DEC. 23 1994

Mr. John Mitchell
Chief, Hazardous Waste Section
Kansas Department of Health and Environment
Forbes Field, Building 740
Topeka, Kansas 66620-0001

Dear Mr. Mitchell:

RE: Hydrocarbon Recyclers, Inc., Final Permit

Enclosed are the Environmental Protection Agency's (EPA's) response to comments received on the draft permit for the above referenced facility, a copy of the final permit, and the index to the final administrative record for EPA's portion of the permit. Please combine this material with the Kansas Department of Health and Environment's final permit material. Also, please fill in the appropriate dates for the effective date and expiration date of the permit.

If you have any questions, please contact Mark Matthews at (913) 551-7635.

Sincerely,

Lyndell L. Harrington, P.E.
Chief, RCRA Branch
Waste Management Division

Enclosures

WSTM:RCRA:PRMT:MMATTHEWS:LH:X7658:12-13:12-22-94:G:MITCHEL1.213

PRMT	PRMT	PRMT	RCRA
MATTHEWS	BARTLEY	STEWART	HARRINGTON
MZM 12-22-94	out	RLS 12-22	LLH 12/22

R00012333
RCRA Records Center

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

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Lyndell L. Harrington

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Chief, RCRA Branch
Waste Management Division

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RECYCLE
PAPER CONTAINS RECYCLED FIBERS

ADMINISTRATIVE RECORD FOR PART II OF HYDROCARBON RECYCLERS INC.
FINAL RCRA PERMIT

1978-1992	Various photos of the facility
June 5, 1990	Preliminary list of SWMUs
September 24, 1990	Draft preliminary assessment report (RFA)
October 22, 1990	KDHE comments on draft RFA
November 23, 1990	Memorandum of Understanding - EPA & OSHA
May 22, 1991	Request for subpart AA & BB information
September 11, 1991	Letter clarifying application
September 13, 1991	Subpart AA & BB review
September 25, 1991	Letter describing Treatment in containers
October 1, 1991	Letter discussing revisions to the Part A
October 22, 1991	Letter describing Part A deficiencies
December 13, 1991	Acknowledgement of receipt of Part A
January 1992	Trip report on January sampling event
No Date	Review of Subpart AA and BB provisions
January 3, 1992	Letter regarding the sampling visit
January 6, 1992	RCRA sampling report
January 17, 1992	Letter clarifying subpart X units
February 18, 1992	Part B application with revisions dated: 8/27/92, 9/23/92, 9/29/92, 2/5/93, 5/19/93 12/10/93, 12/20/93, 3/30/94
June 3, 1992	Letter RE: Closure section of application
June 26, 1992	Meeting with HRI personnel
July 1, 1992	Letter describing Application deficiencies
November 20, 1992	Letter describing discussions on a SWMU
February 4, 1993	Letter describing clarifying name change

August 6, 1993	Notification of paint can removal
September 28, 1994	Request for revisions to application
January 10, 1994	KDHE completeness determination
October 11, 1994	HRIW comments on draft permit
December 2, 1994	HRIW clarification letter
December 12, 1994	HRIW clarification letter
December 23, 1994	EPA response to comments on Part II of permit
December 23, 1994	Final Part II of the permit

EPA's Response to Comments Received During the Public Hearing

30. Part II, Page 1 of 39, Paragraph 1

...Hydrocarbon Recyclers Inc. of Wichita, Kansas, D.B.A. USPCI Treatment and Recovery Services (owner and operator), hereafter referred to as ...

COMMENT: HRIW is operated by Hydrocarbon Recyclers Inc. of Wichita, Kansas. The legal owner of HRIW is Hydrocarbon Recyclers, Inc.; the facility also does business as USPCI Treatment and Recovery Services.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

...Hydrocarbon Recyclers Inc. of Wichita, Kansas (operator), D.B.A. Hydrocarbon Recyclers Inc. (owner) and USPCI Treatment and Recovery Services ~~(owner and operator)~~, hereafter referred to as...

EPA RESPONSE:

The permit has been changed to address the commenter's concern.

31. VI. GENERAL PROVISIONS, 1. DEFINITIONS (Page 5 OF 39)

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes and/or hazardous constituents.

COMMENT: This definition is derived from the definition of "release" that is included in the National Contingency Plan (40 CFR 300.5). However, HRIW will periodically discard containers that contain or have contained hazardous wastes, by sending the containers for reclamation, disposing off-site in an approved facility, or other allowable means under the RCRA regulations. HRIW requests that the language in this definition be revised to clarify that "discarding" containers via an approved disposal or reclamation facility does not constitute a release.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment,

including the uncontrolled abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes and/or hazardous constituents, except for the treatment and disposal of hazardous waste, containers, barrels, or other receptacles at properly permitted facilities.

EPA RESPONSE:

One of the main purposes of Part II of the permit is to address corrective action for releases from SWMUs (see permit section Part II, VII.1). The section referred to by the commenter defines "release" in the context above. A key idea in the definition is that the release is occurring, or has occurred, "into the environment." Simply shipping containers offsite would not fall under the definition of release because there is no release "into the environment." The permit has remained unchanged with respect to this comment.

32. VI.4.A. <u>LAND DISPOSAL RESTRICTIONS</u> **(Page 14 of 39)**

The Permittee must comply with all regulations implementing the land disposal restrictions required in 40 CFR Part 268. The Permittee also must comply with regulations implementing the land disposal restrictions that are promulgated after the effective date of Part II of this permit, as these requirements are self-implementing provisions of HSWA. The Permittee is not subject to the land disposal restrictions if the applicable treatment standard is met, the waste is exempt under 40 CFR 268.1(c), the waste is subject to a variance, or any other exemption in 40 CFR Part 268 applies.

COMMENT: HRIW suggests the following changes to the language of this permit condition, to more accurately reflect the applicability of the land disposal restrictions and the conditions under which these restrictions do not apply.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

The Permittee must comply with all regulations implementing the land disposal restrictions required in 40 CFR Part 268. The Permittee also must comply with regulations implementing the land disposal restrictions that are promulgated after the effective date of Part II of this permit, as these requirements are self-implementing provisions of HSWA. ~~The Permittee is not subject to t~~ The land disposal restrictions do not apply if the applicable treatment standard is met, the waste is exempt under 40 CFR 268.1(c), the waste is subject to a variance or any other exemption in 40 CFR Part 268 applies.

EPA RESPONSE:

The EPA believes there is no difference of substance between the draft permit language and that proposed by the commenter. Therefore, the permit has remained unchanged with respect to the comment.

33. **VII.1, Second paragraph (Page 17 of 39)**

The EPA has conducted a RCRA Facility Assessment (RFA) to identify releases or potential releases from any SWMU at the facility, and to identify any other areas of concern. The draft RFA report, dated September 24, 1990, identified the following SWMUs and areas of concern (AOC) at the Permittee's facility:

COMMENT: HRIW'S review of the Draft RCRA Facility Assessment (RFA) shows significant inaccuracies in the descriptions of current and past operations and units at the HRIW facility. HRIW requests the opportunity to review and comment on the Draft RFA before it becomes a final document. In the event that the Draft RFA is not finalized before the RFI Workplan is requested, HRIW reserves the right to correct the errors in information from the RFA to reflect actual current and past conditions at the facility.

EPA RESPONSE:

The EPA would gladly consider any comments HRIW has concerning inaccuracies in the Draft RFA, and would encourage HRIW to submit corrections to those errors in writing so that we may have them on file.

34. **VII.1, List of SWMUs (Page 17 of 39)**

<u>SWMUs</u>

Process Area Storage Tanks
Waste Blending and Drum Processing Area
Former Drum Processing Area (classified as AOC in draft RFA)
Process Area Truck Bay
Sparging Area
Hot Room
Elevated Tank Storage Area
Nonregulated Waste Storage Area
Solids Dryer (classified as AOC in draft RFA)
Drum Crusher
Crushed Drum Roll-Off Boxes
Warm Room
Dock Area
Drum Storage Warehouse (Building C)
Building J (classified as AOC in draft RFA)
Corrosive Waste Storage Area

Dry Solids Gondola
Open Area Along the Southwest Corner
Open Area North of Building I (classified as AOC in draft RFA)

Areas of Concern

Laboratory Sample Storage Area
Vehicle Fueling Tanks
Building I
Concrete Vault

Subsequent to the draft RFA report, several other SWMUs have been identified at the facility:

Additional SWMUs

Paint Can Burial Pit
Cyclone
Old Still Area West of Building I
Area East of Building I
Area South of Building C

COMMENT: The Warm Room included in the list of SWMUs, also known as Building F, was clean-closed in 1992. The entire building was removed during closure, as was the underlying concrete and soils. The certification of that closure, dated September 21, 1992, has been provided to the KDHE and the U.S. EPA, and is also available in the HRIW records. In a letter signed by John Mitchell, dated November 3, 1992, KDHE accepted the certification of clean closure for Building F. The clean-closed area was paved over with concrete in 1992. HRIW requests that the Warm Room be removed from the list of SWMUs.

