferred to the new owner, Koch Nitrogen Company, LLC. In October 2012, Koch Nitrogen Company, LLC, in compliance with Kansas regulations, submitted an application to receive a renewal permit from KDHE.

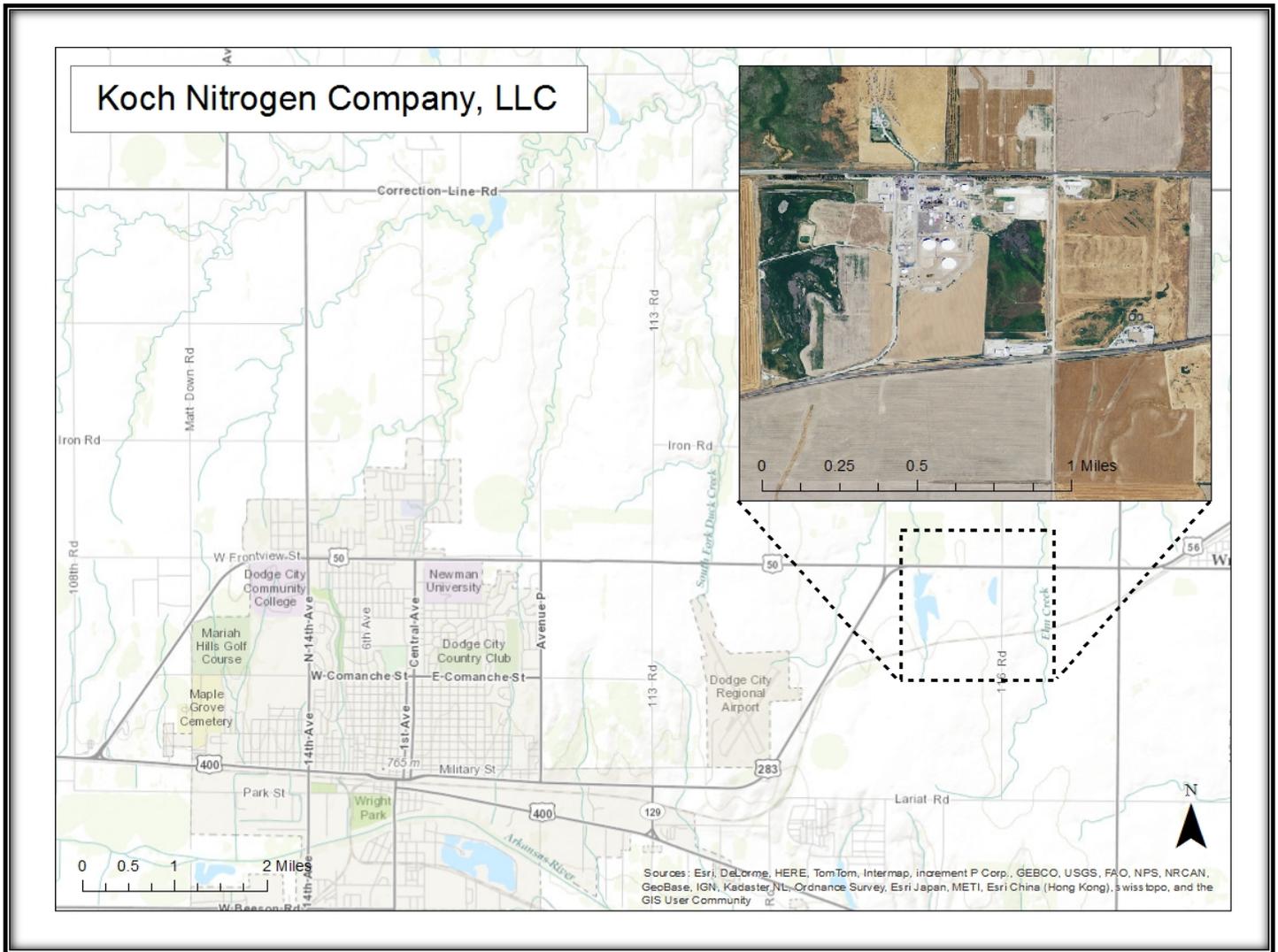


Figure 1 – Facility Location Map

The renewal permit will require the facility to conduct Closure and Post-Closure Care of the Chromium Destruct Unit, in accordance with 40 CFR 264 Subpart G, 268, and 270. This permit also includes provisions for RCRA corrective action to address releases to groundwater from the Chromium Destruct Unit as well as from other Solid Waste Management Units at the facility.

Additional information on the hazardous waste management activities at the facility can be found in the draft permit, Part A and Part B applications, and the administrative record.

