

LATHROP & GAGELLP

JESSICA E. MERRIGAN
DIRECT LINE: (816) 460-5706
EMAIL: JMERRIGAN@LATHROPGAGE.COM
WWW.LATHROPGAGE.COM

2345 GRAND BOULEVARD
SUITE 2200
KANSAS CITY, MISSOURI 64108-2618
PHONE: (816) 292-2000
FAX: (816) 292-2001

January 6, 2009

Mr. Mostafa Kamal
Kansas Department of Health and Environment
1000 SW Jackson Street, Suite 320
Topeka, KS 66612-1366

Ms. Andrea Stone
U.S. Environmental Protection Agency, Region VII
901 North 5th Street
Kansas City, KS 66101

Re: Koch Nitrogen Company, LLC Dodge City, Kansas Facility
Updated Part A Application

Dear Mr. Kamal and Ms. Stone:

Please find enclosed the updated RCRA Part A Application prepared by Koch Nitrogen Company, LLC. A PDF version of this application was sent to you by e-mail on Tuesday December 30, 2008. This document is being submitted as part of Koch Nitrogen Company's Request for Class I Administrative Change.

Koch Nitrogen Company, LLC is currently working on assembling the updated financial assurance information for the Dodge City facility and will distribute the updated documents when they are finalized.

If you have any questions or need any additional information in order to complete your review, please do not hesitate to contact me at (816) 460-5706, or Laurie Sahatjian with Koch Companies Public Sector, LLC at (316) 828-8499.

RESP RECEIVED

JAN 08 2009



Mr. Mostafa Kamal
Ms. Andrea Stone
January 6, 2009
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We sincerely appreciate KDHE and EPA's assistance in this matter and your consideration in helping us achieve the proposed timeline for this change.

Sincerely,

LATHROP & GAGE LLP

By:



Jessica E. Merrigan

Enclosures

cc: Mr. Alex Chen, U.S. EPA, Office of Regional Counsel
Mr. Brian Busby, KDHE
Ms. Nancy Ulrich, KDHE, Office of Counsel
Ms. Laurie Sahatjian, Koch Companies Public Sector, LLC

9. Legal Owner (Continued) Address	Street or P. O. Box: 4111 East 37th Street North	
	City, Town, or Village: Wichita	
	State: KS	
	Country: USA	Zip Code: 67220

10. Type of Regulated Waste Activity
 Mark "Yes" or "No" for all activities; complete any additional boxes as instructed. (See instructions on pages 18 to 21.)

A. Hazardous Waste Activities
 Complete all parts for 1 through 6.

Y N 1. Generator of Hazardous Waste
 If "Yes", choose only one of the following - a, b, or c.

a. LQG: Greater than 1,000 kg/mo (2,200 lbs./mo.) of non-acute hazardous waste; or

b. SQG: 100 to 1,000 kg/mo (220 - 2,200 lbs./mo.) of non-acute hazardous waste; or

c. CESQG: Less than 100 kg/mo (220 lbs./mo.) of non-acute hazardous waste

In addition, indicate other generator activities.

Y N d. United States Importer of Hazardous Waste

Y N e. Mixed Waste (hazardous and radioactive) Generator

Y N 2. Transporter of Hazardous Waste

Y N 3. Treater, Storer, or Disposer of Hazardous Waste (at your site) Note:
 A hazardous waste permit is required for this activity. Facility has Part B Post-Closure Permit, See Item 12.

Y N 4. Recycler of Hazardous Waste (at your site)

Y N 5. Exempt Boiler and/or Industrial Furnace
 If "Yes", mark each that applies.

a. Small Quantity On-site Burner Exemption

b. Smelting, Melting, and Refining Furnace Exemption

Y N 6. Underground Injection Control

B. Universal Waste Activities

Y N 1. Large Quantity Handler of Universal Waste (accumulate 5,000 kg or more) [refer to your State regulations to determine what is regulated]. Indicate types of universal waste generated and/or accumulated at your site. If "Yes", mark all boxes that apply:

	<u>Generate</u>	<u>Accumulate</u>
a. Batteries	<input type="checkbox"/>	<input type="checkbox"/>
b. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>
c. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>
d. Lamps	<input type="checkbox"/>	<input type="checkbox"/>
e. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
f. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
g. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

Y N 2. Destination Facility for Universal Waste
 Note: A hazardous waste permit may be required for this activity.