The SWMU defined as "Area South of Building C" encompasses two SWMUs: the "Dry Solids Gondola" and the "Open Area Along the Southwest Corner." HRIW requests that these three SWMUs be consolidated into a single SWMU, as presented in the revised language below.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

SWMUS

Process Area Storage Tanks
Waste Blending and Drum Processing Area
Former Drum Processing Area (classified as AOC in draft RFA)
Process Area Truck Bay
Sparging Area
Hot Room
Elevated Tank Storage Area
Nonregulated Waste Storage Area

Solids Dryer (classified as AOC in draft RFA)
Drum Crusher
Crushed Drum Roll-Off Boxes
~~Warm Room~~
Dock Area
Drum Storage Warehouse (Building C)
Building J (classified as AOC in draft RFA)
Corrosive Waste Storage Area
~~Dry Solids Gondola~~
~~Open Area Along the Southwest Corner~~
Open Area North of Building I (classified as AOC in draft RFA)

Areas of Concern

Laboratory Sample Storage Area
Vehicle Fueling Tanks
Building I
Concrete Vault

Subsequent to the draft RFA report, several other SWMUs have been identified at the facility:

Additional SWMUs

Paint Can Burial Pit
Cyclone
Old Still Area West of Building I
Area East of Building I
Area South of Building C (including Dry Solids Gondola and Open Area Along the Southwest Corner, as described in the Draft RFA)

EPA RESPONSE:

The Warm Room meets the definition of a SWMU regardless of its closure status. Since historical SWMUs need to be listed in the permit, the Warm Room has not been removed from the final permit.

The SWMUs encompassed by the "Area South of Building C" appear to have had different uses in the past and therefore the RFI may, as appropriate, treat each of the areas somewhat differently. For this reason, and because EPA does not otherwise see any substantive difference between the proposed language and draft provision, the final permit language has remained unchanged.

35. **VII.2.E (Page 19 of 39)**

...At a minimum, the Report shall provide the following information for each newly-identified SWMU: ...

COMMENT: Any new SWMUs that may be identified subsequent to issuance of this permit would probably stem from activities at the facility location that pre-date HRIW's involvement at the site. For this reason, it is likely that some of the information requested in items E.1 through E.10 will not be available, or will be approximations or reasoned guesses. For this reason, HRIW requests that the language in the permit condition be revised as suggested below.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

... At a minimum, the Report shall provide the following information, to the fullest extent possible for each newly-identified SWMU: ...

EPA RESPONSE:

The permit has been changed to adopt the suggested language for the reason specified by the commenter.

36. VII.4.A (Page 20 of 39)

...The Permittee shall submit the RFI Workplan to EPA within ninety (90) calendar days of receipt of a written notice from EPA requiring the submittal of the RFI Workplan.

COMMENT: A later permit condition (VII.4.B.4, Page 24 of 39) specifies a time frame of 120 days for submittal of the RFI Workplan. This time-frame allows for better development of the RFI procedures and project team. HRIW requests that permit condition VII.4.A be revised to specify a period of 120 days for preparation of the initial RFI Workplan following notice from the EPA. Suggested alternate language is provided below.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

... the Permittee shall submit the RFI Workplan to EPA within one hundred twenty (120) ~~ninety (90)~~ calendar days of receipt of a written notice from EPA requiring the submittal of the RFI Workplan.

EPA RESPONSE:

The permit has been changed to adopt the suggested language for the reason specified by the commenter.

37. VII.4.B. (Page 21 and 22 of 39)

SWMUs to be Investigated...

· Waste Blending and Drum Processing Area ..... (3)*

- **Former Drum Processing Area** ..... **(3)***
- **Drum Crusher** ..... **(3)***
- **Crushed Drum Roll-off Boxes** ..... **(3)***
- **Dock Area** ..... **(3)***
- **Drum Storage Warehouse** ..... **(3)***
- **Dry Solids Gondola** ..... **(3)***
- **Open Area Along Southwest Corner** ..... **(3)**
- **Open Area North of Building I** ..... **(2,3)**
- **Concrete Vault** ..... **(3)**
- **Paint Can Burial Pit** ..... **(1,2,3)**
- **Old Still Area West of Building I** ..... **(3)**
- **Area East of Building I** ..... **(3)**
- **Area South of Building C** ..... **(3)**

COMMENT: The "Dry Solids Gondola" and the Open Area Along Southwest Corner" both fall into the area covered by the "Area South of Building C." As discussed in earlier comments, HRIW requests that these units be combined into a single SWMU. Proposed alternate permit language is provided below.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

SWMUs to be Investigated...

- Waste Blending and Drum Processing Area .....(3)*
- Former Drum Processing Area .....(3)*
- Drum Crusher .....(3)*
- Crushed Drum Roll-off Boxes .....(3)*
- Dock Area .....(3)*
- Dock Area .....(3)*
- Drum Storage Warehouse .....(3)*
- ~~Dry Solids Gondola .....(3)~~
- ~~Open Area Along Southwest Corner .....(3)~~
- Open Area North of Building I .....(2,3)
- Concrete Vault ..... (3)
- Paint Can Burial Pit .....(1,2,3)
- Old Still Area West of Building I ..... (3)
- Area East of Building I ..... (3)
- Area South of Building C (including Dry Solids Gondola and Open Area along Southwest Corner)

EPA RESPONSE:

See EPA's response to comment number 34.

38. VII.4.B.1. (Page 22 of 39)

The characterization of a SWMU must include the following: ...

COMMENT: Some of the SWMUs listed in the permit arose from activities at the facility location that pre-date HRIW's involvement at the site. For these SWMUs, some

of the information requested in items 1.a through 1.i are[sic] not available, or cannot be documented. For this reason, HRIW requests that the language in the permit condition be revised as suggested below.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

The characterization of a SWMU must include the following, to the fullest extent possible: ...

EPA RESPONSE:

The permit has been changed to adopt the suggested language for the reason specified by the commenter.

39. VII.4.C.1.b (Page 26 of 39)

The amount, types, and concentration of contamination coming onsite from offsite sources.

COMMENT: HRIW may not be able to characterize the total amount of contaminant migrating on-site from adjacent properties, because HRIW may not have access to data identifying the extent of the release(s) that have caused that contamination. However, HRIW will characterize the types and concentrations of contaminants at the upgradient site boundary, and will attempt to gather the necessary information to extrapolate the total amount of contaminant migrating onto our property.

HRIW suggests that the permit condition be revised as presented below.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

The ~~amount~~, types, and concentration of contamination coming onsite from offsite sources (i.e., at the upgradient site boundary).

EPA RESPONSE:

The permit has been changed to adopt the suggested language for the reason specified by the commenter.

40. VII.4.C.3.b (Page 27 of 39)

The results of analysis shall be reported in the first quarterly report due after the results are received. ...

COMMENT: Permit condition VII.11 (Page 32 of 39) requires triannual progress reports (once every four months). HRIW suggests that permit condition VII.4.C.3.b be

revised as presented below to ensure consistency with permit condition VII.11.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

The results of analysis shall be reported in the first triannual ~~quarterly~~ report due after the results are received. ...

EPA RESPONSE:

The permit has been changed to adopt the suggested language for the reason specified by the commenter.

41. VII.4.C.3.b (Page 28 of 39)

... The analytical results shall be submitted on diskette in the format requested by the Director. Three hard copies of the analytical results shall also be submitted.

COMMENTS: HRIW assumes that a 3 1/2 inch high-density (1.4 k[sic]B) diskette, formatted under DOS with ASCII text, will be acceptable.

EPA RESPONSE:

The above specified format (1.4 **MB** not kB) would be acceptable to EPA at this time. The comment does not require a change in the permit language.

42. VII.7.B (Page 30 of 39)

The Permittee shall submit a CMS Plan to the Director within sixty (60) calendar days of notification of the requirement to conduct a CMS.

