

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
Division of Environment
Bureau of Waste Management

MEMORANDUM

DATE: January 14, 2004
TO: ~~Koch Nitrogen Company File~~
FROM: Katherine Dunn KD
SUBJECT: Meeting Memo

This memo is to recap a meeting held on January 14, 2004 between Koch Nitrogen Company (KNC), KDHE, and EPA (via telephone). Participants in the meeting were Brian Moore, Gary LaRock, and Katrina Krier from KNC; Mostafa Kamal, Everett Spellman, and Katherine Dunn from KDHE; and Andrea Stone and Randy Rohrman from EPA.

KNC opened the meeting by explaining their desire for the local (on-site) plant personnel to meet members of the regulatory community who are responsible for the KNC facility. Gary LaRock, Plant Manager, explained they had many issues to address since taking over the ownership of the facility, with environmental issues related to this facility being one of many issues that had to be addressed. With the resolution of the appeal of Part II of the Permit, the intend is for the local plant personnel to take on more of the on-site work.

Prior to this meeting, KDHE had discussed the Part B Certification with Brian Moore. Previously, KNC had included the certification in the cover letter for the request for a permit modification. KDHE explained the need for a separate certification page inserted in the Part B Permit Application, which Brian submitted at the meeting.

Andrea Stone, EPA, provided and update of the appeal of Part II of the Permit. She indicate EPA expected to hear from the EAB regarding the request, signed by KNC and EPA and submitted yesterday, for an extension to settle the appeal. A letter of agreement between EPA, KDHE, and KNC should be sent today to resolve permit language. The next step in the process will be for KNC to request a permit modification for Part I and II. The modification for Part II will require a 60-day public comment period.

Brain Moore told us the Closure Plan for the CDU was complete and would be hand delivered to KDHE and Fed-Ex to EPA today. The intent of the closure plan is to clean close the unit. With the direction the permit will take after resolution of the appeal, KDHE will table review of the closure plan until Part II of the permit is effective.

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KNC has completed the RFI Work Plan and is ready to submit the report. After discussion with EPA, it was decided to wait until after the permit modification request had been completed before KNC submits the RFI Work Plan.

Brian asked if there were any outstanding issue that KNC need to address for compliance with the permit. At this time, KNC has complied with and submitted the information as required by the permit.

KDHE explained to KNC how their cost estimate for closure and post-closure was inadequate. The cost estimate they submitted did not address the costs of remediation, treatment, or disposal. The cost estimate should account for the corrective action requirements of Part I of the Permit. Brian agreed to forward a list of closure and post-closure tasks to KDHE next week for review and approval. Once the list is approved, KNC will provide the cost estimate followed by an appropriate financial assurance instrument. EPA will ask for financial assurance at the completion of the CMS for the selected remedy. Language in Part II of the Permit was modified so KNC would not be required to provided dual coverage if the final remedy includes all or part of the current monitoring and remediation.

EPA requested an update on the alternative water supply for the Coker and Bogner residences. Brian explained that KNC had delivered a contract to Mr. Coker for connection to the Dodge City public water supply. Although KNC is paying for the hookup and legal fee, KNC could not sign the contract with the city. This contract had to be signed by the property owner. The request for connection to the city water supply will be presented to the city council at the February meeting. Because of the distance to the Bogner's residence, the water line would have issues with stagnant water, the city will not allow connection to the city water supply. KNC is exploring installation of the well into the Dakota. After installation of the well, KNC would continue to sample the Bogner well to ensure the potability of the water. EPA asked KNC to submit a written update on the residential water supply issue with documents reflecting agreements with Coker, Bogner, and Dodge City. In addition, EPA request that KNC have a geologist log the boring during installation of the Bogner well.

Brian asked about deed restrictions for the Coker property. Because deed restrictions are a sensitive issue, EPA suggested a notice to deed of the contaminated groundwater issue. In addition, KDHE and EPA concurred that plugging Coker's well would eliminate the potential for future use of the well. KNC will offer to plug the Coker well as part of the agreement for the alternative water supply.

To assist EPA in completing the Environmental Indicators (EIs), EPA requested a copy of the procedures used by Koch for protecting the health of facility personnel. Brian explained these procedure were a part of the company's health and safety plan and he would forward the information to EPA.

Since KNC will be submitting a modification request to KDHE as a part of the appeal settlement, KDHE will table the review of the modification request submitted in December 2003. The modification request, due for submittal by February 13, 2004, will incorporate the December 2003 request.