

# The Kansas Department of Health and Environment



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**FACT SHEET**  
**NEXEO SOLUTIONS, LLC**  
**KANSAS CITY, KANSAS**  
**DRAFT PERMIT DETERMINATION**  
**August 4, 2011**

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This fact sheet, in accordance with the requirements of 40 CFR 124.8, has been prepared for the draft Resource Conservation and Recovery Act (RCRA) permit that the Kansas Department of Health and Environment (KDHE) and the U.S. Environmental Protection Agency (EPA) are issuing jointly to Nexeo Solutions, LLC, for its hazardous waste management storage facility located at 5420 Speaker Road, Kansas City, Kansas. Nexeo Solutions, LLC (Nexeo) submitted a RCRA Part B permit renewal application to continue operating this hazardous waste storage facility. In the interim, all hazardous waste management activities have been and are currently taking place under the authority of the facility's expired permit. The proposed permit will allow storage of hazardous waste in containers from on-site and off-site hazardous waste facilities. Any treatment, storage or disposal of hazardous waste not authorized in this permit is prohibited.

## **I. Facility Permit Overview**

The facility applied for the renewal of its RCRA permit to continue to operate the hazardous waste storage facility at 5420 Speaker Road, Kansas City, Kansas. The facility was originally permitted to store hazardous wastes in 1988, this permit was renewed in 2000 and was assigned the EPA identification number KSD057889313. On March 31, 2011 the original permittee Ashland Distribution Company sold the facility and KDHE approved the transfer of the RCRA permit to the new owner and operator Nexeo Solutions LLC. The new owner Nexeo has maintained the previous management and employees, so daily operations were not significantly affected by the change in ownership and permittee.

The facility will be permitted for storage of hazardous waste in approved containers, as per 40 CFR 264.170 through 264.179 in the hazardous waste storage area. This storage area will be permitted to handle a maximum capacity of 9,240 gallons, the equivalent of 168 55-gallon containers. The hazardous waste storage pad is divided into three (3) individual bays with a total storage capacity of 9,240 gallons. The deck elevation is four (4) feet above the surrounding ground surface to prevent run-on of storm water. Secondary containment is provided by a six-inch wide by three-inch high concrete curb that lines the perimeter of each individual storage bay. The concrete deck of each bay is free of cracks and is chemically coated to provide an impermeable base below the containers.

All hazardous waste that will be stored in the individual storage bays are classified as hazardous by virtue of their characteristic: ignitability, corrosivity, reactivity, toxicity or identified as a listed hazardous waste. All waste containers will be stored on pallets and incompatible waste will be stored in separate containment bays to limit the possibility of incompatible wastes mixing in the event of a spill.

All of the container storage areas are enclosed within a perimeter chain link fence that surrounds

the entire hazardous waste management facility. All container storage areas comply with 40 CFR Part 264 Subpart I and Part 270 requirements for container storage areas. Additionally, the Permittee must inspect weekly and maintain the secondary containment system of the container storage area. Emergency equipment is available at the facility and appropriate warning signs are posted on the perimeter fences. The liquid and solid hazardous wastes stored at the facility are destined for transport off-site to other regulated management units that will treat the waste in an environmentally safe manner. In the event of closure, the storage area will be decontaminated in an environmentally sound manner. Additional information on the hazardous waste management activities at the Nexeo facility can be found in the draft permit, administrative record, or obtained from the KDHE and EPA contacts listed below.

## **II. Permitting Regulatory Authority**

In October 1985, the State of Kansas received final authorization from the Environmental Protection Agency (EPA) to implement its own hazardous waste management program in lieu of the federal program, except for those portions covered by the 1984 Hazardous and Solid Waste Amendments (HSWA). Authority for the corrective action portion of the RCRA program has not been delegated to the State of Kansas and is currently administered by the EPA.