COMMENT: Preparation of a CMS Plan for a facility such as HRIW, with the multiple SWMUs the adjacent land uses, and the proximity to a Superfund site, will be a complicated process. HRIW requests that the permit condition be revised as suggested below to allow ninety (90) days for submittal of the CMS Plan.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

The Permittee shall submit a CMS Plan to the Director within ninety (90) ~~sixty (60)~~ calendar days of notification of the requirement to conduct a CMS.

EPA RESPONSE:

The permit has been changed to adopt the suggested language for the reason specified by the commenter.

43. **VII.10 FINANCIAL ASSURANCE FOR CORRECTIVE ACTION (Page 32 of 39)**

... The effective financial assurance requirement shall be that as specified in either the final regulations or regulations proposed in the Federal Register. ...

COMMENT: Regulations that have been proposed in the Federal Register but not yet promulgated do not have the force of law. Furthermore, it is common for proposed regulations to undergo significant revision prior to being promulgated as final regulations. HRIW objects to a permit condition requiring compliance with regulations which have not yet been promulgated, and requests that the permit condition be revised as presented below.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

... The effective financial assurance requirement shall be that as specified in ~~either~~ the code of federal ~~final~~ regulations ~~or regulations proposed in the Federal Register.~~ ...

EPA RESPONSE:

The requirements of the first paragraph of condition VII.10 have been changed as follows, to reflect regulations which have been promulgated:

Within 120 days after this Permit has been modified to include a remedy, the Permittee shall demonstrate continuous compliance with the RCRA financial assurance requirements specified in Section 3004(t) of HSWA for corrective action being performed under Section 3004(u) of HSWA. The effective financial assurance mechanism shall be substantially equivalent to that as specified in either final RCRA Subpart S corrective action regulations or 40 CFR 264, Subpart H. ~~in effect at that time for corrective action being performed under Section 3004(u) of HSWA. The effective financial assurance requirement shall be that as specified in either final regulations or regulations proposed in the Federal Register.~~ Other financial assurance amounts and mechanisms may be used if approved by the Director or his or her designee. The amount of the financial assurance shall be based on the cost estimate required by Section VII.8.A.4 of this Permit.

44. FACILITY SUBMISSION SUMMARY, ATTACHMENT A (Pages 35 and 36 of 39)

Facility Submission Requirements	**Due Date**
...	
RFI Workplan for SWMU(s) identified at time of permit issuance	**Ninety (90) calendar days after notification**
...	
CMS Plan	**Sixty (60) calendar days after notification of requirement to perform CMS**
...	

COMMENT: HRIW suggests that this table be revised as presented below to incorporate changes requested elsewhere in this comment document.

COMMENTER'S SUGGESTED ALTERNATE LANGUAGE:

Facility Submission Requirements	Due Date
...	
RFI Workplan for SWMU(s) identified at time of permit issuance	One hundred twenty (120) ~~Ninety (90)~~ calendar days after notification
...	
CMS	Ninety (90) ~~Sixty (60)~~ calendar days after notification of requirement to perform CMS
...	

EPA RESPONSE:

The permit has been changed to adopt the suggested language for the reason specified by the commenter.

PART II

EPA AUTHORIZATION UNDER THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Pursuant to Section 227 of the Hazardous and Solid Waste Amendments of 1984 (hereafter referred to as "HSWA"), the United States Environmental Protection Agency (hereafter referred to as "EPA") is granted authority to issue or deny permits or those portions of permits affected by the requirements established by HSWA. By this authority and pursuant to Sections 3001(g), 3001(h), 3002(b), 3004(d), 3004(u), 3004(v) and 3005 of the Resource Conservation and Recovery Act (RCRA) as amended by HSWA, 42 United States Code (USC) §§6921(g), 6921(h), 6922(b), 6924(d), 6924(u), 6924(v), and 6925, EPA hereby grants to Hydrocarbon Recyclers Inc. (owner) and Hydrocarbon Recyclers Inc. of Wichita (operator), D.B.A. USPCI Treatment and Recovery Services and Hydrocarbon Recyclers Inc. of Wichita, hereafter referred to as the "Permittee," permission to perform activities required by HSWA at the facility located at 2549 N. New York, Wichita, Kansas, latitude 37° 43' 50" N and longitude 097° 19' 08" W, EPA ID Number KSD007246846, in accordance with the conditions of Part II of this permit.

Part II of this permit addresses the corrective action requirements for solid waste management units and other HSWA requirements as administered and enforced by EPA. Applicable regulations are found in Title 40 of Code of Federal Regulations (hereafter referred to as "CFR") Parts 260 through 264, 268, 270, and 124, as specified in Part II of this permit.

All regulations cited in Part II of this permit refer to regulations in effect on the date of this permit issuance. With the exception of regulations in existence at the time of permit issuance and referenced in Part II of this permit, the only other RCRA regulations applicable to this facility during the life of Part II of this permit will be self-implementing regulations.

The Regional Administrator has delegated authority to perform all actions necessary to issue, deny, modify, or revoke and reissue permits for owners and operators of hazardous waste treatment, storage, and disposal facilities pursuant to Section 3005 of the Resource Conservation and Recovery Act (hereafter referred to as

"RCRA"), as amended, to the Director of Region VII Waste Management Division (hereafter referred to as "Director") or the Director's designated representative, by delegation No. R7-8-6; January 26, 1986.

Part II of this permit shall become effective at 12:01 AM on _____ and shall remain in effect until _____ unless revoked and reissued, terminated (40 CFR §§270.41 and 270.43) or continued in accordance with 40 CFR §270.51. It shall remain in effect even if Part I is terminated or has expired.

Done at Kansas City, Kansas, this 23rd day of December, 1994.

Michael J. Sanderson
Acting Director, Waste Management Division

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HAZARDOUS AND SOLID WASTE AMENDMENTS (HSWA) PERMIT

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VI. GENERAL PROVISIONS

1. DEFINITIONS

For purposes of Part II of this permit, terms used herein shall have the same meaning as those in RCRA and 40 CFR Parts 124, 260, 261, 264, 268, and 270, unless this permit specifically provides otherwise. Where terms are not defined in RCRA, the regulations, the permit or EPA guidances or publications, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

"Facility", for the purposes of corrective action, means all contiguous property under the control of the owner or operator.

"Hazardous constituent" means any constituent identified in Appendix VIII of 40 CFR Part 261.

"Hazardous waste" means any solid waste as defined in 40 CFR §261.2 which also meets any of the criteria of a hazardous waste as listed in 40 CFR §261.3.

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes and/or hazardous constituents.

"Solid waste management unit (SWMU)" means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

"Stabilization" means actions to control or abate threats to human health and/or the environment from releases at RCRA facilities, and/or to prevent or minimize the further spread of contamination while long-term remedies are pursued.

2. STANDARD CONDITIONS

A. Submittal of Permit Requirements

1. Failure to submit the information required in Part II of this permit, or falsification of any submitted information, is subject to enforcement and/or termination of Part II of this permit.

2. The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Director required in Part II of this permit are signed and certified in accordance with 40 CFR §§270.11 and 270.30(k).

3. Extensions of the due dates specified in Part II of this permit may be granted by the Director in accordance with the permit modification procedures set forth in 40 CFR §270.42.

4. Unless otherwise specified, two (2) copies of these plans, reports, notifications or other submissions shall be submitted to the EPA and sent by certified mail or hand delivered to:

U.S. Environmental Protection Agency
Region VII
WSTM Division/RCRA Branch
726 Minnesota Avenue
Kansas City, Kansas 66101

In addition, one (1) copy of these plans, reports, notifications or other submissions shall be submitted to:

Kansas Department of Health and Environment
Forbes Field, Building 740
Topeka, Kansas 66620-0001

B. Permit Modification, Revocation and Reissuance, and Termination

1. Part II of this permit may be modified, revoked and reissued, or terminated for cause, as specified in 40 CFR §§270.41, 270.42, and 270.43.

2. If the Director determines that further actions beyond those required in Part II of this permit, or changes to the requirements set forth herein,

are warranted, the Director may modify Part II of this permit in accordance with 40 CFR §270.41.

3. Pursuant to the provisions of 40 CFR §270.42, the Permittee may request a modification of Part II of this permit at any time.

4. Modifications to Part II of this permit do not constitute a reissuance of the permit. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any condition in Part II of this permit.

C. Permit Renewal

1. Part II of this permit may be renewed as specified in 40 CFR §270.30(b). Review of any application for a permit renewal shall consider improvements on the state of control and measurement technology, as well as changes in applicable regulations.

2. The Permittee shall submit a complete application for a new permit prior to the expiration of Part II of this permit. Such application must be submitted at least one hundred eighty (180) calendar days prior to permit expiration unless permission for a later submission date has been granted by the Director.

