

Kansas Register Notice
State of Kansas
Department of Health and Environment
Public Notice of Proposed Permit Renewal Action

The Kansas Department of Health and Environment (KDHE) received Hazardous Waste Facility Part A and Part B permit renewal applications from Koch Nitrogen Company, LLC (Operator/Owner). The facility is located at 11559 U.S. Highway 50, Dodge City, Kansas and has EPA identification number KSD044625010.

KDHE is providing notice of its intent to renew the RCRA hazardous waste management permit for the facility. The proposed 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 the facility.

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 in a concise document 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, closure and post-closure care requirements, groundwater monitoring and remediation as well as corrective action for all Solid Waste Management Units and Areas of Concern.

The draft permit is being considered for issuance under authority of the Kansas Statutes Annotated (K.S.A.) 65-3430 *et seq.* and Kansas Administrative Regulations (K.A.R.) 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.

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. A copy of the administrative record which includes the draft permit, the fact sheet, the permit application, and all information pertaining to this permit action is available for public review from September 2, 2014 through October 17, 2014, Monday through Friday, during normal business hours at the following locations:

Kansas Department of Health and Environment

Hazardous Waste Permits Section

1000 SW Jackson, Suite 320

Topeka, Kansas 66612

Contact: Mostafa Kamal

Tel: (785) 296-1609

Dodge City Public Library

1001 North 2nd Avenue

Dodge City, KS 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 scheduled, advance notice of the date will be given to the public. 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 hearing and 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 in accordance with 40 CFR 124.15 and K.A.R. 28-31-

124(c)(8). 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.*

Robert Moser, M.D., Secretary, Kansas Department of Health and Environment