C. Used Oil Activities
 Mark all boxes that apply.

Y N 1. Used Oil Transporter
 If "Yes", mark each that applies.

a. Transporter

b. Transfer Facility

Y N 2. Used Oil Processor and/or Re-refiner
 If "Yes", mark each that applies.

a. Processor

b. Re-refiner

Y N 3. Off-Specification Used Oil Burner

Y N 4. Used Oil Fuel Marketer
 If "Yes", mark each that applies.

a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner

b. Marketer Who First Claims the Used Oil Meets the Specifications

11. Description of Hazardous Wastes (See instructions on page 22.)

A. Waste Codes for Federally Regulated Hazardous Wastes. Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more spaces are needed.

D001						
D002						
D007						

B. Waste Codes for State-Regulated (i.e., non-Federal) Hazardous Wastes. Please list the waste codes of the State-regulated hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed for waste codes.

12. Comments (See instructions on page 22.)

Facility does not routinely generate hazardous waste in most calendar months.
 Equipment painting/tank cleaning (D001, D002) waste may be generated once or twice annually.
 Underground Injection Control Wells are permitted for nonhazardous wastewater injection only.
 There is the possibility of generating D007 waste as investigation-derived waste (IDW) or from future remedial programs on soil contaminated by historical activities.
 Facility is currently covered by a Part B Post-Closure Permit, under which it is performing necessary investigation and corrective action related to historical releases.

13. Certification. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
 For the RCRA Hazardous Waste Part A Permit Application, all operator(s) and owner(s) must sign (see 40 CFR 270.10 (b) and 270.11).
 (See instructions on page 22.)

Signature of operator, owner, or an authorized representative	Name and Official Title (type or print)	Date Signed (mm/dd/yyyy)
	Gary J. LeRock Plant Manager	
	<i>Gary J. LeRock</i>	12/30/2008

United States Environmental Protection Agency
HAZARDOUS WASTE PERMIT INFORMATION FORM

1. Facility Permit Contact (See instructions on page 23)	First Name: AnnieLaurie	MI:	Last Name: Burke							
	Phone Number: (620) 227-8631		Phone Number Extension: 350							
2. Facility Permit Contact Mailing Address (See instructions on page 23)	Street or P.O. Box: P O Box 1337									
	City, Town, or Village: Dodge City									
	State: Kansas									
	Country: USA	Zip Code: 67801								
3. Operator Mailing Address and Telephone Number (See instructions on page 23)	Street or P.O. Box: P. O. Box 1337									
	City, Town, or Village: Dodge City									
	State: Kansas									
	Country: USA	Zip Code: 67801	Phone Number (620) 227-8631							
4. Legal Owner Mailing Address and Telephone Number (See instructions on page 23)	Street or P.O. Box: 4111 East 37th Street North									
	City, Town, or Village: Wichita									
	State: Kansas									
	Country: USA	Zip Code: 67220	Phone Number (316) 828-8808							
5. Facility Existence Date (See instructions on page 24)	Facility Existence Date (mm/dd/yyyy): 07/01/1968									
6. Other Environmental Permits (See instructions on page 24)										
A. Permit Type (Enter code)	B. Permit Number			C. Description						
E	0	5	7	0	0	0	3	Class I Air Emission Source Operating Permit		
U	0	1	0	5	7	0	0	1	UIC Well #2 Permit (KS-01057001: nonhazardous waste only)	
U	0	1	0	5	7	0	0	2	UIC Well #3 Permit (KS-01057002: nonhazardous waste only)	
E	0	3	7	5				Industrial Solid Waste Landfill (nonhazardous only)		
R	0	4	4	6	2	5	0	1	0	RCRA Part B Permit KSD 044625010
7. Nature of Business (Provide a brief description; see instructions on page 24)										
See attachment for additional detail on items 6 and 7.										

8. Process Codes and Design Capacities (See instructions on page 24) - Enter information in the Sections on Form Page 3.

A. PROCESS CODE - Enter the code from the list of process codes in the table below that best describes each process to be used at the facility. Fifteen lines are provided for entering codes. If more lines are needed, attach a separate sheet of paper with the additional information. For "other" processes (i.e., D99, S99, T04 and X99), enter the process information in Item 9 (including a description).