D. Transfer of Permits

Part II of this permit is not transferable to any person, except after notice to the Director. The Director may require modification or revocation and reissuance of Part II of this permit pursuant to 40 CFR §270.40. Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270 and Part II of this permit.

E. Severability

The provisions of Part II of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is

held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

F. Appeal of a Permit

Part II of this permit may be appealed pursuant to the provisions of 40 CFR §124.19(a), which provides as follows:

Within thirty (30) calendar days after a RCRA final permit decision has been issued under 40 CFR §124.15, any person who filed comments on that draft permit or participated in the public hearing may petition the Environmental Appeals Board, in writing, to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The thirty (30)-day period within which a person may request review under this section begins with the service of notice of the Regional Administrator's action unless a later date is specified in that notice. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by these regulations and when appropriate, a showing that the condition in question is based on:

(1) A finding of fact or conclusion of law which is clearly erroneous, or

(2) An exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review.

G. Duty to Comply

The Permittee shall comply with all conditions in Part II of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any noncompliance with Part II of this permit, other than noncompliance authorized by an emergency permit, constitutes a violation of Part II of this permit and is grounds for enforcement action; for permit termination, revocation and reissuance, or

modification; or for denial of a permit renewal application.

H. Need to Halt or Reduce Activity Not a Defense

In any enforcement action, it shall not be a defense for the Permittee to establish that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of Part II of this permit.

I. Duty to Mitigate

In the event of noncompliance with Part II of this permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

J. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of Part II of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of Part II of this permit.

K. Duty to Provide Information

The Permittee shall furnish to the Director, within a time specified by the Director, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating Part II of this permit, or to determine compliance with Part II of this permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by Part II of this permit.

L. Inspection and Entry

Pursuant to 40 CFR §270.30(i), the Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of Part II of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of Part II of this permit;

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under Part II of this permit; and

4. Sample or monitor, at reasonable times, for the purpose of assuring compliance with Part II of this permit or as otherwise authorized by RCRA, any substances or parameters at any location.

M. Monitoring and Records

1. Samples and measurements taken, to comply with Part II of this permit, for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved by the Director. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, Standard Methods of Wastewater Analysis, or an equivalent method approved under 40 CFR §260.21.

2. The Permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by Part II of this permit, the certification required by 40 CFR §264.73(b)(9),

and records of all data used to complete the application for Part II of this permit for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application. This period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility.

3. Pursuant to 40 CFR §270.30(j)(3), records of monitoring information shall specify:

   a. The dates, exact place, and times of sampling or measurements;

   b. The individuals who performed the sampling or measurements;

   c. The dates analyses were performed;

   d. The individuals who performed the analyses;

   e. The analytical techniques or methods used; and

   f. The results of such analyses.

N. Reporting Planned Changes

The Permittee shall give advance notice to the Director of any physical alterations or additions to the portions of the facility subject to Part II of this permit, except for those alterations or additions for which notice is required by Part I of this permit.

O. Reporting Noncompliance

1. The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activities required by Part II of this permit which may result in noncompliance with the requirements of Part II of this permit.

2. The Permittee shall report to the Director any noncompliance with Part II of this permit which may endanger health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of

the circumstances. The report shall include the following:

a. Information concerning release of any hazardous waste and/or hazardous constituent that may cause an endangerment to public drinking water supplies; and

b. Any information of a release or discharge of hazardous waste and/or a hazardous constituent, or of a fire or explosion from the hazardous waste management facility, which could threaten the environment or human health outside the facility.

3. The description of the occurrence and its cause shall include:

a. Name, address, and telephone number of the owner or operator;

b. Name, address, and telephone number of the facility;

c. Date, time, and type of incident;

d. Name and quantity of materials involved;

e. The extent of injuries, if any;

f. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

g. Estimated quantity and disposition of recovered material that resulted from the incident.

4. A written notice shall also be provided within five (5) calendar days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and, if not, the time the Permittee anticipates that noncompliance will continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Director may waive the five (5)-day written notice requirement

in favor of a written report within fifteen (15) calendar days.

P. Other Information

Whenever the Permittee becomes aware of the failure to submit any facts in the permit application relevant to Part II of this permit or the submittal of incorrect information in the permit application, or in any report to the Director, the Permittee shall promptly submit such facts or information.

Q. Incorporations to the Permit

All plans and schedules required by the conditions of Part II of this permit are, upon approval of the Director, enforceable under Part II of this permit. Any noncompliance with such approved plans and schedules shall constitute noncompliance with Part II of this permit.

R. Supplemental Data

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to Part II of this permit shall be maintained at the permitted facility during the term of Part II of this permit, including the term of any reissued permits. Such information shall be made available to the Director upon request.

3. WASTE MINIMIZATION

For the purposes of this Section only (Section VI.3.), "hazardous waste" shall mean those hazardous wastes which leave the facility which are not bound for energy recovery burning, reuse, recycling or reclamation.

A. Pursuant to 40 CFR §264.73(b)(9), and Section 3005(h) of RCRA, 42 USC §6925(h), the Permittee must record and maintain in the facility operating record, at least annually, a waste minimization certification. This certification shall include all waste minimization activities planned and/or implemented during the previous calendar year.

B. This certification must specify that the Permittee has a program in place to reduce the volume and toxicity of all hazardous waste and/or hazardous constituents which

are generated by the facility's operation to the degree determined by the Permittee to be economically practicable; and that the proposed method of treatment, storage or disposal is the practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment. The certification and supporting documents shall be located in a centralized area within the same building at the permitted facility.

C. Within one hundred and fifty (150) calendar days of the effective date of Part II of this permit, the Permittee shall submit a Waste Reduction Report. This report shall include the waste minimization certification and supporting documents and a waste reduction impact statement, as defined below.

D. The waste reduction impact statement shall include:

1. An identification of the annual amount and types of hazardous wastes and/or hazardous constituents that are generated;

2. An identification of the source of generation of hazardous wastes and/or hazardous constituents for each waste stream;

3. An analysis of technically and economically feasible hazardous waste reduction techniques for the facility, including a description of any techniques that were implemented since 1984, at a minimum; and

4. A program and schedule for implementing the feasible hazardous waste and/or hazardous constituent reduction techniques.

4. <u>LAND DISPOSAL RESTRICTIONS</u>

A. The Permittee must comply with all regulations implementing the land disposal restrictions required in 40 CFR Part 268. The Permittee also must comply with regulations implementing the land disposal restrictions that are promulgated after the effective date of Part II of this permit, as these requirements are self-implementing provisions of HSWA. The Permittee is not subject to the land disposal restrictions if the applicable treatment standard is met, the waste is exempt under 40 CFR §268.1(c), the waste is subject to

a variance, or any other exemption in 40 CFR Part 268 applies.

B. If allowed under Part I of the permit, the Permittee may store wastes to which the land disposal restriction applies for up to one year unless EPA can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal as provided in 40 CFR §268.50(b). For storage of hazardous waste to which the land disposal prohibition applies beyond one year, however, the Permittee shall bear the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal as provided in 40 CFR §268.50(c).

5. AIR EMISSIONS FROM PROCESS VENTS AND EQUIPMENT LEAKS

A. The Permittee shall comply with the standards of 40 CFR Part 264 Subpart AA for air emissions from process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous waste with organic concentrations of at least 10 ppm, if these operations are conducted in:

1. Units that are subject to the permitting requirements of 40 CFR Part 270; or

2. Hazardous waste recycling units located at the Permittee's facility.

B. The Permittee shall comply with 40 CFR Part 264 Subpart BB for air emissions from pumps, valves, compressors, sampling connecting systems, open-ended valves or lines, pressure relief devices, flanges, and other connectors, and closed-vent systems and control devices, that contain or contact hazardous waste with organic concentrations of at least 10 percent by weight.

C. The Permittee shall meet the test methods and procedures, record keeping, and reporting requirements of 40 CFR Part 264 Subparts AA and BB.

6. MANAGEMENT OF EPA REGULATED WASTE

The Permittee shall comply with all requirements of Part I of this permit with respect to those wastes in Attachment B which the State is not yet authorized to regulate. Once the State becomes authorized for a particular hazardous waste covered under this section, that waste will then be subject to Part I of this permit under State authority.

