

Everett Spellman/Kdhe
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To "Burke, Annie" <BURKEA@KOCHIND.COM>
cc Katherine Dunn/Kdhe@Kdhe, Mostafa Kamal/Kdhe@Kdhe,
Brian L Busby/Kdhe@Kdhe
bcc
Subject Proposed Modifications - Part 1 Permit, SAP and Application


AnnieLaurie,

Thank you for your time during our phone conversation yesterday to discuss the pending Class 1a permit modification. As we discussed, the modifications KNC proposed for the Part I of the Permit, Sampling and Analysis Plan (SAP), and Part B Permit Application are beyond the scope of the changes KDHE anticipated following our September 2004 meeting. We were anticipating only changes that affected permit conditions.

Below are responses to each of the bulleted items addressed in your email message.

Analysis of Nitrate/Nitrite: At the time of issuing the Permit, KDHE's intention was to apply EPA's Drinking Water Standards. Thus, groundwater samples should be analyzed for Nitrate plus (+) Nitrite as Nitrogen (N) using 10 mg/L as an MCL value. Also, KDHE is aware Method 353.2 specified in the SAP is not a SW-846 method, but has approved the use of this method. Please be aware that EPA may require an alternate method during the RFI. Also, EPA may establish separate remediation goals for Nitrate and Nitrite.

Sampling, Maintenance, and Well Function: KDHE is aware that several wells are inaccurately referenced in various text and tables of the Permit. KDHE will change these references to reflect the current status of the facility's monitoring and recovery systems. Please submit proposed changes and justifications for inaccuracies identified by KNC.

Financial Instrument Renewal: The bond effective date is the anniversary date which is June 15 of every year. Travelers Casualty and Surety Company of America issued the bond in the amount of \$1,170,749.78 with an effective date of June 15, 2003. We received a bond rider increasing the penal sum to \$5,968,182 effective June 15, 2004.

Personnel Training: Proposed modifications to Section I of the Part B Application can be included as part of this Class 1a permit modification.

Uncontrollable Circumstances: Any proposed language addressing the impact of circumstances beyond the control of KNC will be deferred to KDHE attorneys. As we discussed, the SAP document already provides KNC the ability to justify deviations from the procedures listed in the SAP.

Certification Requirement: The signatory and certification requirement of 40 C.F.R. 270.11 (b) apply predominantly to the reports and information required by the Permit or SAP. However, KNC must use discretion in deciding if other information submittals are relevant to issues that threatens human health or the environment. In general, the intention you outlined describes KDHE's approach to this issue.

As we discussed yesterday, please submit modified pages to the Part B Application and SAP, and justification for the proposed language. The proposed language must address specific permit conditions. Once KDHE receives KNC's formal permit modification request, KDHE will consider each item and provide KNC with replacement pages to Part I of the Permit.

If you have any questions during my absence next week, please contact Kathy Dunn at 785-296-6561.

Everett Spellman
Environmental Geologist

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