B. PROCESS DESIGN CAPACITY - For each code entered in Section A, enter the capacity of the process.

1. **AMOUNT** - Enter the amount. In a case where design capacity is not applicable (such as in a closure/post-closure or enforcement action) enter the total amount of waste for that process.
2. **UNIT OF MEASURE** - For each amount entered in Section B(1), enter the code in Section B(2) from the list of unit of measure codes below that describes the unit of measure used. Select only from the units of measure in this list.

C. PROCESS TOTAL NUMBER OF UNITS - Enter the total number of units for each corresponding process code.

PROCESS CODE	PROCESS	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY	PROCESS CODE	PROCESS	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
	<u>Disposal:</u>			<u>Treatment (continued):</u>	
D79	Underground Injection Well Disposal	Gallons; Liters; Gallons Per Day; or Liters Per Day	T81	Cement Kiln	For T81-T93:
D80	Landfill	Acre-feet; Hectare-meter; Acres; Cubic Meters; Hectares; Cubic Yards	T82	Lime Kiln	
D81	Land Treatment	Acres or Hectares	T83	Aggregate Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour
D82	Ocean Disposal	Gallons Per Day or Liters Per Day	T84	Phosphate Kiln	
D83	Surface Impoundment Disposal	Gallons; Liters; Cubic Meters; or Cubic Yards	T85	Coke Oven	
D99	Other Disposal	Any Unit of Measure in Code Table Below	T86	Blast Furnace	
	<u>Storage:</u>		T87	Smelting, Melting, or Refining Furnace	Hour; Liters Per Hour; Kilograms Per Hour; or Million Btu Per Hour
S01	Container	Gallons; Liters; Cubic Meters; or Cubic Yards	T88	Titanium Dioxide Chloride Oxidation Reactor	
S02	Tank Storage	Gallons; Liters; Cubic Meters; or Cubic Yards	T89	Methane Reforming Furnace	
S03	Waste Pile	Cubic Yards or Cubic Meters	T90	Pulping Liquor Recovery Furnace	
S04	Surface Impoundment Storage	Gallons; Liters; Cubic Meters; or Cubic Yards	T91	Combustion Device Used In The Recovery Of Sulfur Values From Spent Sulfuric Acid	
S05	Drip Pad	Gallons; Liters; Acres; Cubic Meters; Hectares; or Cubic Yards	T92	Halogen Acid Furnaces	
S06	Containment Building Storage	Cubic Yards or Cubic Meters	T93	Other Industrial Furnaces Listed In 40 CFR §260.10	
S99	Other Storage	Any Unit of Measure in Code Table Below	T94	Containment Building - Treatment	Cubic Yards; Cubic Meters; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Btu Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million Btu Per Hour
	<u>Treatment:</u>			<u>Miscellaneous (Subpart X):</u>	
T01	Tank Treatment	Gallons Per Day; Liters Per Day	X01	Open Burning/Open Detonation	Any Unit of Measure in Code Table Below
T02	Surface Impoundment Treatment	Gallons Per Day; Liters Per Day	X02	Mechanical Processing	Short Tons Per Hour; Metric Tons Per Hour; Short Tons Per Day; Metric Tons Per Day; Pounds Per Hour; Kilograms Per Hour; Gallons Per Hour; Liters Per Hour; or Gallons Per Day
T03	Incinerator	Short Tons Per Hour; Metric Tons Per Hour; Gallons Per Hour; Liters Per Hour; Btu Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million Btu Per Hour	X03	Thermal Unit	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; or Million Btu Per Hour
T04	Other Treatment	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Gallons Per Day; Liters Per Hour; or Million Btu Per Hour	X04	Geologic Repository	Cubic Yards; Cubic Meters; Acre-feet; Hectare-meter; Gallons; or Liters
T80	Boiler	Gallons; Liters; Gallons Per Hour; Liters Per Hour; Btu Per Hour; or Million Btu Per Hour	X99	Other Subpart X	Any Unit of Measure Listed Below