VII. CORRECTIVE ACTION PROVISIONS

1. IDENTIFICATION OF SOLID WASTE MANAGEMENT UNITS

Section 3004(u) of the Resource Conservation and Recovery Act (RCRA), 42 USC §6924, as amended by Section 206 of the Hazardous and Solid Waste Amendments of 1984 (HSWA), and 40 CFR 264.101, require that all permits issued after November 8, 1984, address corrective action for releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU), regardless of when waste was placed in the unit or whether the unit is closed. Those sections further require that permits issued under Section 3005 of RCRA contain a schedule of compliance for corrective action where corrective action cannot be completed prior to permit issuance and that such permits contain evidence of financial assurance for completing corrective action. Section 3004(v) authorizes the Director to require that corrective action be taken by the facility owner or operator beyond the facility boundary when necessary to protect human health and the environment, unless the owner or operator demonstrates that permission to undertake such action, despite the owner/operator's best efforts, was denied. Section 3005(c)(3) of RCRA requires that each permit issued under Section 3005 of RCRA shall contain terms and conditions as the Director determines necessary to protect human health and the environment.

The EPA has conducted a RCRA Facility Assessment (RFA) to identify releases or potential releases from any SWMU at the facility, and to identify any other areas of concern. The draft RFA report, dated September 24, 1990, identified the following SWMUs and areas of concern (AOC) at the Permittee's facility:

SWMUs

Process Area Storage Tanks
Waste Blending and Drum Processing Area
Former Drum Processing Area (classified as AOC in draft RFA)
Process Area Truck Bay
Sparging Area
Hot Room
Elevated Tank Storage Area
Nonregulated Waste Storage Area
Solids Dryer (classified as AOC in draft RFA)
Drum Crusher
Crushed Drum Roll-Off Boxes
Warm Room

Dock Area
Drum Storage Warehouse (Building C)
Building J (classified as AOC in draft RFA)
Corrosive Waste Storage Area
Dry Solids Gondola
Open Area Along the Southwest Corner
Open Area North of Building I (classified as AOC in draft RFA)

Areas of Concern

Laboratory Sample Storage Area
Vehicle Fueling Tanks
Building I
Concrete Vault

Subsequent to the draft RFA report, several other SWMUs have been identified at the facility:

Additional SWMUs

Paint Can Burial Pit
Cyclone
Old Still Area West of Building I
Area East of Building I
Area South of Building C

The locations of these additional SWMUs are shown on the diagram in Attachment C. Some areas of these additional SWMUs encompass areas of previously identified SWMUs.

The fourteen (14) SWMUs identified in Section VII.4.B. require further action as described below. Part II of this permit requires the Permittee to conduct further investigations and take corrective action as deemed appropriate by the Director on the releases or potential releases at and from the facility.

2. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SOLID WASTE MANAGEMENT UNITS

A. The Permittee shall notify the Director in writing of any newly-identified SWMU(s) (a SWMU other than those identified above), discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means, no later than fifteen (15) calendar days after discovery.

B. After such notification, the Director may request, in writing, that the Permittee prepare a SWMU Assessment

Plan, a proposed schedule of implementation and completion of the Plan, and a SWMU Assessment Report for any additional SWMU(s) discovered subsequent to the issuance of this permit.

C. Within ninety (90) calendar days after receipt of the Director's request for a SWMU Assessment Plan, the Permittee shall submit a SWMU Assessment Plan which shall include a discussion of past waste management practices at the unit, as well as a sampling and analysis program for groundwater, land surface and subsurface strata, surface water or air, as necessary to determine whether a release of hazardous waste including hazardous constituents from such unit(s) has occurred, or is occurring. The sampling and analysis program shall be capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste, including hazardous constituents, from the newly-discovered SWMU(s) to the environment.

D. The SWMU Assessment Plan will be reviewed and approved in accordance with the procedures set forth in Section VII.12. herein. Upon approval thereof by EPA, the Permittee shall implement said plan in accordance with the schedules contained therein.

E. The Permittee shall submit a SWMU Assessment Report to the Director according to the schedule specified in the approved SWMU Assessment Plan. The SWMU Assessment Report shall present and discuss the information obtained from implementation of the approved SWMU Assessment Plan. At a minimum, the Report shall provide the following information, to the fullest extent possible for each newly-identified SWMU:

1. The location of the newly-identified SWMU in relation to other SWMUs;

2. The type and function of the unit;

3. The general dimensions, capacities, and structural description of the unit;

4. The period during which the unit was operated;

5. The physical and chemical properties of all wastes that have been or are being managed at the SWMU, to the extent available;

6. The results of any sampling and analysis conducted;

7. Past and present operating practices;

8. Previous uses of the area occupied by the SWMU;

9. Amounts of waste handled; and

10. Drainage areas near the SWMUs.

F. Based on the results of this Report, the Director will determine the need for further investigations at specific unit(s) covered in the SWMU Assessment. If the Director determines that such investigations are needed, the Director may require the Permittee to prepare and submit for approval a plan for such investigations. This plan will be reviewed for approval in accordance with the procedures set forth in Section VII.12. herein. Upon approval thereof, by EPA, the Permittee shall implement the plan in accordance with the schedule contained therein.

3. NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT SWMUS

The Permittee shall notify the Director, in writing, of any release(s) of hazardous waste, including hazardous constituents, discovered during the course of groundwater monitoring, field investigation, environmental auditing, or other activities undertaken after issuance of this permit, no later than fifteen (15) calendar days after discovery.

The Director may require further investigation of the newly-identified release(s) as well as a workplan for conducting such investigation. The workplan will be reviewed and approved in accordance with the procedures set forth in Section VII.12. of this permit. Upon approval thereof by the Director, the Permittee shall implement the workplan in accordance with the schedules contained therein.

4. RCRA FACILITY INVESTIGATION (RFI) WORKPLAN

A. This section requires the submittal of a RCRA Facility Investigation Workplan (RFI Workplan) to address those SWMUs, areas of concern, and characterization requirements identified below. The Permittee shall submit the RFI Workplan to EPA within one hundred twenty (120) calendar days of receipt of a written

notice from EPA requiring the submittal of the RFI Workplan.

1. The RFI Workplan shall describe the objectives of the investigation and the overall technical and analytical approach to completing all actions necessary to characterize the nature, direction, extent, rate, movement, and concentration of releases of hazardous waste including hazardous constituents from specific SWMUs or groups of SWMUs, and their actual or potential receptors. The RFI Workplan shall detail all proposed activities and procedures to be conducted at the facility, a description of current conditions, the schedule for implementing and completing such investigations, and for submission of reports including the final RFI Report, the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the RFI.

2. The RFI Workplan shall include the submittal of a Quality Assurance Project Plan (QAPP). The QAPP shall present the policies, organization, objectives, functional activities, and specific quality assurance and quality control activities designed to achieve the data quality goals of the RFI. It shall include the RFI objectives, sampling procedures, analytical methods, field and laboratory quality control samples, chain-of-custody procedures, and data review, validation and reporting procedures.

3. The Permittee shall prepare and maintain a health and safety plan during the project that assures the RFI activities are conducted in a safe manner.

B. SWMUs to be Investigated

The following SWMUs and areas of concern shall be investigated during the RFI. The numbers in parentheses correspond to subsections in Section VII.4.B, and indicate the initial characterizations, described in those subsections, that are required to be performed on the SWMU or area of concern. EPA may require additional characterization or other investigation at these SWMUs/areas of concern based on the results of the initial characterizations.

- Waste Blending and Drum Processing Area --- (3)*
- Former Drum Processing Area ---------- (3)*
- Drum Crusher ---------- (3)*
- Crushed Drum Roll-off Boxes ---------- (3)*
- Dock Area ---------- (3)*
- Drum Storage Warehouse ---------- (3)*
- Dry Solids Gondola ---------- (3)
- Open Area Along Southwest Corner ---------- (3)
- Open Area North of Building I ---------- (2,3)
- Concrete Vault ---------- (3)
- Paint Can Burial Pit ---------- (1,2,3)
- Old Still Area West of Building I --------- (3)
- Area East of Building I ---------- (3)
- Area South of Building C ---------- (3)

* The Permittee has the option of delaying corrective action on the subsoils contaminated by releases from these SWMUs. See subsection **4.** below for details.

1. <u>Characterization of the SWMU</u>

The characterization of a SWMU must include the following, to the fullest extent possible:

a. Location of the SWMU;

b. Design features of each SWMU (engineering drawings if existing);

c. Dimensions and capacities;

d. Age of the SWMU and period of operation;

e. Past and present operating practices;

f. Amounts of waste handled;

g. Previous uses of area occupied by the SWMU;

h. Drainage areas; and

i. If applicable, method used to close the SWMU.