The draft permits sets forth in a concise document all of the applicable requirements that KDHE and EPA will require the Permittee to comply with during the 10-year duration of the permit. The final hazardous waste permit consists of two parts: Part I (KDHE) - hazardous waste management units, and Part II (EPA) - Hazardous and Solid Waste Amendments (HSWA) requirements. The agencies have made an ultimate determination that the finalized permits will comply with the applicable state and federal regulations.

The KDHE portion of the final permit is being issued under authority of the Kansas Statutes Annotated (KSA) 65-3430 et seq. and the Kansas Administrative Regulation K.A.R. 28-31-4 through 28-31-279a. Part I includes standard permit conditions, general facility conditions, and regulatory provisions for storage in containers and air emission standards.

The EPA portion of the final permit includes contingent conditions requiring the notification of newly-identified release of hazardous wastes and/or hazardous constituents to the environment and/or notification of new or newly identified solid waste management units or areas of concern at the facility, and corrective action, as applicable.

Documents that support the permit conditions specified in Part I and Part II are part of the administrative record.

## **III. Summary of the RCRA Permitting Process**

State and federal hazardous waste laws require that the public be given at least 45 days to review the draft permit (Part I and Part II) and the administrative record prior to the regulatory agencies taking a final action. The purpose of having a public comment period is to ensure that interested parties has the opportunity to evaluate the conditions specified in the final permit and to provide

their input into the permit decision-making process. The permit public comment period will begin on August 4, 2011 and end on September 18, 2011. The administrative record, which includes the draft permit, permit application, and other relevant permitting 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  
Tel: (785) 296-1609

Kansas City Kansas Public Library  
W. Wyandotte Branch  
1737 N. 82<sup>nd</sup> St.  
Kansas City, KS 66112  
Contact: Laura Loveless  
(913) 596-5800

U.S. Environmental Protection Agency  
Region 7 Library  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101  
Contact: Patricia Murrow  
Tel: (913) 551- 7627

Comments on the draft permit or request for a public hearing may be submitted in writing by September 18, 2011 to:

Part I

Mostafa Kamal  
Kansas Department of Health and Environment  
Hazardous Waste Permits Section  
1000 SW Jackson Street, Suite 320  
Topeka, Kansas 66612-1366

Part II

Patricia Murrow  
U.S. Environmental Protection Agency, Region 7  
RCRA Corrective Action and Permits Branch  
901 N. Fifth St.  
Kansas City, KS 66101

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. At this time a public hearing has not been scheduled; however, if written requests are received which indicate a significant degree of public interest in the draft permit, a public hearing will be scheduled and advance notice regarding the location and time of the hearing will be given to the public. In accordance with 40 CFR 124.12, if a public hearing is held, any person may submit oral or written statements and data concerning the draft permit or Part B Permit application.

#### **IV. Procedures for Reaching a Final Decision**

The Secretary of KDHE and the EPA Region 7 Director of the Air and Waste Management Division (AWMD) will make the final decision regarding the issuance of a joint permit after the close of the public comment period. The Secretary and AWMD Director will consider all comments received during the public hearing and the comment period.

When the final decision to issue the permit is made, notice will be given to the applicant, all persons who submitted written comments, those who commented at the public hearing, 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 or at a later date, if a review is requested under 40 CFR 124.19.

#### **V. Permit Organization**

The permit is organized in the following manner:

<b>Part I (KDHE)</b>	<b>Description</b>
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 Storage In Containers	Specific operating conditions, limitations, procedures, container limitations, and requirements which implement the regulatory requirements of 40 CFR 264 Subpart I.
Section IV Air Emission Standards	Specific operating conditions, limitations, procedures, and requirements which implement the regulatory requirements of 40 CFR 264, Subparts AA, BB, and CC.

**Part II (EPA)**  
Hazardous and Solid Waste  
Amendments (HSWA) Permit

Specific contingent conditions requiring notification of new releases of hazardous wastes and/or hazardous constituents and/or notification of new or newly identified solid waste management units and/or areas of concern, and corrective action as appropriate; 40 CFR 264 Subpart CC air emission regulatory requirements.