UNIT OF MEASURE	UNIT OF MEASURE CODE	UNIT OF MEASURE	UNIT OF MEASURE CODE	UNIT OF MEASURE	UNIT OF MEASURE CODE
Gallons.....	G	Short Tons Per Hour.....	D	Cubic Yards.....	Y
Gallons Per Hour.....	E	Metric Tons Per Hour.....	W	Cubic Meters.....	C
Gallons Per Day.....	U	Short Tons Per Day.....	N	Acres.....	B
Liters.....	L	Metric Tons Per Day.....	S	Acre-feet.....	A
Liters Per Hour.....	H	Pounds Per Hour.....	J	Hectares.....	Q
Liters Per Day.....	V	Kilograms Per Hour.....	R	Hectare-meter.....	F
		Million Btu Per Hour.....	X	Btu Per Hour.....	I

10. Description of Hazardous Wastes (Continued. Use the Additional Sheet(s) as necessary; number pages as 5 a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	D. PROCESSES										(2) PROCESS DESCRIPTION (If a code is not entered in D(1))		
				(1) PROCESS CODES (Enter code)												
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11. Map (See instructions on pages 25 and 26)	Unchanged from Prior Part A
<p><i>Attach to this application a topographic map, or other equivalent map, of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in this map area. See instructions for precise requirements.</i></p>	
12. Facility Drawing (See instructions on page 26)	Unchanged from Prior Part A
<p><i>All existing facilities must include a scale drawing of the facility (see instructions for more detail).</i></p>	
13. Photographs (See instructions on page 26)	Unchanged from Prior Part A
<p><i>All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas (see instructions for more detail).</i></p>	
14. Comments (See instructions on page 26)	
<p>No hazardous waste will be treated, stored or disposed of at the Facility.</p>	

6. Other Environmental Permits

A. Permit Type	ID Number	B. Permit Number	C. Permit Description
E	40341	A001, A002, A004, A005, A006, A007, A008, A009, A010, A011, A013, A014, A015, A016, A017	Aboveground Storage Tank Permits
E		13478 (Well 2, 3); 17012 (Well 4); 32344 (Well 6)	Beneficial Water Use Certificates (Process)
E		969010	Recovered Water "Term" Permit
E		I-UA11-NP02	Water Pollution Control (Sanitary) Permit
E		KS2005706	Public Drinking Water Supply Permit (inactive)
E		S-ISWA-0507-1	Industrial Activity Stormwater Permit

7. Nature of Business

The Facility currently produces anhydrous ammonia and urea-ammonium nitrate solution (UAN), carbon dioxide, and ammonium polyphosphate. Until mid-2006, the Facility also produced a small quantity of ammonium polyphosphate liquid fertilizer using a portable fertilizer unit (owned and operated by Mears Fertilizer, Inc.) and a diesel fuel-fired generator. Raw materials used in the process include anhydrous ammonia, superphosphoric acid, and water. No wastes are generated from this unit. Nitric acid, ammonium nitrate, and urea, which are used in the nitrogen fertilizer production process, are also manufactured at the Facility. KNC leases a portion of the property located to the west of the main process area to Praxair. Praxair purchases excess carbon dioxide from KNC for retail sale. There is a fence between Praxair and KNC that prevents access from one facility to the other.

In 1980, the former owner, Farmland Industries, Inc., submitted a RCRA Part A application for the management of hazardous wastes and identified cooling tower blowdown as hazardous waste (Waste Code D007) managed in the Chrome Destruction Unit (CDU). The Facility was assigned USEPA Identification No. KSD044625010 and the records reflect that the CDU at the Facility was operated as an interim status unit under RCRA for several years.

The Facility has been identified as a High Priority Baseline Corrective Action site under the Government Performance Results Act (GPRA) program due to the presence of chromium and nitrogen-based compounds in the groundwater beneath and bordering the Facility at levels above their respective MCLs. The Facility operates and maintains a groundwater recovery and treatment system. The Facility extracts impacted groundwater under a Term Permit issued by the Kansas Department of Agriculture, whereby groundwater is extracted via a network of recovery wells, treated in a new (2007) reverse-osmosis system, and re-used in the process.

The Facility is also conducting a RCRA Facility Investigation under work plans approved by the USEPA. Based on the results of these investigations, and others conducted by the previous owner, it appears that the primary source of the chromium in the groundwater is the documented spills and leakage from the chromate storage system that occurred during the 1970s. The primary source for the nitrogen-based compounds appears to be the documented leakage from the former UAN storage tanks.