2. <u>Characterization of the Waste</u>

The waste characterization shall provide sufficient information to document the existence or non-existence of hazardous waste or hazardous constituents handled by the SWMU, both currently and historically, and shall include the following:

a. Identification of existing sources of information on waste characterization;

b. Methods for obtaining data not presently available;

c. Procedures for sampling, including sample locations, sampling schedule, number of samples taken and methods for collecting and storing samples;

d. Procedures for analysis, including a list of analytical parameters, rationale for selection of parameters, analytical methods and identification of detection limits;

e. Procedures for quality assurance/quality control (QA/QC) to insure validity of data; and

f. Existing waste characterization data shall include information on sampling, analysis and QA/QC as described in c-e above.

3. **Characterization of the Soil Surrounding the SWMUs**

The objective of soil characterization is to determine the nature as well as the vertical and horizontal extent of soil contamination at the area of concern, or resulting from any releases of hazardous waste or hazardous constituents from a SWMU. The RFI Workplan shall include:

a. Parameters to be monitored and rationale for selection of the parameters;

b. Sampling and analytical methods;

c. Sample locations, number of samples to be taken, and supporting rationale for the number and location of samples;

d. Site soil characteristics including soil descriptions and analysis of background soils; and

e. Description of decontamination procedures for personnel and equipment.

4. **Special Requirements for Asterisked SWMUs**

Investigations have indicated that releases from the asterisked SWMUs have, or probably have, occurred and that contamination exists or probably exists in the soils beneath these units. Due to improvements to facilities, processes or equipment, it is anticipated that continuing releases to the soil from these units will not occur, and the contamination present may not spread significantly. In recognition of the disruptions to operations that would be caused by potential corrective actions (including investigations) taken with respect to the subsoils of the asterisked SWMUs (i.e., soils beneath the existing buildings or other structures which house the asterisked SWMUs), and the high likelihood that a delay of corrective action for such soils will not threaten human health or the environment, the Permittee may delay corrective action for such subsoils until such time as any structure which impedes corrective action is removed, or until final closure of all RCRA permitted units at the facility, whichever is earlier. If the delay of corrective action is later determined (by either the Director or the Permittee) not to be protective of human health or the environment, then the corrective action for these areas must begin according to the schedule below. Similarly, if investigations of the groundwater contamination indicate that these subsoils represent a continuing source of groundwater contamination, then further delay of corrective action may not be allowed.

The decision to allow the delay of corrective action associated with these units may be changed at the discretion of the Director at any time. The Director may also decide at any time not to allow delay for certain types of corrective actions which would be less disruptive, such as investigation type actions. The Permittee will be notified of any such change and shall submit the workplan for immediate corrective action at these units in accordance with the schedule below.

The RFI Workplan shall contain the outline of a plan or plans (for any delayed corrective action) which shall be submitted in the future for review and approval by EPA. The future workplan(s) shall

provide for the characterizations in Subsection 3 above, and shall be submitted not more than one hundred twenty (120) calendar days after either: the decision has been made to remove a structure obstructing corrective action, or the decision has been made to close the last RCRA permitted unit at the facility, or the Permittee receives notice that the workplan must be submitted, or a determination has been made by the Permittee or the Director that delay of corrective action for these units would not be protective of human health or the environment, whichever is earlier. The Permittee may also choose to submit the workplan earlier than it is required.

If the Permittee chooses to proceed immediately with the corrective action process for any of these SWMUs, the RFI Workplan shall contain plans for providing characterizations required in Subsection 3 above.

C. Characterization of Groundwater Contamination.

The Permittee is required to investigate the groundwater contamination and hydrogeologic conditions that exist beneath the facility, including contamination which originated at the facility but has subsequently migrated offsite. This investigation shall include the investigation of groundwater contamination emanating from any SWMUs for which corrective action on subsoils is delayed under Section VII.4.B.4., and at least those components described below. The RFI workplan shall describe in detail the methods, procedures, and schedules for completing the characterization of the groundwater contamination and hydrogeologic conditions at the site.

1. Subjects of the Investigation

a. The Permittee shall investigate the horizontal and vertical extent of the groundwater contamination originating from the facility, including:

i. The horizontal and vertical direction, and rate of movement of the contamination; and

ii. The generation of isoconcentration maps of specific contaminants and groups of contaminants.

b. The types and concentration of contamination coming onsite from offsite sources (i.e., at the upgradient site boundary).

c. The Permittee shall define the hydrogeologic conditions present at the site; including:

i. Depth to the water table including piezometric surface maps;

ii. Thickness of the uppermost aquifer (the uppermost aquifer is defined as all hydraulically interconnected water bearing zones overlying the uppermost effective aquitard);

iii. A description of the materials which make up the uppermost aquifer;

iv. Characteristics of the uppermost aquifer including porosity, permeability, transmissivity, etc.;

v. Depth to and description of the uppermost effective aquitard;

vi. Descriptions of any aquifers which underlie the uppermost aquifer; and

vii. Depth to and description of the bedrock.

d. How any of the above conditions vary seasonally.

2. Monitoring Well Network

The Permittee shall install a monitoring well network capable of providing the information described in Section VII.4.C. If the Permittee wishes to use any existing wells, the adequacy of those wells must be established and the information below must be provided for those wells. The RFI Workplan shall contain detailed plans for the monitoring well network, including provision for the following:

a. Surveyed well locations to a tolerance of ±0.01 foot, including a survey to a ground surface reference point (tolerance for the top of the well casing shall be no more than ±0.01 foot), and an (x,y) coordinate shall be given for each well using a common reference point;

b. Size and depth of wells, screened interval, screen slot size;

c. Detailed protocol on how every well is, or will be, constructed, including well development, and construction diagrams similar to the example diagrams in Attachment D, cleaning of casings and screens and origin of cement hydrate, installation date, drilling method, screen and casing material type, filter pack and grain size distribution, grout mix design, and other annular seal construction details;

d. Description of methods used to connect segments of the well casings and screens, including methods used to plug the bottom and cap the top of the well;

e. Methods used to seal the well annulus to prevent downward or upward migration of contaminants through the well bore; and

f. Continuous boring logs by a qualified geologist, using an interval of one inch equals one foot, shall be taken during the installation of all new wells.

3. Monitoring of the Groundwater

The RFI Workplan shall include plans for monitoring the groundwater contamination in order to obtain the information required in Section VII.4.C.

a. The RFI Workplan shall include detailed protocol on how wells will be sampled, parameters to be monitored and the rationale for selecting those parameters. The workplan shall also include a schedule for the sampling of the wells and analysis of the samples.

b. The results of analysis shall be reported in the first triannual report due after the results are received. The analytical results shall be submitted on a diskette in the format requested by the Director. Three hard copies of the analytical results shall also be submitted.

4. A qualified engineer/geologist shall verify all field work.

D. The RFI Workplan will be reviewed and approved in accordance with the procedures set forth in Section VII.12. herein. Upon approval thereof by EPA, the Permittee shall implement the Workplan in accordance with the schedules contained therein.

5. RCRA FACILITY INVESTIGATION FINAL REPORT

A. The Permittee shall submit an RFI Report according to the schedule contained in the approved RFI Workplan. The RFI Report shall present all information gathered under the approved RFI Workplan along with a brief facility description and map showing the property boundary and all SWMUs. The RFI Report must contain adequate information to support further corrective action decisions at the facility. The RFI Report shall describe the procedures, methods, and results of all investigations of SWMUs and their releases, including but not limited to the following:

1. Characterization of the extent, nature, direction, rate, movement and concentration of releases at and from the facility.

2. Characterization of the environmental setting at the facility, including:

a. Hydrogeological conditions;

b. Soil characteristics;

c. Surface water and sediment quality; and

d. Air quality and meteorological conditions.

3. Characterization of solid waste management units from which releases have been or may be occurring, including unit and waste characteristics.

4. Descriptions of humans and environmental systems which are, may have been, or, based on site-specific circumstances, may be exposed to release(s).

5. Information that will assist the Director in assessing risks to human health and the environment from releases from solid waste management units.

6. Extrapolations of future contaminant movement.

7. The results of any laboratory, bench-scale or pilot-scale tests or studies to determine the feasibility or effectiveness of treatment technologies or other technologies that may be appropriate in implementing remedies at the facility.

8. Statistical analyses to aid in the interpretation of data.

9. Results of any interim measures.

B. After the Permittee submits the RFI Report, the Director will review the RFI Report for approval in accordance with the procedures set forth in Section VII.12. herein.