II. Permitting Regulatory Authority

In October 1985, the State of Kansas received final authorization from the U.S. Environmental Protection Agency (EPA) to implement a hazardous waste management program in lieu of the federal program, except for those portions covered by the 1984 Hazardous and Solid Waste Amendments (HSWA). In September 2013, authority for the corrective action portion of the RCRA program was delegated to the State of Kansas.

The draft permit sets forth all of the applicable requirements that KDHE will require the Permittee to comply with during the 10-year duration of the permit. The draft hazardous waste permit includes standard permit conditions, general facility conditions, and regulatory provisions for closure, post-closure care, and corrective action for all releases or potential future releases of hazardous waste or hazardous constituents from any solid waste

management units (SWMU) and/or Areas of Concern (AOC) at this facility. Section V includes general conditions, corrective action requirements, and a facility submission summary.

The draft permit is being considered for issuance under authority of the Kansas Statutes Annotated (K.S.A.) 65-3430 *et seq.* and KAR 28-31-4 through 28-31-279a. Documents that support the permit conditions specified in the draft permit are part of the administrative record. Applicable regulations are found in 40 CFR Parts 124, 260 through 264, 268, and 270, as specified in this permit. All citations found in the draft permit to federal regulations are for the sake of convenience. Some modifications to federal regulations by applicable state regulations are noted in this permit, but all modifications to federal regulations by state regulations are incorporated. To the extent that state regulations exclude any sections of applicable federal regulations, those sections are not in effect. In the instance of inconsistent language or discrepancies between conditions found in the permit, state regulations, or federal regulations, the language of the more stringent provision will govern; otherwise, state law governs.

III. Summary of the RCRA Permitting Process

State hazardous waste laws require that the public be given at least 45 days to review the administrative record for the draft permit prior to KDHE taking a final action. The purpose of having a public comment period is to ensure that interested parties have the opportunity to evaluate the conditions specified in the draft permit and to provide their input into the permit decision-making process. The public comment period will begin on September 2, 2014 and end on October 17, 2014. The administrative record, which includes the draft permit, permit application, and other relevant correspondence, will be available for public review at the following locations:

Kansas Department of Health and Environment
Hazardous Waste Permits Section
1000 SW Jackson Street, Suite 320
Topeka, Kansas 66612-1366
Contact: Mostafa Kamal
(785) 296-1609

Dodge City Public Library
1001 North 2nd Avenue
Dodge City, Kansas 67801
Contact: Sam Shipley
Tel: (620) 225-0248

The administrative record can also be accessed on the KDHE website at: http://www.kdheks.gov/waste/p_pubnot_hw.html

As specified in 40 CFR 124.11, during the public comment period any interested person may request a public hearing in writing which states the nature of the issues proposed to be raised in a public hearing. In the event that a hearing is requested, advance notice of the date will be given to the public.

IV. Procedures for Reaching a Final Decision

The Secretary of KDHE will make the decision regarding the issuance of the permit after the close of the public comment period. The Secretary will consider all comments received during the public comment period.

When the final decision to issue or deny the permit is made, notice will be given to the applicant, all persons who submitted written comments, and those who requested notice of the final permit decision. If none of the comments received during the public comment period result in revision(s) to the draft permit, the permit will become effective immediately upon issuance of the final permit decision. If comments received during the public comment period result in revision(s), the permit will become effective 30 days after service of notice of the final decision to allow for public review of the revisions. Appeals of the final permit decision for the permit must be filed within 15 days after service of notice in accordance with K.S.A 65-3440 and K.S.A. 77-601 *et seq.*

V. Permit Organization

The permit is organized in the following manner:

Permit	Description
Cover Sheet	Sets forth basic legal authority.
Section I Standard Permit Conditions	General permit conditions which are the regulatory requirements specified in 40 CFR 270.
Section II General Facility Conditions	General facility permit conditions which are the regulatory requirements specified in 40 CFR 264.
Section III Closure and Post-Closure Care	Specific operating conditions, limitations, procedures, and requirements which implement the regulatory requirements of 40 CFR 264, Subpart G (Closure and Post-Closure Care) and Subpart K-Surface Impoundments
Section IV Groundwater Corrective Action	Specific operating conditions, limitations, procedures, and requirements which implement the regulatory requirements of 40 CFR 264, Subpart F
Section V Corrective Action	Specific conditions and framework for assessing the nature and extent of releases and, if necessary, implementing corrective measures to protect human health and the environment, pursuant to the regulatory requirements of 40 CFR 264.101, which address corrective action for releases of hazardous waste and hazardous constituents from solid waste management units and areas of concern, as appropriate. Establishment of permit conditions under 40 CFR 270.32(b)(2) related to permit duration, schedules of compliance and monitoring. Specific conditions regarding clean-up activities, including but not limited to, reimbursement of oversight costs under K.S.A. 65-3453 and payment of cleanup costs and those actions necessary to recover such costs under K.S.A. 65-3455.