6. <u>INTERIM MEASURES</u>

A. If the Permittee becomes aware of a situation that may require interim measures to protect human health or the environment, the Permittee shall notify the Director within twenty-four (24) hours of the time the Permittee becomes aware of the situation.

B. If, during the course of any activity initiated under Part II of this permit, the Director determines that a release or potential release of hazardous waste including hazardous constituents from a SWMU poses a threat to human health or the environment, the Director may require interim measures. The Director will determine the specific action(s) that must be taken to implement the interim measure, including potential permit modifications and the schedule for implementing the required measures. The Director will notify the Permittee in writing of the requirement to perform such interim measures. The Director may modify the permit

in accordance with the procedures set forth in Section VI.2.B. of this permit.

C. An Interim Measures Plan may also be required for interim measures. The Permittee shall submit an Interim Measures Plan within thirty (30) calendar days from notification of the requirement to perform interim measures. The Interim Measures plan will be reviewed for approval in accordance with the procedures set forth in Section VII.12. herein. Upon approval thereof by EPA, the Permittee shall implement said plan in accordance with the schedules contained therein. Interim measures shall not be implemented prior to plan approval unless specifically allowed by EPA.

7. CORRECTIVE MEASURES STUDY PLAN

A. If the Director determines that there has been a release of hazardous waste and/or hazardous constituents from a SWMU that may present a threat to human health or the environment given site-specific exposure conditions, the Director may require a Corrective Measures Study (CMS) and will notify the Permittee in writing. This notice will identify the hazardous constituent(s) and environmental media of concern and may also specify cleanup goals as well as remedial alternatives to be evaluated by the Permittee during the CMS.

B. The Permittee shall submit a CMS Plan to the Director within ninety (90) calendar days of notification of the requirement to conduct a CMS.

The CMS Plan shall provide the following information:

1. A description of the general approach to investigating and evaluating potential remedies;

2. A definition of the specific objectives of the study;

3. A description of the remedies which will be studied;

4. The specific plans for evaluating remedies to ensure compliance with remedy standards;

5. The schedules for conducting the study and submitting a Corrective Measures Study Report; and

6. The proposed format for the presentation of information.

C. The Director will review the CMS Plan for approval in accordance with the procedures set forth in Section VII.12. herein. Upon approval thereof by EPA, the Permittee shall implement the plan in accordance with the schedule contained therein.

8. CORRECTIVE MEASURES STUDY REPORT

A. The Permittee shall submit a CMS Report according to the schedule contained in the approved CMS Plan. The CMS Report shall present all information gathered under the approved CMS Plan. The CMS Report shall summarize the results of the investigations for each remedy studied and of any bench-scale or pilot tests conducted. The CMS Report shall include, but not be limited to, the following information:

1. Evaluation of performance, reliability, ease of implementation, and potential impacts of each remedy studied, including safety impacts, cross media impacts, and control of exposure to any residual contamination;

2. Assessment of the effectiveness of each remedy in achieving adequate control of sources and cleanup of the hazardous waste or constituents released from solid waste management units;

3. Assessment of the time required to begin and complete each remedy;

4. Estimation of the costs of implementing each remedy;

5. Recommendation of remedy and rationale for selection;

6. Assessment of institutional requirements, such as State or local permit requirements, or other environmental or public health requirements which may substantially affect implementation of the remedy; and

7. The CMS Report must contain adequate information to support the Director in the remedy selection decision making process, described under Section VII.9 of the permit.

B. The CMS Report will be reviewed in accordance with the procedures set forth in Section VII.12.

9. REMEDY SELECTION

The Director will select a remedy that will (1) be protective of human health and the environment; (2) control the source(s) of release(s) so as to reduce or eliminate, to the maximum extent practicable, further releases that might pose a threat to human health and the environment; and (3) meet all applicable federal, state, and local laws and regulations. After the Director selects the remedy, a permit modification will be initiated pursuant to 40 CFR §270.41 or §270.42 Class 3, as applicable.

10. FINANCIAL ASSURANCE FOR CORRECTIVE ACTION

Within one hundred twenty (120) days after this permit has been modified to include a remedy, the Permittee shall demonstrate continuous compliance with the RCRA financial assurance requirements specified in Section 3004(t) of HSWA for corrective action being performed under Section 3004(u) of HSWA. The effective financial assurance mechanism shall be substantially equivalent to that as specified in either final RCRA Subpart S corrective action regulations or 40 CFR 264, Subpart H. Other financial assurance amounts and mechanisms may be used if approved by the Director or his or her designee. The amount of the financial assurance shall be based on the cost estimate required by Section VII.8.A.4 of this permit.

If the cost estimate increases, documentation of financial assurance for that increase shall be provided sixty (60) days following the increase in the cost estimate. The Permittee shall also adjust the cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s), or within 30 days after the close of the fiscal year if a financial test or corporate guarantee is used, in accordance with 40 CFR §264.142(b).

11. REPORTING REQUIREMENTS

The Permittee shall submit to the Director signed triannual progress reports covering all activities (e.g., SWMU Assessment, Interim Measures, RCRA Facility Investigation, Corrective Measures Study) conducted pursuant to the provisions of Section VII of this permit in the previous four months. Reports shall be due on the last calendar day of the month immediately following the end of the four-month

reporting period. The beginning of the first four-month reporting period shall be the first calendar day of the first full month after the effective date of the permit. These reports shall contain:

A. A description of the work completed;

B. Summaries of all findings, including summaries of laboratory data;

C. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems; and

D. Projected work for the next reporting period.

12. REVIEW AND APPROVAL PROCEDURES

A. After submission of any plan or report pertaining to corrective action activities (excluding the Quarterly Progress Report), the Director will either approve or disapprove the plan or report in writing. The Permittee shall implement all plans according to the schedule contained in the approved plan.

B. If the Director disapproves the plan or report, the Director will notify the Permittee in writing of the plan's deficiencies and specify a due date for submittal of a revision.

C. If the Director disapproves the revised plan or report, the Director may modify the plan or report and will notify the Permittee of any modifications. The plan or report, as modified by the Director, is the approved plan or report.

D. If the Permittee takes exception to the modifications made by the Director, the Permittee shall follow the procedures outlined in the Part II permit condition entitled, "Dispute Resolution."

13. DISPUTE RESOLUTION

A. If the Permittee disagrees, in whole or in part, with any EPA disapproval, modification, or other decision or directive made by EPA pursuant to the corrective action provisions of Part II of this permit, the Permittee shall notify the Director in writing of any objections and basis for them within fifteen (15) calendar days of

receipt of EPA's disapproval, decision, or directive. The notice shall set forth specific points of the dispute, the position the Permittee maintains should be adopted as consistent with the requirements of Part II of this permit, the factual and legal basis for the Permittee's position, and all matters the Permittee considers necessary for the Director's determination. The Director and the Permittee shall then have an additional thirty (30) calendar days from the Director's receipt of the Permittee's objection to attempt to resolve the dispute. If agreement is reached, the resolution will be reduced to writing by EPA and shall become part of Part II of this permit. If the parties are unable to reach complete agreement within this 30-day period, the matter will be submitted for resolution to the Regional Administrator or a designated representative of the Regional Administrator who has not been previously involved in consideration or issuance of Part II of this permit except for resolution of prior disputes. This resolution shall become an enforceable part of Part II of this permit. The Regional Administrator or the Regional Administrator's representative shall notify the Permittee in writing of the resolution of the dispute, and the reasons for this resolution.

B. The existence of a dispute as defined herein and EPA's consideration of such matters as placed in dispute shall not excuse, toll or suspend any obligation or deadline required pursuant to Part II of this permit, that is not the subject of dispute, during pendency of the dispute resolution process.

FACILITY SUBMISSION SUMMARY
Attachment A

Below is a summary of the planned reporting requirements pursuant to this permit:

Facility Submission Requirements	Due Date
Progress reports on all activities conducted pursuant to Part II Section VII of this permit	On the last day of the month following each four-month period
Notification of newly-identified SWMUS	Fifteen (15) calendar days after discovery
Notification of newly-discovered releases	Fifteen (15) calendar days after discovery
SWMU Assessment Plan for newly-identified SWMUs	Ninety (90) calendar days after receipt of request
Revised SWMU Assessment Plan	As determined
SWMU Assessment Report	According to the schedule in the approved SWMU Assessment Plan
RFI Workplan for SWMU(s) identified at time of permit issuance	One Hundred Twenty (120) calendar days after notification
Revised RFI Workplan	As determined
RFI Report	According to the schedule in the approved RFI Workplan
Revised RFI Report	As determined
Interim Measures Plan for interim measures required after permit issuance	Thirty (30) calendar days after notification

Facility Submission Requirements	Due Date
Revised Interim Measure Plan	As determined
CMS Plan	Ninety (90) calendar days after notification of requirement to perform CMS
Revised CMS Plan	As determined
CMS Report	According to the schedule in the approved CMS Plan
Revised CMS Report	As determined
Demonstration of financial assurance	One hundred twenty (120) days after permit modification for remedy
Waste Minimization certification and report	Annually, as described in Section VI.3.

Attachment B

The following are hazardous wastes which Kansas is not yet authorized to regulate under Subtitle C of RCRA:

D018	K141	F025
D019	K142	F032
D020	K143	F034
D021	K144	F035
D022	K145	F037
D023	K147	F038
D024	K148	F039
D025	K149	
D026	K150	
D027	K151	
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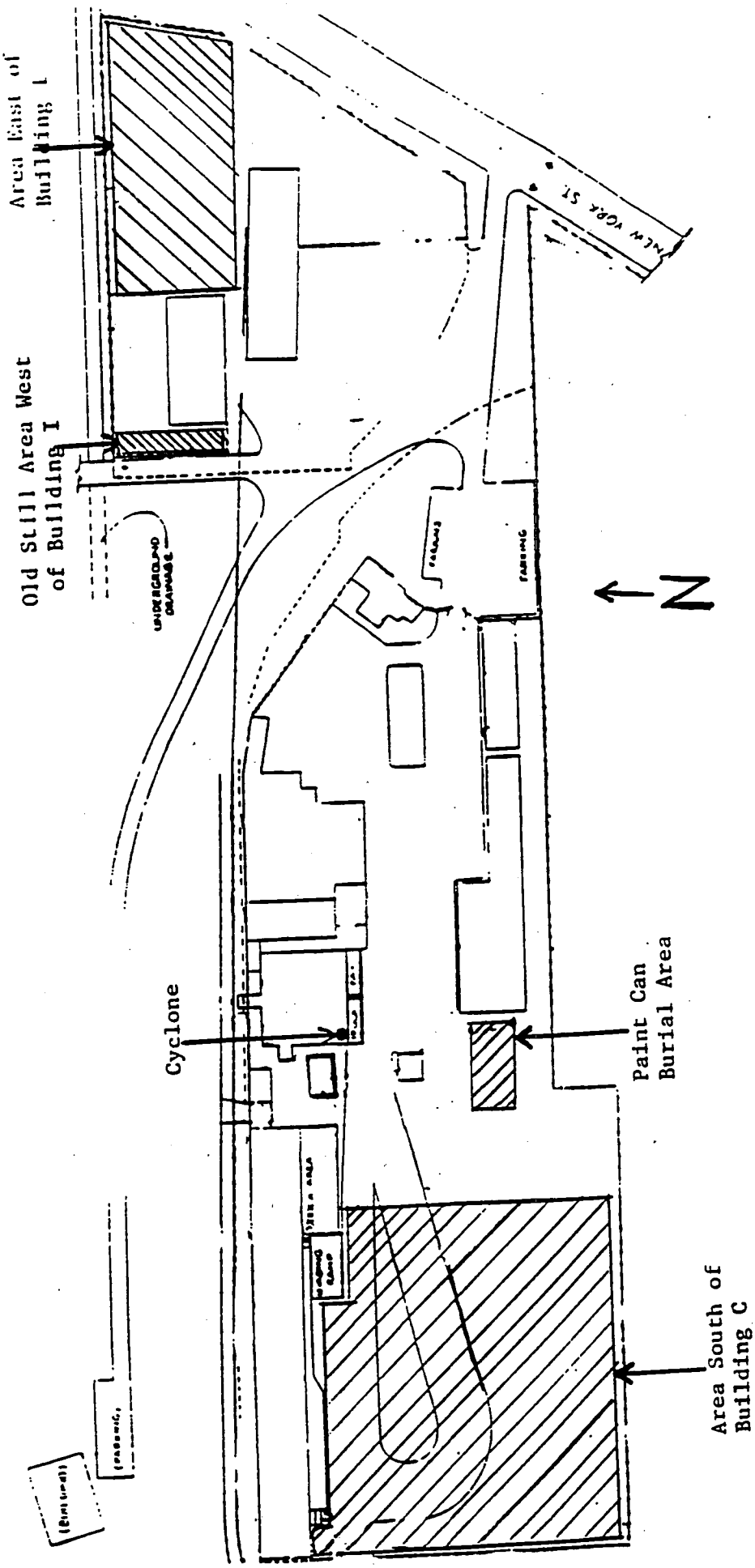
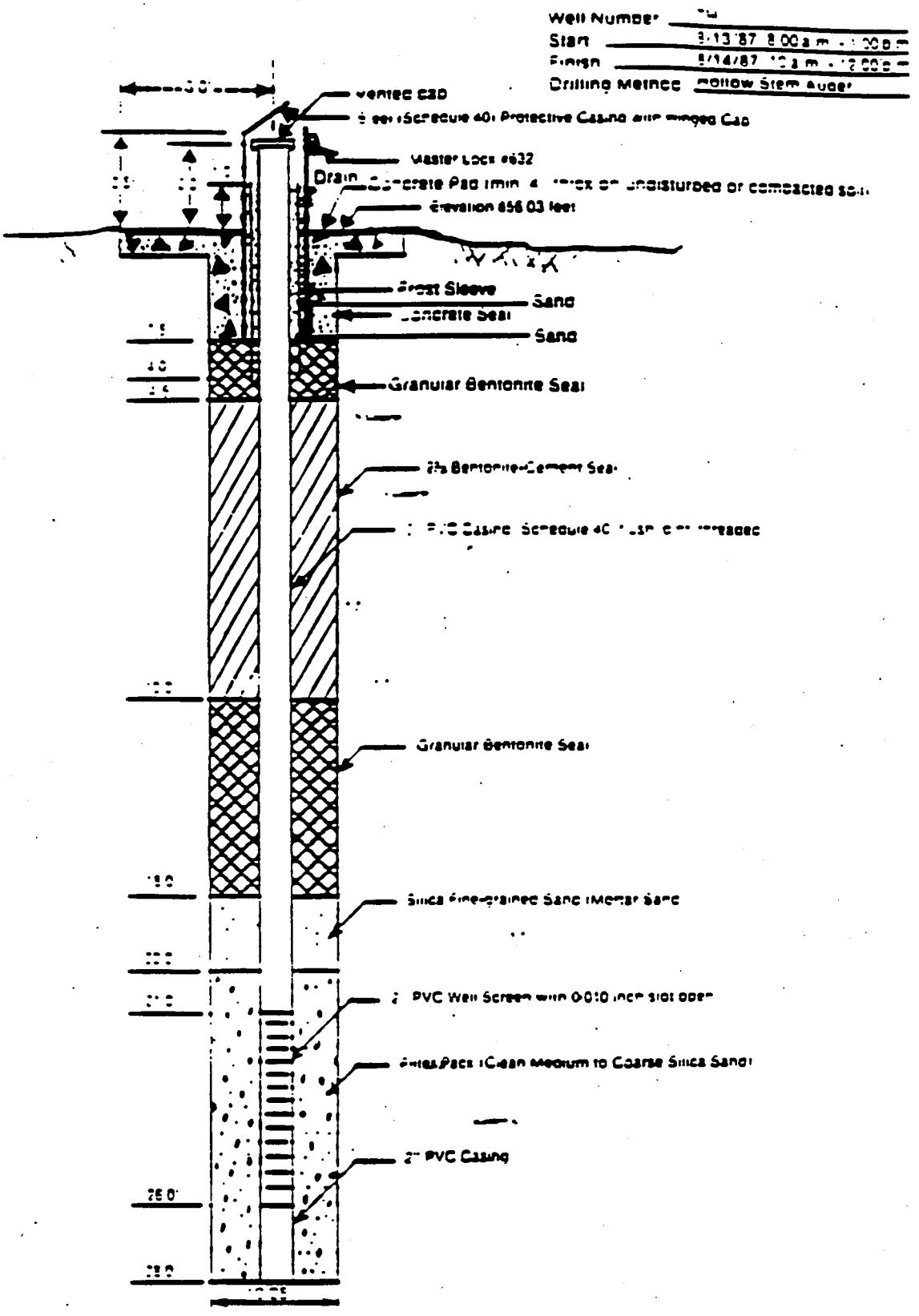
D042		
D043		

ATTACHMENT C



ATTACHMENT D



Format for an "as-built" monitoring well diagram.